

Minutes

Briefing Meeting of the Captiva Erosion Prevention District

11513 Andy Rosse Lane, Unit 4, Captiva, Florida 33924

July 18, 2013 @ 1:00 P.M.

Commissioners Present: Jim Boyle (Chair); Dave Jensen (Treasurer); Doris Holzheimer (Vice Chair)-via telephone.

Absent: Harry Kaiser (Secretary); Mike Mullins (Commissioner).

Staff Present: Kathleen Rooker, CEPD Administrator; John Bralove, CEPD Assistant to the Administrator.

1. Call to Order

Chairman Boyle called the meeting to order at 1:00 P.M.

2. Roll Call

The roll was called and the results are outlined above.

3. Renourishment Project Update

Chairman Boyle brought Commissioners up-to-date since the last Board Meeting. He explained it was anticipated that bids were to be opened on Friday, July 12 at 4:00 P.M. However, CEPD received a phone call from the ACOE on July 12 at 11:00 A.M. that the bid opening was postponed until July 23. He said the reason for the postponement was the ACOE person in charge of all FCCE projects, a Ms. Aguilara, was asked by Assistant Secretary of the Army Darcy to review the parking and easement issues that the South Atlantic Division had raised. Ms. Aguilara put a hold on everything including the emergency project pending a review to see if CEPD's project complies with their Federal/ACOE rules and regulations. Chairman Boyle said everything is on hold until this review is completed and it should be done by the end of the day today, July 18. He said so far there has been no word from Ms. Aguilara or the Corps as to where they are. Ms. Rooker, Mr. Keehn, and Chairman Boyle have been working with the Jacksonville District to redo lines and other items but so far there has been no commitment from the South Atlantic Division in accepting any of this. But they are still talking about it.

Chairman Boyle said he thought what was behind all this was a May 27, 2005 internal 2-page memo from the South Atlantic Division (SAD) in Atlanta to the Jacksonville District raising the issue of whether CEPD had proper parking and public use easements. Chairman Boyle said CEPD was told initially by the Corps that a letter regarding the parking and easements was signed by then CEPD Chairman Jensen and accompanied a PCA that was also signed by Mr. Jensen. Chairman Boyle said CEPD has no record of this memorandum accompanying the PCA and the Corps has never been able to produce a signed copy of it. It appeared it never went beyond the ACOE.

Ms. Holzheimer asked why they had waited to the last minute to bring this up and Chairman Boyle responded that he had asked this question on Tuesday during a meeting with Deputy Chief Lee, an assistant to the Secretary of the Army. He was told by Mr. Lee "you have been treated very badly." Chairman Boyle said as they were leaving Mr. Lee's office, Mr. Lee said he was going to make some calls

to the ACOE at their headquarters as well as to General Jackson in Atlanta. Chairman Boyle said what he had heard late yesterday afternoon was that Atlanta was willing to take a new look at this with Ms. Keiser from the Jacksonville District.

Chairman Boyle continued that Assistant Secretary of the Army Darcy replied to a phone call from Trey Radel's office today that she could not yet act to issue a waiver. He explained that CEPD had requested a waiver to all of the South Atlantic Division's adjustments to CEPD's cost share that had happened since May 23. He explained that on May 23, CEPD signed a Certificate of Lands and a new cost share reduction down to 24% which was reflective of no parking on Andy Rosse Lane. Since then, the ACOE has reduced the cost share even more. CEPD is asking for a waiver to go back to that 24% with 100% FCCE funding.

Chairman Boyle said CEPD had also met with a senior member of Senator Nelson's office, who was also at the meeting with Mr. Lee. Chairman Boyle said she was very surprised at the magnitude of this problem. Mr. Keehn, who was part of the CEPD delegation, pointed out at this meeting that if the South Atlantic Division proceeded down this road, roughly one half of the beach districts in Florida would be hit by the rule change.

Right now, Chairman Boyle said, Representative Radel is going to call General Jackson in Atlanta this afternoon to urge moving forward with the project on the basis of a 24% cost share and 100% of the FCCE portion. Senator Nelson's office was going to stay very close to this issue since they were very concerned. Senator Nelson was going to have a meeting next Monday with Secretary Darcy on another project and would talk to Secretary Darcy at this time if the situation was not resolved by Monday. Chairman Boyle said CEPD's delegation also met with a member of Senator Rubio's staff and CEPD has sent Senator Rubio's office a draft letter for them to send to Secretary Darcy asking for this waiver. Chairman Boyle thought things would come to a head sometime between now and Tuesday.

Chairman Boyle commented he was encouraged that CEPD had received bids from Great Lakes, Manson, Weeks, and Cashman when bids for the Sanibel portion of the project had been scheduled to be opened last Friday. Although they were not opened and will need to be resubmitted, he thought this was a sign that CEPD will have some good competitive pricing for the project.

Returning to the easement issue, Mr. Boyle commented that New Jersey is having the same problems with easements especially since there is no ECL that defines public land there. Ms. Holzheimer thought if CEPD goes down, so does the rest of Florida. Chairman Boyle said Mr. Keehn explained that projects which were documented prior to 91-92, when the rule changed, are in for a problem. This includes some of the older projects such as Miami Beach, Ft. Lauderdale and others. Ms. Rooker said CEPD has made it clear this is not a Captiva-specific problem; it is going to have an effect state-wide in some coastal areas. She added that CEPD has told Florida's congressional delegation aides that Florida will start losing federal funding for beach nourishment unless the Federal Government and the Army Corps is not stopped from doing this. Chairman Boyle said he will keep Commissioners informed of the situation as things change.

4. Commissioner Comments

Both Mr. Jensen and Ms. Holzheimer thanked Mr. Boyle and Ms. Rooker for their efforts.

Adjourn

There being no further business, Chairman Boyle adjourned the meeting at 1:24 P.M.