

KENSINGTON PARK MASTER ASSOCIATION INC.



Lake Bank Stabilization Project Frequently Asked Questions
January 6, 2015

1. (Q) Taking into consideration that there are roughly 70 plus golf club communities in the Naples-Bonita Springs-Estero area, and assuming that lake bank erosion is not unique to Kensington, Palmira, Bonita Bay and Gulf Harbour, how many other golf communities in the area have undertaken, or are considering, or being pressed by the State or the County government to undertake, lake bank stabilization projects?

(A) We've asked our engineer to do some research to come up with what others are doing beyond the population that we know has undertaken the LBS process. In the meantime, here are a couple of things to keep in mind:

a) not all communities have the significant rise and fall of the water levels like exists in Kensington, Palmira and Gulf Harbour (Bonita Bay is the unique one in the group doing the bank work with a relatively stable lake level). Our levels will drop from the high water mark in the early fall to the low water mark in the late spring by as much as 6 to 8 feet. This exasperates the erosion problem particularly if the community does not allow something with roots to grow be it sod, plants or weeds because without the root structure to hold the dirt in place, erosion will occur at a much faster rate than if there was some form of foliage present. As has been noted in several of the recent KPMA communications, this has been a significant erosion contributor in Kensington in the past because foliage was not allowed to grow on the bare banks;

b) Another contributor in our community has been the heavy water runoff from roofs without gutters and downspouts to control the entrance of this upland water into the lakes. The most significant bank erosion occurs where this runoff is greatest.

2. (Q) (a) What action, if any, has the County or State government taken, or threatened to take, if Kensington does not bring its lake bank slopes up to County or State specifications, and (b) what is the history of consequences of a community's failure to bring lake bank slopes into compliance?

(A) (a) We did not wait for the county or state to do an audit on our property before we took the action to begin fixing our problem. Once the Board realized we had a potential safety, compliance and property issue, we sought professional advice. Two engineering firms confirmed that we were in violation of the county and South Florida Water Management District regulations to maintain our lake banks with a 4:1 slope and no escarpments greater than 9". They noted most of our lake banks violate one or both of these regulations. Both firms also indicated we would likely be fined if either of the regulatory agencies came in and performed an audit. However they also mentioned that the agencies were reluctant to fine a community if they had shown an attempt to take positive steps to correct the situation.

(b) The only history the Board is personally aware of is at Gulf Harbour where a landscaper tumbled into a lake from a lake bank that had eroded under the grass he was mowing and did not support the mower and driver. The driver could not swim and did not survive the incident. Unfortunately for Gulf Harbour, the agencies were already involved at the community so the accident heightened the agencies efforts to get Gulf Harbour moving on the stabilization of their banks.

It took Gulf Harbour several months to select a contractor, mobilize the equipment and complete the remediation. During this time Gulf Harbour was charged over \$2 million in fines by the county and the district in addition to the cost of the remediation work and whatever liability cost was associated with the lawn mower

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driver. They subsequently negotiated a settlement with the agencies and paid somewhat less than the \$2 million in administration fees.

From what we learned from one of our engineers who used to work for Collier County, it usually takes an incident or a homeowner complaint to cause the county or South Florida Water Management District to do an audit. As we said in part (a), once we determined we had a potential safety, compliance and/or property issue we sought professional advice and proceeded accordingly rather than waiting for an incident or complaint.