

# TOWN OF PALM BEACH

Office of The Town Clerk

## REPORT OF THE SHORE PROTECTION BOARD MEETING HELD ON THURSDAY, APRIL 22, 2010

### I. CALL TO ORDER

The meeting of the Shore Protection Board was called to order at 9:00 a.m., on Thursday, April 22, 2010, in the Emergency Operations Center, 355 S. County Road, Palm Beach, Florida.

### II. ROLL CALL

On roll call, the following Members were found to be present: Chair Ecclestone, Vice Chair Frank and Members Goldstein, Baker and Cooper. Member Katz had an excused absence. Member Lindsay Buck arrived later in the meeting.

### III. PLEDGE OF ALLEGIANCE

Chair Ecclestone led the Pledge of Allegiance.

### IV. APPROVAL OF AGENDA

**Motion to approve the Agenda as presented was made by Vice Chair Frank and seconded by Member Goldstein. On voice vote, the motion carried unanimously 5-0.**

### V. APPROVAL OF THE MINUTES OF THE MARCH 19, 2010 MEETING

**Motion to approve the Minutes of the March 19, 2010 as presented made by Member Goldstein, seconded by Member Cooper. On voice vote, the motion carried unanimously 5-0.**

### VI. APPROVAL OF THE MINUTES OF THE APRIL 5, 2010 MEETING

**Motion to approve the Minutes of the April 5, 2010, as presented made by Member Cooper, seconded by Vice Chair Frank. On voice vote, the motion carried unanimously 5-0.**

### VII. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS

Member Goldstein indicated that he was very excited about the possibility of using a rail container from an inland source mine transported directly to the Port of Palm Beach, and then transported from the Port by barge or hopper to the Reach 8 beach.

06:25

Coastal Coordinator Rob Weber noted that he talked with Tom Lundeen, Port of Palm Beach, regarding an alternative of obtaining sand from the Ortona Sand Mine and transporting it to the Port, using a Hopper dredge to transfer the sand to Reach 8 area, if it was decided to go forward with the project. The information was expected before the next Shore Protection Board (SPB) meeting.

Town Manager Elwell said that this could be an alternative approach and the approach that was being discussed regarding the trucking to be considered fully before deciding what to recommend to Council on how to proceed.

Chair Ecclestone indicated it would be saving roads and the residents from truck noise.

Mr. Elwell noted that not everything was known about the logistics and cost.

Vice Chair Frank asked about the South Palm Beach Project and getting together with the Palm Beach County staff, but that he would wait until that item came up, later in the meeting. He also asked about the progress of the Tri-Party Agreement of dredging the sand in the Port.

Coastal Coordinator Weber indicated that the Tri-Party Agreement was in his project updates, which would be discussed later in the meeting.

Responding to Member Cooper, Chair Ecclestone noted that in his presentation to the Town Council, he did not realize that \$125,000 for permitting for the Tri-Party Agreement was typically set up so that the County, the Port, and the Town would share the cost. As there was no support from the Port or the County, the question was whether the Town should spend the \$125,000 and do the permitting alone. He noted that he thought the Council's feeling was to table it until there was a plan in place; either the Town does it alone, or the Town has an agreement with the other two, or the Town does not do it.

Mr. Elwell explained that the Town Council's decision was that since the understanding had been that the Town was pursuing that as a joint project, and since it was a contingency approach, (a backup plan) if improvements in the communication and the planning with the U.S. Army Corps of Engineers (USACE) did not happen, it was for those two reasons that the Council was uncomfortable in proceeding solely at the Town's cost. If the Port comes forward and agrees to pay their one-third share, then the SPB could reconsider the right time to move forward and approach the Council.

Member Baker commented that he received a mail flyer from Patagonia, a clothing company, and the founder is a well known mountain climber and surfer. One of the three articles in the flyer relating to "*Protect Your Break*" focused on Reef Road, and provided their website. He asked for an update about the Senator's visit relative to Reach 8.

1  
2 Mr. Elwell provided an overview of the Lieutenant Governor's visit and Mr. Elwell's and Mayor  
3 McDonald's visit to Washington, D.C. He made several of the following comments:

- 4  
5 • Three different conditions of beach were shown to Lt. Governor Kottkamp, which  
6 provided how the Town approached shoreline protection, and a good micro of how the  
7 state approached shoreline protection.  
8
- 9 • The critically eroded beaches were easily visible to the Lt. Governor and the difference in  
10 the Reaches that were previously maintained was clear.  
11
- 12 • The lack of a critically eroded designation by the state for the relatively small area, in  
13 Reach 8, to the south and north, was a real problem.  
14
- 15 • It was one of the issues that were against the Town in the Reach 8 hearing. In the future,  
16 regarding structures, sand or whatever methods of protection, the Town needed the  
17 fairness and advantage that the state designation provided in a permanent process of  
18 acknowledging the critical erosion in that area of the shoreline.  
19
- 20 • Lt. Governor Kottkamp was very responsive to that and asked for information, which  
21 would be sent out before the end of the week.  
22

23 Responding to Chair Ecclestone, Mr. Elwell noted that Lt. Governor Kottkamp would be willing  
24 to pursue this and needed additional information about the efforts made, and for putting the  
25 current justification on paper and would address the issue.  
26

27 Member Goldstein added that Lt. Governor Kottkamp indicated that the white paper would also  
28 be presented it to Senator Atwater and together they would make an effort.  
29

30 ***Member Lindsay Buck arrived at 9:21am.***  
31

32 Mr. Elwell noted that the Washington, D.C. visit was provided in a report to the SPB members.  
33 He said that he and Mayor McDonald met with Senator George Lemieux and his staff,  
34 Congressman Ron Klein and his staff, and Senator Bill Nelson's staff. He indicated that there  
35 was no action being asked for, but was more of a groundbreaking visit to inform them of the  
36 issues related to the inlet concerns about expanding the settling basin and how the sand gets  
37 handled. They were informed of the great progress the Town has had with the USACE. It was  
38 successful, as there were people in Congress in key positions that were well informed about what  
39 the Town was trying to accomplish and were ready to help if at some point congressional action.  
40

41 Town Manager Elwell responded to questions and comments by the Board.  
42

43 Responding to Chair Ecclestone, Town Manager Elwell indicated that relative to the changes in  
44 Public Works staff, there were no recommendations right now, and the board would be informed  
45 of any changes that were made. He hoped that the current situation would be resolved quickly.  
46

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

1  
2 Larry Goldberg, 3360 S. Ocean Blvd., commented regarding critical beach erosion and the  
3 Magnuson –Stevens Act relative to fishery closures. Mr. Goldberg read into the record some of  
4 the following letter into the record from Senator Nelson:

5  
6 Dear Mr. Goldberg:

7  
8 Thank you for contacting me regarding recent restrictions on fishing and the  
9 Magnuson-Stevens Act.

10  
11 There have been a lot of concerns lately about fishery closures affecting Florida,  
12 whether in the Gulf of Mexico or the Atlantic Ocean. Because fishing is so  
13 important to our State, it is vital that we find a way to preserve public access to  
14 our fisheries, so that our kids and grandkids can enjoy the same fishing trips and  
15 fresh Florida seafood that we have enjoyed.

16  
17 As you know, the Magnuson-Stevens Act requires that regional fishery  
18 management councils end overfishing. I support curbs to end overfishing, but I  
19 am concerned that too often these decisions are being made on limited and  
20 sporadic data. I believe we really have to look again at the science here and make  
21 sure we're not mistakenly putting Florida's fishing industry in serious jeopardy.  
22 That is why I have called on the Senate Commerce Committee to hold an  
23 oversight hearing on the recent closures affecting Florida and how the Magnuson-  
24 Stevens Act is being implemented. This hearing will bring the issues out in the  
25 open and will help guide what kind of changes need to be made.

26  
27 In addition to asking Congress to look into the recent closures, I have filed two  
28 bills to stop the closures of the red snapper fisheries in the Gulf of Mexico and the  
29 South Atlantic. The Gulf of Mexico and South Atlantic Red Snapper Fishery  
30 Protection Acts (S. 3045 and S. 3046) would prevent a shortened season and  
31 closure of these fisheries until the fishery service proves that they have better  
32 data.

33  
34 I will, continue to work to protect Florida's fishermen and fisheries, and I will  
35 insist that when making decisions that hurt coastal communities we need to make  
36 sure we are using robust, independent, and accurate data. I appreciate your taking  
37 the time to share your views with me.

38  
39 Please do not hesitate to contact me again.

40  
41 Sincerely,

42  
43 Senator Bill Nelson  
44  
45

1 Vice Chair Frank commended Mr. Goldberg for his efforts but noted the Town did have  
2 lobbyists and needed updated reports.

3  
4 Eric Gilbertson, 151 Chilean Avenue, commented regarding the long term emergency situation  
5 relative to the jetties.  
6

IX. REACH 8 BEACH RESTORATION PEER REVIEW PROPOSAL [H. Paul Brazil,  
Director of Public Works]

7  
8 Coastal Coordinator Rob Weber provided an overview of the Reach 8 Beach Restoration Peer  
9 Review Proposal.

10  
11 He noted that staff requested that the Shore Protection Board review the Reach 8 Beach  
12 Restoration Peer Review proposal and recommended that the Town Council authorize a contract  
13 with Coastal Technology Corporation (CTC) in the not-to-exceed amount of \$18,644 to perform  
14 the work of the Joint Coastal Permit (JCP) application.

15  
16 The JCP application should be completed next week and if the Board approved, Coastal Tech  
17 would provide review comments at the May SPB meeting.

18  
19 Responding to Chair Ecclestone, Mr. Weber noted that it was imperative that the Peer Review be  
20 completed in May, as the Joint Coastal Permit (JCP) application required that the environmental,  
21 biological survey was completed within six months of the application. The surveys completed in  
22 March needed to be submitted in a timely fashion.

23  
24 Town Manager Elwell explained the steps and the process of where they were today. The Coastal  
25 Technology Corporation (CTC) would conduct the peer review services immediately following  
26 the Town's receipt of the JCP application.

27  
28 Dave Decker, East Bay Group, commented that he had been retained by the Palm Beach  
29 Citizens' Association and his role was to support and understand the efforts of the Town. Town  
30 Manager Elwell said they would keep Mr. Decker informed.

31  
32 Chair Ecclestone indicated that Mr. Decker would need to keep aware of the Town's time line.

33  
34 **Motion made by Vice Chair Frank, seconded by Member Cooper, to accept the Reach 8**  
35 **Beach Restoration Peer Review Proposal. On voice vote, the motion carried unanimously.**  
36

X. REVIEW OF UPCOMING DUNE FILL, POTENTIAL BEACH FILL AND  
STRUCTURAL PROJECTS [H. Paul Brazil, Director of Public Works]

37  
38 Coastal Coordinator Rob Weber presented the item and updated the Board on the project and the  
39 expected timeline.  
40  
41

Chair Ecclestone asked if this was a State or Federal delay. Coastal Coordinator Weber responded that it was federal and there had been representatives here before the Shore Protection Board previously. Mr. Weber explained the timeframe and how the federal government processes the applications in the order in which they are received.

Town Manager Elwell indicated that the DEP presented their piece and the federal piece was delayed due to the other projects. The federal government has indicated that they are beginning the biological opinion and plan to be finished by the second half of June 2010.

Member Lindsay Buck asked about the area between Sloan's Curve and Phipps Park. She asked about the 10,000 cubic yards is being placed there instead of the 50,000 cubic yards. Coastal Coordinator Weber stated that the linear distance is much smaller between Sloan's Curve and Phipps Ocean Park than the rest of Reach 7. The sand to be placed is equivalent to the sand lost above the mean high water from Tropical Storm Fay. Member Lindsay Buck asked to be reminded how much reimbursement the Town could expect from FEMA. Coastal Coordinator Weber described the reimbursements and the difference between repairing an engineered beach vs. a critically-eroded beach. The engineered beach designation is a FEMA beach designation. An engineered beach occurs when the Town has received a permit and constructed a project for that purpose. It had been designed by an engineer and work has been done to the beach. The reimbursement monies would be to return it to the same condition pre-storm. Critically eroded is a designation which would allow for funds and permits for damaged and lost sand. Member Lindsay Buck's last question related to the timing and permitting, if the Town had to wait until after turtle season, and they do.

Member Goldstein indicated that everyone worked hard to get the project application done last year (State Senator Atwater and other State officials) but the federal government was not ready. Town Manager Elwell agreed that was the case. The delay was not caused by the state.

Member Cooper asked about a having a placeholder application, or if the application had to be fully completed upon submittal. Town Manager Elwell indicated that they must be completed applications.

There was more discussion about the Town possibly trying to obtain an engineered beach status for Reach 1 and other areas. One of the main obstacles, according to Town Manager Elwell, was that the rules change frequently, and they have not gotten any easier.

**Member Goldstein asked Coastal Coordinator Weber to find out if the dune system requirements are federal requirements and the same in every state.**

Vice Chair Frank stated that the conversation regard dune projects and the various agencies. As the dune erodes, the eroded sand becomes under the jurisdiction of the State. No action was taken on this item and it was informational.

Town Manager Elwell also said in the near future the Shore Protection Board would need to decide on how to proceed with the County. Chair Ecclestone was confused about the budget years and was informed that the money for this project was already approved.

Coastal Coordinator Weber announced that there was to be a meeting May 27, 2010 being hosted by the County at the Town of South Palm Beach Town Hall. The purpose is to have an EIS scoping meeting. He would remind the members again next month.

Member Lindsay Buck asked about the Reach 8 survey that was directed by the Town Council to conduct about trucking in sand on the South end. Town Manager Elwell indicated that the Citizens Association was to conduct the survey. Meanwhile, another question/solution was if the residents would tolerate a certain number of trucks or look at alternatives such as using the port and barges.

Richard Kleid, Town Council Member, stated that he was the Town Council Member that requested the survey. Vice Chair Frank indicated it was not only the truck traffic, but the access through properties that would be a concern.

Mike Brown, Civic Association, offered the Citizens Association help in setting up an online survey and receiving feedback.

Member Goldstein felt strongly about exploring the railroad/hopper dredge solution. Town Manager Elwell indicated that there was no resistance to that solution, but more information and costs needed to be identified.

#### XI. UPDATE REGARDING PALM BEACH COUNTY'S COASTAL PROJECTS ON SINGER ISLAND [Robert Weber, Coastal Coordinator]

Coastal Coordinator Rob Weber presented the item and informed the board of the status of the Juno Beach Project. The DEP had concerns that the pods were constructed too high and placed too close to shore. The County had been cited with a violation notice and was planning a response to the DEP. Town Manager Elwell indicated that the County had withdrawn their application for the breakwater project. The Board would continue to be updated as more information was received.

#### XII. FY 2011 BUDGET REQUEST FOR SHORE PROTECTION [H. Paul Brazil, Director of Public Works]

Town Manager Elwell provided a background to the Shore Protection Board of the budget timeline. The Town considers the budget in June at a public meeting and adopts the budget in September. The money becomes available October 1, 2010. He instructed the board to look at their large color-coded sheet. He said the chart reflected all of the incorporated changes from the Shore Protection Board from the past few meetings, and the Town Council changes in dollar amounts. Staff had not presumed to change anything.

The Coastal Management program costs are what is paid out of the administrative budget and supplies funds for its basic function. If no further changes were made, the Shore Protection Board

1 would be recommending approval of \$4.446 million from the Town Council for what would be  
2 accomplished the next year.

3  
4 Chair Ecclestone stated that \$4.446 million was the absolute minimum needed but he would like  
5 to have \$8 million a year and have a more orderly spread in the future. Chair Ecclestone said he  
6 wanted a motion to approve the entire budget.

7  
8 **Member Goldstein made the motion to approve the presented budget for \$4,446,000.**

9  
10 Member Lindsay Buck said she was not ready and wished to discuss it further.

11  
12 Member Cooper asked about future years. He asked what would happens if the Town did obtain  
13 critically eroded status.

14  
15 Member Lindsay Buck asked about the logistics of the groin permit to be obtained and Town  
16 Manager Elwell reminded her that it was discussed very thoroughly at the last meeting. He  
17 explained the decision made was \$500,000 for each year since it was an ongoing program and  
18 was a high priority and was not a defined yet. The amount was a commitment to a particular  
19 type of work.

20  
21 Member Lindsay Buck stated that she did not want to ask the Town Council for money that they  
22 would not need or were not ready for. She said the Shore Board should have listened to staff.  
23 Chair Ecclestone stated that they don't have to listen to staff, they make their own decisions.  
24 Member Lindsay Buck wanted the budget amended to reflect what was realistic as to what may  
25 not be spent.

26  
27 **Member Goldstein amended his motion to change the total amount from \$4.446 million to**  
28 **\$4.146 to reflect a decreased cost for the groin rehabilitation line item for FY 2011. The**  
29 **motion was seconded by Member Lindsay Buck. On voice vote, the motion carried**  
30 **unanimously.**

31  
32 There was further discussion about having a coastal protection reserve fund for the future. It was  
33 the consensus of the Shore Protection Board to have an additional amount of money, set aside for  
34 a coastal protection reserve, be considered by the Town Council in addition to the budget  
35 amount. The Board could not agree on what that amount should be and agreed to discuss it at a  
36 future meeting.

37  
38 Chair Ecclestone asked about having a bond issue. Town Manager Elwell responded that said he  
39 would not recommend it because of the life of the project and bond agencies frown upon  
40 financing coastal projects.

41  
42 Chair Ecclestone asked for a separate item on the tax bill. Town Manager Elwell responded that  
43 the Town Council had considered it, but had voted against it last year. Member Goldstein asked  
44 how much taxes could be increased per state law. Town Manager Elwell explained unanimous  
45 vs. a majority vote, as the amounts would be different. Town Manager Elwell stated that without  
46 doing a unanimous override, the Town could raise the taxes approximately \$4 million more (Of

the Town's 17% of the total County Taxes). In order to increase more, they need a majority override.

Next was the philosophical discussion about asking for an exact amount each year or a larger amount for the future to have a reserve fund. Chair Ecclestone felt it should be \$8 million each year and take the hit initially.

Member Cooper said to take a critical look at 2012, and there was not enough money for the next two years.

Vice Chair Frank reminded the Shore Protection Board that the Town Council directive was not to consider funding. He noted that they do discuss it and in other towns, there is a budget item for shore projects specifically. His recommendation was to put money aside each year based on the numbers predicted in the out years. Money will always be needed for the beaches. The town looks foolish.

Member Lindsay Buck reminded everyone that it would only take one storm to throw a wild card into the entire budget. She felt \$8 million was too high, but member Goldstein felt \$8 million per year was reasonable.

*Member Baker left the dais at 11:25a.m. and returned at 11:28a.m*

Member Cooper felt there did need to be a reserve of some kind and based on the projected budgets, in 3 years \$85 million dollars would be needed. He was told that was the dream list and without the reimbursement of State or FEMA monies.

Member Goldstein reminded everyone that there were three devastating hurricanes and the Town was still trying to recover from them. That was why they have a new shore board in the first place.

Town Manager Elwell stated that the Board had made the level of funding decision today and that was number needed to propose to the Town Council for budget discussions. He added that the other discussion about having a savings account and a monetary number did not have to be decided today. That could be discussed at the May meeting.

Member Lindsay Buck stated that she felt they should only be asking the Town Council for money when a project was ready to construct, and the amount was needed and known.

There may be annual amounts funded that needed to be funded but not necessarily more than that it be a combination going to a saving account and then take short term financing when a project is reedy. A combo of both philosophies may work best per Town Manager Elwell.

### XIII. COASTAL PROJECTS UPDATE [Robert Weber, Coastal Coordinator]

Coastal Coordinator Rob Weber provided the updated at the request of Member Katz.

1  
2 Vice Chair Frank asked about the Surfrider letter mentioned in the report. Coastal Coordinator  
3 Weber responded that the letter had been answered and the Surfrider Foundation had no further  
4 concerns. They were not objecting to the project.

5  
6 No action was taken on this item.  
7

8  
9 XIV. SHORELINE CONDITION ASSESSMENT [Robert Weber, Coastal Coordinator]

10 The Shore Protection Board decided not to view the photograph presentation by Coastal  
11 Coordinator Rob Weber. This may be an area where he does not perform the assessment each  
12 month in the interim as the staffing is temporarily limited within the Public Works Department.  
13 The Board was in agreement with the change.

14 XV. FUTURE MEETINGS [Peter B. Elwell, Town Manager]

15 A. May 2010

16 Reach 7 Structures Study, Taylor Engineering, Inc.

17 Reach 8 Beach Restoration, Presentation by Coastal Systems International, Inc.

18 Mid-Town Cumulative Review

19 2010 Annual Physical Monitoring Proposal

20 2010 Annual Environmental Monitoring Proposal

21 Town Manager Elwell announced that the next Shore Protection Board Meeting was scheduled  
22 for May 25, 2010.  
23

24 B. June 2010

What is an Environmental Impact Statement (EIS)?

Grant Funding Overview

County Environmental Resources Management Department

Reach 8 Beach Restoration Peer Review Results

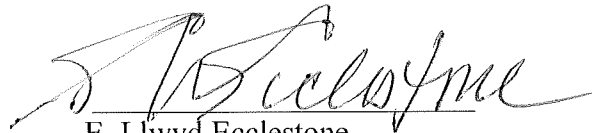
1  
2 There was discussion about having multiple impromptu meetings and phone participation. Town  
3 Manager Elwell reiterated that phone participation was not permitted.  
4

5 Member Lindsay Buck said that this board meets more frequently than other boards. After the  
6 June meeting, she was comfortable suspending the meetings until September if the rest of the  
7 Board was in agreement. Town Manager Elwell felt that there would not be a need to meet in the  
8 summer.  
9

XVI. ADJOURNMENT

10  
11 There being no further business to discuss, the Shore Protection Board meeting of Thursday,  
12 April 22, 2010, was adjourned at 11:53 a.m.  
13  
14

15 APPROVED:

16  
17   
18  
19 E. Llwyd Ecclestone  
20 Chairman  
21  
22  
23  
24

25 Shore Protection Board Backup 4-22-10