

Legislative Update (Monday, April 13)

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OVERVIEW AND BUDGET



In last month's *Shoreline* we were hard at work getting the message out regarding our mutual funding objective of \$50 to 60 million for projects in FY 2015/16 and

reinforcing its legitimacy as part of the Amendment 1 discussions. We were cautious yet pleased to have crossed the first threshold by securing legislative confirmation that statewide beach management was a legitimate use of these constitutionally earmarked documentary stamp tax revenues.

By the mid-way point, we knew where we stood when the House and Senate passed their respective appropriations bills (SB 2500, HB 5001). The amendment 1 pot had \$742 M—sounds like a lot but is actually less than was spent in the current fiscal year for environmental programs. Honestly, after you take the debt service for past bonding of land acquisition and the recurring operational costs covered by doc stamps, the new dollars and emphasis is really quite limited and actually leaves a number of key existing programs and functions out of the mix.

Continued on next page

Inside this Edition

2015 Annual Conference
September 23-25, 2015
Hawk's Cay Resort

Call for Abstracts
Deadline: June 19, 2015
....Page 5

USACE
Jacksonville District
Federal Project Status
Updates - April 2015
....Page 8

FDEP Division of Water
Resource Management
A Message from
Danielle Irwin...
....Page 13



The House budget has \$40 M for projects which includes \$25 M in LATF (Amendment 1) dollars and \$15 M in General Revenue. It lists individual projects and includes the vast majority of beach projects in the Agency's funding request (LGFR). This keeps more (33 of 40) beach projects in play for when we ultimately get to Conference to resolve House and Senate differences. But in terms of DEP's beach priority list and recommended funding levels, the House Budget skips over a number of projects and reduces the amount of state funding requested by the local sponsor for a few other big ticket projects. While HB 5001 funds three inlet projects, they are not in priority order and it doesn't satisfy the 10% minimum statutory intent. However, this is addressed in the corresponding House Implementing Bill. SB 2500 has \$25 M in LATF dollars. The Senate Budget does not identify individual projects following their more traditional approach of going down DEP's submitted beach project priority list in order (\$22.5 M) and the separate inlet project list (\$2.5 M) until the dollars total \$25 million. Unlike the House, there are no General Revenue dollars in the mix. So despite being disappointed in the funding amount in Senate's proposal at this time, there is room for gaining ground in Conference, especially if non-recurring GR becomes available.

The overriding problem at this point is just how far the Senate and House are apart in their budgets— \$4.2 billion! At the midpoint with no indications of conferencing at this point in time, there is growing likelihood of an extended or special session. Differences in Amendment 1 allocations are our focus, but nothing can go forward until the issues of Medicaid expansion and the extension of the Low Income Pool (LIP) are resolved. The Senate budget includes both and the House neither, thus accounting for the vast difference in their budgets. This makes the Senate possibility of coming up with GR to match the House position on beach management not only difficult but not on the radar screen at this time. The lines are drawn. Unless there is further clarity or movement, it does little good to begin the Budget Conference.



Our objective for FY 15/16 funding in the \$50 to 60 M range seems to be slipping away as the larger questions continue to outnumber the answers that have nothing to do with the beach program. We need to focus on, and fight for, beach funding for next year— as some sort of formal Amendment 1 allocations over the next two decades appear beyond reasonable expectations.

At the conclusion of Week 7, we find the appropriations process stalled, with no Budget Conference in sight. Now, as we "hurry up and wait" is an opportunity to retarget our efforts. FSBPA asks each of you to reinforce the need and message for additional beach funding with members of your local legislative delegation, or ask local elected officials to do so on your community's behalf. The message should emphasize how much beach projects leverage in federal and local government

match, and the economic benefits of healthy beaches in terms of sales tax revenues and growing doc stamp revenues as well. At the appropriate time, your Legislators need to personally bring the importance of additional beach funding to the attention of appropriations subcommittee chairs, full committee chairs, and House and Senate leadership. The sole objective is to make sure beaches gain, not lose ground despite overriding healthcare battles, and Amendment 1 issues regarding land acquisition, before the Budget Conference begins.

SUBSTANTIVE LEGISLATION

HB 1291 and SB 584 are the main **Amendment 1 implementing bills**. The House and Senate have examined all environmental programs and made determinations as to which can receive Amendment 1 dollars through the Land Acquisition Trust Fund (LATF), and which must be funded through other means. These bills create the structure for state dollars to flow into the appropriate trust funds as a result of those determinations. The bills eliminate the Ecosystem Management and Restoration Trust Fund and move the beach program under the Land Acquisition Trust Fund so that it may receive Amendment 1 dollars. Procedurally, the Senate has laid HB 1291 on the table and passed SB 584. The House amended and passed SB 584 and it is now in returning messages.

While the Amendment 1 implementing bills are largely non-controversial, allocations to Amendment 1 programs remain very controversial, with much ongoing discussion and debate regarding land acquisition. The House and Senate have both put a greater emphasis on land management as opposed to land acquisition. This has drawn sharp criticism from environmental advocates, which was evident when the Senate budget was debated on the floor. There were several amendments on this issue, one of which would have provided for bonding of beach projects, a questionable proposition at best. However, in the end, an amendment passed that added \$35M for Florida Forever and land acquisition and requires that \$20M of the Springs funding be spent on land acquisition. This amendment did not affect the beach program.

The Senate continues to work toward a comprehensive **water policy bill**. **HB 7003** by the House State Affairs Committee and Representative Caldwell remains in the Senate Environmental Preservation and Conservation Committee following a workshop by the Committee – an unusual posture for a House bill – while the Senate continues to move **SB 918** by Senator Dean. The Senate bill passed the Appropriations Subcommittee on General Government last week with a 140 page “delete all” amendment and several amendments to that amendment. Among many other changes, controversial provisions mandating that local governments bear full responsibility for septic tanks in Springs areas have been removed, the Florida Water Resources Advisory Council is created to make recommendations to the Legislature regarding water projects, and a pilot project program related to regional water resource development is created within the largest three water management districts. The latest version of the bill also provides a greater focus on water conservation than previous versions.

There are similar bills moving related to **flood insurance**. **HB 895** by The House Insurance and Banking Committee and Representative Ahern and **SB 1094** by Senator Brandes create a new type of flood insurance, called “flexible flood insurance,” which is defined as coverage for peril of flood that may include water intrusion coverage. The coverage must include only the principal building, as defined in the policy, may include or exclude coverage for additional living expenses, and must exclude coverage for personal property or contents. The House bill requires that flexible flood insurance policies must be acceptable to the mortgage lender if intended to satisfy a mortgage requirement. The Senate bill requires surveyors and mappers that complete an elevation certificate to submit a copy of the certificate to the Division of Emergency Management within 30 days of its completion. The Senate bill also requires local governments to include development and redevelopment principles, strategies, and engineering solutions that reduce flood risks and losses within coastal areas in their comprehensive coastal management plan.

There are two sets of committee bills in play relating to the **Administrative Procedure Act (APA)** contained within chapter 120 of the Florida Statutes. **HB 7023 and SB 7056** replace the biennial summary reporting requirement that currently exists in Chapter 120 with an expanded, annual regulatory plan. HB 7023 is on the House calendar on second reading. SB 7056 will be heard in its second of three committees this week. **HB 7025 and SB 7058** amend the public notice requirements and provisions related to the preparation of statements of economic regulatory costs (SERCs) in the APA. HB 7025 is on the House calendar on second reading. SB 7058 is in its second of three committees.

We have also been monitoring **HB 559** by Representative Drake and **SB 846** by Senator Evers. These bills **exempt from public records requirements** personal information contained in state files or records which identifies the location of **artificial reefs** funded with private contributions. Both bills received three committee references but neither has received a hearing. Because the House bill is in a subcommittee that is no longer scheduled to meet, the bills are effectively dead.

[Back to Main Page](#)



2015 FSBPA Annual Conference September 23-25 Hawks Cay

Be sure to mark your calendar for September 23-25 and join us for the 59th annual conference to be held at Hawks Cay in Duck Key, Florida. Duck Key is located in the middle keys and is about 100 miles from Miami and 60 miles from Key West.

It's been a while since we were last at Hawks Cay, but it's still the same great place with plenty to do and see! If you have missed the last few issues of **SHORELINE**, be sure to check the publications section on the website to read up on everything you can experience while you are there; whether it's fishing, snorkeling, scuba diving or watching the beautiful Keys sunsets. Our motto for this meeting is come early and stay late!



As a guest at Hawks Cay and while you make your way to the conference and meeting rooms each day, you will have the opportunity to see a pod of friendly and intelligent bottlenose dolphins in an ocean type lagoon. Instead of just watching them each day, consider a chance to interact with the dolphins by swimming with them or just getting in the water to experience all of the wonder these great creatures encompass. There are several different packages, for more information call Dockside Dolphins at (888) 251-3674.

The hotel is offering a group rate of \$169 to attendees over the conference dates and there are some additional room types and rates available, such as a two bedroom Sunset Villa which means you can bring the entire family or possibly share the villa with a colleague or friend; a big savings if you split the cost. The price would be \$129.50 plus taxes per day. [Click here](#) for more details and to make your hotel reservations.



With this unique venue and anticipated timely presentations and discussions, this will be another outstanding conference, so please make plans to join us!

Call for Papers

Deadline

June 19, 2015

FSBPA welcomes abstracts for the 2015 Annual Conference to be held September 23-25, at Hawk's Cay, Duck Key, Florida. As usual, there will be a handful of "invited" presentations and discussions on timely topics. With the annual meeting's traditional general assembly format for the three sessions, the number of papers will be limited to requested topics. We hope you will enjoy Thursday afternoon being free to explore the island, go fishing, snorkeling or kayaking, before partaking in a waterfront luau that evening.

This 59th annual meeting will be in honor of Dr. Robert Dean, and in turn will devote an extended session to highlighting Bob's contributions to coastal engineering, Florida's beach program, and the legacy he left for us all. We will also do our best to summarize and anticipate the impact of Amendment 1 on statewide beach funding going forward, and discuss the likely legislative attention in 2016 on project ranking criteria and the agency's annual project selection process. With so many personnel changes at the state level, we hope to involve key members of the new leadership team as part of the conference program, especially to share their visions, anticipated changes, and concerns for the future.



Photo courtesy of Hawks Cay



**FLORIDA SHORE & BEACH
PRESERVATION ASSOCIATION**
A League of Cities and Counties on Beach and Coastal Issues

SAVE THE DATE!
September 23-25, 2015
Hawks Cay | Duck Key, Florida

REGISTRATION OPENS May 4, 2015

CALL FOR PAPERS:
Abstracts due **June 19, 2015**

For complete details on the Conference, including abstract topics and how to submit, visit www.fsbpa.com/annual-conference.html.

Join us in Hawks Cay, come early, stay late!
Unique Venue * Relaxed Dress Code * Luau * Fishing, kayaking, and snorkeling.

Next Page

Requested Topics Include

- Regional Sand Management (RSM) and the opportunities it presents for another path for federal involvement in beach management
- Repackaging the economic benefits of beaches in light of the Legislature's Office of Economic and Demographic Research 2015 Report
- Addressing beach nourishment as part of the discussion and policy considerations pertaining to sea level rise, coastal resiliency, and climate change
- Growing constituent, local government and state decision-maker support for Florida's successful beach program
- Continuation of physical and biological monitoring discussion with attention on cost-effectiveness, contracting, and benefits
- Sustaining the beach program: Are there reasonable and balanced policy or regulatory changes that might address escalating construction, mitigation and monitoring costs of projects?

For complete details on submitting your abstract, go to www.fsbpa.com/annual-conference/call.html.

Back to Main Page

USACE Jacksonville District Federal Project Status Updates April 2015



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Jacksonville District website](#)

FEASIBILITY STUDIES:

- **St. Johns County** – St. Johns County feasibility study includes shoreline areas in South Ponte Vedra Beach, Vilano Beach, and Summerhaven. Re-scoping efforts were completed in FY-14 to modify the study to current Corps feasibility study 3x3x3 standards. Unexpected federal funding was received in the amount of \$525,000 to move forward with the study in October 2014. Under 3x3x3, consistent funding should be received to finish the study within 3 years. The team has resumed work on the study and plans to complete the Alternatives Milestone in March 2015. Alternatives identified will provide hurricane storm damage reduction in highly erosive areas along the shoreline. The restart comes at a time when all three reaches of the project area are seeing increased erosion threatening structures and State Road A1A.
- **Flagler County** – The Chief of Engineer's Report was signed by Lieutenant General Thomas Bostick on December 23, 2014. With this signing, the Corps is certifying that the beach and dune project is environmentally sound and economically beneficial to the nation. The Chief's Report is currently under review by the Assistant Secretary of the Army (Civil Works), and then will go to the Office of Management and Budget for review. After these reviews, the report goes to Congress for future authorization. The local sponsor has agreed to move forward with the pre-construction, engineering and design phase (PED) using contributed funds. This phase is scheduled to kickoff in October 2015.
- **St. Lucie County** – Re-scoping efforts were completed in FY2014 to modify the scope of the study to current Corps feasibility study 3x3x3 standards. Vertical team concurrence that the St. Lucie feasibility study is in compliance with the new policy was received on October 21, 2014. Unexpected federal funding was received in the amount of \$414,000 to move forward with the study in October 2014. The team has resumed work on the study and will begin the intermediate screening of alternatives leading to the final array of alternatives being identified in November 2015. Alternatives identified will provide hurricane storm damage reduction in highly erosive areas along the shoreline in St. Lucie County. The Chief of Engineers Report is currently scheduled for July 2017.

Next Page

OTHER MAJOR PLANNING REPORTS:

- **Indian River County** – Limited Federal funding in FY-14 provided for initial study scoping for the new 3x3x3 standards, including completion of a draft project management plan, draft review plan, schedule, and study budget. Vertical team concurrence that Indian River County is in compliance with the new policy was received on October 21, 2014. Discussions continue on future Federal funding to allow the study team to begin work. This project is authorized but has not had previous Corps participation in construction. A general reevaluation report (GRR) will be completed to verify the economic justification to support a project partnership agreement for future cost-shared work.
- The **Draft Ft. Pierce Shore Protection Project GRR** seeks an additional 50 years of Federal participation in the project. Alternative analysis is ongoing by the sponsor and consultants. Once complete, findings will be incorporated into a draft GRR, which will undergo review by Jacksonville District. The District was asked to evaluate the real estate values in the structure inventory, which was completed and provided to the non-federal sponsor.
- **Jupiter/Carlin Shore Protection Project** - Palm Beach County has submitted a draft Section 934 report and NEPA document for the Jupiter/Carlin Segment to extend Federal participation for the next renourishment and out to 50 years of Federal participation. Following review of the data and report, revisions were recommended to the Beach-fx model. Having received Federal funds for Palm Beach County projects, the model revisions and completion of the 934 report are being conducted at the Jacksonville District.
- **Broward County Shore Protection Project - Segment II 2nd Renourishment** – Limited Reevaluation Report (LRR) and Environmental Assessment (EA) – Issues from NMFS during public release have been resolved and a biological opinion was received in November 2014. EFH consultation has also been completed. The final LRR, including EA, was submitted by the County in December 2014. Once SAJ completes Agency Technical Review, and legal review the final report will be submitted to South Atlantic Division for approval.
- The **Dade County Limited Reevaluation Report (LRR) and Environmental Assessment (EA)** will evaluate the use of a new sand source for the Dade County Beach Erosion Control and Hurricane Protection Project. The draft report has completed the agency technical review (ATR) and is now under review by SAD. Public review is scheduled to kickoff in mid May 2015.
- **Lee County, Gasparilla** – A Section 934 report has been initiated to determine the Federal interest in extension of Federal participation in cost-sharing from the current 10 years to a 50-year period of Federal participation, or an additional 40 years. On-going efforts focus on the Beach-fx model setup.

Next Page

REGIONAL SEDIMENT MANAGEMENT (RSM):

- The Jacksonville District has been officially named the South Atlantic Division's Center of Expertise (CX) for RSM. With this designation, SAJ will lead a virtual team of subject matter experts from SAD to further operationalize RSM throughout the District. Work has begun to quantify the value of RSM provided by jointly managing navigation, coastal storm damage reduction, and ecosystem restoration projects.
- The **Nassau and Duval Counties RSM** effort continued with funding from the Corps' national RSM program. A technical report will be published by the Corps' Engineer and Research Development Center (ERDC) in FY15, documenting the findings.
- Jacksonville District's "**Ship to Shore: Fate of Fines in the Dredging and Placement Process**" effort gathered data from FY14 navigation O&M and beach nourishment dredging and beach placement events in order to quantify the loss of fine sand as material is dredged and transported from dredge sites to placement areas. Samples collected from several dredging projects in Florida were collected and processed in FY14. FY15 will see a continuation of these efforts with analysis of the sample findings.
- **Turbidity Compliance for Beneficial Use of Sand Dredged for Navigation** – As part of SAJ's CX role, they will be working with the Corps' Mobile District to collaborate with FDEP on turbidity requirements for beneficial use of dredged sand.

ENGINEERING AND DESIGN:

- **Nassau County** – The permit application for the next renourishment was submitted to FDEP and a request for additional information received in August 2014. The additional information has been provided to FDEP. Final permit is expected in mid April 2015. FY15 efforts will focus on completing the permitting, plans and specifications for a 2016/17 renourishment event.
- **Duval County** – A borrow area survey was completed in August 2014 to support the next renourishment planned for 2017/18. FY15 efforts will focus on updating NEPA documentation for the new proposed borrow area adjacent to the Jacksonville Harbor ODMDS.
- **St. Johns County, St. Augustine Beach** – The engineering team is currently evaluating monitoring data to revise the erosion rates and quantities for the next renourishment event. Investigation into potential offshore sand sources is ongoing. The next renourishment is scheduled for 2017.

Next Page

- **Sarasota County, Lido Key** – The Jacksonville District submitted a JCP application to FDEP on 11 March 2015. The Draft EA and FONSI were release for public comment on 30 March 2015. A public meeting in the project area is schedule for 15 April 2015. The Jacksonville District will be receiving written comments up to 45 days from 30 March 2015.
- **Brevard County Mid-Reach** - With approval of the approval of the General Reevaluation Report in September 2014 by the Assistant Secretary of the Army for Civil Works, a Design Agreement was executed in October 2014 and Pre-Engineering and Design (PED) kickoff meeting was held in December 2014. PED efforts have commenced on Poseidon DMMA (land use agreement) and reef mitigation feature (data collection, plans and specifications).

CONSTRUCTION:

- **Sarasota County, Venice** – Dredging commenced in January 2015. Project completion is estimated by Mid April 2015. An estimated 750,000 cubic yards will be placed.



Beach nourishment work taking place on Venice Beach in Sarasota County

Next Page



Concrete seawall in Venice Beach destroyed by a storm in 1982

[Back to Main Page](#)

A Message from Danielle Irwin...



My time as Deputy Director in the Division of Water Resource Management is coming to an end as I have decided to pursue new challenges. My three years at FDEP have been professionally and personally satisfying, in part due to my interactions with FSBPA and its members. Thank you for letting me be an ex-officio Board member, a speaker at several conferences, and for sharing your insight into our State's beach management practices. I have learned, above everything else, that our State has a world-class beach management program due in no small part to your dedication. I am honored to have been a part of it and will continue to be a supporter of beach preservation and effective beach management.

We have accomplished much over the past few years!

We adopted changes to Rule 62B-36, the Beach Management Funding Assistance Rule, and developed a guidance document to more fully explain the ranking methodology under an umbrella of transparency. We successfully expedited permitting for the Corps hurricane recovery projects and expedited state and local projects for which FSBPA was able to obtain funding. We have also responded positively to numerous audits into our funding program.

We have adopted updated Inlet Management Plans for East Pass at Destin, Canaveral Harbor and St. Augustine Inlet. Several more are in the study stage. We have also made great progress on the update to the Strategic Beach Management Plan, with a new ADA compliant design and lots of links to online resources.

We developed and implemented a pilot Beach Management Agreement for Palm Beach Island, a stakeholder-driven regional authorization for beach nourishment and dune projects across multiple municipalities.

We are addressing the perceived shortage of beach compatible sand in Southeast Florida. The 2013 USACE/FDEP Southeast Florida Sediment Assessment and Needs Determination (SAND) Study was a cooperative undertaking with the five affected counties, and is serving as a national model. The good news is that there is sand aplenty but we still face challenges based on the distribution of this resource, the fair allocation of it, and the costs associated with traveling further to reach it.

The Department will continue to innovate in its organizational structure. I have worked hard to continue our communication and services to local governments without interruption throughout our reorganizations. Regardless of the organizational layout of our beach programs, we continue to function as a team, all working toward the common goal of effective beach management.

Thank you for working with me so constructively over the years. I wish you great success in your efforts to maintain Florida's beaches.

[Back to Main Page](#)

Shoreline

A monthly electronic publication of the Florida Shore & Beach Preservation Association.

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CALENDAR OF EVENTS**FSBPA**
Conferences

September 23-25, 2015
2015 FSBPA Annual
Conference
Hawks Cay * Duck Key,
Florida

February 3-5, 2016
2016 Tech Conference
Omni Jacksonville, Florida

OTHER DATES OF INTEREST

March 3-May 1, 2015
2015 Legislation Session

May 11-15, 2015
2015 Coastal Sediments Conference
San Diego, CA

October 13-16, 2015
ASBPA 2015 National Coastal Conference
New Orleans, LA

Join us

September 23-25
2015 Annual Conference
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Deadline June 19, 2015

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Conference Registration
Registration will be open on
May 8, 2015

Exhibit & Sponsorship
Information will be
available soon.

Back to Main Page