February 9, 2011

Mr. Martin Seeling
Environmental Administrator
Florida Department of Environmental Protection
Environmental Permitting
3900 Commonwealth Boulevard
Mail Station 300
Tallahassee, FL 32399-3000
Martin.Seeling@dep.state.fl.us

Re: JCP File Number(s):
File Nos. related to 0198739, Upham Beach Stabilization Project
File Nos. related to 0196309, Treasure Island Sand Sharing
File Nos. related to 0221569, Treasure Island Long Key Nourishment Project

Applicant Name: Pinellas County/ Coastal Planning & Engineering, Inc.
Project Name: Pinellas County Environmental Management, Coast Management, Upham Beach Stabilization Project

Dear Mr. Seeling:

As a representative of the Surfrider Foundation Suncoast Chapter, we write to convey our continued opposition to the plans proposed by the Pinellas County Department of Environmental Management/Coast Management who continues to pursue and construct permanent rock structures on Long Key/Upham Beach. Having tried to "appeal to the ranks" at the local level for four years, our concerns have been left unaddressed. The City of St. Pete Beach, Pinellas County, and county consultant, Coastal Planning & Engineering, Inc. (CPE), has yet to provide evidence of reasonable assurance. Therefore we are submitting to you our own 3rd party independent review of the proposed project.

Our concerns and our opposition are based upon the expectation the proposed project will:

1) Destroy or Degrade Public Trust Resources – contrary to the public interest criteria cited in Section 373.414 (1)(a) of Florida Statutes in that the proposed project "will adversely affect the conservation of fish and wildlife" and "will adversely affect the fishing or recreational values or marine productivity in the vicinity" via
   (a) burial and exposure process of proposed rock structures and the associated turtle foraging habitat,
   (b) degradation of natural beaches leading to reduction or elimination of recreational opportunities for surfing, fishing and swimming.

2) Benefit a very small group of people – and contrary to the public interest criteria cited in Section 373.414 (1)(a) of Florida Statutes, "adversely affect the public health, safety, or welfare or the property of others" by diminishing public recreational opportunities and may "cause harmful erosion" downdrift of the proposed structure.

3) Create a nautical hazard – contrary to the public interest criteria cited in Section 373.414 (1)(a) of Florida Statutes in that the proposed project "will adversely affect navigation" in the nearshore region surrounding the proposed structure.

4) Adversely impact hatchling success – contrary to Section 62B-41.003(2) of F.A.C. which prescribes that "No coastal construction shall be allowed if it will result in a significant adverse impact", and where such impact would likely occur via a "take" that "actually kills or injures marine turtles" via "significant habitat modification or degradation …by significantly impairing essential behavior patterns" associated with nesting activity and the emergence of nesting turtles, and/or their hatchlings" during travel to and from the ocean and the beach where turtles may become entrapped and injured or killed in the proposed structure.

(Attachment D). Furthermore, Upham Beach appears to be a destroyed turtle nesting habitat for allowance of construction to occur during known nesting season (annually May/June).

;

5) Diminish the natural beauty of beaches – contrary to the public interest criteria cited in Section 373.414 (1)(a) of Florida Statutes in that the proposed project would adversely affect the "current condition and relative value of functions being performed by areas affected by the proposed activity" associated with the groin field impeding the view of the open gulf waters from the beach and artificially alter the configuration and natural function of the beach.

6) Danger to public safety due to exposed rocks – contrary to the public interest criteria cited in Section 373.414 (1)(a) of Florida Statutes the proposed project would "adversely affect the public health, safety, or welfare …of others" due to unnatural currents expected to develop around the T-head structure which may trap/impede recreational and beach users.

7) Not a long-term solution to the real problem of coastal erosion - whereas the proposed project might at best case scenario stabilize sand, it does not address the longshore transport deficit (underlying cause of erosion) to the needed area of concern.

8) Result in "Significant Adverse Impacts" - contrary to Section 62B-41.003(2) of F.A.C. which prescribes that "No coastal construction shall be allowed if it will result in a significant adverse impact", and where, beyond impacts to turtles (see item 4 above) additional Significant Adverse Impacts are likely to:
   (a) occur downdrift of the proposed structures resulting in an "increase in the rate of erosion" along downdrift beaches including at 'Hotel Row', and
   (b) render "the coastal system unstable or vulnerable to the effects of coastal storms or interfere with its ability to recover from the effects of a coastal storm" due to the nearshore location and project implementation without solid performance established

9) Has Failed to meet Experimental Design Qualifications – according to 62B-41.0075 Experimental Coastal Construction, the clause includes perameters such as: (1) (b) "… a non-biased comprehensive analysis..", and " must include sufficient control sites…"; (2) (c) measures of impacts to "… marine turtles, nests and their habitat…". In our review of the procured monitoring reports, the agency hired was the past project manager's and the current consultant providing monitoring reporting implemented the groin field. Additionally, no reporting of turtle habitat performance has been included. Lastly, experimental controls have not been established.

In general, Pinellas County claims of Project "success" are flawed:

- Project has not addressed the 100% sand by-passing need
- Financial calculations are inaccurate
- Project has not proven storm protection
- Impact of downdrift beaches not proven
- Impact of newly developed shoal collapsing (as historically known with dredging Blind Pass)
- Continued risk to public safety and recreation
- Early conclusions of experimental sand savings success with unsubstantiated evidence
- Nourishment cycle frequency has increased not diminished

The above had been questions/comments asked by the Suncoast Chapter of the Surfrider Foundation on public record regarding the project's "success" (email, letter, or public meetings) during the last 4 years. Over 1,000 petition signatures were turned into 2009/2010 record supporting a "no structure" alternative, along with the request to delay voting/approving Upham Beach structure alternatives and requesting public government to work together with our chapter to seek a 'sustainable solution'. To date, not a single concern has been answered by the Beach Stewardship Committee (City of St. Pete Beach), the City of St. Pete Beach, or Pinellas County or their consultant. Why is it: In 1993 253 signatures got the first groins look-at, 475 signatures got the groins going in 2004, thus over a 1,000 signatures are not getting the project pulled?

The County's own consultant, CP&E, presentation on Feb. 2010, to ASBPA, on the Upham T-groin project concludes:

- **"Structures can and do effect wave quality and recreation"**
- **"There are safety concerns."**
- **"Science and monitoring should be the basis for design"**

Because of the lack of response/answers, our chapter procured an independent scientific review of the project (See Attachment A). We find Pinellas County, the T-Groin monitoring studies, and hired consultant failing to provide appropriate conclusive evidence of success to both the chapter and DEP; thus misleading the permit process and public.

Summary of Independent Review

The attached review finds (Attachment A and Sub Attachments A1,A2):

1. Concluding no adverse downdrift affects is not substantiated by the County's monitoring data
2. Their findings is a result of experiment's myriad design, monitoring, and analytical flaws including:
    a. No control established
    b. Comparison data time periods do not take into account varying weather patterns nor differing beach profiles
    c. Monitoring site altered during course of study (profile lines, sand placement, etc.)
    d. Pre-experiment design changes (jetty enclosure, shoal build up, etc.)
    e. Monitoring time frames inconsistent
    f. Depth of closure not established

3. With the known breakwater deaths on record (Attachment C), why would DEP and Pinellas County, continue to place rock structure to armor a beach which would place a "take" on recreational usage – referenced site implemented a fence to enclose the structure.

4. Additionally, we find error in the monitoring analysis for being unable to truly estimate project shoreline performance impact of T3 and south. According to Alyssa St. John's paper procured by Pinellas County (Attachment B):
    - "This seawall induced substantial erosion of the beach immediately downdrift, which is represented by LK 3 by blocking the longshore sediment transport to the south." (Page 45)
    - "...greatest retreat LK 3..." (page 46)
    - "The volume gain in the central and southern portions of the island accounts for 85% of the volume loss at Upham Beach. This is an indication that most transport at Long Key is longshore sediment transport." (page 74)

5. Referencing the above, with the monitoring reports concluding the groins are holding sand, we question the statement of "no downdrift impact". And with the seawall left covered (and artificially so in May 2008), the second main erosion "hot-spot" has yet to be evaluated for project performance.

6. We also continue to question the notion that over the 2000-2004 period, no cofferdam existed to protect the beach from oncoming waves thus beach did not experience placement loss due to structure being implemented.

7. The original project permitting promised a lengthened 6 year nourishment cycle, est. 51% sand retention, and millions in cost savings. Upham groin field has received sand in 2004, 2006, 2008, and now 2010. In comparison to the historically 4-5 nourishment periods since 1975, the last 6 years of Upham's history matches the amount of sand placed in the prior 25 years. (Promotion of the structures was to keep sand on the beach, however, stated constructional purposed is to retain 170,000 cu yd and let 160,000 cu yd supply downdrift. And yet Upham has received more than 160,000 cu yd in the 2010 nourishment alone.)

To reference DEP organizational findings, we question why the experiment continues with flawed science:

DATE: June 25th, 2009
TO: JCP Compliance, Catherine Florko, Lainie Edwards, Bob Brantly
FROM: Subarna Malakar, Coastal Engineering Section
PROJECT: Permit 0221569-001-JC, T-Groin Monitoring Report #6

SUBJECT: Performance of Upham Beach T-Groin Project and Its Impact to the Downdrift Beach by University of South Florida

Subarna Malakar,
Coastal Engineering Section

"It is reported that due to an active winter, the seawall and the riprap north of Groin T2 have been fully, exposed to the waves causing further damage to T1 & T2."

"So far, there is no clear evidence that the project performance expectation is being met or that it will."

Action Items

In conclusion, we request the following actions from DEP to the County:

1. Agency response to our independent review.

2. Proof of Reasonable Assurances – if such assurances can be offered - from the Department and/or the Applicant that the proposed project will not have the adverse impacts and address the following:
    - Safety as well as Recreational usage
    - Provide a thorough Financial Analysis
        - Beginning with experiment inception
        - Ending with target structure implementation/maintenance
    - Address found scientific flaws in project

3. Request forward copies of all future correspondence and permit meetings with Pinellas County or any County Representative relative to processing of the referenced permit application(s) and include myself, Jessica Respondek, as well as Ericka D'Avanzo, Surfrider Foundation Florida Regional Manager, on the appropriate distribution list.

4. Revising the outdated Inlet Management Plan for Blind Pass.

While the Surfrider Foundation recognizes the beach erosion problem, the Suncoast Chapter Surfrider Foundation supports beach efforts without structures. In our opinion, public funds would be best spent on solutions such as sand transfer plants or purchasing dedicated/countywide dredge. Our suggestions address the real and true problem (lack of sand bypassing Blind Pass and other county inlets) and benefit larger coastline areas. But we are not limited to said solutions – thus why we have procured an additional consultant to review additional alternatives.

The chapter release date for our review is set for Wednesday, February 9, 2011, to be followed up with outreach to local environmental organizations, community, and the public at large.

Thank you for considering the public interests represented by the Surfrider Foundation.

Sincerely,
Surfrider Foundation

Jessica L. Respondek
Suncoast Chapter, Upham Committee Co-Chair

cc: Andrew Squires – PCDEM
Ericka Davanzo – Surfrider Foundation RM
Lainie Edwards – DEP Environmental Manager
Catherine Florko – DEP Bureau of Beaches
Jackie Keiser - USACE