



September 30, 2015

Department of Environmental Protection  
Re: Joint Coastal Permit (File No. 0333315-001-JC)  
Via email to [chiu.cheng@dep.state.fl.us](mailto:chiu.cheng@dep.state.fl.us)

Hello Mr. Cheng,

I write to you again on behalf of the Siesta Key Association of Sarasota, Inc. a civic organization representing residents of Siesta Key (unincorporated Sarasota County) and Bay island ( City of Sarasota). Our residents have concerns of potential adverse impact from the project in it's current design. Our comments reference the US Army Corps of Engineers' (ACOE's) response to your RAI#1, submitted on September 4, 2015. I believe their response is inadequate and incomplete and suggest FDEP consider either reject the application as incomplete, request additional information in a new RAI #2, or suggest an **EIS** before making your decision.

My concerns and objections are:

1. Sarasota County has contracted with Atkins North America Coastal Engineering to conduct a peer review of the project focusing on the physical impacts to Ted Sperling Park at the southern tip of Lido, North Siesta Key and navigation through Big Sarasota Pass. The County is reviewing a draft report that is critical of the design and the modeling. I encourage you to wait to see the conclusions of this report and Sarasota County's position on this permit once they have this report's guidance.
2. The ACOE declined consideration of the alternative of using pier-type permeable adjustable groins (PAG's) that you (RAF#1, Question No. 5 part (ii)), which have been previously suggested for consideration. In their response they acknowledge admit making an **arbitrary** decision to ignore this technology because it was "not common" when the project received Federal authorization in 1999. Again, they didn't consider the PEG in refined project designs of 2002 and 2004, didn't include them for comparison within the 2013 Value Engineering Report , or the groin redesign 2014. As you know, FDEP approved the use of PEG's on Longboat Key (just north of the proposed permit area ) in February 2009 (based on a 2007 application) and again in 2014 for a second Longboat Key location (FDEP Permit #0300119-004-JC). Both PEG's are working well and provide an easily adjustable structure.<sup>1</sup>

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<sup>1</sup> The need for easy, low cost adjustability is a benefit of PEG's (adjustable with a pick-up truck with a small winch) versus rubblemound groins with armor stone (which require an expensive large barge and crane for adjustment)

The ACOE's failure to consider this eight plus year old technology can be viewed as arbitrary and nonresponsive to FDEP and local concerns. Requiring ACOE to complete an **EIS** for this project could encourage the study of all reasonable alternatives, including the PAG option.

The proposed rubble-mound groins extend shoreward to existing seawall hardening. This requires removal of some existing dune vegetation. By contrast, the PAGs used on Longboat Key stop well short of the existing hardening and the beach backfilled partially by sand accretion associated with the impact of the PAG. See the attachment showing of the current Islander Condo PEGs 5 years after installation. Based on the Longboat Key public use, the PAG is an amenity for the beach while the rubble-mound groins will (according to the ACOE), be visible as a six foot high wall within one to two years after construction, impeding beach walking.

3. The elimination of the third groin for the current design had created an interesting quandary. The ACOE 2014 study concludes it might be needed but is a deferrable decision. However, their modeling raises sufficient concerns about down-drift scalloping caused by the proposed groins that the need for the third groin is certainly at least possible. Primary concern is once the first two groins are installed, it is too late to study the implications of permitting, legal issues (County ROW and original Voter Referendum for purchase of the park lands), financing and public input on the third groin which would be placed in the center of the protected public park. These implications should be identified and investigated as part of this permitting process before permitting the essentially irreversible construction of the first two groins.
4. We remain concerned regarding the scope of the project. The current scope adds 200 feet width of additional beach along 1.6 miles of beach. A section of this beach was renourished in 2014/15 through FEMA funds from TS Debby. The impact of this is not referenced or recognized by the current design. An alternative would be consideration of a pilot project of installing two PEGs and limiting sand volume and renourishment design to the area immediately surrounding them.
5. RE RAI response #31: The ACOE has not provided copies of Biological Opinions and Consultation letters from U.S. Fish and Wildlife Service and the National Marine Services Service. Without these, the permit application cannot be reasonably be considered

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Designing the proper permeability is not an exact science and thus necessarily requires periodic post construction adjustment as is currently seen in the most recent Longboat Key project, [http://www.lbknews.com/2015/09/27/commission-grills-beach-engineer-on-groin-performance/?utm\\_source=LBK+Newsflash+9.27.15&utm\\_campaign=LBK+sent+1&utm\\_medium=email](http://www.lbknews.com/2015/09/27/commission-grills-beach-engineer-on-groin-performance/?utm_source=LBK+Newsflash+9.27.15&utm_campaign=LBK+sent+1&utm_medium=email)

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complete. If not received by the six- month deadline, the ACOE application should be rejected as incomplete (*unless an extension is requested and granted*).

A comparison for your consideration is the August 20, 2015 USFW opinion recently issued for the similar Sarasota Turtle Beach, renourishment versus the more extensive requirements in the North Lido FDEP Permit #0300119-004-JC, items 13 to 22. The assumption is the recommend FDEP require similar additional requirements. Lido and North Siesta Key are important beach nesting bird areas for species on the Florida Endangered and Threatened Species list<sup>2</sup> including State Designated Threatened Snowy Plovers and Least Terns and species of Special Concern American Oystercatchers and Black Skimmers. While these species have not risen to the USFW Endangered Species List, due primarily to State and local efforts<sup>3</sup>, they warrant the additional protections beyond what USFW normally requires, which focuses on Endangered Species. This goal is consistent with the objectives of the Florida Beaches Habitat Conservation Plan (<http://www.flbeacheshcp.com/>), currently under development by FDEP.

Please consider our comments and provide a response to us prior to completion of the permit review process.

With kind regards,

Catherine E. Luckner, Vice President  
Environmental Chair

Michael Shay, President

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<sup>2</sup> [http://myfwc.com/media/1515251/threatened\\_endangered\\_species.pdf](http://myfwc.com/media/1515251/threatened_endangered_species.pdf)

<sup>3</sup>

<https://www.scgov.net/EnvironmentalPlanning/Documents/Snowy%20Plover%20Adaptive%20Management%20Strategy.pdf>

Attachment

Lido Islander Condo PEG and Seawall

