



TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE SHORE PROTECTION BOARD MEETING HELD ON THURSDAY, JUNE 24, 2010

I. CALL TO ORDER

The meeting of the Shore Protection Board was called to order on Thursday, June 24, 2010, at 9:07 a.m., in the Town Council Chambers.

II. ROLL CALL

On roll call, all of the Shore Protection Board Members were found to be present.

III. PLEDGE OF ALLEGIANCE

Chair Ecclestone led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Chair Ecclestone requested that items X. and XI. be switched around.

Motion to approve the Agenda as Amended was made by Member Goldstein, and seconded by Vice Chair Frank. On voice vote, the motion carried unanimously.

V. APPROVAL OF THE MINUTES OF THE MAY 25, 2010, MEETING

Member Lindsay Buck requested a change to her comments on page 5 of the Minutes to say "dune projects" rather than various other projects.

Motion to approve the Minutes of May 25, 2010, as amended, was made by Member Lindsay Buck, seconded by Member Goldstein. On voice vote, the motion carried unanimously.

VI. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS

Vice Chair Frank understood the Flood Insurance Program will end as of May 31. He urged the Town and residents to contact Congress to do something about this, as it was extremely serious and could impact the island. He also asked Town Manager Elwell for an update on the Supreme

1 Court decision regarding beach usage and the rights of people along the beach. Council Member
2 Diamond had mentioned the dredging of ports. Town Manager Elwell stated that he will address
3 those questions under "Any Other Matters" at the end of the meeting.
4

5 VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

6 Larry Goldberg, 3360 S. Ocean Blvd., spoke regarding the Reach 8 Project. He submitted his
7 comments into the record.
8

9 VIII. CONTINUED TOWN COMMUNICATIONS AND PREPARATIONS FOR POSSIBLE
10 LOCAL IMPACTS FROM OIL SPILL IN GULF OF MEXICO [Peter B. Elwell, Town
11 Manager]

12 Coastal Coordinator Rob Weber presented the item and stated that the Town was engaged with
13 the Florida Department of Environmental Protection (FDEP) and Palm Beach County regarding
14 the oil spill. He introduced Daniel Bates, Palm Beach County Director of Environmental
15 Enhancement and Restoration Division.

16 Mr. Bates provided a PowerPoint presentation to the Shore Protection Board regarding Palm
17 Beach County's Local Action Plan, which he said was submitted to the Local Area Command
18 last week. He noted that all of the information discussed today is available on the web at
19 www.pbcgov.org.

20 Mr. Bates responded to questions and comments by the Shore Protection Board, and he made the
21 following comments:
22

- 23 • The oil entrained in the plumes under the water was about six parts per million and really
24 dispersed. It keeps the oil clouds down at lower elevations, somewhere around 1600 feet
25 deep. The depth means that it was more difficult for the oil clouds to get up beyond that
26 depth where the currents might be able to reach it.
27
- 28 • Visible impacts were not expected from the disbursed oil clouds but there may be long
29 term affects such as oxygen deprivation in the water or direct impact to organisms,
30 especially larva in the water, which is unknown at this point and was being studied.
31
- 32 • In 1979 there was an oil spill in the Gulf, which was another deep water drilling that went
33 awry and spilled at almost the same rate as this one, for 10 months, before it was cleaned
34 up. It was a substantial impact to Texas and Mexico. It eventually dissipated and gets
35 eaten by bacteria over time.
36
- 37 • Skimmers have their use in certain circumstances for cleaning up the oil, but burning in
38 this case had taken care of more of the oil than skimming.
39
40

- It was a reasonable assumption that there would be tar balls for a long period of time, perhaps years.
- In order to be better prepared for oil spills, the dive shops have been helping to map the convergent zones in the reefs to be used as monitoring areas, where debris collects. The dive shops will inform the County where they regularly dive. The reefs do not typically get cleaned up, as it is often more destructive to them.
- Training should start within the next week or two for Shoreline Containment of Assessment Team (SCAT). If a tar ball is on the beach, the SCAT Team will assess the impact of it, get samples to fingerprint it, and ensure that they are from the spill.
- Right now, citizens, lifeguards, and staff need to call the County if a tar ball is found in order to collect it and get it analyzed.
- The second phase would be to get the four hour training from BP, who responded that if the County was impacted, training would be provided.
- The federal statutes indicate that if the source of tar balls can be identified as coming from the spill, BP would be responsible for the costs of the clean-up.

Chair Ecclestone stated that the Town was very fortunate to have the County Staff and that they were “super equipped” to handle the oil spill. Mr. Bates responded that he also appreciated the Town Staff.

IX. UPDATE ON CENTRAL PALM BEACH COUNTY COMPREHENSIVE EROSION CONTROL PROJECT (INCLUDING REACH 8) [Daniel Bates, Palm Beach County Department of Environmental Resources Management]

Mr. Bates introduced Leanne Welch, Supervisor of Beach Programs in Palm Beach County who provided a PowerPoint to the Shore Protection Board regarding the Erosion Control Project which included Reach 8.

Ms. Welch responded to questions and comments by the Shore Protection Board, and she made the following comments:

- The southern portion of Reach 8 is included in this project.
- All of the projects north of the breakwater project were being considered. The breakwaters at the extreme north of the project are smaller and the idea is not to track so much sand up at the north end and allow any fill sand from Reach 7 and 8 to flow down, as they were trying to slow down the continuous littoral drift of sand, enough so the

beach could build out naturally. These are being designed knowing that Reach 7 and 8 fill projects were to the north of it.

- For the dune project, currently the only sand that meets the requirements is from the Ortona Mine in LaBelle, Florida.
- The permit for Singer Island was not denied; the County requested that the review of the permit application be stopped, in order to redesign the project to protect the sea turtles by lowering the crest of the breakwaters so the breakers would always be submerged.
- Emergent breakwaters are designed to block 90% of wave energy, which was more effective in protecting the beach. The submerged breakwaters would only block 10% of the energy.
- The County was working with the Surfriders Foundation in order to explore all alternatives of protecting the shore.
- The volume of sand in the dune fill project in January 09 was about 10,000 cubic yards in South Palm Beach and the project length was 1.3 miles.

Chair Ecclestone thanked Ms. Welch for a very nice report.

Note: Chair Ecclestone indicated that Item XI. Reach 7 Structures Study, would become Item X. Item X Continued Discussion of Reach 8 Beach Restoration would become Item XI.

X. REACH 7 STRUCTURES STUDY [Ed Hodgens, P.E., Taylor Engineering, Inc.]

Coastal Coordinator Weber introduced Ed Hodgens, project manager of Taylor Engineering. Mr. Hodgens provided a PowerPoint presentation on the Reach 7 Structures Analysis and Study.

Mr. Hodgens responded to the Board's comments and questions. He made the following comments:

- Sand placement should be limited to the Sloan's Curve Expansion. What could occur during permitting was unknown, but alternatives to improving beach performance are reducing structures, impact, lowering the elevation of a breakwater, only having one groin located where hardbottom impacts were already mitigated, and there was additional hardbottom due to the placement in the Sloan's Curve area.
- If renourishment was done first, the cost estimates were based on the existing permit that included up to 1.5 million cubic yards of sand, as in the previous project. There was an additional 200,000 cubic yards slated for the Sloan's Curve area, which was included in the cost estimate. The existing permit, which expires in 2011, was for a one-time nourishment, and another permit would be required.

- Attempting to build the structures without the fill would impose greater down drift impacts.

- He recommended that the fill material be placed including the addition of Sloan's Curve area, without the Town going through the expense of additional modeling and permitting until there was an indication of how well the fill would perform.

Chair Ecclestone stated that Taylor Engineering was hired to come up with a structural plan and now was suggesting just a fill project. He said that he was not interested in placing sand without a structure to contain it. He noted that there must be other models/systems that would work besides the Genesis model, as the Town needed a long-term program.

Discussion occurred among the Board members, and Town Manager Elwell regarding sand, structures, Sloan's Curve, and the hot spots.

Member Baker left the dais at 11:14 a.m., and returned at 11:16 a.m.

Coastal Coordinator Weber provided his comments. He asked that he be allowed to go to Florida Department of Environmental Protection (FDEP), and the U.S. Army Corps of Engineers (USACE). In September he would bring the Task 2 proposal to the Board.

Town Manager Elwell recommended that the Shore Protection Board defer this matter until September.

After discussion, it was the consensus of the Shore Protection Board to defer this item to the September meeting, in order to decide whether or not to move forward. Between now and September, staff would undertake the steps Mr. Weber described to have ready for the Board.

XI. CONTINUED DISCUSSION OF REACH 8 BEACH RESTORATION [Robert Weber, Coastal Coordinator]

A. Town Council Action on June 22, 2010

Town Manager Elwell said that the Shore Protection Board recommended \$205,000 for a permitting effort to proceed with the Reach 8 project. Coastal Coordinator Weber was exploring other methods of finding a cost effective way of doing the project without all of the trucks.

David Decker, East Bay Group, provided an overview of the issues regarding the beach renourishment Reach 8 project. He noted that Mr. Weber helped answer the many questions asked by the Citizens' Association of Palm Beach.

John Studt, Coastal Systems International, Inc., provided a presentation. He said the project was designed to maximize the fill in Reach 8. The design was intended to be an interim project, so that Reach 7 could serve as a feeder beach.

1 Town Manager Elwell stated that the Town invested years of planning and effort going through
2 those kind of processes expending over \$2 million in an attempt to build the best project for
3 Reach 8. The Town was able to secure federal and state approval for the project, although a
4 group of people challenged the state permit and won. As FDEP's Secretary Sole made changes
5 for coastal protection projects, which applied to Reach 8, the Town decided a year ago to place
6 as much sand as possible. The extended deadline for state funding for this project was the
7 summer of 2011; the state may extend it one more time, if the permitting process was well along
8 and ready to construct in the winter of 2011.

9
10 Discussion occurred among Vice Chair Frank, Chair Ecclestone and Madelyn Greenberg, co
11 chair of the Citizens' Association of Palm Beach, and also a representative of the Citizens'
12 Association Coastal Erosion Task Force. The discussion was in regard as to whether or not the
13 Citizens' Association supported the Shore Protection Board's project to obtain permitting. Vice
14 Chair Frank indicated that Ms. Greenberg's presentation at the Town Council meeting on June
15 22, 2010, was detrimental to the Board's project. Ms. Greenberg disagreed, saying that they were
16 supportive of the permit, but had concerns. Chair Ecclestone said that if the Shore Protection
17 Board did not get the Town Council's support at the next meeting, they might lose funding and
18 not get a permit at all. Mr. Ecclestone noted that he needed her support at the next Town Council
19 meeting.

20
21 Member Lindsay Buck noted that the Board started with the need for some sort of protection in
22 Reach 8, which was shut down by a judge; a new, smaller scale project was proposed and the
23 Board has proceeded in small, incremental steps. On the positive side of the project there is some
24 protection that has come from it. In addition, there is an engineered beach, which would allow
25 FEMA funding in the future. On the negative side, there is one less bridge in the program and the
26 use of a barge or train was a more diminished option. She said trucking the sand seemed more
27 likely and expressed concern regarding protests from the Lake Worth citizens relative to the use
28 of the Lake Worth Bridge.

29
30 Ms. Lindsay Buck continued and mentioned that the Surfriders Foundation preferred that all of
31 the sand in the template in the actual nourishment placed on the beach south of Kruesler Park all
32 the way to 800 feet south of the pier, now wanted it placed above the mean high tide line. She
33 asked Mr. Weber what that meant for their original template and whether this project, for \$13
34 million, was the best for their money, such as the engineered beach designation, the level of
35 protection on one side versus some places on the south end of the pier that may only last three
36 years. The directive from the Town Council, as she understood it, was for the Citizens'
37 Association of Palm Beach to poll the residents to see if they would tolerate the trucks.

38
39 Connie Gasque, 167 Root Trail, noted that there was a gap by the pier, which the City of Lake
40 Worth would not allow any beach fill to be placed from Kruesler Park to the pier to the south. It
41 was a law passed by Lake Worth on a referendum.

42
43 Mr. Weber responded that the project did not allow any material to be placed in Lake Worth. He
44 indicated that Surfriders Foundation requested that the template be pulled a little further south in
45 order to stay away from the surfing area.

1 Member Katz said that the Town Council needed an answer of their progress by July 13th
2 meeting. He asked if there was any way for Mr. Decker, CSI, Inc., and the Town to have an
3 emergency Shore Protection Board meeting in order to discuss answer questions for any
4 proposals within the next two to three weeks.

5
6 Mr. Weber indicated that he had spoken to Mr. Studt of CSI, Inc., and their scope of work and
7 budget did not allow for additional correspondence; he said that if CSI provided additional funds
8 for the meeting, it could be done before the next Town Council meeting.

9
10 Mr. Decker noted that Mr. Hodgen's presentation, viewed earlier, regarding the alternatives
11 analysis and relative cost had not been done on Reach 8. If the Shore Protection Board was
12 comfortable going forward committing to the level of investment for the level of storm
13 protection that is being provided, then there was no discussion needed. The Citizens' Association
14 has raised the question that this was an expensive project that has provided a marginal level of
15 shore protection. He said he had not taken any issues with the design, as it was not the
16 Association's intention to derail things going forward, but to see opportunities for improvements.

17
18 Member Katz indicated that once the permitting process started, there could not be any changes
19 due to the cost and time involved.

20
21 Town Manager Elwell noted that it would not be responsible for the Shore Protection Board to
22 apply for a permit if the decision was not decided on. He said it was not realistic to expect that
23 there would be more sand and better protection out of a permit process. The Shore Protection
24 Board had come to the Association and the Town Council with a project that had a reasonable
25 expectation that the objectors would now support and the permitting agencies would be able to
26 allow us to build.

27
28 Member Katz said that he was trying to reach a compromise with the Association and
29 consequently requested that Mr. Decker provide a list of projects in order to see what could be
30 done, if possible, in the next few weeks before July 13th.

31
32 Mr. Decker assured Mr. Katz that there was no intention of discouraging the Board from moving
33 forward, as there had been many discussions since Tuesday, and many of his questions had
34 already been answered.

35
36 Town Manager Elwell provided an explanation regarding the permitting process and indicated
37 that some adjustments are made along the way. He said the Shore Protection Board's project is
38 building what they could rather than what they wished they could. If the message between
39 Tuesday and today, has adjusted into, "let's work together to file this application and make sure
40 that we end up with this project as it gets tweaked being the best that it can be", he would be
41 100% in agreement that they had not changed anything recommended to them and would urge
42 the Association to recommend it to the Town Council again. If it is anything that requires more
43 analysis than that, then the Board was back to where they were a few minutes ago.

44
45 Mr. Decker said that he presented it that way, but at the time he thought it was a 30 year project.
46

1 Member Goldstein said that he was happy with the way Mr. Decker and Mr. Weber have been
2 interacting with ideas and that he would want that to continue throughout the project along with
3 Mr. Studt.

4
5 **Motion made by Member Goldstein to reaffirm the motion made on May 25, 2010, Shore**
6 **Protection Board meeting, which means to stay the course and go back to the Town**
7 **Council with the same recommendation.**

8
9 Council Member Diamond, said that speaking for himself, he wanted to get the project started.
10 He said for the Board to make their motion and let staff work to complete the project.

11
12 **Vice Chair Frank seconded the motion**

13
14 Discussion occurred among the Board Members, Mr. Weber, and Mr. Elwell regarding the
15 timeframe of the cost analysis. Mr. Weber indicated that the sand search would take one year and
16 he would be discussing with FDEP potential cost sharing for sand search on June 30, 2010. Mr.
17 Weber noted that there was funding in the proposed FY11 budget to obtain a permit to allow
18 sand to be placed in other areas.

19
20 Mr. Studt added that changes in the sand source could be dealt with, once the process is going,
21 and could change to an offshore course.

22
23 Member Katz commented that regarding the motion on the table, he wanted to limit the input
24 from any engineering firm so that once the permits starts, after a certain amount of time to close
25 the window for the final project.

26
27 Mr. Elwell indicated that imposing a deadline was not necessary, as it was important to hear
28 ideas from members of the public. He noted that the later into the process the harder it was to
29 incorporate someone's idea. The Board could continue to improve the project, as planned
30 regarding the source of sand, not disrupt the schedule or spend more money.

31
32 Responding to Member Katz, Mr. Elwell noted that inferior sand would not be used again.

33
34 *Member Katz left the dais at 1:30 p.m. and did not return.*

35
36 Vice Chair Frank noted that he is happy with the discussion with Mr. Decker and preferred that
37 conversations relative to suggestions for improvements are between the Town Manager and the
38 Town residents. He would rather have that than in front of a Council who may be looking for
39 objections, as \$13 or \$14 million would have to be allocated. If the Town Council felt anyone
40 was against the project the Board could lose their chances.

41
42 Secondly, Mr. Frank mentioned that the dune construction work was on board for November,
43 which will be on Reach 8; the sand will be brought in by trucks.

Motion made to reaffirm the Shore Protection Board's previous decision to seek approval of the \$205,000 from the Town Council was made by Member Goldstein and seconded by Vice Chair Frank. On voice vote, the motion passed 6-0, with Member Katz absent.

B. Surfrider Foundation Comments

Please see the above item, XI.A., for discussion regarding this issue.

C. Alternative Methods of Transportation

Please see the above item, XI.A., for discussion regarding this issue.

XII. MODIFICATION TO THE CONTINUED FDEP PERMIT REQUIRED MONITORING OF THE 0.8 ACRE ARTIFICIAL REEF [Robert Weber, Coastal Coordinator]

Coastal Coordinator Weber provided an overview of the modification to the FDEP permit of the 0.8 acre artificial reef.

Mr. Weber proposed that instead of continuing the monitoring effort that FDEP and the Town would work out the details of modifying the existing permit, which would also allow transplanting coral in order to enhance the diversity of the artificial reef, as it would be more cost effective. The permit modification fee is \$500.00 Mr. Weber indicated that the transplantation would be a direct benefit to the artificial habitat; he recommended that Tetra Tech and Coastal Eco-Group perform the work.

Motion made by Vice Chair Frank, seconded by Member Cooper to approve the coral transplantation to the 0.8 acre artificial reef and modification of the FDEP permit, with no additional cost. On voice vote, the motion carried 6-0, with Member Katz absent.

XIII. WINTER 2010 U.S. ARMY CORPS OF ENGINEERS INLET MAINTENANCE DREDGING [Peter B. Elwell, Town Manager]

Town Manager Elwell provided that the USACE has issued an RFP for the dredging event next winter, sometime after November 1, 2010. The Corps will be clearing out anywhere from 150,000 to 200,000 cubic yards of sand, which will be placed on the dry beach in the Town. The requirement in the RFP is that the successful bidder would be required to provide the kind of equipment that allows dredging that occurs outside of the turtle nesting season. He noted that Mr. Weber went to Jacksonville, reviewed the specifications to ensure they were satisfactory to the Town, before they were issued and that the USACE honored the commitment that was made verbally earlier in the year.

XIV. FDEP REQUIRED BEACH ACCESS SIGNAGE [Robert Weber, Coastal Coordinator]

Coastal Coordinator Weber provided a sample of the FDEP Beach Access signage for public beach access. There was a reduced cost to Town for installation and he had requested signs

1 through National Oceanic and Atmospheric Administration (NOAA) and received the signs at no
2 cost to the Town.

3
4 XV. COASTAL PROJECTS UPDATE [Robert Weber, Coastal Coordinator]

5 Chair Ecclestone congratulated Coastal Coordinator Weber on a good report. While the Shore
6 Protection Board is on summer hiatus, Mr. Weber will continue to send the reports monthly.

7
8 XVI. SHORELINE CONDITION ASSESSMENT [Robert Weber, Coastal Coordinator]

9 It was the consensus of the Shore Protection Board to continue to have the Shoreline Condition
10 Assessment report e-mailed to them.

11
12 XVII. REMAINING 2010 SCHEDULED MEETINGS [Robert Weber, Coastal Coordinator]

13 A. September 23, 2010

14 Chair Ecclestone announced that the next scheduled meeting was September 23, 2010.

15 B. October 28, 2010

16 C. December 6, 2010

17 (Annual Shore Protection Board Report to Town Council is scheduled for December 9, 2010)

18
19 XVIII. ANY OTHER MATTERS

20
21 Town Manager Elwell commented that the Supreme Court of the United States decision
22 regarding a case in Walton County, Florida, related to the erosion control line (ECL) laws of the
23 State, which affects the Town. As every jurisdiction that constructs a beach project under these
24 permits, one of the permit requirements is that an ECL is established. The reason for that is that
25 under state law, everything that is seaward of mean high water is state land, and is owned by all
26 the people of Florida. The mean high water line is changed when the beach is filled. A part of the
27 state permit is a survey that defines where mean high water line is before the construction. The
28 part of the dry beach that is built and actually on top of what used to be submerged land stays
29 state land. Even in front of private property, the deed says ownership is to the waters of the
30 Atlantic Ocean, after the ECL, you own to the ECL, and then the dry beach that is seaward of the
31 ECL is public land.

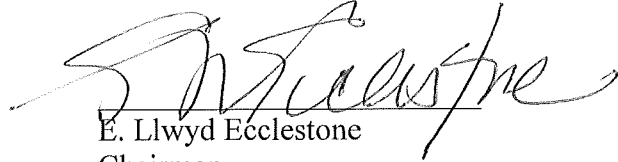
32
33 The other matter that Vice Chair Frank inquired about was the dredging issue and if the Town
34 was pursuing the permitting locally to dredge the inlet. Town Manager Elwell provided a brief
35 summary of the history of the project and noted that the USACE was not opposed to this. The
36 Port of Palm Beach had now appropriated funds, and hopefully Palm Beach County will also

1 commit to funding the project. If they do, then the Shore Protection Board can take the issue
2 back to the Town Council as directed.

3
4 XIX. ADJOURNMENT

5
6 There being no further business to discuss, the Shore Protection Board meeting of Thursday,
7 June 24, 2010, was adjourned at 1:45 p.m.
8
9

10 APPROVED:

11
12 
13 E. Llwyd Ecclestone
14 Chairman
15