Shoreline

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

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May 2016

2016 ANNUAL CONFERENCE

September 14-16, Naples Grande ♦ Naples, Florida

This year's conference will be held at the Naples Grande in Naples, Florida. Key dates for the conference including, registration and hotel reservations are listed on the following page.

The deadline for the Annual Conference **Call for Papers** is approaching and we hope you will consider submitting an abstract.

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MAY'S FEATURED ARTICLE

Port Everglades Inlet: A Brief History and Inlet Management Planning

Christopher G. Creed, P.E., Vice President, Olsen Associates, Inc.

Nicole S. Sharp, P.E., Natural Resource Administrator, Broward County, Environmental Protection and Growth Management Department

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SAVE THE DATE!

2017 Tech Conference
February 8-10, 2017
Hutchinson Island Marriott
Stuart, Florida

Call for Abstracts

There will be a number of "invited" presentations and topical discussions. Given the annual meeting's traditional general assembly format for the three sessions, the number of papers will be limited to requested topics.

Our 2016 conference will have an overriding policy focus on Florida's beach management program and the course going forward. Our intent is to begin working together toward a multi-interest initiative that promotes beaches in 2017. We will also do our best to identify and summarize important issues and concerns, including adequately and consistently funding the beach program, refocusing DEP's project ranking and selection process on criteria that emphasize and better demonstrate the return-on-investment of these projects and their economic benefits to tourism and storm damage reduction, implementing a multi-year comprehensive plan with projected funding needs, and promoting the exceptional program benefits of leveraging federal and local matching funds. Both programmatic sustainability as well as physical coastal vulnerability will be unifying themes.

REQUESTED TOPICS INCLUDE

- Regional Sediment Management and the opportunities it presents. Addressing beach nourishment and sand source management as part of the discussion and policy considerations pertaining to coastal resilience and sustainability.
- Reaffirming and emphasizing the importance of inlet management/sand bypassing especially with regard to statutory (161.142) intent.
- Sustaining the beach program: Are there reasonable and balanced policy or regulatory changes that might address escalating construction, mitigation and monitoring costs of projects?
- Repackaging and messaging the economic benefits of beaches for decision-maker consumption.
- Growing constituent, local government and state decision-maker support for Florida's successful beach program, with special consideration of geographically targeting legislators, including outreach suggestions for new lawmakers and leadership.
- Lessons learned and shared by our coastal engineers, industry and local governments that may have program-wide benefits from sharing—the good, the bad, the ugly.

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

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The Awards Committee is accepting nominations through **July 29, 2016.** The nomination form and complete details can be found at [www.fsbpa.com/annual-conference/awards.html.](www.fsbpa.com/annual-conference/awards.html)

Visit www.fsbpa.com/annual.htm for complete details on submitting your abstract or award nomination, as well as conference registration information and hotel reservations.

Key dates to remember:

- **May 6 -** Registration Opens
- **June 10 -** Call for Abstracts DEADLINE
- **July 29 -** Awards Nomination DEADLINE
- **August 24 -** last day Hotel Room Reservations guaranteed at $149
- **Through August 24 -** Early Conference Registration
- **After August 24 -** Regular Registration
- **September 14-16 -** Annual Conference

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Port Everglades Inlet: A Brief History and Inlet Management Planning

Christopher G. Creed, P.E., Vice President, Olsen Associates, Inc.

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Port Everglades Inlet is a large tidal inlet located along the southern Atlantic Ocean shoreline of Broward County, Florida. The inlet is of significant economic importance to Broward County and southeast Florida. However, the inlet's impact on the adjacent beaches is not entirely beneficial. The inlet's two large rock jetties, together with its 50-ft deep navigation channel, form a complete barrier to natural littoral transport along the Atlantic Ocean shoreline. Sand is not transported naturally past the inlet from either the north or south, and the inlet lacks a programmatic mechanical sand bypass program that can regularly move sand past the inlet. As a result, the shoreline to the north experiences significant accretion and shoreline advance while the downdrift shoreline is plagued with chronic erosion and shoreline retreat.

To remedy the inlet's impact, Broward County is currently working through numerous complicating factors to implement a long-term comprehensive inlet management program. The main feature of this program will include the construction and operation of a sand bypass system. The concept of sand bypass at this inlet was first studied in the 1960's, but for a host of reasons throughout the years, has not yet been implemented.

Port Everglades Inlet is man-made, originally cut through the barrier beach by local interests in 1926. Before the opening of the inlet, the interior waters in Broward County were connected to the Atlantic Ocean through New River Inlet, which was located about 5,500 feet north of Port Everglades Inlet. New River Inlet closed naturally following the creation of Port Everglades Inlet.

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Photo taken in 1926 of inlet construction activities at Port Everglades. In this photo, the New River Inlet in its open condition appears at the top center. Port Everglades Inlet, under construction, is seen in the center of the photo. At this time, the bund separating the Atlantic Ocean and interior waters at Port Everglades was still in place.

In 1930, the control and maintenance of Port Everglades was assumed by the Federal government under a Congressional Authorization for a Federal Navigation Project. Since that time, the U.S. Army Corps of Engineers (USACE) has maintained the inlet channel and interior port areas. On two occasions, 1962 and 1980, the USACE sponsored significant expansions of the inlet channel. Following the 1980 expansion, there have been several smaller channel maintenance events, but the need for maintenance at the inlet has historically been minimal.

The 1962 inlet channel expansion was a large project, removing an estimated two million cubic yards of material from the inlet channel itself. Most of this material was disposed of about 800 feet north of the channel in the nearshore area. The resulting rubble spoil shoal extends about 4,700 feet offshore in a shore-perpendicular configuration. It is unclear why the shoal was constructed, but perhaps the shoal disposal provided the least-cost option for the work, while also reducing sand transport to the inlet. The large shoal furthered the inlet's impact on the adjacent shoreline. The shoal acts as a large submerged groin and limits the amount of sand transported along the shoreline.

The magnitude of the shoreline response north and south of the inlet prior to 1962 is not well documented. It is known, however, that following the opening of Port Everglades Inlet, sand accumulation north of the new Port Everglades north jetty and a reduction of tidal flow through New River Inlet led to the eventual closing of New River

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Inlet. Following the inlet closing, natural north-to-south sand transport across that inlet was re-established, and sand accumulated north of the Port Everglades north jetty.

After the 1962 inlet expansion, the combined impounding effects of the jetty and spoil shoal contributed to continued shoreline advance north of the inlet and likely minimized the amount of sand that reached the inlet channel itself. At the same time, the beaches to the south eroded due to the lack of sand input from the north. The erosion south of the inlet prompted the authorization and implementation of the Broward County Federal Shore Protection Project – Segment III. This project was authorized as a shore protection project, and justification for the project was not tied directly to the effects of the inlet on the downdrift shoreline. Although sand bypassing was discussed as a possible approach to addressing erosion south of the inlet during the planning of the Shore Protection Project (USACE, 1965), use of offshore sand resources was found to be more cost-effective at that time.

In 1980, the inlet was expanded further. The channel was widened and deepened, and the north jetty was realigned and extended seaward. It is believed that most (if not all) of the material dredged from the inlet in 1980 was disposed of offshore. There is no record of beach compatible sand being recovered from the inlet and placed along the beaches to the south.

Existing configuration of inlet and adjacent shorelines, looking southward.

The realignment and seaward extension of the north jetty in 1980 increased the sand storage capacity along the shoreline north of the inlet. In the 15-20 years following the 1980 expansion, there was no measureable shoaling within the Federal navigation channel or material available for dredging and placement along the beaches south of the inlet. The continued impoundment of material north of the inlet and low sand shoaling rates in the channel benefitted the navigation project. This benefit however, came at the expense of the downdrift shoreline. Erosion there continued, and the only

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opportunity for mitigation of that erosion was the Federal Shore Protection Project – which, again, is not directly related to the inlet itself.

Since at least 1962, there has not been a measureable input of sand to the southern beaches from inlet maintenance. Rather, since 1970, eroded beach conditions and the inlet-induced sediment deficit along the Segment III shoreline have been addressed through the Broward County Federal Shore Protection – Segment III. The County has placed more than 2.2 million cubic yards of sand along the beach immediately south of the inlet and more than 7.0 million cubic yards of sand between the inlet and Miami-Dade County (i.e., Segment III – 8.1 miles in length) through the Federal project, all of which has been sourced from offshore borrow areas. Until recently, there were sufficient volumes of sand offshore of the County that could be accessed and placed in a relatively cost-effective manner. Presently, however, most of the accessible and cost-effective offshore resources have been depleted. The only known future sources for sand for the Segment III shoreline are upland sources and sand bypassing, should it be implemented.

Existing configuration of inlet and adjacent shorelines, looking northward. This vantage point demonstrates the significant shoreline offset across the inlet.

In the 1980's and early 1990's, Broward County recognized that a proactive long-term plan for addressing the very evident impacts of Port Everglades Inlet was needed – including a sand bypass project. Studies of sand bypassing from the 1960's through the 1980's, however, could not demonstrate that the cost of establishing and operating a sand bypass project would be less than the continued use of available offshore sand resources. Additionally, the

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sustainability of offshore sand resources was not well understood at that time. The idea of sand bypassing was again tabled, and the County continued to pursue and use near-by offshore sand resources to address the erosion caused by Port Everglades Inlet. Also, sand bypass could not be justified as a navigation feature, given that the sand shoaling rates within the channel were very low and manageable.

Through the mid-1990's, Broward County continued the pursuit of a long-term comprehensive plan for inlet management at Port Everglades. Through grants from FDEP, the County sponsored the development of a formal inlet management plan (IMP). This plan, which included a conceptual sand bypass plan, was adopted by the State of Florida in 1999. The adopted IMP called for the following:

1) Placement of all beach-compatible maintenance or offshore dredged material on downdrift beaches in areas of greatest need. The combined total of material placement from all sources shall equal or exceed 44,000 cubic yards on an average annual basis.
2) Redefine the interim inlet sediment budget included in the plan by December 31, 2002, with the results of a comprehensive beach monitoring plan.
3) Implement a comprehensive inlet, beach, and offshore monitoring program.
4) Conduct a feasibility study to determine the impacts of construction of a breakwater and a spur structure on the south jetty, a weir on the north jetty or other alternatives to facilitate mechanical bypassing of sand. The study should consider the removal of the rock rubble [spoil shoal] located north of the inlet.

At the time of IMP adoption, the impact from the inlet to the adjacent shorelines remained clear. And, even though sand bypassing had not yet been shown to be a cost-effective solution to address the erosion south of the inlet, the County and State agreed that a comprehensive management strategy at this inlet should include sand bypassing. As a result, the IMP included a recommendation for continued pursuit of the bypass project.

Since adoption of the IMP, the County has worked to implement all plan elements. The County has continued sand placement along the beaches south of the inlet through the Federal Shore Protection Project and two recent opportunities for use of dredged material from the inlet for placement along the downdrift beaches. In 2006, approximately 550,000 cy of sand were placed along the highly eroded John U. Lloyd Beach State Park shoreline. In 2006 and 2013, Broward County led and funded the efforts to place beach compatible sand dredged from the inlet channel to the beach south of the inlet. Otherwise, this material was scheduled to be placed offshore in the ODMDS as the least cost-disposal method. The two maintenance events produced a total of only about 150,000 cy of sand.

Since 1999, approximately 700,000 cy of sand has been placed along the shoreline immediately south of the inlet, an amount equivalent to about 41,200 cy/yr. This is equivalent to about 94 percent of the IMP goal of 44,000 cy/yr. With no current plan for additional sand placement or known opportunity for use of dredge material, annual

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requirements for sand along the southern beaches will not be met. Without mechanical sand bypassing, the source for material to maintain this rate is unclear.

The County also implemented a comprehensive beach and inlet monitoring program and updated the inlet sediment budget on three occasions, with the first in 2002. The effect of the inlet on the adjacent shorelines has been relatively consistent through the years. Updates to the sediment budget show a generally consistent accretion north of the inlet, no natural transport of sand across the inlet, and a high rate of erosion south of the inlet. The only notable change to sand transport around the inlet since the mid-1990's has been a gradual increase in the amount of sand shoaling within the entrance channel. Before the mid-1990's, almost no sand shoaling occurred within the inlet channel. Between 1995 and today, up to 20,000 cy of sand per year has been transported into the inlet from the north beach. It appears that the observed increase in shoaling is due to the complete impoundment of the 1980 jetty configuration.

In 2002, the County initiated a comprehensive study to evaluate the feasibility of a sand bypass project. The study was designed to be broad in scope and consider physical, economic, social and political aspects of the project. Particular effort was placed upon addressing concerns from interests north of the inlet. The study also highlighted the growing problem of the future availability of cost-effective offshore sand sources and the increase in shoaling to the inlet channel. The study concluded that a sand bypass project at Port Everglades would be a feasible future inlet management activity.

The project will benefit both the beaches to the south and the inlet channel. Benefits to the beaches will be realized through a more cost-effective future sand source compared to other known available options (i.e, upland, central Florida, outer continental shelf, and Bahamian sources, among others). Benefits to the inlet channel will be reduced sand shoaling of the inlet channel and a regular dredging program at the sand trap. Even though there will be benefits to the Federal channel, the sand bypass project will not be directly associated with the Federal navigation project. Rather, Broward County and the State of Florida will implement the project as a non-Federal improvement to the inlet for the benefit of the beaches to the south.

Identification of the final plan and implementation of the sand bypass project have been difficult. There are many competing interests at Port Everglades that make prudent sand management at the inlet very challenging. Not surprisingly, the concerns and wishes of these groups vary. The principal stakeholders who have interest in the port, port channel and adjacent beaches include:

- Broward County
- Port Everglades
  - Port Operations
  - Port Pilots
  - USACE
- City of Ft. Lauderdale
- Adjacent Private Interests
- Environmental Interest Groups
- U.S. Navy
- FDEP (John U. Lloyd State Park)
- City of Dania Beach
- City of Hollywood
- City of Hallandale Beach

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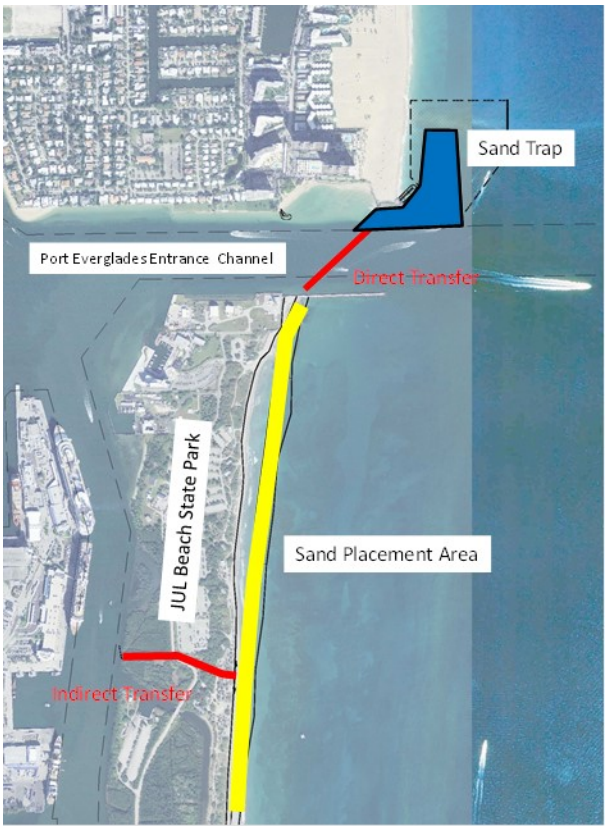
For the past fourteen years, the County has worked with local interests to formulate a sand bypass project. The result is a project that will include the creation of a sand trap on the north side of the inlet and the periodic transfer of sand across the inlet. A portion of the spoil shoal will be removed to reduce sand accumulation along the north shoreline and make sand available in the sand trap for transfer to the beaches south of the inlet. It is expected that once the project is operational, sand will be transferred across the inlet every 2 to 4 years. The amount of sand expected to be available through the project is more or less equivalent to the documented annual sand loss rate along the shoreline immediately downdrift of the inlet and will reduce the annual demand for sand along the entire Segment III shoreline by almost 50 percent. The project is scheduled for construction in FY2017.



Although there are Federal benefits to both the beach and the navigation project, the sand bypass project will be operated by Broward County and funded through cost-sharing grant agreements with the State of Florida. Presently, the USACE is not expected to participate in the project, as there is no Congressional authority that allows participation either through the Federal Navigation Project or Shore Protection Project.

In addition to the immediate benefit of providing a reliable sand source for the Segment III shoreline, Broward County has also identified the project as an Adaptation Action Area. This designation recognizes the benefits of the project from a long-term coastal resiliency perspective. The beneficial use of sand from the project will address the expected long-term vulnerability of beaches south of the inlet due to rising sea levels.

The Port Everglades Sand Bypass Project represents a central element to the County's comprehensive beach and inlet management programs and a critical resiliency strengthening measure for the Broward County community. The project is a systematic approach to deliberately manage sediments in a manner that maximizes natural and economic efficiencies to sustainable projects, environments, and communities. The future management of Port Everglades Inlet and the adjacent shorelines will be founded on the implementation of the sand bypass project, and after a 50-year effort, Broward County is on the cusp of achieving this goal.

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FSBPA Supports USACE Initiative to Increase Resiliency in the Southeast

By Jackie Larson

FSBPA welcomes Jackie Keiser as a newly appointed ex-officio board member representing the Jacksonville District of the U.S. Army Corps of Engineers (USACE). At the April meeting, Jackie introduced to FSBPA's Board of Directors a new initiative she is helping to spearhead, the South Atlantic Regional Systems Management Strategy (SARSMS or RSM Strategy). Jackie's presentation of this strategy was well-received by the FSBPA Board of Directors and resulted in a motion and unanimous vote to support the RSM Strategy.

Jackie is well-known and appreciated by FSBPA's membership, especially our local government sponsors, as a champion of federally-authorized beach nourishment projects. The Association has long-recognized her importance and contributions to Florida's beaches, as evidenced by her being the recipient of FSBPA's highest award in 2013, the Stan Tait Award. Until recently, Jackie was the USACE Jacksonville District's Dredging Program Manager, and last year was promoted as the Director of the Regional Sediment Management, Regional Center of Expertise.

As described at the April board meeting, the RSM Strategy will establish a comprehensive understanding of risks and vulnerabilities to coastal storms and sea level change along the south Atlantic Coast from North Carolina to the Florida Keys. Much like its precursor, the North Atlantic Coast Comprehensive Study (NACCS) developed by the USACE North Atlantic Division, the study will help communities and government agencies understand risks and vulnerabilities from coastal storms and sea level change and identify risk management strategies to enhance the resiliency of coastal communities. As a welcomed benefit for shore protection advocates, the strategy will emphasize regional sediment management to help maintain and enhance current levels of storm protection.

Click here to the Summary of SARSMS

Initial coordination is expected to kick off early Summer 2016 which will include final scope development. Jackie Keiser explained that, "this initiative is imperative to the long term success of coastal communities and input from Federal, State, and local stakeholders will be a critical part of scope development. The outputs of this study, in addition to guiding federal investments, are intended to help drive future state and local risk-informed decisions such as those related to land use, infrastructure investments, building codes, and evacuation planning." The study itself is expected to be completed approximately 3 years after funding is received.

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Photo courtesy of USACE Jacksonville District
Broward Segment II, Post-Sandy, 1-16-14

The RSM Strategy will bring further attention to the importance of a systems approach to navigation dredging and coastal flood risk management that supports beneficial use of sediment resources to promote resilient communities, healthy coastal ecosystems, and provide value to the nation. Jackie Keiser explained that these RSM strategies are unique in that many can be implemented almost immediately within present authority and funding. Congress also supports this integrated approach to managing sediments, recent WRDA 2016 draft provisions propose significant inclusion of Regional Sediment Management authorities. Bill Hanson, Vice President with Great Lakes Dredge & Dock, shared his thoughts about the strategy with FSBPA and expressed, "The NACCS study post Sandy has proved its ROI (return on investment) many times over and RSM may be the most important program in the Corps toolbox at this point. SARSMS is an essential tool to provide decision making protocols for coastal risks management. We absolutely need SARSMS if we are to move forward with a comprehensive and thoughtful coastal investment strategy."

This initiative is a priority of both the South Atlantic Division Commander, General Turner, as well as Jacksonville District Commander, Colonel Kirk. Once the SARSM is completed, we will have a comprehensive and consistent understanding of coastal vulnerability along the entire Atlantic coast of the U.S. as well as a multitude of storm risk management strategies to provide for a resilient and sustainable future of our coast.

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USACE Jacksonville District Updates

US Army Corps of Engineers®

PROGRAMMATIC INFORMATION

- WRRDA 2014 implementation guidance is made available to the public at the link below. As the guidance is made final, the section number in the left hand column becomes a link to a pdf of the guidance. Most sections of WRRDA are still pending. http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/LegislativeLinks/wrrda2014/wrrda2014_impguide.aspx
- WRDA 2016 drafting is under development.

PERSONNEL CHANGES

- Jason Engle is the new Chief of the Water Resources Engineering Branch (Vice Sean Smith).
- Susan Lucas is the new Chief of the Coastal/Navigation Plan Formulation Section (Vice Candida Bronson).
- Eric Summa is now the Chief of Planning Division (Vice Eric Bush).
- Gina Ralph is the new Chief of Planning, Environmental Branch (Vice Eric Summa).
- Mike Renacker is the new Chief of Water Resources Branch in Project Management (Vice Jerry Scarborough).
- Jackie Keiser is now the Director for the Regional Sediment Management Regional Center of Expertise.
- Milan Mora is the new Chief of the Water Resources Section in Project Management (Vice Jackie Keiser).
- SAJ Civil Works Program is now in a growth mode following 2013's risk of a Reduction in Force (RIF).

FEDERAL PROJECT STATUS UPDATES FEASIBILITY STUDIES:

- **St. Johns County** – St. Johns County feasibility study includes shoreline areas in South Ponte Vedra Beach and Vilano Beach. The study previously included a third reach, Summerhaven, which was dropped from the analysis due to a lack of damages shown in Beach-fx modeling, among other factors. The Tentatively Selected Plan (TSP) milestone was held in February 2016. The next milestone is the Agency Decision Milestone, scheduled for May 2016.

- **Flagler County** – The report is awaiting Congressional authorization (WRDA). SAJ has expressed capability for Federal funding in FY16, 17, 18. Efforts continue toward using a contributed funds agreement with the sponsor for the pre-construction, engineering and design phase (PED).

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- **St. Lucie County** – This feasibility study lags the St. Johns Feasibility study by a small margin. The report evaluates the feasibility of providing hurricane storm damage reduction in highly erosive areas along the shoreline in south St. Lucie County. The Alternatives Milestone was met in June 2015 and the final array of alternatives was determined in April 2016.

OTHER MAJOR PLANNING REPORTS:

- The **Draft Ft. Pierce Shore Protection Project GRR** seeks an additional 50 years of Federal participation in the project and is nearing completion. Submittal of the report will currently follow WRRDA 14 Section 1014a which allows non-federal interests to complete reports and submit directly to the ASA for approval. Implementation guidance for preparation of a Section 1014a was received early February 2016. The draft cost appendix was provided to St. Lucie County on 29 Feb 2016. The sponsor will continue with finalization of the GRR, to include both a certified cost estimate and the appropriate NEPA. USACE will be available for guidance as needed.

- **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. Beach-fx revisions and completion of the 934 report are being conducted at the Jacksonville District. Per direction from USACE Headquarters, the Section 934 study will proceed under the SMART Planning framework. The team is currently working toward the appropriate SMART planning milestone.

- The **Dade County Limited Reevaluation Report (LRR) and Environmental Assessment (EA)** was approved by South Atlantic Division in March, 2016.

- **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. Draft report completion is now estimated for Spring 2016.

- **Sarasota County, Venice** – A Limited Reevaluation Report (LRR) and Environmental Assessment (EA) are underway to evaluate economic and environmental changes to the approved Hurricane and Storm Damage Reduction Project due to the use of a new offshore borrow area. The draft report was submitted to SAD on 27 Jan 2016 and is currently awaiting review and final approval by SAD.

REGIONAL SEDIMENT MANAGEMENT (RSM):

- The Jacksonville District has been officially named the **South Atlantic Division's Center of Expertise for RSM (RSM-RCX)** and is currently working at the National level. With this designation, SAJ will lead a National team of subject matter experts to further operationalize RSM throughout Nation. Work is currently focused on quantifying the value of RSM provided by jointly managing navigation, coastal storm damage reduction, and ecosystem restoration projects.

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- **South Atlantic Regional Systems Management Strategy (SARSMS).** The RSM-RCX is leading the efforts for a South Atlantic Comprehensive Coastal strategy. Authority exists under RSM and HQ has allowed us to expend $100K to scope the study and gain momentum for potential FY17 funding. A Feb 16 scoping meeting with the SAD Districts was extremely well received.

- The **South Atlantic Division (SAD) RSM Optimization Pilot** continues to be the most highly visible project the CX is working. This effort aims to analyze and present how optimization of SAD dredging projects (coastal and navigation) could be coordinated with RSM strategies to maximize budget use and keep sediment within the coastal system. Output consists of a web application and fact sheets.

ENGINEERING, DESIGN, AND CONSTRUCTION

The **Duval County Shore Protection Project** as well as the **Dade County** (truck haul) Project were advertised in April 2016. Both projects are scheduled for summer construction.

The **Nassau County SPP** beach template received (RSM) sand from the Kings Bay entrance channel project. This project has been a huge success for the Nassau County SPP in terms of natural and fiscal efficiencies and will continue to be implemented in the future.

The **Brevard County Mid Reach** PED Mitigation Feature received FY 2016 workplan funding. The contract is scheduled for award by end of September 2016.

The **Broward County** *Segment II 2nd renourishment (Reimburseable)* Construction started on 4 Jan 2016 is on hold for turtle nesting season. Construction will resume again in November and will complete by April 2017.

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Joint Coastal Permits can now be Issued for up to 15 Years

Did you know that most Joint Coastal Permits (JCPs) can now be issued for 15 years? On November 12, 2015, the JCP rules were revised to increase the duration of JCP permits. Previously, under Chapter 62B -49, Florida Administrative Code (F.A.C.), JCPs were limited in duration to 5 years for new construction, 3 years for experimental coastal construction, and 10 years for maintenance activities, such as maintenance dredging and beach nourishment. The amended rules now allow longer permits:

62B-49.011(1), F.A.C.: Joint coastal permits shall be issued with the following durations:

(a) Unless a shorter duration is requested by an applicant, a joint coastal permit issued for activities authorized by Section 161.041(9), F.S., and Part IV of Chapter 373, F.S., will allow for two maintenance or dredging disposal events or a permit life of 15 years, whichever is greater, subject to the requirements of this chapter. The Department shall grant an extension of the permit expiration date to the extent necessary for completion of the second maintenance or dredging disposal event upon request by the applicant. The extension would be documented through an administrative modification.

(b) Three (3) years for experimental coastal construction, pursuant to Chapter 62B-41, F.A.C.; and,

(c) Five (5) years for the construction phase and perpetual operation and maintenance phase, pursuant to Section 373.416, F.S., for sand transfer plants, ocean fishing piers, and mitigation for erosion from erosion control structures that require long-term operation and maintenance.

Permits that involve periodic maintenance events, such as beach nourishment or maintenance dredging, would allow an unlimited number of events during a 15-year duration or at least two maintenance events, whichever is longer.

But what if a second maintenance event isn't completed during that time? The designed maintenance interval for a beach nourishment project predicts how long sand will be retained on the beach after each construction event. This prediction takes into account the storms that are likely to occur during the life of the project. Since the timing of subsequent maintenance events will depend on the actual performance of the project, or how long the beach remains functional, it is impossible to accurately predict the date of the second maintenance event. Therefore, the JCP will initially be issued for 15 years, and will include a specific permit condition that explains the process for extending a permit (with no application fee) if the second maintenance event cannot be completed within the original 15-year duration. Here is an example of the language the Department has included in recent permits:

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If the Permittee is unable to complete two maintenance events within the 15-year life of the permit, the Permittee may request (prior to the expiration date of the permit), and the Department shall grant, an extension of the permit expiration date in order to allow completion of the second maintenance event. The extension would be documented through an administrative modification.

New Construction: Before the recent amendment, the permit duration for new construction was limited to 5 years. The Permittee and the Department could evaluate the initial project design through post-construction monitoring and then make any necessary design adjustments to balance performance optimization and impact minimization prior to subsequent construction events. But under the new rule, this important design calibration step can be built into 15-year permits for projects involving new construction. The physical and biological monitoring data can be evaluated, and any necessary design adjustments are addressed as part of the "Notice to Proceed" condition for subsequent events.

Requesting a Shorter Duration: The amended rule allows applicants to request a shorter permit duration. A shorter permit duration might be appropriate in some cases; for example, the type of sovereign submerged lands authorization required for a borrow area is very simple for project durations of 5 years or less. Rule 18-21.005(1), F.A.C., states that a borrow area used for 5 years or less can be authorized by a Letter of Consent, whereas a borrow area used for more than 5 years requires an Easement. The application requirements for an Easement, as specified in Rules 18-21.009 and 18-21.010, F.A.C., are more extensive and costly than the application requirements for a Letter of Consent, as specified in Rule 18-21.007, F.A.C. In another example, the monitoring requirements for single construction event might not need to be as extensive as they would be for multiple events. The reason for this lies in the potential for physical and biological impacts. If a project will be constructed one time only, the potential for physical and biological impacts might be less than if the project were to be repeated several times, hence the monitoring requirements might be reduced. Applicants are encouraged to reach out to Department staff to discuss these options.

Most of the JCPs that the Department issues are for reoccurring projects, such as beach filling and navigational dredging. Those are the projects for which the 15-year permit duration was intended. However, some projects, such as sand transfer plants, ocean fishing piers and erosion control structures, only require permits for initial construction. In those cases, a 5-year construction permit would be sufficient.

After the structure is built, would I need a permit to operate and maintain the structures? Yes, but that can be built into the original permit review process. The Environmental Resource Permit component of the JCP has a provision that allows a permit to be issued for the initial construction phase, and then be converted to a perpetual operation phase. This approach works well when a sand transfer plant continues to pump sand for the life of the structure, or when the erosional shadow from a groin field periodically triggers the need for mitigative filling.

If I already have a JCP under the old rules, would I have to apply for a new permit to get the 15-year duration? No, Rule 62B-49.011(5), F.A.C., which addresses permit modifications, was also revised to allow permittees to apply for a minor modification to extend an existing JCP for the durations specified in Rule 62B-49.011(1)(a), F.A.C. (note, an application fee for a minor modification may be required):

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The permittee or authorized agent may apply for a minor permit modification to extend the expiration date of a permit issued for less than 15 years by filing a written application with the Department before the permit expires and paying any fees required in Rule 62B-49.006, F.A.C. An application will not be considered filed until the application is received by the Department. A new joint coastal permit is required to continue maintenance of a project beyond the expiration of the permit.

In most cases, the extension of the expiration date can be done as a simple minor modification to the permit. During that permit modification process, other updates may also be conducted. One example would be updates to JCP General Conditions (Rule 62B-49.013, F.A.C.), which were also revised on November 12, 2015, and are not expected to have any effect on most permittees. These updates to the General Conditions could be included as part of the minor modification.

In some cases, the extension of the expiration date might require other revisions to the permit. For example, the design calibration step (to optimize performance and minimize impacts) for new construction, may need to be built into the permit when modifying the expiration date to accommodate multiple construction events. Also, if the project involves a borrow area that was authorized for 5 years or less through a Letter of Consent, extending the use of that borrow area would also require an application for an easement. Permittees thinking about applying for a permit modification to extend the permit duration are encouraged to contact the Department to discuss any additional requirements that might accompany the modification for a time extension.

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Shoreline

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CALENDAR OF EVENTS

FSBPA Conferences

September 14-16, 2016
2016 FSBPA Annual Conference
Naples Grande, Naples, Florida

February 8 - 10, 2017
2017 Tech Conference
Hutchinson Island Marriott, Stuart, Florida

OTHER DATES OF INTEREST

October 25-28, 2016
ASBPA 2015 National Coastal Conference
Long Branch, NJ

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