

# Minutes

## Regular Meeting of the Captiva Erosion Prevention District

Tween Waters Inn, 15951 Captiva Drive, Captiva, Florida 33924  
October 17, 2012 @ noon

**Commissioners Present:** Jim Boyle (Chair); Doris Holzheimer (Vice Chair); Harry Kaiser (Secretary); Mike Mullins (Commissioner)

**Absent (excused):** Dave Jensen (Treasurer)

**Staff Present:** Kathleen Rooker, CEPD Administrator; JoAnn Paul-Young, Accountant; John Bralove, CEPD Assistant to the Administrator; Hans Wilson, Hans Wilson and Associates.

### 1. Call to Order

Chairman Boyle called the meeting to order at 12:01 pm.

### 2. Roll Call

The roll was called and the results are outlined above.

### 3. Approval of September Meeting Minutes

Mr. Kaiser moved and Mr. Mullins seconded a motion to dispense with the reading and approve the minutes as presented from the September 6 Regular Board Meeting, the September 6 Tentative Budget Hearing, and the September 20 Final Budget Hearing. The motion passed unanimously

### 4. Public to be Heard

There were no members of the public in attendance.

### 5. Financial Report

In Mr. Jensen's absence, Ms. Paul-Young presented the Financial Report. She said the fiscal year ended September 30, 2012 and the transfers had been made from the General Account to the Capital Fund Account as required. In the General Budget, CEPD finished the year \$32,000 under budget. In the Capital Budget, there were two expenditures that were anticipated for next year (FY2012/13) but were actually incurred in this year: grant negotiation assistance from CP&E (\$4,899.50) and CP&E fees for the 7-year monitoring (\$33,250.30). Ms. Paul-Young asked if there were questions and there were none.

### 6. Old Business

#### o Office Lease

Ms. Rooker reported that all the feedback provided by Commissioners at last month's meeting had been resolved: the lease contained in the current Agenda Materials did not have an automatic renewal clause; an additional reserved parking space had been added; and there was no problem with having meetings in the office. In addition, Ms. Rooker reported that CEPD's attorney, Nancy Stroud, had reviewed the lease and recommended that CEPD not

waive the right to sovereign immunity. Also Ms. Stroud suggested eliminating paragraph 20.6 because it was redundant. Ms. Rooker said that Ms. Stilwell had been very cooperative and had agreed to these changes and added that the rental rate would remain the same for the next four years as stated in the first draft of the lease.

○ **Resolution 2012-12 (Office Lease)**

Ms. Rooker read Resolution 2012-12 aloud. Mr. Kaiser moved the adoption of Resolution and Mr. Holzheimer seconded it. Resolution 2012-12 passed unanimously.

**7. New Business**

○ **Post TS Debby and 7 Year Post Construction Monitoring Report**

Chairman Boyle referred to the full report contained in the Agenda Materials and called upon Steve Keehn of CP&E to report on this Item. Mr. Keehn made a PowerPoint presentation on the 7-Year Post Construction Monitoring, which included an executive summary, a history of recent projects, a summary of sand loss after 6-1/2 years versus sand loss in the last 1-1/2 years, shoreline changes in the last year, volumetric changes, and project performance data. Major findings from Mr. Keehn's presentation included:

- Captiva has lost a total of 35.5 feet of beach in 6-1/2 years from February 2006 to August 2012, and 12.2 feet in just the period from February 2011 to August 2012.
- The erosion rate in the last year is higher than it has been for the previous years.
- 203,127 cubic yards of sand was lost as a result of Tropical Storm Debby.
- There is accretion in Redfish Pass.
- The average annual sand lost had been approximately 75,000 cubic yards per year; the past 1-1/2 years it was 113,000 cubic yards per year.

There was discussion about the advantage and disadvantages of an 8-year cycle and a 10-year cycle, hot spots, and what might be part of a new permit and permit process. There was also discussion of the advantages and disadvantages of being an ACOE project

Mr. Keehn then reported on the impact of Tropical Storm Debby. He said one of the biggest impacts was dune loss, which he estimated at 35,000 cubic yards on Captiva. From a design point of view, he said, this loss needs to be factored into the advanced nourishment rate for the next project. But the repair of the dunes also needs to be factored in separately. CEPD does not want the dunes repair sand to be part of the beach nourishment sand. Mr. Keehn said that this dunes repair is part of the permit. The new sand volume estimate for the 2014 project is 887,000 cubic yards, including 75,000 cubic yards for Sanibel, which is about 43,000 more than the last estimate. Mr. Keehn said this figure would be fine-tuned as more information becomes available.

Ms. Rooker asked about the need for a pre-construction survey that Mr. Keehn had mentioned earlier. Mr. Keehn explained that he meant that the contractor would do a pre- and post-dredging survey that CEPD can use for other purposes. Mr. Mullins asked about the posts that had been put in after the last nourishment and whether anything needs to be done about them. Mr. Keehn said the posts were meant to be temporary in order to get the dune established and there is no reason they cannot be removed. Chairman Boyle said CEPD would see that they are taken out.

Chairman Boyle then turned the discussion to the next renourishment and what CEPD should be thinking about. He asked Mr. Keehn about the dredge situation. Mr. Keehn said CEPD should be ready to bid the project in the first quarter of 2013. Boyle proposed giving dredgers two windows: 6/1/13 to 9/1/13 for the start and 12/31/13 as the completion date. Commissioners agreed with this suggestion. After some questions, it was determined that going for bids in December might be advantageous. Mr. Keehn said that in discussions with dredgers, the summer provides the best opportunity to save money since the dredgers are less active during this period due to wildlife conservation restrictions and other considerations.

Chairman Boyle then polled the Commissioners about going for bids in December and all were in agreement. He asked Mr. Keehn to prepare something for discussion at the November Board Meeting. Mr. Keehn said he could get a proposal to CEPD before next month and agreed to come to the meeting. He suggested that it would be wise to have a schedule of sequencing and other strategies to review that took into consideration what the ACOE might want to do.

There was discussion about what was happening in the Collier County project and their alternatives and options. Long Boat Key's status was also discussed. There was also discussion of the more open-minded attitude that DEP staff was exhibiting.

- **CP&E Master Services Agreement**

Chairman Boyle said CP&E is asking for a rate increase of 8.5% over the 2008 rate sheet through 2013 except for 2 positions. Mr. Mullins suggested since the work may continue into 2014, he thought the rates should extend to June 2014. Mr. Keehn agreed. Mr. Mullins moved and Ms. Holzheimer seconded a motion to approve the agreement with the one change to June 2014. The motion passed unanimously.

## **8. Administrator Report**

- **FSBPA Conference**

Discussion on this subject in part occurred earlier in the meeting when Ms. Rooker reported on the meeting with ACOE staff. She added here that she and Chairman Boyle went to the FSBPA Annual Board Meeting to find out more about the DEP rule-making. Ms. Rooker said that Debby Flack reported at that meeting the rule-making was going very well.

Ms. Rooker said she learned that the ACOE focus this coming year would be on deep draft ports. She also said the President's current budget has no funding for beach projects and therefore beach project funding would have to come from work plans. The allocation of these funds would be based on the cost/benefit ratio. Ms. Rooker continued that sand management and the dwindling supply of beach-quality sand on the east coast is an issue and they are looking at importing sand from the Bahamas. As a result of this shortage, inlets where sand is being deposited are being viewed as sources for reuse.

- **FEMA Update**

Ms. Rooker reported that CEPD's claim continues to progress through the system. She has provided Alan Hughes of FEMA with the many and various reports and documents he has asked for. The last one was the 7-Year Monitoring Report, provided to substantiate the dunes loss and accompanying vegetation loss. She said the claim is for both dune

replacement and vegetation but the amount is undetermined at this time because of the unknowns regarding mobilization costs.

○ **Army Corps FCCE Update**

Chairman Boyle reported he, CEPD Lobbyist Greg Burns and Ms. Rooker met with Colonel Dodd of the ACOE Jacksonville District, Jerry Yarborough, the colonel's second-in-command, and Jackie Keiser at the FSBPA conference. Chairman Boyle said they learned there are 7 districts/municipalities that have applied for this emergency funding and the first hurdle that must be crossed is for the Corps to determine whether a loss qualifies as a major storm loss. He estimated this determination would happen by December. If that hurdle is overcome, the next step is to send those that do qualify to the ACOE in D.C. for them to make the final decision. He said according to the information he had received, a final decision will be made by February 2013. He added that the cost/benefit ratio for Captiva was about in the middle of the 7. Ms. Rooker added that CEPD is pushing very hard because of the potential of dual benefits - the Corps might not only provide the emergency funding but also participate in the 2013-14 project. She also said the ACOE staff CEPD met with were impressed by the presentation and information that was provided.

Chairman Boyle continued the discussion by reminding the Commissioners that the above discussion was about emergency funding. Regard funding for the 2013-14 project; ACOE "work plan" budgets currently do not exist. He explained that by regulation unless the federal government funds the Corps for 12 months, they cannot develop a work plan. Currently the Corps only has temporary funding for 6 months. Work plan funding might come after the election so CEPD may not know whether it is in a work plan until around March 2013 or later. Chairman Boyle said he and Ms. Rooker are traveling to D.C. to meet with CEPD's lobbyist, Greg Burns and ACOE staff including Colonel Dodd and the ACOE General who makes the decisions about emergency funding next Thursday morning. They will also meet with Senator Nelson's staff in the afternoon. Chairman Boyle repeated that emergency funding is available now and is waiting for decisions to be made by the ACOE in Washington.

**9. Public to be Heard**

There were no members of the public in attendance.

**10. Commissioner Comments**

Mr. Mullins reported on visiting with Larry Kiker, a candidate for Lee County Board of Commissioners, at a recent social function. Mr. Mullins said Mr. Kiker was a supporter of beach nourishment and Mr. Kiker was surprised to learn how much Captivans paid in assessments for beach nourishment. Mr. Mullins thought that Commissioners should "get behind" Mr. Kiker. Mr. Mullins also said that at the next Board Meeting, Commissioners should go over strategy to maximize funding from Lee County given that he expects at least 3 of the 5 County Commissioners who are in office after January 1 will be supporters of beach nourishment.

**Adjourn**

There being no other business, Chairman Boyle adjourned the meeting at 2:16 pm.