

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: July 16, 2007

Agenda Item:	3 (B)	Prepared By:	Steve Olmsted, Community Dev. Director
Agenda Section:			Nancy J. Richie, Environmental Spec.
Business:	Discussion	Date:	July 3, 2007

Subject:	Collier County's proposed Tigertail Beach/Southseas Condo Dune Vegetation Removal and Restoration Project	Department:	Community Development
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BACKGROUND:

City Council is asked to consider the issue involving the removal of beach grass in front of South Seas Tower 4 and north toward Tigertail Beach (approximately one acre).

In the Spring of 2006, South Seas Condominium residents brought their concerns about migrating beach grasses to the City's Beach Advisory Committee (BAC). Beach grasses in the Tigertail Lagoon area are migrating southward and the beach dune grasses continuing to encroach, narrowing the sandy area width in front of their property.

Discussion about the Sand Dollar Beach/Tigertail Lagoon area explained that it is a federally listed Critical Wildlife Refuge. Therefore no projects to fill or engineer this area would be approved. Further discussion about the County's beach maintenance, raking and grooming the beach, revealed that the County's Florida Department of Environmental Protection (FDEP) permit is limited to raking within 10 feet of the vegetation line of the dune. (Attachment #1) Thus, as the dune vegetation grows seaward, the raking moves out to allowing the growth of the vegetation.

Because beach maintenance is the responsibility of Collier County, South Seas residents contacted Collier County Commissioner Donna Fiala asking that dune vegetation be removed. Subsequently, Collier County staff pursued two projects: (1). To have discussions with the FDEP for a variance on their permit to allow raking closer to the vegetation line and hinder the migrating vegetation growth at the south tip of the Lagoon area, and (2). to remove about one acre of dune vegetation.

In November 2006, Gary McAlpin, Collier County Coastal Zone Manager, presented the Collier County Coastal Advisory Committee (CAC) an Executive Summary requesting \$30,000 for permit, engineering and studies to remove dune vegetation in the Tigertail Beach area (Attachment #2). This was approved by the CAC and the Tourist Development Committee (TDC). Humiston and Moore Engineering received the contract. Councilman Tucker is the City's representative on each of the two Collier County committees and has urged approval of funding for this purpose.

At City staff's request, Mr. McAlpin spoke to the City's Beach Advisory Committee in February 2007, explaining the proposed project and stated he would present the BAC with the results of the study in 60 days. The BAC did support Mr. McAlpin's statements regarding the removal of dune grasses to improve public access. (Attachment #3)

In April 2007, no study was presented to the BAC and prior to a City staff review, an application (Attachment #4) was submitted by County to FDEP for the removal of one acre of dune vegetation and the required in-kind mitigation of one acre of dune vegetation (Attachment #5). The BAC did not approve or adopt the current County proposal and agreed that the issue was beyond the scope of the BAC. To complete the County's permitting process with FDEP, a Letter of Consistency with the local [City] Comprehensive Plan is required. Collier County requested the letter, but it has not yet been provided.

City staff notified the five properties adjacent to the proposed mitigation area: Sunset House North, Sunset House Apt., Emerald, Tradewinds and Admiralty about this project. Residents from these properties attended the June 2007 BAC meeting to state their objection and also sent email of objection to Council and staff.

As an alternative to the mitigation in front of the five properties, staff proposed the removal of vegetation in front of South Seas Tower 4, the building adjacent to Tigertail Beach with mitigation planted in front of South Seas Towers 1 and 2, which are the two southern-most buildings (Attachments #6 and #7). The balance of the mitigation would be planted in the Tigertail Beach area. Collier County has rejected the proposal to mitigate in the Tigertail area. Furthermore, an attorney representing South Seas West condominiums has objected to the proposal to plant mitigation dune vegetation in front of South Seas West Towers 1 and 2 (Attachment #8).

While staff was attempting to resolve issues among property owners in order to proceed with the removal of beach grasses, Councilman Kiester wrote to the Board of County Commissioners and objected to the removal of seagrass. It is therefore apparent that a policy decision by City Council is required in recognition of the following:

- South Seas Tower 4 residents have sought assistance to remove beach grasses for over a year.
- Collier County TDC and CAC have recommended \$30,000 funding to the Board of County Commissioners.
- FDEP requires the planting of one acre of dune vegetation to mitigate removal of one acre of beach grasses.
- Collier County proposed mitigation in front of five condominium buildings south of South Seas, and these property owners have objected.
- Staff proposed mitigation in front of the two South Seas buildings situation to the south (South Seas West), and in the Tigertail area. The attorney representing South Seas West objected to the mitigation in front of the two buildings.
- Collier County staff considers this to be a Marco Island issue and one that should be resolved by Marco Island.

RECOMMENDED ACTION:

Discussion and direction.

Reviewed by Department Director

Reviewed by City Manager

Council Action:

Motion by:

Second by:

