



## Don't Miss the Summer Season of Events

The FSBPA Team is back to its roots in event planning. We've been very busy and productive this summer between launching the on-line seminar series and organizing the 64th annual conference in Delray Beach. The legal seminars have been exceptionally informative with expert discussion on customary use and public beach access and environmental program funding in Florida. Our next seminar on climate change has an equally outstanding cast of speakers that includes agency experts, academics, and legal practitioners. The seminar begins July 14th promptly at 1:00 pm Please be sure to [register](#) to attend!

## What to Watch: FSBPA'S 2021 Summer Webinar Series

**Climate Change - Emerging Government Responsibility and Liability**  
July 14th 1:00-4:00 pm

### Resilience Funding Opportunities

- ◆ Resilience Funding Opportunities (Whitney Grey, FDEP)
- ◆ Leveraging Federal Disaster Assistance to Build Back with Resilience (Alyssa Hernandez, FDEO)

### Climate Change Case Studies

- ◆ Missouri v. Biden - The Social Cost of Greenhouse Gasses (Shi-Ling Hsu, FSU Law)
- ◆ Reynolds v. Florida (Andrea Rodgers, Our Children's Trust)

### Torts, Takings, and Sovereign Immunity in Florida

- ◆ Bert J. Harris Act Privately Property Claims (Thomas Rupert, Univ. of Florida)
- ◆ Emerging Case Law on Government Liability (Erin Deady, Deady Law)

#ICYMI – all seminars are recorded and available. Call us for more information about registrations or sponsorship opportunities.

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Check out our [employment page](#)  
for coastal related job  
opportunities around the state.  
Currently there is an opening at CEC.

## 2021 Annual Conference

Preparation for the 64<sup>th</sup> Annual Conference is well underway. We are planning a traditional conference agenda this September with a field trip led by Palm Beach County ERM and a cherished, time-honored awards banquet. [Award nominations](#) will be accepted through July 19<sup>th</sup>. Don't delay...now is the time to recognize a dedicated and deserving colleague for their exceptional work on behalf of Florida's beaches.

The Opal Grand Oceanfront Resort in Delray Beach is newly renovated and just stunning. Be sure to make your hotel reservations early (with an emphasis on early)! The conference program will be published in mid-July, and the event will be hybrid, meaning a media team will be onsite recording and broadcasting the sessions for virtual attendees. And yes, [registration](#) is now open! See the next page for the schedule at a glance.



Opal Grand Oceanfront Resort ♦ Delray Beach, Florida

## EXHIBITS and SPONSORSHIPS

**There are a limited number of available booths and sponsorships are selling quickly. To view the prospectus [click here](#).**

## 64th Annual Conference - Schedule at a Glance \*

### Wednesday, September 15, 2021

1:00 pm-5:30 pm Opening General Session  
6:00 pm-7:00 pm Welcome Reception, sponsored by



### Thursday, September 16, 2021

7:30 am-12:00 pm General Session  
12:05-12:15 pm Annual Membership Meeting  
1:00 pm-4:30 pm Field trip to World's first sand bypassing plant! Est. 1937 (exact time TBD)  
6:30 pm-9:00 pm Cash Bar and FSBPA Awards Banquet

### Friday, September 17, 2021

7:30 am-12:00 pm Closing General Session

*\* times are subject to change*



South Lake Worth Inlet Sand Transfer Plant  
photo courtesy of Palm Beach County ERM

## Lido Key Shore Protection Project Construction Completed



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Lido Key, Sarasota is the newest Shore Protection Project (SPP) to be constructed by the U.S. Army Corps of Engineers (USACE) Jacksonville District. Construction of the project began in July 2020 and was completed on 21 May 2021. The project was authorized with Section 364 of the Water Resources and Development Act of 1999 but has not been built before 2020 due to concerns over the effect that the project would have on Big Sarasota Pass, which is the project's borrow area.

The project widened the existing beach berm by greater than 200 ft, however this width will narrow as the beach template equilibrates to a natural shape based on the wave climate. This beach berm will provide protection from erosion for 1.56 miles of shoreline. Approximately 700,000 cy of sand were pumped onto the beach during the construction.

In addition to the sand placed on the beach, two groins made of approximately 5,000 tons of armor stone were installed along South Lido Beach. These groins will help reduce the erosion rate of the beach sand by keeping the material on the beach for a longer period of time.

Cottrell Contracting Corporation was the contractor on the project, which was completed for \$12.68 million. The project cost for the project was split between the USACE (62%), the state of Florida (19%), and the city's Tourist Development Tax (19%). The construction completion initiates the start of the 50-year project life for Federal participation. Nourishments of the beach are expected to occur every 5 years on average over the course of the project life.



Figure 1: Sand being pumped onto Lido Key, Sarasota during construction in 2020.

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Figure 2: Location of the Lido Key, Sarasota Shore Protection Project

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## FDEP Office of Resilience and Coastal Protection Updates - July 2021



### Local Government Funding Request for Fiscal Year 2022-23

The [Beach Management Funding Assistance Program](#) is developing its annual prioritized list of beach and inlet management projects for Fiscal Year 2022-23 Local Government Funding Request (LGFR). Applications must be submitted by July 31, 2021, to the Florida Department of Environmental Protection (DEP).

Funding applications are provided as PDF fillable forms. Please provide additional documents as attachments to the application. Separate Beach and Inlet Project application forms can be downloaded from [FloridaDEP.gov/BeachesFunding](https://FloridaDEP.gov/BeachesFunding).

Please notify us at [Beaches\\_Funding@FloridaDEP.gov](mailto:Beaches_Funding@FloridaDEP.gov) of any project names that you expect to submit. Advance notice allows department staff to start ranking criteria calculations. The most recent physical monitoring survey data is necessary to complete coastal engineering assessments. Please send your data by the application deadline of July 31.

Completed applications, attachments and survey data can be submitted by email to [Beaches\\_Funding@FloridaDEP.gov](mailto:Beaches_Funding@FloridaDEP.gov) or by uploading documents to the program's secure FTP website.

Follow the link below and enter the password "beachfunding" to upload the documents to the respective county folder. [https://ftpportal.dep.state.fl.us/public/folder/89QGrhBdH0GoZs\\_twip\\_iQ/LGFR\\_FY2223](https://ftpportal.dep.state.fl.us/public/folder/89QGrhBdH0GoZs_twip_iQ/LGFR_FY2223)

### Fiscal Year 2022-23 LGFR Schedule

| Entity  | Task   | Days | Rule | Due Date   |
|---------|--|------|------|------------|
| DEP     | Call for applications                        |      |      | 6/1/2021   |
| Sponsor | Application deadline                         | 60   | Yes  | 7/31/2021  |
| DEP     | Draft project assessments released           | 31   | No   | 8/31/2021  |
| Sponsor | Local sponsor comments due                   | 21   | Yes  | 9/21/2021  |
| Sponsor | Signed resolution due                        | 21   | No   | 9/21/2021  |
| DEP     | Final project assessments released           | 14   | No   | 10/5/2021  |
| DEP     | Draft LGFR released for external review team | 14   | No   | 10/19/2021 |
| DEP     | External review team comments due            | 14   | No   | 11/2/2021  |

For questions and application assistance, email [Beaches\\_Funding@FloridaDEP.gov](mailto:Beaches_Funding@FloridaDEP.gov).

### Fond Farewell

Vince George, project manager for Florida's southwest gulf counties, retired July 15. Vince was with the Beaches Funding Assistance Program for 15 years and will be greatly missed.



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## RCP Ready for Beaches Hurricane Damage Assessments

After storms pass, Beaches field inspectors along with colleagues from other DEP offices deploy to affected coastal counties to perform rapid reconnaissance surveys of post-storm beach conditions. These windshield surveys record beach-dune erosion conditions and property damage along with photo-documents of preliminary damage. Once internet service is established, emergency managers review the data on digital tablets, smartphones and other devices using ArcGIS Survey123 software. Post-storm windshield survey observations can be compared to annual pre-hurricane season baseline surveys to quickly assess storm effects.



The Coastal Engineering Teams – made up of DEP coastal engineers, geologists and other trained staff – perform damage assessments of post-storm beach conditions and upland structures within the coastal building zone. These assessments are a more detailed quantification and evaluation of damages than the rapid windshield surveys. The coastal engineering team estimates the severity of erosion, documents damage to upland structures, and flags any observed high-water marks.

The teams also makes vulnerability assessments of upland structures. Again, digital data collection for an ArcGIS platform provides quantitative information to support emergency response planning and mobilization of agency resources. The teams identify beaches where infrastructure and upland development is vulnerable to future storms and where emergency relief measures such as sand placement or temporary armoring may be needed.

Permit managers and project managers with DEP's Office of Resilience and Coastal Protection (RCP) deploy to affected counties in the weeks following storm landfall to assess damages to federally funded beach restoration projects. The Intergovernmental Beach Project Inspection Teams are joined by state emergency managers, the Federal Emergency Management Agency (FEMA) and local government beach managers. Assessments provide preliminary estimates of sand loss quantities from engineered beaches that may be eligible for FEMA funding assistance to replace losses. Additionally, beaches staff assist with assessments of federally authorized beach projects led by the U.S. Army Corps of Engineers.

The Beaches Land Surveyor Team performs shoreline topographic surveys at DEP reference monuments within the storm-affected area. These conventional real-time kinematic-GPS ground surveys typically precede post-storm aerial LiDAR surveys. [These surveys will ground truth the LiDAR data and where LiDAR data is not collected provide the only quantitative information of beach erosion.](#) Topographic surveys conducted immediately after a storm generate elevation data used to calibrate DEP storm erosion numerical models that support the evaluation of regulatory permits.

### Report Post-Storm Beach Conditions

Crowdsourcing of firsthand observations by local governments and stakeholders in storm-impacted beach communities is very useful. This information helps DEP damage assessment teams guide emergency response activities and target the most critical beaches for investigation. Just as important, local beach condition reports help staff skip areas that have only minor storm impacts. Photographs, locations and descriptions of post-storm beach conditions can be emailed to the RCP beaches program contacts or to the beaches hurricane coordinator.



### Beaches Post-Storm Damage Assessment Resources

Beaches Hurricane Coordinator [Fritz Wettstein](#), 850-245-8020 (office), 850-491-2387 (cell).  
[Beaches Hurricanes and Tropical Storms](#) or 850-245-2094 (RCP main line).  
[Coastal Construction Control Line \(CCCL\)](#).  
[Beaches Inlets and Ports Program](#).  
[Coastal Engineering and Geology Group](#).

### Coastal Adaptation and Resilience Tools

The Florida Coastal Management Program's Coastal Adaptation & Resilience Tools (CART) Initiative has been demonstrating online, web-based coastal resilience tools for local government staff since 2017. Over the past year, FCMP has presented 25 virtual CART Initiative demonstrations. If your organization would like a demonstration, contact [Joe Bauer](#).

### Sea Level Impact Projection Study Rule

Notice of proposed Rule 62S-7, Florida Administrative Code, known as the Sea Level Impact Projection (SLIP) Study Rule, regarding public financing of coastal construction was published April 2, 2021. No public hearing was requested, so the rule goes into effect July 1, 2021. The rule is a significant step toward creating a more resilient Florida.

Key components of this rule include:

- A required use of the intermediate-high sea level rise scenario from the National Oceanic and Atmospheric Administration (NOAA) report "2017 NOAA Technical Report National Ocean Service Center for Operational Oceanographic Products and Services (NOS CO-OPS) 083, Global and Regional Sea Level Rise Scenarios for the United States."
- A requirement to provide alternatives to project design and siting that take into account the SLIP study analysis and are designed to reduce future flood risk to the structure and the risks and costs associated with the structure's construction, maintenance and repairs.
- The informational rather than regulatory nature of the rule.



## Resilient Florida Grant Program

Throughout the 2021 Florida legislative session, lawmakers discussed the need to create a more resilient state. It is evident throughout Florida that coastal and inland communities face increasing issues related to higher temperatures, rising sea level, increased flooding and intensified weather.

To address these mounting problems, the Legislature passed Senate Bill 1954 outlining the Resilient Florida Grant Program within DEP. On May 12, 2021, Governor Ron DeSantis signed the bill into law, ensuring a coordinated approach to coastal and inland resiliency and enhancing Florida's efforts to protect inland waterways, coastlines, shores and coral reefs. With more than \$640 million in funding, this bill will help ensure that the state and local communities are prepared to deal with the impacts of sea level rise, intensified storms and flooding.

SB 1954 requires the development of the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set. It also facilitates developing statewide sea level rise projections and other data necessary to determine risks to inland and coastal communities. The data set is to be completed by July 1, 2022, and the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Assessment is to be completed by July 1, 2023. The Statewide Flooding and Sea Level Rise Resilience Plan is to be submitted by Dec. 1, 2023.

The assessments must include an inventory of critical assets and regionally significant assets that are essential for critical government and business functions; national security; public health and safety; the economy; flood and storm protection; water quality management; and wildlife habitat management.

Counties, municipalities, regional resilience organizations, water management districts and flood control districts are encouraged to submit proposed projects that address flooding or sea level risks to be considered for inclusion in the statewide flooding and sea level rise resilience plan. The bill also includes creating the Florida Flood Hub for Applied Research and Innovation within the University of South Florida College of Marine Science.

The Resilient Florida Grant Program also authorizes DEP to provide grants to local governments to fund the cost of community resilience planning and to collect necessary data for that plan. This includes comprehensive plan amendments and necessary analyses to meet the requirements of section 163.3178 (2) (f), the Peril of Flood Statute; vulnerability assessments that identify or address risks of sea level rise; developing projects, plans and policies that allow communities to prepare for threats from flooding and sea level rise; and projects to adapt critical assets to the effects of flooding and sea level rise.

The many facets of this bill, along with the millions in funding, highlight the emphasis that needs to be – and is being – placed on increasing the state's resilience, adapting to sea level rise and protecting Florida communities.

## Proposed Changes to the Turbidity Criterion

A public workshop for the Triennial Review was held May 5, 2021. DEP's Division of Environmental Assessment and Restoration is no longer proposing changes to the generally applicable turbidity criterion.

The proposal now reads "Turbidity shall not be increased above background conditions within areas of the state where coral reef or hardbottom communities are currently found or have been demonstrated to have

occurred since Nov. 28, 1975. To evaluate this criterion, background conditions shall take into account the natural variability of turbidity levels, not to exceed 29 NTU.” The implementation document is no longer proposed to be incorporated by reference into the rule but may be used by the permitting programs that will implement the rule.

This proposal is not expected to affect the majority of joint coastal permits. Currently, there are no permits that have mixing zones that extend over unmitigated hardbottom resources with coral. Typically, the mixing zones end at the resource. Permit monitoring conditions should not change.

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**Shoreline**

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

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# CALENDAR OF EVENTS

## FSBPA Summer Seminar Series

- ◆ **Climate Change – Emerging Government Liability (July 14th)**

For more information or to register, [click here](#)

## FSBPA Conferences

**September 15-17, 2021**

**FSBPA Annual Conference**

**Opal Grand Oceanfront Resort, Delray Beach, Florida**



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