

**Moorings Bay Special Taxing District Advisory Committee  
August 17, 2004 – 9:00 a.m.**

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Chairman Pennington called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:**

Ron Pennington, Chairman  
Doug Finlay  
James Rozzi (left at 10:37 a.m.)  
Dan Spina

**Absent:**

Michael Williams (excused)

**Also Present:**

Jon Staiger, Natural Resources Manager  
Elizabeth Rogers, Recording Specialist  
Cheryl Boutot, Network Specialist

City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

.....**ITEM 2**

**ITEMS TO BE ADDED .....ITEM 3**

Discuss the condition of Doctors Pass subsequent to Hurricane Charley (Item 4-a). Chairman Pennington then requested that Community Services Director David Lykins present a report, regarding the debris removal policy, at the next meeting.

**APPROVAL OF MINUTES .....ITEM 4**

***MOTION by Spina to APPROVE the June 15, 2004 meeting minutes as presented; seconded by Finlay and carried 4-0 (Finlay-yes, Rozzi-yes, Spina-yes, Williams-absent, Pennington-yes).***

**POST HURRICANE CHARLEY SURVEY OF DOCTORS PASS.....ITEM 4-a**

Chairman Pennington presented photographs of his survey of Doctors Pass conducted the Sunday following Hurricane Charley (copies of which are contained in the file for this meeting in the City Clerk’s Office). Although the piling remains, Marker 1 is missing, and presumably, Marker 2 is on the beach between Naples Cay and Clam Pass, he said. In response to Chairman Pennington, Natural Resources Manager Jon Staiger stated that he would inquire of Al Madsen, Collier County Engineering Inspector, as to whether Lightner Contracting could return Marker 2 and its piling to its original location, if it is in fact reusable. Chairman Pennington then noted that the police had informed him that a largely submerged caution sign off the south jetty would be towed, and that the “No Wake” sign at the south side of the channel had been inverted.

Chairman Pennington then directed staff to expeditiously secure the contractor’s services to replace and repair the aforementioned signs.

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**Editor’s Note: Although some discussion of Item 6 occurred at this time, the full description of Item 6 appears below.**

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Natural Resources Manager Staiger noted that all the buoys had washed ashore, the majority with their anchors. Member Finlay then indicated the need to replace the now missing “Danger” sign, on the north approach to Admiralty Point Number 2.

The Committee then mentioned various areas where it appeared that Hurricane Charley had in fact reduced shoaling. Member Rozzi said that his sailboat could draw four feet between Markers 4 and 6, and he also noted that shoaling had appeared to have abated at the throat of Doctors Pass. Chairman Pennington reported that the following day, he and William Lazear of Save-the-Bays would perform a complete survey. Later in the meeting, Member Rozzi recommended that this survey include examination of the shoal in the center of the south channel, directly opposite the Beacon House condominium, as well as the seawalls. Chairman Pennington agreed to disseminate the results of the survey to staff and Committee members, as well as forwarding it to

Coastal Planning & Engineering (CP&E). Subsequently, Dr. Staiger noted he would contact Norman Beumel of CP&E that day.

In further discussion, it was estimated that the storm surge had been three feet. Natural Resources Manager Staiger noted that Council Member MacIlvaine, whose vessel is moored in the basin south of the Beacon House, had reported that the surge had been sufficient for the pile cap to graze the hull. Chairman Pennington noted that east of Marker 4, along the south side of the channel and parallel to the jetty, his boat had drawn approximately five feet. He further reported the observation that portions of the beach had been over-swept, as well as sea oats being crushed, and accretion of sand had occurred at Clam Pass. In addition, the sandbar at the mouth of Clam Pass had been altered, and the flow from it is now directed to the north.

Dr. Staiger reported that he would promptly request a survey of the south Gordon Drive T-groins as well as examination of storm drains. He would then submit a report to the Collier County Coastal Advisory Committee, as well as Steve Keen of CP&E, prior to September 8. He subsequently estimated that four sections of storm drainpipes had washed ashore south of Central Avenue. Member Rozzi then requested that a special meeting be convened if, in fact, additional shoaling is noted. Chairman Pennington, however, noted that the amount of time needed to convert raw data from the aforementioned survey to chart form is unknown. He further explained that two people would be on board the survey vessel and that a precision depth sounder, as well as a Global Positioning Satellite (GPS) system would be used. Member Rozzi then offered his assistance.

Natural Resources Manager Staiger noted that although the profile of the beach appeared to have been flattened, extraordinary amounts of sand had not been displaced. Areas of escarpment had formed in the Park Shore region, along the narrow beach and into the sea oats, he said.

**DISCUSSION OF THE DOCTORS PASS JOINT COASTAL PERMIT .....ITEM 5**

Chairman Pennington presented the Joint Application for Joint Coastal Permit (a copy of which is contained in the file for this meeting in the City Clerk's Office); he said he had subsequently submitted copies to Member Spina, Ed Ten Eyck (an officer of Save-the-Bays), as well as the president of Save-the-Bays. He further noted that it is also available online.

Natural Resources Manager Staiger noted that Member Spina had requested that he address a series of questions regarding the dimensions of the proposed dredging. The application, he said, is for dredging the impoundment basin and the pass. Dr. Staiger then noted that the taxing district had requested extension of the original dredge cut, and indicated the areas of expansion in the northern and southern approaches, which include the Harbor and Mooring Line Bridges.

Following thorough review of the application, Chairman Pennington said he had notified each Member of responses to the approximately 30 submittal requirements. (It is noted that a copy of this correspondence is contained in the file for this meeting in the City Clerk's Office.) He then indicated the location of hard bottom, one such area being south of the Pass, and another southward toward Lowdermilk Park, the aggregate equaling 2.7 acres. An encroachment exists from prior dredging, equaling a 13.5-foot depth, Chairman Pennington explained. He subsequently noted that the Department of Environmental Protection (DEP) is examining the effects of storms, such as the potential amount of silt generation, which could settle in hard bottom areas, and may require mitigation for hard bottom impacts.

In response to Member Rozzi, Natural Resources Manager Staiger pointed out hard bottom areas, consisting of low profile rock covered with sponges and sea fans. Chairman Pennington

explained that dredging had been previously performed in the summer, with spoils deposited offshore so as not to interfere with turtle nesting; however, the sand migrates onto the beach as well as the possibility that some may migrate seaward. In addition, Dr. Staiger explained that CP&E utilizes a combination of visual observation, as well as accurate sub-topographic profiling to examine the rock through the sediment. Based upon the observations of Suboceanic Consultants and Coastal Engineering Consultants following the last beach restoration in 1995, Dr. Staiger further noted, there had been no visible hard bottom impact. He then cautioned that mitigation could be extremely costly because artificial reef construction would be required. While dredging during the winter would be the most cost effective, Dr. Staiger explained, this would require deposit of spoils on the beach, which had been previously avoided because the dredging equipment of the size that would fit in the Pass tends to flood and sink. In response to Member Spina, Dr. Staiger stated that the Inlet Management Plan requires the disposal of spoils on the beach, rather than offshore.

Chairman Pennington reported that CP&E had been asked to explore various spoil disposal methods, and that the sand could be pumped directly onto the beach. He then noted various data in this regard, pointing out that although the consultants have indicated that making City beaches 100 feet wide would prevent hard bottoms, the DEP disagrees.

Natural Resources Manager Staiger explained that the current beach renourishment efforts are considering using coarser sand from off Sanibel Island because it would not drift as far offshore. Due to high silt content, DEP had previously disapproved offshore sand from Doctors Pass, which measured approximately .2 millimeters, for beach renourishment south of Fourth Avenue North, Chairman Pennington said. Therefore, sand from around Sanibel, which measures an estimated .3 to .33 millimeters, had been used.

Natural Resources Manager Staiger then reviewed permit drawings included in the application. The southern approach illustrations indicate a channel from the inner throat of the Pass to the Mooring Line Drive Bridge, as well as the settling basin and the throat of the Pass; the northern approach diagrams depict the channel to the Harbor Drive Bridge, as well as the channel to the east of the flood shoal.

In response to Member Finlay, Dr. Staiger confirmed that sand had previously always been placed offshore. During enlargement of the impoundment basin, he said, an excess of 10,000 to 12,000 cubic yards had been dredged; therefore, the southern spoil disposal site had not been used. Member Rozzi, however, recommended avoiding disturbing the hard bottoms because of the soft sponges, coral and other such growth, which he had observed while diving in the area for the past 11 years. Chairman Pennington concurred. Dr. Staiger pointed out that the DEP, National Marine Fisheries Service, and Army Corps of Engineers (ACOE) are concerned with critical fish habitat. He then indicated illustrations depicting dredge cuts across the impoundment basin, between the jetties in Doctors Pass itself, as well as between seawalls at Admiralty Point and Indies West condominiums. In addition, he pointed out the west, south, and east channels.

In response to Member Rozzi, Chairman Pennington estimated available funds for mitigation to be \$800,000; however, reimbursement would be received from tourist development taxes (Tourist Development Council/TDC). TDC revenues would, however, fund just Doctors Pass and its approaches; the taxing district would fund all other efforts within the Moorings Bay System.

In response to Member Spina, Chairman Pennington explained that the ACOE also requires that the dredged sand be placed on the beach, rather than elsewhere. State law requires that dredged sand from Gordon Pass be transferred to the down drift beaches at Keewaydin Island, he said. Gordon Pass is considered a commercial pass, whereas Doctors Pass is considered recreational. Furthermore, present policy for expenditure of TDC revenues requires that public beaches be adjacent to a pass, Chairman Pennington explained. Natural Resources Manager Staiger further explained that Gordon Pass is maintained because it is an ACOE engineers navigation project. This project includes the channel from the U.S. 41 bridges, across the Gordon River, through the system to the Big Marco/Capri Pass, and out the Gordon Pass, separate from the Intercoastal Waterway.

**DOCTORS PASS SHOALING SIGNS ..... ITEM 6**

Natural Resources Manager Staiger noted a response from Nat Howard of Municipal Supply & Sign (Attachment 1) and explained the characteristics of the various available signs. He said that three “Caution Shoal” signs, as well as four “Warning” signs containing the lesser amount of verbiage, would be received imminently and that Naples Dock & Marine Services would install them, as well as those items displaced by Hurricane Charley.

Later in the meeting, in response to Member Spina, Natural Resources Manager Staiger and Chairman Pennington explained the approval process that must be followed to purchase the signs. Dr. Staiger further explained that a verbal approval had been given to Municipal Supply & Sign on July 23.

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In further discussion, Chairman Pennington noted significant concern regarding a message (Attachment 2), which had been promulgated from the president of Save-the-Bays and refuted the assertion that the City had paid little attention to the problems noted by that organization. Furthermore, he noted that the Coast Guard had cautioned the City that liability could be incurred should temporary markers be installed. In addition, the Mayor had been kept apprised of the applications for the dredging permits, he explained. The president of Save-the-Bays had been advised, on multiple occasions, that the permit process is done solely in accordance with state and federal requirements. Additionally, he explained, permit applications are not previewed, and no mention had ever been made of disseminating periodic reports from CP&E, as the City does not receive such reports. He subsequently stated that he had previously disseminated a timeline of the complete process to all the Committee Members, Save-the-Bays, and anyone who requested it. Chairman Pennington noted that he and staff are kept apprised of any correspondence received from CP&E, and subsequently the information is disseminated to various individuals, including Save-the-Bays.

Member Rozzi then commended the City Manager, staff, and Chairman Pennington for what he characterized as exemplary efforts.

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**Recess: 10:37 a.m. to 10:42 a.m. It is noted for the record that all except Member Rozzi were present when the meeting reconvened.**

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Prior to adjournment, Member Spina stated that he had hoped the ACOE could assist in expediting the permitting process for the dredging of Doctors Pass. Chairman Pennington requested that Member Spina await the results of the survey to be completed the following day. Natural Resources Manager Staiger took the position that the Inlet Management Plan may have been overly optimistic in estimating that dredging could be done on a four year cycle. He then recommended requesting that CP&E explore the possibility of dredging every three years.

In response to Member Finlay, Natural Resources Manager Staiger expressed the opinion that passes require more frequent dredging due to individuals introducing ever larger and deeper draft vessels, rather than any increased in-filling occurring.

In response to Member Spina, Chairman Pennington noted that instructions to Dr. Staiger include immediately replacing markers in Doctors Pass, and installation of additional signage in the Pass.

Dr. Staiger explained that although the DEP recognizes maintenance dredging as a statutorily defined process for manmade canals, the ACOE does not differentiate between it and new projects.

Chairman Pennington noted the necessity for mariners navigating Doctors Pass to be cautious. Information had been disseminated to the effect that shoaling exists and that mariners should exercise caution, he said.

**ADJOURN** .....  
11:01 a.m.

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Ron Pennington, Chairman

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Jon C. Staiger, Ph.D.  
Natural Resources Manager

Minutes prepared by:

\_\_\_\_\_  
Elizabeth Rogers, Recording Specialist

Minutes Approved: \_\_\_\_\_

