

Shoreline

July 2010

news from the Florida Shore & Beach Preservation Association

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THE U.S. SUPREME COURT'S REVIEW OF FLORIDA'S BEACH PROGRAM

By Debbie Flack

June 17 was a great day for Florida's beaches. With only 15 opinions remaining for this term, the U.S. Supreme Court ruled, as most of you already know, on case # 08-1151, *Stop the Beach Renourishment v. Florida Department of Environmental Protection, Walton County, and the City of Destin*.

In a unanimous decision, the United States Supreme Court concluded the Florida Supreme Court did not take private property without just compensation in violation of the Fifth and Fourteenth Amendments of United States Constitution in its ruling governing the restoration of our beaches.

We can leave it to the judicial scholars and media to pick and choose the opinion's highlights and nuances. Perhaps FSBPA, like many other affected interests, has been involved far too long to want to summarize in sound bites, or even think about doing so for a period of time. Now is the opportunity to celebrate and appreciate the reality that Florida's long-standing beach management program is on a very solid foundation for the



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future, standing the onerous test of review and scrutiny by the State's and Nation's highest courts. As a Florida Supreme Court Justice noted, this little "gem" of a program will be around for long time, and this is especially comforting at a point in time when our sandy beaches face the impacts of the oil spill.

It has been a difficult journey for so many of us since 2004, thru the Florida Supreme Court in 2007, the U.S. Supreme Court granting cert in June, 2009, oral arguments on December 2, and finally the opinion on Thursday, June 17. I have recognized all along, but found no comfort in the knowledge that the Court was not focused on Florida's beach program. It was merely the "stage" as I have said so often for considering a new judicial doctrine, judicial takings. In the end, the opinion actually formally separated the two, and Florida's beaches were the big winner. This 8-0 decision affirms what all of us already knew. The State's beach program achieves a reasonable and delicate balance between public and private interests, provides recreational beaches for all to enjoy as well as private upland



Mark Wilson, Getty Images

storm-protection, and supports Florida's tourism-based economy. The doctrine of judicial takings was not as easily decided by the Justices. The Court's four conservative justices, lead by Justice Scalia, could not convince a fifth to consider the new doctrine seeking to expand private property rights. The remaining justices said in varying ways that there was no need to address the issue of "judicial takings" in this case. It is good to know should the Court ever wish to consider this issue again in the future, we can be certain that Florida's beach program will not be its stage.

Recognizing all along that common sense and public support would not play a part in the Court's deliberations, they still won out in the end. Despite a handful of property owners, the Pacific Legal Foundation and a dozen property rights groups, Chapter 161's intent to preserve those sovereign submerged lands, where sand is placed as part of the nourishment project, in trust for the public was at the heart of the Court's opinion. So after all is said and done, for the past four decades, 60 plus projects and over 200 miles of restored beach, Florida and the coastal communities have done it right.

Throughout this ordeal, the State of Florida, Walton County/City of Destin, and all of the supporting actors including FSBPA, have benefitted greatly from a outstanding legal team lead by Florida's Solicitor General, Scott Maker, Tom Beason, General Counsel for the Department of Environmental Protection, and Hala Sandridge (Fowler White Boggs) for Walton/Destin. I further believe the addition of Yale Scholar Thomas Merrill to the team, cost-shared by the County and FSBPA, was a significant contribution to the effort.

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Let's not forget the case was supported by an incredible line-up of amici, including the United State of America, the Attorneys General from 26 states, the National Association of Counties, the National League of Cities, Conference of Mayors, the American Planning Association, the Coastal States Organization, Surfrider, and Brevard County. Any even the U.S. Solicitor General (Elena Kagan) filed a motion to participate in December's oral arguments on "our" behalf. All very impressive!



Walton County

FSBPA simply had a supporting role in this heady drama. It would have been inexcusable for the Association not to have come forth to help save Florida's nationally-recognized beach program, and in visible support of DEP and our member coastal governments. The Board of Directors knew they had to find a way, but that decision was made easy by the generous support of our BeachWatch member governments, private consultant contributions, and the American Shore & Beach Preservation Association. I want to again express the appreciation of FSBPA's Board of Directors for

your financial as well as moral support for this critically-important judicial challenge to how Florida has preserved its beaches for decades. We have all known that balancing private property rights, resource protection and the public interest is never easy.

Finally, this Association was honored to file a joint amicus brief in this case with the Florida Association of Counties and Florida League of Cities, and truly appreciative above all for the legal services of Gary Oldehoff and Nancy Stroud (Lewis Stroud & Deutsch, P.L.), as well as the guidance and wisdom offered by our long-time legal counsel Linda Shelley (Fowler White Boggs).

When the decision was announced in real-time on June 17th, the first call (of many) I received was from Mike Sole, Secretary of DEP. This past year has been especially stressful watching a judicial process that one knows little about which was both awe-inspiring and frightening. Like many of you, this beach program means the world to me, and it just helped knowing it meant as much to Mike.

I look forward, as I hope you will, to the Fall Conference's Keynote Address on the subject decision by Gary Oldehoff.

"You can never predict the outcome when the Supreme Court announces that it will take a case. Had the Court decided this case found a taking, it would have had a devastating effect on Florida's beaches and its beach management program. I'm pleased with the outcome and it has been an honor to represent the Association in this important case." (Gary Oldehoff, 6/27/10)

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THE BLACK (oil) AND WHITE (sand) FEATURE

By Debbie Flack

The above title of what I can only guess will be a recurring subject in *Shoreline* for at least many months to come is less painful and redundant than the “Deepwater Horizon Incident” that frequently headlines various daily reports and articles. It is a difficult but certain truth, as Matt Mooneyham, Santa Rosa Island Authority and FSBPA Board Member, reminds me this is “not a sprint, but a marathon” with our member coastal governments in the lead, some might argue by default.

With our limited resources, FSBPA needs a well-defined role in addressing this crisis which narrowly focuses on our mission goal of beach preservation and member needs. I anticipate the need for the Association, at the appropriate time, to again bring the importance of offshore sand sources to the forefront of remediation and recovery planning. We will need to assess oil spill impacts on identified major borrow areas for the future nourishment of the state’s existing beach projects. Further identification of “oil-free” beach-quality offshore sand sources, either project specific or prospective, may also be necessary. To insure the viability of our beaches, as both environmental and economic resources, will require costly, time-consuming and ongoing tar removal, the introduction of all reasonable techniques to do so, subsequent volumetric sand loss replacement, if necessary, and more beach-quality fill as an “aesthetic topping.” (I am sure one of our coastal experts will come up with more appropriate terminology for our beaches than whipped cream on top!) All of this will require significant funding, and if the past year of discussing oil drilling in Florida waters is any indication, we cannot leave it to others to insure that sand source management and beach nourishment are recognized needs and components of any current or future oil spill recovery strategy.

FSBPA has already recognized, as a long-established membership-based association, that we have a responsibility to share anything that might be of benefit amongst our coastal communities. In turn, we welcome any information in virtually any form on oil spill recovery efforts from you for publication in *Shoreline* – useful resources, contacts, websites, and training opportunities. We also wish to share your input or messages on lessons learned, warnings, “what not to do” and even questions you haven’t found satisfactory answers to. We hope that those of you already on the frontline of the battle, despite frustration and exhaustion, will still find the time to share your “wisdom” and “life” experiences with coastal partners in other parts of the state that are still in the “anticipation” stage.

Let us help to make sure that a lack of coordination and cooperation does not lead to a secondary disaster, the failure to see the current disaster as an opportunity to overcome.

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Photo taken by Matt Mooneyham,
6-23-10, Pensacola Beach, FL

Let's use Shoreline for the benefit of all. Send us your contributions (mail@fsbpa.com) or floridabeaches@aol.com. To start the discussion and exchange the following member submittals are offered as well as a DEP article by the Bureau of Beaches and Coastal Systems on their "official" oil spill recovery activities.

Let's start with something positive, a recent email I received from **FSBPA's Vice-Chair, Virginia Barker (Brevard County)** *"A silver lining on this calamity is the rare insight on the public's devotion to healthy beaches and coastal systems. The outpouring of volunteers from all age groups, walks of life, ethnic and social backgrounds is nothing less than incredible. While FSBPA's current role is as critical as it is challenging, our organization should proudly acknowledge the unique privilege we have had to nurture these precious resources for over 50 years."*

From CEPD's Kathleen Rooker: Oil Spill Training Information

The Captiva Erosion Prevention District was the sponsor of two 4-hour training sessions for post emergency oil spill clean-up. The training enables volunteers to safely pick up tar balls and oil debris on the beach. The training was conducted by OSHA certified trainer, Joanne Semmer of the Ostego Bay Oil Spill Co-Op. (239-765-8101) 150 volunteers were trained during the June 14 sessions on Captiva Island. Plans are to conduct another training for volunteers in July on Captiva.

The Ostego Bay Oil Spill Co-Op also offer a Hazardous Material Technician Oil Spill 1st responder certification class. This course satisfies OSHA training requirements. It consists of 2 days of classroom work covering federal and state laws, facility site planning, response, and oil spill prevention. It is followed by one full day on the water including hands on training in laying boom

From Mike McGarry, Brevard County

An independent Florida-source tracking information service. Considerable detail. Many of you might already be aware of ROFFS. If not, check it out.

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ROFFS® OCEANOGRAPHIC ANALYSIS FOR THE DEEPWATER HORIZON OIL SPILL AREA



Photo courtesy of Cameron Cooper, Director, Office of Legislative Affairs Florida Department of Environmental Protection

Cameron had the opportunity to tour the beach at Perdido Key. "Crews were busy cleaning up tar balls which were actually quite small. I have attached a picture of crew members working and it seems that the people in the background just wanted to enjoy their vacation."

From Lisa Armbruster, Panama City Beaches, Bay County

So far, Bay County has remained at the eastern edge of where oil from the Deepwater Horizon oil spill is coming onshore in Florida. Bay County's first real landfall from the Deepwater Horizon oil spill came on June 12th, when a 5,000 pound/550-gallon storage tank washed up on the west end of Panama City Beach. The container apparently had "BP" and "Horizon" markings on it and is presumed to have come from the rig. A week later, on the 19th, the first tar balls began washing up along isolated areas of the western Panama City Beaches. BP cleanup crews, which have been onsite patrolling the beaches for going on a few weeks now, have been able to keep up with the scattered, isolated instances of tar balls that have come onshore since then. On the 21st, cleanup crews handled hundreds of tar balls that appeared in and around the "Kiddie Pool" (a sheltered area just inside the inlet jetty) at St. Andrews State Park, adjacent to the Panama City Beaches eastern end. The instances of tar balls on the beaches have decreased the past couple of days, with a shift in the winds to the southeast.

While impacts have been minimal, Bay County and the Bay County TDC have been actively planning and strategizing beach cleanup efforts. Working with its coastal engineering consultant, CPE, Bay County developed a plan, and applied for and secured emergency permits from FDEP to build an emergency berm along the beaches of Panama City Beach and Mexico Beach. This emergency berm – a small ½ cy sand dike feature, built 40-75 feet from MHW – is intended to act as a landward limit on how far oil laden water may run up and deposit oil on the beach berm. Per Bay County's plan, and reiterated in the FDEP permit, the berm is only to be built if and when oil laden water (more than tar balls) is expected to come onshore within 72 hours. Several contractors have been lined up to construct the berm within 24 to 48 hours. The berm is understandably not a long-term solution, nor is it a solution during a storm event; it is a last resort measure and attempt to limit and contain the oil impact along the area's beautiful white, sandy beaches. Bay County and the Bay County TDC also plan to utilize, if experience proves effective, beach/surf rakes to clean up manageable tar balls/light oil on the beaches in an efficient manner. These rakes have been used for several years for regular beach cleaning and maintenance along the Panama City Beaches.

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From Jim Trifilio, Okaloosa County

Frustration- humor, optimism-gravitas, anger-understanding, and on and on.

It has been and will continue to be a balancing act dealing with the Deepwater Horizon spill from both the emotional and practical perspectives. Although I can only reference my experiences in Okaloosa County, political boundaries have little meaning in the current situation and I suspect anything reported here could be applied to any given county, city or parish affected by the spill.

Okaloosa County, to date, has been fortunate with only one significant tar-ball event on Okaloosa Island that was cleaned up in a day. A larger concern is the protection of Choctawhatchee Bay, a 129 square mile estuary shared with Walton County. Enormous amounts of work have gone into devising a plan to intercept oil at the mouth of East Pass, the only inlet from the Gulf of Mexico. The plan includes barges, curtain booms, an air curtain and skimmers. Additionally, the pass will be closed during incoming tides. Fortunately, we have not yet had the need to test this plan.

One of the most difficult aspects of this emergency is how different the command structure is as compared to a hurricane response. Our local officials have been steeled by numerous hurricanes over the years and know exactly how to proceed along with support from the State and Federal governments. The current situation is turned on its head with directions coming from Federal and State agencies. Often overlooked in this structure is the unique local knowledge critical in making decisions in response to this disaster. However, it seems that everyone involved is getting more efficient in this process.

We're going to be dealing with this for a long time to come. If I had to give those yet to deal with this one piece of advice, it would be to have patience. As a community you get better at all the logistical issues. You get into a rhythm. You find the right individual to contact to help you solve a specific problem. The people I have met, ranging from individuals in my own organization, to BP representatives, to private citizens have all been, to a person, eager and sincere in their desire to help and in the end, that's what will see us through these unfortunate times.

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From Julie Wraithmell, Wildlife Policy Coordinator, Audubon of Florida

The urgency and importance of the spill preparation and response activities is evident, and we are glad that local governments are taking action to protect their own special coastal resources. Nevertheless, we ask you to please ensure your staff and contractors operating on beaches are aware of the presence and sensitivity of these beach-nesting birds. Respect posted areas and follow the guidance provided in DEP's emergency order advising consultation with the Florida Fish and Wildlife Conservation Commission on the need for shorebird surveys and observers. And make special accommodations for these areas during special events like Hands Across the Sands or 4th of July fireworks displays—fireworks themselves as well as spectators on the beach can be devastating to colonies.

If you have any need for volunteer stewards to chaperone beach nesting bird sites or volunteers for other spill preparation or response activities, Audubon is happy to help—please contact jsulek@audubon.org with your request and we'll do our best to help get you the volunteer support you need. Lastly, please refer reports of BP contractors or other responders damaging sensitive habitat or wildlife in the course of their activities to the Sensitive Areas hotline established by Incident Command at 251-445-3009.

The lesser known tragedy of this Gulf oil spill is the loss of wildlife and habitat to spill preparations, even in areas that hopefully will never see oil or tarballs making landfall. Ironically, it is in these places that we should be doing all we can to *boost* the productivity of coastal wildlife to help offset the devastating losses of these same species in the Central Gulf Coast. Many thanks to our local government partners in places like Marco Island, Ft. Myers Beach, Charlotte County, Anna Maria Island, Pinellas County, St. Johns County and more, who have stepped up their shorebird and seabird protection efforts to meet this challenge, working with Audubon bird stewards to help these vulnerable and remarkable birds nest in peace. If you would like help starting a bird steward program on a beach you manage, please contact Julie Wraithmell at jwraithmell@Audubon.org.



Photo by RJ Wiley

The chicks of many shorebird species, like this young Wilson's plover, are precocial. This means they can roam the beach on their own not long after hatching, learning their trade and relying on camouflage for protection. Heavy equipment and other activities on our beaches in preparation or response to the oil spill pose a dire threat to these vulnerable and declining beach specialists.

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FOR IMMEDIATE RELEASE: JUNE 27, 2010

CONTACT: GOVERNOR'S PRESS OFFICE: 850-488-5394

**GOVERNOR CRIST ANNOUNCES BP FUNDING FOR INNOVATIVE TECHNOLOGY SOLUTIONS
FOR PROTECTING PANHANDLE
AGAINST OIL IMPACTS**

- \$500,000 will be used for two innovative solutions to protect Okaloosa County's most fragile natural resources from oil impacts -

PENSACOLA – Governor Charlie Crist, continuing his commitment to recovery efforts in the Gulf of Mexico, today announced \$500,000 in funding from BP for two innovative technology solutions for Okaloosa County. The funding will support two projects that have yet to be tried in protecting Florida from oil spill impacts.

“We must try every solution we can to confront the oil spill and its impacts to the Gulf of Mexico and our shores,” said Governor Crist. “I appreciate BP and the United States Coast Guard’s support for these technologies. We will continue to exhaust every tool to ensure the best possible outcome for Florida’s environment, economy and quality of life.”

The first project, which is estimated to cost approximately \$300,000, will utilize up to nine barges in a configuration similar to boom to protect Destin Pass. The intent is to funnel the oil product to an area where it can be more easily skimmed. The initial effort will include three barges and expand. In addition to the barges the funding will also assist in protecting maritime resources as well as nearby infrastructure including bridges.

The remaining \$200,000 will be used for the implementation of an underwater “air curtain” that will utilize a layer of bubbles to push oil from the murky depths towards the surface and large barges to block oil on the water’s surface.

"We have notified the county and they are pleased that we were successful in securing this funding," said Florida Department of Environmental Protection Secretary Michael W. Sole. "By implementing these supplemental efforts, in addition to the work being done by Unified Command, BP and state agencies, we are taking proactive measures to ensure that our precious beaches, coastal communities and natural resources are protected."

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The Bureau of Beaches and Coastal Systems'

Emergency Response Activities:

Something Other than Hurricanes

*Jackie Larson, Senior Management Analyst
Bureau of Beaches and Coastal Systems
Florida Department of Environmental Protection*

The past two months have been very challenging with the advent of the Deepwater Horizon Incident ("Incident" – although there are other terms of art being utilized). Many of us have stepped well out of our comfort zone and taken the initiative to research federal programs previously unfamiliar to us, such as the Ocean Pollution Act (OPA) of 1990 and NOAA's Damage Assessment, Remediation, & Restoration Program. The staff at the Bureau of Beaches and Coastal Systems has made it a priority to review the Federal programs commanding the recovery and restoration efforts in order to realize the best utility of our staff for this Incident. Since the end of April, Bureau staff have accepted positions at Emergency Operation Centers in Tallahassee and the Panhandle, on Reconnaissance Teams, Natural Resource Damage Assessment (NRDA) Work Groups, USACE Planning Groups, and assisted the Innovative Technology and Boom Cells at the State EOC.



Photo taken by DEPs Public Information Officer at the EOC during a Deepwater Horizon Briefing, 2010.

The Bureau's role should not underplay the Department's overarching role as Lead Agency for the State's EOC on this Incident. The DEP has taken a new leadership role while tackling the Incident. Contributions by the entire agency, particularly the Division of Law Enforcement and the Secretary's Office, have been crucial in establishing lines of communication and order throughout the state. Further, the issuance of the agency's Emergency Final Order has helped to establish structure and guidance for beach protection and cleanup activities.

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The Bureau was first asked to provide a list of volunteers willing to accept assignments for emergency operations. Without knowing the scope of our commitment, the Bureau submitted an extensive volunteer list. Staffing decisions were made by balancing the agency's need for our coastal assets in helping with oil spill response efforts, while maintaining our regulatory responsibilities to the public. The Bureau's Oil Spill Response Team was identified, and we began to rally daily at 9 a.m. to coordinate our efforts, exchange information from the previous day, and line up work assignments for the current day. We continue to conduct these meetings Monday through Friday, and fully expect to continue doing so for the foreseeable future.

At the beginning of May, Bureau staff was deployed to the Western Panhandle County Emergency Operations Centers for a two week period helping coordinate local efforts in protecting Florida's beaches. The Bureau was also asked to provide staff at the State Emergency Operations Center, Emergency Support Function (ESF) 10 Desk, seven days a week. Bureau staff continue to provide this daily service to Desk 10, where we work closely with the state Division of Law Enforcement, the Boom Cell, the USACE and FWC, coordinate the engineering reviews of local protection and clean-up plans with the Bureau's engineering staff, the Press Office, the Secretary's Office, and respond to a myriad of other inquiries. For example, we were asked to review and develop shoreline assessment and restoration plans, and assist in the development of commercial and recreational vessel decontamination plans, use of GIS products and maps, and locating proper staging areas for beach access.

The Bureau is working closely with local governments and its contractors in executing and expediting provisions within the Department's Emergency Final Order for activities that will take place seaward of Coastal Construction Control Lines. As of June 28th, the Bureau received eight emergency permit applications from local governments in the Panhandle, and issued seven of these applications. Requested activities include closure of coastal dune lakes, sand berming, and beach cleaning.

The Bureau's survey crews were assigned to perform reconnaissance duties with the Bureau of Emergency Response along the Panhandle counties. Reconnaissance teams are responsible for scouting 5-mile segments of the beach daily for oil products, and recording and communicating the impacted areas to the State EOC.

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Photo - Screen Shot depicting one example of the Reconnaissance Team's efforts to track and report oil products on the beach.

SERT Report - Windows Internet Explorer
https://seoc.floridadisaster.org/Recon/UserViewReport.aspx?ReconReportID=2482

Emergency

 **Walton, Grayton Beach State Park Tarballs** 

6/22/2010, 18:51
USNG: 16R EU 8126 5493
Lat/Long (DD MM.mm): 30 19.4110, -86 9.2800
Lat/Long (DD.dd): 30.32352, -86.15467
Lat/Long (DD MM SS.ss): 30° 19' 24.6612", -86° 9' 16.8012"
Walton

Emergency

Confirmed Tarballs on Grayton Beach State Park reference State Warning Point Complaint SWP4222. CLEAN UP NEEDED

Emergency

Start | Inboxes - Microsoft Outlo... | WATER BLAST - upd... | Untitled - Message (H... | SERT GATOR - Wind... | SERT Report - Wi... | WRM-SERC09List | 12:39 PM

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Alongside the Oil Spill Response activities, there is a resource assessment and restoration process under development where the Department is a key participant. DEP has a designated trustee for this Incident, whose role is to ensure the state's natural resources are adequately restored and mitigated. This process is called Natural Resource Damage Assessment, or NRDA, and it is established under NOAA's Damage Assessment, Remediation, & Restoration Program. The purpose of NRDA is to conduct studies after the release of a hazardous substance into the environment to identify the extent of resource injuries, the best methods for restoring those resources, and the type and amount of restoration required. The process might take years to complete, but the intent is to fully address the public resources damaged by an incident. Bureau staff were quickly identified as a resource for this effort and asked to participate on the NRDA Work Groups for Shoreline Assessments, Nearshore Corals and Deep Water Corals.

The Bureau's Oil Response Team has established its own daily "battle rhythms" over the past two months to stay apprised of an ever-evolving emergency and emergency response program, and to keep us melded together as one cohesive team. The battle so far has proven to be complex where the only constant is the persistent flow of oil. But the Bureau is ready and willing to endure the Incident and to continue to provide field, technical and regulatory assistance as necessary.

For more information, please visit the following web sites of interest:

<http://www.dep.state.fl.us/deepwaterhorizon/default.htm>

<http://www.dep.state.fl.us/beaches/>

<http://www.floridadisaster.org/index.asp>

<http://map.floridadisaster.org/GATOR/>

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FSBPA's Annual Conference Hyatt Regency Resort, Clearwater, Florida September 22-24, 2010



Hyatt Regency Clearwater Hotel

We know for many of you contending with the actual and potential impacts of the oil spill that it is difficult to look forward to September. However, we hope you will!

FSBPA's 54th Annual Conference promises to be an exceptional event.

Brochures will be in the mail by the Fourth of July holiday, and include the following **Conference Highlights**.

This year's annual conference will focus on "celebrating hometown heroes" and FSBPA champions, while addressing the critical challenges of the present – from the health of Florida's beach management program to the impacts of the oil spill on our beaches and tourism-based economy.

The final program, with specific times, co-authors and social events, will be online in the near future, and presented in full in the August and September editions of *Shoreline*. This is a slight departure in brochure content from past practice to allow us the flexibility to adjust the order of presentations to accommodate speakers and to timely identify the oil spill recovery activities most relevant to you.

This 54th annual conference will include not one but two keynote addresses: The opening address by Gary Oldehoff, Lewis Stroud Deutsch, representing FSBPA as amicus curiae before the U.S. Supreme Court, and another keynote by the Secretary of the Department of Environmental Protection, Mike Sole, providing an overview of the State's initial response and DEP's ongoing role in the oil spill recovery effort, and his personal thoughts and observations. If his scheduling allows, Senator Bill Nelson would again like to join us to revisit his comments and concerns expressed at FSBPA's 2009 conference in light of the current oil spill's devastating environmental and economic impacts.

The 2010 conference program will also include three extended sessions. There will be two panel discussions addressing the growing costs and concerns over post-construction monitoring of nourishment projects, and the lessons learned and what we still don't know about oil spill recovery and associated long-term impacts. The final participant/audience session will be a new format, a roundtable discussion chaired by our Sandman, Senator Dennis Jones. Representatives of relevant interests will participate with predetermined questions and issues to be addressed -- the topic, "Florida's Beach Management Program – Growing Pains or Critically-III."



Senator Dennis Jones

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Add to this a very expert and diverse group of individual presentations, a special “hometown” awards banquet, and we can anticipate a most successful conference at an incredible beachfront destination.

Go online at www.fsbpa.com/annual.htm for conference details, registration information, and hotel reservations.

And remember these key dates:

- **Annual Awards Nominations are due July 16, 2010. Complete details available online www.fsbpa.com/awards.htm**
- **August 18 - last day Hotel Room Reservations Guaranteed at \$119**
- **Through August 25 - Early Conference Registration**
- **After August 25 - Regular Registration**



View of Clearwater Beach from the Hyatt Regency, host site for the 2010 FSBPA Annual Conference

We hope you can join us. If you have any questions or concerns, please do not hesitate to contact Teri (teri@fsbpa.com) or Debbie (debbie@fsbpa.com).

Here are pictures of some of the area’s beaches.



Indian River County Sector 3 Beach and Dune Restoration Project

James Gray, Jr., M.S., Coastal Engineer, Indian River County
Tem Fontaine, E.I., M.S., Project Engineer, Coastal Technology Corporation

Indian River County has completed Phase 1 construction of the Sector 3 Beach and Dune Restoration Project. This Project is unique in that the Project:

- is specifically designed to avoid impacts to extensive nearshore hardbottom, and
- employed *processed* sand from local upland sand mines.

Phase 2 construction is expected to begin in November 2010 - dependent upon favorable sea turtle hatchling success in the completed Phase 1 fill area.

Indian River County developed and adopted its first comprehensive *Beach Preservation Plan* (BPP) in 1988; the BPP was updated in 1998 and in 2009. The County's BPP divides the 22.4 miles of County beaches into 8 Sectors – from Sector 1 beginning at Sebastian Inlet abutting Brevard County to Sector 8 abutting St. Lucie County. Beach fill projects in Sectors 1 and 2 were initially restored in 2003 and re-nourished in 2007, Sector 7 was initially restored in 2007 – all using an offshore sand source.

The Sector 3 Project entails about 6.6 miles of beach extending from roughly 3 to 10 miles south of Sebastian Inlet. The northern portion of the Project fill area is located within the southern 2.3 miles of the *Archie Carr National Wildlife Refuge*; the southern portion largely surrounds Wabasso Beach Park. From 1985 to 2005, Sector 3 experienced significant beach and dune erosion, which the County and Florida Department of Environmental Protection attribute to the long-term effects of Sebastian



Figure 1: Nearshore Hardbottom offshore of Wabasso Beach Park
(Indian River County)

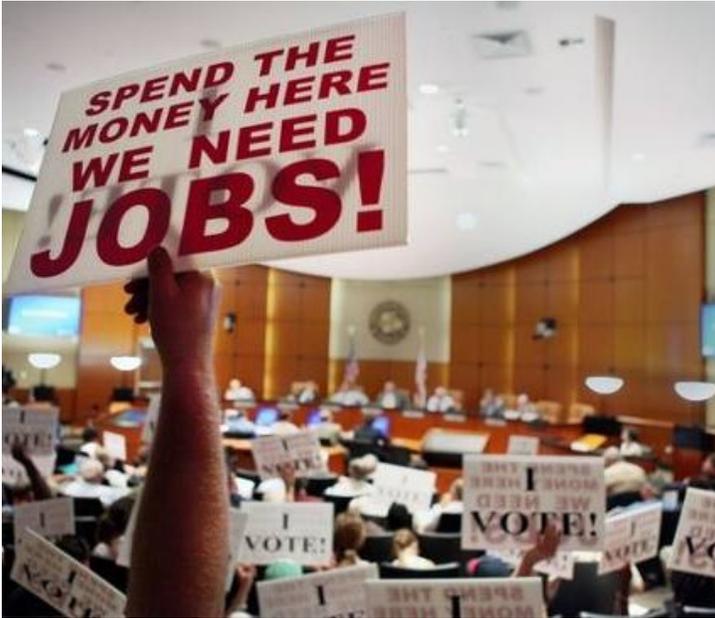


Figure 2: Regularly Scheduled Indian River County Board of County Commissioners Meeting September 8, 2009. (Photo by Sam Wolfe, Scripps Treasure Coast Newspapers)

Extensive nearshore hardbottom exists within Indian River County; the Sector 3 Project is specifically designed to have “no impact” on nearshore hardbottom. The design is based upon prediction of the Equilibrium-Toe-Of-Fill relative to the sediment characteristics of the offshore sand source and the associated “Dean Equilibrium profile” – calibrated via measured profile and hardbottom monitoring data from the previously constructed Sectors 1 and 2 project. Sector 3 was initially designed to be restored using the same offshore borrow area previously used by the County to nourish Sectors 1, 2, and 7. However, in 2009, Indian River County, like much of Florida, had a high rate of unemployment. In response to requests by local interests to provide an economic stimulus to the local economy, on May 14, 2009 the Board of County Commissioners directed County staff to solicit bids for construction using *either* an

offshore sand source or an upland sand source – prior to receipt of permits.

The Project was bid with the intent of revising the Project fill-template design for upland sand sources based upon the quality of sand submitted with the bid. Ultimately, although a few dredging contractors submitted competitive bids for use of the offshore borrow area, on September 8, 2009 the Board of County Commissioners selected the qualified low bidder, Ranger Construction, to construct the Sector 3 Project employing local labor and multiple upland sand sources with a mean grain size ranging from 0.36mm to 0.40mm – as compared to 0.48mm for the offshore borrow area. The fill-template design revisions concluded that use of these upland sand sources would reduce the project fill volume by 26.3%, which was determined by the County to be unacceptable. Following numerous meetings and discussion, Ranger Construction determined that they could process the upland sand via dredging and screening methods to produce sand equivalent to the sand available in the offshore borrow area – resulting in no need for revisions to the Project fill-template design.

During the final stages of the permitting process, the U.S. Fish and Wildlife Service raised concerns regarding the potential effects of the upland sand upon turtle hatchling success within the *Archie Carr National Wildlife Refuge*. In response to these concerns, the Project was divided into two phases of construction with Phase 2 subject to successful turtle hatchling success in the Phase 1 fill area – as determined via post-construction monitoring, which is now underway.

Construction of Phase 1 began February 9th, 2010. During construction, sand was rigorously tested by the Contractor's independent *Third Party Engineer* at the upland sand mine for strict compliance with the *Sediment QA/QC Plan* – prior to loading onto trucks for hauling and placement on the beach. Additionally, visual assessments and granular metric testing of the sand placed on the beach occurred throughout construction. Based on pre-construction surveys, Phase 1 construction was expected to place 317,289 cubic yards of sand over 4.4 miles of beach; however, due to weather delays slowing the processing of sand at the upland mine, about 84% of the Phase 1 fill volume was placed completing 3.8 of the 4.4 miles of project area by May 7th, 2010 – the date that the permits required termination of construction activities to avoid impacts to nesting sea turtles.

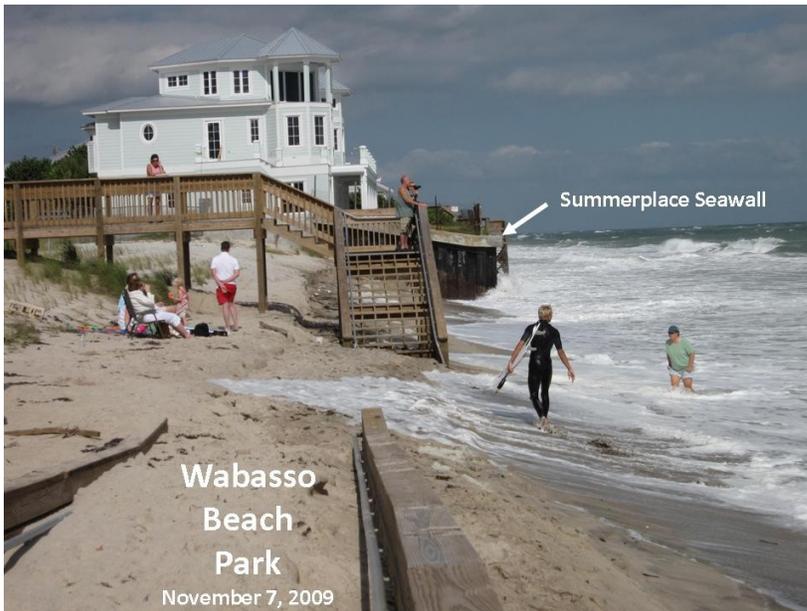


Figure 3: Photo taken November 7, 2009 of Wabasso Beach Park Prior to Construction (Indian River County)

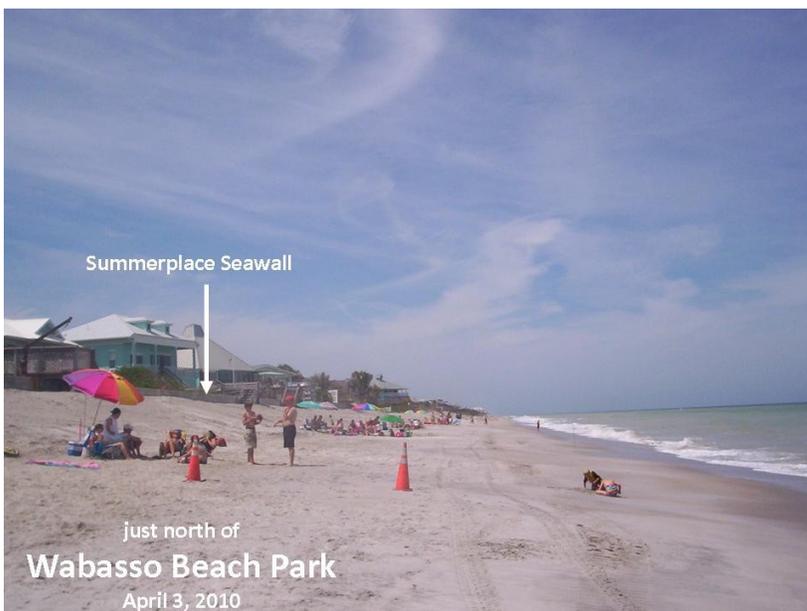


Figure 4: Photo taken April 3, 2010 just north of Wabasso Beach Park following Construction (Indian River County)

Phase 1 has demonstrated that upland sand suppliers can process in-situ sands – available in the sand mine - to competitively produce beach-compatible sand meeting specific design characteristics. Phase 2 Construction is anticipated to begin in November 2010 – again using the same upland sand sources - contingent on favorable results of the *Sea Turtle Nesting Test Plan*, which provides for assessment of hatchling success within the newly constructed Phase 1 fill area beach as compared to control beaches. Monitoring of the Phase 1 effects on hatchling success and hardbottom are now underway; results are expected by November 2010. To improve efficiencies of future projects employing use of upland borrow sources, Indian River County has formed a committee to discuss recommendations and lessons learned from the Sector 3 Project. The information contained above will be further discussed during FSBPA's Annual Conference, September 22-24, 2010.

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US Army Corps
of Engineers

Canaveral Harbor Sand Bypass Project Completed

by Nancy J. Sticht, Corporate Communications Office, USACE Jacksonville District



The Brevard County North Reach beach, which had suffered erosion during the 2008 hurricane season, is now ready for the summer, courtesy of a Jacksonville District renourishment project completed April 14. The project site is located at Canaveral Harbor on the central east coast of Florida.

Great Lakes Dock and Dredge (GLDD) of Oak Brook, Ill., under a contract funded by the American Recovery and Reinvestment Program, dredged 642,000 cubic yards of sand and transferred it from the north side of the inlet to the south side of the jetty.

A monitoring survey and report, a requirement of the permit issued by the Florida Department of Environmental Protection, will complete the \$8.7 million project in September of this year. “When completed, this project will have the dual benefit of reducing channel maintenance and providing storm damage protection for the south beaches,” said Osvaldo Rodriguez, project manager.

Aerial view of the transfer of sand at Canaveral Harbor, the first phase of the Canaveral Harbor Sand Bypass project. A monitoring report is now being developed. (USACE photo)

This is the fourth construction of the sand bypass project at Canaveral Harbor, which began in 1995. The project dredges sand that builds up along the shoreline on the north side of the harbor entrance and places it along approximately two miles of shoreline on the south side, replicating

the natural movement of sand along the coastline. The sand is pumped through a 30-inch diameter steel pipeline that is temporarily placed across the bottom of the inlet channel. The project is repeated approximately every six years.

The project requires that the dredge “cut” its way toward the shoreline and work immediately along the beach. This was a very challenging endeavor for GLDD’s 305-foot-long dredge *Texas*. During the three weeks of work, the dredge crew had a front-seat view of the launch of the space shuttle *Discovery*, which lifted off from Cape Canaveral at dawn on April 5, just a few miles north of the project site.

Dr. Kevin Bodge, engineering consultant for Port Canaveral, said that the Corps, the Canaveral Port Authority, the U.S. Coast Guard and the U.S. Air Force 45th Space Wing, along with many other agencies, worked together to move the project through construction, including coordinating the dredge vessel’s activities near the space launch facilities.

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CALENDAR OF EVENTS



FSBPA Conferences

September 22-24, 2010

FSBPA Annual Meeting

Hyatt Regency Clearwater Beach Resort
Clearwater Beach, FL

February 9-11, 2011

National Conference on Beach Preservation Technology

Hyatt Regency Jacksonville Riverfront
Jacksonville, FL

Join us
September 22-24, 2010
54th Annual Conference
Florida Shore and Beach
Preservation Association

Award Nominations

Deadline July 16, 2010

Conference Registration

Hotel Information

Exhibit Information

OTHER DATES OF INTEREST

September 7-10, 2010

California and the World Ocean 2010 Conference

Hyatt Regency, San Francisco, CA

October 13-15, 2010

ASBPA National Coastal Conference

Charleston Marriott
Charleston, SC

November 13-17, 2010

Restore America's Estuaries (RAE)

"Preparing for Climate Change: Science, Practice, and Policy"
Galveston, TX

February 7-9, 2011

12th annual CIRP Workshop

Hyatt Regency Jacksonville Riverfront
Jacksonville, FL

March 1-3, 2011

ASBPA Coastal Summit

Reagan Center, Washington, DC

May 2 - 6, 2011

Coastal Sediments '11

Miami Regency Hyatt
Miami, Florida

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Laura Aldrich, Town Clerk, Indian River Shores, FL*

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