

City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

Moorings Bay Special Taxing District Advisory Committee  
May 18, 2004 - 9:02 a.m. Chairman Pennington called the  
meeting to order and presided.

ROLL CALL..... ITEM 1

Present:	Also Present: "
Ron Pennington, Chairman	Jon Staiger, Natural Resources Manager
Doug Finlay	Elizabeth Rogers, Recording Specialist
James Rozzi	David Christerson
Dan Spina	Norman H. Beumel
Michael Williams	Marilyn Tempest
	Other interested citizens and visitors.

ANNOUNCEMENTS..... ITEM 2

Natural Resources Manager Jon Staiger distributed a memo from Community Services Director David Lykins concerning canal clean up (Attachment 1).

ITEMS TO BE ADDED ..... ITEM 3

None.

APPROVAL OF MINUTES..... ITEM 4

Minutes from April 20, 2004 meeting were unavailable and are being emailed to board members.

DISCUSSION WITH COASTAL PLANNING & ENGINEERING REGARDING DOCKS  
PASS DREDGING

Natural Resources Manager Jon Staiger presented drawings from the last permit showing the southern and northern inner and outer approaches into Moorings Bay. (It is noted for the record that copies of these drawings are contained in the file for this meeting in the City Clerk's Office.) Dr. Staiger noted that the drawings depict the extent to which the Department of Environmental Protection (DEP) permitting can occur north into Moorings Bay on both sides of the shoal as well as the extension south toward the Mooringline Drive Bridge.

Chairman Pennington questioned the reimbursement amount anticipated from the Tourist Development Council (TDC). Dr. Staiger however noted concern about using TDC funds for this purpose since there may be a question about the approaches and the inlet management plan. Chairman Pennington nevertheless said that he wished to establish parameters in conjunction with the current funding policy since spoils removed in dredging must be beach compatible material.

In response to further issues raised by Chairman Pennington, Norman Beumel of Coastal Planning & Engineering stated that his firm would soon finalize contracts with the City to proceed with the re-permitting for Doctors Pass dredging, including a pre-application meeting with the DEP and the Army Corps of Engineers (ACOE) in Jacksonville to identify any concerns. In general, he said, the State's concerns pertain both to engineering and environmental issues while federal concerns center on environmental issues only, although environmental concerns do play a significant role in the permitting effort. In further response to the Committee, Mr. Beumel predicted that a pre-application meeting would not occur for approximately one month and that it would take another month for development and submittal of the initial application package. This procedure will result in a Joint Coastal Permit, even though both of the aforementioned agencies are dealt with individually.

In response to Chairman Pennington, Mr. Beumel indicated that the most recent depth survey (April 2004) would be consulted prior to submitting the permit application. In further explanation of the permitting process, Mr. Beumel also noted that the State usually responds within 30 days of receiving an application package and the ACOE response within 30 to 60 days. A public notice is then published notifying the U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA) and National Marine Fisheries Service. A delay could be anticipated if the U.S. Fish and Wildlife Service requests a new biological opinion, which would address how the project impacts endangered species such as nesting shore birds. Compilation of this biological opinion would encompass 135 days, he said. All of the data from the beach renourishment project would also be utilized, and once preliminary steps are completed, Mr. Beumel said that his firm would proceed with the initial application, which is expected to take four to six months.

Mr. Pennington pointed out that the DEP's concern had been the amount of sediment in the Pass. Dr. Staiger explained that the impoundment basin is very low in silt content and the material in the throat to the inlet is beach sand. He further stated that the previous permitting obstacle with the DEP was the proximity of the near-shore hard bottom to the disposal area south of the jetty.

After further discussion of the length of time anticipated before dredging could commence, Dr. Staiger pointed out that emergency dredging could however be accomplished before the expiration of the DEP permit if the ACOE approved. Funding, he noted, could be derived from the taxing district reserve and suggested contacting Coastal Planning & Engineering immediately. He also suggested that the work be done with a cutter-head dredge to pump the materials and to hire local barge and crane operators to haul dredged materials to disposal sites. The DEP permit expires May 29, 2005, he said.

Mr. Beumel said that he would be contacting the ACOE to determine the procedure required to implement an emergency dredging effort prior to the expiration of the DEP permit.

Dr. Staiger confirmed that less dredging could be required the following summer, if a significant amount of material were removed by the fall; however, depth determination for emergency dredging would depend upon whether the intention would be to facilitate ingress and egress to the channel, or navigation through it.

Pointing out that Marilyn Tempest had reported hitting bottom near Marker 7, Chairman Pennington noted the danger to mariners who exit the Pass at low tide. Therefore, due to what he

Moorings Bay Special Taxing District Advisory Committee - May 18, 2004 - 9:02 a.m. characterized as significant mobilization and demobilization costs associated with use of a cutter head dredge, he recommended performing a complete, rather than partial, dredging operation.

Natural Resources Manager Staiger then explained that Mr. Beumel's firm had submitted an amended proposal indicating a cost of \$24,900 for the first phase, which would encompass submission of the Joint Coastal Permit application. Once authorization for the emergency dredging permit and the purchase order for the first phase are received, he said he would immediately submit the requisition for the second phase, agreeing to forward a copy of the amended proposal to each Member. In response to Chairman Pennington, Mr. Beumel explained that, although the description of tasks had not changed, the budgetary distribution had been reallocated.

Dr. Staiger affirmed that dredging could be delayed if the boundaries were extended farther into Moorings Bay than originally requested. While anticipating the necessity of some concessions, Mr. Beumel nevertheless recommended requesting extension of the scope of dredging to the fullest degree possible and further recommended inviting the ACOE and DEP to inspect the proposed dredging area and present a report to the Committee at the June 15 meeting; the Committee concurred.

Utilizing photographs of Doctors Pass (copies of which are contained in the file for this meeting in the City Clerk's Office), Mr. Beumel noted that any previously dredged areas had been refilled with clean material from the oceans, although higher silt content could be expected at the northernmost portion. He concurred with a recommendation by Member Spina that PVC pipes be used as temporary shoal markers.

Public Comment: (10:17 a.m.) Marilyn Tempest of Save the Bays Inc., inquired as to when Marker 2 would be replaced and Marker 8 straightened. Natural Resources Manager Staiger said the purchase order had been delayed and Chairman Pennington stated he would personally seek resolution.

Later in the meeting, Dr. Staiger and Mr. Beumel affirmed for Member Spina that a formal pre-dredge survey would be required for construction document preparation. Mr. Beumel agreed to print the survey based upon Mean Low Water but include a disclaimer stating that the surveys are not intended for navigational purposes. ~

Mr. Beumel then addressed Member Spina's concerns regarding preventing litigation by elaborating on the scrutiny now applied to contractors, including fiscal dependability, submittal of references, and quality and composition of dredging equipment to be employed. Mr. Beumel subsequently noted that low bidders are sometimes excluded due to other considerations. Member Williams then recommended verifying the solvency of the bonding company. Chairman Pennington recommended using the same procedure as that employed for beach renourishment; namely, a two-step process of establishing qualifications and, subsequently, issuing an invitation for bids to those who qualify.

Recess: 10:21 a.m. to 10:24 a.m. It is noted for the record that the same Committee Members were present when the meeting reconvened.

DISCUSSION OF SCOPE OF DEBRIS REMOVAL ACTIVITIES .....ITEM 6

Member Finlay commended the Community Services Department for prompt attention in removing the carcasses of two animals from the shoreline near his condominium.

The Committee then reviewed proposed Community Services Department Policy #04-61 and recommended amending it to read as follows:

1. Page 2, PROCEDURE, Paragraph 2: "Removal of dead fish and floating vegetation will be conducted by the Parks and Parkways Division on an as needed basis to the extent manpower and marine equipment is available. Disposal of fish and seaweed will be coordinated with the Public Works Solid Waste Division, with augmentation, as may be required. If the Parks and Parkways Division does not have manpower and marine equipment available, they may be authorized to proceed with private contracting to remove the dead fish";
2. Page 1, POLICY: "It will be the policy of the Parks. and Parkways Division to conduct a routine cleanup of debris, trash and vegetation in the navigable waterways and canals within the City limits, including the Naples Bay and Moorings Bay inlets and canals. Cleanup will not occur under private docks, boatlifts, or private boat slips. Cleaning in, under, and around piers will be done with permission of the management, or owner of the particular property, without liability to the City. The cleanup of seawalls will be done from shore side with the permission of the owner and with the owner removing the City from any liability to be incurred. "

(A copy of the proposed policy in its entirety, as well as other pertinent material, is contained in the file for this meeting in the City Clerk's Office.) Member Spina recommended defining the term "routine cleanup."

ADJOURN.....ITEM 7  
10:48 a.m.

Ron Pennington, Chairman

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

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Minutes prepared by:

Elizabeth Rogers, Recording Specialist

Carol Frank, Recording Specialist

Minutes Approved: