

## M E M O R A N D U M

Date: March 21, 2014

**TO:** Dave Bullock, Town Manager  
**FROM:** Juan Florensa, Public Works Director  
**SUBJECT:** Resolution 2014-11, Re-Establishing the Erosion Control Line (ECL)  
at North End of Longboat Key

---

The Town Commission considered proposed Resolution 2014-11, Re-establishing the ECL at the North End of Longboat Key at their March 17, 2014 Regular Workshop Meeting. There was consensus to forward the document to the April 7, 2014 Regular Meeting for formal action.

The Town applied to the Florida Department of Environmental Protection (FDEP) for a permit in May 2012 and received a request for additional information (RAI) which included the re-establishment of an ECL. FDEP has issued the North End groins permit with the stipulation that before construction can begin the ECL has to be re-established in the area near the groins. See attached letter from FDEP dated October 2, 2012.

The establishment of an ECL is provided for in Chapter 161, Florida Statutes following a formal mean high water line (MHWL) survey, a technical review by FDEP, and an administrative hearing conducted by the State.

The ECL has the effect of permanently "fixing" the location of the otherwise fluctuating MHWL and becomes the new property line that distinguishes between private (upland) ownership and public (State) ownership of the submerged sovereign lands. An ECL is typically established immediately prior to an initial beach restoration project. There is currently an established ECL on Longboat Key extending continuously from New Pass to North Shore Road.

In order to move this process forward the Town performed a MHWL survey in 2013 and submitted it to FDEP. The survey has been technically approved by the State. The next step in that process is to obtain Town Commission support of the re-establishment of the ECL, by passing proposed Resolution 2014-11. After passing this Resolution the State and the Town will schedule a public workshop and hearing in Town to receive comments from the public and affected property owners.

In this instance there are only three affected property owners:

- 360 North Condominium
- Manatee County
- Town of Longboat Key (North Shore Road street end)

Please place this item on the April 7, 2014 Regular Meeting. It is recommended that the Town Commission pass Resolution 2014-11.

XC: Maggie Mooney-Portale, Esq., Town Attorney

Attachments:

1. FDEP letter dated October 2, 2012
2. Resolution 2014-11
3. ECL location map



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

October 2, 2012

David Bullock, Town Manager  
Town of Longboat Key

c/o

Doug Mann  
Coastal Planning and Engineering, Inc.  
2481 N.W. Boca Raton Boulevard  
Boca Raton, FL 33431

Re: Vacating portion of north end ECL  
Applicant Name: Town of Longboat Key (JCP File No. 0300119-004-JC)  
Associated Project: Longboat Key North End Stabilization Structures

Dear Mr. Mann:

Staff requests that the portion of the 1977 Erosion Control Line (ECL) on Longboat Key north of R-44.7 (Manatee County) be vacated and a new erosion control line established due to a substantial recession of the shoreline landward of the ECL in this area. The issue was a completeness item in the Department's initial Request for Additional Information (RAI #1) for the Longboat Key North End Stabilization Structures project (insert project number), issued April 6, 2012.

The current position of the ECL north of the revetment adjacent to North Shore Drive extends seaward of the Mean High Water Line (MHWL) and into the Gulf beyond the North Shore Road access, therefore this portion of the line should be vacated, as lack of maintenance to the beach has made the existing line obsolete. The Town of Longboat Key's numerical modeling results predict the Mean Low Low Water (MLLW) shoreline location using the two proposed PAG's. This predicted shoreline is more than 125 feet landward of the existing Erosion Control Line (ECL) at the location of the northernmost PAG and approximately contiguous with the existing ECL at the location of the southernmost PAG. These distances are only model approximations, but do indicate the PAG's will not maintain the shoreline as far seaward as the existing ECL.

Statute 161.211 (3) states:

*"in the event a substantial portion of the shoreline encompassed within the erosion control project recedes landward of the erosion control line, the board of trustees, on its own initiative, may direct or request, or, upon receipt of a written petition signed by the owners or lessees of a majority of the lineal feet of riparian*

*property lying within the erosion control project, shall direct or request, the agency charged with the responsibility of maintaining the beach to restore the same to the extent provided for in the board of trustees' recorded survey. If the beach is not restored as directed or requested by the board of trustees within a period of 1 year from the date of the directive or request, the board of trustees shall forthwith cause to be canceled and vacated of record the resolution authorizing the beach erosion control project and the survey locating the erosion control line, and the erosion control line shall be null and void and of no further force or effect."*

Based upon this predicted project shoreline location and the statutory requirements, vacating this portion of the existing ECL and obtaining a new ECL will be required prior to any structures being permitted. Therefore, from the area north of the revetment at Northshore Drive, the ECL should be vacated and reestablished.

If this is an acceptable path forward, a delegate from the Board of Trustees of the Internal Improvement Trust Fund will hold a public hearing regarding the northern portion of the 1977 Erosion Control Line and the proposed new erosion control line in its place. At that hearing the hearing officer will receive evidence on the merits of vacating the 1977 Erosion Control Line and the proposed erosion control line.

If the proposed action is acceptable to the hearing officer, he or she will recommend to the staff of the Board of Trustees of the Internal Improvement Trust Fund to vacate the northern portion of the 1977 Erosion Control Line and adopt the new erosion control line in its place. If that recommendation is acceptable, the Board of Trustees staff will pass a resolution vacating the 1977 Erosion Control Line and establishing the new erosion control line.

If I may be of any further assistance, please contact me at the letterhead address (add Mail Station 300), by e-mail at [Gene.Chalecki@dep.state.fl.us](mailto:Gene.Chalecki@dep.state.fl.us) or by telephone at (850) 488-7813.

Sincerely,



Gene Chalecki, P.E.  
Acting Bureau Chief  
Bureau of Beaches and Coastal Systems

cc: Juan Florensa, Longboat Key  
Danielle Fondren, Dep. Dir., WRM  
Marty Seeling, BBCS  
Lainie Edwards, BBCS  
Bob Brantly, BBCS  
Liz Yongue, BBCS

Tom Watters, BBCS  
Stan Warden, OGC  
West Gregory, OGC  
Rod Maddox, DSL  
Lamar Evers, DSL

## RESOLUTION 2014-11

**A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA REQUESTING THAT THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA ESTABLISH AN EROSION CONTROL LINE ALONG APPROXIMATELY 3,060 FEET OF LONGBOAT KEY IN CONFORMANCE WITH CHAPTER 161, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Longboat Key Town Commission (COMMISSION) supports the Florida Department of Environmental Protection's (FDEP) Beaches and Coastal Management programs; and

**WHEREAS**, portions of the Town of Longboat Key are designated by the FDEP as having a "critically eroded" shoreline; and

**WHEREAS**, the Town of Longboat Key has developed a beach management plan consisting of sand placement and construction of erosion control structures (groins) on a critically eroded beach near North Shore Road; and

**WHEREAS**, pursuant to a condition of the FDEP's Joint Coastal Permit for the construction project referenced above, the COMMISSION recognizes the need to establish an Erosion Control Line north of North Shore Road; and

**WHEREAS**, the COMMISSION recognizes that it is required to conduct a public workshop immediately preceding the hearing for the purpose of discussing the proposed project and establishment of the proposed erosion control line with the public.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:**

**SECTION 1.** The COMMISSION shall, in coordination with the FDEP's Division of Water Resource Management, publish "Notification of the Public Workshop and Public Hearing" as follows:

A. Notice will be published in a local paper once a week for three consecutive weeks prior to the public workshop and hearing; and

B. Notice will be published in the Florida Administrative Weekly at least one week prior to the public hearing; and

C. Notice will be sent by certified mail to all riparian owners of property located within 1,000 feet of the proposed erosion control line.

SECTION 2. The COMMISSION hereby requests that the Board of Trustees of the Internal Improvement Fund of the State of Florida approve and establish an Erosion Control Line along approximately 3,060 feet of shoreline as shown in Exhibit "A" attached hereto, in conformance with Chapter 161, Florida Statutes.

SECTION 3. This Resolution shall take effect immediately upon adoption.

Passed by the Town Commission of the Town of Longboat Key the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
James L. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Trish Granger, Town Clerk

EXHIBIT A



LONGBOAT PASS

MEAN HIGH WATER ELEVATION  
+0.36 FEET NAVD 1988 AS  
LOCATED ON MARCH 7, 2013  
(PROPOSED ECL)

GULF OF MEXICO DR

NORTH PERMEABLE  
GROIN

360 NORTH  
CONDOMINIUM

SOUTH PERMEABLE  
GROIN

FIREHOUSE CT

LONGBOAT KEY

NORTH SHORE RD

JOY ST

EROSION CONTROL LINE  
MEAN HIGH WATER DB7B  
AS ESTABLISHED BY  
SMALLY, WELLFORD AND  
NALVEN CONSULTING  
ENGINEERS IN 1977  
(EXISTING ECL)

GULF  
OF  
MEXICO

SEABREEZE AVE

FIREHOUSE RD

R-42

R-42.5

R-43

R-43.5

R-44

R-44.5

R-44.7

R-44.8

R-44.9

R-45

R-45.5



GRAPHIC SCALE IN FT

DATE OF AERIAL PHOTOGRAPH: AUGUST 10, 2013

TOWN OF LONGBOAT KEY  
NORTH END EXISTING AND PROPOSED ECL

COASTAL PLANNING & ENGINEERING, INC.  
A CBEL COMPANY  
2401 N.W. BOCA RATON BOULEVARD  
BOCA RATON, FLORIDA 33431  
www.cb.com

DATE:	3/8/14
BY:	GK
COMM NO.:	144933
SHEET:	1 OF 1

P:\Sarasota\Longboat\_Key\144933 N End Structures\CAD\Permits\ECL COCL PLOT 2014.dwg - Mar 07, 2014 @ 3:19pm - Gary Koystyniek



**End of Agenda Item**