

Shoreline

October 2011

news from the Florida Shore & Beach Preservation Association

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25th Annual National Conference on Beach Preservation Technology
February 8-10, 2012 | Stuart, Florida
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Legislative Update

By Debbie Flack

Our 55th annual conference in Miami Beach and two weeks of legislative committee meetings are already behind us and it's only the second week in October. Committee weeks are scheduled every other week through December 9, and the 2012 Session begins January 10.

Over the summer official state economic data showed signs that the economy might be improving. In turn, there was hope that the preparation of the FY 12-13 budget would be easier than in recent years. For our mutual interest in the preservation and repair of Florida's beaches



a repeat of the current year's \$21 million for statewide beach management was a reasoned goal. Unfortunately, optimism has faded, and another round of painful state spending cuts in the \$1.5 billion range is anticipated. As we all are acutely aware, this new round of cuts follows

three years of significant reductions. Last week, House and Senate appropriations committees heard from agencies on proposed cuts in the 10% range. It is reasonable to once again expect some significant portion of this requisite reduction to be achieved by shifts in trust funds. This must concern us – the beach trust fund (Ecosystem Management & Restoration) may be a target.

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Because of the accelerated session calendar to accommodate redistricting, the appropriations process will be even more front-loaded. With housing once again labeled as a major cause for the anemic economic recovery, the dedicated revenue source for beach management is once again virtually non-existent. There will not be documentary stamp tax revenues to fund the many designated program recipients including “beaches”. Currently, the only alternative source of beach funding seems to be non-recurring general revenue (GR). Needless to say the competition for these extremely limited dollars, from late session allocations, will be fierce!

While still too early to be certain, we are hopeful that the Governor’s Recommended Budget will include beach dollars from the trust fund, and perhaps even some GR. We still await the formal transmittal of the LGFR (Local Government Funding Request) from the Department of Environmental Protection to the Legislature. After this occurs, FSBPA will be in a far better position to work with lawmakers and the legislative appropriations staff to identify upper project funding expectations for FY 2012-13 and to develop a short list of priority local government projects. We expect the amount of matching funds leveraged (“the most bang for the State’s buck”), project economic significance, and anticipated timely expenditure of state dollars to be over-weighted considerations.



In terms of substantive legislation, we fully expect regulatory reform/permit streamlining to once again be a legislative focus for this upcoming session. There were a number of beach-related provisions in last session’s “reform” proposals – some FSBPA added, others we could support, and yet others we found troubling. The Association is currently considering and may elect to pursue a stand-alone beach bill for this session in an effort to keep the beach program out of the larger and potentially more dangerous mix of a generic regulatory/permitting bill.

Potential sponsors have been secured and a working group of Association members and staff, with input from DEP, have identified a manageable number of issues for consideration. The main source of inspiration came from the recommendations of the legislatively-mandated Beach Management Working Group (2/2009). An initial decision by FSBPA’s Executive Committee of the Board of Directors as to whether to pursue separate beach legislation for the 2012 Session, and its content, is pending. Regardless of their decision, when the Legislature is addressing reform and streamlining in the very near future, and they will, the Association will not have the option of sitting on the sideline.

Like everything else this “redistricting” year, development of the Association’s 2012 advocacy strategy is on fast-forward. We do not have the luxury of the usual discussion at our February Board Meeting and Tech Conference; by then the session will be at the half-way point, not weeks from beginning as is usually the case. We instead will have to rely on Shoreline to keep you informed as well as frequent BeachWatch member updates to keep our affected local governments apprised of legislative developments and to seek their ongoing input.

Words of Wisdom from Florida's Senator Dennis Jones, District 13, Pinellas County

The following is a speech delivered by Senator Jones at FSBPA's Annual Conference last month in Miami Beach. A number of you at the conference asked him personally to make his comments available. Even more of you asked me or called the office to ask if his insights from the Thursday morning presentation could be provided.

This was the Senator's "farewell speech" addressing his "beach" friends and supporters, and wanted all to know that it was very special to him as well.

Dennis is the senior Senator from Pinellas County, and special friend to its 11 Big-C beach communities. He has served in the Florida House of Representatives, and then Florida Senate, since 1978. He is the Dean of the Florida Legislature.

However, to many of you personally, FSBPA and his colleagues, he is the "Sandman", a recognized champion on behalf of Florida's beaches. Senator Jones was the recipient of the Association's 50th Golden Anniversary Award for Outstanding Public Policy commitment to the preservation and management of our state's beaches. He is the namesake of FSBPA's highest policy award, the Dennis Jones Statesman Award. He was the architect and sponsor of dedicated beach funding and today's beach management program, and was honored by an infrequent naming of this legislation by fellow lawmakers.

The 2012 legislative session will be his last. Let us hope at its conclusion it won't be good-bye. As the following speech demonstrates, Senator Jones simply has too much wisdom and commitment to Florida's beach program for us all not to take advantage of it for years to come. I know you agree.

(D. Flack, 10/10/11)

Looking Back at Over 30 Years as the Sandman and Anticipating the Challenges Ahead

(Speech delivered on September 15, 2011)

Here we are together again at the Florida Shore and Beach Preservation Association's 55th Annual Conference – and the beginning of my farewell tour.

Feels like the Association and I have been working together that long just to produce a beach program worthy of the commitment and partnership with Florida's coastal communities.

With the recent goal of mere survival for Florida's Beach Program; with revenues from the dedicated state funding source for beaches, the doc stamp, virtually non-existent; and with unprecedented fiscal challenges for our federal, state and local government partners, it is easy to conclude that the best of times are behind us – especially in terms of the political commitment and the financial where-with-all to maintain Florida's beaches.



Senator Dennis Jones

However, I do not agree. Together we have managed to maintain a viable Beach Management Program over the last few years when other important resource management programs have fallen by the wayside.

I always come back to the main reason why? Florida's beaches are simply too important to the state's future, tourism, economic well-being, and quality of life to let them slip into a state of disrepair. I remain confident that despite new legislative leadership, a new governor, and changing agency personnel, we as a state, when push comes to shove, will do whatever is necessary to preserve our beaches.

Please indulge me for a moment and let me look back over the past 30 plus years. My intent is not self-serving. It is instead to allow us to appreciate anew how far Florida's efforts to preserve its beaches have come, and to emphasize that current political and budgetary challenges are just that— pauses, adjustments, even steps backward, inherent in the evolution of this important program.

It has never been easy but always worth it – I have never doubted that the preservation and management of Florida's beaches is a noble pursuit.

When I arrived in Tallahassee in 1978 as a lowly freshman House member of the very minority Republican Party, a very wise Senator from Pinellas, Senator Mary Grizzle, gave me sage counsel. Her message – if I wanted to continue serving my district, I'd better take care of the beaches. I know most of you are aware at the very same time our Debbie Flack arrived in Tallahassee with incoming Governor Bob Graham, took over the beach program for him, and I guess you can say the rest is history for us both.

Let's not forget that back then and, in fact, well into the mid 1990s, beaches were lucky to get a little general revenue funding annually. An outstanding year was \$5 million for a handful of projects. The low point, as I recall, was \$500,000 for a single project.

It was pure politics. Priority and needs based on actual beach conditions were not part of the equation. To be honest back then I wasn't exactly a statesman or Florida's sandman, I just fought hard for, and usually secured, dollars for Pinellas County beaches.

As the annual budget battles got more difficult, it became painfully obvious to a handful of us serving in the House during the 1995 and 1996 sessions, especially my dear friends Representatives Jim King and Ken Pruitt, that without a consistent and predictable funding source, Florida would never have a successful strategy for managing the state's eroding beaches – or be able to fully leverage federal shore protection dollars – or provide our local government project sponsors with a dependable state funding partner.

My sanity was questioned when in 1997 I introduced legislation which called for a ticket surcharge on "cruise ships to nowhere" ... you know a little night offshore gambling? No it did not pass, but it sure got us a lot of attention. We packaged the need to fix our beaches in terms of economic benefits and return-on-investment, rather than simply resource protection.

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As we all now know, by the following year, 1998, a viable funding source with a clear nexus to beaches was unanimously approved by the legislature -- a minimum \$30 million annually set-aside for beach management from documentary stamp tax revenues.

Easily said, but a most difficult accomplishment. Achieved over two legislative sessions, but grounded in over a decade of frustration.

This successful dedicated funding initiative was followed in 2000 by legislation insuring specific project eligibility and statutory project ranking criteria which proudly bears my name. At the time most of us thought this was the final piece of the puzzle. Time to sit back and relax, and maybe even gloat a little bit.

We have all since realized that maintaining what was achieved has been far more difficult, and increasingly so, than the initial battles.

In a historically short period of time, we had gone from debating the merits of whether we as a state should restore and renourish Florida's beaches at all, to a well-funded statewide program, almost universally supported by the Florida Legislature. Seemed like smooth sailing for a number of years – \$30 million plus annually, with substantially more when needed for hurricane recovery.

I also sponsored with Representative Stan Mayfield, the Inlet Management Act as stand-alone sections to Chapter 161 in 2008. The intent was to redirect and recommit the state's beach management efforts to address erosion caused by inlets.

It seemed to me that the 1986 comprehensive planning provisions specifically addressing inlet management had done little. So the added policy emphasis of this 2008 legislation was reinforced with funding incentives.

I may have more to say on this subject because I am once again disappointed that DEP and affected political jurisdictions still don't seem to have the where-with-all or initiative to capture the sand lost at our inlets and place it on adjacent beaches, which would reduce the cost and amount of sand needed for nearby nourishment projects. Sometimes I wonder if I have been the only one listening to Dr. Dean over the years!

Unfortunately, I have spent the last three years, with the help of the association and many of you, just trying to keep this beach program alive. No doc stamp revenues – so no dedicated funding. Not sure how all my colleagues feel, but all things considered we have managed to fund statewide beach management at a very respectable level, this year at over \$21 million, with extremely scarce general revenue dollars.

This provided a respectable state program for fiscal year 2011-12 that includes funding for 12 separate nourishment projects, partial funding for 3 inlet management projects, and state cost-sharing for the post-construction monitoring of 19 separate projects. The thought of continued state cost-sharing for monitoring was a highlighted subject at last year's conference in Clearwater Beach, and the prognosis was bleak. So current year funding should tell us that we are doing something right!

I also did something during this past session that may be a bit out of character for me. I involved myself – and may do so again in the 2012 Session — in various bills or amendments under the label of regulatory reform or permit streamlining. I offered an amendment reminding the Department that they could not impose permit conditions for beach nourishment projects more stringent than provided for in statute or rule. It seemed to me at the time that the obvious needed restating.

As another separate amendment, I urged the major streamlining of permits for maintenance or renourishment of previously restored beaches. I am also hoping that DEP will seriously consider the use of general permits for at least this purpose.

A few colleagues were surprised with my involvement in these permitting reforms. However, at the time, I was concerned and frustrated with the permitting process for the renourishment of the Pinellas County Sand Key Project and the possibility of the Corp reprogramming federal funds. While it had a happy ending, with much credit due to Secretary Vinyard, it still should have never gotten to that point.

Now to the fun part for me! As the program title indicates – I get to “anticipate the challenges ahead.” I don’t mind doing a bit of crystal-ball gazing. Much of it in the form of friendly warnings to you.

After the 2012 session, I plan to sit back as a spectator, but always a citizen supporter and champion of Florida’s beaches. Don’t mess it up!

I hate to admit it, but we still cannot assume people, especially local commissioners, state lawmakers, and other decision-makers, get it – recognizing the successful marriage of beaches, tourism, and a healthy economy.

It is simple to me. In difficult times, state and local government cannot afford to delay or abandon the necessary maintenance of our beaches.

I know there are some who truly believe we should not interfere with mother nature. Beaches should not be further developed or post-storm redevelopment allowed. Beach nourishment should be replaced by a policy of retreat.

I can’t go that far. Beaches are the engine that drives Florida’s tourist-based economy. And it is this tourism based on beaches, many of them restored, that is and will continue to lead our coastal communities out of this recession.

Each of you needs to deliver this reminder at every available opportunity!

This association and each of its member governments has the responsibility to educate local leaders and members of the legislature. I have benefitted considerably over the years from the work and materials of Florida Shore and Beach Preservation Association and its members – from issue papers, budget documentation, economic data, talking points, fact sheets, and legislative proposals. These educational materials must have greater availability and be even better in the future.

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Well-informed beach advocates are not likely to be cultivated in today's legislature. Term limits and extensive committee requirements make it virtually impossible for new members to be adequately informed regarding program history, intent, and problems. This is not unique to beaches or any other subject.

Considerable time and effort by the Association, and each of you back home, will insure as one generation of advocates leaves the legislature others, especially coming from the ranks of locally elected officials, are educated and prepared to fill the void. Then we can only hope a number of these local beach champions end up in Tallahassee to carry the torch! I am told this is occurring to some noticeable extent in the House. I certainly hope that is the case.

The bottom line, despite a very different legislature today, you still must find a way to effectively rally and grow support for Florida's beach program. I wish I could give you the answers!

To be honest with you, it is not a legislative process or atmosphere I appreciate and love as I once did. There really isn't the opportunity to take an issue or concern, master the specifics, and have adequate opportunity to cultivate the support of your colleagues. Yet, despite the considerable challenge, I can tell you with absolute certainty, nothing is more important to the mission and future effectiveness of most of you here today.

Obviously, current events in Washington do not bode well for our federal shore protection partnership, which affects approximately half of Florida's Beach Nourishment Projects. To talk about the decrease in the funding of the Corp's discretionary programs is painful in a year when I was so encouraged that the Jacksonville District managed to secure \$45 million in fiscal year 2011 programmed funds for Florida's beaches. Especially when we thought, at this time last year, that without congressional earmarks or "adds" we would not have a federal funding partner this year.

Still I can't help myself from crying wolf again. Hard to imagine the Corp's discretionary programs escaping significant budget reductions. Yet, I am not going to bet against the efforts of my friend and yours Congressman Bill Young to keep the federal shore-protection program alive. It is still wise and not too early for many of you as local project sponsors to anticipate and prepare a contingency plan for a Florida Beach Program where the federal government is not the main funding partner. In so many instances recently, timing could not be worse. During the recent recession, the Florida Legislature has targeted most of its limited beach monies to only federal projects ... leveraging federal matching dollars has made good policy and politics.

Maintaining a viable state program, with a reduced Corp's presence and federal cost-sharing, would be exceedingly difficult. I know that doc stamp revenues are going to come back. I am just increasingly unsure about when.

There is always the faint hope that we can finally get Washington to view these beach projects as the infrastructure and stimulus they are.

My assessment of the future isn't very promising for the short-term ... cloudy crystal ball ... so let me focus on a few specifics for the immediate future. Challenges to each of you, this association, and the Department of Environmental Protection.

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First, please revisit the many good recommendations in the beach management working group report that Senator Atwater and I requested a few years ago.

The accountability and transparency provisions, revisiting project ranking criteria, finally giving appropriate overweight to a project's readiness-to-proceed to construction.

Making our major statewide beach nourishment projects more cost-effective and timely is not simply a conference theme. It is program survival. I am encouraged of late that the Corp of Engineers and Department of Environmental Protection seem to agree.

With or without significant federal involvement in beach nourishment and inlet maintenance, be assured the program cannot sustain political support if more dollars are spent on permitting, monitoring and mitigation, than putting sand on the beach.

It is a double-edged sword for local sponsors – proceed with caution. You have a responsibility to carefully question any agency's requests and permit conditions that are not clearly justified. However, you have an even greater responsibility to incorporate state-of-the-art design and management practices particularly in terms of environmental sensitivity.

One more session, with committee meetings starting next week. I might even consider sponsoring one "last" beach bill, especially if I can really help the Department and our local coastal communities. I am open to suggestions but also have a few ideas and concerns of my own.

Yesterday's expediting permitting panel provided an array of ideas worthy of further consideration.

I am especially looking forward to discussing with Secretary Vinyard and Deputy Secretary Littlejohn the use of general permits when and wherever possible within the beach program, but certainly for renourishment of successful projects with documented performance. Issuing long-term permits available to multiple local sponsors for physical segments of shoreline rather than political boundaries is a most intriguing concept – especially if it helps to promote more innovative solutions for the problems that inlets are causing to adjacent beaches.

I am more than willing to consider legislatively improving how and when to ask for project funding, and how to capture meaningful readiness-to-proceed criteria. Tweaking the project ranking process, improving the project information in the agency's budget transmittal, and weighting Chapter 161 criteria is a waste of time if those nourishment projects ready to go forward in short order are still not at the top of the list.

I am also going to do everything I can to protect the beach program's trust fund during the 2012 session. Someone else is going to have to hold the gun after that.

I mentioned earlier my commitment to a separate emphasis for inlet management as part of the state's Comprehensive Beach Management Program. I expect more creativity than simple nourishment for inlet impacts on adjacent beaches as part of routine project maintenance. Added economic incentive deserves more. If the department, the association or any of you, have some changes to recommend to my 2008 inlet legislation, now is the time!

I liked the permit streamlining provisions for beach projects last session that were in play. You have my assurance, now as you have in the past, that I will at least consider all reasonable proposals to make Florida's Beach Program more cost-effective, timely, and responsive.

I have been, and will continue to be, an advocate for preserving, and repairing as necessary, Florida's beaches; but not at the expense of protecting the rest of the coastal environment.

My final and closing thought – just keep in mind that current and future political and fiscal challenges are just that. It is public and political support for Florida's sandy beaches, and the recognition of their contribution to our economic well-being, that will ultimately determine whether Florida's beach program survives.

I will never forget the support, hard work and wonderful memories this Association has given me over the last 30 years ... thank you!



Senator and Mrs. Dennis Jones

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2012 Board of Directors Elections

Four vacancies on the Board for the 2012 term were voted upon by the general membership at our annual business meeting on Thursday, September 15, 2011. Terms will begin January 1, 2012. While filling the remaining term of vacant seats, two of the four seats are for their first three-year term. They are **Richard Bouchard** (St. Lucie County) and **Jim Trifilio** (Okaloosa County). **Virginia Barker** (Brevard County) and **Charlie Hunsicker** (Manatee County) were elected for their second three-year term. All were unanimously approved by the membership.

The Association's **Officers for 2012**, as recommended by the Board of Directors, and voted upon by the general membership are:

Don Donaldson (Martin County): Chair

Charlie Hunsicker (Manatee County): Vice-Chair

Steve Boutelle (Lee County): Secretary-Treasurer

These officers and the past chair Virginia Barker will serve as the Executive Committee in 2012.



Don Donaldson
2012 Chair

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Candid Shots from the 2011 FSBPA Annual Conference September 14-16 * Eden Roc Renaissance * Miami Beach, Florida

Photos courtesy of Pat Pacitti



Thank you to the attendees, exhibitors, and sponsors who participated in our 55th Annual FSBPA Conference



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US Army Corps
of Engineers

US ARMY CORPS OF ENGINEERS

Federal Project Status Updates — October 2011

FEASIBILITY STUDIES:

- **St. Johns County** – Feasibility Scoping Meeting was held on 16 March 2011 documenting the Future without Project Conditions for alternative analysis. The project has minimal funding for FY2012 to continue the alternative analysis.
- **Flagler County** – Geotechnical Investigations have been completed, identifying beach quality material in Federal waters at locations approximately 5 and 10 miles offshore from Flagler County. A survey is currently underway to identify nearshore hardbottom in the study area. The alternative analysis process has been initiated and will be continuing for the remainder of the FY with calibration of STWAVE and GENESIS for alternative development. A public scoping meeting is scheduled to be held on October 25, 2011 in Flagler beach to gather public input on the study.



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- **St. Lucie County** –The Team is working towards a Feasibility Scoping Meeting (FSM) date of March 2012, for South Atlantic Division (SAD) and Headquarters review of existing and future without project conditions and the first 5 chapters of the feasibility report. Jacksonville District is continuing data collection and analysis within the study area (R89 to R115). The PDT has the Beach Fx model built, calibrated, and generating outputs. Existing and future without project conditions have been established and the PDT is currently evaluating monetary damage outputs. The Sponsor continues to move ahead with planning for a more immediate non-Federal initial nourishment project. The Federal feasibility study is separate and will investigate feasibility of many alternatives, including initial and periodic nourishment.

OTHER MAJOR PLANNING REPORTS:

- The **Brevard County Mid-Reach General Reevaluation Report (GRR)** team has completed updates to the report per Headquarters final review. The final report will now go to the Assistant Secretary of the Army for final approval.
- **Jupiter/Carlin Shore Protection Project** - Palm Beach County has started a 934 report/NEPA document for Jupiter/Carlin Segment to extend Federal participation for the next renourishment. The Sponsor will be running the Beach-fx model. Federal participation has expired under the existing cost sharing agreement and congressional funds were not appropriated for this project segment during fiscal year 2010. Corps' involvement continues to be to support the sponsor in their preparation of the Section 934 report. The report is expected to be submitted by Sponsor for a first round review by Jacksonville District in November 2011.
- The **Draft Ft. Pierce Shore Protection Project GRR** seeks an additional 50 years of Federal participation in the project as well as the inclusion of groins to the project area. The sponsor is currently running Beach-fx, and the GRR is undergoing further evaluation to establish the tentative plan. Modeling of t-head groin features continues by the sponsor with alternative analysis to follow. Once complete, findings will be incorporated into a draft GRR which will undergo review by Jacksonville District.
- **Broward County Shore Protection Project - Segment I** (north county line to Hillsboro Inlet) – Integrated GRR and NEPA document – Preparation of the GRR and NEPA document for initial construction of this segment has been put on hold and is waiting for local funding. **Segment II** – Limited Reevaluation Report (LRR) and NEPA document – Sponsor has initiated their LRR for the upcoming renourishment. **Segment III** – A Draft Detailed Design Report (DDR) has been completed to address the subsidence/erosion of the beach fill at the northern end of Segment III under the authority for the Shore Protection Project. Final approval of DDR is on hold due to lack of Federal funding.

- The **Dade County, Section 227 Project** at 63rd Street in Miami. A design and build contract is being evaluated in cooperation with the Department of Environmental Resources Management (DERM) and Reef Innovation, Inc. Genesis has been completed to determine the minimum structural footprint and the exact project location. NEPA documentation and WQC are underway, with the Joint Coastal Permit to be submitted upon completion.
- The **Martin County Draft Limited Reevaluation Report (LRR) and Supplemental Environmental Impact Statement (SEIS)** evaluates impacts to the Benefit/Cost ratio of the approved Shore Protection Project due to the use of a new borrow area. Turtle-friendly beach construction templates are also being evaluated for use on this project. The final SEIS was noticed in the Federal Register at the beginning of September for final state and agency comments. Following the notice period, the final documents will need to be approved at South Atlantic Division and the Record of Decision for the SEIS will need to be signed by the Division Commander.
- **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 off shore borrow area.



REGIONAL SEDIMENT MANAGEMENT:

- Channel maintenance in the vicinity of **Longboat Pass** and nearby GIWW cuts is anticipated in late fall/winter of 2011. The new Corps dredge, the Merden, will be used to dredge and place material in the nearshore off of **Egmont Key**. Jacksonville District will be working with the Corps' Engineering Research and Development Center (ERDC) to evaluate benefits provided to the coastal system by nearshore placement.

- Ongoing RSM work in **St. Johns** and **Duval Counties** includes includes GenCade model development, planned to eventually link the coastal system between the St. Johns River Inlet and St. Augustine Inlet. Work also includes evaluating alternatives for beneficial use of material from channel maintenance combined with use of offshore sources for beach nourishment projects throughout the region.

CONSTRUCTION:

- **Duval County Shore Protection Project** - A renourishment contract for approximately 700,000 cubic yards was awarded on 20 April 2011 and construction began 8 July. Work was completed on 16 August, a month ahead of schedule, and just before Hurricane Irene passed offshore.
- **Pinellas County SPP** – Sand Key contract was awarded with a delayed notice to proceed to be issued NLT March 2012. Approximately 1,250,000 CY will be placed as part of this project.
- **St. Johns County BEC** – Renourishment is scheduled for award this winter to place up to 2.1 MCY on St Augustine beaches.

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FDEP Bureau of Beaches and Coastal Systems Report

Update as of 10/7/11

By Jackie Larson

JOINT COASTAL PERMITS

Final Orders - Beach Restoration, Nourishment, Inlet Bypassing/Sand Transfer and Port Projects:

Martin County Beach Nourishment (Martin County) – a 10-year permit to nourish 4 miles of shoreline fronting the Atlantic Ocean using approximately 880,000 cubic yards of sand from an offshore borrow area was issued on 8/11/11.

Sand Key Beach Nourishment Project (Pinellas County) – a 10-year permit to nourish approximately 8.7 miles of shoreline fronting the Gulf of Mexico using approximately 1 million cubic yards of sand from an offshore borrow area located in federal waters was issued on 7/6/11.



Photo(s) of the 2006 Sand Key Nourishment Project. Courtesy of Nicole Elko.

Notice of Intent/Draft Permits Processed:

Miami Harbor Phase III Expansion and Maintenance Project (Miami-Dade County)—proposed removal of approximately 6 million cubic yards of mostly rocky material from the federal channel and dispose the material in an Ocean Dredged Material Disposal Site. The Notice of Intent and Draft Permit were issued on 8/31/11.

Recently Completed JCP Applications:

Tampa Harbor Channel Expansion—Widen Cuts A & B (Hillsborough County) – request to widen cuts A & B immediately landward of Tampa Bay Entrance Channel. Complete on 5/12/11.

Miami Beach Experimental Reefball Project—(Miami-Dade County) — request to install an experimental erosion control system consisting of submerged “reefballs” near 63rd Street in Miami Beach. Complete on 7/11/11.

Longboat Key Beach Nourishment—(Manatee and Sarasota Counties)—request to construct multiple nourishments along 9.8 miles of Gulf of Mexico shoreline using both offshore and upland sand sources. Complete on 8/5/11.

South Beach Reach A Sand Bar Innovative Project—(Brevard County)—request to construct a nearshore submerged sand bar in the waters along Brevard County’s South Beaches using up to 150,000 cubic yards of beach compatible sand. Complete on 8/24/11.

Petitioned Files/Administrative Challenges:

St. Johns County Beach Nourishment Project (St. Johns County) – Request to nourish the shoreline along St. Augustine Beach with approximately 2.1 million cubic yards of sand from the St. Augustine Inlet ebb shoal. The Department's Notice of Intent to Issue a Joint Coastal Permit and authorization to use state-owned lands to the U.S. Army Corps of Engineers and St. Johns County were petitioned on June 28, 2011. The parties worked out an agreeable settlement, and the permit was issued on September 26, 2011.

Western Destin Beach Restoration Project (Okaloosa County) – Five-year authorization request to restore 1.7 miles of Gulf of Mexico shoreline with 831,000 cubic yards of sand from an offshore borrow area to Okaloosa County. A final hearing was conducted before an Administrative Law Judge (ALJ) in August, September, and November, 2010. Proposed Recommended Orders from the Parties were transmitted on January 24, 2011 to the Administrative Law Judge. On June 29, 2011, the ALJ recommended the DEP enter a final order issuing the Joint Coastal Permit, Variance and Sovereign Submerged Lands Authorization. The Department issued a final order adopting the ALJ's findings and conclusions with certain exceptions on August 29, 2011, and ultimately concluded that the permit should be issued. The parties have 30 days from the date of the Final Order to appeal the Department's action.

Okaloosa Island Beach Restoration Project (Okaloosa County) – Request to restore 2.9 miles of Gulf of Mexico shoreline with approximately 913,000 cubic yards of sand from an offshore borrow area. The Administrative Hearing was conducted over several days in November and December 2010. Proposed Recommended Orders from the Parties were transmitted to the ALJ in March 2011. The ALJ issued a Recommended Order on 9/22/11. The parties will have an opportunity to file exceptions and responses to exceptions prior to the Department's issuance of a final order.

ADMINISTRATIVE MATTERS

Local Government Funding Requests for Fiscal Year 2012/2013

The Beach Erosion Control Program received FY 2012/13 local government funding submittals on July 18, 2011. The Bureau's project assessments were sent to local sponsors, FSBPA and the External Review Team for review and comment by October 3, 2011. Bureau staff is reviewing these comments and will revise the Draft LGFR accordingly. The Draft LGFR will then be presented to the Division Director for review.

Florida Administrative Code – Rule Development/Rulemaking

Pursuant to Governor Scott's Executive Order Number 11-01 and 11-72, the Bureau reviewed all of its Rule Chapters to determine consistency with the Executive Orders. Through this process, the Bureau proposed to amend 62B-33, 62B-41, and 62B-49. The Bureau also proposed to repeal 62B-33.007, 62B-49.003, all of 62B-55 (except 62B-55.003), and all of 62-45. Each of these proposed activities is currently making its way through the legislative and rulemaking process.

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Based on statutory changes in 2010, the DEP is required to prepare a Statement of Estimated Regulatory Costs (SERC) for amendments to Rule 62B-41.002, .003, .005, F.A.C. The SERC is currently under development. Once the SERC is complete, we will publish a notice of availability and submit the rule amendments for final adoption upon approval by OFFAR.

The rulemaking package for Rule 62B-36, F.A.C. is complete and is under review for approval to publish a notice of proposed rule. A SERC is not required for Rule 62B-36.

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CALENDAR OF EVENTS

FSBPA Conferences

February 8-10, 2012

**2012 National Conference on
Beach Preservation Technology**
Marriott Hutchinson Island Resort
Stuart, FL

September 26-28, 2012

2012 FSBPA Annual Conference
Naples Grande Beach Resort
Naples, FL

OTHER DATES OF INTEREST

October 18-21, 2011

ASBPA National Coastal Conference
New Orleans, LA

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**25th Annual
National Conference on
Beach Preservation Technology**

Join us

February 8-10, 2012
Hutchinson Island Marriott
Stuart, Florida



Conference Registration

Early Registration ends January 13, 2012

Hotel Information

Reservation deadline is January 13, 2012

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