



City Council Chamber.  
735 Eighth Street South  
Naples, Florida 34102

Moorings Bay Special Taxing District Advisory Committee  
September 21, 2004 - 9:00 a.m. Chairman Pennington called  
the meeting to order and presided.

ROLL CALL.....ITEM 1

Present:

Ron Pennington, Chairman  
Doug Finlay  
James Rozzi  
Dan Spina

Absent:

Michael Williams'( excused)

ANNOUNCEMENT S .....

None.

ITEMS TO BE ADDED..... ITEM 3

Chairman Pennington recommended adding an item entitled Public Comment to all future agendas.

APPROVAL OF MINUTES.....ITEM 4

*MOTION by Rozzi to APPROVE the August 17, 2004 meeting minutes as amended: (page 3, Para. 3 - ~~en the beach rather than offshore near shore.~~) The motion was seconded by Finlay and carried 4-0 (Finlay-yes, Rozzi-yes, Spina-yes, Williams-absent, Pennington-yes).*

ITEM 5

DISCUSSION: DOCTORS PASS JOINT COASTAL PERMIT APPLICATION - FIRST REQUEST FOR ADDITIONAL INFORMATION

Norman Beumel, Senior Vice President of Coastal Planning & Engineering (CP&E), offered a PowerPoint presentation (a copy of which is contained in the file for this meeting in the City Clerk's Office). Mr. Beumel reported that the Florida Department of Environmental Protection (FDEP) had issued the first Request for Additional Information (RAI) on September 1. He further noted that the Army Corps of Engineers (ACOE) would be mailing its public notice to the Environmental Protection Agency (EP A), U.S. Fish and Wildlife Service, and National Marine Fisheries Service, as well as adjacent property owners, within the next week. In response to Chairman Pennington, Mr. Beumel stated that, at present, he did not believe this project would be submitted to the Federal Register, but that it may in the future.

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. Based upon the most recent survey supplied by the Committee, Mr. Beumel estimated the dredge volume to be 56,000 cubic yards, which includes the previously permitted areas, as well as the proposed extensions of the channel and spoil sites.

Mr. Beumel explained that the near shore hardbottom areas, located offshore from the two spoil sites that are colonized by environmental organisms, are a concern to the permitting agencies. He then recommended reducing the hardbottom coverage to the greatest extent possible. Although the FDEP suggested considering partial beach disposal, Mr. Beumel said it would create other concerns, such as eliminating summer dredging. He also suggested including an explanation of past turbidity control measures that had been used.

Mr. Beumel then noted the FDEP's increased awareness of the critical habitat of seagrasses; therefore, it is requesting additional mapping and characterization. Later in the meeting, Chairman Pennington reported that a number of FDEP representatives would attend the Florida Beaches and Shores Protection Association meetings in Marco Island the following week, and had expressed a desire to examine the hardbottom areas in the spoil sites. It was determined that Member Rozzi would provide the vessel, and that Chairman Pennington and Mr. Beumel would attend along with Project Manager Rebecca Roland, Permit Processor Steve' MacLeod, Environmental Administrator Martin Seeling, and Vladimir Kosmynin. He subsequently stated that he would request clarification regarding several items included in the RAI, and suggested that locations of seagrasses could be pointed out at that time.

While the FDEP is requesting additional information regarding shorebirds, Mr. Beumel stated that he believed the statistics contained in the recent Collier County shorebird inventory report would suffice. He further explained that sea turtle and lighting issues would become significant if beach disposal occurs. Chairman Pennington noted the existence of a City ordinance relative to lighting, and offered to provide sea turtle and sand data collected for the beach renourishment program.

In response to Mr. Beumel, Chairman Pennington stated that as-built drawings of the north jetty should exist, due to the extension that had previously been constructed. Following discussion, Mr. Beumel noted that he would meet with Natural Resources Manager Jon Staiger to request any additional data required by the FDEP. Member Spina also suggested contacting Coastal Engineering Consultants and Suboceanic Consultants to acquire their statistics. Later in the meeting, Community Services Director David Lykins noted that the Community Services Department may be able to provide the necessary documents during Dr. Staiger's absence.

In further discussion, Mr. Beumel noted that the FDEP had also requested information regarding any impacts to local seawalls or bulkheads within the bay, resulting from the previous channel dredging.

Mr. Beumel then said that the permit fee for a 10 year application is \$8,500 and is payable prior to the issuance of the permit. Chairman Pennington subsequently asked Director Lykins to initiate the payment process. Mr. Beumel indicated a revised budget would be submitted to the Committee the following day.

Mr. Beumel reported that the FDEP had requested a certified inlet and beach survey, completed within the last six months of the application, which includes the entire inlet channels as well as the beach adjacent to the spoil disposal sites. Mr. Beumel stated that he would inquire as to

whether the FDEP would accept the survey submitted by Mr. Lazear in lieu of one certified by a professional surveyor. He then explained that the survey would require depth as well as beach topographic data. Although certain data had been gleaned from the beach renourishment program, the FDEP requires that the profiles for this project be spaced approximately every 500 feet, rather than every 1,000 feet, he said. Mr. Beumel then suggested that, should his representations be accepted, Mr. Lazear could also survey the spoil sites. In response to Member Spina, Mr. Beumel said that the surveys should be current and describe existing conditions. Member Rozzi subsequently recommended that Mr. Lazear demonstrate his survey procedure to the FDEP the following week. Chairman Pennington noted that Mr. Lazear's procedures had been approved by the National Oceanic and Atmospheric Administration (NOAA). In response to Member Finlay, Mr. Beumel clarified that the survey would, in fact, require inclusion of the Mooring Line Drive and Harbour Drive bridges.

In further discussion, Mr. Beumel noted that the Committee would be required to either submit a survey *of* its own or one completed by another sub-consultant. Director Lykins suggested that the most expeditious method *of* obtaining a survey certified by a professional surveyor would be through CP&E. Mr. Beumel subsequently offered to provide a proposal for review and then noted that preparing the proposal would take approximately one week, and completing the survey another two weeks.

In addition, Mr. Beumel noted that the FDEP had requested surveyor certified easement descriptions *of* the channel dredging and spoil site locations, which may have been previously granted by the state. He also reported that it had requested core borings, through the existing sand to the natural bottom, to determine the type *of* sand in the channel and its suitability for placement in the spoil sites.

Mr. Beuril said that a great deal *of* the additional information requested pertains to the channel extensions; therefore, eliminating them would decrease expenses and expedite the permitting process. He subsequently explained that, following approval *of* this permit, the contract **could be** amended at a later date. In response to Member Rozzi, Chairman Pennington stated that the northern channel extension encompasses an area from approximately Marker 16 to Harbour Drive Bridge. Including the channel extensions could increase the time by approximately three months, Mr. Beumel said, because hydraulic analysis *of* tidal flows, additional survey data, easements, environmental data, chemical analysis *of* the sand, and impact on structures would be required. Member Rozzi then indicated concerns regarding the southern channel area at low tide, and suggested waiting until the survey is completed before deciding whether to eliminate the channel extensions. Mr. Beumel then explained that the FDEP may be willing to omit certain requirements, such as the hydraulic analysis, if the channel extensions were reduced to include only the problem areas. Mr. Rozzi offered to assist Mr. Lazear in collecting the necessary survey data. It was the consensus *of* the Committee that once the shoaling area and size of the extension are defined by the survey, the grounds for the channel extensions would be determined. Mr. Beumel agreed to submit a depiction *of* the original permit area as well as the extensions.

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Mr. Beumel pointed out the channel, spoil sites one and two, and the nearshore hardbottom. He then explained that calculations determining the distance offshore that the sand would shift had been based upon existing monitoring information of the spoil sites. He then exhibited profiles of both spoil sites, as well as a Side Scan Sonar Survey, which identifies nearshore hardbottoms. Mr. Beumel subsequently indicated the hardbottom and sandy areas, as well as the distance offshore that sand may spread. Based upon analysis, both spoil sites could potentially impact

areas of hardbottom, he said. The FDEP recommends minimizing hardbottom impact, which would require mitigation. This would involve construction of an artificial reef comparable to the area being covered, which he noted would be costly.

Mr. Beumel noted that reducing the size of the spoil areas or the amount of fill, expanding or relocating the spoil sites, or beach disposal could minimize impact. Shifting Spoil Site 2 approximately 1,000 feet southward could allow CP&E to dispute the existence of hardbottom impact. In response to Member Rozzi, Mr. Beumel affirmed that shifting Spoil Site 2 northward would require a request for an additional easement. Expanding Spoil Site 2 would allow surrimer construction; use of a smaller, less expensive dredge; and eliminate hardbottom impact near the south jetty of the inlet. It may, however, risk hardbottom impact near the golf course.

Beach disposal, Mr. Beumel reported, would require winter dredging to avoid turtle nesting season; an increase in cost due to grading, dressing, and tilling of cross-sections; and additional paperwork. In addition, it may require the use of a more expensive dredge and may not eliminate hardbottom impact. Mr. Beumel noted that beach disposal may not, in fact, eliminate hardbottom impacts. He then recommended maintaining Spoil Site 1 and relocating Spoil Site 2.

MOTION by Rozzi to. ACCEPT COASTAL PLANNING AND ENGINEERING'S RECOMMENDATION TO EXAMINE EXPANDING SPOIL SITE 2. AND REDUCING SPOIL SITE 1: *seconded by Finlay, and carried 4-0 (Finlay-yes, Rozzi-yes, Spina-yes, Williams-absent, Pennington-yes).*

In response to Chairman Pennington, Mr. Beumel agreed to inquire as to the easement requirements. He then requested survey language describing a point of commencement, such as Four Corners (the intersection of U.S. 41 and Fifth Avenue South), based on certain angles, bearings and distances. In an effort to obtain necessary statistics, CP&E is coordinating efforts with the beach renourishment program, Mr. Beumel noted. The Coastal Advisory Committee had previously discussed post-time monitoring because the FDEP has implemented stringent requirements for multiple swim transect monitoring, which is costly. Mr. Beumel reported that he is also coordinating with the environmentalists and biologists who are working on the countywide project.

Mr. Beumel stated that any requests that deviate from previously permitted projects are considered new work, and are scrutinized to a higher level of standards. He then said that dredging navigational channels near older docks or seawalls cause a significant concern.

In response to Member Rozzi, Mr. Beumel cited Section 120 Administrative Hearing as a procedure for appeal, which he noted could take as long as two years. He explained that testimony would be presented, with expert witnesses, to a state hearing officer, to demonstrate that the state is being unreasonable.

Chairman Pennington cited his involvement with various dredging projects and noted that none of the concerns presented are unique to Doctors Pass. Mr. Beumel estimated that previous beach restoration projects expended 25% of their budget for environmental concerns, but that it has increased to 50%.

Mr. Beumel suggested that the Committee reconsider its position following the survey. In response to Member Spina, he also stated that Mike Barnett, Chief of the Bureau of Beaches and Coastal Systems, is the deciding authority for permits.

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In reviewing the timeline, Mr. Beumel reported that the permit application had been submitted, it had been reviewed by the FDEP and the first RAI had been issued. The issuance of the ACOE public notice precedes a biological opinion prepared by the U.S. Fish and Wildlife Service. Chairman Pennington directed staff to confirm whether the City's public notice had been advertised and circulated. Mr. Beumel subsequently noted that there could, in fact, be a delay. In response to Chairman Pennington, he confirmed that an interim response would not expedite the process, and recommended answering the FDEP's questions in two, rather than multiple, responses. He then said he anticipated submitting a response by October 15.

Mr. Beumel explained that the ACOE had denied the request for an emergency extension of their permit. The FDEP permit would be issued prior to the ACOE permit, he said.

Chairman Pennington anticipated that Natural Resources Manager Staiger would return to part-time employment within one month. He then reported that funding documents had been prepared and would be reviewed by City Council the following month. Additionally, staff will submit the grant request to the Tourist Development Council (TDC), for reimbursement.

Public Comment: (10:52 a.m.) Marilyn Tempest, president of Save-the-Bays, requested clarification on the time lines. Mr. Beumel noted that the Committee's response to the first RAI would be delayed to October 15, and all other processes would be delayed approximately two weeks. In further response, he stated that to date, no additional funding had been requested from the Moorings Bay Special Taxing District.

Mr. Beumel explained that Phase I, which included background research and the permit application, had been completed. Although the proposal for Phase II of the contract has been approved by Council, a work order for funding had not yet been authorized. Chairman Pennington explained that TDC funding would not delay the process because the Committee would authorize advance funds from the taxing district, and subsequently seek reimbursement from the TDC.

In response to Chairman Pennington, Mr. Beumel confirmed that the 2002 topographic and bathymetric surveys had been certified, and further stated that he believed that, due to the completion of recent post hurricane surveys, the FDEP would delete this requirement.

Although the beach suitability analysis requirement could be waived because beach disposal is not a consideration, the FDEP continues to require sand samples, Mr. Beumel explained. Chairman Pennington then stated that the beach restoration program could assist with the implementation plan for the comprehensive inlet, beach, and offshore monitoring program. Mr. Beumel said he anticipated monitoring would be required every six months for the first two years and annually or semiannually thereafter.

Mr. Beumel explained that FDEP is inquiring as to the impact the dredging would have upon the beach renourishment program. Regardless of beach renourishment efforts, Chairman Pennington stated that migration occurs across the north jetty and its curvature.

DISCUSSION OF PROPOSED WATERWAYS CLEANUP PROCEDURES.....ITEM 6

While distributing copies of the Waterway and Canal Cleaning Moorings Bay Waterways Systems Policy, Community Services Director David Lykins noted that no major modifications had been implemented. (A copy of the aforementioned policy is contained in the file for this meeting in the City Clerk's Office.) Whenever debris removal is required, Director Lykins

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explained, Committee Members and residents should call 213-7120; or 216-0062 for emergency removal after hours. Within 24 hours; staff would be dispatched to remove the debris, he said. Nevertheless, staff would continue to frequently monitor the condition of signage. Chairman Pennington commended staff for its timely response to two previous calls he had made. In response to Chairman Pennington, Member Spina agreed to forward the information to Ed Ten Eyck, for inclusion in the Save-the-Bays web site. Director Lykins subsequently explained that

information should be provided to property owners in approximately one month. !!!... 11EM / 1

Community Services Director David Lykins affirmed that the signs had been produced and delivered. Chairman Pennington then noted that he and Natural Resources Manager Jon Staiger had conferred regarding signage placement; and the information had been provided to Naples Dock & Marine Services. Director Lykins further noted that the signs should be installed by the end of the following week.

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Prior to adjournment, Chairman Pennington reported that the "No Wake" sign at the entrance to Doctors Pass, which had been previously inverted, is no longer present, and upon surveying the beach to the north of Gulf Shore Boulevard, a "No Wake" buoy from Sanibel Island had washed ashore. Member Finlay noted that, at the entrance to Moorings Bay north of the Tropics Condominiums, an idle speed sign is missing the top bolt and is therefore inverted.

ADJOURN.....  
11 :25 a.m.

Ron Pennington, Chairman

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

Minutes prepared by:

Elizabeth Rogers, Recording Specialist

Minutes Approved: