

# **CEPD Board of Commissioners Strategic Planning Interview Report**

## **Coastal Policy Lab<sup>1</sup>**

### **Center for Coastal Solutions, University of Florida**

This report synthesizes interviews of 4 of the 5 members Board of Directors of the Captiva Erosion Protection District (CEPD or the “District”) concerning their sense of the strategic direction, particularly as it relates to planning and operationalizing coastal “resiliency” projects. CEPD board members answered seven open-ended questions (with follow-ups) that addressed governance and legal authority, future strategic planning and community relationships. This report highlights consensus among the board members regarding these questions, as well as any instances where there were notable points of departure from consensus.

Overall, all interviewed CEPD board members expressed a passion for Captiva Island and its unique ecological features and community. All believed that the Captiva Erosion Prevention District (CEPD) could do more to enhance and protect these island features - including extending operations beyond beach nourishment projects to the back bay area of the island and including other forms of erosion protection related coastal management within its mandate.

#### **1. What are the governance advantages and disadvantages that you think the CEPD has based on its current legal status?**

Most board members agreed that the CEPD has broad governance advantages and works in conjunction with the island’s needs. The CEPD’s taxing authority serves to raise revenue for erosion prevention, and this capacity is even more expansive in that the CEPD can assess

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<sup>1 1</sup> A PROJECT OF THE UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW CONSERVATION CLINIC; THE CENTER FOR COASTAL SOLUTIONS, UNIVERSITY OF FLORIDA COLLEGE OF ENGINEERING; AND THE FLORIDA SEA GRANT LEGAL PROGRAM. .

residents as well. However, due to the small size of Captiva Island, there are only around 170 taxing units, and this causes continued reliance on other sources for large scale projects.

Many board members felt that the small size of both the CEPD and Captiva in general is both blessing and a curse. While it is beneficial to have a small group who are aware of local problems leading the island, their autonomy is limited. Most board members feel that Lee County does not provide the economic returns to Captiva that it should. Several noted that due to its high property values Captiva is a donor taxing district, providing more revenue to Lee County than is returned in terms of services.

Another disadvantage pointed out by one board member is that only  $\frac{3}{5}$  of the board live on Captiva full-time, which can make it difficult to obtain a quorum.

## **2. What options do you believe are available for CEPD to expand its mandate?**

**For example, the CEPD could change the specific enabling legislation (e.g. become a “coastal resiliency district”), receive greater planning and development autonomy from Lee County, annex into the City of Sanibel, or municipality incorporate**

Delving into the CEPD’s traditional mandate and possible expansion, many board members felt that the CEPD could or should be doing more to develop erosion prevention related coastal management projects, beyond beach nourishment. Noted by many board members, the naming of “Erosion Prevention District” was left broad in the language to give more authority to do additional coastal resiliency work. Although the term “resiliency” has not been thrown around until fairly recently, the key elements of the enabling legislation outline the responsibility of the CEPD to maintain the beach and shoreline to provide for what we would now describe as “resilience.” While most board members felt that this responsibility and mandate encompasses more than just beach nourishment and maintenance, some members acknowledged that the enabling legislation could be clarified to address additional resilience efforts more

specifically. However, most felt that this would be unnecessary and/or could be problematic to deal with changing the legislation through state processes. One thought that the state is not favorably inclined toward independent special districts.

Many board members noted, again, that they wish for more support from Lee County. Most of this support would come in the form of return on their tax payments and support for erosion prevention projects.

Annexation into the City of Sanibel and the idea of municipal incorporation, however, was rejected by nearly all board members. Some board members pointed to the fact that annexation has not worked in many other cities (such as Boston, Chicago, Charlotte) largely because voting power is diluted, and others addressed the fact that Sanibel has much more bureaucracy and restrictive regulation than Captiva.

Also, in this line of questioning, there were other factors brought up by board members. One board member wishes to take a closer look at issues with the sewer systems – believing the CEPD should be taking more responsibility for this issue, and that any expanded mandate should cover it. Another member feels that the mandate should expand to deal with red tide and outflows from the Caloosahatchee River.

In this section and the next, a few board members expressed a desire for adjudication by the courts on the subject of whether the CEPD has authority for resilience projects other than beach nourishment.<sup>2</sup>

### **3. Setting aside its legal authority, do you think CEPD should expand its mandate to participate in other aspects of coastal management?**

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<sup>2</sup> While courts typically do not give out advisory opinions without a “case or controversy,” as an independent special district the CEPD could ask for an advisory opinion from the Florida Attorney General. This opinion would not be binding in the courts, but would be persuasive.

**Some examples might include:**

**Conservation land acquisition (shoreline easements)**

**Construction of living shorelines**

**Regulation/management of shoreline stabilization projects (e.g. seawalls, revetments, living shorelines)**

**Restoration of nearshore ecosystems (sea grass, oyster reef)**

**Beach management (other than nourishment, e.g. dune management & wildlife management)**

**Water quality management (including septic to sewer, stormwater and red tide response)**

**Post-disaster response and redevelopment**

Overwhelmingly, board member response was in agreement with extending the CEPD's planning and operational activities to include other aspects of coastal management. While the CEPD is already engaged in dune enhancement and beach nourishment efforts, board members agreed with many of the bolded examples above and found them necessary for island resilience efforts (setting aside whether they are legislatively authorized). Additionally, board members emphasized the need to engage in resiliency and shoreline erosion prevention projects on the East (bayside) of the island. Under its current legislative mandate, these members believe CEPD has the ability to do more and should focus on the bayside area, which has gotten very little attention in the past. One board member noted that the SCCF (Sanibel-Captiva Conservation Foundation) could be the feet on the ground in these efforts, as the CEPD could end up just duplicating SCCF's efforts if the bodies do not work in conjunction. Other members noted other areas to focus on, including: red tide prevention and halting of pollution from the Caloosahatchee River, continuation of Mangrove studies, stormwater management, as well as looking into creation of a sewer hook-up to Sanibel as a way to deal with water quality issues (again, setting aside legislative authority to pursue some of these projects).

While members spoke of the CEPD being a proper funding vehicle for these projects, some members also expressed a need to participate with more governing bodies (such as Lee County) in future efforts.

**4. If the CEPD were to do one thing that it doesn't already do in the next few years, what would that be? Are they doing something you believe they shouldn't be?**

Like in the previous question, board members spoke of the need to work on resiliency in the back bay area of the island, and a need to do strategic resiliency planning apart from just beach nourishment.

In establishing a strategic plan, many board members agreed that the CEPD should get involved with the county and the state to find options available to the island, along with working with the SCCF or consulting engineers. Funding could be a concern and something to discuss with other governing bodies.

Some members spoke of land acquisition on the island, working with SCCF or other groups to pursue resiliency projects on specific properties. Others spoke of the need to build green infrastructure and the creation of a construction process for resiliency projects. While the CEPD has already begun to establish this process with a focus on the bayside of the island, some expressed concern that this process is being inundated by study after study when there should be more focus on action.

Other members would like to bring more public awareness to the CEPD by establishing more public parking, restrooms, and an easier way to access the CEPD. The CEPD should also continue the work that it already does with more public involvement - this would include continuing beach nourishment, and making sure the already established Emergency Response Plan does not lapse.

In addition, the CEPD should work on keeping the beach clean by establishing procedures for such cleaning, like solar-based trash compactors or other energy efficient options. This would implicate some sea-turtle nesting concerns, but the CEPD is currently working with SCCF, Florida Fish and Wildlife, and the Department of Environmental Protection (DEP) on turtle research as related to beach renourishment.

All members were in consensus that the CEPD is not doing anything currently that they should not be doing.

**5. What time horizon do you think the CEPD should use for strategic planning?**

**For example, local governments are required to have 10 year plans, and The state is encouraging local government to use sea level rise projections for 2040 and 2070.**

While board members have slightly different timeline ideas, all members expressed a desire to plan for the future of the island with long-term, as well as short-term goals.

On the short-term side, board members ranged on planning goals for every 3-10 years. Two different board members suggested a 5-year short-term goal of strategic planning, and many concluded that the CEPD should focus on 10-year time horizons consistent with local government planning.

On the long-term side, board members mainly agreed to defer to NOAA timeframes, using sea level rise projections for 2040 and 2070 and incorporating these data sets into the CEPD's strategic planning. Most would like a plan that at least reaches out to 30 years, but some noted that it would be great to have a 50-year plan in mind. Having this long-term goal in place would be good and the CEPD could modify the plan as new issues crop up.

Noted by some board members is the fact that time horizon planning of the past has relied on the luck of when storms hit, but from a planning standpoint, beach nourishment projects

especially should not rely on luck. With this, it would be necessary to have some kind of statement (perhaps in the enabling legislation) that allows the CEPD to go in and renourish quicker than every 8-10 years if necessary.

**6. How do you view the CEPD relationships with the Captiva Community Panel, the City of Sanibel, and Lee County? What do you think would make them better?**

There was a bit of disagreement among board members when this question was posed. Overall, nearly all members noted a good working relationship with all three bodies: the Captiva Community Panel, the City of Sanibel, and Lee County.

**Captiva Community Panel**

For the Captiva Community Panel, more than one board member expressed a need for increasing awareness of the CCP to community members. Board members mentioned the history of the Captiva Community Panel and that its relationship with the CEPD has not always been great. Currently, most members feel that the relationship is good and that the Panel is the perfect example of various groups on the island coming together and working in an advisory capacity to both the CEPD and Lee County. The Panel has developed great relationships with Lee County staff and board members, so they always have an ear available.

However, there is also some concern and disagreement as to the role of the Captiva Community Panel. To some the Panel, does not come to meetings with actual solutions to problems - just offering opinions. There is also some concern as to the fact that the CEPD has no control over Panel projects, yet they provide funding for such projects. If the Panel were to come to more meetings with solutions and suggestions, the relationship could be much improved.

## **Lee County**

Overall, there was more consensus on the relationship between the CEPD and Lee County. The CEPD has developed a very cordial and professional relationship with Lee County since inception, but all board members expressed some concern over the relative financial contributions of Lee County.

Captiva is a major donor community to the County, but they do not see as much back from the county. Many feel that the county could be more generous with time and money, and since the island and CEPD remains somewhat dependent on Lee County, it is important to maintain a good relationship with them.

## **Sanibel**

The board members also seem to be mainly in agreement as to the relationship with Sanibel. Overall, the relationship is good and the CEPD needs to maintain good relations with Sanibel elected officials. The CEPD and Sanibel have worked together in the past for beach nourishment projects; however, some members noted that Sanibel's north end of the island is accreting sand from Captiva at a high rate, and Captiva needs to see some return of this sand.

There is also mostly agreement that Captiva would not want to be annexed into Sanibel, but there was some consideration as to whether this might improve relationships overall. Sanibel works the government system more, and thus, they get more funding and support. Due to this, one board member suggested that Sanibel thinks it is the head and Captiva is the tail. Other members felt that Sanibel is the big sister to Captiva that just has different priorities.



To improve these relationships, all members acknowledged that more communication would be beneficial. Some also mentioned that the SCCF really helps maintain a lot of these relationships.

**7. Based on its current legal authority, do you think CEPD is adequately staffed?  
Should the CEPD have an in-house “resilience planner/engineer/scientist**

Many of the board members agreed that the CEPD has hired on some great people that are dedicated to helping Captiva island and are passionate about new projects and ideas. These people also caution that the CEPD should not grow just for the sake of growing.

There is definitely consensus that the CEPD is adequately staffed and needs no more hires. Many expressed a concern for funding when hiring any in-house staff (this would be expensive) and feel that the CEPD should not out-source the work that it can do on its own. Additionally, there are so many contacts in such a small-community that there is no need to out-source.

Likewise, members declared that they care more for quality than quantity of workers. The CEPD should ensure they hire good people and that there is not such a high turnover rate.

With the concern of funding, as well, the CEPD needs to be careful not to spend all the excess capital, as it will not last forever. One member noted that the SCCF is a good use of CEPD funds.

Overall, the Board seemed to feel the perception of the board by residents and businesses on Captiva is very good.