

Shoreline

July-August 2009

U.S. Supreme Court to Review Florida Supreme Court Beach Management Program Case



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Federal Project Status Updates *plus* Incorporating Sea-Level Change Considerations into Civil Works Programs



US Army Corps of Engineers

FEASIBILITY STUDIES:

St. Johns County – Jacksonville District recently received Federal Stimulus funding for this project.

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[Palm Beach Co. DERM](#)

Influence of Bathymetry on Storm Surges along Florida Coast

Magnitude of storm surge on the open coast and in particular the significance of the offshore bathymetry in influencing this magnitude in Florida is vital to evaluation of damage from coastal storms. Components of open coast storm surge water levels are (in typical order of importance on most Atlantic and Gulf Coast locations)) as follows:

- Wind shear surge (i.e. the forcing of the water towards the coast by onshore winds). This effect is generally referred to as "wind setup" although the term "wind setup" may ...

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Notice of Proposed FSBPA Bylaws Amendments



After a thorough review of the association's bylaws, the Board of Directors voted to offer a number of amendments for consideration by the membership at the 2009 annual business meeting at Amelia Island Plantation.

On the following pages, you'll find the complete ...

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[2009 Annual Meeting Registration](#)

Florida loses a Good Friend and Strong Beach Advocate



Senator James E. "Jim" King, Jr.
1939-2009

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FSBPA's 2009 Annual Conference: Policy, Politics, and Florida's Beach Program

The Association's Board of Directors and staff believe our 53rd conference will be one you will not want, or can afford, to miss. We are returning to one of our members' favorite destinations – Amelia Island Plantation ...

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Call for Presentations: 2010 National Conference on Beach Preservation Technology

FSBPA is pleased to announce the **Call for Presentations** for the **23rd Annual National Conference on Beach Preservation Technology**, February 3-5, 2009, at the Crowne Plaza Melbourne Oceanfront ...

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[Amelia Island Plantation Reservations](#)

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U.S. Supreme Court Decides to Review the Florida Supreme Court Case: Stop the Beach Renourishment v. Florida Department of Environmental Protection and Walton County/ City of Destin

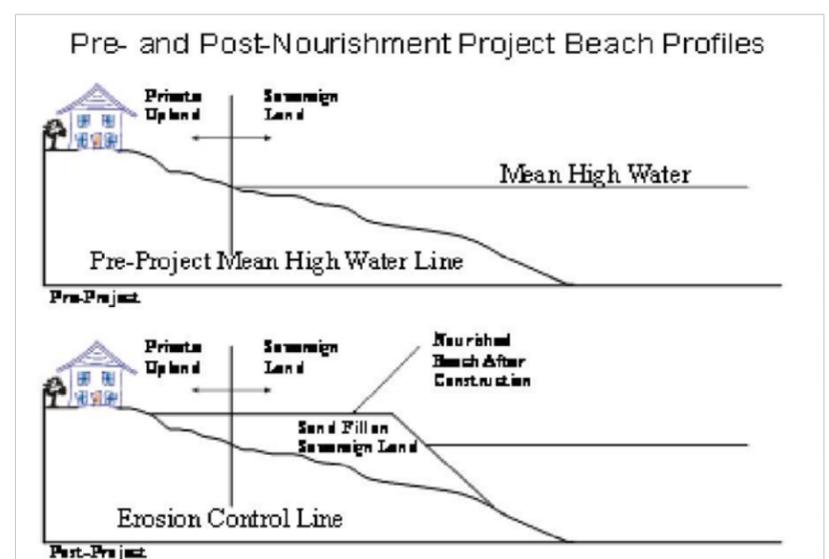
By Debbie Flack
Director of Governmental Affairs

There isn't a member of FSBPA who hasn't followed the subject case for a number of years, so despite the surprise, it is likely that virtually all of you have heard by now that the U.S. Supreme Court granted cert (a decision to review) in this case involving Florida's beach management program. Unfortunately, what began as Florida's Department of Environmental Protection's (DEP's) intent to issue a permit in July 2004, lead to oral arguments in April 2007 before the Florida Supreme Court, is now headed to the U.S. Supreme Court.

The purpose of this article is not to revisit the historical details of a case involving a handful of upland property owners, a well-financed national property rights foundation, or the very heart of Florida's nationally-recognized beach program. It is instead far more important to focus on the potential impacts of the U.S. Supreme Court's review and the role FSBPA should play in support of the State of Florida, DEP, and our coastal counties and cities. We all should keep in mind that this is not simply a "Florida" case addressing Chapter 161, the Beach and Shore Preservation Act, Erosion Control Line (ECL) establishment, or just beach restoration. The Florida Supreme Court did this in extensive detail in their favorable decision on September 28, 2008. Whether agreeing or not, the U.S. Supreme Court would let "us" live with that decision. Oh no, be assured this case was accepted for review by at least 4 of the 9 justices because of its "federal interest" in terms of property rights and judicial taking. No one sharing FSBPA's commitment to Florida's beaches ever wanted or imagined the highest court would use Florida's long-established beach program to address private property rights. The potential landmines for dozens of Florida's restored beaches, and new projects nationally, are endless.

Let's just briefly revisit the Florida Supreme Court decision. The focus was on the Erosion Control Line (ECL). In simple terms, the ECL is that recorded boundary, established at the Mean High Water Line (MHWL) prior to project construction, vesting title landward to the riparian upland owner and seaward to the state as sovereign titleholder. Not too confusing, the land seaward of the ECL, or what was prior to the project the MHWL, is sovereign land; and the sand placed seaward of this recorded line, which is paid for in most cases with public funding (federal, state, local in some combination) is located on and becomes sovereign land. The Florida Supreme Court found that Chapter 161 does not constitutionally deprive upland owners of littoral rights without just compensation. The Court further praised the law for its effectiveness in balancing public and private interest. To quote from the opinion, "the Act effectuates the State's constitutional duty to protect Florida's beaches in a way that reasonably balances public and private interests. Without the beach renourishment provided for under the Act, the public would lose vital economic and natural resources. As for the upland owners, the beach renourishment protects their property from future storm damage and erosion while preserving their littoral rights to access, use, and view. Consequently, just as with the common law, the Act facially achieves a reasonable balance of interests and rights to uniquely valuable and volatile property interests."

The Stop the Beach Renourishment interests filed a motion for a rehearing before the Florida Supreme Court, which was denied on December 18, 2008 – and we thought it was the final chapter. Then in April of this year, surprisingly, Stop the Beach Renourishment, with the support of the Pacific Legal Foundation (PLF), appealed to the U.S. Supreme Court. I was confident—and that is putting it kindly—when I reported to you in the April SHORELINE not to worry, it took four of nine justices to review a lower court decision, and there were "thousands of petitions filed each year, and the Court usually hears, plus or minus, 100 cases." Surprise turned to shock when on June 15 the U.S. Supreme Court granted cert. How we have gotten to this point no longer matters. The survival of Florida's beach management program is clearly at risk should the Court determine Chapter 161 constitutes a judicial taking, in one form or another, under the fifth and fourteenth amendments of the U.S. Constitution.



One only has to look at a recent news release by the Pacific Legal Foundation about the Supreme Court deciding to review the Florida decision to fully appreciate the dire implications of an adverse ruling to future beach nourishment. Interestingly, PLF comments address the government's "Plan" and fails to point out that this so-called plan is reality, going back four decades. The first ECL was established in Dade County in 1973. Since then, arguably 50 projects later, more than 200 statute miles of ECLs have been established. Their release suggests the "Destin" project is the sole focus of this sinister plot. Their own words help us frame the arguments. "The government plan would restrict the property owners' rights of ownership, essentially making the private beach public, once the eroded sand was replaced; but the landowners would receive no compensations." It further states the "the Florida Supreme Court not only declined to protect the property rights of the beach landowners, it aggressively undermined those rights by refusing to recognize the validity of long-established state legal principle that a beachfront landowner enjoys direct access to the ocean." Finally, the Pacific Legal Foundation concludes, "The U.S. Supreme Court's decision to hear this case is good for anyone who owns property in Florida – and indeed, all property owners across the country. Government can't take ownership of your land, whether through traditional eminent domain or a policy of beach restoration without compensating you."



Miramar Beach/Walton

Isn't it strange that all levels of government, as well as affected interests and private property owners, have partnered to preserve and repair our beaches since the late 1960s, and this is the first serious legal challenge to Florida's statutory process. All those hundreds of thousands, perhaps millions, of upland property owners who have had their property "taken" by a beach restoration project are, in fact, the biggest supporters of Florida's program. Perhaps, it may just be their appreciation to have sand instead of water and they have enough common sense to realize that the new sand, usually placed at public expense, is where sovereign submerged land was before restoration and that no structures will be placed seaward of the ECL, which would impede access or view. Even in the case of the Walton/Destin project, it was only a handful of hundreds of property owners, reinforced by a property rights foundation, that challenged this project. Unfortunately, neither common sense nor almost universal support by the affected property owners will prevent the end or drastic reduction of Florida's beach management program as we know it with an adverse judicial ruling. It would be a chilling effect on the program.

No new restored beaches -- or perhaps even no periodic maintenance of previously-nourished beaches -- will cause Florida's coastal communities and the State to suffer significant economic losses and storm damage losses to buildings and infrastructure because of the lack of sandy beaches as tourist destinations and natural storm protection. In any attempt to address an adverse judicial decision, eminent domain would have an unimaginable fiscal impact. We won't likely get to that point, however, because our beach program will be politically unpalatable. You simply cannot imagine decision-makers in Washington, Tallahassee, or at the local level supporting a program where the abutting property owners take actions for monetary damages while directly benefiting from the expenditure of tax dollars for beach nourishment. Neither Congress nor the Florida Legislature is likely to appropriate funds for beach nourishment knowing that projects will likely engender litigation, especially when the value of the upland properties is enhanced as a result of beach nourishment. Let us hope that the Court not only considers the negative fiscal, social, and practical implications of opening the floodgates for takings claims, but also the inherent inequities of claiming damages for a taking in the context of the expenditure of public funds that most directly benefit the upland property owners. And what about the public interest, and associated economic and recreational benefits, of placing needed sand on what are existing state-owned submerged lands?



Walton County's Restored Beach

This brings us to the most important subject of this article. What can FSBPA, as a league of coastal cities and counties, do in support of the State, DEP, Walton County/Destin, and all of Florida's coastal communities in anticipation of the U.S. Supreme Court's review of this case. Our Board of Directors has already agreed to cost-share with Walton County for the professional services of Thomas Merrill, a recognized Yale scholar who specializes in environmental law, eminent domain, laws of property and the Supreme Court. Professor Merrill will be part of the State's legal team responsible for the preparation of the main brief and oral arguments. Heading this team is Scott Makar, Florida's Solicitor General, Tom Beason, DEP's General Counsel, and Hala Sandridge, Fowler, White, Boggs and Banker for Walton/Destin.

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FSBPA has also had to quickly consider whether it could afford to commit to the legal preparation of an amicus brief for the U.S. Supreme Court, as we did at the Florida Supreme Court level. Unfortunately, we have not had the luxury of time -- the main brief is due on September 28. Amicus briefs for "our" side must be filed within seven days of the main brief being filed. The Association has the added burden, and associated cost, of not being able to use our counsel, Linda Shelley, for amicus brief preparation since her firm is counsel for Walton/Destin. However, with Linda's guidance, I am confident we have identified an excellent alternative, the firm of Lewis Stroud & Deutsch. That will insure us the counsel of Nancy Stroud -- an outstanding individual, lawyer, and friend for the past 30 years -- and Gary Oldeoff, who prepared the amicus brief for the Florida Association of Counties (FAC) and League of Cities, on this subject at the State Supreme Court level. We are encouraged that FAC and the League will again file briefs and may allow FSBPA to participate in a joint amicus brief. We realize and appreciate that each of these associations must determine if our overlapping membership, shared interests/concerns, and likely cost-savings are sufficient to justify a "joint" effort.

On a sensitive and uncomfortable note, this FSBPA support initiative has a cost -- approximately \$30,000, assuming a one-third cost-share amicus brief preparation. Without a cooperative brief strategy our costs for amicus brief preparation and legal professional services would exceed \$50,000. Given the long history and purpose of this Association on behalf of Florida's beaches the Board recognizes, regardless of the outcome, that we must do all we can. FSBPA is going to need the support of our general governments, our tourist development councils and convention & visitors bureaus, FSBPA's non-governmental members, the tourism industry, consultants, other coastal interests and civic groups. It is a program we have all benefitted from, and it deserves our support!

Opinions set forth in this article are solely those of the author and do not represent the position of the Association or any third party and should not be interpreted as legal opinion

Any contributions made to the "FSBPA Legal Fund" will be used solely for the professional services of Thomas Merrill and, likely, preparation of an amicus brief. Contributions in excess of actual cost, if any, will be returned to donors on a pro-rata basis.

***Please make checks out to:
FSBPA Legal Fund
Florida Shore and Beach Preservation Association, Inc.
2952 Wellington Circle
Tallahassee, FL 32309***

Special assessments may also be billed according to your instructions: please contact Debbie Flack (floridabeaches@aol.com) or David Tait at (850) 906-9227 to request that your annual billing for BeachWatch or general membership dues also reflect a separate, optional pledge of legal support.

Influence of Bathymetry on Storm Surges Along Florida's Coast

By Todd Walton
Beaches and Shores Resource Center, Florida State University



Location of Transects along the Florida coast

Magnitude of storm surge on the open coast and in particular the significance of the offshore bathymetry in influencing this magnitude in Florida is vital to evaluation of damage from coastal storms. Components of open coast storm surge water levels are (in typical order of importance on most Atlantic and Gulf Coast locations) as follows:

- Wind shear surge (i.e. the forcing of the water towards the coast by onshore winds). This effect is generally referred to as "wind setup" although the term "wind setup" may sometimes include the effects of Coriolis force.
- Wave setup (caused by wind induced waves transferring momentum to the water column) which must be balanced by pressure and bottom friction forces. Wave setup can cause significant increases in water level elevations and can be a significant portion of the overall storm water level rise.
- Pressure deficit (due to storm wind rotation which creates an inverse barometer effect).
- The result of the lower pressures at the center of the storm cause the water under the pressure deficit to be elevated. A rule of thumb suggests a 1 cm rise in ocean surface for every 1 mb drop in pressure below ambient pressure;
- Coriolis force (a result of the rotation of the earth). Coriolis force causes wind-driven currents in the Northern Hemisphere to be deflected to the right in a rotating frame of reference. Winds blowing parallel to the coast cause an increase in sea level along the coastline when the coast is to the right of the wind direction and a decrease in sea level when the coast is to the left of the wind direction.

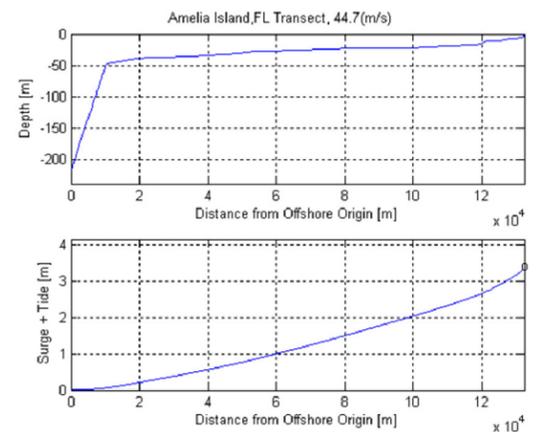
The first two components noted typically make up a large percentage of the storm surge on most mildly sloping offshore continental shelves along the East and Gulf Coast of Florida.

Recent research of the Beaches and Shores Resource Center at Florida State University has attempted to clarify the importance of offshore bathymetry on the wind stress component of storm surge by eliminating three dimensional shelf effects, Coriolis force effects, and atmospheric pressure effects (other than wind shear stress). In this manner the storm surge magnitude effect of offshore bathymetry on Florida's shelf can be made clear not only for tropical storm winds but also for larger scale extra-tropical storm systems that occasionally impact the Florida coast.

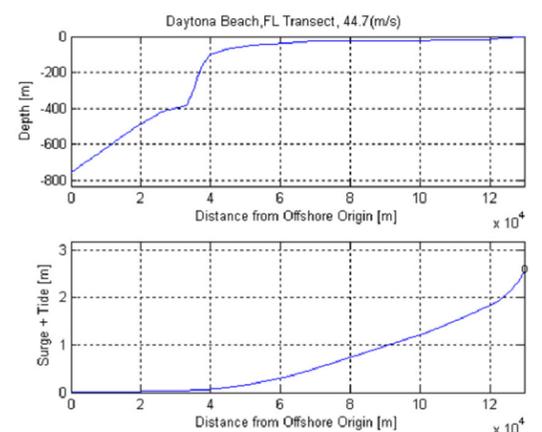
Eight transects around the Florida Coast were investigated to provide a general representation of variable bathymetry that might be encountered along the sandy beach portions of the Florida coast. The areas considered are all regions of high development along the Florida coast and were selected to represent a variety of geologic environments (i.e. sea island, barrier island, mainland low relief, mainland dune/bluff relief, etc.). The transects are as follows:

- | | |
|-----------------------|--|
| Amelia Island, FL | - Northeast Coast of Florida |
| Daytona Beach, FL | - East Coast of Florida |
| Palm Beach, FL | - Southeast Coast of Florida |
| Captiva Island, FL | - Southwest Coast of Florida |
| Treasure Island, FL | - West Coast of Florida |
| Panama City Beach, FL | - Northwest Coast of Florida |
| Walton County, FL | - Northwest Coast of Florida |
| FL-AL line | - Northwest Coast of Florida at Alabama border |

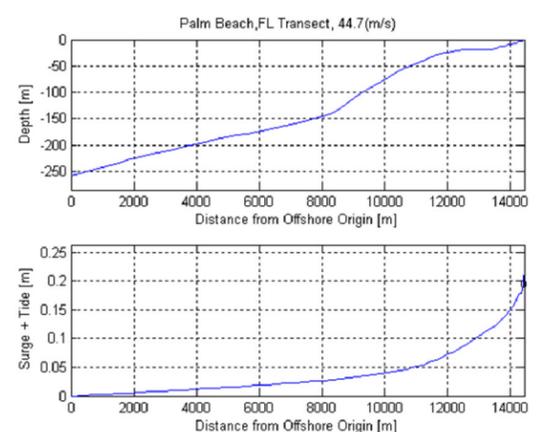
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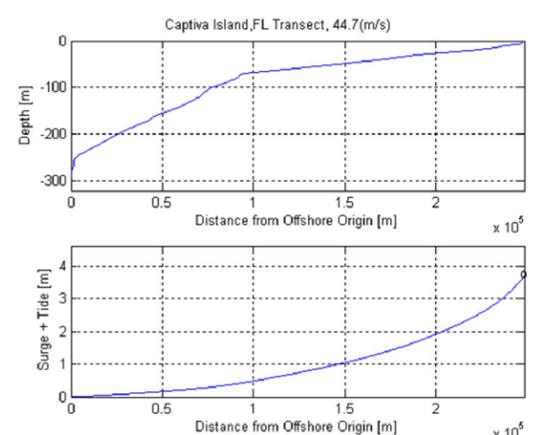
Amelia Island Transect Bathymetry and Wind Setup (W=44.7 m/s)



Daytona Beach Transect Bathymetry and Wind Setup (W=44.7 m/s)



Palm Beach Transect Bathymetry and Wind Setup (W=44.7 m/s)



Captiva Island Transect Bathymetry and Wind Setup (W=44.7 m/s)

The bathystrophic storm surge model originally developed by Freeman, Baer and Jung (1957) was used to evaluate the wind setup surge component. This model considers the surge to be in balance with the onshore component of wind stress and the Coriolis force associated with the alongshore transport of water. Governing equations for the forcing and response can be found in Freeman, Baer and Jung (1957) where $\bar{\eta}$ is the surge above mean sea level.

Results of Computations

Results of wind surge setup for two wind speeds $W=44.7$ m/s (=100 mph) and $W=67.1$ m/s (=150 mph) are provided in a table below for the eight transects considered (for zero tide case).

The wind speeds considered would be comparable to the "maximum" winds found in a Category 2 (42.9-49.2 m/s [96-110mph]) or Category 4 (58.6-69.3 m/s [131-155 mph]) tropical storm although it should be noted that the modeling approach utilized here represents a static one dimensional situation (uniform wind field) and does not consider dynamic effects of the storms, spatial limits of the wind fields, and other factors noted previously that must be considered in a dynamic storm surge model for a tropical storm or hurricane. The wind setup (with tide set to zero) across the shelf bathymetry is shown in figures below for the transects investigated for the case of $W=44.7$ m/s (=100 mph). It should be noted that the steeper slopes (i.e. Palm Beach, FL.) produce considerably less wind setup than the mild slope cases (i.e. Captiva Island, FL.). For the transects considered herein, the wind surge magnitude varied by approximately a factor of nineteen and sixteen for wind speeds of 100 and 150 mph, respectively.

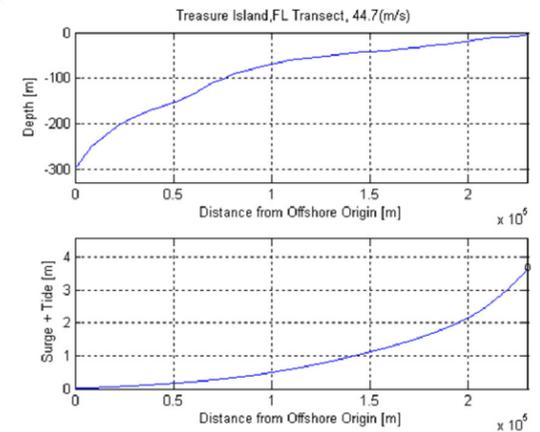
Results show that the effects of a mild slope offshore can lead to a storm surge approximately an order of magnitude larger than for a steep sloped offshore region. Work on benchmarking of state utilized surge models is continuing at BSRC-FSU which should lead to improvements in both the quality and reliability of storm surge prediction.

References

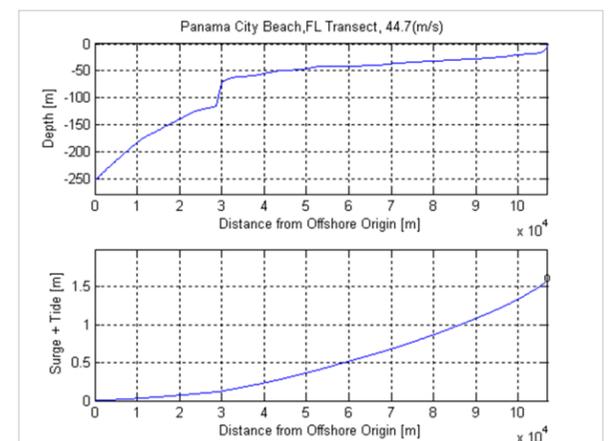
Freeman, J. C., Baer, L., and G. H. Jung [1957]. The Bathystrophic Storm Tide, Journal of Marine Research, Vol. 16, No. 1, pp. 1-29.

Wind Surge at SWL for 8 Florida Transects

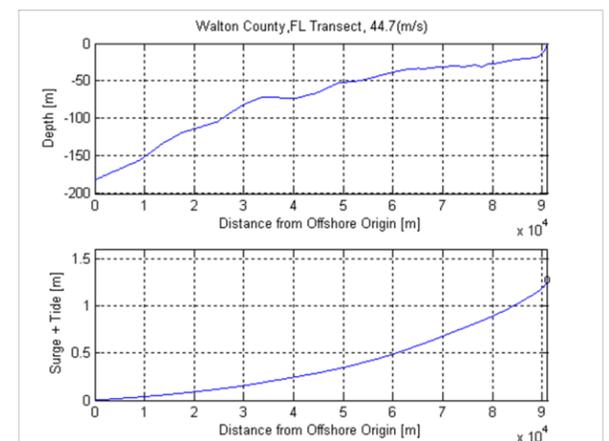
Location	Latitude (deg)	WindSetup (meters) [100mph]	WindSetup (meters) [150mph]
Amelia Island, FL	30.6	3.3	7.1
Daytona Beach, FL	29.1	2.6	5.4
Palm Beach, FL	26.7	0.2	0.5
Captiva Island, FL	26.5	3.6	7.8
Treasure Island, FL	27.8	3.6	7.7
Panama City Beach, FL	30.2	1.5	3.6
Walton County, FL	30.3	1.2	2.9
Florida/Alabama line	30.3	1.7	3.8



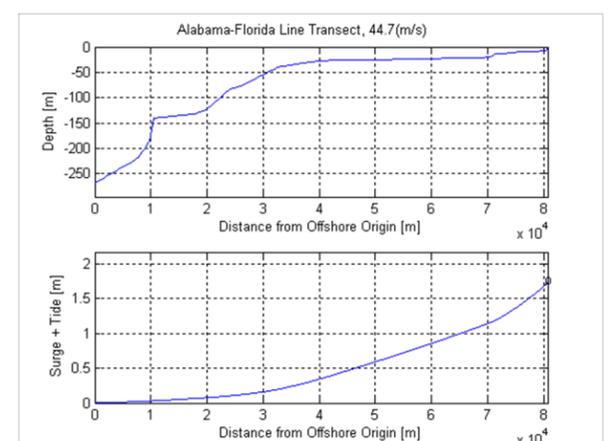
Treasure Island Transect Bathymetry and Wind Setup ($W=44.7$ m/s)



Panama City Beach Transect Bathymetry and Wind Setup ($W=44.7$ m/s).



Walton County Transect Bathymetry and Wind Setup ($W=44.7$ m/s)



Florida-Alabama Line Transect Bathymetry and Wind Setup ($W=44.7$ m/s).



Senator James E. "Jim" King, Jr.

District 8

IN MEMORIAM

October 30, 1939-July 26, 2009

We have to say Good-bye to Senator Jim King

By Debbie Flack

Senator Jim King passed away Sunday, July 26, after a brief but difficult battle with cancer. Known for bipartisan leadership, King left his mark on virtually every legislative policy initiative over the last 20 years. But it is personality and humor everyone who knew him will miss the most.

After 13 years in the House, he was elected to the Florida Senate in 1999 and served as Senate President from 2002-2004. Senator King's district stretched from Nassau to Volusia County, and while he may have been known as the "Jacksonville" Senator with an environmental focus on the St. Johns River, he was always there for the coastal communities and beaches that lined his district.

Often he would listen to his dear friend Senator Dennis Jones and I on the issues affecting Florida's beaches - - and on occasion give us a dose of reality. His counsel and "reality checks" will be sorely missed.

FSBPA and the state's beach program have lost a long-time advocate and champion. Those of us who had the pleasure to know him were truly blessed. **Oh yes, he was larger than life!**

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Federal Project Status Updates – July 2009

FEASIBILITY STUDIES:

- St. Johns County** – Jacksonville District recently received Federal Stimulus funding for this project. Scopes of work are prepared to contract out NEPA, environmental resource surveys, and additional geotechnical investigations using the stimulus funds. Economic modeling work with Beach-fx continues along with report preparation to document existing and future without project conditions in the study area. These conditions, along with preliminary alternatives for hurricane and storm damage reduction, are anticipated to be presented to the South Atlantic Division (SAD) and Headquarters during a Feasibility Scoping Meeting (FSM) during Fall 2009. A Project Inspection Report (PIR) recently completed by the Jacksonville District (SAJ) showed that water level increases, and energetic wave conditions produced noticeable, but not catastrophic erosion of the St Johns County beaches. The berm and dune system was left largely intact.
- Flagler County** – Shoreline environmental surveys are underway. Economic modeling work with Beach-fx continues along with report preparation to document existing and future without project conditions in the study area. These conditions, along with preliminary alternatives for hurricane and storm damage reduction, are anticipated to be presented to the South Atlantic Division (SAD) and Headquarters during a Feasibility Scoping Meeting (FSM) during Fall 2009. Geotechnical investigations are currently in progress. Borrow area development is still ongoing and will likely move to Federal waters. The sponsor plans to have a draft borrow area document completed by late summer 2009. A Project Inspection Report was completed by SAJ in May to document study area conditions following the strong nor'easter experienced from 18-21 May. Heavy seas, strong and persistent longshore currents, and superelevated water levels produced moderate erosion of the Flagler County Feasibility study area. **Figure 1** illustrates a recent observation in the southern portion of the study area.
- Volusia County** - on hold. No non-Federal funding.
- St. Lucie County** – Jacksonville District will be initiating Beach-fx work during FY09. A Review Plan (RP) is pending approval, and once approved, funds will be released to begin the study. This is required to be completed before point project funds will become available for use. The non-Federal Sponsor is conducting environmental surveys and performing assessments.

OTHER MAJOR PLANNING REPORTS:

- The Brevard County Mid-Reach General Reevaluation Report (GRR)** team has completed the draft report. The final draft has been submitted to SAD and Headquarters. SAJ expects HQ comments by the end of June. The report will soon after be released for concurrent independent external peer review and public review.
- The North Boca Raton Second Periodic Renourishment Revised Final Limited Reevaluation Report (LRR)** was approved by Corps South Atlantic Division (SAD) in June 2008. SAD endorsed the Project Cooperation Agreement package for Corps Headquarters review and approval in September 2008
- 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 has requested waiver of Beach-fx to in order to use originally utilized model, SDM. South Atlantic Division (SAD) recommended use of Beach FX as it is the only certified economics model. Additionally, Federal participation has expired and congressional funds have not been appropriated on this project, to date. Therefore, Corps involvement has ceased until Congressional funding can be attained.



Flagler Beach, at 12th Street South, looking southwest during tropical storm Fay in 2008. The distance from the line to the edge of Scenic Highway A1A is approximately 30 feet. Notice the failing granite revetment which is meant to protect A1A.

- **The Draft Ft. Pierce Shore Protection Project GRR** has been completed by the non-Federal Sponsor. The GRR seeks an additional 50 years of Federal participation in the project as well as the inclusion of groins to the project area. Coordination on the Review Plan (RP) continues between SAJ and the Planning Center of Expertise (PCX). SAJ has most recently sent a memo to the PCX requesting approval to use the SDM economic model on this study rather than Beach-fx due to the advanced stage of the report and completion of plan formulation.
- **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 initiated by the Jacksonville District. SAJ has initiated Beach-fx data collection and shoreline biological surveys. **Segment II** – GRR Addendum and NEPA document – Sponsor has initiated their GRR Addendum for the upcoming renourishment. **Segment III** – Preparation of a Detailed Design Report (DDR) by Jacksonville District was requested by the Broward County project sponsor to address the subsidence/erosion of the beach fill at the northern end of Segment III under the authority for the Shore Protection Project.
- The **Brevard County, Florida Independent Coastal Expert (ICE) Letter Report** was approved by the Assistant Secretary of the Army for Civil Works on May 15th, 2009. Based on the most likely without project condition, the Letter Report recommended that cost sharing for the North Reach of the Brevard County Shore Protection Project become 100% Federal to mitigate for downdrift impacts of the Canaveral Harbor Federal navigation project. The Letter Report also recommended that the sponsor be credited for non-Federal funds spent on initial nourishment of the North Reach. An amendment to the Project Partnership Agreement will be prepared, in accordance with current policies and procedures, to address these changes and will require approval by the ASA's office.
- In **Dade County**, work was funded for a **Section 227 Project** at 63rd Street in Miami and was reinitiated in August 2008. A design and build contract is being evaluated in cooperation with the Department of Environmental Resources Management (DERM) and Reef Innovation, Inc. Upcoming, Genesis modeling is underway to determine the minimum structural footprint and the exact project location. NEPA and WQC are completed, the Joint Coastal Permit will be submitted this month
- The **Martin County Post Authorization Change Report** has been completed by SAJ. This report evaluated impacts to the Benefit/Cost ratio of the approved Shore Protection Project due to the use of a new borrow area. The report revised the Benefit/Cost ratio to 4.5. Following review of the report, Headquarters recommended that a Letter Report be completed to summarize the use of the new borrow area. Additionally, turtle-friendly beach construction templates are being evaluated for use on this project. The Final EIS is scheduled to be completed by the end of November 2009.
- **Egmont Key** - Final Public Notice stating "no further action by USACE" was sent out to the project mailing list on April 7, 2009.

BORROW SITE INVESTIGATIONS:

- The **Martin County** borrow area investigation is nearly complete; Taylor Engineering has suggested additional vibracores in the northern part of the borrow area. The Corps is beginning to evaluate borrow area alternatives offshore of Martin and St. Lucie Counties. Hard bottom mapping for **Martin County** is completed and no impacts are anticipated. At the request of FDEP, samples have been submitted to the laboratory for carbonate analysis to examine the potential for cementation following placement of the sand.
- Bathymetric surveys for **Sarasota County** are complete. Vibracores have been collected. Borrow area delineation has resumed at the plans and specs level. Vibracores have been collected and samples are currently being analyzed to further define the borrow area.
- The **Pinellas County, Sand Key** borrow area investigation is underway.

- In **Flagler County** a sand search project is currently underway. Reconnaissance level bathymetric and seismic surveys of sand sources within state and Federal waters have been completed by Halcrow in support of the current Feasibility Study. Halcrow has prepared a proposed scope of work to collect additional vibracores within state waters. The date for vibracore collection has not been determined.
- Plans & Specs are being prepared to utilize all remaining domestic sand sources offshore of **Dade County** as directed by the Assistant Secretary of the Army (Civil Works) in his 10 December 2007 memo to the Director of Civil Works recommending a three tiered approach to meet **Dade County's** beach renourishment needs. The Corps has submitted the Biological Assessment to NMFS and USFWS and is awaiting the Biological Opinion.
- The **Town of Hillsboro Beach in Broward County** is completing a geotechnical investigation for re-nourishment of the privately funded Town of Hillsboro Beach Shore Protection Project. The project plans to use borrow area BA-1 which is just offshore of Deerfield Beach. It is anticipated that this project will likely exhaust BA-1.
- **Broward County** is currently undergoing a sand search for the entire county, although not to investigate deep water sources. The currently active sand search includes Seismic, Side Scan, and Magnetometer data collection as well as reconnaissance level vibracoring

REGIONAL SEDIMENT MANAGEMENT:

- SAJ continues to provide assistance to the Gulf of Mexico Alliance through its Habitat Conservation and Restoration Team. Regional Sediment Management is an important component of plans to improve policies and actions that promote conservation and restoration throughout the Gulf. Visit <http://gulfofmexicoalliance.org/> for more information on the Alliance including progress on the Gulf States Governors' Action Plans.
- A **Regional Sediment Management (RSM) study for the St. Augustine Inlet vicinity, St. Johns County, Florida has begun.** A report will be prepared to evaluate RSM strategies for improved management of four Federal coastal and navigation projects in the vicinity which will likely recommend changes to current management practices and O&M schedules. Additionally, as part of the RSM study, a detailed GIS database will be developed including dredging, nourishment, and disposal data on all four projects.
- **The Draft Southeast Atlantic Regional Sediment Management Plan for Florida** has been completed for SAJ by Taylor Engineering and is currently undergoing Agency Technical Review (ATR). A final report is expected by mid July 2009. The Plan will be an **Addendum to the Dade County Letter Report.** The Regional Sediment Management Plan will expand on the previously completed Southeast Atlantic Regional Sediment Source Study (USACE, 2008) to evaluate sand sources currently available to St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade Counties in order to address long term needs along Florida's Southeastern Atlantic coast. Additionally, this document will examine the feasibility of including non-domestic sediment as an alternative source to meet Southeastern Florida's beach nourishment needs.

CONSTRUCTION:

- **Manatee Harbor** construction dredging is underway. The project work consists of removing shoals from the Manatee Harbor Entrance Channel by means of dredging and bed leveling.
- **Ft. Pierce Shore Protection Project, St. Lucie County, Florida:** Construction was completed in May 2009 and the contractor is wrapping up the project June, expecting to close out the contract in July 2009.

Incorporating Sea-Level Change Considerations into Civil Works Programs

Summary of EC 1165-2-211

A new Engineering Circular, EC 1165-2-211, was released on July 1, 2009. This circular provides interim United State Army Corps of Engineers (USACE) guidance on incorporating direct and indirect physical effects of projected sea level change into USACE projects. Future guidance will address potential impacts to specific coastal and estuarine zones such as; changes in shoreline erosion, inundation or exposure of low-lying coastal areas, changes in storm and flood damages, shifts in extent and distribution of wetlands, changes to groundwater levels, and alterations to salinity intrusion.

Also included in the guidance are summaries of the most recent global sea level change projections produced by the National Research Council (NRC) and Intergovernmental Panel on Climate Change (IPCC). Specifics of these sea level change predictions are presented, explained, and compared. A distinction is made between Global, Regional, and Local mean sea level change and the potential implications of sea level change at these various scales. The EC provides methods to estimate the rate of local and regional mean sea level (MSL) based on available reasonable data.

So, what does this guidance mean for planning coastal projects? The potential for relative MSL change MUST be considered in every USACE coastal study by evaluating a range of low, intermediate, and high rate MSL change scenarios. Scenario planning must be performed in order to plan for the potential range of seal level changes that may affect the different project alternatives. Plans and designs are to be evaluated assuming that, at the least, the historic rate of sea level change will continue for the foreseeable future. Future studies must address the risk and uncertainty involved with each of the MSL change assumptions made and the alternatives associated.



State Road A1A in Flagler Beach, Florida, in May 2009. Coastal infrastructure will become increasingly vulnerable as sea level rise exacerbates the current threat of storm and flood damages.

Call for Presentations: 2010 National Conference on Beach Preservation Technology

Florida Shore and Beach Preservation Association is pleased to announce the **Call for Presentations** for the **23rd Annual National Conference on Beach Preservation Technology**, February 3-5, 2009, at the Crowne Plaza Melbourne Oceanfront, Indialantic, Florida. The National Conference on Beach Preservation Technology Planning Committee is already hard at work, and it welcomes abstracts on the topics below:

Shore Protection Projects and Coastal Management

- **Shore protection projects** that demonstrate current strategies and technologies
- **Post-construction monitoring** analyses and their applications
- **Sediment management** strategies and implementation
- **Coastal inlet evolution** and impact studies, and **inlet management projects**
- **Structural solutions** and their applications
- **Sediment transport and coastal processes modeling**

Coastal Research and Environmental Science

- Applied **coastal research** from the USACE, USGS, NOAA, and academic institutions
- **Environmental science** applications and resulting influence on project development, construction, and monitoring
- **Mitigation strategies** and implementation

Additional Topics

- **Sea level rise**
- Beach and nearshore **hydrographic surveying** technology
- **Dredging** technology
- **Coastal management policy** decisions and lessons learned

FSBPA and the Planning Committee ask that abstracts do not exceed two pages in length, arrive in PDF or Word format, to abstract@fsbpa.com by **September 30th, 2009**. The abstract must include name, affiliation, and contact information, including email address. The **National Conference on Beach Preservation Technology Planning Committee** will evaluate all abstracts. In addition, abstract submittals shall describe the content of the proposed presentation and why it may be of interest to conference attendees. Abstracts shall include discussion on objective/motivation, methods/approach, results/findings, and conclusions/lessons learned.



Notice of Proposed FSBPA Bylaws Amendments

After a thorough review of the association's bylaws, the Board of Directors voted to offer a number of amendments for consideration by the membership at the 2009 annual business meeting at Amelia Island Plantation.

On the following pages, you'll find the complete text of the current bylaws with proposed amendments color-coded to indicate line-outs and/or additions. Please take the time to review the amendments. It's been 12 years since the last major bylaws revision and both the Board and FSBPA staff feel these amendments will keep the association moving in the right direction.

Below are the details on time and location of the vote:

2009 FSBPA Annual Meeting
Annual Business Meeting
12:15 p.m.
Thursday, September 17, 2009
Amelia Ballrooms 1-2
Amelia Island Plantation
Amelia Island, Florida

[Go to Proposed Bylaws Amendments](#)



Text Lined Out
New Text

BYLAWS
of the
FLORIDA SHORE & BEACH PRESERVATION ASSOCIATION, INC.
Established 1957

ARTICLE I
AUTHORIZATION

- 1.1** The Florida Shore & Beach Preservation Association is a non-profit corporation established under the Florida Non-Profit Corporation Act. These Bylaws have been adopted in accordance with the applicable provisions of the association's Articles of Incorporation.

ARTICLE II
PURPOSE

- 2.1** The general purposes and objectives of the Association, stated in the Articles of Incorporation and repeated here, shall be to encourage and develop public and governmental awareness of the need for the preservation of the shores and beaches of the State of Florida; to coordinate and promote public and private efforts to ~~restore and preserve~~ manage Florida's ~~shores and~~ beaches; to aid in informing and otherwise educating the public and various governmental authorities as to the environmental, economic and social impact and importance of Florida's ~~shore and beach~~ coastal resources; to coordinate with the Florida Legislature and the Executive offices or agencies of the State of Florida to further the preservation of the state's beaches; and to work in unison with other state and national associations toward the common goal of preserving and restoring the valued shores and beaches of the United States of America the nation's coastal areas.

ARTICLE III

MEMBERSHIP AND DUES

- 3.1 The classes of membership and corresponding annual dues shall be determined by the Board of Directors.
- 3.2 The membership year shall begin ~~on the date when dues are paid and end on the day preceding that date in the following year.~~ January 1 and end on December 31 of the same calendar year. There shall be no proration of dues for partial year membership.
- 3.3 Honorary Members: From time to time the Board of Directors may bestow Honorary Membership on a member who has made outstanding contributions to the association over a period of years. Honorary Members are exempt from paying annual dues and registration fees to the FSBPA Annual Meeting.

ARTICLE IV

VOTING

- 4.1 All members in good standing, ~~except for student members~~ shall have voting privileges in the affairs of the association.
- 4.2 ~~Voting shall be based on voting units that reflect the level of membership dues. The membership dues of the Individual Member shall be the basic voting unit of the Association.~~ Voting units shall be calculated on the following formula:
- (a) ~~An~~ Individual ~~and Student~~ Members shall be entitled to one vote.
- (b) ~~All other~~ ~~Other categories of members shall be entitled to multiple votes derived by dividing the cash amount of the current rate for Individual Members dues into the annual dues paid by that member. Thus, a member who paid 10 times the dues of an individual membership would be entitled to 10 voting units or 10 votes.~~ ~~non~~ governmental members shall be entitled to 3 votes.
- (c) Non-county governmental members shall be entitled to 5 votes.
- (d) County governmental members shall be entitled to 10 votes.

- 4.3 Members with multiple votes shall appoint one voting delegate who is authorized to cast the ballot of said member.
- 4.4 The current FSBPA dues ledger shall constitute proof of valid membership and the number of voting units to which each member is entitled.
- 4.5 If the Annual Membership Meeting can not take place, all required voting shall be conducted by mail ballot, electronic ballot, or any other legal means, to be determined by the Board of Directors.

ARTICLE V

BOARD OF DIRECTORS

- 5.1 The Board of Directors shall conduct the affairs of the Association. The Board shall establish policies and take actions within the framework of the Bylaws, the Articles of Incorporation and any mandates established at membership meetings. In the absence of any such specific guideline, the Board may act as it deems to be in a manner consistent with the interests and purposes of the Association.
- 5.2 The Board shall determine the eligibility of applicants for membership.
- 5.3 ~~The Board shall elect the Officers of the Association, as provided in Article VII.~~ The Board shall control the expenditure of funds and shall carry out the financial policies, as set out in Article XI.
- 5.4 ~~Eight (8)~~ Seven (7) Directors (excluding ex-officio directors) shall constitute a quorum at any Board meeting

5.5

ARTICLE VI

MEMBERSHIP OF THE BOARD

- 6.1** The Board shall consist of thirteen (13) Directors who shall be elected at the annual membership meeting by voting members in good standing. At least three (3) Directors shall be elected annually, and shall assume office at the close of the meeting at which they were elected.
- 6.2** Directors shall be elected by the general membership for terms of three years. The terms shall be staggered so that each year approximately one-third of the Board shall be up for election. Board members may serve no more than two full consecutive terms.
- 6.3** The Board of Directors shall have the authority to fill any vacancy on the Board. A Director so appointed shall serve until the end of the un-expired term for which he or she has been appointed and, following completion of the appointment, shall still be eligible to serve two full consecutive three-year terms.
- 6.4** ~~The eligibility for Board membership shall be subject to the following limitations: (a) At least nine (9) and no more than twelve (12) Directors shall represent municipal or county governments or other governmental agencies. Up to four (4) Directors may be elected to represent non-governmental members of the association.~~
- ~~(b) At least one (1) governmental member shall represent an inlet or navigation district.~~
- ~~(c) At least one (1) governmental member shall represent a university.~~
- ~~(d) At least one (1) Director shall be a private property owner whose home or place of business fronts a coastal beach.~~
- 6.5** To foster closer ties between FSBPA and the state and federal agencies responsible for beach preservation, the Florida Department of Environmental Protection and the director of the state beach agency and the director of the Jacksonville and Mobile Districts of the U.S. Army Corps of Engineers may each appoint one representative to serve as a non-voting Ex-Officio Members of the Board of Directors. No term limits apply as these appointments are made by agencies outside of the association.
- 6.6** ~~To benefit from the expertise and experience of past members of the Board,~~ The Board of Directors may appoint a maximum of three

~~additional past Directors as~~ non-voting Members of the Board, whom they deem will address the association's current needs. Terms of non-voting Members shall be for one year. ~~and may be renewed by a majority vote of the Board.~~ Non-voting Members may serve a maximum of two (2) consecutive one-year terms.

- 6.7 The Board of Directors may, from time to time, confer the title of Chair~~man~~ Emeritus to an outgoing or past Chair~~man~~ of the Board in recognition of outstanding service to the association. It is the intent of these bylaws that such designation not be bestowed routinely but only on rare occasions for exceptional service and accomplishment. A Chair~~man~~ Emeritus shall automatically be a non-voting ~~Ex-Officio~~ Member of the Board of Directors.

ARTICLE VII

OFFICERS

- 7.1 The officers of the Association shall consist of a Chair~~man~~, a Vice Chair~~man~~, a Secretary-Treasurer and such other officers as the Board of Directors shall deem to be desirable. All officers shall perform the duties usual and appropriate thereto, subject, however, to the direction and control of the Board.
- 7.2 The term of office shall be one year, except for officers selected to fill vacancies, who shall complete the unexpired terms. Officers shall be ~~selected by the Board of Directors from among the current Board members at the first official Board meeting subsequent to the membership meeting at which the newest Board members were elected.~~ elected each year by the general membership at the annual business meeting.
- 7.3 ~~A majority of~~ All officers of the association shall be representatives of local governments or other governmental ~~agencies~~ entities.

ARTICLE VIII

MEETINGS

- 8.1 There shall be an annual meeting of the general membership to elect directors and conduct the general affairs of the Association. This meeting shall take place during the regular annual conference of the association.
- 8.2 Special meetings of the general membership may be called by the Board of Directors, providing that the Board gives the membership at least 30 days written notice and a summary of the agenda.
- 8.3 The Board of Directors shall meet ~~once each quarter. Additional meetings may be scheduled by the Chairman or at the request of seven or more Board members.~~ three times annually unless a majority of the board votes to reduce or increase the number of meetings in a particular year.
- 8.4 The conduct of meetings shall comply with the current Robert's Rules of Order (Revised).

ARTICLE IX

COMMITTEES

- 9.1 The Chairman shall appoint such members to the standing committees and to such other special committees as he or she may be established by the Board of Directors. ~~may deem appropriate and he or she shall define their objectives and duties.~~ Standing committees of the Association are: Nominating, and Awards, and Legislative.
- 9.2 The Board of Directors may initiate and establish additional committees as they may deem appropriate.
- 9.3 Committees shall make periodic reports as requested by the Chairman or the Board of Directors.

ARTICLE X

EMPLOYEES

10.1 A paid President staff may be employed by the Association to handle administer day-to-day affairs administrative, legislative, liaison and business requirements. clerical and other personnel may also be employed. duties, compensation and terms of employment shall be as authorized by the Board of Directors.

10.2 The Board may authorize contracting for other services.

ARTICLE XI

FISCAL YEAR, FINANCES, NOTICES

11.1 The Fiscal Year of the Association shall be the calendar year, from January 1 to through December 31.

11.2 The Board of Directors shall control all funds of the Association and establish an annual budget. Processing of funds and the method of accounting shall be subject to Board authorization and approval.

11.3 Through authorization by the Board of Directors, the Association shall conduct business procedures that are normal and in keeping with the Association's purposes as appropriate for an organization of this nature.

11.4 All revenue, profit, income and funds received shall be used solely for the promotion of the purposes of the Association, and no portion thereof shall inure to the benefit of any members of the Association.

11.5 There shall be an annual audit of the finances of the Association by an independent certified public accountant approved by the Board of Directors.

ARTICLE XII

LOCAL CHAPTERS

- 12.1** The Board of Directors may charter local Chapters on petition of ten or more voting members of the Association in a given geographic area.
- 12.2** The Board of Directors may dissolve a Chapter ~~for cause~~ upon thirty (30) days notice to the officers of the ~~offending~~ Chapter.
- ~~**12.3** The territorial limits of the Chapter shall be designated and may be changed by the Board of Directors.~~
- ~~**12.4** Only Association members in good standing shall be eligible for Chapter membership. A member may transfer his or her Chapter membership from one Chapter to another.~~
- ~~**12.53** A local Chapter may not take any action that in any way infringes upon or abrogates the authority or the purposes or objectives of the Association, or contrary to the best interests of the Association. No Chapter activity shall impose any liability or obligation upon the Association. Chapters shall be bound by the bylaws and policies of the Association act contrary to the best interests of the association as determined by the Board of Directors.~~
- 12.64** Bylaws of a Chapter and amendments thereto must be approved by the Board of Directors of the Association to become effective. Each Chapter is responsible for making certain that the Executive Director has a current copy of the Chapter's bylaws.
- ~~**12.7** Chapters shall hold annual election of officers in June of each year. Their term of office shall be from July 1 to June 30 of the following year.~~
- ~~**12.8** Chapters shall make an annual report to the Association's Board of Directors and such other reports as may be appropriate or requested by the Board.~~

ARTICLE XIII

AMENDMENTS

13.1 These Bylaws may be amended by a two-thirds affirmative vote of the general membership. Amendments may be approved: ~~by either of the following methods:~~

(a) by a vote at the annual membership meeting of the association.

(b) by a mail ballot to the membership of the association.

(c) by any other legal means, as determined by the Board of Directors, including electronic voting.

13.2 Proposed amendments to Bylaws may be initiated in the either of the following methods:

(a) a vote of the Board of Directors.

(b) a petition to the Board signed by at least ~~fifteen (15)~~ 30 voting members.

13.3 In the case of amendments to be considered at the annual membership meeting, members must be given at least 30 days written notice of the proposed amendment. Such notice shall be given either in the official newsletter of the association, or in a letter delivered by U.S. mail.

(a) In the case of amendments originating from a petition to the Board, the proposers of such amendments shall be required to reimburse FSBPA for 100% of the cost of notifying the general membership of the proposed amendment ~~or amendments~~.

13.4 In the case of amendments to be considered by mail ballot, members shall be given 30 days from the date of the mailing to return their ballots to the Association headquarters. Votes shall be tabulated by a Tellers Committee approved by the Board of Directors or by the Board of Directors itself at the next meeting of the Board.

ARTICLE XIV

DISSOLUTION

14.1 The Corporation may be dissolved, the voting and initiative for which shall be the same as provided for Amendments under Article XIII, except that Dissolution shall require a four-fifths vote of the general membership.

14.2 In the event of dissolution, the residual assets shall be disposed of as provided in the Articles of Incorporation.

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FSBPA's Upcoming 2009 Annual Conference: Policy, Politics, and Florida's Beach Program

By Debbie Flack
Director of Governmental Affairs

The Association's Board of Directors and staff believe our 53rd conference will be one you will not want, or can afford, to miss. We are returning to one of our members' favorite destinations – Amelia Island Plantation, September 16-18, 2009.

We will be celebrating our host site with an opening keynote presentation on **Amelia Island Beach Management – Partnering and Perseverance**. Multiple awards at Thursday evening's annual banquet will recognize this accomplishment.

On center stage Thursday morning will be an extended discussion of at least one side of the issue of nearshore oil and gas drilling in Florida waters. This issue promises to dominate the 2010 Legislative Session in Tallahassee - - lobbying and politics at its worst. Our distinguished panel represents the tourism industry (D.T. Minich, Executive Director, St. Pete/Clearwater Convention & Visitors Bureau), local government (Doug Smith, Vice-Chair, Board of County Commissioners, Martin County), the environmental coalition (Eric Draper, Deputy Director Audubon of Florida), and our favorite voice within the Florida Legislature, Senator Dennis Jones. The discussion of impacts to Florida's beaches from oil and gas drilling will "spill" into other presentations on the effects of exploration and drilling on remaining limited sand sources for beach nourishment, and will likely be part of the discussion on "messaging" in preparation of the upcoming session and beyond, by FSBPA's legislative advocacy partner, Diana Ferguson, with the Florida Association of Counties. The final word on the subject of "oil & gas" will be reserved for our special guest, **Senator Bill Nelson**.

Thought-provoking policy presentations on "structures and beach management," the recommendations of the Beach Management Working Group and anticipated legislation, and fulfilling the promise of inlet management focus on Florida's beach program at a time of unprecedented challenge. This may be an understatement, as we hear from Linda Shelley on the implications of the pending U.S. Supreme Court review of Florida's beach nourishment program. Her observations and perspective, as part of our legal team, should be most insightful. As the article on the Supreme Court review in this issue of **Shoreline** concludes, an adverse decision could lead to the end of Florida's nationally-recognized beach program.

We will also hear from U.S. Army Corps of Engineers, Jacksonville District's new Colonel Al Pantono, and have a number of timely, varied and outstanding project-related presentations.

And don't forget:

- The second in the Beaches 101 series for non-professionals on inlet management scheduled just prior to the conference, at 10:30 a.m., Wednesday
- A special Thursday afternoon workshop for local government members with DEP's Bureau of Beaches and Coastal Systems in anticipation of formal rule-making to implement the 2008 inlet management provisions of Chapter 161, F.S., and the recommendations of the Beach Management Working Group
- The annual awards banquet Thursday evening with a stellar cast of award recipients. We will present the Stan Tait Award for the second time, the Richard Bonner Corps Award for the first time, and Senator Jones will present his Statesman Award to the Senate President, Jeff Atwater. This was an extremely competitive awards process this year, with a full state of award winners!
- A very special legislative award presentation to U.S. **Senator Bill Nelson** following Friday morning's professional exchange breakfast. We hope he will share with us his insights regarding federal beach funding for FY 2010. We know his comments on offshore oil and gas drilling will be right on target.

We are sensitive to the fiscal challenges of the times, especially for our local governments. Be assured we do not take your continued financial and membership support of FSBPA for granted. For the conference sponsorships, largely from the engineering firms, industry and consultants, that enhance the conference for the enjoyment of all, we are most appreciative. We know attending conferences may be considered non-essential or even a luxury at this time. Be assured, however, we have done everything possible to make the 53rd annual conference the exception by addressing some pressing policy issues, providing specific and ample opportunity to workshop with DEP, and working to give each attendee the most bang for the buck.

We sincerely hope to see you at the Amelia Island Plantation, September 16-18! For full conference information visit: <http://www.fsbpa.com/annual.htm> And remember **August 14** is the last day for early conference registration and to insure a reduced conference room rate.

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Amelia Island Plantation



Oil Rigs, Santa Barbara California



Senator Bill Nelson

CALENDAR

FSBPA CONFERENCES

September 16-18, 2009

FSBPA Annual Meeting

Amelia Island Plantation

Amelia Island, FL

<http://fsbpa.com/annual.htm>

February 3-5, 2010

FSBPA Beach Technology Conference

Crown Plaza Melbourne Oceanfront

Indialantic, FL

<http://www.fsbpa.com/seminar.htm>

September 22-24, 2010

FSBPA Annual Meeting

Hyatt Regency Clearwater Beach Resort & Spa

Clearwater Beach, FL

OTHER DATES OF INTEREST

October 14-16, 2009

ASBPA National Coastal Conference

Trade Winds Island Resort

St. Petersburg Beach, FL.

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