

Shoreline

April 2012

news from the Florida Shore & Beach Preservation Association

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President's Note

It is always rewarding to have an advocacy agenda become reality. And that certainly describes FSBPA's 2012 legislative strategy. What is even more rewarding is when that plan's goals are exceeded. As you read the following summary article highlighted from the Association's BeachWatch 2012 Legislative Wrap-up (March 12), you will appreciate how far we came in just a few short months in terms of the Legislature's renewed commitment to Florida's beach management program.

This was a difficult but exceptional session that reminded us all that the association, its governmental and non-governmental members, and those lawmakers ready to take up the cause are what continue to make the FSBPA's role as the "voice of Florida's beaches" relevant. Our efforts also clearly benefited from the valuable assistance of Diana Ferguson (Rutledge, Ecenia & Purnell) and Lisa Armbruster, Director of Governmental Affairs, FSBPA.

The Association's priority bill, HB 691-Beach Management (Frishe), was signed by the Governor this past Friday, April 6. All that remains is the Governor's consideration of the Conference Report on HB 5001, the General Appropriations Act, which includes a substantial increase in year-over-year statewide beach funding. While the Governor will use his line-item veto authority, we believe his expressed recognition of the value of healthy beaches to Florida's economy puts local government nourishment and inlet management project funding in good standing.

Debbie Flack

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The 2012 Session Highlights

Lisa Armbruster, Director of Governmental Affairs

With the 2012 Legislative Session focused on reapportionment and tackling another significant revenue shortfall, FSBPA set out with two ambitious goals – sustaining and perhaps improving upon statewide beach program funding from previous years, and substantive beach management legislation. FSBPA is extremely pleased to report that it has attained both goals (although, as noted above, we do await the Governor's consideration of the budget). The article below highlights this session's details.

The success of the beach program, despite these difficult economic times compounded by the reapportionment focus, is testament to the legislative recognition of beaches' importance to Florida's overall economic well-being, and acknowledgment that tourism, led by beaches as the state's #1 attraction, is leading Florida's recovery. As always, we must thank our beach champion legislators for their support!

Beach Management Program Funding

As FSBPA went into the 2012 Session, the organization maintained a must-have goal of the \$16 million appropriation figure to match beach project funding received over the last three years. However, FSBPA strived for the ultimate goal to secure \$20 million for FY 2012-13, including funding for post-construction monitoring and inlet management. The Governor's recommendation for beach projects was \$10 million. FSBPA worked diligently on its strategy throughout the Session, from the committee level through the conference process and final vote, and was thrilled to see its goal become a reality.

In fact, **The General Appropriations Act for FY 2012-13 provides nearly \$22 million for statewide beach management** via a combination of new and reverted/reappropriated project dollars. In addition, the Act provides **\$5.0 million for the Bureau of Beaches and Coastal Systems**. Notably, the total of nearly \$27 million is closing in on the statutory intent of \$30 million in dedicated funding. Specifically, from the statewide beach management funding appropriation, the Legislature provided funding for the top seven beach projects on DEP's local government funding request priority list. In order, these include: Anna Maria Island Beach Nourishment, Venice Beach Nourishment, Nassau County Shore Protection Project, South St. Lucie County Beach Restoration, St. Joseph Peninsula Beach Nourishment, Honeymoon Island Beach Restoration, and Captiva/Sanibel Island Beach Nourishment. In addition, included in the nearly \$22 million allocated for beach projects is \$1.3 million for post-construction monitoring, which is 50% of DEP's request, and \$1.8 million for the 3 highest ranked inlet management activities. Notably, of this \$1.8 million, DEP may allocate \$300,000 in support for sand source needs assessment and management.



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[2012-13 Priority Project: Honeymoon Island, Florida's #1 visited state park](#)

Given the enormous challenges facing the budget this year, the scarcity of General Revenue dollars, and the focus on reapportionment, securing this level of funding for beaches represents a huge success. Including the federal dollars that are leveraged by the top seven projects awarded funding, Florida secures an approximate \$58 million dollar beach management program for FY 2012-13.

Substantive Legislation

With the valuable assistance of FSBPA's ultimate beach champion Senator Jones —during his last session, and Representative Jim Frishe, FSBPA sought a stand-alone beach reform bill that could be kept separate from other regulatory reform bills. This beach-related permit reform bill was narrowly focused on process improvements to improve efficiency and cost-effectiveness. The bill, signed by the Governor on April 6th, has a number of provisions, many of which were 2009 Beach Management Working Group recommendations; key provisions are highlighted below. As a result of this legislation, FSBPA believes there should be a marked improvement with permit-related issues associated with time delays and mounting costs. FSBPA looks forward to DEP's timely implementation and rule-making of the provisions in the bill.

Notably, the 2012 "beach bill" experienced support from DEP, the Florida Association of Counties, Florida League of Cities, visitor associations, member governments, and environmental organizations. There were no negative votes from the beginning to end of the process, and the only amendment to the bill came at the end of the process when the Senate took up the previously-passed House bill. Senate President, Mike Haridopolous, brought up the bill during Senator Jones' farewell on the Senate floor, and Chapter 161 was amended by Senator Jack Latvala to be retitled the Dennis L. Jones Beach and Shore Preservation Act. The Senate recognized Senator Jones as the Dean of the Legislature and a primary architect and champion of Florida's successful beach management program. On the Senate floor, Senator Jones took a moment to recognize FSBPA's President, Debbie Flack, with whom he expressed that he shared this honor.



The provisions of **HB 691 (SB 758) Beach Management** include:

Reasonable Assurance: Clarifies that the design professional for the applicant is responsible for providing competent substantial evidence based on plans, studies, and credible expertise which takes into account those contingencies and events that might reasonably be expected.

Biological Opinions: Allows permits to be issued conditioned upon the receipt of incidental take authorizations required under the federal Endangered Species Act, to avoid unnecessary permitting delays at the state level.

Mixing Zone Variances: Directs the Department through rule-making to address standard mixing zone criteria and antidegradation standards for turbidity for the purpose of reducing or eliminating the need for variances under Chapter 373 and 403.

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Requests for Additional Information: Provides that for any item listed in a Request for Additional Information, the agency must cite the underlying statutory provision and specific rule authority for the information requested.

Prohibition against Guidelines Enforceable as Standards: Provides that the department may not issue guidelines that are enforceable as standards without going through the rulemaking process pursuant to Chapter 120.

Streamlines the Permit Process for Certain Projects: Directs the department thru rulemaking to streamline and expedite the joint coastal permit process for beach nourishment and inlet management projects that have previously been permitted and constructed.

Permit Life: Provides that permits for beach and inlet management projects will be issued for 15 years or two maintenance events, whichever is greater.

Accountability, Transparency and Legislative Oversight: Provides statutory intent and direction to maintain the integrity of the beach project lists and funding allocations by the Legislature as part of the appropriations process by providing notification procedures for the Governor and Legislature in order to report changes in funding and project status outside of the formal process.

Exemptions: Provides a number of permit exceptions for certain listed exploratory tasks related to the collection of data for beach nourishment and inlet bypassing projects.

Notably, the environmental regulation package – HB 503 – sponsored by Representative Patronis, built upon his environmental regulation package from last year which did not pass, also passed this session. It contains one beach management provision that is identical to the one in HB 691. His support for beaches throughout the process should be recognized.

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The 2012 FSBPA Annual Conference

Make plans to join us for the 56th Annual Conference, September 26-28, 2012, at the Waldorf Astoria in Naples, Florida. The Waldorf

Astoria, Naples, is situated by a white sandy beach which overlooks the Gulf of Mexico, and is close to downtown Naples, well known for its shopping and great dining. With the affordable room rate of \$139 per night which includes complimentary parking and free Wi-Fi access in the guestrooms, it will be the perfect venue for the conference. For complete information, please visit www.fsbpa.com/annual.htm.



Waldorf Astoria, Naples

Call for Papers Deadline: June 15, 2012

As is custom, there will be a number of “invited” presentations, and perhaps a roundtable discussion or two, on specific timely topics related to enhancing Florida’s beach management program, and reinforcing funding cooperation between federal state and local partners. FSBPA looks forward to highlighting the results of a very successful 2012 Legislative Session. In turn, we hope to hear from the Department of Environmental Protection on how it envisions the implementation of the new beach management legislation and its timeframe for doing so. Proposed changes to the administrative rule for processing and ranking annual beach and inlet project funding requests by local governments is another anticipated topic. As has been recent tradition, our program will emphasize the beach management history and project successes in our host community, Collier County.

Individual abstracts related to these subjects, as well as the following topics are welcomed.

- * Options available at the local level for beach funding
- * Project specific examples of innovation and cost-sharing
- * Improving coordination and timing of federal and state project funding requests
- * Looking forward: Sustaining Florida’s beach program politically and financially
- * Sand source needs and assessment, multi-county regional cooperation

The deadline to submit your abstract is Friday, June 15, 2012. For complete details, please visit www.fsbpa.com/call.htm

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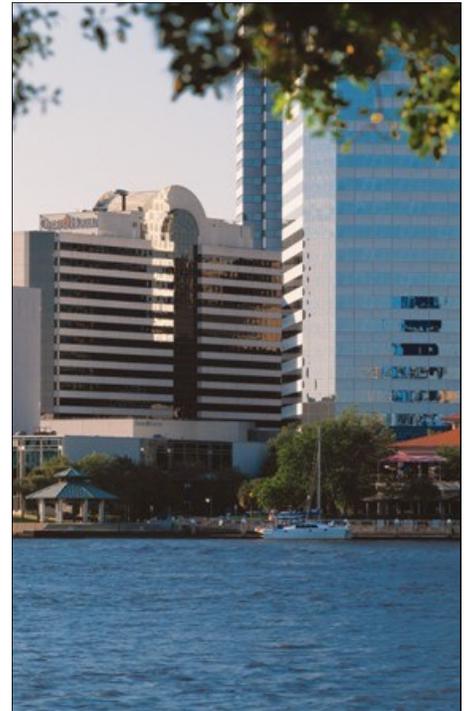
Award Nominations: Deadline is August 3, 2012

The Awards Committee is accepting nominations through Friday, August 3, 2012. The nomination form and complete details can be found at www.fsbpa.com/awards.htm

Looking Ahead to Future Conferences

Save the date for the 2013 National Conference on Beach Preservation Technology, to be held **February 13-15, 2013**. The conference will be held at the Omni Hotel in downtown Jacksonville, Florida.

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*downtown Jacksonville Omni Hotel
Jacksonville, Florida*



Regional Sediment Management in Action – St. Augustine Inlet and Renourishment of the St. Johns County, Florida Shore Protection Project

Renourishment of the St. Johns County, Florida Shore Protection Project began in March 2012. Using a Regional Sediment Management (RSM) strategy, this renourishment will follow a three-tiered dredging approach, targeting sand that has accumulated in two areas within St. Augustine Inlet before dredging the inlet's ebb shoal to gain the 2.1 million cubic yards permitted for beach placement.

The project renourishes 2.5 miles of shoreline fronting St. Augustine Beach; protecting homes, roads and businesses vulnerable to coastal storms as well as providing a sandy beach for locals, visitors, and nesting sea turtles. Where previously no beach existed at high tide and only a rock revetment prevented major erosion, now vegetated dunes provide additional protection from erosion and storm surge while providing potential habitat for creatures like the endangered Anastasia Island Beach Mouse.



Figure 1: St. Augustine Beach, south of the municipal pier, in the 1960's before beach nourishment and in 2009, after initiation of the Federal beach nourishment project.

Regional Sediment Management, or RSM, seeks to manage projects in a holistic fashion, conscious of the fact that along Florida's coasts, what is done on one project can have effects on another. RSM evaluates natural and human-induced sediment movement and needs of various navigation, ecosystem restoration, and storm damage reduction projects within a region. It evaluates how to best link efforts for greater efficiency and cost effectiveness while reducing negative impacts.

Regional Sediment Management (RSM) is particularly suited for the St. Augustine Inlet area because of its diverse natural features, as well as its many Federal projects. Around St. Augustine Inlet there are three Federal navigation projects: the Intracoastal Waterway (IWW), San Sebastian River, and the St. Augustine Inlet. The Federally authorized St. Johns County Shore Protection Project (SPP) is located to the south of the inlet, along St. Augustine Beach, and Anastasia State Park, a valuable resource for natural habitat and recreation, is located to the north of the authorized shore protection project.

Dredging for the current renourishment of the St. Johns SPP began in March on Vilano Point (also called Porpoise Point), a growing point of sand on the north side of St. Augustine Inlet. Over the years, sand has moved through and around a rock groin constructed on the north side of St. Augustine inlet to form Vilano Point. It's likely that the rock structure was designed this way, with the intention that sand building up on its inlet side would be periodically dredged. For various reasons, the sand has not been dredged and the point has continued to impinge on the inlet.



Figure 2: *Marinex Construction's dredge "Savannah" works inside St. Augustine Inlet, dredging sand from Vilano Point and pumping it south to the project site.*

The point is not only a hazard to navigation, but as the point grows it narrows the inlet, increasing current velocities which can become hazardous, and deepening the inlet against the south jetty. The inlet channel has been scoured to excessive depths in some places against the south jetty. As scouring increases, risk of undermining the rocks which form the structure increases. Widening the channel by dredging the point reduces the current velocity, making it safer for boats and lessening pressure on the south jetty. Grassy dunes on the upland portion of the point are used by birds for nesting, and care is being taken to avoid impacting this important habitat.

Sand from the point is being pumped to the southern end of Anastasia State Park where the nourishment is beginning, moving from there to St. Augustine Beach. On a recent site visit, park rangers remarked on the good quality of the sand being placed, noting beach mouse tracks across a newly nourished section of beach.

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Figure 3: Crews shape the beach at the project site.

After Vilano Point, the dredge will move into a section of the inlet's entrance channel which has shoaled and become a concern for boaters over the past few years. The port authority and boaters alike are happy to see the channel being maintained. In these difficult economic times, funds to maintain shallow draft inlets such as St. Augustine, which mostly service recreational boats, have been hard to come by. Combining sediment needs and uses is part of RSM, and in this case the shore protection project is funding the dredging and using the dredged sand for beach nourishment.

2.1 million cubic yards of sand will be dredged for this beach renourishment. Any volume still needed after Vilano Point and the inlet channel are dredged will come from the inlet's ebb shoal, the traditional sand borrow source used for past projects. An ebb shoal is the conduit through which sand naturally bypasses an inlet, dredging sand from the ebb shoal and placing it on the southern beaches follows natural processes, an RSM principle.

While this project is a great example of the principles of Regional Sediment Management, the most important part of RSM is coordination and cooperation by all stakeholders involved. St. Johns County, the St. Augustine Port, Waterway, and Beach District, Anastasia State Park, the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and others have worked together to bring this project to fruition.

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FDEP Bureau of Beaches and Coastal Systems Report

FDEP Bureau of Beaches and Coastal Updates
April 2012

JOINT COASTAL PERMITS

Final Orders - Beach Restoration and Nourishment Projects:

Key Biscayne (Miami-Dade County) – a modification to nourish 6,850' of shoreline using approximately 31,000 cubic yards of fill from the Ortona Mine upland sand source was issued on February 16, 2012.

Notice of Intent/Draft Permits Processed:

Sawpit Creek AIWW (Nassau and Duval Counties)– request to dredge and place approximately 300,000 cubic yards of sandy material from the Atlantic Intracoastal Waterway and Sawpit Creek on the south end of Amelia Island. The Notice of Intent and Draft Permit were issued on March 7, 2012.

Recently Completed JCP Applications:

South St. Lucie Beach Restoration—request to restore 3.4 miles of beach and dune along the South Beach shoreline of St. Lucie County using approximately 485,900 cubic yards of fill dredged from offshore or upland sand sources. Complete on February 3, 2012.



2006 BBCS Aerial Oblique Still Photograph of the proposed South St. Lucie Beach Restoration Project, R103

ADMINISTRATIVE UPDATE

The Bureau will host its first Palm Beach Island Beach Management Agreement Pilot Project stakeholder meeting on May 16th at the Jonathan Dickinson State Park.

PETITIONED FILES AND ADMINISTRATIVE CHALLENGES

Midnight Pass (Sarasota County)—The Midnight Pass Society sent a Notice of Intent to Sue the Department (and several federal agencies) for violations of the Clean Water Act and Endangered Species Act in relation to the alleged failure to reopen Midnight Pass in Sarasota County. The Pass closed in 1983 when neighboring homeowners filed the shifting waterway which was threatening to move under their homes. Three subsequent attempts in 1983 and 1984 to reopen the pass failed due to natural forces. Sarasota County applied to the Department to reopen the Pass in 1996 and 2004. Both applications were denied. The first denial was litigated in DOAH where the Department prevailed. Sarasota County elected not to litigate the second denial. This is the Midnight Pass Society's second attempt to sue the Department in federal court on this matter. The Midnight Pass Society must now wait 60 days from the receipt date (December 29, 2011) of the letter to file a complaint in federal court.

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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 to Issue and Draft Permit were issued on August 31, 2011, and subsequently challenged on December 9, 2011, by five different Petitioners. Petitioners' Fisher Island & Bayview at Fisher Island withdrew their Petitions for Administrative Hearing in the case. The Respondents have been involved in settlement negotiations with the remaining three Petitioners and are cautiously optimistic that a settlement can be reached in the near future. The administrative hearing is scheduled to begin on August 14, 2012.

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CALENDAR OF EVENTS

FSBPA Conferences

September 26-28, 2012

2012 FSBPA Annual Conference

Waldorf Astoria, Naples
Naples, FL

February 13-15, 2013

**2013 National Conference on Beach
Preservation Technology**

Omni Jacksonville
Jacksonville, FL

OTHER DATES OF INTEREST

May 15-17, 2012

From Stem to Stern II ([click here for more info](#))

Clearwater Beach, FL

October 9-12, 2012

ASBPA National Coastal Conference

San Diego, CA

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Join us

**September 26-28, 2012
Waldorf Astoria, Naples**

**56th Annual Conference
Florida Shore and Beach
Preservation Association**

[Call for Papers](#)

Deadline June 15, 2012

[Award Nominations](#)

Deadline August 3, 2012

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*Photo on front page header courtesy of
Laura Aldrich, Town Clerk, Indian River Shores, FL*

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