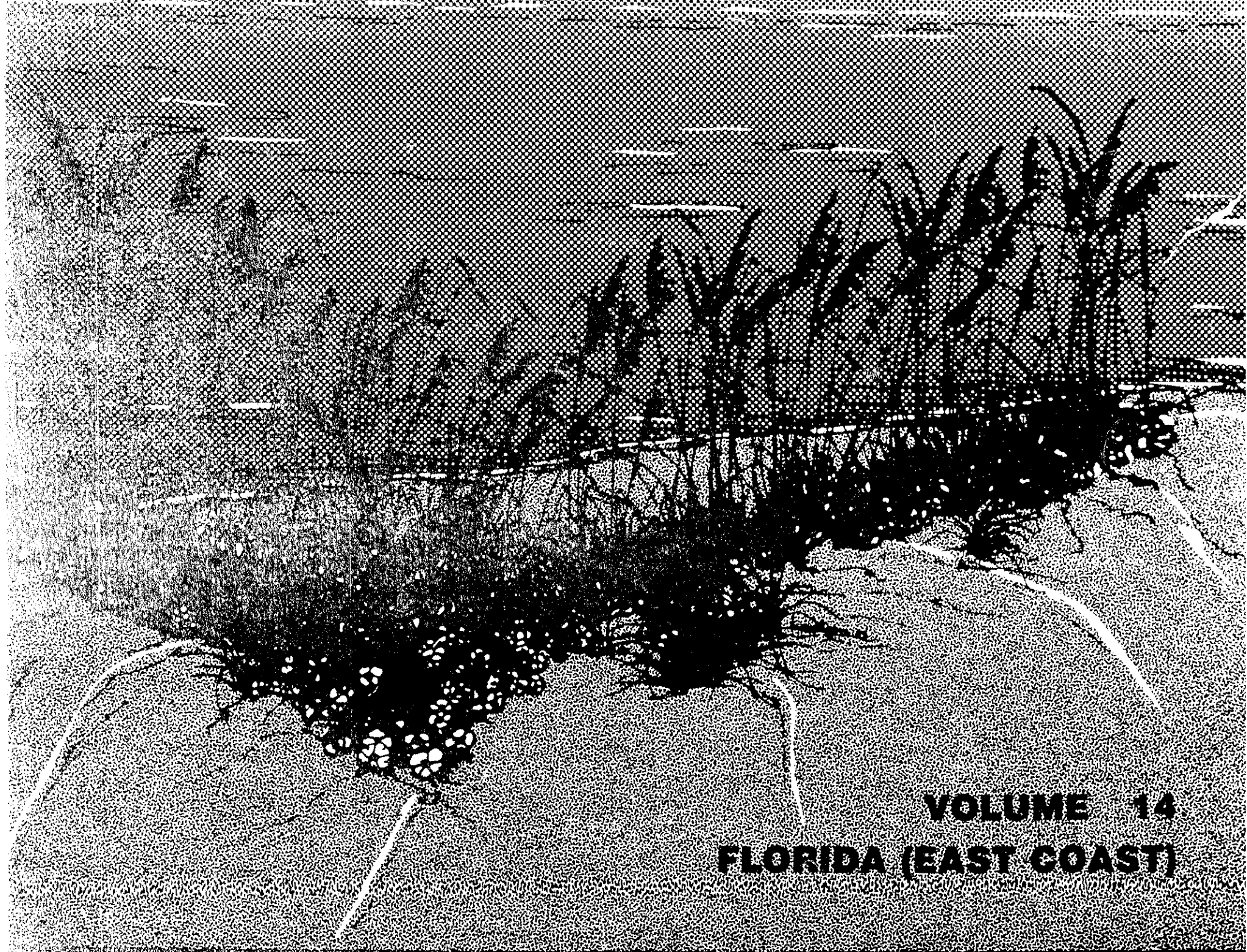


# **REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM**

Recommendations for Additions to or Deletions from  
the Coastal Barrier Resources System



**VOLUME 14  
FLORIDA (EAST COAST)**

U.S. Department of the Interior



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**FLORIDA (EAST COAST)**

Mapped, edited, and published by the Coastal Barriers Study Group

United States Department of the Interior  
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## FLORIDA (EAST COAST)

### INTRODUCTION

The Coastal Barrier Resources Act (CBRA) of 1982 (Public Law 97-348) established the Coastal Barrier Resources System (CBRS), a system of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. This atlas of coastal barriers in east Florida has been prepared in accordance with Section 10 of CBRA (16 U.S.C. 3509), which states:

Sec. 10. Reports to Congress.

(a) In General.--Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) Consultation in Preparing Report.--The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) Report Content.--The report required under subsection (a) shall contain--

(1) recommendations for the conservation of fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effects, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

Under the direction of the Assistant Secretary for Fish and Wildlife and Parks, this report has been prepared by the Coastal Barriers Study Group, a task force of professionals representing the National Park Service, U.S. Fish and Wildlife Service, U.S. Geological Survey, and other Departmental offices.

This volume of the report contains delineations of the existing CBRS units along the east coast of Florida and delineations of additions to and modifications of the CBRS in this part of the State (including the Florida Keys) which the Department of the Interior recommends to the Congress for its consideration.

### BACKGROUND

Florida is one of the rapidly growing States of the sunbelt. Its population currently exceeds 10 million and its rate of population growth ranks among the highest in the Nation. Most forecasters predict that Florida will rank among the top four States in both population and economic base by the turn of the century.

Although marked growth in Florida's population took place during the first few decades of the 20th century, it was not until the post-World War II era that major growth began. Growth may have peaked with an overall increase of 43 percent between 1970 and 1980. During this period coastal counties accounted for 72 percent of the increase (State of Florida 1981). This growth has been accompanied by a significant diversification in the State's economic base.

Until the 1960's, the bulk of Florida's economic base was in agriculture and tourism. Agriculture was primarily citrus, cattle, and vegetables. Tourism was concentrated on the coasts, with the east coast dominating, but the economic development has spread and diversified with the greatest increase in the central Florida area near Orlando.

Great industrial diversification began in the early 1960's. Much of the impetus for this diversification was the development of

the National Aeronautics and Space Administration's Kennedy Space Center and related high-tech activities near Cape Canaveral. This growth has been accompanied by similar expansion across the central Florida strip from the area of the Kennedy Space Center through the Orlando area to Tampa Bay and the numerous surrounding cities.

Florida's four major metropolitan regions--Miami-Fort Lauderdale, Tampa Bay, Orlando/Orange County, and Jacksonville--are also growing commerce centers. The Miami area, long known as a major tourist attraction, has become a center for international trade as many Latin American corporations relocate or expand into the central Florida area. The Tampa Bay area includes nearly 2 million people. Tampa, St. Petersburg, Clearwater, and Sarasota are the largest of the many Tampa Bay area municipalities. Originally a retirement area, the Bay area has greatly diversified during the past two decades, and Tampa has become a high-tech electronics and financial center. The Jacksonville region is more of a seasonal tourist area than the other metropolitan regions and has long had a diversified economy. It has a large port and numerous military bases and is the insurance center of Florida.

In addition to the four major metropolitan areas, three of which are in the coastal zone, there are numerous midsize cities along the coast. These are located along the east coast (including the Florida Keys), on the west-central coast, and on the coast of the Florida panhandle. The only relatively unpopulated coastal areas of the State are between Cape Sable and Cape Romano on the southwestern peninsular coast and between Pasco County and the Apalachicola Delta in the Big Bend Area. These are also the only coasts of Florida where beaches and barriers are generally absent.

Florida's most valuable resources are its beaches and climate, and its most valuable real estate is found on coastal barriers. Tourism is certainly the State's largest coastal industry: nearly 40 million out-of-state guests visit the beaches each year. The coastal tourism industry includes such activities as sailing, power boating, fishing, boat-building, and numerous amusement and other tourist attractions.

Florida also has petroleum and minerals mining and related industries, but their impact on the State's economy falls far below that of the beaches and climate. The State ranks among the world's leaders in phosphate production, although in recent years, foreign production has rapidly expanded. Limestone and silica sand are also significant mineral products in the State. Although Florida is not presently among the U.S. leaders in petroleum production, there is optimism about expansion in the future, especially in the offshore Gulf of Mexico. Presently, only two major fields are producing in the State: the Jay Field near the Georgia border in the panhandle and the Sunniland Field in the Big Cypress Swamp area of south Florida.

Florida also has industries based on its extensive renewable natural resources, such as timber and fishing.

Throughout the panhandle and northern peninsula, there are softwood forests that are used primarily for paper pulp and particle board. The entire coastal area supports an extensive fin- and shellfishing industry.

Much of the State's industry is located on the coast, largely because the majority (about 75 percent) of the population live in the coastal counties. Much of the new industry attracted to Florida has moved into coastal counties because employees prefer living on or near the coast. Some industries rely on the coast to support their activities. Most phosphate products, for example, are shipped out through the deepwater port at Tampa.

## COASTAL RESOURCE MANAGEMENT

### Florida Coastal Resource Management

In 1967, the Florida Legislature turned its attention to the general topic of resource management. In 1970, the first of many legislative bills aimed specifically at coastal management created the Coastal Coordinating Council. For a 5-year period, this body, comprising representatives from a wide range of local governments, developers, and interest groups, worked towards developing a coordinated coastal resource management program (State of Florida 1981). In 1975, the legislature abolished the council and transferred its duties to the Department of Natural Resources. In 1977, the legislature assigned the program to the Department of Environmental Regulation.

Florida Coastal Management Act. Passed in 1978, this Act did not include new regulations, but simply called for better coordination and enforcement of existing ones. The Governor created the Interagency Management Committee in October 1979. This committee consists of the managers of many State agencies and is responsible for coordinating efforts in the State's coastal management programs. It took 3 years for the State to develop a coastal management program consistent with both the 1978 Florida Coastal Management Act and the Federal Coastal Zone Management Act of 1972 (Bernd-Cohen 1983). After extensive public hearings and interaction with the Federal Office of Coastal Zone Management, the Final Environmental Impact Statement was issued in August 1981. The State of Florida continues to emphasize the refinement and more effective coordination of existing regulations related to the coastal zone rather than the establishment of new regulations (State of Florida 1981).

Florida Coastal Management Program (CMP). The program is based on 25 statutes that are administered by 16 State agencies. However, the bulk of the program rests in three agencies: the Department of Environmental Regulation (DER), the Department of Natural Resources (DNR), and the Department of Community Affairs (DCA). The DCA contains the Office of Federal Coastal Programs.

The Florida CMP solicits input from the State's 5 water management districts and 11 regional planning councils. Eligibility for

funds through the CMP is limited to 35 coastal counties and 162 coastal municipalities (Bernd-Cohen 1983).

Florida is one of several coastal States to attempt to regulate new construction on and immediately adjacent to beaches and dunes. The Coastal Construction Setback Line (SBL) was formulated and adopted in 1974 (Purpura and Sensabaugh 1974). This line established a boundary in front of which construction or excavation is not allowed without a permit from the State. The SBL was established on a county basis in only those counties where beaches are well developed and widespread. Numerous exceptions to the SBL were granted and, in general, the Florida SBL was considered by some to be weak (Kennedy 1983).

Recently, a modification of the SBL, called the Coastal Construction Control Line (CCCL), has been developed from new field data and the experience of the SBL. As of this time, this line has not been drawn for all coastal counties. In any instance of construction seaward of the SBL or the new CCCL, permits must be obtained from both the DER and the DNR.

Executive Order 81-105. On September 4, 1981, the Governor signed Executive Order 81-105 which directed executive agencies to (1) give high priority to acquisition of coastal barrier properties, (2) limit development subsidies in hazardous coastal barrier areas, and (3) cooperate with local governments in managing growth in these coastal barrier areas.

Implementation of the order will be based on the set of maps prepared by the DCA. Using these maps as guidelines, each agency will modify its program funding to the degree legally possible for compliance with the intent of the executive order. For purposes of implementation, all coastal barriers will be considered in two categories: (1) those which are traditionally called barrier islands, spits, or peninsulas and (2) those which are exposed mainland beaches, marshes, or mangrove swamps with no other barriers seaward of them. This second group is affected landward only as far as the velocity zone on National Flood Insurance maps or the CCCL, whichever is further inland.

The degree of development includes three subcategories. Undeveloped barriers are those islands, spits, and peninsulas that are limited to watercraft or aircraft access, have sparse settlement, and have no publicly subsidized infrastructure. All CBRS units are treated as undeveloped for purposes of this order. Mainland coastal barrier areas are considered to be undeveloped if they are not within corporate limits or are in a delimited urban area. Developed barrier areas are islands, spits, and peninsulas with at least 70 percent of their surface area developed as of the DCA inventory of 1983. Also included are appropriate mainland areas within corporate limits. All coastal barrier areas not classified in either of these groups are considered partially developed. State subsidies will be restricted to the greatest extent possible under existing authority for all undeveloped barriers. There will be restrictions on subsidies for partially developed barriers. Exceptions

may be granted if proper management is indicated and safe accommodation can be made; the head of the department that administers the funding will have the power to grant these exceptions. The order will apply to developed barriers only in postdisaster situations.

A draft rule for implementation of this executive order has been formulated by the Department of Community Affairs under authority of Chapter 252.35 of the Florida Statutes, which delegates responsibility for emergency preparedness functions. The rule is designed to provide State agencies with a common, readily interpretable, and functional basis for reviewing and making policy decisions regarding coastal barriers. This draft rule also addresses the delineation of maps and interpretations of the level of development (developed, partially developed, or undeveloped).

Local Government Comprehensive Planning and Land Development Regulation Act (85-55, Laws of Florida). This 1985 Act contains a new package of coastal protection statutes. The Act, which is in the implementation process, establishes new procedures for determining the Coastal Construction Control Line. It fixes a new 30-year erosion line inside the CCCL, seaward of which, with few exceptions, no new structures will be allowed. The Act also establishes a new "Coastal Building Zone" for the entire coast. In this zone, building requirements for major and minor structures must be met.

This Act requires that local comprehensive plans contain more stringent coastal elements. All plans must contain 11 mandatory components that include environmental, safety, and infrastructure considerations. The plans will be implemented by the adoption of appropriate local land development regulations. The final major new provision in the Act is the prohibition against using State funds to construct bridges or causeways to barrier islands not already accessible by bridge or causeway on October 1, 1985.

Taxes. Presently there are no State taxation policies that support or encourage development in Florida. There are some State taxation incentives that encourage nondevelopment of barrier properties. The best example is the conservation easement provision (704.06 F.S./193.50 F.S.), which allows a property owner to surrender development rights for a 10-year period. It is renewable at the option of the property owner. During this time no property taxes are levied on the land and it is categorized as a nature preserve. Because of the potential loss to the landowner of large amounts of revenue, this is not a widely used program.

Permitting. There are numerous State permitting regulations that apply to CBRS units. The permitting regulations are administered by several agencies, including the Department of Natural Resources (Division of Beaches and Shores), the Department of Environmental Regulation, the Department of Community Affairs, and the Department of Health and Rehabilitation Services. Unfortunately, when more than one agency is involved with the same project, disagreements may occur.

Probably the most common permitting situation includes the Coastal Construction Setback Line (SBL) (Purpura and Sensabaugh 1974), which is currently evolving into the CCCL. This is administered by the Division of Beaches and Shores in DNR.

Any Development of Regional Impact must be reviewed by regional planning councils and the Department of Community Affairs. The DER has permitting authority over any discharge of waste into surface or ground water. Both the DER and the individual water management districts have permitting authority for withdrawal, storage, diversion, and consumption of water. Regulation of the taking of living resources from waters within CBRS units falls under the jurisdiction of the DNR, Marine Fisheries Commission.

The DER also has jurisdiction over all permitting for dredge and fill activities in submerged lands and wetlands. In general, the DER's jurisdiction over dredge and fill activities is coincident with that of the U.S. Army Corps of Engineers, although in some cases the DER is more stringent (State of Florida 1981). In virtually all cases, the DER requires that a well-documented environmental impact study accompany any application for a dredge and fill permit. Marinas and boat docks are also permitted through the DER.

Beach nourishment and erosion-control projects can be undertaken through DNR in conjunction with local governments and the Federal Government (S.S. 161.141 through 161.45 F.S.). There are several ways in which such projects can be implemented. However, Florida's support of the CBRS and Executive Order 81-105 tend to discourage such activities in CBRS units.

Financial assistance. One of the most comprehensive but also most expensive conservation management tools for any critical habitat is public acquisition. The State of Florida uses bonds, real estate taxes, severance taxes on minerals, and legislated appropriations to fund such acquisitions. The State of Florida passed the Outdoor Recreation and Conservation Act in 1963. This Act established a Land Acquisition Trust Fund administered by the Division of Recreation and Parks (DNR). This Act also provided for loans and grants to local governments for acquisition of public beach tracts (F.S. Chapter 375) (Bernd-Cohen 1983). The State may also acquire property for parks through a State Park Trust (F.S. Chapter 592). Honey-moon Island in Pinellas County was recently purchased under this program and is now developed as a major coastal park on a property where initial development had taken place.

In 1979, the Florida Legislature created the Conservation and Recreation Lands (CARL) Program and Trust Fund (F.S. Chapter 259, Section 253.023) for the selection and acquisition of (1) environmentally endangered lands; (2) natural floodplain, marsh, and estuarine lands important for water quality maintenance or fish and wildlife habitat; (3) lands for use as parks, recreation areas, public beaches, wilderness areas, or wildlife management areas; (4) lands for ecosystem restoration; and (5) significant archeological or

historical sites. The CARL program has been an important funding source for coastal acquisition and may become even more so in the future as other acquisition programs are phased out.

The State offers financial assistance to local governments for the development and implementation of coastal conservation programs. Included are the Erosion Control Assistance Program (DNR), the Coastal Management Program (DER), the Recreation Development Assistance Program (DNR), and the Save Our Coast Program (through bonds). In all of these, State funds are made available to local governments if certain stipulations are met. For example, assistance is being provided for beach nourishment at Venice and Manasota Key. Funds are also available to assist local governmental units in developing beach management plans.

In some instances, the State has provided seed money to assist communities in getting large projects funded. Some of these pertain directly to beach or barrier properties. For example, a planning grant to the City of Naples for \$31,000 resulted in successful local funding for eight public parking and access areas. In Martin County, a \$34,000 grant led to a successful \$5 million bond issue to purchase beach access properties. Grants have also been provided to Sarasota and Collier Counties to help implement their local coastal zone management plans.

#### Local Actions

Taxes. There appear to be no special taxation policies at local levels which benefit or promote the development of barriers relative to any other locations.

Permitting and zoning. Numerous local ordinances encourage the conservation of barrier island and related coastal zone properties. Tree ordinances are widespread, ranging from protection of mangroves to prohibition of cutting anything but punk trees or Brazilian pepper trees without a special permit.

Another common type of ordinance is the flood damage prevention ordinance (FDPO). These ordinances prohibit alteration of any physiographic or vegetative features that would result in an increased potential flood hazard. They only apply to communities participating in the National Flood Insurance Program, but the construction requirements of the local FDPO continue to apply in CBRS units even though Federal flood insurance is no longer available.

Some counties have established construction requirements that are stricter than those of the State. For example, Martin County has a variety of special requirements that pertain to Hutchinson Island. Included are mean high water line (MHWL) setbacks from the estuary shore, additional setbacks from the CCCL, and minimum roadway and building elevations. As a result of the designation of CBRS units, Indian River County has modified an ordinance concerning stormwater management and flood protection (Ord. 82-28). Brevard County has adopted a local coastal construction control line and used a \$30 million bond issue and

matching funds from the State to purchase undeveloped oceanfront properties.

Financial assistance. As previously mentioned, financial assistance to the local government is available only for conservation of barriers, not for their development. The most direct method for local governments to protect barriers is by purchasing them. This is being done by Indian River County (\$5,000,000) and Martin County (\$5,000,000) among others.

#### Private Sector Initiatives

Numerous private organizations at all levels are actively involved in conservation related to coastal barriers. Most visible among these are the Nature Conservancy and the Trust for Public Lands; the former has by far the greatest coastal presence. The Conservancy has purchased numerous tracts either to keep or to resell to the State. The Trust for Public Lands acts more as an intermediary than as a purchaser. Other national conservation organizations such as the National Wildlife Federation, the Audubon Society, and the Sierra Club have also supported coastal conservation and serve as forceful lobbyists at both the Federal and State levels.

A large number of local conservation groups also operate in the State, and many of these are quite effective. In some cases, these groups have actually purchased tracts of coastal land. For example, the Moonshine Island Trust, an ad hoc group in Pinellas County, purchased an island and deeded it to the State with the restriction that it remain as a natural preserve. Such a purchase provides for maintenance of the tract in its present state and also gives the trust members a tax advantage because of their purchase. The Lemon Bay Conservancy in Sarasota County (a local branch of The Nature Conservancy) provided seed money to develop Blind Pass Park on Manasota Key (CBRS unit P21A). The Sarasota Sea Turtle Association is monitoring turtle nesting on the same parcel. The Pelican Island Audubon Society in Indian River County developed a nature center educational facility at Wabasso Island. The Florida Oceanographic Society, Inc., a private group in Martin County, provided the coastal zone management grant project for Hutchinson Island from January to September 1982.

Some local groups act as "watchdogs" over development activities on barrier islands. Examples are the Vero Beach Civic Association, which monitors development projects on the barrier, and the Casey Key Protective Association, which discourages construction or hardening of the shoreline seaward of the CCCL.

#### EXISTING CBRS UNITS

The east or Atlantic Ocean coast of Florida contains 12 CBRS units from Talbot Island (P02) on the north to North Beach (P14A) on the south. This is a high energy coast with frequent storms, including hurricanes. Tidal range decreases from north (about 6 feet) to south (less than 3 feet). This coast is extensively developed, and erosion

is both widespread and severe. Numerous structures, such as sea walls, groins, and jetties, are in evidence throughout much of the area.

The beaches here are typically narrow and steep, reflecting erosional conditions. Dunes may reach over 20 feet above sea level but typically are restricted to one row of foredunes except in the northernmost areas. Wetlands behind the barriers also are narrow, and open-water areas are narrow or absent.

A brief description of each existing CBRS unit along Florida's east coast is provided below. Each unit is identified by its ID code and name (established by Congress in 1982) and the county in which it is located.

P02-Talbot Islands Complex (Duval). This is the northernmost unit on the east coast of the State. It consists of two parcels: a northern protected barrier (Talbot Island) flanked on three sides by saltwater marsh and on the fourth side by open water (Nassau Sound); and a southern sand spit between the mouths of two rivers with saltwater marsh to the landward side. A highway and a jetty are the only significant human-made features, and neither appears to have much impact on the unit. The surrounding areas are essentially all natural and include Little Talbot Island State Park to the east, Nassau Sound to the north, and saltwater marsh to the south and west. The south parcel faces the Atlantic Ocean and is surrounded by Fort George River to the north, St. Johns River to the south, and salt marsh to the west.

P04A-Usinas Beach (St. Johns). This unit is on a barrier island that contains a well-developed oceanfront beach and an extensive saltwater marsh on the landward side; the latter constitutes about two-thirds of the unit. The salt marsh is pristine. Highway A1A extends the length of the unit and a recent residential development occupies the high area near the center of the unit. Unit P04A faces the Atlantic Ocean to the east and the Tolomato River to the west. The barrier island continues to the north and south beyond the designated CBRS unit.

P05-Conch Island (St. Johns). This unit is a fairly recently formed barrier that is attached to the south to Anastasia Island. It has an extensive beach and a narrow fringe of salt marsh on the landward side. There is heavy recreational use of the beach. Several years ago, the island experienced significant human impact when the dredging of St. Augustine Inlet (the unit's northern border) resulted in the deposition of large spoil piles on the unit's northwest portion.

P05A-Matanzas River (St. Johns). This unit consists of about 2 miles of barrier beginning 0.5 mile south of Matanzas Inlet and continuing south to Marineland. There is a narrow, apparently erosional beach with no residential development. The wetlands in the unit consist of about 30 percent salt marsh and 70 percent mangrove swamp. A highway follows the coast and more or less bisects the wetlands. The unit is flanked by development to the north (Summer Haven) and the south (Marineland).

CBRS UNITS IN FLORIDA (EAST COAST) ESTABLISHED BY CONGRESS, 1982

Unit Name	Unit ID Code	County	Shoreline Length (miles)	Total Area (acres)	Fastland Area (acres)
Talbot Islands Complex	P02	Duval	4.2	6,794.3	1,913.1
Usinas Beach	P04A	St. Johns	0.4	279.4	67.7
Conch Island	P05	St. Johns	2.0	1,187.1	743.9
Matanzas River	P05A	St. Johns	1.9	165.3	54.6
Ormond-by-the-Sea	P07	Volusia	3.2	735.4	575.1
Ponce Inlet	P08	Volusia	1.3	871.4	363.9
Coconut Point	P09A	Brevard	1.8	769.5	258.1
Vero Beach	P10	Indian River	1.7	337.2	102.0
Blue Hole	P10A	Indian River			
		St. Lucie	3.2	3,074.4	553.6
Hutchinson Island	P11	St. Lucie	8.9	5,836.1	421.7
Hobe Sound	P12	Martin	1.1	25.6	25.6
North Beach	P14A	Broward	0.8	128.1	75.8
Totals:			30.5	20,203.8	5,155.1

P07-Ormond-by-the-Sea (Volusia). This unit includes about 3 miles of barrier beginning about 0.5 mile south of Flagler Beach State Park. There is a well-developed beach and dune ridge complex with salt marsh on the landward side. Highway A1A runs throughout the length of the unit. There is evidence of planned development, but actual residences are few in number and scattered. The salt marsh has been altered by mosquito-control ditches, probably from the mid-1960's. The unit fronts the Atlantic Ocean and is bounded on the landward side by the Intracoastal Waterway (ICW). There is dense residential development at both the north and south ends of the unit.

P08-Ponce Inlet (Volusia). This unit is mostly barrier beach and associated sand flats and shoals. There is essentially no vegetated wetland. Jetties are present on both sides of the inlet, and the only permanent buildings are those of the U.S. Coast Guard station. There is evidence of vehicle trails throughout the unit. Residential development increases greatly to both the north and the south of the unit.

P09A-Coconut Point (Brevard). This unit consists of about 2 miles of barrier with a fairly well-developed beach and dune ridge. Highway A1A traverses the unit and there is sparse residential development. The habitat appears to be essentially unaltered. The unit is bounded by the Atlantic Ocean on the east and the Indian River on the west. Dense development lies to the north and south.

P10-Vero Beach (Indian River). This unit, comprising 1.7 miles of barrier, begins 2 miles south of Sebastian Inlet. It has a moderately broad beach with mangrove swamp on the landward side of the island. Highway A1A extends the length of the unit. The only apparent alteration of the habitat other than the highway is that of mosquito-control ditches throughout the southern half of the mangrove swamp. To the south of the unit are citrus groves and sparse residential development.

P10A-Blue Hole (Indian River and St. Lucie). This unit consists of 3.2 miles of barrier island. It has a fairly well-developed beach and dune ridge complex and an extensive wetland on the landward side of the island. The coast highway (A1A) traverses the unit and there is some sparse residential development. The wetland comprises about 80 percent salt marsh and 20 percent mangrove swamp. About two-thirds of the wetland has mosquito-control ditches. The barrier is bounded by extensive development to the north and south.

P11-Hutchinson Island (St. Lucie). This extensive and well-studied unit consists of about 10 miles of barrier island. There are also three excluded parcels totaling 1.7 miles on the island. The largest of these excluded parcels contains the Hutchinson Island nuclear power station. About 85 to 90 percent of the unit is mangrove swamp. The remainder is mostly beach and dune. The coast highway and an unpaved trail parallel the coast and there is extensive mosquito-control ditching. The island continues to the north and south of the unit with extensive residential development.

P12-Hobe Sound (Martin). This unit consists of about 1 mile of beach and dune on Jupiter Island. The landward boundary is quite irregular because it runs along Hobe Sound National Wildlife Refuge. The unit has no marshlands and is accessible by road from the south only. There is adjacent mangrove wetland which is ditched and contains some spoil piles adjacent to the ICW.

The residential population density on the island decreases northward toward St. Lucie Inlet and increases southward where the island is accessible by automobile.

P14A-North Beach (Broward). This unit comprises two parcels about 0.25 mile apart; each is less than 0.5 mile in length. The coast highway traverses the unit, and the south parcel is connected to the mainland via a four-lane causeway. The unit has a moderately wide beach but no marshlands. There are a few buildings on the south



parcel. The adjacent coastal lagoon is densely developed both to the north (Dania) and to the south (Hollywood).

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#### RECOMMENDED ADDITIONS AND MODIFICATIONS

The Department of the Interior recommends that all undeveloped, unprotected coastal barriers and associated aquatic habitats identified along the east coast of Florida, including the Keys, be included in the Coastal Barrier Resources System.

The DOI also recommends that otherwise protected, undeveloped coastal barriers be excluded from the CBRS. All of existing CBRS units P02 and P14A, and portions of P05 and P08 are State-protected; DOI recommends these areas be deleted from the CBRS. However, if any otherwise protected, undeveloped coastal barrier is ever made available for development that is inconsistent with the purposes of the CBRA, the DOI recommends that it then be automatically included in the CBRS. A complete discussion of DOI's recommendations concerning otherwise protected, undeveloped coastal barriers appears in Volume 1. Maps of all otherwise protected, undeveloped coastal barriers on the east coast of Florida appear in the following section.

The DOI also recommends that all military and Coast Guard lands on coastal barriers be excluded from CBRS. A portion of existing CBRS unit P08 is part of the Ponce de Leon Inlet Coast Guard Reservation; the DOI recommends that this area be deleted from the CBRS. The DOI also recommends that all existing Federal navigation channels be excluded from the CBRS to allow maintenance

and deepening of these channels (see Volume 1). The Intracoastal Waterway (ICW) runs through several existing and proposed CBRS units in Florida. The DOI recommends that these segments of the ICW be deleted or excluded from the CBRS by reference.

In Florida, many coastal aquatic habitats have been designated as Aquatic Preserves or Outstanding Florida Waters. The Department has carefully considered the legal status of these areas and concludes that they do not meet the definition of "otherwise protected." Although these waters and their surrounding shorelines are subject to stricter permitting requirements, they can be developed. They are not set aside for wildlife refuge, recreational, or other natural resource conservation purposes. Therefore, where Aquatic Preserves or Outstanding Florida Waters meet other definition and delineation criteria, the DOI recommends they be included in the CBRS.

The DOI recommends adding the undeveloped, unprotected portions of the Florida Keys to the CBRS because under DOI criteria, the Keys can be considered coastal barriers (see Volume 1). Although the core of the Keys is composed of limestone and not unconsolidated sediments, the Keys and sandy barriers share a number of common characteristics. They both are separated from the mainland, protect landward aquatic habitats, are subject to wind, wave, and tidal energies, and are vulnerable to severe flooding and damage by hurricanes. The DOI's delineations of proposed CBRS units in the Keys do not include Highway 1 for safety reasons. It is the only means of entry to and exit from the islands and stretches for about 125 miles from Florida City to Key West.

A table presenting the Department's position on each unit or proposed unit identified in the inventory follows this discussion.

The Department of the Interior's recommendations were developed after full consideration of the many public, State and Federal agency, and Congressional comments on the delineations in the Draft Report released in March 1987. The State of Florida reviewed the 1987 Draft Report and supports a CBRS expansion in Florida, including the addition of qualified Aquatic Preserves, Outstanding Florida Waters, and undeveloped portions of the Florida Keys. The State opposes the inclusion of any portion of Highway 1 in the CBRS because of safety concerns. The DOI's recommendation to exclude Highway 1 should alleviate these concerns.

The State also requested that all existing roads, bridges, and causeways in the CBRS be deleted so that their maintenance and repair would not be inhibited. Maintenance and repair of existing roads, bridges, and causeways is an allowable exception to the CBRA's funding prohibitions under Section 6. Federal monies are available for these purposes in the CBRS. A detailed discussion of the Section 6 exceptions appears in Volume 1.

The State also described its Development of Regional Impact (DRI) comprehensive planning process and requested that all areas which have an existing approved DRI development

order or pre-development agreement in place be excluded from the CBRS. Although the existence of an approved DRI development order or a pre-development agreement indicates that a development is planned, DOI criteria require a full complement of infrastructure in place in each lot in the development before excluding a barrier as developed.

The Governor and many other commenters in Florida requested that the DOI re-examine the delineations of the proposed CBRS units in the Keys to ensure that no developed areas would be erroneously included in the System. Using site visits and the information provided by the State and others, the DOI has redelineated most of the proposed units in the Keys.

The State's positions on individual existing or proposed CBRS units on the east coast of Florida are discussed in the following section, interspersed with the appropriate maps. The State's positions on the DOI's general recommendations are discussed in Volume 1.

The Department received 349 other comment letters with 93 petition signatures con-

cerning the State of Florida. The majority of these letters concerned individual existing or proposed CBRS units. The general letters concerning Florida were overwhelmingly in favor of the CBRS expansion. The letters referring specifically to the Keys were more evenly split with only a slight majority in favor of including the islands.

Several commenters, including the Florida Department of Natural Resources and the various Regional Planning Councils, suggested that additional areas along the east coast of Florida might qualify for inclusion in the CBRS. The DOI has reviewed these areas and adjusted the recommended boundaries of several units to include qualified undeveloped unprotected areas. One entirely new unit on the northeast Florida coast in Flagler County (FL-06) and three new units in the Florida Keys (FL-34, FL-46, and FL-49) have been added to DOI's recommendations.

Substantive comments concerning individual existing or proposed CBRS units on the east Florida coast and in the Florida Keys are discussed and reprinted in the following section, interspersed with the appropriate maps.

#### SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS ALONG THE EAST COAST OF FLORIDA

Unit ID Code <sup>a</sup>	Unit Name <sup>b</sup>	County	Congress. Dist. <sup>c</sup>	Shore-line Length (miles) <sup>d</sup>	Total Area (acres) <sup>e</sup>	Fast-land Area (acres) <sup>f</sup>	Recommendation <sup>g</sup>
P02	Talbot Island Complex	Duval	3	—	—	—	State-protected; delete from CBRS
P04A	Usinas Beach	St. Johns	4	0.4	751	40	Delete north segment developed in 1982 from and add wetlands to existing CBRS unit
P05	Conch Island	St. Johns	4	1.1	1,530	627	Delete State-protected southern segment from and add wetlands and undeveloped barrier to existing CBRS unit
P05A	Matanzas River	St. Johns	4	1.9	2,975	177	Add wetlands to existing CBRS unit
FL-06	Beverly Beach	Flagler	4	2.6	4,383	853	Add to CBRS
P07	Ormond-by-the-Sea	Volusia	4	3.2	2,653	584	Add wetlands to existing CBRS unit

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS ALONG THE EAST COAST OF FLORIDA (CONTINUED)

Unit ID Code <sup>a</sup>	Unit Name <sup>b</sup>	County	Congress. Dist. <sup>c</sup>	Shore-line Length (miles) <sup>d</sup>	Total Area (acres) <sup>e</sup>	Fast-land Area (acres) <sup>f</sup>	Recommendation <sup>g</sup>
P08	Ponce Inlet	Volusia	4	0.6	3,658	181	Delete Coast Guard Station and State-protected area from and add wetlands to existing CBRS unit
P09A	Coconut Point	Brevard	11	3.1	4,450	534	Add undeveloped area and wetlands to existing CBRS unit.
P10	Vero Beach	Indian River	11	1.2	634	205	Delete northern segment developed in 1982 from and add undeveloped area to existing CBRS unit
P10A	Blue Hole	Indian River St. Lucie	11 12	3.3	5,225	555	Delete small area developed in 1982 from and add wetlands and undeveloped barrier area to existing CBRS unit
P11	Hutchinson Island	St. Lucie Martin	12	9.9	16,819	608	Delete small area developed in 1982 from and add wetlands and undeveloped barrier areas to existing CBRS unit
P12	Hobe Sound	Martin	12	1.1	26	26	No change to existing CBRS unit
P14A	North Beach	Broward	16	—	—	—	State-protected; delete from CBRS

(The delineations of all the following Florida Keys units have been substantially modified since 1987 to exclude developed and otherwise protected areas. See the following section for more detailed explanations.)

FL-34	Soldier and Ragged Keys	Dade	19	1.2	7,496	55	Add to CBRS; privately owned inholdings
FL-35	Key Largo	Monroe	19	13.2	31,703	3,366	Add to CBRS
FL-37	Rodriguez Key	Monroe	19	2.7	2,326	399	Add to CBRS
FL-38	Long Point	Monroe	19	1.3	1,017	433	Add to CBRS
FL-39	Tavernier Key	Monroe	19	0.6	1,148	459	Add to CBRS

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS ALONG THE EAST COAST OF FLORIDA (CONCLUDED)

Unit ID Code <sup>a</sup>	Unit Name <sup>b</sup>	County	Congress. Dist. <sup>c</sup>	Shore-line Length (miles) <sup>d</sup>	Total Area (acres) <sup>e</sup>	Fast-land Area (acres) <sup>f</sup>	Recommendation <sup>g</sup>
FL-40	Plantation Key	Monroe	19	0.9	2,233	275	Add to CBRS
FL-43	Channel Key	Monroe	19	0.5	1,151	15	Add to CBRS
FL-44	Toms Harbor Keys	Monroe	19	1.1	1,837	136	Add to CBRS
FL-45	Crawl Key Complex	Monroe	19	5.1	3,789	879	Add to CBRS
FL-46	Boot Key	Monroe	19	1.5	1,509	647	Add to CBRS
FL-49	Ohio and Missouri Keys	Monroe	19	1.5	4,120	112	Add to CBRS
FL-50	Coupon Bight	Monroe	19	4.7	8,622	1,609	Add to CBRS
FL-51	Big Pine Key	Monroe	19	2.4	6,110	1,680	Add to CBRS
FL-52	Ramrod Key	Monroe	19	2.1	13,551	3,585	Add to CBRS
FL-53	Cudjoe Key	Monroe	19	0.4	4,123	1,386	Add to CBRS
FL-54	Sugarloaf Key	Monroe	19	4.3	11,745	3,737	Add to CBRS
FL-55	Saddlebunch Keys	Monroe	19	4.1	6,779	1,062	Add to CBRS
FL-57	Cow Key	Monroe	19	0.6	184	51	Add to CBRS
Total - CBRS as Recommended				76.6	152,547	24,276	
Existing CBRS				30.5	20,204	5,106	
Net Change in CBRS				+46.1	+132,343	+19,170	

<sup>a</sup>UNIT ID CODE - State initials (FL) plus a number identify a proposed new unit. An existing unit is identified by the legal code letter (P) and number established by Congress in 1982.

<sup>b</sup>UNIT NAME - For proposed new units, this is a provisional name based on a prominent local feature. For existing CBRS units, this is the legal name.

<sup>c</sup>CONGRESSIONAL DISTRICT - U.S. Congressional District in which unit is located.

<sup>d</sup>SHORELINE LENGTH - For existing units with additions or deletions, this length is for the entire unit, as modified.

<sup>e</sup>TOTAL AREA - For existing units with additions or deletions, this area is for the entire unit, as modified.

<sup>f</sup>FASTLAND AREA - This acreage is a rough estimate of the portion of the total area that is above the mean high tide line (i.e., the non-wetland area). It is a very general representation of the potentially developable land.

<sup>g</sup>RECOMMENDATION - A brief explanation of the Department's recommendations to Congress. For more detailed explanations, see the following section. Abbreviations: FWS = Fish and Wildlife Service, NPS = National Park Service, CBRS = Coastal Barrier Resources System.

STATE COMMENT LETTER

1638



STATE OF FLORIDA

OFFICE OF THE GOVERNOR  
BOB MARTINEZ

August 6, 1987

The Honorable Donald Hodel  
Secretary of the Interior  
U. S. Department of the Interior  
Washington, D.C. 20240

Dear Mr. Hodel:

I am happy to respond to your request for a review of the U.S. Department of the Interior's (DOI) proposed recommendations to Congress on revisions to the coastal barrier resource system (CBRS) established by the Coastal Barrier Resources Act (CBRA). The CBRS inventory and executive summary have been reviewed by local, regional, and state officials and by many of Florida's citizens. To facilitate our review I requested the Department of Community Affairs (DCA), in cooperation with your department, to hold five public workshops throughout Florida. We appreciate Ms. Barbara Wyman, Mr. Frank McGilvrey, and Dr. Juergen Rheinhardt of DOI attending our workshops.

The State of Florida supports the concept of CBRA. We have reviewed the DOI recommended revisions to the CBRS and, with some exceptions, find them to be consistent with the intent of CBRA and Florida laws and policies which we must implement. Florida's State Comprehensive Plan (Chapter 187, Florida Statutes) contains policies that seek to minimize the loss of human life, protect natural resources, and reduce wasteful public expenditures. The State has also adopted a policy of avoiding the expenditure of state funds in high hazard coastal areas, including CBRS areas, and the building of bridges to currently unbridged islands (Section 380.27, Florida Statutes, and Executive Order 81-105). My comments on the proposed additions to the CBRS are based upon information obtained during the review period and a review of state agency comments, which are being sent to you under separate cover.

DOI proposes to include in the CBRS aquatic habitat associated with currently designated CBRS areas. Generally I support this recommendation since Florida has traditionally recognized the value of these natural resources and has established by statute a number of programs designed to protect them, including the aquatic preserve program, administered by the Department of Natural Resources. The DOI proposal also includes aquatic habitats near or in developed areas. I recommend that existing roads, bridges, and causeways

Mr. Donald Hodel  
Page Two

through CBRS units and connecting developed areas that are currently not in the CBRS be excluded from the system so that we do not inadvertently limit our ability to provide transportation services to people living in non-CBRS areas now or in the future. Florida made a similar recommendation to your department in its 1985 comments on your proposal.

The development of regional impact (DRI) process involves comprehensive planning and thorough state and regional review of developments which, due to their character, magnitude, or location, would have a substantial effect on the citizens of more than one county. The State encourages developers of large projects to utilize the DRI process since it is designed to ensure both that adequate public facilities are available at the time development occurs and that protection of sensitive environmental resources is provided. Projects which go through the DRI process typically result in developments which exhibit superior planning and accommodation of environmental values. In preparing master plans for these areas, developers are required to consider as part of their design the impact of coastal storms and floods and to mitigate their effects. I recommend that areas subject to an approved DRI development order be excluded from CBRA. DOI should exclude areas which, although presently undeveloped, are as of January 1, 1985, part of a phased, comprehensive master DRI order, are included in a pre-development agreement as a condition precedent to DRI review, or are included in a pending Application for Development Approval for a DRI. DCA would be glad to assist in the documentation of such projects. This recommendation is consistent with the State's intent as expressed to DOI by letter in 1985.

The western boundary of the proposed CBRS Unit FL-98 in Santa Rosa Island includes a developed area and a 60 acre parcel in the Range Point area that, according to the Santa Rosa Island Authority, has sewer and water infrastructure available as a result of the recent sale of revenue bonds. The authority asserts that a portion of the debt was to be paid from fees charged to developers of a planned destination resort in the area. I recommend that this area, not including approximately 4,000 feet of beach frontage, be excluded from the proposed CBRS unit.

DOI's proposed additions to CBRS Unit P10, North Hutchinson Island, were excluded by Congress in 1982 and remain developed areas. The only area in the proposed additions that should be added to CBRS Unit P10 includes the wetlands south of County Road 510. All other areas in the proposed additions meet DOI criteria for exclusion, including the availability of infrastructure, urban development densities, agricultural improvements, or the existence of other development such as roads, stormwater systems, and water supply.

Mr. Donald Hodel  
Page Three

The Florida Keys have been designated by the state legislature an area of critical state concern (ACSC) since 1979. A principal objective of the designation is to protect the Keys' unique and fragile natural resources. Current land use maps have recently been prepared and adopted in connection with Monroe County's comprehensive plan. I recommend that before CBRS designations are made on the bridged keys, DOI work with DCA and the Florida DOT and examine these current land use maps in order to determine which areas may be proposed for inclusion. U.S. Highway 1 in the Keys is an important transportation corridor to both national and state interests, it should be excluded from the proposed additions to the system. I concur with the DOI proposal to designate unbridged keys and associated aquatic habitats as part of the CBRS.

DOI's proposed additions to CBRS Unit P25, Cedar Key, include areas currently in residential, commercial, or institutional land uses which contain a full complement of public infrastructure. I suggest that these developed areas, both within and outside of the municipal boundary of the City of Cedar Key, be excluded from the proposed additions to the existing CBRS unit.

DOI's proposed addition to the CBRS, FL-63, Big Marco Pass, includes areas containing substantial development. The area includes four high rise structures, numerous residential and commercial buildings, and a full complement of public infrastructure. It appears from recent aerial photographs that these areas were mistakenly included in the proposed CBRS unit. I recommend that the developed areas be excluded from the proposed FL-63.

The DOI draft report to Congress recommends the repeal of Section 6(a)(3) of CBRA. This section addresses the use of federal funds for the repair, reconstruction, replacement, or maintenance of essential links in the highway network inside CBRS units. I recommend that this section of the Act not be repealed. Your recommendation that the above type of projects be subject to Section 6(a)(6)(F) would require additional project review and consultation. The language of this proposed change could potentially eliminate federal funding of routine maintenance, repair, or reconstruction of some existing roads. This would create problems for residents in existing developments.

The draft report also recommends that Section 6(a)(2) of CBRA be amended by adding the following language: "Maintenance of existing channel improvements and related structures, such as jetties, and including the disposal of dredged material related to such improvements, will be performed in a manner consistent with the purposes of CBRA." This proposed new language needs to be clarified to allow for the deposition of sand dredged from inlets and channels or state beaches when agreed to by the State and the Corps of Engineers. The amended section should not preclude nonstructural beach nourishment projects.

Mr. Donald Hodel  
Page Four

DOI proposes to eliminate the requirement in CBRA that federal agencies certify to the Office of Management and Budget (OMB) that they have complied with CBRA in their funding decisions. We believe that some means of oversight of federal agency actions relative to the program is necessary to insure compliance. OMB seems to be an appropriate oversight agency if the reduction of governmental costs and waste is an objective.

I stress that the State of Florida is committed to the preservation of coastal barriers, estuaries, and wetlands. We have demonstrated this commitment through extensive programs for land acquisition and regulation of development in these areas and by aggressive land acquisitions in the coastal zone. The Coastal Barrier Resources Act provides us with another opportunity to work with federal agencies to minimize the loss of human life, protect vital natural resources, and reduce the wasteful expenditures for public infrastructure development. I encourage you to strengthen and expand the coastal barrier resources system consistent with these comments so that these resources are not lost.

I sincerely hope that the revisions to the CBRS, which began in 1985, can be quickly and finally resolved so that the citizens of Florida can prepare and implement plans based upon some degree of certainty.

Thank you for the opportunity to review the draft executive summary and coastal barrier resources system inventory. My staff will be happy to work with you in clarifying my comments on DOI's proposed CBRA revisions.

Sincerely,  
  
Governor  
BM/wkm  
Enclosures

cc: Florida Congressional Delegation  
Florida Cabinet Members  
Tom Pelham  
Tom Gardner  
Dale Twachtman  
Colonel Robert Brantly  
Kaye Henderson  
Jeb Bush  
Gregory Coler  
George Percy

OTHER GENERAL COMMENT LETTERS CONCERNING EAST FLORIDA

1212



BREVARD County  
BOARD OF COUNTY COMMISSIONERS



ANDREA DERATANY, Commissioner District III, 1311 East New Haven Avenue, Melbourne, Florida 32901

June 22, 1987

The Coastal Barriers Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

RE: The Department of Interior's (DOI) Report to Congress: Coastal Barrier Resources System (CBRS)

Dear Study Group Members:

Brevard County has reviewed the subject report with great interest and would like to relate our concerns and recommendations for your consideration before your Report is presented to Congress.

Brevard County certainly supports the intent of the Coastal Barrier Resources Act (CBRA) "to minimize loss of human life, wasteful expenditures of Federal revenues and damage to fish, wildlife, or other natural resources." However, in addition to a number of questions on the interpretation of DOI's recommendations, we have serious concerns about whether the proposed additions to the CBRS and the strategies being proposed to Congress will actually achieve the goals of the Act or whether some of the proposals are not in fact contrary to CBRA's intent.

Brevard County's commitment to the protection and preservation of its coastal barriers is evidenced by the County's comprehensive efforts at resource protection. Our efforts to protect human life by reducing potential development and at risk populations on the barriers include administrative downzoning of the South Beaches area of the County, initiation of a transfer of development rights program to remove high development densities from high hazard and environmentally sensitive areas, and adoption of a local coastal construction control line which prohibits development seaward of the line and employs stricter building standards for properties landward of the line.

Brevard County has also actively pursued purchase of undeveloped ocean and riverfront properties on the coastal barrier for public recreation and natural resource conservation purposes. Some of the parcels acquired through a \$30 million bond issue, as well as some matching funds from the state's Save Our Coast and CARL programs lie within the existing and proposed additions to CBRS Unit P09A; these are identified on the enclosed maps.

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It is also a fact that there has been extensive and unsatisfactory use of package treatment plants and septic tank systems in certain areas of Brevard County. Contamination of shellfish, water pollution, and possible health problems have been linked to the failure of these systems. The County is constructing a wastewater treatment plant in the South Beaches area to serve existing and future development within an established service area. The plant is not located within the CBRS Unit, but a portion of the service area is. It is the County's contention that provision for this wastewater treatment service will not only encourage the concentration of development within a specific service area and away from the undeveloped and unserved portion of the coastal barrier, but will also lessen the detrimental environmental effects of malfunctioning package treatment plants and septic tank systems.

The County is concerned that CBRA will hinder the provision of necessary infrastructure to service development that will occur regardless of whether CBRS designation is given to a portion of the coastal barrier or not. In Brevard this includes the construction of a wastewater treatment facility which is the environmentally preferable alternative to package treatment plants and septic tanks and a mainland-to-barrier bridge for evacuation purposes.

Brevard County's specific concerns with the DOI's report, and our recommendations, are enumerated in the attached pages. Principally it is the County's contention that much of the language in the Report needs further clarification and leaves too much open to interpretation.

Brevard County recognizes that this DOI Report is only that--a report, and that Congress, if it chooses to accept it, can modify it during the legislative process. Therefore, our comments and concerns as a local government are important if only to point out where implementation of DOI's recommendations can cause conflict with state and local government programs and where the ramifications can have serious consequences to our citizens and the environment. We do, however, hope you will respond to our concerns, and seriously consider them before you finalize your Report to Congress.

Please contact me if you need any further clarification on the information I have provided to you.

Very truly yours,

*Andrea Deratany*  
Andrea Deratany  
Chairman, Brevard County Commission

AD:ss

cc: Florida Department of Community Affairs

Brevard County, Florida  
Comments and Concerns relating to

The Department of the Interior's  
REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM

1. No legal descriptions are provided for the recommended additions to the original CBRS Unit P09A known as Coconut Point in the South Beaches area of Brevard County. Therefore, the exact boundaries are unknown. Brevard County recommends that legal descriptions be provided to eliminate confusion.

2. The map's depiction of the CBRS units with their "associated aquatic habitats" do not appear to coincide with the written descriptions of the westward extent of the CBRS units into the Indian River lagoon. Clarification is needed from DOI to specifically identify the waterward extent of Brevard's CBRS unit. Do the maps show the correct boundaries, or is the description in the Executive Summary the one to be used for the interpretation? Again legal description of each would be appropriate. It is obvious the north and south boundaries of the units were drawn parallel to property lines or section lines for convenience. However, if the intent of CBRA is to protect undeveloped portions of the nation's coastal barriers and their associated aquatic habitats, the north and south boundaries of the CBRS units should have been constructed perpendicular to the ocean shoreline.

3. It is impossible to determine from the language in the Executive Summary whether the proposed addition of "secondary barriers" to the CBRS would include areas not depicted on the maps, but merely eluded to in the definition of "secondary barrier." This could result in inclusion, at some future date, of Merritt Island and the entire Indian and Banana River lagoons, simply by definition. The inclusion of these areas would be completely inappropriate considering the current level of development and infrastructure. Clarification of the intent of this portion of the Report is requested.

4. DOI states that areas within CBRS units primarily used for "wildlife refuge, sanctuary, recreation, or natural resource conservation purposes" qualify for exemptions from the CBRA requirements. This implies that properties located within the CBRS and acquired by the County for recreation and conservation purposes will be exempt from the provisions of CBRA. Brevard County supports the intent of this recommendation and has provided maps on the areas which are under County ownership and lie within the proposed CBRS additions. Brevard County requests that specific standards be set up to identify what is included under the definition of a "recreational or conservation area" or what constitutes a "recreational project". Does this include provision of a major recreational project which may run counter to the intent of CBRA, or simply passive recreational

opportunities? It has stated that DOI does not intend to define "recreational projects," but will provide further clarification upon request, apparently on a case-by-case basis. Brevard County does not consider this to be acceptable. Some specific guidelines need to be set up to provide for consistent interpretation by DOI. Brevard County also suggests that opportunities for public input be provided during development of these guidelines.

Also the "associated aquatic habitats" included under the proposed additions to P09A are located in a State designated Aquatic Preserve (AP) and in Outstanding Florida Waters (OFW). This should qualify these areas as being protected "primarily for wildlife refuge, sanctuary, recreation, or natural resource conservation purposes" and, therefore, also exempt from CBRA requirements. Attached is the State of Florida's description of APs and OFWs for your information.

5. In general the County supports the "user fee" concept in acquisition of CBRS lands as long as the fees are reasonable and not discriminatory. The County also supports the view that the revenues generated should be expended to purchase CBRS property within the region in which they are collected.

6. The DOI is proposing that military and Coast Guard lands within the CBRS be deleted from the CBRS, based on the premise that these installations are required for national security. Although this does not apply in Brevard County, since no such facilities are located with the CBRS Unit P09A, the County would recommend that these lands remain part of the CBRS and that only national defense activities and installations be exempt from CBRA's requirements. The County also recommends that if federal coastal barrier properties are determined to be excess/surplus to government needs, and GSA and DOI determine that it is appropriate to include these in the CBRS, that public notice be given in order to allow local input into the decision-making process.

7. Brevard County supports the recommendation that no new regulatory amendments that would require special permitting criteria for activities in CBRS units be made.

8. DOI states that federal expenditures and financial assistance for development within CBRS are prohibited except for certain exceptions, i.e. general revenue sharing, social programs and a list of other projects which may be exempted after consultation with DOI. These possible exclusions are energy projects, scientific research, beach nourishment and beach stabilization. Brevard County considers vague statements like "DOI will provide guidance in determining which activities are exempted" to be ambiguous and recommends that specific guidelines be developed to determine whether a project is viable or not under CBRA for each affected area. The opportunity for local input into the development of these guidelines should be provided.

9. Perhaps the most significant question to Brevard County at this time is one that has been asked before but has never specifically been answered: "What affect has the CBRA on federally funded projects in areas outside a CBRS unit, but which could potentially affect development in a CBRS unit? The DOI states that "Federal funding of facilities that serve CBRS units even though they are located outside the CBRS subsidizes coastal barrier development and runs counter to CBRA purposes." Therefore, DOI interprets that "federal funding for a facility located outside a CBRS unit whose direct purpose is to provide a tangible product within the CBRS unit( water, electricity, etc.) is restricted by CBRA." If the definition of a "tangible product" includes accessibility, does this mean that the proposed Malabar Bridge in Brevard County is not likely to be funded by federal expenditures. This bridge has been part of the adopted Brevard Area Transportation Study and the Brevard County Comprehensive Plan since 1974. The bridge is expected to provide access to the beaches and safe evacuation from the area in the event of a major storm and would accomodate residents from both within and outside the CBRS unit.

Strict interpretation of CBRA regulations could in all practical economic senses, prohibit construction of the bridge. This situation will adversely affect already developed areas and those areas which will develop whether the bridge or the CBRS unit is there or not. DOI is, therefore, essentially creating "a risk for human safety" in Brevard. Unless Brevard County purchases all the remaining undeveloped property, the County cannot legally prohibit future development on its coastal barriers without leaving itself open for law suits for the "taking" of property. The purchase of all the property within the CBRS is not economically feasible. Also since Brevard County is probably not going to be able to free itself of the responsibility of providing for public safety, the County must try to provide for evacuation from its coastal barriers in the event of a storm. An additional bridge is the only alternative available. It is essential, therefore, that Brevard County seek and receive clarification on federal funding for facilities outside of CBRA units as it pertains to our particular situation and the population at risk.

10. The same situation is true for the wastewater treatment system planned for the South South Beaches area of the county. The South Beaches Plant is funded in part by a Federal grant and although it is not located within the CBRS, the plant itself could potentially serve the CBRS unit or the wastewater line from the plant could pass through the unit to serve areas to the south. Therefore, construction of the plant, even though the excess capacity of the plant will not be paid for with Federal monies, could affect development of a coastal barrier.

Providing sewer service in an area adjacent to an approved shellfish harvesting area is an environmentally preferable alternative to allowing the proliferation of septic tanks and

package plants which have a greater potential for negative water quality impacts. EPA has interpreted that any federal expenditure on the South Beaches Plant could be considered contrary to one intent of CBRA--to discourage development on coastal barriers. Brevard County contends that the construction of the plant is in support of the other intent of CBRA--the conservation of fish and wildlife resources. The question remains will the expenditure of federal monies be permitted for a plant located outside a CBRS unit which will potentially protect fish and wildlife resources, or will funding not be permitted because the plant could serve future development on a coastal barrier?

11. It is the intent of DOI to retain the provision that permits the expenditure of Federal revenues for "the maintenance, replacement, reconstruction, or repair, but not the expansion of publicly-owned or publicly-operated roads, structures, or facilities" as long as these actions are consistent with the intent and purposes of CBRA. The question remains: Can Brevard County use non-federal funds to expand S.R. A-1-A in the CBRS unit and Federal funds outside the unit? How does this relate to the previous discussion of federal funding affecting development outside CBRS units and the implications regarding safety risks and evacuation of the coastal barrier?

1672

Northeast Florida Regional Planning Council

8649 Baypine Road, Suite 110  
Jacksonville, Florida 32216  
(904) 737-7311 Suncom 826-6037

BAKER CLAY DUVAL FLAGLER NASSAU PUTNAM ST. JOHNS

October 22, 1987

Mr. Frank McGilvrey  
Coastal Barriers Coordinator  
United States Fish and Wildlife Service  
Department of the Interior  
Washington, D.C. 20240

Dear Mr. McGilvrey:

Per our conversation on October 15, 1987, I have obtained 1986 aerial photography of several areas in Flagler County which might qualify for inclusion as COBRA lands. These areas are: 1. Land just south of Washington Oaks State Gardens 2. Fish Island and 3. The coastal strip just east of Fish Island. I have also included an Existing Land Use map and a Master Development Plan map from the 1983 Application for Development Approval submitted by ITT for Hammock Dunes.

Fish Island, although currently undeveloped, is part of the Hammock Dunes development and it has been designated in the Master Plan as low density (0-5 D.U. per acre) and low-medium density (4-25 D.U. per acre) residential. A two lane fixed bridge has been built off A1A on the east side of the island and a bridge is planned for the northwest end.

You might be interested to know that a public hearing was held on October 15th in Flagler County for comments on the re-surveyed Coastal Construction Control Line. This new line if approved will be moved landward and run roughly along A1A. This proposal received very negative comments at the hearing, mostly by property owners who would be affected and also by the County and the Town of Marineland. As a result of this, there has been a sudden increase in building permits applied for along the Flagler County coast. Therefore, these aerial photos will be somewhat inaccurate. Please let me know if I can be of further assistance.

Sincerely,

*Bruce A. Ford*

Bruce A. Ford  
Regional Planner

BAF/

1481

indian river  
st. lucie

treasure  
coast  
regional  
planning  
council

palm beach

June 25, 1987

FEDERAL EXPRESS

Mr. Frank B. McGilvrey  
Coastal Barriers Coordinator  
Coastal Barriers Study Group  
National Park Service  
Department of Interior  
Post Office Box 37127  
Washington, DC 20013-7127

Subject: Coastal Barriers Resource System - Proposed Amendments

Dear Mr. McGilvrey:

Pursuant to U.S. Department of Interior (DOI) and Florida Department of Community Affairs (DCA) request, Council reviewed the proposed amendments to the Coastal Barriers Resource System (CBRS) at its regular meeting on June 19, 1987. The following comments were approved by Council for transmittal to DOI and DCA for consideration.

Assessment of the proposed CBRS maps indicate that an additional 6.5 miles of barrier island within the Region will become ineligible to receive federal development subsidies. Approximately 0.1 mile is proposed to be deleted. These and other aspects of DOI's draft CBRS proposal have been reviewed with respect to Council's proposed Regional Comprehensive Policy Plan (RCPP). The intent and purpose of the Coastal Barrier Resource Act (CBRA) and recommended CBRS amendments support the RCPP as a whole, but particularly in furthering goals, objectives, and policies under:

- 1) Policy Cluster 35: which seeks to ensure the safety of citizens and decrease the chance of property damage in the event of natural or man-made disasters by decreasing the number of public facilities constructed that support new development and the number of private structures constructed in surge prone and other potential human safety hazard areas;
- 2) Policy Cluster 42: which seeks to eliminate public subsidies to new, private development in high hazard coastal areas, and to provide adequate protection to existing residents of these areas by placing the cost of providing services to new residents of barrier islands entirely upon those residents and providing sufficient capacity on evacuation routes for adequately rapid evacuation; and

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KAREN L. MARCUS  
Chairman  
THOMAS G. KEENE, III  
Secretary/Treasurer

JIM MINA  
Vice Chairman  
DANIEL M. COU  
Executive Director

Mr. Frank B. McGilvrey  
Coastal Barriers Coordinator  
Department of Interior  
June 25, 1987  
Page Two

- 3) Policy Cluster 40: which seeks to assure sufficient areas of beach front and environmentally sensitive coastal lands are acquired or otherwise protected to provide for: a) protection of fish and wildlife values; b) protection of coastal natural systems and their functions and values; and c) future recreational needs.

Based upon comments received from local government and testimony heard at its last regular meeting, Council is providing more specific comments outlining its concerns particular to the Treasure Coast Region. The following address specific areas of concern in CBRS Unit P-10 Indian River County, and more general areas of concern applicable to all units within the Region.

#### CBRS Unit P-10

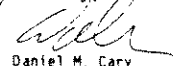
There is concern that the agricultural lands proposed to be included within CBRS Unit P-10 may not qualify as a legitimate candidate for inclusion under the CBRA's definition of an undeveloped coastal barrier. Council is also concerned that their inclusion would make these landowners ineligible to participate in federal agricultural assistance programs which would encourage farming as an alternative to converting to urban uses. Because barrier island farming imposes relatively few infrastructure costs and largely reduces the level of storm related human risk as opposed to urban uses, Council's proposed RCPP policy 22.2.1.7 supports land planning efforts that encourage agricultural land use on barrier islands in preference to urban development. Council understands, however, the potential for these farmlands to be converted to urban uses in the future. Knowing the inevitable, such a land use change would appear to circumvent the CBRA's aim to reduce loss of life and federal financial commitments supporting new coastal barrier development. With this understanding, Council could support an approach to address this unique case that would not penalize the farmers, but would recognize this special situation for what it is, and automatically include these lands into the P-10 Unit once a land use change from agriculture to urban has been made.

Of additional concern is the accuracy of the proposed P-10 Unit expansion south of County Road 510. Based upon review of recent aerials and local development data, it appears that a full complement of infrastructure is in place and unit densities would qualify this area as developed under CBRA criteria. Indian River County also contends that the lands designated in the P-10 Unit in 1982 were inaccurately assigned because existing densities were greater than one unit per five acres of fastland. Council strongly urges the DOI to reevaluate its position on those areas within P-10 where the facts have been presented and a legitimate case can be made for deletion. Aerial photography, maps, and other local development data on the P-10 Unit have been submitted under separate cover. All comments received from Indian River County are enclosed.

Mr. Frank B. McGilvrey  
Coastal Barriers Coordinator  
Department of Interior  
June 25, 1987  
Page Four

Please accept these comments in lieu of any draft comments you may have received. If there are questions please contact me or Michael Busha, Regional Planner.

Sincerely,

  
Daniel M. Cary  
Executive Director

DMC/MB:ks

Enclosure

cc: T. Pelham  
R. Alcott  
D. Murphy  
R. Keating

Mr. Frank B. McGilvrey  
Coastal Barriers Coordinator  
Department of Interior  
June 25, 1987  
Page Three

#### General Concerns

Specifically a concern of St. Lucie County and of general concern to the Council is the potential for unnecessary delays in receiving federal funds for improvements to State and locally owned recreation/conservation lands within CBRS units. Council would strongly urge these lands be deleted from all units. It is also recommended that a mechanism be provided such that new lands purchased by State and local government within CBRS units for the purposes of recreation and conservation can be administratively deleted by DOI staff when legitimate requests are received. Materials identifying government-owned and managed recreation/conservation lands and comments from St. Lucie County have been provided under separate cover.

Another concern generated by the draft proposal is the potential elimination of federal funds supporting new infrastructure intended to solve existing problems on coastal barriers. Because of water quality and environmental problems which have resulted from numerous package sewage treatment plants on the Region's barrier island, the State of Florida has called for local governments to tie these barrier island developments into a central treatment system. The problem is most acute in St. Lucie and Martin Counties where nearly all barrier island package plants are operating at substandard levels. The construction of the federally subsidized St. Lucie Nuclear Power Plant on Hutchinson Island and the existing development in Martin and St. Lucie Counties have also increased the need for additional evacuation routes off this stretch of barrier island. Another bridge to the mainland providing the minimum capacity necessary for safe evacuation has been identified as a solution.

It is our understanding that the CBRA would prohibit federal financial support from being provided that would impact directly or indirectly a CBRS unit. This interpretation would preclude State and local governments from receiving federal financial assistance to solve the existing problems identified above. Since previous federal policy was a partial cause for encouraging urban development and a nuclear power plant on the barrier island, it would seem appropriate that the federal government reasonably share in the responsibility for resolving problems resulting from this development. Therefore, the DOI is strongly urged to recommend Congress take action to allow the federal government to fund infrastructure improvements to the extent legitimate existing problems, consistent with the purpose of CBRA, need to be resolved.

If the maps are made accurate and the points above are addressed, Council could support DOI's proposed amendments to the CBRS.

1485

#### FLORIDA GAME AND FRESH WATER FISH COMMISSION

THOMAS L. HERR, JR.    MRS. GILBERT W. HUMPHREY    WILLIAM G. BORTICK, JR.    C. TOM RAINY, D.V.M.    DON WRIGHT  
Chairman, Lake Wales    Vice-Chairman, Macclenny    Water Haven    Miami    Orlando

ROBERT M. BRANTLEY, Executive Director  
ALLAN L. ROBERT, Ph.D., Assistant Executive Director

FARRIS RYAN BUILDING  
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June 17, 1987

Mr. Frank McGilvrey  
Coastal Barriers Study Group  
National Park Service  
U.S. Department of Interior  
Post Office Box 37127  
Washington, D.C. 20013-7127

Re: Coastal Barrier Resources Act  
(CBRA) Revisions

Dear Mr. McGilvrey:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission (FGFC) has reviewed the proposed U.S. Department of Interior (DOI) Coastal Barrier Resource System (CBRS) revisions and offers the following comments.

We are in agreement with the DOI regarding recommendations made in their executive summary's "Proposed Recommendations for Additions to or Deletions from the CBRS" section. Our agency strongly supports the DOI recommendation to add the undeveloped and unprotected coastal barriers of the Florida Keys to the geographic scope of the CBRS.

We also agree with the DOI's assessment of the importance of aquatic habitats to the overall function of coastal systems and support their recommendation for the inclusion of aquatic habitats associated with existing CBRS units into the CBRS. Likewise, we are in agreement with the DOI's justification and recommendation to include secondary barriers in the CBRS.

Our agency also supports the final DOI recommendation within the first section of the executive summary dealing with "otherwise protected" coastal barriers. The DOI recommendation would include by reference all privately-owned property within a conservation or recreation area established by federal, state, or local law on an undeveloped coastal barrier within the CBRS. All privately-owned, undeveloped coastal barriers which had been purchased for conservation purposes would also be automatically included in the CBRS if the not-for-profit owner subsequently proposes to sell it for development which would not be consistent with the long-term conservation of the barrier.



Mr. Frank McGilvrey  
June 17, 1987  
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The second section of the DOI summary was entitled, "Proposed Conservation Recommendations." The "federal stewardship" subsection recommendation addressed various aspects of stewardship. We endorse the proposals for continued employment of user fees, where appropriate, to acquire CBRIS lands, and to encourage state and local management agencies to acquire these areas. We also agree that federal coastal barrier properties which are determined to be surplus to government needs but qualify for the CBRIS should be included in the system prior to disposal.

Our agency has serious concerns, however, regarding DOI recommendations to automatically exempt from the system any CBRIS lands added to a conservation/recreation unit managed by a government agency and to delete military and Coast Guard lands currently within the CBRIS. There is presently no guarantee that laws and regulations governing the various state and local agencies and their conservation/recreation area programs would provide a level of protection and conservation of coastal barrier resources commensurate to that provided by the CBRIS. Competing user interests and pressure groups may attempt to sway decisions at all governmental levels to benefit their interests at the expense of the long-term protection of the barrier resources. Keeping the conservation/recreation units within the CBRIS would continue to provide a more adequate level of assurance to the public that these areas will not receive federal subsidies to promote activities inconsistent with the conservation of the valuable natural resources of coastal barriers. Similarly, CBRIS lands included within military installations and Coast Guard stations should also remain within the system. Since military activities essential to the national security are presently exempted from the restrictions of the CBRIS, all other military activities seeking federal funding should be required to meet the same criteria as would other entities seeking federal support for similar projects.

The DOI recommendation regarding "regulatory consistency" concluded that major federal permit programs affecting the CBRIS, in conjunction with similar state programs, adequately control development on coastal barriers, and no regulatory amendment was warranted. It is unclear, however, whether the DOI evaluated the impacts of individual federal permits, or considered their cumulative impacts, on coastal barrier resources before determining the sufficiency of these regulatory programs. The sufficiency of the federal regulatory program to protect coastal barrier resources must be based on evaluations of cumulative impacts on these areas before making definitive conclusions, and we encourage the DOI to do so prior to formulating their final recommendation(s).

No new tax amendments were recommended for inclusion by the DOI to encourage greater protection of CBRIS units. While our agency has no specific amendments to offer on this subject, we believe continued attention should be given to assessing possible modifications to the tax code which would provide long-term public benefits, such as protecting sensitive coastal barrier resources.

The GFC supports most of the "other amendments to CBRIS" endorsed by the DOI. We agree that federal funding of facilities located outside of CBRIS units but which provide a tangible product within these CBRIS units should be

Mr. Frank McGilvrey  
June 17, 1987  
Page 3

restricted by the CBRIS. We also endorse the DOI recommendation to delete Section 6(a)(3), which would then allow for the "maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly-owned or publicly-operated roads, structures, or facilities...allowed under Section 6(a)(6)(F), provided they are consistent with the purposes of CBRIS." The recommendation to amend Section 6(a)(2) to require the maintenance of existing channel improvements, related structures and disposal of dredged materials to be consistent with the purposes of the CBRIS is also commended.

Our agency does, however, disagree with the DOI recommendation to delete Section 7 from the CBRIS. We believe that the annual certification process does serve a valuable function in reminding agencies of their obligation to implement regulations and procedures guiding the expenditure of federal funds which comply with this Act. Continued enforcement for compliance of agency expenditures could still be supplemented through oversight and audit procedures.

The final DOI proposal was to conduct a joint study with other federal agencies in order to develop alternative guidelines to follow in redeveloping coastal barriers following major storms in order to enhance the conservation of coastal resources. We support this recommendation.

Regarding the two supplemental volumes which depict specific additions to and deletions from the CBRIS along the east and west Florida coasts, we offer only general comments. We reiterate our belief that lands included within government agency-managed conservation/recreation units should remain within the CBRIS in order to ensure compliance with the purposes of the CBRIS. Likewise, military and Coast Guard lands should not be exempted from the CBRIS units. We concur with the DOI decision not to recommend exemption or exclusion of phased development within State-approved developments of regional impact because these projects do contribute to the degradation and loss of coastal barrier resources through actions that would otherwise be restricted from receiving federal subsidies. Finally, we support the proposed additions to the CBRIS in Florida and the continued designation of existing CBRIS units.

We appreciate the opportunity to comment on these documents. Please contact us if we may be of further assistance.

Sincerely,

*Robert M. Brantly*  
Colonel Robert M. Brantly  
Executive Director

86624c5123  
HW 2-1-22  
cc: Mr. Lloyd Stith, USFWS, Panama City  
Mr. Ed Kepner, USFWS, Panama City  
Mr. Reg Rogers, EPA, Atlanta



SIERRA CLUB The Florida Chapter

1289

Jono Miller, Beach Issue Coordinator  
Florida Sierra Coastal Committee  
P.O. Box 3485 Sarasota FL 33578

Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service- 490  
P.O. Box 37127  
Washington DC 20013-7127

21 June 1987

Dear Study Group

As you know, the Florida Chapter of the Sierra has been an active participant in both previous and the current round of development of the Coastal Barriers Resources System. From the panhandle to the St. Marys, Sierrans are familiar with the negative aspects of barrier island development and perplexed about federal support for barrier island development.

In general, then we are great supporters of the aims and accomplishments of the CBRIS. We applaud the expansions into wetland areas, the Keys, and the Caribbean. The Florida Chapter and its groups echo and affirm the resolution passed by the Sierra Clubs's Gulf Coast Regional Conservation Committee, which you are no doubt in receipt of. In addition to these comments, you will also hear from other Sierrans who are more familiar with particular sections of coast.

We are most displeased with the deletion of one third of the CBRIS Units that are "Otherwise Protected." The Secretary was on track in 1982 when he recommended that "otherwise protected areas" be included in CBRIS. As the GCRCC Vice Chair argued, "tax monies can still be squandered on ill-conceived projects that would otherwise be prohibited if those barriers were in the CBRIS. We believe that the federal and state government have a responsibility to abide by the same rules and regulations as that prohibit development on private property at taxpayer's expense."

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." John Muir

Some of us heard at the workshops that if "otherwise protected areas" were about to be developed, then they would "automatically" become parts of the CBRIS. This is not the case now, and who knows if this provision will be added. This provision will make it easier for coastal communities to contemplate leasing the "air rights" over their beach accesses for development.

It is particularly distressing to see so many state lands included as "otherwise protected areas". We can understand how it might be difficult for the federal government to use federal lands without the expenditure of federal funds, but surely the states can manage.

As we argued at the workshop in Fort Myers, the elimination of "otherwise protected areas" has a secondary and possibly far more serious effect -- that of the eliminating of many potential CBRIS additions.

Take Lido Key (FL-75) as an example. The Sierra Club has advocated inclusion of additional lands next to the southernmost parcel on Lido Key. We argued that this parcel should be expanded to include Big Pass shoals and Sand Dollar Key, which function as part of the sand-sharing submerged barrier system, as outlined in the Draft Coastal Barrier Inventory. We also suggested adding adjacent bay-side parcels such as Otter Key. These proposed additions are probably not large enough to warrant inclusion on their own. So the County Park "anchored" or formed the "nucleus" for a larger undeveloped area that needs protection. With the elimination of FL-75, these logical extensions of FL-75 appear doomed. Thus in addition to throwing out the "baby" a considerable amount of bathwater is also lost.

We also do not believe the state's Aquatic Preserves should be considered "otherwise protected areas". Islands within Aquatic Preserves seem especially vulnerable. The effect of removing "otherwise protected" Aquatic Preserves is to allow federal subsidies for development of islands within the State's Aquatic Preserves. This is not a desired outcome!

Please keep up the good work and present a strong defensible proposal to Congress.

Sincerely,

*Jono Miller*  
Jonathan Miller



Comments on Proposed Changes Coastal Barriers Resources Act Southwest Coast of Florida

as prepared by Jono Miller, Beach Issue Coordinator Florida Chapter Coastal Committee P O. Box 3485 Sarasota FL 33578

In this document, parcels in Southwest Florida are identified, the proposed action recommendation summarized, and where appropriate, the previous position of the Sierra Club is summarized. In some cases, specific recommendations appear, but in general, we support additions, and oppose deletions to the CBRS. Addition comments from Groups may supplement these notes.

No change to existing units

- P17A Bodwitch Point No change
P26 Peppercorn Keys No change

Deletions or Dropped from consideration because "otherwise protected"

- FL-62 Ten Thousand Islands State protected, no further consideration
P-16 Keewaydin Island Delete Rookery Bay Aquatic Preserve from inventory, State protected. No change to existing CBRS unit.
FL-64 Pelican Bay Locally protected; no further consideration
P-17 Lovers Key Complex Delete locally protected area from inventory. Add wetlands to existing CBRS unit.
FL-66 Estero Bay State protected, no further consideration
FL-68 Matlacha Pass State/federally (FWS) protected, no further consideration
F-69 Pine Island Sound State/federally (FWS) protected, no further consideration
P-16 Sanibel Island Complex Delete federally (FWS) protected area from inventory. No change to existing CBRS unit...

- P-19 North Captiva Delete State protected area from inventory. No change to existing CBRS unit. We supported all proposed additions, and question the exclusion of existing platted areas...
P-20 Cayo Costa Delete State-locally protected area from inventory. No change to existing CBRS unit. We supported all additions to Cayo Costa -- bringing the entire unbridged island under the CBRA system.
FL-70 Charlotte Harbor State protected -- no further consideration. This was a rather confusing parcel, that did not appear to track known protected...
FL-71 Gasparilla Sound State/federally (FWS) protected, no further consideration. We supported the addition of the Cape Haze, Bull Bay, Turtle Bay and eastern half of Gasparilla Sound...
P-21 Bocilla Island (3 Units in P-21) Delete State-protected area, add wetlands to existing CBRS unit. We wanted to be sure to include all Don Pedro lands purchased by the State of Florida...

- FL-72 Punta Gerda Locally protected, no further consideration. This small public beach was "otherwise-protected" and we thought it should be included in the CBRA system.
FL-73 Venice Airport State protected, no further consideration. Caspersen Beach County Park needed to be added. This park stretches from approximately the Township 39/40 line north to FL-73. This is the largest natural beach park in Sarasota County and its omission is incongruous with the goals of CBRA.
FL-74 Venice Inlet Locally protected, no further consideration. We supported the addition of the Venice jetties area.
FL-75 Lido Key (3 parcels) Locally protected, no further consideration. The southernmost parcel on Lido Key/Big Sarasota Pass should have expanded in two significant ways. First, the southwesternmost boundary point should have been dropped one half mile to include tidal flats depicted on quadrangle maps... Secondly, the County-owned South Lido Park wraps back around on the east side of Lido Key. This protected mangrove area could be included in this parcel. This area extends virtually to Otter...

Key, another publically-owned and protected key that should have been added to the system.

The two northernmost parcels in FL-75 are protected and would be valuable additions to the CBRA system. We suggested connecting the two, as it is our understanding that the private lands held between them do not extend seaward to the Gulf of Mexico.

**FL-76 White Key Complex**

Locally protected, no further consideration

This bay-side island complex that stretches from White Key to Whale Key is in the vicinity of a former pass and would be a valuable addition to the CBRA system

**P-23 Longboat Key**

Delete locally protected area from inventory. Add wetlands to existing CBRS unit

This so-called Longboat Key Unit addition consisted primarily of Tidy Island Preserve Lands, the public Coquina Beach (on Anna Maria Key) and selected fringing mangroves

Both the Tidy Island and Coquina Beach additions encompassed lands that are currently protected and should be included. The additional mangrove lands lying both east and west of Tidy Island should also be added to the system

The Sister Keys, (lying south of P-23) which failed to be included the both times around, should be reconsidered for inclusion

**FL-77 Manatee Beach, Bradenton Beach Quad**

Locally protected, no further consideration

This small public beach is "otherwise-protected" and should have been included in the CBRA system.

**FL-78 Rattlesnake Key, Anna Maria & Palmetto Quads**

Delete federally (NPS) protected area. Add balance to CBRS. We supported the inclusion of Rattlesnake Key and portions of Snead Island

We suggested extending the northern boundary virtually to the Sunshine Skyway causeway (much as FL 82 reaches the causeway), which would include Skeet and Paradise Islands

We also believed that portions of the undeveloped Perico Bayou mangroves should be included (see map). This area receives the full force of storms moving directly from the Gulf into Tampa Bay.

**FL-79 Anna Maria Key, Anna Maria Quad**

Locally protected, no further consideration. This small public beach is "otherwise-protected" and should be included in the CBRA system

**FL-80 Passage Key, Anna Maria Quad**

Federally protected, (FWS) no further consideration. This National Wildlife Refuge clearly should be added to the CBRA system

**P-24 The Reefs**

Delete locally/federally(FWS) protected area, no change to existing CBRS unit

**FL-81 Egmont Key, Egmont Key Quad**

Federally protected(FWS), no further consideration. Egmont Key should be added to the system. It is our understanding that legitimate Coast Guard and piloting activities would not be affected

**FL-83 Cockroach Bay**

State protected, no further consideration

**FL-84 Treasure Island**

State protected, no further consideration

**FL-85 Sand Key**

Locally protected, no further consideration

**P24A Mandalay Point**

Delete state-protected area from inventory. No change to existing CBRS unit

**FL-86 Honeymoon Island**

State protected, no further consideration

**FL-87 Howard Park**

Locally protected, no further consideration

**FL-88 Anclote Keys**

State protected, no further consideration

**P25 Atsena Otie Key**

Delete federally (FWS) protected area from inventory, add balance to existing CBRS unit.

**Deletions, changes**

**P-15 Cape Romano**

Delete Horr's Island, not a coastal barrier. Add wetlands to existing CBRS unit

**P-18 Sanibel Island Complex**

Delete federally (FWS) protected area from inventory. No change to existing CBRS unit. see text "Proposed Additions and Modifications to Wulfert Woods"

**Wetlands only added**

**P-17 Lovers Key Complex**

Delete locally protected area from inventory. Add wetlands to existing CBRS unit.

**P-21 Bocilla Island (3 Units in P-21)**

Delete State-protected area, add wetlands to existing CBRS unit. We wanted to be sure to include all Don Pedro lands purchased by the State of Florida to the middle parcel in P-21. We also supported the other P-21 additions.

**P-22 Casey Key (Midnight Pass)**

Add wetlands to existing CBRS unit, no change from inventory

This historic pass area is now closed, but may be re-opened independent of Federal funds. The proposed addition of several small mangrove keys and other protected shoreline should be a valuable and non-controversial improvement

**P-23 Longboat Key**

Delete locally protected area from inventory. Add wetlands to existing CBRS unit

Already discussed above. This so-called Longboat Key Unit addition consisted primarily of Tidy Island Preserve Lands, the public Coquina Beach (on Anna Maria Key) and selected fringing mangroves

Both the Tidy island and Coquina Beach additions encompassed lands that are currently protected and should be included. The additional mangrove lands lying both east and west of Tidy Island should also be added to the system

The Sister Keys, (lying south of P-23) which failed to be included the both times around, should be reconsidered for inclusion.

**Additions of upland barriers**

**FL-63 Big Marco Pass**

add to CBRS, no change from inventory

**FL-65 Wiggins Pass**

Add undeveloped barrier at northern end of unit. County recommendation for additional wetlands accommodated within limits of study criteria

**FL- 67 Bunch Beach**

add to CBRS, no change from inventory

**P-21A Manasota Key**

Add additional undeveloped barrier and wetlands to existing CBRS unit

## FLORIDA NATURAL AREAS INVENTORY

254 East Sixth Avenue • Tallahassee, Florida 32303 • (904) 224-8207

22 June 1987

Coastal Barriers Study Group  
National Park Service  
U.S. Department of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sirs:

Thank you for the opportunity to comment on your proposed recommendations concerning the Coastal Barrier Resources System (CBRS). We appreciate the considerable time and efforts expended in formulating your report. Our comments consist of the information in this letter, information from our data base supplied on the attached maps, and additional site-specific comments of one of our staff. We apologize for sending the draft version of maps, but we didn't have time to produce a final version.

The Florida Natural Areas Inventory (FNAI) was established in 1981 as a cooperative effort of the Department of Natural Resources and The Nature Conservancy. FNAI is a member of the Natural Heritage ecological inventories network, established by The Nature Conservancy and cooperative state agencies in 46 states over the past 14 years. The FNAI is responsible for gathering and updating data on occurrences and management of rare/endangered species and natural communities throughout Florida. The information is gathered from numerous sources, including FNAI staff field work. Processed information in a standardized format is available to any interested agency, organization, or individual. FNAI's data are used for land acquisition purposes, land planning and management, and environmental impact assessment by all levels of government as well as private consultants and individuals. Additional details are provided in the attached materials.

We strongly support your recommendations that:

- the undeveloped coastal barriers of the Florida Keys, Puerto Rico, and the Virgin Islands be added to the CBRS
- all of the aquatic habitats associated with existing CBRS units be added to the CBRS
- secondary barriers be added to the CBRS
- privately owned undeveloped coastal barriers held for conservation purposes be automatically included in the CBRS if the not-for-profit owner ever proposes to sell the property for development that is inconsistent with the long-term conservation of the barrier

Furthermore, we agree with your interpretation that Federal funding for a facility located outside a CBRS unit whose direct purpose is to provide a tangible product within the CBRS unit is restricted by CBRA. FNAI also desires language in Section 6(e)(3) that allows roads to be maintained, but states that any expansion or improvements must be consistent with the purposes of CBRA.

The Nature Conservancy and the Florida Department of Natural Resources

Sierra CBRS Comment # 7

FL-76 **Rattlesnake Key, Anna Maria & Palmetto Quads**  
Delete federally (NPS) protected area. Add balance to CBRS  
We supported the inclusion of Rattlesnake Key and portions of Sneed Island.

We suggested extending the northern boundary virtually to the Sunshine Skyway causeway (much as FL 62 reaches the causeway), which would include Skeet and Paradise Islands.

We also believed that portions of the undeveloped Perico Bayou mangroves should be included. This area receives the full force of storms moving directly from the Gulf into Tampa Bay.

FL-62 **Bishop Harbor**  
Add to CBRS; no change from inventory  
Cutting this body of water in half seemed like an unusual and inappropriate approach -- the boundary should have been extended inland to the shore of Bishop Harbor.

P25 **Atsena Otie Key**  
Delete federally (FWS) protected area from inventory; add balance to existing CBRS unit.

Coastal Barriers Study Group  
22 June 1987  
Page Two

FNAI feels that areas currently included in the CBRS on military and Coast Guard lands should remain in the CBRS as an additional safeguard to the integrity of the areas. We also feel that all federal, state, and local parks, recreation areas, preserves, etc. should be included in the CBRS to ensure consistency with CBRA. It is my understanding that federal monies would still be obtainable for necessary facilities and roads in these areas through a consultation process. We also recommend that if at some time in the future any Federal coastal barrier properties are determined to be excess/surplus to government needs, these properties should automatically be included in the CBRS prior to disposal.

Federal agencies should continue to be required to certify compliance of their agency activities with CBRA to the Office of Management and Budget. Even if most affected agencies have incorporated the requirements and prohibitions of CBRA into regulations or administrative procedures, the certification process will require each agency to examine their activities each year and review how well they are adhering to their regulations/procedures.

Regarding regulatory consistency, FNAI strongly feels that the cumulative loss of natural areas on barrier islands should be considered by agencies during the permitting process. Seemingly inconsequential levels of dredge and fill, bridge construction, etc. may actually have a very large negative impact on the environment when the cumulative effects are considered. Also, FNAI does not feel that phased developments within State-approved developments of regional impact should be excluded from the CBRS.

The attached maps provide information and recommendations in addition to those listed above. Due to time constraints, we consulted our data base only concerning those areas proposed for addition, deletion, exclusion, and nearby localities; information on any area is available on request. Our recommendations are based solely on the biological information in our data base; we did not attempt to consider the many other aspects (such as level of development) that must be considered in evaluating areas for inclusion in the CBRS. We hope that you will consider the areas we propose for inclusion in the CBRS. The maps indicate the location of known occurrences of rare/endangered species and natural communities. Further information on the occurrences indicated on the attached maps is available from FNAI. Lists of the species and natural communities with their state and federal statuses as well as their FNAI-assigned priorities are enclosed.

The areas proposed for addition by FNAI are outlined by green dashed lines on the attached maps. The areas proposed for addition by FNAI include:

- an area south of area being added to P05A
- an area south of the addition to P09A
- an area east of an addition to P11
- Horns Island area, adjacent to an addition to P15
- an area that appears to be an addition to the P27A complex (our copy of the map was too poor to discern boundaries)
- expansion of the FL-94 area

Coastal Barriers Study Group  
22 June 1987  
Page Three

Several other areas are addressed in Dr. Ann Johnson's comments and maps (attached). Most of the information in her text and on her maps has not yet been processed, and so was not addressed in the review of our data base.

We appreciate your efforts to protect the Coastal Barrier Resources System. Please contact us for further details on any of our comments or data.

Sincerely,

*James William Muller*  
James William Muller  
Coordinator, FNAI

cc: D. Worley

Coastal  
Resources  
Citizens Advisory Committee



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Office of Public  
Affairs  
Department of Interior  
Washington, D.C. 20540  
Telephone: (202) 254-2000  
Fax: (202) 254-2000

May 7, 1987

The Honorable Bob Martinez  
The Capitol  
Tallahassee, Florida 32301

Dear Governor Martinez:

The Coastal Resources Citizens Advisory Committee strongly supports the Coastal Barrier Resources Act (CBRA) passed by Congress in 1982, which designated thirty-three (33) undeveloped islands and mainland barrier beaches in Florida as part of the Coastal Barrier Resources System.

We commend Congress for its decision to prohibit new Federal expenditures, financial assistance and Federal flood insurance on undeveloped coastal barrier areas... known ecologically fragile and high hazard areas.

We are pleased that the Department of Interior is proposing continuation of and additions to the Coastal Barrier Resources System.

We share a national concern about the public costs associated with barrier island development. Protection of coastal development is complex and costly. Two minor hurricanes in 1985, Elena and Kate, cost \$92 million in public assistance to Floridians. The State of Florida's share was \$3.3 million for repair to public infrastructure and for individual assistance, not including state personnel costs in excess of \$200,000.

The costs associated with loss of life and property from a few major storms along Florida's highly developed coastline could bankrupt the state and local governments. Based on Department of Community Affairs projections, if a low-intensity category I storm hit the Tampa Bay, South West Florida and South Florida regions, over 1 million individuals would be vulnerable to the effects of the storm. It is also projected that such a storm would cause \$1.7 billion in structural damages in the three regions.

In particular, we support the recommendations that:

\* The "Geographic Scope" of the CBRA be expanded to include undeveloped, unprotected coastal barriers in the Florida Keys. These limestone barrier islands are particularly subject to the wind, wave and tidal energies of major storms and protect extensive and significant landward habitats, just as do sandy coastal barrier islands. (We support adding all offshore undeveloped islands in the Keys to the list, and are reviewing the maps for errors and inappropriate additions as well); and that

\* The "Associated Aquatic Habitats" (including near shore waters, embayments, estuaries, wetlands, fringe mangroves and coral reefs) be added to the System. These are inseparable parts of coastal barrier ecosystems... areas critical to the protection of fish, wildlife, and other natural resources of Florida's coastal barriers.

Regarding the Department of Interior's recommendations not to add "otherwise protected" coastal barriers to the System, the Coastal Advisory Committee and the State of Florida have gone on record in support of "...expansion of CBRS to include: 1. all publically owned land except intensively developed recreation and beach parking facilities; 2. "otherwise protected" private holdings; and 3. associated aquatic habitats including marine sanctuaries and aquatic preserves but excluding deepwater ports."

We strongly urge the Department of Interior to reconsider its position on "otherwise protected" coastal barriers. Many of Florida's most critical coastal resources are located in state aquatic preserves and state managed areas. It makes sense to include public recreation and conservation areas in the System and to require that they meet high standards when considering development in such fragile and vulnerable areas. For many areas subject to state management, such as aquatic preserves, the state does not prohibit all development. By including such areas in the CBRS, federally subsidized development would be prohibited.

We support the DOI proposal that all privately owned property (i.e., inholdings) within a public conservation or recreation area on an undeveloped coastal barrier be included by reference in the System. We also support the DOI proposal that privately owned undeveloped coastal barriers held for conservation purposes be automatically included in the CBRS if the property is sold for development.

Regarding the DOI "Proposed Conservation Recommendations on Federal Stewardship" we strongly support continued federal, state and local acquisition of lands within the Coastal Barrier Resources System. Contrary to the DOI proposal to exclude public lands from the System, the Coastal Advisory Committee recommends that public recreation and conservation areas and land holdings, including undeveloped military and Coast Guard lands, be

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On the national level, the costs to the Federal government of extending its current development programs to the remaining undeveloped coastal barriers could be more than five times the costs of public acquisition. With this in mind, full implementation and expansion of the Coastal Barrier Resources System would be a fiscally responsible move by Congress.

Some important features of the Coastal Barrier Resources Act which the Coastal Advisory Committee supports:

- \* This Act does not take away private property rights on coastal barriers, it merely stops federal subsidies which promote development on undeveloped coastal barriers;
- \* This Act allows the use of federal funds to maintain, repair, or rebuild existing roads, essential utilities, shipping channels, certain energy facilities, essential military activities, and coast guard operations within the System.
- \* Furthermore, federal funds can be used for recreation and resource protection.

The Department of Interior has prepared a draft report, entitled a Report To Congress: Coastal Barrier Resources System. The report contains recommendations for additions, deletions and changes to the Coastal Barrier Resources System. The Department of Interior proposal would add 176,122 acres in Florida to the System, which would almost triple the acreage in Florida covered by the Act. However, it is our understanding that 69% of the additional acreage (121,337 acres) would be wetland areas unsuitable for development and already withdrawn from the normal cycle of private development.

So the major impact of the proposal would affect the 54,785 acres of privately owned undeveloped coastal barrier uplands or fast-lands above mean high water where private development could be permitted. The additions of uplands to the system would most affect Monroe County, the Panhandle, and the Vero Beach area of Indian River County.

Comments on the DOI Report

The Coastal Resources Citizens Advisory Committee supports several of the "Proposed Recommendations for Additions or Deletions from the Coastal Barrier Resources System". In general, we are pleased that the Department of Interior is recommending additions to the System, and that only a few deletions are proposed for the Florida units already part of the System adopted by Congress in 1982.

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automatically included in the System. Furthermore, surplus or excess property should be included as a study area for the System prior to its disposal.

The DOI report contains no recommendations for regulatory or tax amendments. The Committee would request that further study be given to the impacts of permitted individual boat docks and marinas on the CBRA units in Florida. Likewise, the Committee supports further study of tax policy to encourage conservation of lands within the Coastal Barrier Resources System.

Under "Other Amendments to CBRA", we support the DOI proposal regarding Section 5(a) of the Act, to develop guidance for Federal agencies to clarify the intent that Federal funds for facilities such as wastewater treatment plants, located outside a CBRS unit whose direct purpose is to provide services within the CBRS unit, is restricted by the Act.

Regarding the DOI proposal to delete Section 6(a)(3) of the Act related to expenditures for repair, replacement or reconstruction of major roads, the Committee suggests that the issue of post-disaster redevelopment of coastal highways such as A-1-A be the subject of further study.

The Committee supports the DOI proposal to amend Section 6(a)(2) of the Act to require that existing channel improvements and related structures, including dredged material disposal, be consistent with the purposes of the Act.

The Committee recommends that the DOI reconsider its proposal to delete Section 7 of the Act which requires Federal agencies and the OMB to certify in writing Federal compliance with the Act. One major reason that Federal agencies are acting in compliance with the Act is this provision mandating monitoring and reporting on compliance.

The Coastal Advisory Committee strongly supports the final proposal of the DOI report which calls for a joint study by DOI, DOD, FEMA and NOAA to develop alternative guidelines on which to base decisions concerning redevelopment of coastal barriers following major storms or hurricanes. The State of Florida has been grappling with this issue in recent years and recognizes the need for alternative policies to rebuilding private structures and public infrastructure (such as roads, bridges, and sewage treatment facilities) damaged or destroyed.

Followup

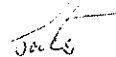
Please let me know if the Committee can be of any assistance to you, beyond our working with the Department of Community Affairs and the U.S. Department of Interior to refine the list of undeveloped coastal barrier areas to be added by Congress to the Coastal Barrier Resources System. Coastal Advisory Committee members plan to attend the public hearings being held throughout Florida May 11th through 15th by the Department of Community

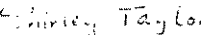
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Affairs and the Department of Interior on changes to the Act. We feel it is important to let the Department of Interior know that citizens support the Act... a federal law which prohibits federal subsidies to promote development on undeveloped coastal barriers.

We appreciate your interest and concerns regarding this important matter.

Sincerely,

  
Porter Goss, Chairman  
Coastal Advisory Committee

  
Dr. Shirley Taylor  
CBRA Subcommittee

cc: Frank B. McGilvery,  
Coastal Barriers Coordinator, DOI  
Coastal Barriers Study Group  
Tom Pelham, Secretary, DCA  
Florida Congressional Delegation  
Sally Munroe, Governor's Cabinet Aid  
Walt Kolb, OPB  
Dave Worley, DER

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in isolated habitat which may be too small to support wildlife or may be subject to degradation from developed areas. Protection of wetlands does not involve a "property taking" and would serve the public interest in conserving our vital estuarine ecosystems. In addition to linking protected areas, efforts should be made to protect wetland areas near inlets. These areas are subject to flooding during storms and tidal surges during hurricanes. They also are important breeding areas due to their proximity to open ocean waters.

Now for some specific examples in areas of the state that I am familiar with.

1. Amelia City Quadrangle:

The line should go north into Nassau County to include wetlands and marshes like Walker Creek, Black River, and Harrison Creek.

Amelia City Quad - South to Mayport Quad:

The additions to P02 here are excellent. This is a thriving marsh system vital to local fisheries. Fort George Island is a unique barrier island that should remain within this CBRS listing. Fort George has several rare plant species, two of which are found nowhere else. One area which should be included should be around Great Marsh Island and Chicopit Bay west of the naval base. This is a good area for flounder.

Representative Bennet of Jacksonville has introduced H.R. 1983 to establish the Timucuan Preserve, including Ft. George Island. This would protect significant wetland areas and still allow recreational boating, fishing and hunting (in specified areas). This bill should be supported by all environmental interests. As will be discussed under secondary barrier islands, the Black Hammock Island should also be included.

2. St. Augustine Quadrangle:

Here the wetlands additions to P04A are excellent since they protect functioning wetlands near the St. Augustine Inlet. North of P04A is the Guano River Tract and the Tolomato River which are listed as state protected. The wetlands linking these areas with P04A should be included in CBRS (Sombrero Creek, Ximenes Creek and the Intracoastal Waterway). (See attached map.)

3. Matanzas Inlet Quadrangle (P05A):

Wetlands - The inclusion of Pellicer Creek is good. This area is an aquatic preserve. Additional areas should

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COMMENTS ON THE COASTAL BARRIER RESOURCES SYSTEM

BY DENNIS BAYER  
DIRECTOR, REGION 5  
FLORIDA WILDLIFE FEDERATION

Before analyzing specific areas of Florida's coastline, several general policy issues warrant discussion.

I. WETLANDS

First, as a general policy for all areas, there should be an effort to protect contiguous wetlands. The current CBRS policy is to protect wetlands associated with protected barrier island parcels. In several instances, the current CBRS will be expanded to protect wetlands adjacent to developed areas. (See P08 in New Smyrna Beach Quadrangle, and P02 in the Mayport Quadrangle.) The Executive Summary, page 8, defines "associated aquatic habitat" as:

"Associated aquatic habitat" includes all wetlands (e.g., tidal flats, swamps, mangroves, and marshes), lagoons, estuaries, coves between the barrier and the mainland, inlets, the nearshore waters seaward of the coastal barrier including the sand-sharing system and, in some tropical areas, the coral reefs associated with nearshore mangroves.

The summary also discusses the importance of wetlands to various wildlife species for feeding, spawning, nesting, etc. (p4). The wetlands are critically important to most of this nation's commercial (and recreational) fish and shellfish harvests. Wetlands also serve to store flood waters which eases flood pressure on mainland areas. From 1981 to 1982, 23% of the presidentially declared national disasters involved coastal flooding and 49% (\$265 million) of Federal disaster aid went to coastal damages. Much of this damage occurred in reclaimed wetlands and low lying barrier islands. In the United States the average losses of coastal wetlands are conservatively estimated to be 20,000 acres or 31 square miles annually. Despite the importance of wetlands for wildlife resources and the tendency to be flooded, unsound development practices continue to destroy them.

While the current CBRS proposals will expand protection of wetlands to areas "associated with existing CBRS units", additional areas must be included. As stated before, some proposed additions are adjacent to developed areas. The goal should be to protect contiguous wetland systems. For example, if two CBRS areas are close together, connecting wetland areas should be included. Also, state protected wetlands should be linked to CBRS areas. By providing uniform protection, the wetlands can be used as corridors for wildlife and breeding areas for aquatic species. Piecemeal protection would result

include Pellicer Flats on the Matanzas River to the south. The north areas should include the extensive marsh system up to Devils Elbow. This entire area is vital as a redfish, seatrout and flounder nursery. These low lying areas are also flood prone due to their proximity to Matanzas Inlet. (See map)

4. Flagler Beach East Quadrangle (see map):

The report skips over the heart of Flagler County, which has good wetlands and some undeveloped beachfront. This area needs closer examination as discussed previously.

Additions to P07 are supported. South of P07 there is approximately 1/2 mile of undeveloped, privately owned beachfront that should be included. The northern edge starts at the Flagler County line. The wetlands do not recognize county lines. Between the county line and Flagler Beach State Recreation area there are thriving wetlands which are contiguous with the Bulow/Tomoka marsh system. This area marks the northern boundary for snook and contains excellent fishing. I fish this area extensively and have seen trout, redfish, bluefish, flounder, snook and drum caught here with great regularity. Again I offer my services as guide or will send photographs as documentation. This area also is feeding grounds for osprey, eagles, hawks and wading birds. Porpoise and manatees are also seen.

The area should be expanded to link with the Tomoka basin to the south (which is state protected) and at least up to Flagler Beach state park to the north.

There are also extensive wetlands to the North of Flagler Beach State Recreation Area which are near developed areas but are relatively non-degraded. Also, the additional CBRS in P07 only includes part of Bulow Creek - it should be expanded to include the rest of the creek.

5. New Smyrna Beach Quadrangle

The additions to P08 are good - the line should be extended northward to the Pt. Orange Causeway and westward into Turnbull and Rose Bays. These areas include mangroves, marsh grasses, pelican roosts, and good fishing areas. Rose Bay is an excellent spot for snook and large sea trout (see map).

1. Sebastian Quadrangle:

Good work on the additions here. This area of the Indian River is a prime fishing area and important shrimp habitat. P10 must be protected due to its vulnerable low lying land and good mangrove areas. Wetlands along the entire Indian River deserve protection under the CBRS program

due to their importance to recreational and commercial fishing industries.

## II. COASTAL BARRIER ISLANDS

The new CBRS proposals do include barrier islands. The definitions of barrier islands have been expanded to protect additional areas of the Florida Keys, Puerto Rico and the Virgin Islands. Some additional leeway should be considered to include large undeveloped stretches of Florida's barrier islands, particularly in Flagler County. Natural inlets should also be protected from future construction of structures like jetties which cause erosion of nearby barriers. Another area of concern deals with secondary barrier islands.

The following specific proposals proceed from north to south:

### 1. MAYPORT QUADRANGLE:

As stated before, Ft. George Island must be kept within P02. This barrier is unique due to rare species of plants, its extensive marshes and its historical value. Black Hammock Island was not included in P02. At the Department of Interior hearing in Jacksonville, Mr. McGillvrey stated it was excluded because it was more than 5 miles from the nearest ocean inlet. Actually, portions of Black Hammock are four miles from the inlet at Mayport and three miles from the Ft. George Inlet. Undeveloped portions of Black Hammock Island should be considered, particularly since the current P02 expansion includes wetlands associated with the island. This exclusion is based upon an arbitrary distance, not the natural attributes (flood prone, wetlands, wildlife) or the level of development.

### 2. St. Augustine Quadrangle:

Porpoise Point should be kept in P05. Even though some people have built homes on this shifting sandbar, no federal funds should be used to maintain those structures or to facilitate construction of new ones. Otherwise, the St. Augustine barrier is either protected or developed.

### 3. Matanzas Inlet Quadrangle:

The inlet itself must be included. The Federal Park Service owns the north side but the south side is privately owned. The state's recommendations excluded bridges but not new inlets and jetties. This is the last natural inlet on Florida's east coast. Federal funds should not be used to aid activities which would alter this area. The inlet has a nesting site for the least tern, a threatened species. The inlet is very popular with recreational fishermen and

dune to hardwood hammock. It is also low lying, high hazard areas during hurricanes and has fewer than one structure per five acres. There are also several stretches where there are no structures between the ocean and the Intracoastal. These areas are near Foxes Cut and in the center of the property. There is also a secondary barrier island by Foxes Cut with no structures that should be included. *These are the best ones to include*

The Hammock Dunes project has received permits for phase I, but still needs several more before full construction can commence. Phases II and III have only received conceptual approval but no permits. The entire project will put 12,000 people over the next 20 years on this barrier island which is the exact type of coastal development which should be discouraged. It is proposed that CBRS include the last two phases. Phase I is not covered by DNR's new coastal construction lines but the other two phases should be set back according to the new line.

In 1982 the Department of Interior re-examined P03A, Coconut Point - now in 1987 they should do the same for the barrier island in Flagler County. We have much undeveloped beachfront and pristine wetlands, all of which deserve protection.

### 5. Flagler Beach East Quadrangle:

The report skips over the heart of Flagler County, which has good wetlands and some undeveloped beachfront. This area needs closer examination as discussed previously.

Additions to P07 are supported. South of P07 there is approximately 1/2 mile of undeveloped, privately owned beachfront that should be included. Also, to the north between the county line and State Road 100 there are two small secondary barrier islands along the Intracoastal that should be included.

### 6. New Smyrna Quadrangle:

Support additions to P08 - expand wetlands as mentioned previously.

### 7. Melbourne East Quadrangle:

The P09A additions are excellent and are supported. This narrow stretch of barrier island is low lying but is located in a high growth area. There are also good wetlands along this stretch of the Indian River.

### 8. Sebastian Quadrangle:

Keep the proposed additions to P10 and P09A. P09A contains excellent mangroves and wildlife habitat near the

boaters. Only part of the inlet is protected by Fort Matanzas National Monument. This area should also include Rattlesnake Island, an undeveloped, low lying spit. The current map includes Rattlesnake Island as being protected by CBRS and it should not be changed.

I would be more than happy to guide any officials through this area in my boat. This entire area provides for good fishing, bird watching and overall recreation due to unaltered marsh systems and the natural inlet. Also, sea turtles, manatees and numerous bird species inhabit this area.

Additionally, between Marineland and Washington Oaks State Park there is over 1/4 mile of undeveloped beach front property extending to the Intracoastal. There is also fewer than one unit per five acres. One development has started but other areas should receive attention by CBRS.

### 4. Flagler County:

The CBRS system excludes the heart of Flagler County. Mr. McGillvrey stated that they would re-examine this area. Reading through the definitions on page 2, volume 14, Florida's East Coast, it appears that the Hammock area should qualify.

Also on page 2, under the 2d paragraph Flagler County is also a relatively unpopulated coastal area. Flagler County qualifies as undeveloped under the definition on page 3 - "Developed barrier areas are islands, spits, & peninsulas with at least 70% of their surface area developed as of the DCA inventory of 1983". While this is the state (Florida) definition, it has the same intent as the federal program - to limit development in coastal areas. In 1983 the entire Hammock Dunes beachfront (5 miles) was undeveloped. Also, there are extensive pristine marsh areas on the western side which deserve protection but are not included in the CBRS listing.

Mr. McGillvrey indicated that the area may not qualify since some areas west of AIA have been developed. He indicated that another criteria was the one structure per five acres measurement. The state also requested exemption of phased Developments of Regional Impact, which would include the Hammock area.

An effort is needed to protect the Hammock area for several reasons. First, it is the longest stretch of undeveloped coastline in private hands in the state of Florida. Second, it contains a good example of the primary to secondary dune system with associated wildlife habitat. There is a relatively undisturbed transition from the beach to primary dune to interdune plain with wetlands to secondary

Sebastian Inlet. This is an excellent fishing area but is under heavy fishing pressure. Thus, there is a need to protect the barrier and associated habitat. This P09A should be acquired and added to the Long Point Recreation area. The P10 area around Wabasso deserves the proposed expansion. These areas are important areas for bird rookeries, mangrove wetlands, fish and wildlife habitat. The barrier island area is presently relatively undeveloped but may not remain this way for long. Federal funds should not be available for development purposes, but the exemption may need modification to allow federal aid to existing agricultural operations (orange groves) provided that the farmers take steps to keep pesticides and fertilizers out of the Indian River. The reason here is that orange groves are preferable to residential development.

### 9. Fort Pierce Quadrangle:

Keep the proposed addition to P11.

## III. MISCELLANEOUS

1. "Otherwise Protected" Coastal Barrier - on page 9-11 of the Executive Summary there is discussion regarding exclusion of governmentally protected areas. DOI recommends that all privately owned areas (inholdings) in state, federal or local areas be included in CBRS - this is a good idea because it restricts development of inholdings. DOI also proposes excluding state, federal and local parks and preserves from CBRS. These areas may need funding for recreation and conservation purposes. However, there should be a provision that if private or public conservation areas are later conveyed, swapped or used for non-conservation purposes that they automatically be protected by CBRS.

### 2. Natural Inlets:

The few remaining natural inlets in Florida should not be eligible for federal funds for installing permanent structures like jetties. Matanzas Inlet is a good example. Jetties have proven detrimental to the natural sand flow along the coast.

### 3. Reconstruction:

Some attention should be given to restricting use of federal funds to rebuild areas damaged by coastal storms. Federal emergency aid is often necessary and should continue, but reconstruction should be moved farther from the shoreline/wetlands.

### ADDITIONAL COMMENT

In the section discussing Flagler County there are three sections in the Hammock area which are undeveloped from the primary dunes to the wetlands. These areas were measured by the Florida Wildlife Federation on May 24, 1987.



Working for the Nature of Tomorrow  
**NATIONAL WILDLIFE FEDERATION**  
 1412 Sixteenth Street, N.W., Washington, D.C. 20036-2296 202 707-6000

Coastal Barriers Study Group  
 Department of the Interior  
 National Park Service  
 P.O. Box 37127  
 Washington, D.C. 20013-7127

RE: Comments on the Coastal Barrier Resources Act--Section 10 Draft Report to Congress, 52 Federal Register 9618-9619

Dear Sir or Madam:

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society are writing in response to the Department of the Interior's Federal Register Notice of March 23, 1987 soliciting comments on the Draft Report to Congress: Coastal Barrier Resources System--Executive Summary.

Our organizations have a longtime interest in the conservation of coastal barriers. The Natural Resources Defense Council was the founding organization of the Barrier Islands Coalition in 1978. Likewise, the National Wildlife Federation, the Coast Alliance, and the Oceanic Society became members of that coalition in 1979 to help seek protection of coastal barriers.

Our organizations have led efforts to pass legislation which would conserve the natural resources of coastal barriers--first, the flood insurance prohibition in the Omnibus Reconciliation Act in 1981 and then, the Federal financial prohibition in the Coastal Barrier Resources Act (CBRA) in 1982. We continue to support the goals of CBRA and expansion of the Coastal Barrier Resources System (CBRS) throughout the United States and its territories. The federal government should not be subsidizing development in hazardous areas which destroys productive coastal ecosystems, endangers the lives and properties of shoreline residents, and costs federal taxpayers millions of dollars each year in flood insurance claims and disaster relief.

The need for an expanded Coastal Barrier Resources System in which federal development subsidies are prohibited is becoming increasingly critical in light of the projected rise in sea levels due to global warming. As water levels rise, so will the costs of protecting existing structures, the damages from erosion and flooding, and the risk to human life and property. Unfortunately, however, development in these unstable coastal areas continues to grow at a frightening pace. We feel strongly, therefore, that it is essential that the Department recommend maximum expansion of the System to include the eligible areas on all of America's coasts.

before these sites are irrevocably committed to development. An appendix of specific comments on additions to and deletions from the System follow our general comments.

PROPOSED RECOMMENDATIONS FOR ADDITIONS TO OR DELETIONS FROM THE CBRS

We support the Department's recommendation to expand the definition of a "coastal barrier" to include landforms which function as coastal barriers in protecting the mainland and adjacent aquatic habitats, even if they are not composed of unconsolidated sediments as are barriers in the traditional definition. Use of this expanded definition in delineating CBRS units is consistent with the conservation goals of CBRA and would allow for the inclusion of such new geological formations as undeveloped beach rock, cemented dunes, fringing mangroves and associated coral reefs, cheniers, discontinuous outcrops of bedrock, and coarse glacial deposits. Since these areas serve the same function as coastal barriers and are as vulnerable to development pressure, sea level rise, and storm damage as traditionally-defined coastal barriers, it is appropriate that they also be protected within the System.

APPENDIX

COMMENTS ON SPECIFIC COASTAL BARRIER AREAS

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society endorse the inclusion of all undeveloped coastal barriers identified by the Department of Interior in the March 1985 inventory, as well as some additional areas mentioned below. Following are our comments on some of the specific areas.

Florida

We commend the Department on its far-reaching recommendations to protect much of Florida's coastline within the CBRS, and reiterate our strong support for the inclusion of the fragile Florida Keys. Florida has a 9.7% annual chance of receiving a hurricane and it would only take a single great hurricane to wreak severe destruction in many of Florida's coastal cities. Moreover, residents on the Keys are particularly vulnerable to hurricanes due to the limited exit routes off the islands during a storm, so any increase in population due to development would consequently jeopardize the lives of those people already living there. Further development of this area should also be discouraged because of the limited supply of fresh water, landfill sites, and other necessary accretments to development. In addition to the areas recommended for inclusion into the System by the Department, we also request the addition of several more areas mentioned below in the following comments.

P-02 Talbot Island Complex

We are very pleased with the additions to this unit. P-02 includes a thriving marsh system which is vital to local fisheries. Fort George Island especially is a unique barrier island which has several rare plant species, some of which are found nowhere else. Additional areas within this region which we feel should be included in P-02 are around Great Marsh Island and Chicopit Bay west of the naval base which is a good spot for flounder.

We also feel that the entire Black Hammond Island should be included within the System, especially the extensive pristine wetlands on its western side. Portions of Black Hammond are only four miles from the inlet at Mayport and three miles from the Ft. George Inlet so it qualifies for inclusion. Furthermore, the current Department recommendations already include some of the Island's associated wetlands. The island's current exclusion is based upon an arbitrary distance, not its natural attributes (flood probability, wetlands, wildlife) or the level of development. Black Hammond Island is the longest stretch of privately-owned, undeveloped coastline in Florida and is a low lying, high hazard area during hurricanes. Phase II and III of the Hammonds Dune development project have not received permits yet, but along with Phase I would put 12,000 people on the island over the next 20 years. CBRS designation is needed to discourage such unsound and damaging development.

P-04A Usinas Beach

We are also very pleased with the addition of important wetlands to this unit because they protect functioning wetlands near the St. Augustine Inlet. We suggest that additional wetlands--Sombbrero Creek, Ximanius Creek, and the Intracoastal Waterway--linking the Guano River Tract and Tolomato River (two state protected areas north of PD4A) also be included in this unit.

P-05A Matanzas River

We support the inclusion of Pellicer Creek as this area is an aquatic preserve and warrants CBRS protection. Additional areas that we feel should be included in this unit are the Pellicer Flats to the south and the extensive marsh system which extends north up to Devil's Elbow. The latter area is vital as a redfish, seatrout, and flounder nursery. These low-lying areas are also flood prone due to their proximity to Matanzas Inlet. We feel that Matanzas Inlet should also be included within the System. It is the last natural inlet on Florida's eastern coast, provides nesting habitat for the threatened least tern, and is a popular fishing and birdwatching spot with local residents. The inlet also supports populations of sea turtles, manatees, and numerous bird species. Matanzas Inlet should not be eligible to receive federal funds for construction of such permanent structures as jetties which would disrupt the natural flow of sand along the coast. In addition, there is a quarter mile of undeveloped beach front between Marineland and Washington Oaks State Park which qualifies for inclusion within the System extending to the Intracoastal Waterway.

P-05 Conch Island

Although limited development has already occurred on Porpoise Point, the instability of this sandbar makes it unsuitable for further development and federal funds for this purpose should be prohibited. We support the continued inclusion of Porpoise Point in P05.

P-07 Ormond-by-the-Sea

While we support the recommended additions to P07, we were disappointed that the Department neglected to include any of the important wetlands and coastal areas in the heart of Flagler County. To the south of P07 there is approximately 1/2 mile of undeveloped, privately-owned beachfront that should be included. P07 should also be expanded to include all of Bulow Creek. The northern edge of P07 stops arbitrarily at the Flagler County line but between the county line and Flagler Beach Recreation Areas are thriving wetlands which are contiguous with the Bulow/Tomoka marsh system. This area marks the northern boundary for snook and contains excellent fishing, including trout, redfish, bluegill, flounder, snook, and drum. These wetlands also provide feeding grounds for osprey, eagles, hawks, and shore birds. Porpoise and endangered manatees are also seen.

P07 should be expanded to link with Tomoka basin to the south (which is state protected) extending to Flagler Beach State Park to the north. To the south of this unit is approximately a half mile of undeveloped, privately-owned beachfront and to the north between the county line and State Road 100 there are two small secondary barrier islands along the Intracoastal Waterway which should be included. In addition, there are extensive wetlands to the north of Flagler Beach State Recreation Area which also should be included.

P-08 Ponce Inlet

We support the additions to P08, but the boundary should be extended northward to the Pt. Orange Causeway and westward into Turnbull and Rose Bays. These areas include mangroves, marsh grasses, pelican roosts, and good fishing areas. Rose Bay is also an excellent spot for snook and large sea trout. Moreover, this area is experiencing severe development pressure, including a multi-million dollar public marina in the heart of the wetlands north of New Smyrna Beach which will open up the area for more development and damage the shallow inter-island water area with increased boating activity.

P-09A Coconut Point

P09A contains valuable mangroves and wildlife habitat near the Sebastian Inlet which provides an excellent fishing area. This region, however, is under heavy development pressure and thus is in need of protection within the System.

P-10 Vero Beach

The additions to P10 are very important because this region of the Indian River is a prime recreational and commercial fishing area



## LEAGUE OF WOMEN VOTERS OF THE SPACE COAST

444 Maish Ave.  
Cocoa Beach, FL  
June 10, 1987

Coastal Barriers Study Group  
U.S. Department of Interior  
National Park Service-498  
P.O. Box 37127, Washington, D.C. 20013-7127

Gentlemen:

On behalf of the League of Women Voters of the Space Coast, I wish to express our agreement with the proposed additions to the Coastal Barrier Resources System in Brevard County, Florida. Our agreement is predicated upon the assumption that the designation of the two additional areas is based on technical data which indicate that these areas should not be developed. If such is the case, then the CBRS designation should contribute toward a re-evaluation of current zoning and development practices which continue to place more people on the barrier island. Hopefully, such action will lead to better preservation of the barrier island functions and considerable saving of taxpayer's money.

We appreciate the opportunity to comment on this matter.

Very truly yours,  
*Jean W. Tweed*  
Jean A. Tweed  
Coastal Area Chair  
League of Women Voters  
of the Space Coast

and contains valuable shrimp habitat. This area also boasts vital mangrove and wetland habitats which support important nesting colonies and winter populations of herons, egrets, wood storks, black skimmers, cormorants, terns and pelicans to name just a few. Moreover, much of P10 is a very low-lying area vulnerable to flooding and storm damage.

This area was originally considered for CBRS designation in 1982, but strong political pressure prevented its inclusion by Congress even though it met the CBRS criteria. Although most of this area was planted in orange grove plantations, much of it has now been put up for sale or has been sold for development, making CBRS designation essential to discourage unsound and damaging development. We recognize that orange groves are far less damaging to coastal ecosystems than resort development, especially if proper pesticide use is maintained. We support including this area and making a special exception in the Act for agricultural subsidies.

FL-71 Gasparilla Sound

We request the addition of the publically-owned western half of Gasparilla Sound which is an aquatic preserve. Aquatic preserves in Florida do not provide adequate constraints on activities to qualify as "otherwise protected."

P-11 Hutchinson Island

We endorse the proposed additions to P11.

1. Pine Island--We request that the Department examine the possibility of including Pine Island within the System. It is a large coastal island in southwestern Florida protected by the Cayo Costa barrier and consisting primarily of privately-owned, undeveloped, low-lying areas surrounded by unprotected wetlands habitat.

2. Boot Key--We also believe that Boot Key should be included within the System because it is an actual barrier island within the Keys system and provides protection for both Marathon Key and Boot Key Harbor. Most of the Key consists of low lying wetlands and red mangrove vegetation and has important value as wildlife habitat. There is no development on Boot Key currently but there are prospective plans for it. Since Boot Key is not adequately protected by local ordinances, it needs the protection of CBRS status to preserve its valuable coastal resources.

Indian River Audubon Society

Brevard County, Florida

Branch of National Audubon Society

Chapter of Florida Audubon Society

June 20, 1987

280 Flamingo Drive  
Melbourne Beach, FL 32951

Coastal Barriers Study Group  
National Park Service  
U.S. Department of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Gentlemen:

Our society has been following with great interest the active role the federal government has taken in the protection of our coastal resources. We fully support this initiative, and in fact, are now urging support for the expansion of the CBRA system.

In our own area of Florida's East Coast, our members have watched over the years a heart-breaking devastation of barrier island dunes, coastal hammocks, palmetto stands, and other resources. Our estuarine lagoons have gone in a few short years from fishing paradise to cesspools.

We specifically support the additions to P09 (Coconut Point) and to P10 (Vero Beach) and object to any exclusions in the Pine Island area. These are areas of magnificent beach and lagoon resources and are imminently threatened by development, including marinas. The Corps of Engineers is currently considering permitting a marina in valuable waters of the Pine Island area. (See enclosure)

This stretch of the Florida East Coast represents the finest Loggerhead turtle-nesting beach in the Western Hemisphere, and possibly the world. It just well may be the last refuge for these endangered animals. Local politicians, being excessively development oriented, have only very recently taken even minimal measures to protect marine turtles. The prevailing attitude in state agencies seems to be "dig up and relocate eggs" even though sea turtle experts believe this practice is not helpful (allowing hatchlings to develop as all one sex) and promotes a cavalier attitude towards the protection of the natural habitat, which is surely the only real protection in the long run.

The Coconut Point area is also a nesting site for the endangered Florida Scrub Jay, and habitat for, among other animals, gopher turtles and indigo snakes, all species which need the utmost protection.

We would also like to encourage more protection for the Banana River and Newfound Harbor Units (PL-08 and 09). That these areas are "locally protected" may be misleading, since such protection is often merely on paper. Both areas are burdened with sewage effluent and threatened by ever-increasing marina development, despite the fact that the Banana River is an Aquatic Preserve. These areas are important habitat for the very endangered West Indian Manatee.

We wish to re-iterate our support for the expansion of the CBRA system, including the additions of the Great Lakes and the Pacific Coast. We vigorously oppose any deletions, especially the deletion of military and Coast Guard lands.

In our area specifically, we support fully the inclusion of new units in the COCONUT POINT and VERO BEACH units on Florida's East Coast. We object to deletions in the VERO BEACH unit.

Very truly yours,

Patricia Cole-Blahe  
Conservation Chairman

cc: Cong. Nelson, Sen. Chiles, Sen. Graham

~~enclosure~~ *to visit coast later*

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Hernando Audubon Society

P.O. Box 1678  
BROOKSVILLE, FLORIDA 33512

May 15, 1987

Meeting's:

Our group of some three hundred persons has asked me to write in support of expanding the shoreline in Florida under the coastal barrier resources system to 208.11 miles. It is important that this be done now before development takes place in areas where nature will not treat it kindly and the taxpayers will have to pay the price.

Sincerely,  
N. P. Jones



Conserve Our Natural Resources

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FLORIDA AUDUBON SOCIETY  
PANHANDLE CHAPTER

P.O. Box 204  
MARIANNA, FLORIDA 32446

Mr. Brian Specht  
P.O. Box 250  
MARIANNA, FL. 32446

Dear Sirs,  
Panhandle Audubon Society supports the strongest possible barrier island controls or legislation. New development should be banned. Existing development should not get one cent of government money to rebuild in the event of storm destruction, nor should highways or bridges be rebuilt following storms. Barrier islands are not a stable environment for manmade construction. Instead they should be a place for us to visit to enjoy a natural, ever-changing environment.

Sincerely,  
Alfredo  
Conservation Chairman  
PAS

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Royal Palm Audubon Society, Inc.

P.O. Box 31  
Boca Raton, Florida 33429

May 18, 1987

Coastal Barriers Study Group  
National Park Service  
U.S. Dept. of the Interior  
P.O. Box 37127  
Washington, D.C. 20513-7127

Dear Group members;

Re: Proposed changes to the coastal barrier resources system

As a conservation group of approximately 1,000 members, we are strongly in favor of the proposed expansion of the Florida coastal barrier resources system from 110.3 miles of Gulf and Atlantic shoreline to the proposed 208.11 miles. This expansion would increase the acreage involved from 61,875 to 237,897.

This move would serve to further protect human life, fish and wildlife habitat, as well as other natural resources. In addition it would reduce wasteful expenditures of federal resources.

We hope you will consider these comments in making your decision.

Most sincerely,

Cathy Nazler

Cathy Nazler,  
R.P.A.S. President

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MANASOTA-88

A Project for Environmental Quality 1968 - 1988

May 28, 1987

Coastal Barriers Study Group  
Box 37127, National Park Service  
U.S. Department of the Interior  
Washington, D.C. 20013

Re: DOI's Report to Congress on  
Undeveloped Coastal Barriers  
dated March 26, 1987

The members of Manasota-88 support the Department's proposals to:

Expand the System to include the Florida Keys and other coastal barrier islands, beaches and mangroves in Florida.

Expand unit boundaries to include more wetlands and other associated aquatic vegetation.

Expand the system to include coastal barriers in large embayments.

Include private inholdings in already-protected areas.

We support the addition of the U.S. Virgin Islands, Puerto Rico, Maryland, New Jersey and adjacent aquatic habitats.

We urge the inclusion of the Great Lakes and the Pacific coasts in the CBRS.

Development of Federal guidelines clarifying that Federal funding is prohibited for projects located outside a CBRS unit if intended to benefit the unit.

Adding restrictions on disposal of dredged material to require that the disposal is consistent with the conservation purposes of the Coastal Barrier Resources Act.

The deletion of the clause in the Act that permits rebuilding of "essential links" in the highway network.

We oppose the deletion of military and Coast Guard lands and federal roads from the CBRS.

Chairman  
Gloria Rains  
Manatee

Vice Chairman  
Rebecca Natanson  
Sarasota

Kil Fernald  
Manatee

Treasurer  
Russ Fernald  
Manatee

Energy  
Edith Holmes  
Sarasota

Hilda Guy  
Manatee

Land Use  
Mary Scotese  
Sarasota

Ariana Pitlik  
Manatee

Water Quality  
Fried Duisberg  
Sarasota

Doris Schamber  
Manatee

Air Quality  
Mary Jelks, MD  
Sarasota

Solid Waste  
Charles Holmes  
Sarasota

Marge Peters  
Manatee

Information Office  
5314 Bay State Road  
Palmetto, FL 33561  
(813) 722-7413

Sincerely,  
Gloria C. Rains  
Gloria C. Rains  
Chairman

City of New Smyrna Beach

A FLORIDA BLUE CHIP CERTIFIED COMMUNITY  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32069-9985  
AREA CODE 904/427-4166

1405

GEORGE E. MUSSON, MAYOR  
RAYMOND R. TROVATO, VICE-MAYOR  
LOIS J. BRICKLEY, COMMISSIONER  
JAMES D. POWELL, COMMISSIONER  
DONALD G. WILLIAMS, COMMISSIONER

FRANK O. ROBERTS III, CITY MANAGER  
LYNDA L. SCHAIDT, CITY CLERK  
MARGARET T. BREWER, CITY ATTORNEY  
JOHN E. HAGOOD, FINANCE DIRECTOR

June 23, 1987

Secretary, Department of Interior  
818 and C Street, N.W.  
Washington, D.C.

Dear Mr. Secretary:

I enclose a copy of a letter I have provided to the Office of Planning and Budget for the State of Florida.

While the City of New Smyrna Beach has not taken an official position on the inclusion of further estuarine systems in the Coastal Barrier Resources System, I applaud, as an individual City Commissioner, any actions that tend to encourage responsible development affecting our natural resources.

Sincerely Yours,

Donald G. Williams  
City Commissioner, Zone 4

DGW/ls

"World's Safest Bathing Beach"

City of New Smyrna Beach

A FLORIDA BLUE CHIP CERTIFIED COMMUNITY  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32069-9985  
AREA CODE 904/427-4166

GEORGE E. MUSSON, MAYOR  
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MARGARET T. BREWER, CITY ATTORNEY  
JOHN E. HAGOOD, FINANCE DIRECTOR

June 23, 1987

Mr. George Meier  
Intergovernmental Coordinator  
Office of Planning and Budget  
Carlton Building  
Tallahassee, Florida 32399

Dear Mr. Meier:

The Department of Community Affairs referred your office to me as a destination for comment on the expansion of the Coastal Barrier Resource System (CBRS) by the Department of the Interior under the provisions of the Coastal Barrier Resources Act (COBRA).

As a City Commissioner of the City of New Smyrna Beach for the last five years, I have been keenly aware of the pressures of development on the barrier island system in my community and the County of Volusia. It was gratifying that the Department of the Interior recognized the importance of these systems as protection for coastal areas.

It is even more pleasing to see these efforts to expand the CBRS to include fragile estuarine environments that not only absorb the ravages of coastal storms but provide the fruitful nurseries for extensive varieties of marine life. I fully support that expansion as a valuable step in protecting one of the great natural resources of this state.

I know that your office and no doubt that of the Governor are probably already receiving requests for support for exception for one project or another. It is exceptions, however that destroy the most valuable plan.

Specifically, in my opinion, an exception should not be granted to the proposed Ponce Inlet Port Authority Marina planned within this City. The area surrounding the marina

"World's Safest Bathing Beach"

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site falls well within the COBRA specifications. The site was within and included in the original POB designation and there is no justifiable reason for an exception now.

I enclose some local articles for your information.

Sincerely yours,

Donald G. Williams  
City Commissioner, Zone 4

cc: Secretary Department of Interior  
file

Walter S. Boardman  
5643 Rogers Avenue  
Port Orange Florida 32019

April 15, 1987

Coastal Barrier Study Group  
U. S. Dept. of the Interior  
National Park Service - 496  
P.O. Box 27127  
Washington, D.C. 20013-7127

Dear Friends:

Your Draft Report to Congress: COASTAL BARRIER RESOURCES SYSTEM - Executive Summary has been given careful study. Your 1987 Recommendations as they relate to Florida are of special interest.

I am sure that environmentalists in Volusia County, Florida, join me in applauding the recommendation to add wetlands to the Talbot Island Complex, Usinas Beach, Jones Island and Ormond-by-the-Sea. (\*)

The whole report, including the 1,010,546 acres to be added is to be commended.

It is regretted that the Great Lakes and Pacific coasts have been deleted. I do not understand why but I am sure you had what seemed to be good reasons.

(\*) Ponce Inlet should have been included in my citation.

The "fact of life" that the OMB certification has failed leads to the suggestion that Congress should be asked to resign that responsibility to the General Accounting Office.

Sincerely yours,

Walter S. Boardman

STATEMENT FOR RECORD OF WORKSHOPS ON BARRIER ISLANDS by Walter S. Boardman, 5663 Rogers Avenue, Port Orange, Florida 32019.

Coastal Barriers Study Group  
National Park Service  
U. S. Department of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

The NEWS RELEASE of April 27, 1987 regarding workshops on expanding the mileage and acreage of the shoreline protected by the Coastal Barrier Resources System in Florida was most welcome news.

It is regretted that I cannot attend the workshop in Jacksonville but I do want to be on record as in support of proposals to expand the shoreline to 202 miles.

Growth dominated by the profit motive is a serious problem for the coastal area of Volusia County. We not only have the problems of beach protection but now the extensive complex of sandbars and spoil islands of the Halifax and Indian rivers is threatened. The "development fever" has reached our County Council, whose members, in spite of a strong public protest are seeking to construct a multi-million dollar public marina in the heart of the extensive wetlands north of New Smyrna Beach. (Ponce Inlet Port/Marina). It is opposed, both because of the boating activity in shallow inter-island waters but also because it will legally open the door for all kinds of private development within the island complex.

At Bethune Beach, the County has approved homesite development on lots smaller than standard depth and where the backdoor is already threatened by beach erosion. Now the homeowners are demanding that county, state or federal government spend millions to bulkhead their waterfront.

Citizen groups that are concerned about the future, desperately need the support that the Coastal Barriers Resources System can give to directing development to upland areas.

end



The Florida Chapter

4930 S.W. Second Place  
Cape Coral, FL 33914  
May 23, 1987

Coastal Barriers Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sir:

Re: Changes to the Coastal Barriers Resources Act.

We thank you for the additions that are suggested, but we are concerned about removing state and county owned parks and preserves. For instance, Lee County is projecting a bridge (coconut) from the mainland to Black Island (state owned) across the Estero Bay Aquatic Preserve. We need the additional protection afforded by the Coastal Resources (Barriers) Act. Development should not continue in these areas.

We request that you return the Florida Keys, Ten Thousand Islands area, Horre Island, Black Island and Lovers Key, and all aquatic preserves. We also request that no federal funds be allowed for roads, bridges or other infrastructure in these areas.

Please include my comments in your report to Congress.

Sincerely yours,

Lyle R. Danielson  
Lyle R. Danielson,  
OCS chair

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." John Muir

Dear Sir,

Concerning the proposal to declare more areas for barrier designations I wish to say "go for it." I'm in the Volusia area and as I understand it if this area receives a barrier designation it will interfere with the proposed pass. I say anything that must stop that sad anymore offshore development, such as piers from which I departed as fact as I can't see all the good I am used to that got leaving from my development and how

we make their living sucking the tourists saying how good it will be for me. I want some beach area too. I also have to pay the going rates for fuel and the restaurants, shops etc. I feel they are being squeezed out of the tourist dollars the season. I know a barrier designation won't stop all building but it might help.

Sincerely,

Joe F. Baker  
(registered voter & 1 year Holby -  
Volusia resident)

April 9, 1987

Coastal Barrier Study Group  
Washington, D.C.

Dear Sirs:  
I urge you to do all you can to preserve as much of our coastline and surrounding area as possible. I live in the Florida Panhandle and this area has been eroded, and many beaches are now going away.

Why are lawmakers always so concerned about what the developers think? They care in, do their destruction of the natural area, the loss of construction, collect their almighty dollars, and move on to do the same thing somewhere else.

Why not listen to the little property owners, the nature taxpayers, who love and appreciate the natural beauty, the wild life, and the simple elegance of God's creation.

Please preserve as much as you can. Once it is gone, it can never be again.

Preserve coastal areas.

Yours truly,  
Mary V. Clarke  
Box 11261  
Santa Rosa Beach FL 32450

Coastal Barrier Study Group  
Washington, D.C.

Larkin and Shuttleman:

Florida Republicans, a civic and environmental advocacy group of the Central Ridge of Florida strongly endorses the proposed expansion of the Florida system of coastal barriers to 208.11 miles and proposes further expansion of the Florida system to enhance protection of the great sea turtles.

Yours  
Carl E. Smith (Rep)  
1001 Tower Blvd.  
Lake Wales, Fla. 33853



640 Gentian Rd.  
St. Augustine, FL 32086

7 May 1987

Coastal Barriers Study Group  
National Park Service  
U.S. Department of the Interior  
P. O. Box 37127  
Washington, D.C. 20013-7127

Dear Sirs:

I write regarding the plans now being considered by the Department of the Interior to expand the Florida coastal barrier resources system from its present 118.8 miles of Gulf and Atlantic shoreline to 208.11 miles. I STRONGLY URGE YOU TO APPROVE THIS PLAN.

My husband and I have lived in Florida (only) since 1981, so I cannot claim to be an oldtimer here, but in the 6 years we have been here, we've seen enough storms and flooding and coastal erosion and damage to convince me that the plan now being considered is long overdue. True oldtimers here tell us that their houses now just beyond the high-tide line "used to be at least 400 ft. from the water". This seems to us to contain a message -- one that seems not to be heard by old residents here.

I expect to see the wipeout of most of Porpoise Point -- a local development built on a tidal sandbar -- and its hubris-happy householders before too many years have gone by, and I will resent having to contribute to the insurance payments they will receive from the government.

King Canute learned that he couldn't command the seas; Florida is only now beginning to learn this lesson two thousand years later -- the longest learning-curve in history.

The plan now under consideration by the Department of the Interior is an indication that this lesson might actually have been learned at the federal level, and I most strongly support the plan and urge you to do so as well.

We will be grateful.

Yours most sincerely and respectfully,

Judith B. Ungermann

04/01/87

Mr. Donald Hodel  
Secretary, U.S. Department of Interior  
U.S. Department of Interior  
C-Street, Between 18<sup>th</sup> & 19<sup>th</sup>, NW  
Washington, D.C. 20240

Dear Mr. Hodel:

I would like to comment in favor of the proposed addition of coastal areas to the National Coastal Barrier Resource System. As a resident of the state of Florida for 20 years I have witnessed the dramatic results of federally subsidized coastal development. In Florida, the ease of securing government help in the form of public works, flood insurance and home mortgages programs has stimulated coastal development in many areas that would not have developed without such subsidies. The development in these high hazard coastal locations, once established, require continued maintenance (such as "beach restoration", bridge & road repairs, storm damage etc. which result in more and continued cost to the federal government). Experience has demonstrated to us here in

Florida that coastal developments cost more initially and over time than do developments placed more inland.

The engines of growth and the concurrent environmental deterioration in Florida are large enough without the catalyst of federal subsidies. Please place your support squarely behind the addition of the 61,575 acres at the 33 coastal sites to the federal coastal protection areas. Coastal growth moderating actions at the federal level are environmentally and fiscally more responsible than the past policies of coastal development subsidies.

Sincerely,

Don Pennington

cc: Senator Lawton Chiles (Dem./Fla.)  
Representative Bill Groat  
David Klinger, U.S. Dept of Interior

Don Pennington  
2424 Jim Lee Rd.  
Tallahassee, Fla.  
32301

108 North Mills Ave.  
Orlando, Fl. 32801

556

May 22, 1987

Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service-498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sirs,

This letter is in reference to the proposed additions, deletions and changes to the Coastal Barrier Resources Act of 1982. As a professional coastal planner and biologist in the State of Florida I have seen how unwise development, coastal storms and human greed have damaged many of Florida's essential coastal barriers. I am in full support of the additions to the system which are proposed, especially the Vero Beach and Florida Key's units. Holding the line on development (foremost in the Keys) is crucial to the environmental well being of the state and our nation.

Furthermore, I am in full support of the inclusion of the Great Lakes and Pacific coast barriers into the system as these areas are under the same kinds of development pressures as the eastern units. Additionally, I am directly opposed to any deletions to the system including the proposed eliminations of military and Coast Guard lands and the Mobile Point unit in Alabama. Finally, I am steadfastly opposed to the Office of Management and Budget certification of no federal funding. This task is better suited to the General Accounting Office, who, with enforcement capabilities (audits) will make sure the act is being adhered to by all federal agencies. I feel that the State of Florida has done its part to protect coastal barriers, I can only hope that the federal government does theirs.

Thank you for this opportunity to comment on this issue.

Sincerely,  
Carl Selsario

769

19051 Magnolia Ave.  
Panama FL 32503  
June 9, 1987

Dear Sirs:

I wrote a letter about the 1982 Coastal Barrier Resources Act and I am happy to have the opportunity to support expansion of the Act. I hope the Department of the Interior will add to the existing areas and include the new areas -

Living in Florida on the coast I am particularly interested in additions in this State. In so much of Florida there has been over-development and poor development that we need to protect as best we can the resources we have left. It makes sense to me that other coastal areas would be as concerned as we are in Florida.

This is such a good chance to discourage development of our unique resources and at the same time to save federal dollars -

Yours truly,  
Virginia C. Wells

1027

2554 West End Street  
Atlantic Beach, FL  
32233

Chairperson  
Coastal Barriers Study Group  
National Park Service  
U. S. Department of the Interior  
P.O. Box 37127  
Washington, D. C. 20013-7127

Dear Sir or Madam:

I have written to our representatives in Congress to express our concern regarding the need to preserve the barrier islands of our state. They have kindly recommended that we communicate our desires to your department.

My husband and I have been residents of one of these barrier islands which is in the process of being developed and have seen the negative results in terms of beach erosion and loss of wildlife habitat which result. State government is not able to resist the pressure from developers to protect public lands. The long term economic impact is greater than may be expected due to the demands of developed property owners to save their property when erosion begins. The ocean always wins these contests.

I strongly urge you to consider the long term effects of development of barrier islands. I am sure that the record will show that protecting natural barriers is the way to protect life and property in the coastal communities of the eastern shore.

Sincerely,  
Pamela Tietjen  
John Tietjen

cc: State of Florida Dept. of Community Affairs  
/pt

1028

Four Mile Village  
Santa Rosa Beach  
Florida 32459  
June 16, 1987

Coastal Barriers Study Group  
U. S. Department of the Interior  
National Park Service-498  
P. O. Box 37127  
Washington, D. C. 20013-7127

Gentlemen:

We wish to urge your support of the Barrier Island System. Expansion to include more barriers and similar landforms is needed, in addition to inclusion of numerous wetland areas within CBRS.

Inclusion of Puerto Rico, U. S. Virgin Islands, Maryland, New Jersey, Florida Keys and all associated aquatic habitats is desirable. Expansion of CBRS to encompass secondary barriers in embayments is urged. Clarification and strengthening of federal funding guidelines and restrictions should be well expressed and added. Pacific Coast and Great Lakes regions should be encompassed within CoRS.

Mobile Point, Alabama, should remain within CoRS as well as similar areas. Avoid deletion of the CoRS certification of no federal funding spending.

All coastal barriers and similar landforms should be preserved. This system is vital to safety of people who live in our area and other similar areas. Protecting such resources will save lives and money.

Enclosed sheets will give you further particulars.

Sincerely yours,

Mr. and Mrs. George Bishop

COASTAL BARRIER RESOURCES

Unit Code	Unit Name	Quadrangle	Recommendation
Fl-94	Deer Lake Complex	Point Washington	Add undeveloped part to CBRS
Fl-95	Grayton Beach	Grayton Beach	Retain state area; Add balance to CBRS
Fl-96	Draper Lake	Grayton Beach	Add to CoRS
F 31A	Four Mile Village	Miramar and Quad north of Miramar	Add Stalworth Lake at east edge; add Fuller Lake and wetlands north and east of Fuller Lake to CBRS
Fl-97	Moreno Point	Destin	Continue existing CBRS
Fl-97	Santa Rosa Is.	Mary Esther and Navarre	Retain state protected and military area; add all undeveloped areas, including portion adjacent to west end of military area and all wetland areas to CBRS
Fl-98	Gulf Islands	Holley and Oriole Beach	Retain state and federally protected segments; add all undeveloped areas plus wetlands adjacent to Santa Rosa Sound to CoRS
Fl-99	Tom King	Holley	Add to CBRS
Fl-100	Town Point	Gulf Breeze	Add to CBRS
Fl-101	Garcon Point	Garcon Point	Add to CBRS
Fl-102	Basin Bayou	Garcon Point	Add to CBRS
Fl-103	Perdido		Include in CoRS

It is desirable that all associated aquatic habitats are included in CBRS. Expansion of the coastal barrier definition to include landforms that function as coastal barriers is desirable. Any development within a CBRS unit should be ineligible for federal funding. No unit should be deleted from CBRS which was included in 1982, and developed since 1982 passage of CBRS. General Accounting Office (GAO) should do certification of CBRS areas. All military and Coast Guard areas should remain within existing CBRS units.

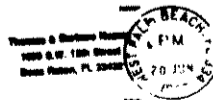
1069

We support the following:

1. Undeveloped, unprotected coastal barriers of the Florida Keys be added to the Coastal Barrier Resources System.
2. The proposal that all of the aquatic habitats associated with existing Coastal Barrier Resources System units be added to the system.
3. The proposal that all privately owned property within a conservation or recreation area established by federal, state or local law or an undeveloped Coastal Barrier be included in the Coastal Barrier Resources System.
4. The proposal that maintenance of existing channel improvements and related structures such as jetties, including the disposal of dredged material related to such improvements shall be performed in a manner consistent with the Act.
5. Support the proposal that the DOI, DOD, FEMA, & NOAA develop alternative guidelines as to how to resolve issues concerning development of coastal barriers following major storms or hurricanes.

JUN 23 1987

Thomas & Barbara Kuyper



09600 - 8/11/86  
Made in U.S.A. by Paper Direct



1165

I support the recommended additions to the C.B.R.S. for the Southwest Florida area.

I particularly support the addition of the Florida Keys to the system.

I urge you not to delete "otherwise protected areas" from the system. These areas are often only thinly protected. Florida Aquatic Preserves, for example, have only spotty personnel and highly variable levels of protection.

Thanks for your consideration!

Julie Morris

P.O. Box 627  
Sarasota, FL 33578

1226

June 5 1987

Department of the Interior  
Washington DC 20510

Re: Coastal Barrier Resource System

Dear Sirs;

It has come to my attention the Department of the Interior is considering expanding the coastal barrier system along Florida's coast. I am very much in favor of this expansion. Our wildlife deserves protection from the excessive development that has plagued Florida in recent years. The beaches suffer from erosion and it's difficult to find natural dunes anymore.

Please help to preserve as much of Florida's natural beauty as possible. You will

not be sorry for it.

Thank you.

Sincerely,

*Dwight C. West*  
Dwight C. West  
805 Destin Yacht Club  
Destin, FL 32541

1352



**ANDERSON C. BOUCHELLE**

REG. REAL ESTATE BROKER  
HOMES LAND INVESTMENT MORTGAGE INVESTMENT  
BUSINESS (904) 428-8513 P.O. BOX 830 114 SAMS AVENUE NEW SMYRNA BEACH, FLORIDA 32070 RESIDENCE (904) 428-2053

June 24, 1987

Mr. Frank B. McGilvrey, Coastal Barriers Coordinator  
Coastal Barriers Study Group  
National Park Service  
U.S. Department of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sirs:

Today I was notified that 200 acres of my land was classified as land to be put in the Coastal Barriers Group and I have been told that it can not be built on. Such being the case, I thought that I would have been notified. I was not. In view of the fact that you make my property worthless, because it can not be developed and the flood plane insurance will not be written. I have been taxed for many years on this land. The Government asked to use it for spoil purposes and hence the change which is detrimental to my interest. Also, in making that one exception in it which is Waterways Estates you have not drawn the perimeter right. However, if you will notify me of this fact I would like to know if it can be changed from what it is which is wrong.

Am I not entitled to compensation for land which you have condemned but have not paid for?

Thanking you for an early reply before I hire an attorney in this matter, I remain,

Very truly yours,

*Anderson C. Bouchelle*  
Anderson C. Bouchelle

ACB/rac

1368

June 5, 1987

Department of the Interior  
Washington, DC 20510

RE: Coastal Barrier Resource System

Dear Sirs:

A recent article in the Wall Street Journal mentioned current legislation regarding expansion of the designation of protected coastal barriers. I am very much in favor of this expansion, especially for the Florida coast. In addition to saving our wildlife we also save Federal funding of island development.

Please help to protect our barrier islands and their wildlife and marine life.

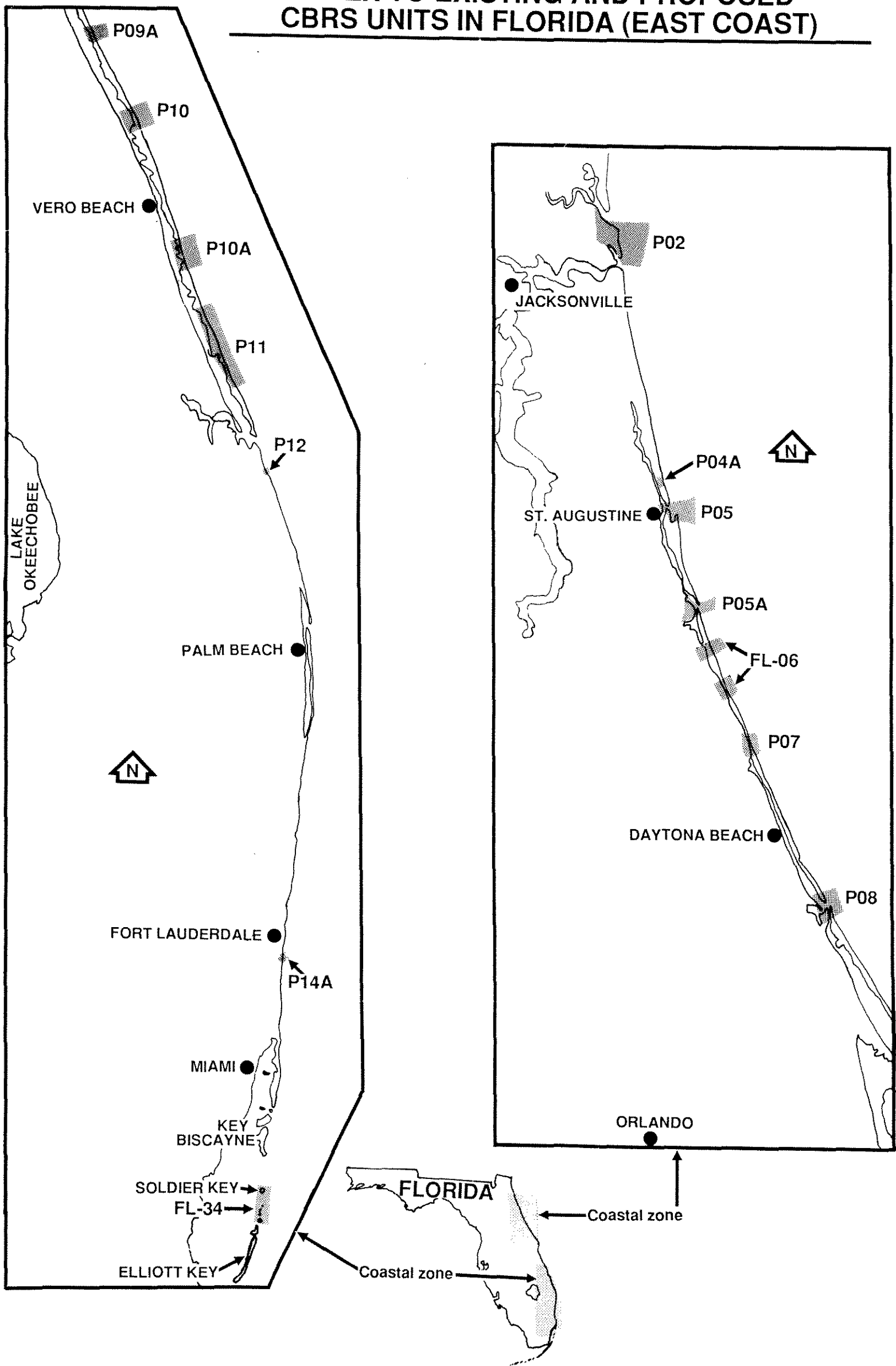
Sincerely,

*Dwight C. West*  
Dwight C. West

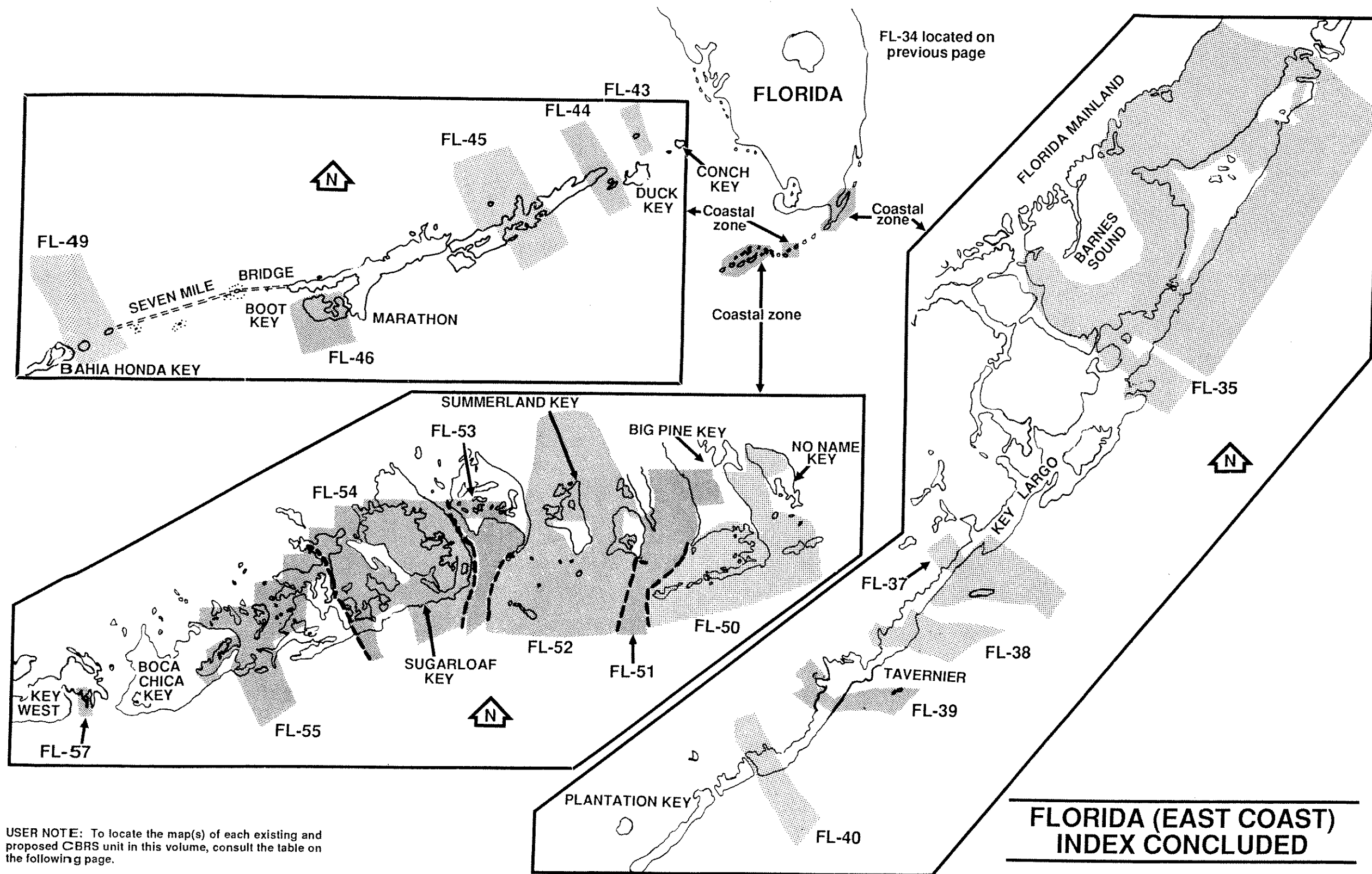
805 Destin Yacht Club  
Destin, FL 32541



# INDEX TO EXISTING AND PROPOSED CBRS UNITS IN FLORIDA (EAST COAST)



(Florida East Coast Index continued on next page)



USER NOTE: To locate the map(s) of each existing and proposed CBRS unit in this volume, consult the table on the following page.

MAPS DEPICTING EXISTING AND PROPOSED CBRS UNITS

Unit ID Code	Unit Name	USGS Topographic Map or Map Composite	Page
P02*	Talbot Island Complex	Amelia City	37
		Mayport	38
P04A*	Usinas Beach	St. Augustine	48
P05	Conch Island	St. Augustine	48
P05A*	Matanzas River	Matanzas Inlet	52
P07*	Ormond-by-the-Sea	Flagler Beach East	58
P08*	Ponce Inlet	New Smyrna Beach	60
P09A*	Coconut Point	Melbourne East	73
		Sebastian	74
P10*	Vero Beach	Sebastian	74
P10A	Blue Hole	Indrio	95
P11*	Hutchinson Island	Fort Pierce	96
		Eden	97
		St. Lucie Inlet	98
P12	Hobe Sound	Gomez	103
P14A*	North Beach	Port Everglades	106
FL-06	Beverly Beach	Beverly Beach	57
FL-34**	Soldier and Ragged Keys	Soldier Key	110
FL-35	Key Largo	Pacific Reef	113
		Card Sound	114
		Garden Cove	115
		Blackwater Sound	116
FL-37	Rodriguez Key	Rock Harbor	117
FL-38	Long Point	Rock Harbor	117
		Plantation Key	118
FL-39	Tavernier Key	Plantation Key	118
FL-40	Plantation Key	Plantation Key	118
FL-43	Channel Key	Grassy Key	121
FL-44	Toms Harbor Keys	Grassy Key	121
FL-45	Crawl Key Complex	Grassy Key	121
		Marathon	122
FL-46	Boot Key	Marathon	122
FL-49	Ohio and Missouri Keys	Sevenmile Bridge	123
		Big Pine Key	124
FL-50	Coupon Bight	Big Pine Key	124
		Summerland Key	125
FL-51	Big Pine Key	Big Pine Key	124
		Summerland Key	125
FL-52	Ramrod Key	Summerland Key	125
FL-53	Cudjoe Key	Summerland Key	125
		Sugarloaf Key	126
FL-54	Sugarloaf Key	Sugarloaf Key	126
FL-55	Saddlebunch Keys	Sugarloaf Key	126
		Snipe Keys	127
		Boca Chica Key	128
FL-57	Cow Key	Boca Chica Key	128

\*Public comment summaries and DOI responses follow unit maps.

\*\*The comment letters concerning the Florida Keys have been treated as a group. The public comment summary, DOI responses, and reprints of the comment letters follow the last Keys map (Boca Chica Key) on page 129.

MAPS DEPICTING OTHERWISE PROTECTED, MILITARY, AND  
COAST GUARD LANDS ON UNDEVELOPED COASTAL BARRIERS\*

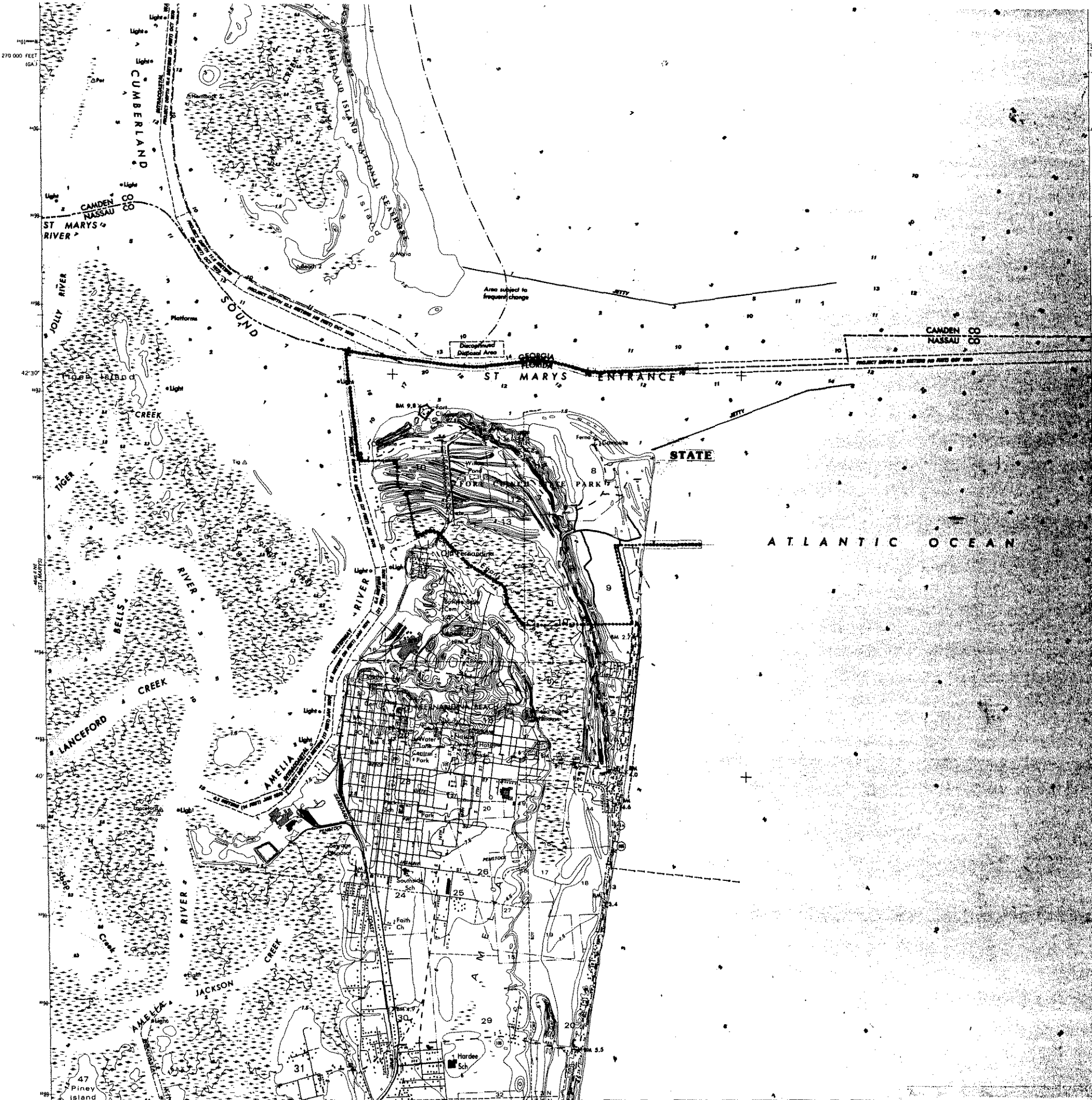
USGS Topographic Map or Map Composite	Coastal Barrier Status	Page
Fernandina Beach	State	36
Amelia City	State	37
Mayport	State	38
South Ponte Vedra Beach	State	47
St. Augustine	State	48
St. Augustine Beach	State	51
Matanzas Inlet	Federal, State	52
Beverly Beach	State	57
Flagler Beach East	State	58
New Smyrna Beach	State, Coast Guard	60
Ariel	Federal	64
Oak Hill	Federal	65
Pardon Island	Federal	66
Mims	Federal	67
Wilson	Federal	68
Orsino	Federal	69
False Cape	Federal	70
Courtenay	Federal	71
Cape Canaveral	Federal	72
Melbourne East	Local	73
Sebastian	Federal, State, Local	74
Indrio	State	95
Fort Pierce	State	96
St. Lucie Inlet	Federal, State, Local	98
Gomez	Federal, State	103
Jupiter	Local, Private	104
Riviera Beach	State	105
Port Everglades	State	106
North Miami	Local	108
Key Biscayne	State, Local	109
Soldier Key	Federal	110
Elliott Key	Federal	111
Arsenicker Keys	Federal	112
Pacific Reef	Federal	113
Card Sound	Federal	114
Garden Cove	Federal, State	115
Blackwater Sound	State	116
Rock Harbor	State	117
Long Key	State	119
Upper Matecumbe Key	State	120
Sevenmile Bridge	Federal	123
Big Pine Key	Federal, State	124
Summerland Key	Federal	125
Sugarloaf Key	Federal	126
Snipe Keys	Federal	127
Boca Chica Key	Federal, Military	128
Key West	Federal, State	151
Dry Tortugas	Federal	152

\*These maps are provided for information purposes only. DOI is not recommending the addition of these areas to the CBRS unless they are made available for development that is inconsistent with the CBRA purposes.

MAP KEY

-----	Existing CBRS units
_____	Recommended additions to or deletions from CBRS
.....	Military, Coast Guard, or otherwise protected, undeveloped coastal barrier
ADD	Area recommended for addition to the CBRS
DELETE	Area recommended for deletion from the CBRS
EXCLUDED	Area excluded from an existing or proposed CBRS unit because it is developed
FEDERAL	Federally protected, undeveloped coastal barrier; for information only
STATE	State protected, undeveloped coastal barrier; for information only
LOCAL	Locally protected, undeveloped coastal barrier; for information only
PRIVATE	Privately protected, undeveloped coastal barrier; for information only
MILITARY	Undeveloped coastal barrier owned by the military; for information only
COAST GUARD	Undeveloped coastal barrier owned by the Coast Guard; for information only

Maps are arranged in geographic order from north to south.



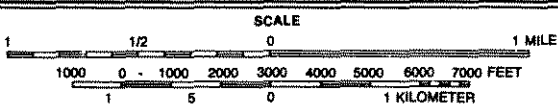
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



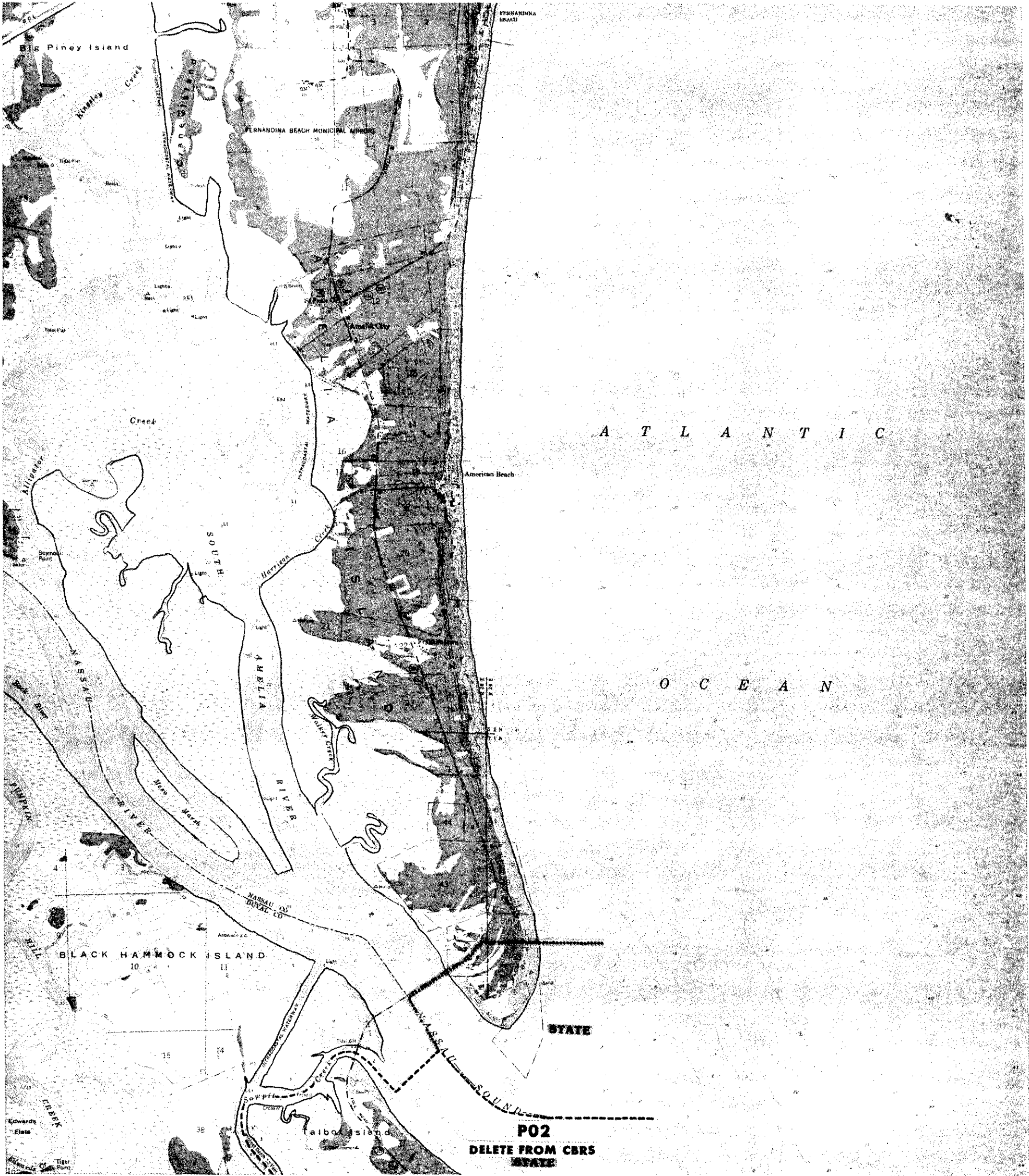
Mapped, edited and published  
by the Coastal Barriers Study Group  
U.S. Department of the Interior  
Washington, D.C. 20240

QUADRANGLE  
**FERNANDINA BEACH**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.

Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



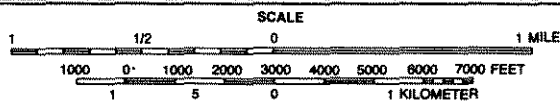
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
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U.S. Department of the Interior  
Washington, D.C. 20240

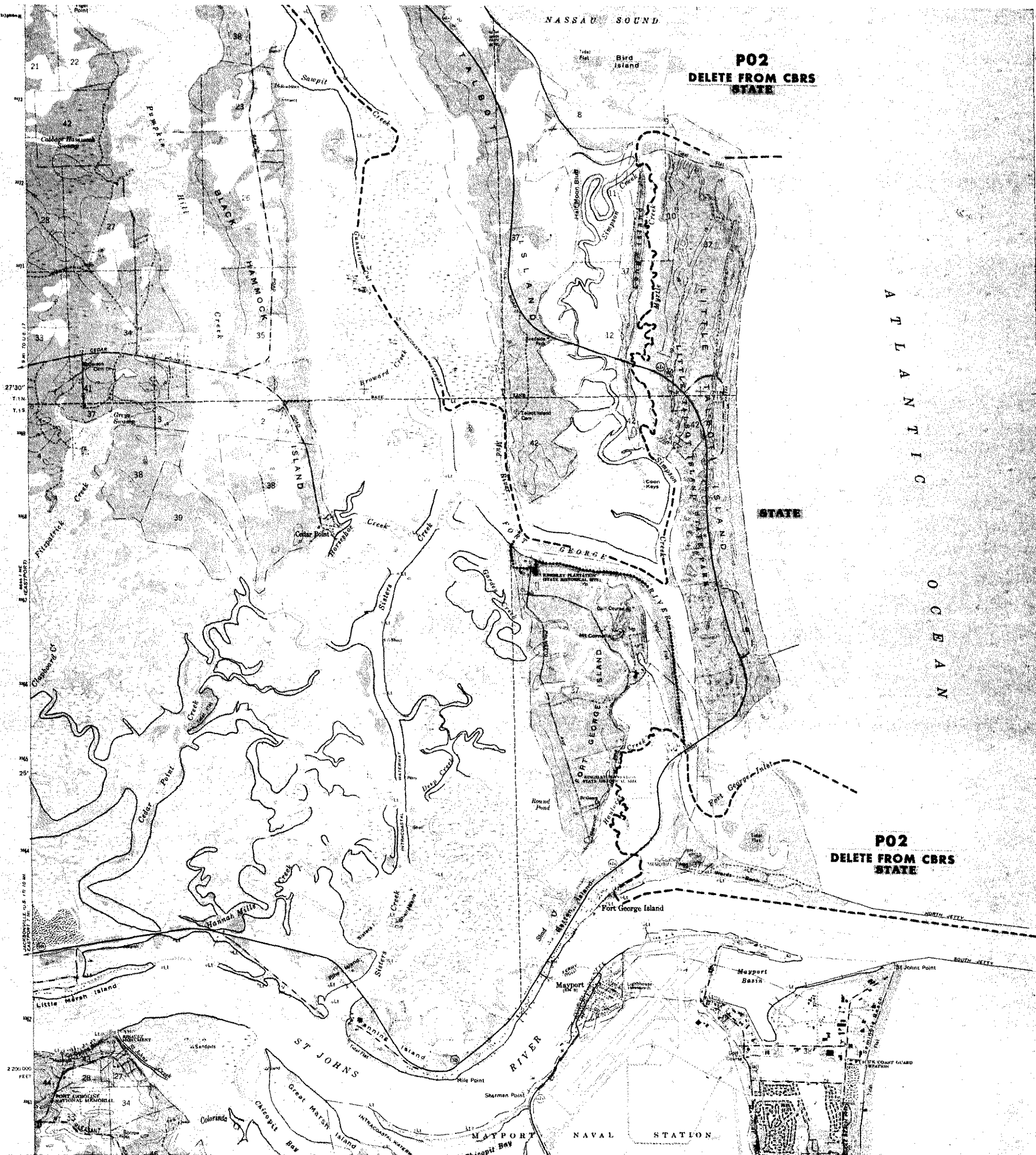
QUADRANGLE  
**AMELIA CITY**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



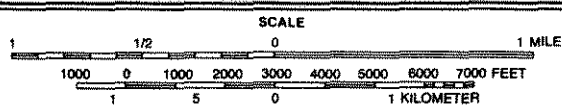
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
by the Coastal Barriers Study Group  
U.S. Department of the Interior  
Washington, D.C. 20240

QUADRANGLE  
**MAYPORT**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.

Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



P02 - TALBOT ISLAND COMPLEX

State Position: The State of Florida expressed no position on this particular CBRS unit.

Other Comments: The Department received 39 comment letters with 69 petition signatures concerning P02. Thirty-four of the commenters and 12 of the petitioners requested that Fort George Island be added to the CBRS unit. Five letters and 57 petitioners opposed the addition of Fort George. Several letters also suggested that other wetland areas be added to the unit, including Black Hammock Island, and the marshes in Walker Creek, Black River, Harrison Creek and Nassau River. Representative substantive comment letters are reprinted below. See also the General Comments Letters section.

Response: Fort George Island is a large Coastal Plain remnant entirely surrounded by marsh and not substantially affected by wind, wave, and tidal energies. It does not qualify as a coastal barrier according to DOI criteria.

Talbot Island itself is State-protected. Only those wetlands that are associated with an undeveloped unprotected coastal barrier qualify for addition to the CBRS under DOI criteria. No wetland areas qualify for addition to the CBRS in the absence of the primary barrier.

DOI Recommendation: The DOI recommends deleting Talbot Island from the CBRS because it is protected by the State.

MANATT, PHELPS, ROTHENBERG & EVANS  
ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, N.W.  
SUITE 800  
WASHINGTON, D.C. 20005  
TELEPHONE (202) 462-4300

June 22, 1987

1076

MANATT, PHELPS, ROTHENBERG & EVANS

Mr. Frank McGilvrey  
June 22, 1987  
Page 2

Mr. Frank McGilvrey  
Coordinator  
Coastal Barriers Study Group  
National Park Service  
United States Department of Interior  
P. O. Box 37127  
Washington, D.C. 20013

Dear Frank:

I was good to meet with you and Barbara last week regarding the Department of Interior's proposed inclusion of Fort George Island, (Unit P-02) in the Coastal Barrier Resources System. Attached are the official comments from Fairfield Communities, the largest landowner on the island, opposing the inclusion of this area in the System. Our position is based primarily on scientific conclusions included in our comments that Fort George Island is not technically a primary or secondary barrier island. As such, its proposed inclusion in the System is inappropriate.

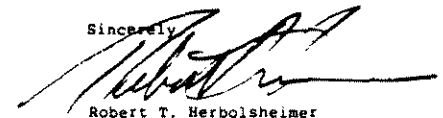
Also, as we discussed, we are including in these comments (Attachment 1, Part 6) an analytical comparison of Fort George Island to Big Talbot Island, directly to the north of Fort George. Unlike Fort George, which is surrounded by marshes and other aquatic habitat on all sides including the seaward side, Big Talbot Island contains nearly 3 miles of shoreline directly abutting and exposed to the Atlantic Ocean. This area is clearly a barrier island, subject directly to the ocean's energies. It fits into the criteria defining a barrier island set forth by Congress and the Department of Interior, whereas Fort George does not.

I am also attaching a petition from approximately 50 landowners living on or in the immediate vicinity of Fort George Island who oppose the proposed inclusion of Fort George in the System. I would appreciate it if this petition were included in the public record.

Finally, your technical questions whether Fort George Island is truly an "undeveloped coastal barrier", may best be resolved by a visit to the area. I urge invite you and other Interior officials to visit the site this summer prior to making your final decision on this area.

Many thanks for your consideration of these materials and best regards.

Sincerely,



Robert T. Herbolsheimer

# FAIRFIELD FORT GEORGE ISLAND



June 19, 1987

Coastal Barriers Study Group  
National Park Service  
United States Department of the Interior  
Post Office Box 37127  
Washington, D. C. 20013-7127

ATTENTION: Mr. Frank B. McGilvrey  
Coastal Barriers Coordinator

REGARDING: United States Department of Interior proposed recommendations for additions to or deletions from the Coastal Barrier Resources System

Dear Mr. McGilvrey:

We have great concerns over the proposed inclusion of Fort George Island in the Coastal Barrier Resources System, for a number of reasons.

First, we feel Fort George Island cannot be classified as a coastal barrier island under the definitions presented in the Coastal Barrier Resource Act or as a secondary barrier island as contained in the Draft Report to Congress: Coastal Barrier Resources System, Executive Summary, March, 1987. Fort George Island is not an active depositional feature in that it has not experienced substantial erosion and accretion of material. The island has not changed materially in shape as portrayed by the U.S. Geological/War Department survey in 1918.

Fort George Island is 100% surrounded by named rivers or creeks; specifically, these are the Fort George River, Haulover Creek (River) and Sisters Creek. It neither fronts on the open ocean or a large embayment.

Fairfield Communities, Inc.

11241 Fort George Road E., Post Office Box 197 Jacksonville, Florida 32226 Telephone 904-251-3102

Letter to the Coastal Barriers Study Group  
Attention: Mr. Frank B. McGilvrey  
June 19, 1987  
Page Two

The presence of an extensive marsh system on the east side of the island is conclusive biological proof that the east side of the island is not subjected to significant wave energy. Therefore, the presence of these marshes on the east side conclusively demonstrate that Fort George Island is not providing protection for these similar marshes on the western side of the island. A technical discussion of the definitions and an analysis of Fort George Island is presented in Attachment 1 which clearly corroborates Fort George Island as a riverine, inland island.

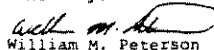
Second, Fort George Island cannot be considered an undeveloped area, because of the existing facilities and development on the island. These include: residential structures, a golf course club house; an 18 hole golf course; a road system maintained by the City of Jacksonville; electrical service operated and maintained by the Jacksonville Electric Authority; an irrigation system; two (2) water supply production wells; and, a fire protection system. The island was initially platted in 1878. A summary of the existing development on Fort George Island is presented in Attachment 2.

Third, the approved development plans for Fort George Island encompass over six (6) years of careful study of the island's resources that resulted in an Approved Development Order, an Approved Master Resource Management Plan and Master Land Use Plan by the City of Jacksonville and all commenting Agencies. The St. Johns River Water Management District (SJRWMD) has approved the master drainage system and granted both the MSSW Conceptual Permit and First Phase Construction Permit. In addition, the Consumptive Use Permit has been granted by the SJRWMD and a large scale production well has been constructed and approved for the Domestic System. Attachment 3 presents the Approved Development on Fort George Island.

We believe, the indepth research as outlined and delineated on our attached preparation, arrives at the conclusion that Fort George Island is not a coastal barrier island, (as is Talbot Island (Big) See Figure 2), but that Fort George Island is a riverine, inland island and as such should be removed from the Coastal Barrier Resource System.

Please do not hesitate to contact my office for any additional information you may require.

Sincerely,

  
William M. Peterson  
General Manager

WMP/smr

FAIRFIELD  
FORT GEORGE ISLAND  
11241 Fort George Road East  
Post Office Box 197  
Jacksonville, Florida 32226

June 10, 1987

The Honorable Donald P. Model  
Secretary  
Department of Interior  
18th and C Streets N.W.  
Washington, D.C. 20240

Dear Mr. Secretary:

We are landowners in the vicinity of Fort George Island, Florida and we vehemently oppose inclusion of Fort George Island in the Coastal Barrier Resource System referenced in the system as Unit P-02.

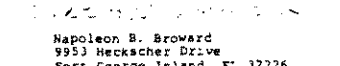


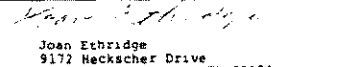
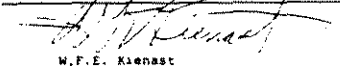

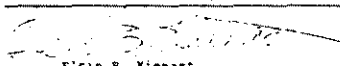
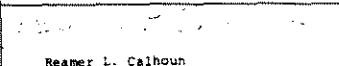
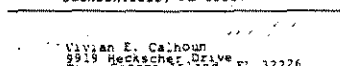
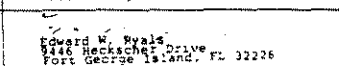
We oppose inclusion of Fort George Island in the System for several reasons. First, Fort George Island was not included in the CBRA System in 1982 and we have since relied on the continuation of federal assistance with regard to our current and future activities. Second, we do not believe that Fort George Island meets the criteria of a barrier island. It is located well behind Little Talbot Island, a true barrier island. Much of its elevation exceeds 20 feet rising to some parts to over 60 feet. The area has been continuously inhabited for nearly 4000 years and has many structures, including a golf club house and a golf course dating back to 1927. More importantly from your criteria, a full complement of infrastructure is in place on Fort George, including road network, electricity, wells, and water supply and septic systems.

Fort George Island is clearly an area which over time because of man's activities, has stabilized, and is clearly not the type of area, which is either undeveloped or which directly fronts the ocean and as such is not subject to wave, wind and tidal action.

We support the inclusion in the system of the landward aquatic habitat and wetlands behind Little Talbot Island which surrounds the area. However, for the reasons stated, we believe inclusion of Fort George Island in the System is in error.

Thank you very much for the opportunity to comment on your proposals and for your full consideration of our view.

Sincerely,

<p> Napoleon B. Broward 9953 Heckscher Drive Fort George Island, FL 32226</p>	<p> Aleta Brown 11211 Creek Blvd. Jacksonville, FL 32218</p>
<p> Vivian A. Broward 9953 Heckscher Drive Fort George Island, FL 32226</p>	<p> Joan Ethridge 9172 Heckscher Drive Fort George Island, FL 32226</p>
<p> W.F.E. Kienast 10152 Cross Green Way Jacksonville, FL 32216</p>	<p> Grady Calhoun 9179 Heckscher Drive Fort George Island, FL 32226</p>
<p> Elsie B. Kienast 10152 Cross Green Way Jacksonville, FL 32216</p>	<p> Reamer L. Calhoun 9919 Heckscher Drive Fort George Island, FL 32226</p>
<p> Vivian E. Calhoun 9919 Heckscher Drive Fort George Island, FL 32226</p>	<p> Edward W. Swais 9146 Heckscher Drive Fort George Island, FL 32226</p>

**(and 47 additional signatures)**

1542

# FAIRFIELD FORT GEORGE ISLAND



July 6, 1987

Mr. Frank McGilvrey  
Coastal Barriers Coordinator  
Fish and Wildlife and Parks  
Department of Interior  
Suite 400  
1375 K Street, N.W.  
Washington, D.C. 20005

Dear Frank:

It was good to meet you and Barbara Wyman when I was in Washington on June 16, 1987. Many thanks for your time and for your consideration of our position that Fort George Island should not be included in Unit P-02 of the Coastal Barrier Resources System.

As you know, we believe that Fort George Island does not meet the criteria of a barrier island and as such, should not be included in the System. This is based primarily on the fact that it is well behind Little Talbot Island, a true barrier island. In addition, wetlands encircle the entire island, including an extensive area of wetlands on the eastern side which serve to protect Fort George from the ocean's energies.

You questioned how Fort George Island can be distinguished from Big Talbot Island directly to the north. This information is included in our official comments but I do want you to know that the major distinction is that nearly three miles of Big Talbot Island directly fronts the Atlantic ocean whereas Fort George has no coastline.

Fairfield Communities Inc.

11241 Fort George Road E. Post Office Box 197 Jacksonville, Florida 32226 Telephone 904-251-3102

Letter/Mr. Frank McGilvrey  
July 6, 1987  
Page Two

As you know, our official comments have been submitted. However, in the meantime, if you have any questions or comments with which I may be helpful, please do not hesitate to contact me.

Thank you again for meeting with us and for your consideration of our views. I look forward to seeing you again soon.

Sincerely,

*William M. Peterson*  
William M. Peterson  
General Manager  
Fairfield Fort George Island

WMP/smr

FRIENDS OF FORT GEORGE ISLAND, INC.  
P. O. BOX 371  
JACKSONVILLE, FLORIDA 32201  
TELEPHONE (904) 389-1383

April 16, 1987

Honorable Congressman Charles E. Bennett  
2107 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Bennett:

This is to advise that the Friends of Fort George Island, Inc. strongly approve of the recommendation by the U.S. Department of the Interior to include Fort George Island and the salt water marshes surrounding it as part of the Talbot Island Complex in the Coastal Barrier Resources System.

Fort George Island was a barrier island until the late 1800's, and still has the characteristics of a barrier island, although it is now considered a secondary barrier island.

Fort George Island is a unique, delicate island with the east and west sides below the 100 year flood plain elevation. The island is penetrated by salt water marsh sloughs and salt marshes which surround it.

These sloughs and salt marshes are valuable aquatic habitats critically important to fish and wildlife.

Almost all of the island is undeveloped and is rich in history, rare plants, and wildlife.

The Friends of Fort George Island, Inc. is a community association composed of property owners and residents on the island, residents nearby, and interested citizens in Jacksonville and throughout the state. Some of our interests are to prevent degradation of aquatic preserve waters, aquatic habitats, and marshes which surround the island, and to prevent devastation of the island and surrounding areas by inappropriate over development.

Congressman Bennett  
April 16, 1987  
page 2

We will greatly appreciate your help in approval of Fort George Island and surrounding marshes and wetlands as part of the Talbot Island Complex of the Coastal Barrier Resources System.

Friends of Fort George Island, Inc.,

*William E. Arnold, Jr.*  
William E. Arnold, Jr.  
Vice President and Spokesman

WEA/cah

Enclosure: 1853 chart showing Fort George Island as a barrier island.

copy: Coastal Barriers Study Group  
National Park Service

April 27, 1987

10942 East Fort George Rd.  
Fort George Island, Florida 32226

Coastal Barriers Study Group  
National Park Services  
U.S. Department of Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

RE: Interior Department Recommendation to include Fort George Island and its environs in the Talbot Island complex of the Coastal Barrier Resources System

Sirs:

Since we bought our home on Fort George Island in 1956, I have never understood why it is not classified as a barrier island since it has the characteristics of one.

At last there seems to be a chance to correct the situation that has existed since before 1900.

This unique, fragile ecology is truly a part of the Talbot Island complex, and with its sloughs and salt marshes needs to be recognized as a part of the Coastal Barrier Resources System.

I am delighted that the Interior Department has made this recommendation and urge you please to help get Congressional approval.

Sincerely

*Doris B. Chappelle*  
(Mrs.) Doris B. Chappelle

216

Mrs. Patricia Kleinschmidt April 30, 1987  
6701 Rivercrest Drive  
Fort George, FL 32226

Coastal Barriers Study Group  
National Park Service  
U.S. Department of Interior  
P. O. Box 37127  
Washington, D.C. 20013-7127

To whom it may Concern:

The U.S. Department of the Interior is recommending that Fort George Island and the salt water marshes which surround it, be included as part of the Talbot Island Complex in the Coastal Barrier Resources System. Fort George Island is a secondary barrier island with characteristics of a barrier island which it was until the late 1800's.

Fort George Island is a unique delicate island with the east, west and south sides very low and subject to flooding which makes evacuation almost impossible during storm conditions.

The salt water sloughs and salt marshes which penetrate the island are valuable aquatic habitats critically important to fish and wildlife. Almost all of the island is undeveloped and rich in history, rare plants and wildlife.

I am a resident of the Fort George area and have been for over 10 years. I strongly believe this recommendation to include Fort George Island in the Talbot Island Complex is vital. I will deeply appreciate your approval and support of this recommendation.

Thank you sincerely,

*Patricia Kleinschmidt*

218

WILLIAM M. BLISS CONSULTANT, INC.

227 MERSHEL STREET  
JACKSONVILLE, FLORIDA 32204  
TELEPHONE 1904-384-4300

William M. Bliss, E.A., M.S.P.A.  
Thomas M. Bliss, President

William M. Bliss, Jr., Vice President  
Lewie C. Bliss, Marketing

April 28, 1987

Coastal Barriers Study Group  
National Park Service  
U.S. Department of Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sirs:

Recent articles in local papers have mentioned that the U.S. Department of the Interior is recommending that Fort George Island and its salt water marshes be made a part of the Talbot Island Complex in the Coastal Barrier Resources System.

My wife's family have owned property on Fort George Island for over 60 years and we still own property there. Her grandmother owned a home there for many years, long before the island was accessible by road. To reach it they drove to Mayport, used a rowboat to cross the St. Johns river and a horse-drawn carriage to her house.

The island has remained relatively undeveloped and is rich in wildlife, rare plants and early Florida history. We are opposed to inappropriate over-development and would much prefer that it be added to the Talbot Island Complex in the Coastal Barrier Resources System.

I hope that we can count on your support.

Cordially,

*Wm Bliss*

William M. Bliss  
1849 Mallory Street  
Jacksonville, Florida 32205

Pension and Profit Sharing Consultants to Industry, Finance and the Professions

220

LED E. AND DOROTHY CHAPPELLE  
10428 E FORT GEORGE RD  
FORT GEORGE ISLAND, FL 32226

APRIL 28, 1987

COASTAL BARRIERS STUDY GROUP  
NATIONAL PARK SERVICE  
U.S. DEPARTMENT OF THE INTERIOR  
PO BOX 37127  
WASHINGTON D.C. 20013-7127

DEAR LADIES AND GENTLEMEN,

THE PURPOSE OF THIS LETTER IS TO EXPRESS OUR STRONGEST APPROVAL OF THE RECOMMENDATION BY THE U.S. DEPARTMENT OF THE INTERIOR TO INCLUDE FORT GEORGE ISLAND IN THE TALBOT ISLAND COMPLEX IN THE COASTAL BARRIER RESOURCES SYSTEM.

OUR FAMILY HAS LIVED ON FORT GEORGE ISLAND FOR TWENTY-NINE YEARS. THE ROAD FLOODS ANNUALLY EVERY YEAR AND BECOMES NEARLY IMPASSABLE. KING TURTLE NESTS ON THE SOUTHWEST SIDE OF THE ISLAND ARE BELOW THE 100 YEAR FLOOD PLAIN ELEVATION. FORT GEORGE IS IN FACT A SECONDARY BARRIER ISLAND AND UNTIL THE MID-19th CENTURY WAS DIRECTLY IN THE OCEAN.

WHILE STILL SPARSELY SETTLED, FORT GEORGE ISLAND WAS INHABITED FOR THOUSANDS OF YEARS BY THE EXTINCT TIMUCUAN INDIANS WHOSE POTTERIES STILL SPRINKLE THE ISLAND. THE TIMUCUANS WERE CONVERTED TO CHRISTIANITY BY SPANISH PRIESTS WHO BUILT A MISSION HERE IN 1517 AND WHICH REMAINS WELL PRESERVED BY THE ENGLISH 115 YEARS LATER. IN 1776 CONSTRUCTION BEGAN UPON A SLAVE

PLANTATION WHICH BUILDINGS REMAIN TODAY

THE BIOLOGICAL FEATURES OF THE ISLAND ARE FASCINATING, VARIED AND EVEN UNIQUE INCLUDING A SMALL PLANT WHICH GROWS NOWHERE ELSE IN THE WORLD.

YOUR ASSISTANCE IN INCORPORATING FORT GEORGE ISLAND AND ITS ENVIRONS IN THE TALBOT ISLAND COMPLEX OF COASTAL BARRIER RESOURCES SYSTEM WILL BE PROFOUNDLY APPRECIATED.

SINCERELY,

*LED E. CHAPPELLE*

LED E. CHAPPELLE  
DOROTHY CHAPPELLE

460

Coastal Barrier Study Group  
NPS P.O. Box 37127  
Washington, D.C. 20013-7127

In our mutual concern for the ecological integrity  
of this nation's TIDELANDS, we petition to,

Please, include Ft George Island in the  
Talbot Island Complex...

*Carl Reukers*  
*Carl Reukers*  
*Carl Reukers*  
*Carl Reukers*  
*Carl Reukers*

*Rene Neer*  
*David Carter*  
*Ray Ferguson*  
*Tom M...*  
*Lisa Johnson*  
*Sandra F. Green*  
*Ray Johnson*  
*Kenneth D. Berk*  
5/13/87

ALL OF DRAWER B  
FERNANDINA BEACH  
FLORIDA 32034

747

TERENCE H. E. WEBB  
THE MYRTLE GROVE  
10023 HECKSCHER DRIVE  
FT. GEORGE IS., FL 32226  
(904) 251-3315  
6 June 1987

Coastal Barriers Study Group  
National Park Service  
U.S. Department of Interior  
P. O. Box 37127  
Washington, D.C. 20013-7127

Gentlemen:

The Interior Department's recommendation to include Fort George Island and surrounding marsh with the state owned Talbot Island Complex in the Coastal Barrier Resources System is certainly appropriate.

Waters surrounding the Talbot Islands and north half of Fort George Island are Class II Outstanding Shellfish Waters. From 1849 until 1919 all marshland surrounding Fort George Island was reserved by the U.S. Government.

Fort George Island, rich in history, was world renowned during the first half of the nineteenth century for its superb quality Sea Island cotton. Numerous attempts since 1866 have failed at developing the island as a resort; the extensive salt marshes to the west are a very prolific breeding area for not only fish and shellfish, but also for a great number and diversity of insect pests.

Spring and fall high tides accompanying a northeaster now cause severe flooding of roads on the south, west and southeast sides of the island.

For the above reasons: namely, pristine marshes, insect pests and flooding, large scale development of Fort George Island should be discouraged by including this island in the Coastal Barrier Resources System.

Very truly yours,

*Terence H. E. Webb*

Terence H. E. Webb

1145

Kenneth D. Berk  
2301 Cheryl Drive  
Jacksonville, Florida 32217

Coastal Barriers Study Group  
National Park Service  
U. S. Department of the Interior  
Post Office Box 37127  
Washington, D. C. 20013-7127

Dear Sirs:

I wholeheartedly support the expansion of the Coastal Barrier Resources System (CBRS) and am in general agreement with your proposed recommendations as made in the recent Report to Congress: Coastal Barrier Resources System. However, it must be pointed out that in order to remain consistent with the recommendation to include all "associated aquatic habitat," that the entire Nassau River-St. Johns River Aquatic Preserve be included within the new boundary.

The expanded area contains the Broward Islands, Burton Island and parts of Black Hammock Island. These islands are an integral part of the Aquatic Preserve's ecosystem, providing among other things vital freshwater wetlands and upland habitat.

Upland areas where present development exceeds 1 insurable structure per 5 acres would of course be excluded from the CBRS.

While the northern portion of Black Hammock Island contains residential subdivisions, Cedar Point (Section 3B) on the southern end of Black Hammock Island is undeveloped aside from a fish camp and a few residences at the end of Cedar Point Road. The site is being studied for possible state acquisition through the Conservation and Recreational Lands (C.A.R.L.) program and should be included in the CBRS.

Black Hammock Island is a barrier island surrounded by saltmarsh and tidal creeks. The island is open to the Nassau Sound on the north with the intracoastal Waterway on its eastern border. Black Hammock Island is central to the integrity of the Aquatic Preserve's ecosystem not only by its available natural habitat but by its protection and management of stormwater runoff. Improper development could lead to a deterioration of water quality and cause sudden salinity changes in the estuary during heavy rainfall events.

Coastal Barrier Study Group  
June 18, 1987  
Page 2

Duval County's last remaining Class II waters are immediately adjacent to Black Hammock Island. Existing water quality problems under current conditions cause the periodic closure of shellfish beds. All available precautions should be taken in order to ensure the protection of the Class II waters and all fisheries production habitat within the Aquatic Preserve due to their value as publicly-owned renewable natural resources.

The Coastal Barriers Study Group has recommended the addition of marshes and low-lying lands as far inland as the western edges of Brown's Creek north of the St. Johns River. The entire Nassau River-St. Johns River Aquatic Preserve is vulnerable to the same natural hazards due to similar environmental conditions. Therefore, because of the less disturbed nature of the marshes south of the Nassau River, protection should be granted for an equal, if not greater, distance inland as that provided along the St. Johns River.

Much of Black Hammock Island is within the 100 Year Flood Hazard Zone and the island is susceptible to storm surges due to hurricanes and northeasters. Flooding is currently a problem on the island, and the opening of the Dames Point Bridge in 1988 will undoubtedly lead to further development of the area.

The expansion of the CBRS to include all of the barrier islands and associated aquatic habitat in this unique Aquatic Preserve would do much to promote the three directives of the Coastal Barrier Resources Act of 1982:

1. Minimize the loss of human life.
2. Reduce the wasteful expenditure of federal revenues.
3. Reduce damage to fish and wildlife habitat and other valuable natural resources of coastal barriers.

If you have any questions regarding my comments or require additional information, please do not hesitate to contact me at your convenience.

Sincerely,

*Kenneth D. Berk*

Kenneth D. Berk  
Planner

KDB/tc

1273

June 23, 1987

The Coastal Barrier's Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

To Whom It May Concern:

I was astonished to learn of the proposed inclusion of Fort George Island, Florida in your Report to Congress on the Coastal Barrier Resource Study Group as an area recommended to be included in this system. I was even distraught by the fact that as a property owner and full time resident of Fort George Island, that I was not even notified by the Department of Interior or National Park Service of these changes.

Vague accounts of such a change were reported in our local newspaper which prompted me to immediately contact Congressman Charles Bennett's office. I have just today received copies of a map showing the proposed changes provided to me by Congressman Bennett's office.

As I reviewed the map, I could see that these proposed changes could greatly impact development on most of the Heckscher Drive Community and Fort George Island. Even with the map it is hard to visualize specific areas that will be affected.

Since our community has not been properly notified by the Department of Interior of the proposed additions to the Coastal Barrier Resource System and our local civic association, the Heckscher Drive Community Club has not had time to discuss these changes at our monthly meeting.

I hereby request that you please extend the comment period at least 90 days and make arrangements to send your representative to discuss these changes with members of our community during that time. I feel that no such additions to the Coastal Barrier Resource System should be made until our community has been fully informed of the impact of such inclusion and the specific areas to be affected.

I will be glad to arrange such a meeting with the Heckscher Drive Community Club of which I am a member and a past president. You may call me at 904-251-3131 at my home or during office hours at 904-757-8800. My home address is 10620 Palmetto Avenue, Fort George Island, Florida, 32226.

At the present time I can see no benefits to our community in being added to the protected areas.

I fear that the unavailability of flood insurance could adversely affect property values in the community. I have lived within this area since 1952 and know of very little flood damage even through three major hurricanes. Fort George Island itself is not a barrier island nor does it meet the definition of a secondary barrier island. Mt. Cornelius the highest point on much of the east coast is on Fort George Island.

Once again I ask that you extend the comment period or withdraw the inclusion of Fort George Island and most of the Heckscher Drive community in the Coastal Barrier Resource System.

Sincerely,

Jeannie Creech

cc: The Honorable Charles Bennett

1635

Mr. Donald Model  
Secretary, U.S. Dept. Interior  
United States Department of Interior  
C-Street, 18th & 19th, N. W.  
Washington, D.C. 20240

Dear Mr. Model:

There has recently been some discussion of not including Fort George Island, Florida in those areas being considered for inclusion in proposed expansions of the National Coastal Barrier Island Resource System. The contention is that certain large development interest (specifically Fairfield Communities, INC.) have already set into motion plans for development of this island; that the state has already given its blessing to the development and that such proposed inclusion in the National Coastal Barrier Resource System would hamper these current development attempts.

I would like to express my view that Fort George Island represents a prime example of an area for which the National Coastal Barrier Resource System was intended. I would also like to express my understanding that development approval by the state for this particular development has often been under serious contention both within and outside of state government. In a more direct sense, it has been a political hot potato of sorts.

The point should also be made that the inclusion of Fort George Island in the resource system does not preclude the continuation of the proposed development. Inclusion only removes the Federal government as the principal subsidy vehicle by which certain expensive infrastructural needs are provided and insurance guarantee given.

Therefore, please do not be swayed to delete Fort George Island from inclusion in the National Coastal Barrier Island Resource System. Such a compromise would only cheapen the basic intent of such resource system.

Sincerely,

Dan M. Pennington  
2424 Jim Lee Road  
Tallahassee, FL 32301

cc: Senator Lawton Chiles  
Senator Bob Graham  
Mr. David Hinger, U.S. Dept. of Interior

574

CHARLES E BENNETT  
MEMBER  
207 SOUTH FLORIDA  
APPROVED SERVICES COMMITTEE  
CHAIRMAN OF SEAPORTS SUBCOMMITTEE  
MEMBER OF PROCUREMENT SUBCOMMITTEE  
MEMBER OF TRADE AND FINANCE COMMITTEE  
CHAIRMAN OF FLORIDA CONGRESSIONAL DELEGATION

Congress of the United States  
House of Representatives  
Washington, DC 20515  
April 2, 1987

NAME: BENNETT, CHARLES E.  
ADDRESS: 207 SOUTH FLORIDA  
CITY: MIAMI, FLORIDA 33134  
PHONE: 305/375-1111  
FAX: 305/375-1112  
TELETYPE: 305/375-1113  
TELEPHONE: 305/375-1114

NAME: BENNETT, CHARLES E.  
ADDRESS: 207 SOUTH FLORIDA  
CITY: MIAMI, FLORIDA 33134  
PHONE: 305/375-1111  
FAX: 305/375-1112  
TELETYPE: 305/375-1113  
TELEPHONE: 305/375-1114

Honorable William Penn Mott  
Director, National Park Service  
Department of the Interior  
C Street between Eighteenth & Nineteenth Streets, NW  
Washington, D.C. 20240

Dear Mr. Mott:

I am in the process of redrafting the bill which last year was called the Nassau Preserve, but this year is called the Timucuan Preserve bill and I enclose a copy herein of the bill which I expect to introduce. I already have quite a few original co-sponsors. Both U.S. Senators from Florida are in favor of this legislation. This bill has not actually been introduced yet, and it may have a few changes made in it. Therefore, my purpose of writing you about it at this point is not directly on that bill, but rather on another matter associated with it.

The other matter of which I am bringing to your attention at this point is that report to Congress: "Coastal Barrier Resources System" in the Department of Interior, dated February 1987. In this report, page 8 specifically says that Fort George Island and wetlands should be added to existing CBRS unit. This island is one of the most exquisite pieces of natural beauty that I know of anywhere. It also has important historic sites on it. The Timucuan Preserve bill, above referred to, specifically mentions the Kingsley Plantation on this island and Fort St. George of Oglethorpe, and Father Pareja's San Juan del Puerto. They are the most important historic sites. The Kingsley Plantation in itself would be a tremendous addition to the National Park Service, and I have the promise of the State of Florida that if my Timucuan bill passes they will transfer the title to this exquisite 18th century plantation complex to the National Park Service. I write you directly in connection with the report to Congress above referred to. I would appreciate any help that you might be able to give in preserving all of Fort George Island, with the necessary exclusions for present occupancy, perhaps, as there are a number of families who live on it - but it is not congested. What are the prospects of the National Park Service

Page 2  
Honorable William Penn Mott  
Director, National Park Service

with the regard to seeing to it that all of Fort George Island becomes a barrier island, or possibly (ultimately), large portions of it becoming part of the National Park System?

With kindest regards, I am,

Sincerely,

  
Charles E. Bennett

CEB:ms  
Enclosure

1263

Statement by Congressman Charles E. Bennett

May 12, 1967

The inclusion of Fort George in the Coastal Barrier Resources System is an important step towards the protection of the island's great ecological and historic assets. This seems to me well justified. Another step could help in this direction too; that would be including the island in my proposed Timucuan preserve legislation.

The hearings have not been set on this bill, but probably will occur in June. I have difficulty in thinking that any of the owners on Ft. George Island would really oppose this since they do not have to sell their land, and the land would not be condemned, except preserved wetlands. Furthermore, any presence of the National Park Service would seem to be affirmative rather than negative.

Let me reiterate that no lands other than wetlands can be taken without consent of the owner. I am hopeful this bill will pass, and Ft. George Island could be a great jewel to have included in the Preserve, which will be called the Timucuan Ecological and Historic Preserve.

A "preserve" is similar to a national park in that it is an area set aside for public use and for preservation for future generations to enjoy. The only difference is that hunting and fishing are allowed in preserves, in accordance with applicable Federal and State laws.

I know of no reason why the preserve bill could not be passed

with an amendment to include Fort George Island, and I think this could be done with or without the Barrier Island proposal being approved. I would appreciate the advise of property owners on this matter.

1663

CHARLES E. BENNETT  
MEMBER  
CONGRESS  
DISTRICT OF FLORIDA  
JACKSONVILLE  
CHAIRMAN, SUBCOMMITTEE ON  
COASTAL AND BARRIER ISLANDS  
AND OFFSHORE OIL AND GAS  
DEVELOPMENT  
COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

Congress of the United States  
House of Representatives  
Washington, DC 20515

September 10, 1987

The Coastal Barrier Study Group  
National Park Service  
P. O. Box 37127  
Washington, 20013-7127

Dear Friends:

I am writing in regard to Fort George island which is within my Congressional District in Jacksonville, Florida. Fort George island is currently under consideration for inclusion in the Coastal Barrier Resources System, and I am enclosing a number of recent newspaper clippings which may be pertinent to any decision you make on this. I understand that the Governor, ~~McIntosh~~ *Martin* of Florida has written to you in regard to this. In his letter, he said that areas within the State that had gone through the Developments of Regional Impact (DRI), should be included for the Coastal Barrier Resources System. As you can see by the newspaper articles, this has been picked up as meaning that the Governor is recommending against Fort George Island. However, as you can see, the question of whether it is DRI or not, is very much up in the air. In fact, the State has indicated now that it is not a DRI, however, it is likely that it will go to court, and we will probably not know the exact outcome of this until some time.

Please carefully review these newspaper articles before you make any decision as to whether Fort George Island should be included in the Coastal Barrier Resources System. I appreciate your consideration in this matter.

*I am trying to make Fort George Island into a National Ecological Preserve.*  
With kindest regards, I am,

Sincerely,

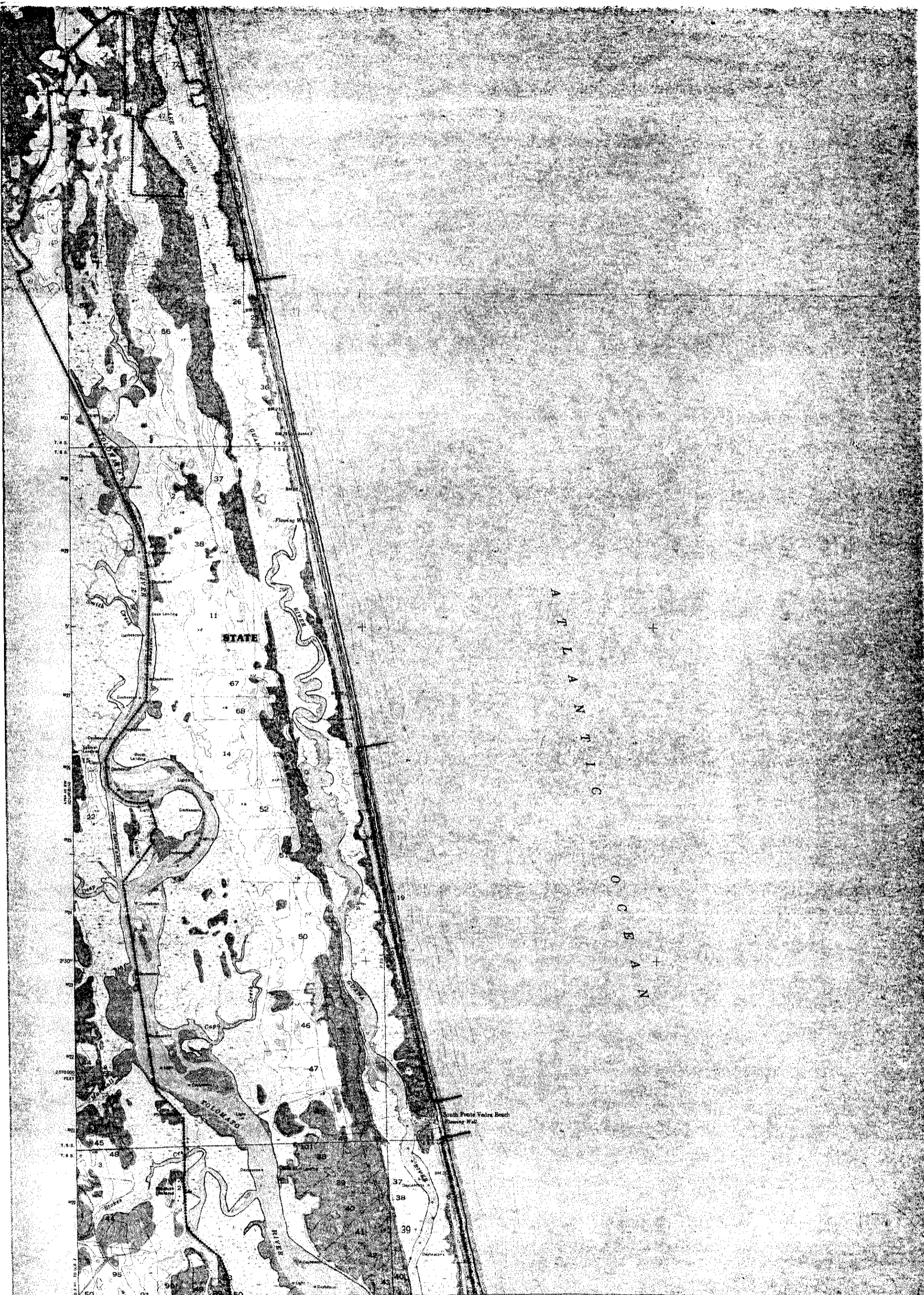
  
Charles E. Bennett

CEB:ems

Enclosures







**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR

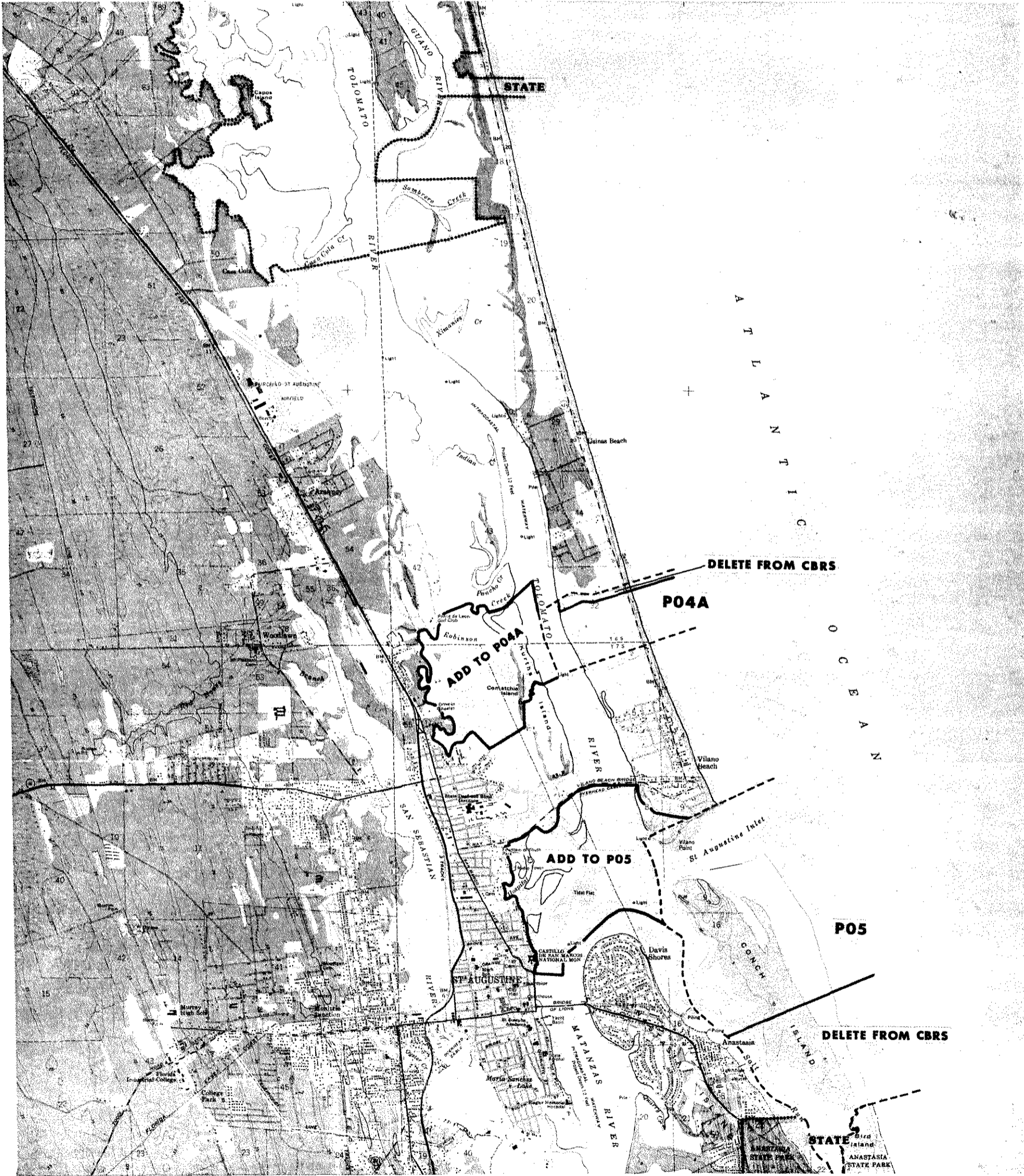


Mapped, edited and published  
by the Coastal Barriers Study Group  
U.S. Department of the Interior

QUADRANGLE  
**SOUTH PONTE VEDRA BEACH**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



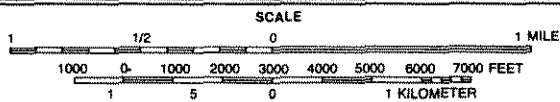
UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
by the Coastal Barriers Study Group  
U.S. Department of the Interior  
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE  
**ST. AUGUSTINE**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

P04A - USINAS BEACH

State Position: The State of Florida expressed no position on this particular CBRS unit.

Other Comments: One letter was received requesting a modification of the northern boundary of the unit to exclude development that existed in 1982. Two other letters suggested that additional wetland areas to the north of Usinas Beach might qualify for addition to the CBRS. The first letter is reprinted below. The other two (letters number 805 and 1282) appear in the General Comment Letters section.

Response: The DOI has reviewed 1982 aerial photographs of the area and other available

information and concludes that a small developed area did exist inside the northern boundary of the unit in 1982. The wetlands north of Usinas Beach are not associated with the P04A undeveloped coastal barrier; therefore, they are not eligible for addition to the CBRS under DOI criteria. However, the DOI has identified other wetlands that are associated with the barrier and do qualify for addition to the CBRS.

DOI Recommendation: The DOI recommends modifying the northern boundary of P04A to delete the development that existed in 1982 from the CBRS. The DOI also recommends adding the associated aquatic habitat to the CBRS unit.

**1492**

**BILL CHAPPELL**  
 U.S. DISTRICT COURT - FLORIDA  
 COMMITTEE ON APPROPRIATIONS  
 SUBCOMMITTEE ON DEFENSE AND ENERGY AND WATER DEVELOPMENT

**Congress of the United States  
 House of Representatives  
 Washington, DC 20515**

May 6, 1987

The Honorable William P. Horn  
 Assistant Secretary - Fish and  
 Wildlife and Parks  
 Department of the Interior  
 Washington, Florida 20240

RE: Merchant Marine & Fisheries - Barrier Islands / P04A

Dear Mr. Secretary:

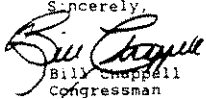
A constituent of mine has made an inquiry regarding the boundaries of an existing unit of the Coastal Barrier Resources System. In writing you today, I would appreciate your assistance in providing to my constituent the background behind the establishment of the northern boundary of Unit P04A in St. Johns County, Florida. A copy of his correspondence is provided for reference.

It is my understanding that the Department of the Interior had originally recommended the line be drawn further north, but that Congress, in passing the Coastal Barrier Resources Act of 1982, redrew the lines for P04A to the current location. My constituent contends that the boundary should have been drawn even further south because that is where the point of highest elevation exists.

If you could provide me with an explanation of the criteria for determining boundaries of barrier island units, particularly with respect to the elevation above sea level of these areas, it would be most helpful to me in responding to my constituent.

Thank you for your attention to this matter.

With kind regards,

Sincerely,  
  
 Billy Chappell  
 Congressman

BC:rdd

PLEASE RESPOND TO:  
 WASHINGTON     DAYTONA BEACH     JACKSONVILLE

PHONE 804-767-0888 82-1547

**Tesdorpf & James Developments, Inc.**  
 OFFICE  
 515 BROADWAY CERCABA ROAD  
 ST AUGUSTINE FLORIDA 32084

BUILDERS OF EXCLUSIVE RESIDENTIAL DWELLINGS

Representative Bill Chappell, Jr.  
 4th Congressional District  
 8789 San Jose Blvd., Suite 13  
 Jacksonville, FL 32217

April 23, 1987

Dear Representative Chappell,

Thank you so much for taking the time to look over the enclosed material.

As you can see from the maps and surveys, as well as the story related by your secretary, Mrs. Frazier, we have really been caught in an unfair governmental situation. In purchasing the property back in 1982, I was fully aware of the fact that it was "marginally" located within a Coastal Barrier, and subsequently not eligible for flood insurance. However, since the property has such a high natural elevation, I felt that the chance of flooding was very limited. This was further confirmed by the Cercaba family who has lived on the western end of Cercaba Road since 1925, and have never had to move because of flooding.

Armed with this knowledge and information I managed to obtain the necessary flood insurance from Bankers Insurance Company in order to get construction financing. This, after I specifically pointed out that the property was located within a Coastal Barrier and normally not eligible for flood insurance. I was nonetheless assured of coverage and received four policies, one for each dwelling. Well, that was 18 months ago, and now today, after the first four houses have been completed and sold, I receive notice from bankers that flood insurance is not available in Coastal Barrier Islands, and that my existing flood insurance has been cancelled as of inception! When it rains it pours.

The situation as it stands is perhaps not so critical in that all four houses in Phase I have already been sold. Since the houses are at such a high elevation, the owners of three of the four choose not to purchase flood insurance, having the option to do so since they hold no mortgages on their houses. However, one home is financed and therefore requires flood insurance, and I am fully committed on Phase II and therefore also require flood insurance. It might also be added that if in the future any homeowner elects to sell their house, the flood insurance problem would certainly be a deterrent.

I have been advised that the only realistic way of alleviating this problem is to have the northern boundary of the Coastal Barrier relocated slightly to the south, where it really belongs.

"NOTHING TAKES THE PLACE OF QUALITY"

Page 2

Representative Bill Chappell, Jr.

Adding insult to injury is the fact that all around us, especially on the Villages of Vilano land, construction is booming and that, on land which is substantially lower than ours and with final floor elevations a good 2-3 feet lower than ours.

It might also be added, that from an ecological standpoint our homes are challenged by very few. For example:

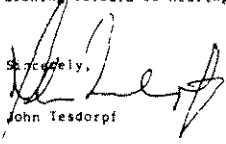
1. No septic tanks. Hooked up to North Beach sewer and water.
2. Extremely energy efficient design and construction: 2x6 walls R30, R45 in attics, triple pane thermo insulated windows, etc.
3. Heat pumps on all A/C units.

All the materials as well as some of the carpentry labour has, in fact, been imported from Sweden, where the building standards today are considered the most advanced in the world.

If you have any further questions please feel free to call me at any time. My telephone number is (904)82-15-7. I would also be very willing to come to Washington if you think that would be necessary. Based on this material and information, I hope to, with your help, implement the moving of that northern boundary of said Coastal Barrier as per the enclosed aerial map description.

Looking forward to hearing from you.

Sincerely,

  
John Tesdorpf

P.S. My mother, Elizabeth Tesdorpf (Mimi) sends her best wishes.



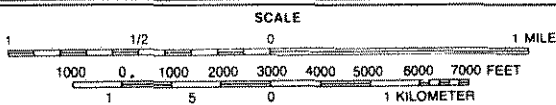
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
by the Coastal Barriers Study Group  
U.S. Department of the Interior  
Washington, D.C. 20240

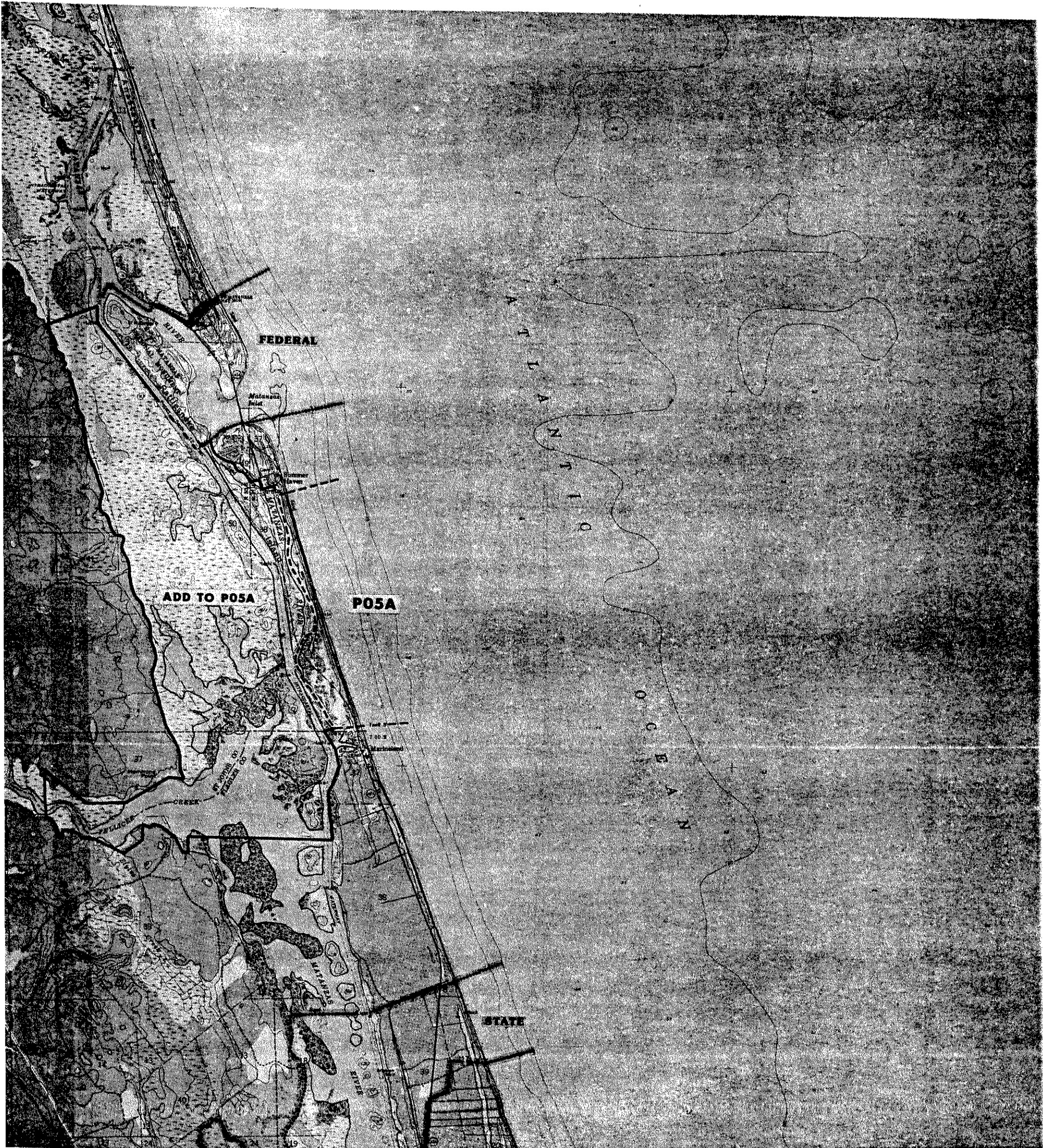
QUADRANGLE  
**ST. AUGUSTINE BEACH**  
FLORIDA



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



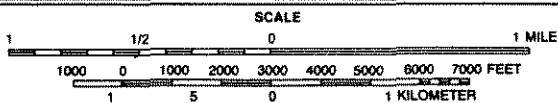
**Report to Congress on the Coastal Barrier Resources System**

**UNITED STATES  
DEPARTMENT OF THE INTERIOR**



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QUADRANGLE  
**MATANZAS INLET**  
FLORIDA



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P05A - MATANZAS RIVER

State Position: The State of Florida expressed no position on this particular CBRS unit.

Other Comments: Nine letters were received supporting the addition of associated aquatic habitat to P05A as presented in the 1987 Draft Report. These letters also suggested additional wetlands in St. Johns and Flagler Counties that might qualify for the CBRS including Pellicer Flats, Devils Elbow, Matanzas Inlet and the land on its north and south banks, Hammock Dunes, and the area south of Washington Oaks State Park. Six of these letters are reprinted below; the other three appear in the General Comment Letters section (letters number 805, 1282, and 1672).

Two letters were received requesting the deletion of P05A from the CBRS. One letter stated that construction occurring since 1982 was sufficient for the barrier to be considered developed. These letters are also reprinted below.

Response: The undeveloped unprotected area south of Washington Oaks State Park and

another area just north of Beverly Beach fully meet DOI criteria for addition to the CBRS. The other areas suggested by the commenters, however, do not. The Pellicer Flats and Devils Elbow are located behind a developed coastal barrier. The land on both banks of Matanzas Inlet is either Federally protected or developed, and the Inlet itself does not qualify as aquatic habitat associated with the P05A barrier. Hammock Dunes is developed.

P05A was a fully qualified undeveloped coastal barrier in 1982. Development occurring since 1982 is not a criterion for deletion from the CBRS. This would defeat the purposes of the Act.

DOI Recommendation: The DOI recommends adding the qualified associated aquatic habitat to P05A as delineated here. The DOI also recommends adding the undeveloped unprotected areas south of Washington Oaks State Park and north of Beverly Beach to the CBRS as new unit FL-06, Beverly Beach.

The City of  
St. Augustine Beach

1547

June 23, 1987

2110 AIA SOUTH  
ST AUGUSTINE BEACH FLORIDA  
32084

PHONE 804/471-8182

SUBJECT: INCLUSION OF THE MATANZAS INLET IN CBRS UNIT P05A

U.S. Dept. of the Interior  
William P. Horn  
Assistant Secretary for Fish, Wildlife & Parks  
P.O. Box 37127  
WASH., DC 20013-7127

Dear Mr. Horn:

Upon review of "REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEMS", VOLUME 10, FLORIDA EAST COAST, FEB. 1987; I have noted additions I feel should be altered. CBRS Unit P05A, which encompasses the Matanzas Inlet quadrangle, is shown to have a significant additional area. I feel this additional area should be increased north to include an additional 1.95 miles north of existing P05A unit along the Atlantic Coast.

The inclusion of this area would bring into P05A unit, the Matanzas Inlet, which is currently the last undeveloped (and unstabilized) natural inlet on the Florida east coast. This would also include the Fort Matanzas National Monument. These areas are extremely fragile and certainly warrant their inclusion!

Enclosed please find a resolution and a petition. Also included are some reasons why there should be in no way shape or form, a higher bridge built over the inlet. A large company (ITT) in an adjacent county, Flagler, wants the DOT to raise the height of the bridge to be replaced. Every sector of Local Government in our County has opposed it: St. John's, St. Augustine Beach, St. Augustine City, Florida Wildlife, Sierra Club, Audubon, in our County & surrounding Counties in the state of Florida. Flagler's Task Force is on tape,--- I can send it to you. They strongly came out and said "Let's just worry about raising the height of the bridge first, and later we'll go for dredging, and then stabilization "Jetties". We all know jetties have only harmed where they've been built. One just has to look every one already built!

The City of St. Augustine belongs to everyone in this country, it's our oldest city. Why not let the Inlet stay natural for the whole nation to enjoy?!!



(1)

The City of  
St. Augustine Beach

(2)

ST AUGUSTINE BEACH FLORIDA  
32084

PHONE 804-471-8182

I realize this letter is late, but it is postmarked the 23rd. Please review this. The U.S. deserves to save this for every one!

See attached. WE NEED HELP! Please contact me, or call me at your convenience. I will send you all the literature. I just wanted to get this letter off quickly.

Sincerely,  
*Valerie J. Froll*  
Valerie J. Froll

CITY COMMISSIONER ST. AUGUSTINE BEACH

ENCLOSURES \*\*\*

cc: W.W. MILLER  
MR. K. HENDERSON  
REAR ADMIRAL N.B. THORSEN  
MR. LEE  
DEPUTY ASSIST. SEC DOT  
DIRECTOR DOT- TALLAHASSEE  
U.S. COAST GUARDS COMMANDER  
7TH COAST GUARD DISTRICT

BOB R. MARTINEZ \*\*\*  
BOBBY BRANTLEY  
GEORGE FIPSTONE  
ROBERT A. BUTTERWORTH  
GERALD (JERRY) LEWIS  
WILLIAM GUNTER  
BETTY D. CASTOR  
DOYLE E. CONNOR

GOVERNOR  
LT. GOVERNOR  
SECRETARY OF STATE  
ATTORNEY GENERAL  
COMPTROLLER  
STATE TREASURER INSURANCE COM.  
COMMISSIONER OF EDUCATION  
COMMISSIONER OF AGRICULTURE

FLORIDA DEPARTMENT OF TRANSPORTATION  
FLORIDA DEPARTMENT OF NATURAL RESOURCES  
FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION  
PARK SERVICE  
ST. JOHNS COUNTY  
CITY OF ST. AUGUSTINE

SENATOR LAWTON CHILES  
SENATOR BOB GRAHAM  
CONGRESSMAN BILL CHAPPELL  
REPRESENTATIVE CHANCE IRVINE  
REPRESENTATIVE WILLIAM BANKHEAD  
REPRESENTATIVE HAMILTON D. UPCHURCH

RCM





371

May 7, 1987

Coastal Barriers Study Group  
Department of the Interior  
National Park Service  
P. O. Box 37127  
Washington, D. C. 20013-7127

Dear Members:

The Environmental Council of Volusia and Flagler Counties commends you for the work you have done in expanding the Coastal Barrier Resources System in Florida. Upon review of these environmentally sensitive areas, we agree that development activities should be restricted. Of particular concern is Fort George Island shown on the Anolis City Quadrangle. This unique barrier island, with endangered species of flora, must be protected from unnecessary development.

Several minor additions should be considered by your staff. In the Matanzas Inlet Quadrangle (PCIA) additional expansion should include Pellicer Flats to the south and up to Devil's Elbow to the north. These pristine wetlands are important habitat for shrimp, redfish, flounder, trout and numerous bird species. The remainder of Rattlesnake Island and sections of Matanzas Inlet not protected by the Federal Park Service should also be included. This is the last natural inlet on Florida's east coast and warrants protection.

The current report ignores the remainder of Flagler County which has several areas of undeveloped beachfront and miles of natural marine wetlands. In PO7 (Flagler Beach East Quadrangle) the expansion stops at the Flagler County line even though the low-lying wetlands continue past Flagler Beach State Park. Your Department should consider protecting wetlands to the north of PO7 into Flagler County and to the south to the mouth of the Tomoka River. This Bulow/Tomoka marsh system is a highly productive estuarine system with excellent fishing and high wildlife values. By protecting the contiguous marshes you can help protect this vital resource. There is also a stretch of undeveloped beachfront to the south of PO7 which should be included.

Moving southward, PO8 in the New Smyrna Beach Quadrangle should be expanded northward to the Port Orange Causeway. The current proposed expansion is well deserved, but additional expansion would protect additional wetlands and flood prone areas. Inclusion of Rose Bay would protect another important estuarine system valuable to the local fishery.

ENVIRONMENTAL COUNCIL OF VOLUSIA AND FLAGLER COUNTIES  
P.O. BOX 700 DAYTONA BEACH, FLORIDA 32114

Again, your proposed additions are a big step towards restricting unnecessary destruction of wetlands and dune systems. The Environmental Council is composed of leaders from various organizations such as the Audubon Society, Florida Wildlife Federation, the Nature Conservancy, Sierra Club, and other groups concerned with conservation of natural resources. We offer our services as guides to local areas. Our review committee consisted of a coastal engineer; a state biologist; an environmental attorney; and several long-time local residents familiar with the local ecosystems.

Thank you very much for your consideration of our comments.

Sincerely,

Brynn Newton  
Brynn Newton, President  
Environmental Council of  
Volusia & Flagler Counties

Enclosure (map of proposal for extension of PO8 boundary)

1707

VOLUSIA-FLAGLER  
ENVIRONMENTAL POLITICAL ACTION COMMITTEE, INC.

535 SILVER BEACH AVENUE DAYTONA BEACH, FLORIDA 32018  
904/252-5711

Feb. 12, 1988

Audrey L. Dixon  
C.B. Study Group  
National Park Service  
P.O. Box 37127  
Washington D.C. 20013-7127

Dear Ms. Dixon,

The Volusia-Flagler Environmental P.A.C. unanimously supports the additions to the Coastal Barrier Resources System as proposed for recommendation to Congress. We are delighted to commend a proposal by the Department that provides a degree of protection for fragile barrier islands plus associated wetlands, and at the same time, will save taxpayer funds.

All of our members reside in Flagler and Volusia counties on Florida's east coast. We are particularly supportive of the wetlands additions shown in maps PO5-5, PO-7 and PO-8 (Florida east coast) and we appreciate the environmental significance of these areas near our homes.

Thank you for providing us with the opportunity for commenting on this outstanding proposal.

Sincerely,

Volusia-Flagler Environmental P.A.C.

David L. Brown  
David L. Brown, Secretary

1060

15 June 1988  
Coastal Barrier Study Group  
U.S. Dept. of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

To Whom it may Concern, U.S. Coastal  
Barrier Resources Plan.

I live in Flagler County, Florida  
in an area called "The Hammock".  
This area is located on a barrier  
island on the north east side of  
the coast. My water supply comes  
from a shallow aquifer on the  
island. If this area is developed, my  
water supply will be seriously affected  
as well as the wetlands and  
natural fish and wildlife habitat.

Please seriously consider putting this  
barrier island in this program and  
enc studies. Thank you.

133 Sanchez, Palm Bay, FL. 32909  
32909



1206



SENT VIA FEDERAL EXPRESS

June 22, 1987

Mr. Frank B. McGilvrey  
Coastal Barrier Study Group  
U.S. Department of the Interior  
NPS - 498  
P.O. Box 37127  
Washington, DC 20013-7127

Re: Northeastern Flagler County, Florida

Dear Mr. McGilvrey:

On May 12, 1987, I attended the public hearing held by your group in Jacksonville, Florida, regarding the Coastal Barrier Resources Act, as a representative of Admiral Corporation. We are owners and developers of several beachfront projects in Flagler County, Florida. As you requested, maps which show the location of these projects are attached.

On May 13, 1987, I met with you and Claudia Shambaugh of the Florida Department of Community Affairs to tour the northeast beach area of Flagler County. This opportunity to meet with you was greatly appreciated.

We would like to be on record that this area does not warrant designation under the Coastal Barrier Resources Act. The northeastern portion of Flagler County had previously been considered for such designation but was not included because of the level of development which has occurred in this part of the county. That criteria still applies. In fact, development has continued throughout this general area, known locally as "the Hammock".

In addition, the underlying geology of this entire area does not meet the current criteria for designation, consisting not of unconsolidated sediments, but of a layer of coquina rock which outcrops along the beach

4 Office Park Drive Palm Coast, Florida 32037 Telephone (904) 445-4900

Mr. Frank McGilvrey  
June 22, 1987  
Page Two

at certain times of the year. This shoreline is not subject to the wind, wave and tidal energies associated with barrier islands. Interior wetlands are not found along a considerable portion of this coastline.

Consideration should also be given to the Northeast Florida Regional Planning Council's Policy Plan. In the most recent public hearing draft, the "Coastal and Marine Resources" element of the plan lists the barrier islands of the region. Significantly, none are identified for Flagler County.

In summary, we believe that designation of any tracts in northeastern Flagler County as coastal barriers would be inappropriate. Please enter this letter as part of the record of public comment which you have received for your report. The opportunity to comment is very much appreciated.

If we can be of any further assistance to you in this matter, please contact Mr. George Weeks, vice president, director of governmental relations at 904-224-8552. Mr. Weeks was involved in the initial designation of coastal barriers and is thoroughly familiar with the act.

Sincerely,  
*John L. Schlegel*

John L. Schlegel  
Manager  
Project Planning

JLS/lb

Attachment

1256

Rep. Bill Chappell  
Room 2468  
Rayburn House Office Bldg  
Washington DC  
20515

Dear Representative Chappell,  
Recent news reports indicate that the Department of the Interior is expanding the coastal barrier island protection zone. One press release cites your aides as stating that no changes are recommended for Flagler County, even though the adjacent counties of Volusia and St. Johns County were included. Why the difference?

Flagler County has many low lying dune and wetland areas where development should not receive federal subsidies. There is no ecological difference in these three counties, only political boundaries. Flagler County will double its population within ten years, but development should be discouraged in unsuitable areas as it is elsewhere. Please let me know why the discrepancy exists.

Shantyan,  
Lennis Bayer  
Regional Director  
Florida Wildlife Federation



March 12, 1988

Audrey L. Dixon  
Coastal Barriers Study Group  
National Park Service  
P. O. Box 37127  
Washington, DC 20013-7127

Re: PO5A Matanzas River, St. Johns County, Florida

Dear Ms. Dixon:

We have read the Draft Supplemental Legislative Environmental Impact Statement on Proposed Changes to the Coastal Barrier Resources System and would again like to have our feelings heard for the referenced property.

When the initial barrier island proposal was instigated, there were nine homes and we were not able to meet the criteria to be exempt. At this time, there are 14 existing homes, three under construction and four that plan to build soon; several others would like to build as soon as they are financially able or when they are ready to retire to this area. There were very few investor type owners in our area - they had all purchased lots with plans to build in the future. With the barrier island designation, needless to say, it has created a hardship that we would like to eliminate. Some are building without flood insurance and of course the others are only grandfathered.

We would like for you to please consider re-evaluating PO5A Matanzas River in St. Johns County, Florida for deletion from the Barrier Island designation.

We thank you for your consideration, and if we can provide additional information and details, we will be more than willing to talk with you at your convenience.

Sincerely,  
*Joe and Janet Goodrich*  
Joe and Janet Goodrich  
Homeowners - 93-5 Old A1A  
(PO5A Matanzas River)

cc: Congressman Bill Chappell, Jr.

Joe M Goodrich  
Broker

Jeff C. Goodrich  
Broker

Janet M Goodrich  
Broker

1761

March 23, 1988

Mr. William Penn Mott, Jr.  
Director of National Park Service  
Department of Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Mr. Mott:


As a property owner in the south end of Summer Haven, I wish to emphasize and confirm the frustration as to why we have been designated a barrier island in that south sector.

It precludes our ability to sell the property or build upon it (with a mortgage), given the denial of flood insurance. If one would open mindedly walk the property and compare it to any other lots across the country not designated as barrier islands, I believe that one would quickly see that this designation was either a matter of environmental convenience or basket-lumping for the purpose of simplicity or expediency.

Please forgive this candid approach, but it is a pity that we should suffer such arbitrary decisions and be denied the rightful opportunity to develop or promote our property as others do in less than similar circumstances.

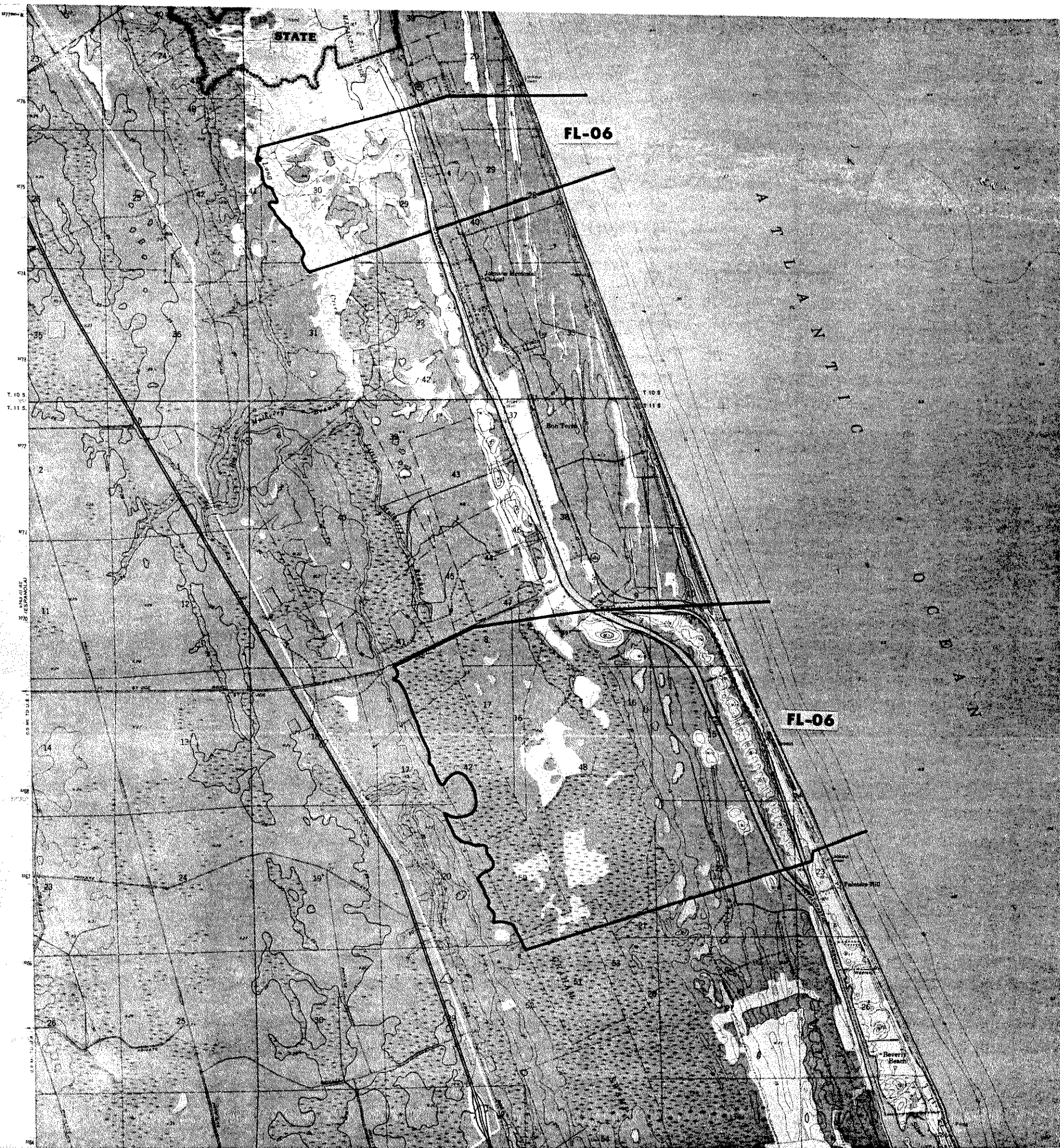
I hope that this letter will be a proper vehicle to reverse what I believe is an unfair decision, whether or not one believes it to be arbitrary or not. Thank you for your attention and consideration.

Yours sincerely,

  
Michael G. Merhige

MM/sb

cc: Congressman Bill Chappell, Jr.  
Congressman Lawrence J. Smith  
Fred Lippman, House of Representatives  
Joe Goodrich



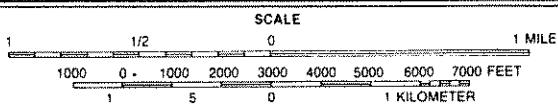
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UNITED STATES  
DEPARTMENT OF THE INTERIOR



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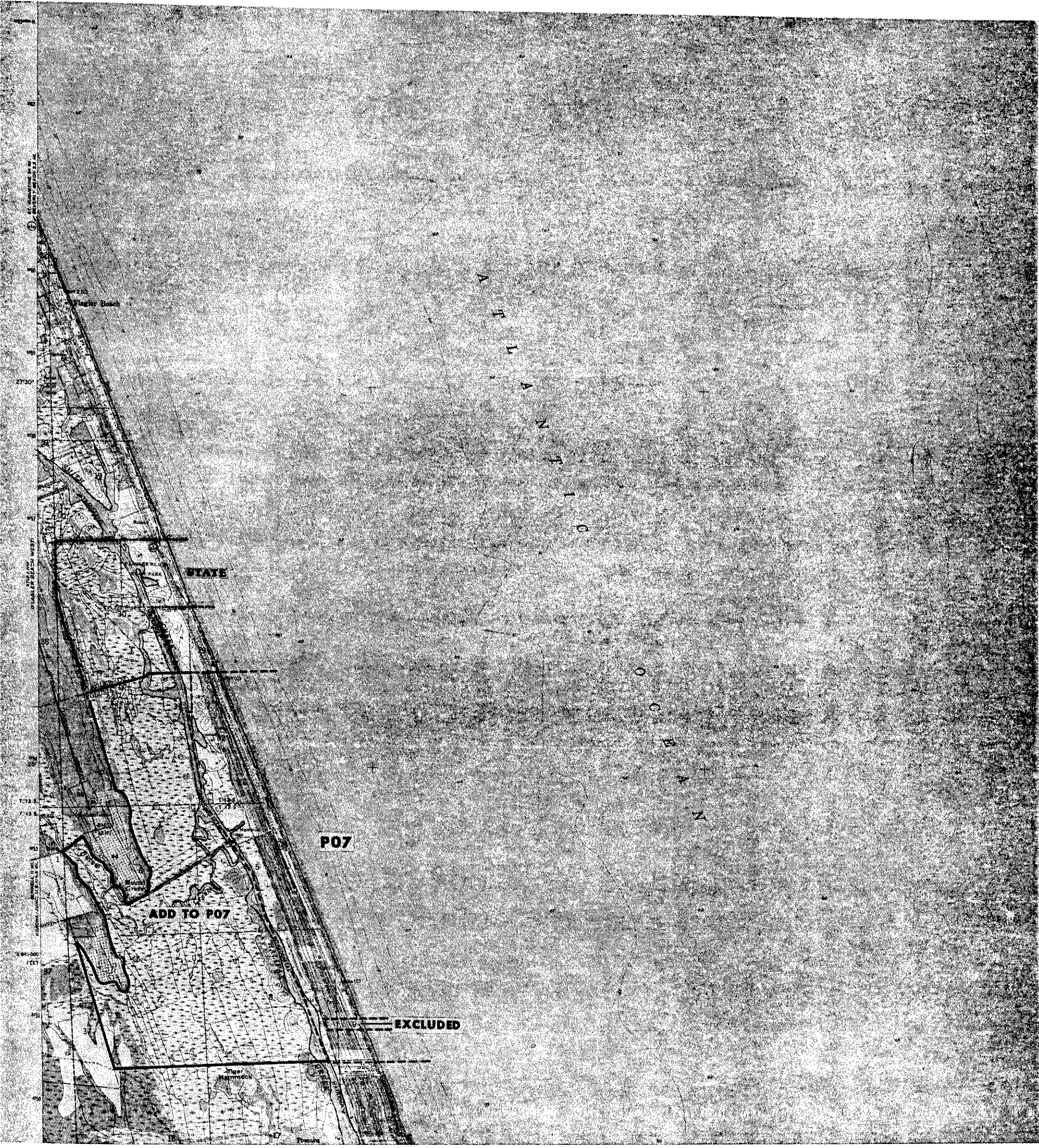
QUADRANGLE  
**BEVERLY BEACH**  
FLORIDA



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



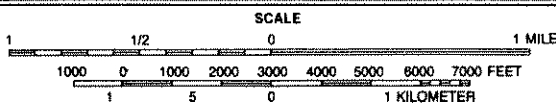
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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE  
**FLAGLER BEACH EAST**  
FLORIDA



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

P07 - ORMOND-BY-THE-SEA

State Position: The State of Florida expressed no position on this particular CBRS unit.

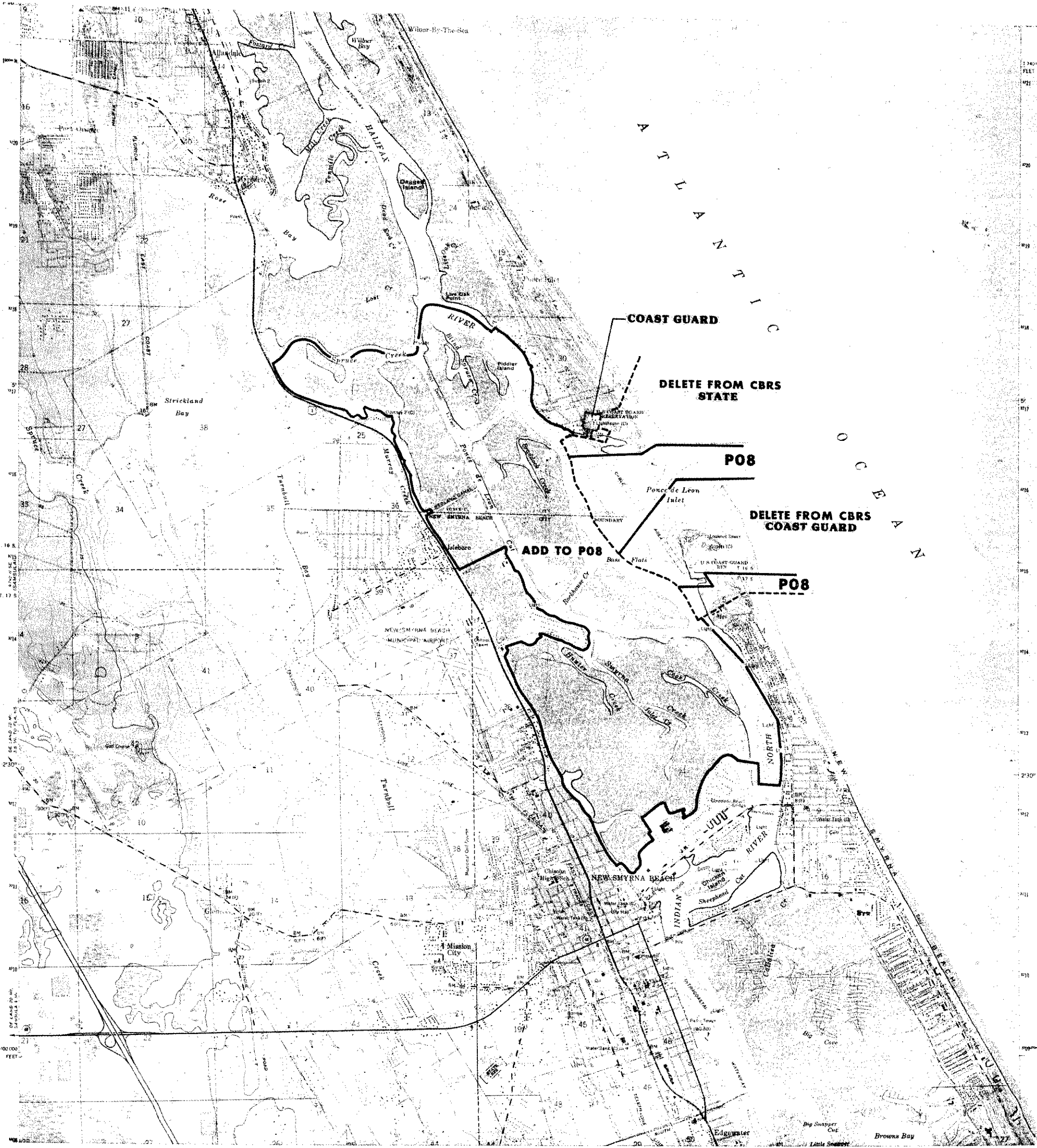
Other Comments: Three letters were received suggesting that DOI include all of the Bulow Creek and Tomaka Basin wetlands in the CBRS unit as associated aquatic habitat, including those north and south of the P07 barrier itself. One of these letters is reprinted under P05A (letter number 371), the other two appear in the General Comment Letters section (letters number 805 and 1282).

One letter of general support for adding the associated aquatic habitat to P07 was

received. It is reprinted under P05A (letter number 1707).

Response: The wetlands in Tomaka Basin are south of the P07 barrier segment itself and do not qualify for addition to the CBRS under DOI criteria because they are behind developed or State-protected barrier segments. All qualified associated aquatic habitat, including that surrounding Bulow Creek, has been included within DOI's delineations of P07.

DOI Recommendation: The DOI recommends adding the associated aquatic habitat to the existing CBRS unit as delineated.



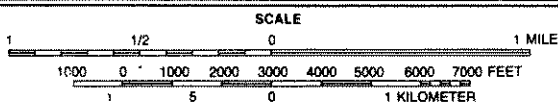
**Report to Congress on the Coastal Barrier Resources System**

**UNITED STATES  
DEPARTMENT OF THE INTERIOR**



Mapped, edited and published  
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U.S. Department of the Interior  
Washington, D.C. 20240

QUADRANGLE  
**NEW SMYRNA BEACH**  
FLORIDA



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P08 - PONCE INLET

State Position: The State of Florida expressed no position on this particular CBRS unit.

Other Comments: The DOI received eleven comment letters concerning P08. Nine of these supported the addition of associated aquatic habitat to the CBRS unit. Four of these letters also suggested that the area north of the current P08 boundary to the Port Orange Causeway, Rose Bay, and Turnbull Bay be added to the CBRS unit.

Two letters requested a modification of the proposed western boundary of the associated aquatic habitat to exclude a developed area within the City limits of New Smyrna Beach (the utilities plant site). One letter also requested that DOI recommend the deletion of an area known as "The Inlet" from the existing CBRS unit because a condominium development is underway there.

Substantive comment letters are reprinted below. See also letters number 371 and 1707 reprinted under P05A and letters number 805 and 1282 in the General Comment Letters section.

Response: The area north of the current boundary of P08 is either developed or part of the Ponce de Leon Coast Guard Reservation and thus does not qualify for addition to the CBRS. Both Rose and Turnbull Bays are secondary embayments, draining the mainland and opening into the Halifax River marshes. They do not qualify as associated aquatic habitat under DOI criteria.

The DOI has determined that the utilities plant site is developed and should not be included in the CBRS. The area known as "The Inlet" was undeveloped in 1982 when it was included in the original CBRS. Development since 1982 is not a criterion for deletion from the CBRS; this would defeat the purposes of the Act.

DOI Recommendation: The DOI recommends adding the associated aquatic habitat to the CBRS as delineated here to exclude the utilities plant site. The DOI also recommends deleting the Coast Guard Reservation and the State-protected area from the existing CBRS unit. No deletions from the existing unit are recommended because of development.

County of Volusia  
Florida



May 13, 1987

Coastal Barrier Study Group  
U.S. Department of the Interior  
National Park Service - 498  
P. O. Box 37127  
Washington, D.C. 20013-7127

Dear Study Group,

It has come to our attention that the Department of Interior will shortly formulate new recommendations to Congress with regard to Barrier Islands and use of Federal Funds and Flood Insurance availability.

Please use this letter as our request for an exemption to the existing new areas being considered for recommendation to Congress.

Attached is a copy of your proposed changes called PDR. Please note the area in yellow that we are asking to be exempted from your proposed changes to PDR. Also enclosed is a survey with legal description of our property. This property is located within the Corporate Limits of the City of New Smyrna Beach, Volusia County, Florida.

The reason for the exemption request is as follows:

The County of Volusia/Port Authority has applied to both Federal (Corps of Engineers) and State (Department of Environmental Regulation) to construct a small boat harbor to include a recreational marina and a commercial fish terminal and other amenities. We have received both permits (D.E.R. #540229700 and Corps of Engineers #R3-29011). A copy of these permits are attached.

We have planned this project for over seven (7) years and construction is expected to commence in October of 1987 with a completion date of January 1990.

Over one million dollars has been expended to date on this project and flood insurance will be an important aspect to the private sector who lease or build on our complex.

We may also apply for Federal Assistance Grants this year or next.

COUNTY COUNCIL MEMBERS

John A. Bunch, At-Large; Richard A. Long, At-Large; James W. Summers, District 1  
Frank T. Blum, District 2; Jerome J. N. Dwyer, District 3; Paul Masterson, District 4; Bill M. Schaefer, District 5

465

Ponce DeLeon Port Authority  
Diplomatic Center, Suite 303 South  
116 Seaboard Boulevard  
DeVonia Beach, Florida 32918  
Telephone: 904-255-1138

Coastal Barrier Study Group  
Dept. of the Interior  
May 13, 1987  
Page Two

As you can see the citizens of Volusia County have planned this project for many years and expended large amounts of monies preparing for construction. The possibility of losing Federal Funds or Federal Flood Insurance could negatively impact our project.

Should you need more information, please contact my office.

Time is of the essence.

Awaiting your reply.

Sincerely,

Thomas C. Kelly  
County Manager

TCK/DD/dd  
Enclosures

43

NEW SMYRNA BEACH - EDGEWATER  
AUDUBON SOCIETY

310 Quay Assisi  
New Smyrna Beach,  
FL 32069  
April 21, 1987

Coastal Barriers Study Group  
National Park Service  
U.S. Dept. of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Subject: Coastal Barrier Resources Systems:  
Report to Congress

This is to register strong support for the recommendations embodied in the subject report. We are especially gratified that sensitive, highly productive estaurine wetlands would be included in the federally protected area. Floridians are painfully aware that over 60% (some estimate 65%) of our original wetlands have already been lost to development.

Particularly important to us in Volusia County are the estaurine marshes, in the vicinity of Ponce De Leon Inlet. We hope that the Congress will see fit to accept the Department's recommendation in full and extend full protection of the Act to these essential nursery grounds for our County's once great, but now declining fish and shellfish resources. We can't seem to halt entirely the destruction of these wetlands, but at least the Act would eliminate subsidized destruction.

Sincerely,  
New Smyrna Beach-Edgewater Audubon Society

*Lee Bidgood, Jr.*  
Lee Bidgood, Jr.  
Vice-pres. and  
Conservation Chairman

454



NEW SMYRNA BEACH BOARD OF REALTORS, INC.

P.O. Box 442 • NEW SMYRNA BEACH, FLORIDA 32077  
TELEPHONE 904 425-2104

MAY 18, 1987

THE COASTAL BARRIER STUDY GROUP  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
P.O. Box 37127  
WASHINGTON, DC 20013-7127

RE: NEW SMYRNA BEACH AND EXPANSION OF THE COASTAL BARRIER RESOURCE SYSTEM

DEAR SIR:

THE NEW SMYRNA BEACH BOARD OF REALTORS, INC. WOULD LIKE TO REPORT ON TWO LOCATIONS IN OUR AREA THAT SHOULD BE OMITTED FROM THE ABOVE.

THE FIRST AREA IS THE CURRENT NEW SMYRNA BEACH UTILITIES PLANT SITE, WHICH IS SCHEDULED TO BE REPLACED BY A PORT-MARINA. SOUTHEAST VOLUSIA HAS WORKED FOR OVER FIFTEEN YEARS FOR THE PORT-MARINA PROJECT. THE SECOND AREA IS THE SITE OF A PLANNED UNIT DEVELOPMENT CALLED "THE INLET." "THE INLET" HAS ITS' FIRST HIGHRISE COMPLETED AND OCCUPIED. SIX ADDITIONAL BUILDINGS ARE SCHEDULED AND APPROVED FOR THE AREA MARKED.

BOTH OF THE ABOVE ARE ECONOMICALLY IMPORTANT TO OUR AREA OF SOUTHEAST VOLUSIA COUNTY. BOTH HAVE BEEN APPROVED BY LOCAL ZONING ORDINANCES AND ARE UNDER HEAVY DEVELOPMENT. WE REQUEST THAT THESE TWO AREAS (SPECIFICALLY) BE OMITTED FROM THE EXPANSION OF THE COASTAL BARRIER RESOURCE SYSTEM.

SINCERELY,

NEW SMYRNA BEACH  
BOARD OF REALTORS, INC.

*Edwin A. Baetzman*

EDWIN A. BAETZMAN,  
VICE PRESIDENT

EAB:JAL

CC: DAVID WEISS  
LONNIE GRIFFIN (THE INLET)  
CHAIRMAN PORT AUTHORITY

REALTOR'S INFLUENCE IN THE DEVELOPMENT OF THE COASTAL BARRIER RESOURCE SYSTEM  
THE NATIONAL ASSOCIATION OF REALTORS

373

Patricia Drago  
325 Pelican Avenue  
Daytona Beach, FL 32018  
May 13, 1987

Coastal Barriers Study Group  
National Park Service  
U. S. Department of the Interior  
P. O. Box 37127  
Washington, D. C. 20013-7127

Dear Sir:

Thank you for soliciting public comment regarding the addition of more acreage to the Coastal Barrier Resource System. Not only is this a wise way to protect our natural resources, but an effective way to protect future residents and public safety workers from harm due to storms or floods.

The area proposed for addition is the Ponce De Leon Inlet area of Florida, see Map 24, POB. This area is ripe for development and any delay may be fatal to the area.

We the taxpayer are tired of footing the bill for developers so that they can make a profit by fouling our nest and endangering others. This area has been subject to severe storms in years past. Why should I subsidize development in an area I prefer to remain as it is?

The federal government has been prudent to remove this federal subsidy before development takes place on a barrier region. This POB area is subject to the same destruction from a storm as the island itself. It is flood prone and an integral part of the coastal system.

In this era a tight federal budgeting, I urge you not to spend our dollars underwriting unnecessary and undesirable development.

Thank you.

Sincerely yours,

*Patricia Drago*

Patricia Drago

1310

23 June, 1987

Coastal Barrier Study Group  
U.S. Department of the Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Certif. No. P408177349

Dear Study Group:

We are in receipt of the May 13, 1987 letter of Volusia County requesting exclusion of a portion of the POB addition at Ponce Inlet for a proposed predominantly pleasurecraft marina.

As riparian owners to POB we request that the County of Volusia request be denied and that if it is the intent of the Group to recommend the County's exclusion be granted, we request a public hearing be held locally in order for us to present our case and witnesses for the exclusion. Furthermore, we request that the north boundary of POB be extended to the Dunlawton (AIA) Causeway in Port Orange.

Respectfully submitted,

*Robert R. Bullard*  
Robert R. Bullard, P.E.  
(Correspondence)  
585 Beville Road  
South Daytona, Fl.  
32019

Lee Bidgood

*Lee Bidgood*

Royce Riehlman

*Royce Riehlman*

Riparian Address

4802 South Peninsula Dr.  
Ponce Inlet

310 Quay Assisi  
New Smyrna Beach

124 Inlet Harbor Road  
Ponce Inlet



1315

ROBERT L. WALKER  
7 DONLON DRIVE  
NEW SMYRNA BEACH, FL. 32069

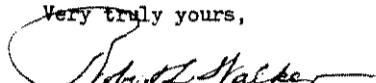
June 24, 1987

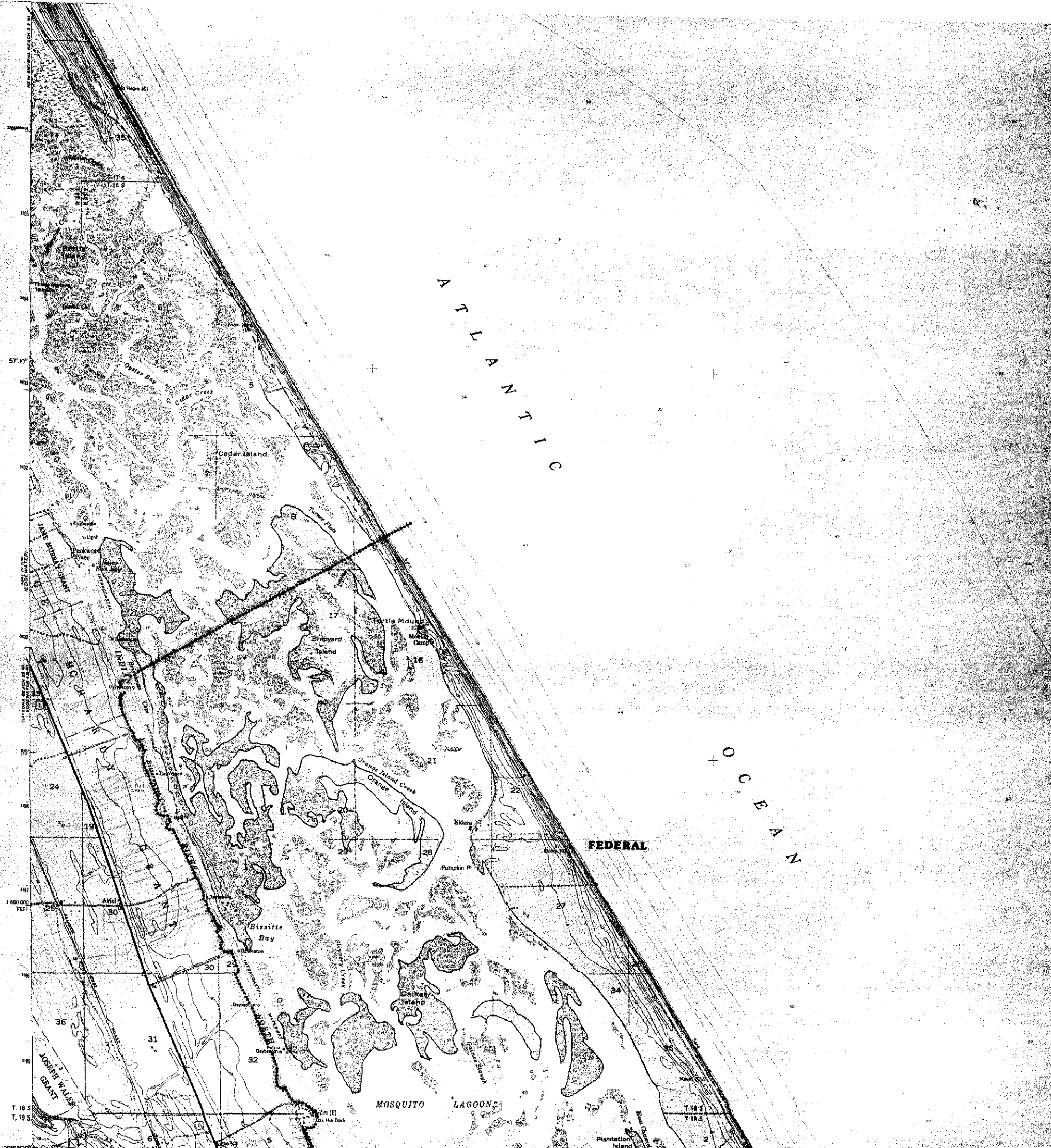
Coastal Barriers Study Group  
National Park Service  
E/S/ Department of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Gentlemen:

I highly support your March 1987 Draft Report to Congress on the Coastal Barrier Resources System, and in particular your proposed addition to POB of the Ponce de Leon Inlet area shown on map 24 of New Smyrna Beach, Florida.

Very truly yours,

  
Robert L. Walker



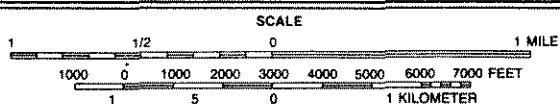
UNITED STATES  
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior  
Washington, D.C. 20240

**Report to Congress on the Coastal Barrier Resources System**

QUADRANGLE  
**ARIEL**  
FLORIDA



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- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



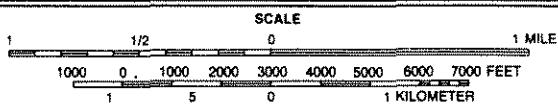
**Report to Congress on the Coastal Barrier Resources System**

**UNITED STATES  
DEPARTMENT OF THE INTERIOR**



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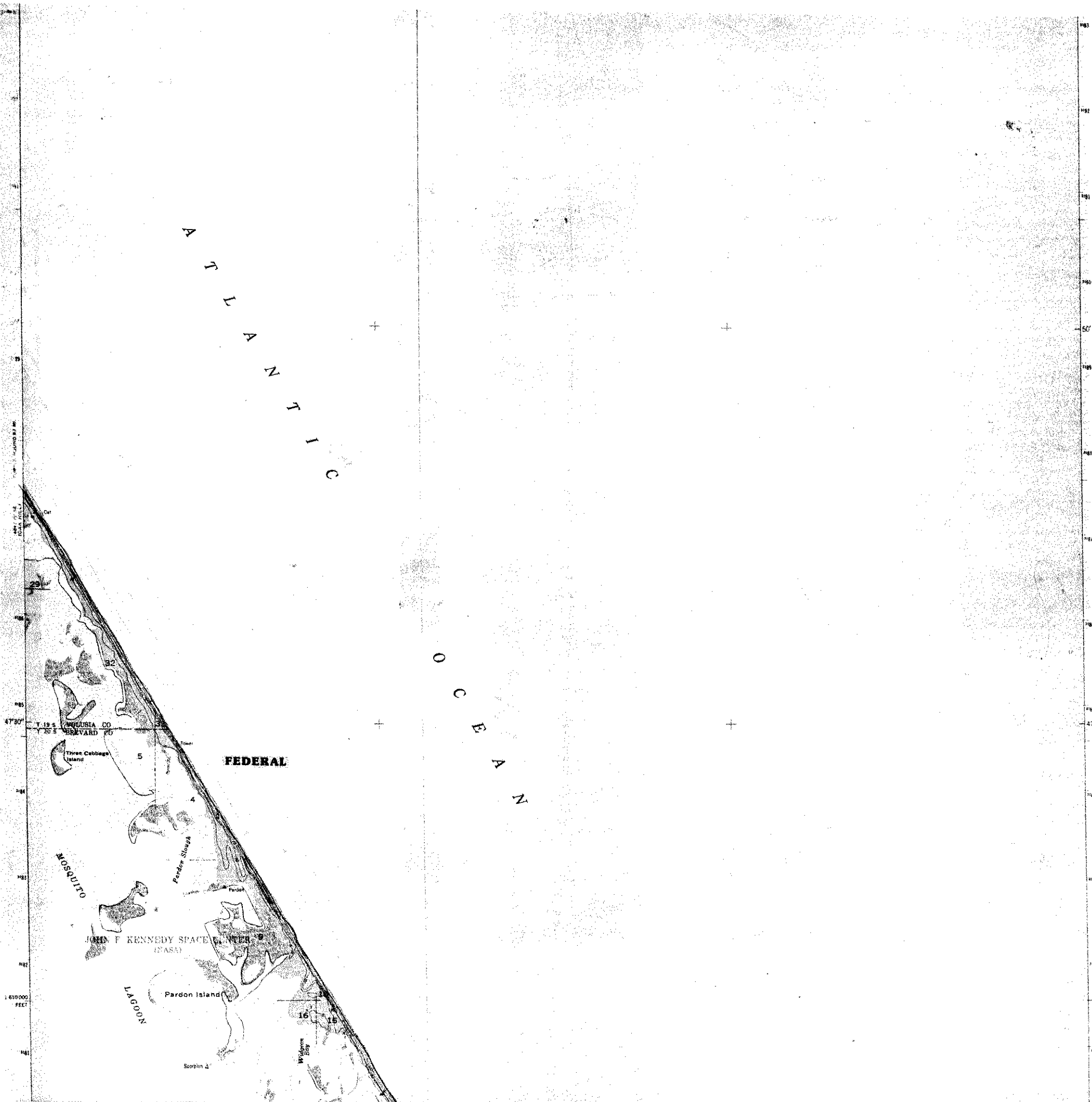
QUADRANGLE  
**OAK HILL**  
FLORIDA



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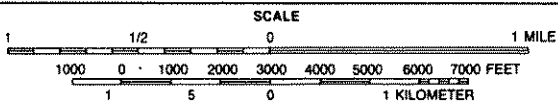
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
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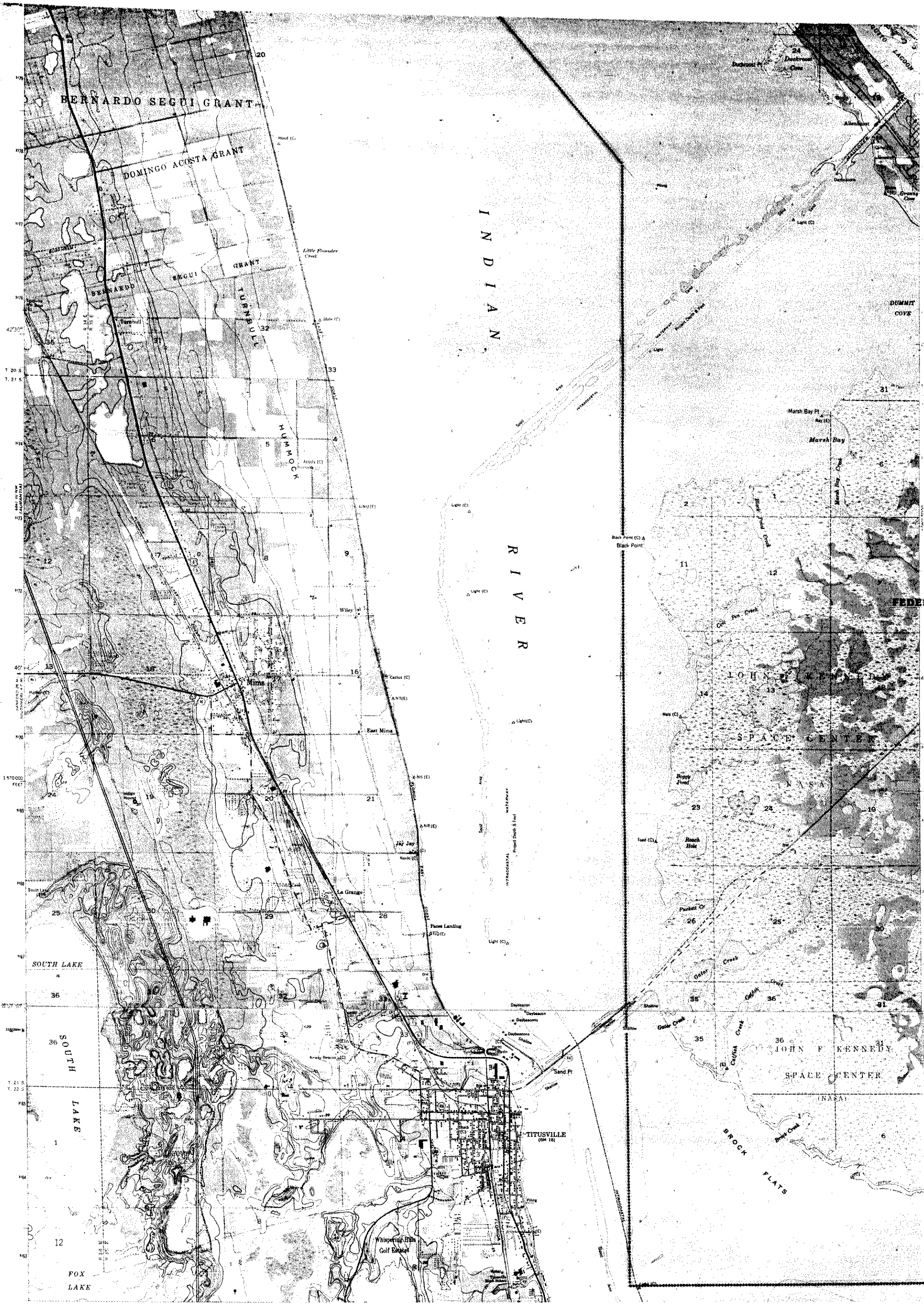
QUADRANGLE  
**PARDON ISLAND**  
FLORIDA



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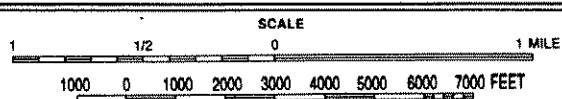
**Report to Congress on the Coastal Barrier Resources System**

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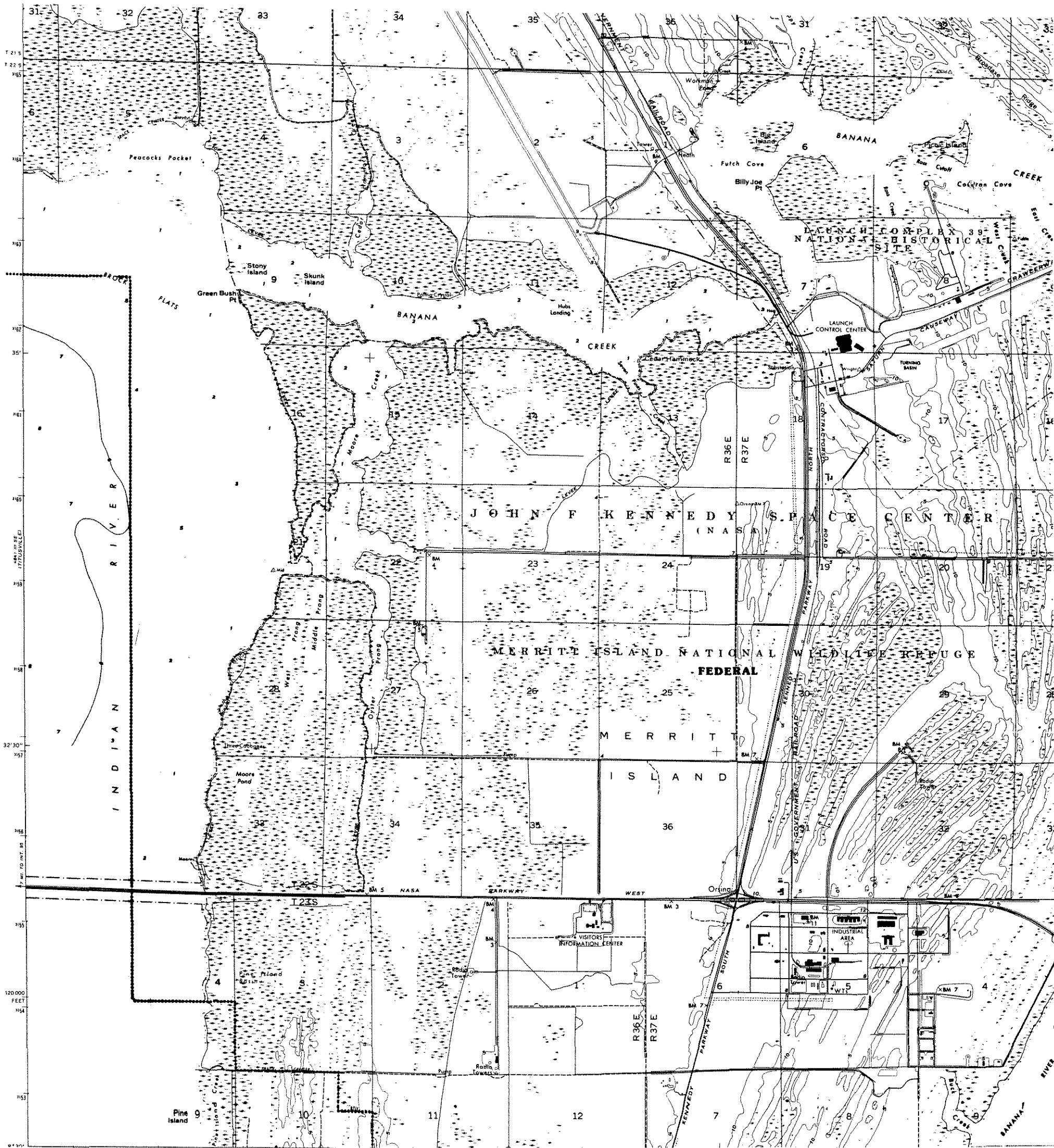
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U.S. Department of the Interior

QUADRANGLE  
**MIMS**  
FLORIDA



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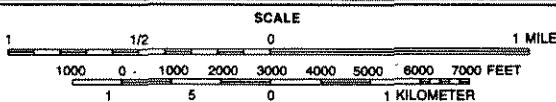
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UNITED STATES  
DEPARTMENT OF THE INTERIOR



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QUADRANGLE  
**ORSINO**  
FLORIDA



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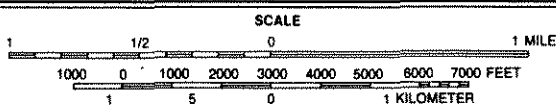
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DEPARTMENT OF THE INTERIOR



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QUADRANGLE  
**FALSE CAPE**  
FLORIDA



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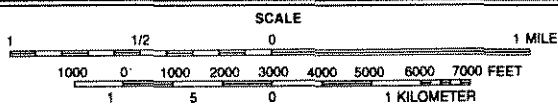
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**UNITED STATES  
DEPARTMENT OF THE INTERIOR**



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Washington, D.C. 20240

QUADRANGLE  
**COURTENAY**  
FLORIDA



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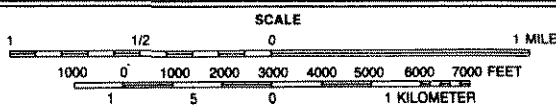
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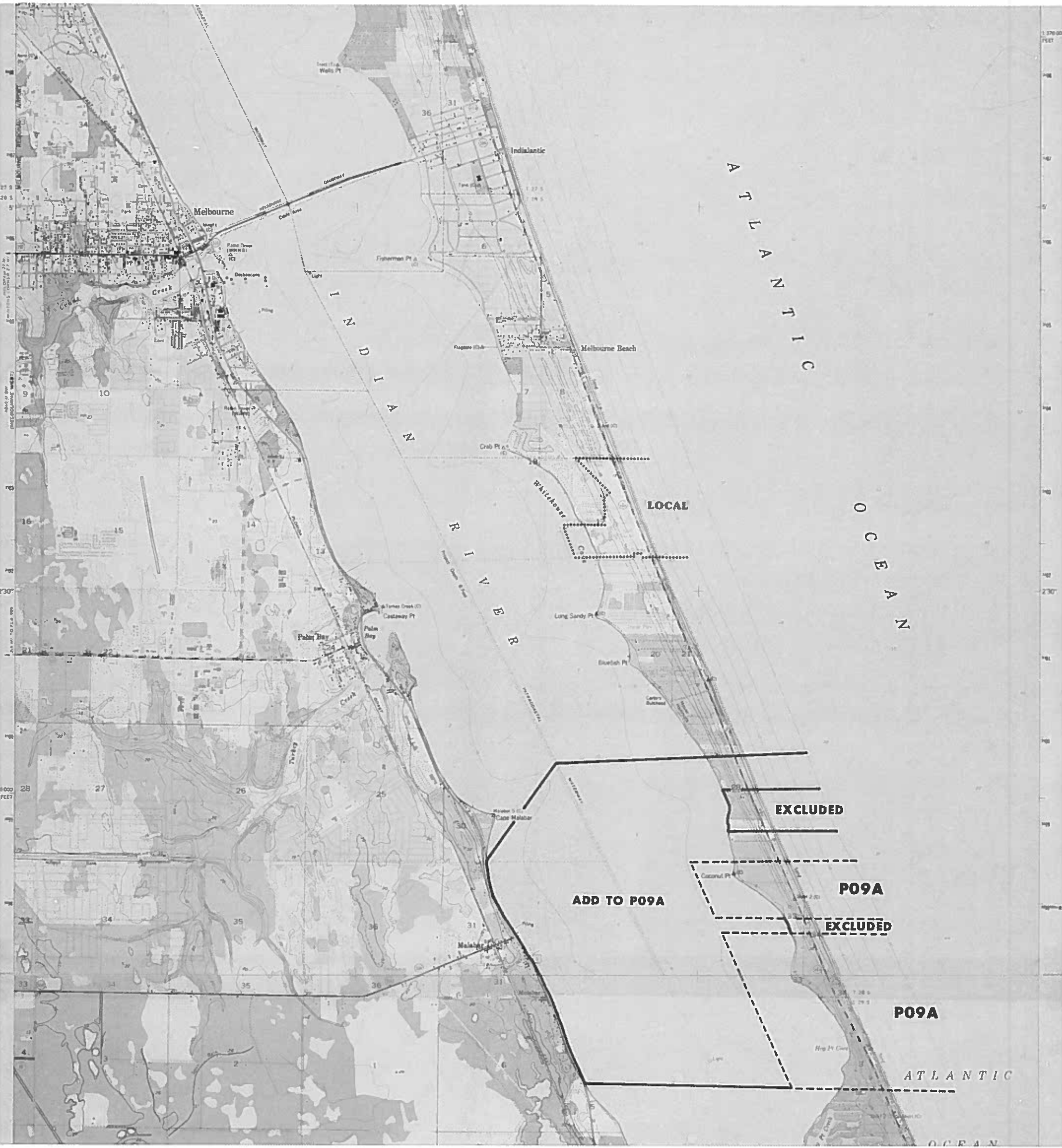
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Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE  
**CAPE CANAVERAL**  
FLORIDA



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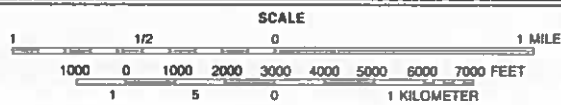
UNITED STATES  
DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

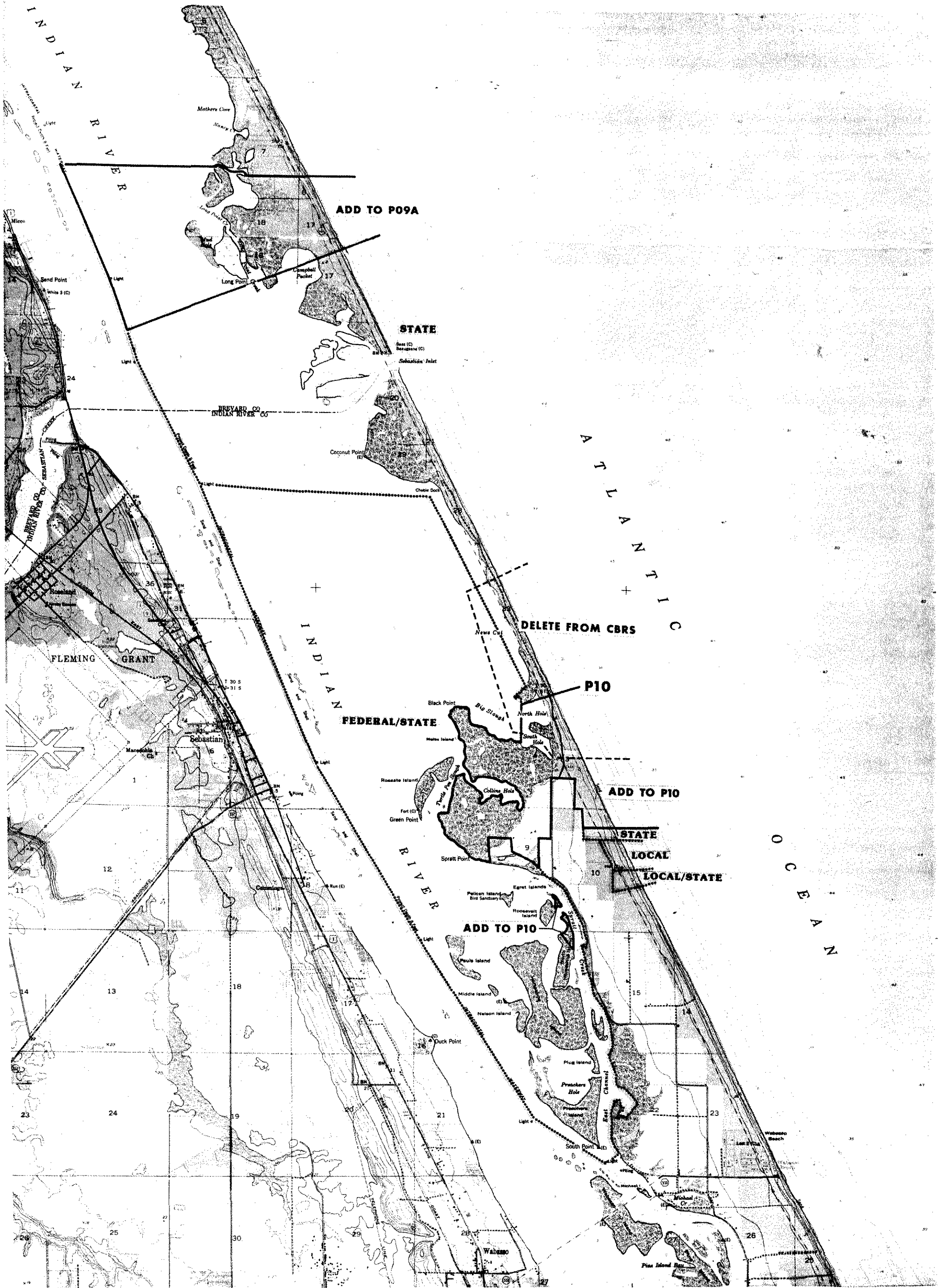
Report to Congress on the Coastal Barrier Resources System

QUADRANGLE  
**MELBOURNE EAST**  
FLORIDA



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle



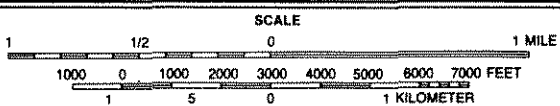
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



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QUADRANGLE  
**SEBASTIAN**  
FLORIDA



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

P09A - COCONUT POINT

State Position: The State of Florida expressed no position on this particular CBRS unit.

Other Comments: Four letters expressing support for the additions to P09A, particularly the Indian River wetlands between Malabar and Coconut Point, were received. One of these letters is reprinted below; the other three appear in the General Comment Letters section (letters number 805, 1053, and 1282).

A fifth letter requested that the northern boundary of the proposed additions to P09A be adjusted to exclude Fifth Street, which is developed. This letter is also reprinted below.

Response: The wetlands between Malabar and Coconut Point are included in DOI's delineations of associated aquatic habitat. Fifth

Street was erroneously included in the 1987 draft delineations of proposed additions to P09A. It is developed.

During the CBRA deliberations in 1982, the Congress asked the DOI to review the geological composition of CBRS unit P09A. The Department has examined the unit and determined that it fully qualifies as a coastal barrier. The Department also discovered substantial undeveloped unprotected areas to the north and south of the existing unit that fully qualify for addition to the CBRS.

DOI Recommendation: The DOI recommends that P09A be retained in the CBRS and that the undeveloped unprotected barrier segments to the north and south and the associated aquatic habitat be added to the existing unit. These proposed additions do not include Fifth Street.

734



June 8, 1987

**The Izaak Walton League of America**

DEFENDERS OF SOIL, WOODS, WATERS, AIR, AND WILDLIFE

Coastal Barrier Study Group  
US DOI, Nat'l Park Service  
P. O. Box 37127  
Washington, DC 20013-7127

Dear Sirs -

We urge the inclusion of additional areas in the Florida Keys, U.S. Virgin Islands, Puerto Rico, Maryland and New Jersey, as well as the inclusion of the Great Lakes and the Pacific coast in the Barrier Islands Resources System.

I am familiar with each of these areas and well-aware of the need for protection against excessive, congested development.

ALSC, there is much economic and political pressure by determined vested-interests to build, by hook or by crook, a bridge/causeway from Point Malabar on US-1 to Coconut Point and A-1-A on the Barrier Island, Brevard County, Florida. I think it was by action of US Representative Bill Nelson that 500' was exemoted for this bridge in the center of this Barrier Island Protected Area, and zoned by the County Commission for hotels. ALSC, I understand that DOI is permitting Brevard County sewer lines to cross this area, regardless of the 1952 Act.

In 1979-80, I sent reams of material and much information on Brevard County to the Barrier Islands Coalition for its inclusion in the ACT and received a citation from Dr. Bair and Mr. Rockefeller. Please refer to this file.

Sincerely,

*Jeanne Whitehead*

Chm Environmental Affairs,  
Space Coast Chapter, IWA

Mrs. Smith Whiteside  
10520 S. Tropical Trail  
Merritt Island, FL 32952

1417

*Jack H. Polan*  
Attorney at Law

OF COUNSEL  
*James S. Hamilton*  
GENERAL PRACTICE

29 June 1987

POST OFFICE BOX 136  
SUITE 105, 401 OCEAN AVENUE  
Melbourne Beach, Florida 32951  
TELEPHONE 305 121 1211

The Coastal Barrier Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

Attn: SECRETARY

In Re: Quadrangle-Melbourne East P09A

Gentlemen:

I urge you to eliminate a street called 5th Street from the addition to P09A of the Coastal Barrier Resources Act for the following reasons:

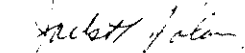
1. Apparently, 5th Street was not looked at by anyone in your studies, since it is an inhabited street with presently existing seven houses, built at various times through the 60's, 70's, and 80's. Therefore, it is obviously not an undeveloped, uninhabited area. To include this street violates your definition of CBRA. I am enclosing a map which shows 5th street and I indicated thereon that there are seven houses on the street. I believe out-dated maps, incomplete information, and lack of site inspection is the reason this particular street was included.
2. There is no past history of property loss and damage to the environment, wildlife, or vegetation and I don't know of any documentation along those lines or who furnished the same to you.

3. I, as a homeowner on 5th Street, happen to presently have flood insurance. Furthermore, I have never been informed of the restrictions or the government's decision to include this in the area where flood insurance would not be available.

I believe the individually affected people should have been contacted, so that the ramifications of the proposed legislation could be explained to them so that they may understand the far reaching effects of the restrictions in this area -- such as not being able to purchase flood insurance.

It is my suggestion that someone from your group revisit the area, speak to someone living in the area who knows where the houses are and who is familiar with area, before recommendations are made. I hope the enclosed map gives you a better indication of the actual topography of the area.

Very truly yours,



JACK H. POLAN

JHP:ja

Enclosure

cc: The Honorable Bill Nelson

P10 - VERO BEACH

State Position: The State of Florida requested a substantial redelineation of P10 to exclude developed areas, including those dedicated to agriculture (citrus).

Other Comments: The Department received 42 other comment letters concerning P10. The overwhelming majority of these letters opposed the 1987 draft delineations of P10. Twenty-five commenters, many of these citrus grove owners, opposed the inclusion of agricultural lands in the CBRS. These commenters suggested that the infrastructure associated with agriculture constituted development and that it was unjust to deny to citrus farmers on barriers equal access to Federal agricultural assistance programs. Sixteen commenters requested a redelineation of the unit to delete developed areas from the existing CBRS and to insure no other developments were added to the unit. These commenters were especially concerned that Ambersand and surrounding areas that were developed in 1982 be deleted from the CBRS and that Sea Oaks, the land south of County Road 510, North Beach, and other developments not be mistakenly added to the CBRS. The Indian River County Commissioners requested that the entire existing unit be deleted from the CBRS and no new areas be added to the System.

Five commenters supported additions to P10, including agricultural areas. Two of these commenters suggested that Pine Island also be included in the unit.

Representative substantive comment letters are reprinted below. See also the General Comment Letters section.

Response: Considerable debate about this unit occurred in 1982 when the original CBRS delineations were made and has continued to date. In 1982, the DOI excluded the area to the south of the existing unit from its recommendations because of the presence of extensive citrus groves. Citrus farming

requires a significant infrastructure including watermains, wells, irrigation pipes and canals, access roads, and the like. This development tends to stabilize the land and impedes natural coastal barrier processes (1982 Federal Register 47(158):35713). Congress also specifically considered and rejected this area during its deliberations on the CBRA in 1982.

In 1987, the DOI again considered citrus areas for addition to the CBRS because some former groves were being converted to residential developments. However, upon considering the public comments and consistent with the legislative history and intent of the CBRA, the DOI has concluded that citrus groves should not be included in the CBRS. Exclusion will ensure that citrus farmers on barriers retain access to Federal agricultural assistance programs.

The original delineations of P10 were erroneously drawn to include the Ambersand area, which was developed in 1982. This area should be deleted from the CBRS. All of CBRS unit P10 has been substantially redelineated so that only undeveloped unprotected areas are included within the recommended boundaries. Sea Oaks, the area south of County Road 510, North Beach, Indian River Shores, and Lost Tree Village are all developed and excluded from the recommended additions.

Pine Island is a marsh island southwest of P10. It is located behind a developed coastal barrier and is thus ineligible for addition to the CBRS.

DOI Recommendation: The DOI recommends deleting the north segment of the existing unit from the CBRS because it was already developed in 1982. The DOI also recommends adding a small undeveloped unprotected area to the south of the existing unit to the CBRS.

BOARD OF COUNTY COMMISSIONERS  
1840 25th Street, Vero Beach, Florida 32960



Telephone (305) 567-8000

June 3, 1987

Mr. Frank B. McGilvrey, Coastal  
Barriers Coordinator  
Coastal Barriers Study Group  
National Park Service  
U.S. Department of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Mr. McGilvrey:

Please be advised that the Board of County Commissioners of Indian River County on Tuesday, June 2, 1987 adopted a resolution endorsing and granting the chairman authority to sign a letter requesting that the Department of Interior not only withdraw its request to expand the P-10 Unit of the Coastal Barrier Resource System, but to also delete the existing P-10 Unit from the system. That letter will be sent to you in the near future.

One principal reason for the Commission to oppose the extension of the P-10 Unit is the extensive development already in place south of C.R. 510 and within the proposed expanded limits of P-10. One such development which is in the area proposed for inclusion is the Sea Oaks project, a 720 unit ocean to river residential complex. Served by central water and wastewater systems which also provide utility service to other developments in the proposed P-10 extension, Sea Oaks is more than 10% complete with a large portion of the remainder of the project currently under construction.

Sea Oaks is one of several projects in the area south of C.R. 510 and within the proposed P-10 expansion area which have been approved and have initiated construction since 1980. Because of these projects and the existing infrastructure, this area would be inappropriate for designation as part of the CBRS. I would suggest that you reconsider the Department's entire recommendation regarding P-10 and, in particular, address the area south of C.R. 510.

If any questions arise regarding this issue, please do not hesitate to contact me.

Sincerely,

*Robert M. Keating*  
Robert M. Keating, Director  
Community Development Division

cc: Steve Fate

/rj

Mr. Frank B. McGilvrey  
June 2, 1987  
Page 2

existing P-10 Unit was incorrectly designated and should now be deleted from the CBRS.

Regarding the proposed additions to the P-10 Unit, please be advised that the Board of County Commissioners feels that the new areas proposed for inclusion should not be designated as part of the CBRS. Although most of the area proposed to be added to the P-10 Unit is not characterized by urban development, much of it is developed as agriculture and is presently supporting citrus groves. Other areas proposed for addition to P-10, particularly those areas south of C.R. 510, are characterized by urban development, much of which has occurred in the last three years.

Indian River County has an adopted land use plan which provides for low density residential development of the north barrier island, including the area proposed to be added to P-10. To accommodate the planned land use for this area, the County has programmed improvements for this part of the barrier island. In addition, the County has enacted and is developing specific environmental safeguards to protect sensitive natural resources in this area.

For the following reasons, the Board of County Commissioners feels that the areas proposed for addition to the P-10 Unit be removed from consideration:

\*Extensive recent development in the area between C.R. 510 and the proposed southern limits of P-10, including:

- \*320 room hotel under construction
- \*720 unit condominium project 20% complete
- \*221 unit condominium project 10% complete; proposed second phase of additional 221 units
- \*68 unit subdivision on Pine Island with infrastructure complete
- \*several other developments under construction
- \*central water system in place developed with private capital
- \*central wastewater system developed with private capital serving 1,000 existing or planned units

\*Extensive agricultural development and two recently approved subdivisions in the area proposed to be added north of 510.

\*Adopted land use plan proposing low density residential development

\*Recent (March, 1987) resetting by the state of the County's Coastal Construction Control Line (CCCL); line was relocated substantially landward.

BOARD OF COUNTY COMMISSIONERS  
1840 25th Street, Vero Beach, Florida 32960



Telephone (305) 567-8000

Suncor Telephone 424-1011

June 2, 1987

Mr. Frank B. McGilvrey, Coastal  
Barriers Coordinator  
Coastal Barriers Study Group  
National Park Service  
U.S. Department of the Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Mr. McGilvrey:

Please be advised that the Board of County Commissioners of Indian River County, Florida wishes to comment on the Department of Interior's proposed modifications to the existing Coastal Barriers Resource System. The primary concern of the Commission is Unit P-10, located on the barrier island in north Indian River County. For the reasons listed below, it is the Commission's feeling that the existing P-10 Unit was incorrectly designated as an undeveloped coastal barrier and that the proposed additions to P-10 are inappropriate and inconsistent with the intent of the Act.

When designated in 1982, the existing P-10 Unit comprised a 1.7 mile long portion of the barrier island. The northern point of the existing P-10 Unit is located approximately two miles south of the Sebastian Inlet. The Department of the Interior in Report To Congress: Coastal Barrier Resources System, Volume 14, Florida (East Coast), described this unit as follows, "The only apparent alteration of the habitat other than the highway is that of mosquito control ditches throughout the southern half of the mangrove swamp".

That statement, however, is not an accurate description of the existing P-10 Unit now nor its condition in 1982. More than half of the existing P-10 Unit consists of an 84 unit subdivision of river to ocean lots which was platted in 1924. In 1983, there were 28 dwelling units on these lots within the area designated as Unit P-10. Since 1983, at least eight more houses have been constructed or are presently being constructed on lots in this subdivision within P-10. Not only did the 1983 development pattern conflict with the Department of Interior's description of the P-10 Unit; but when applying the Department's 1 unit per 5 upland acres, completed infrastructure, or one quarter mile of undeveloped shoreline criteria to determine whether the area is considered developed, the P-10 Unit would be considered developed. Therefore, it is the County's position that the

Frank B. McGilvrey  
June 2, 1987  
Page 3

- \*County & state acquisition of several beachfront parcels (comprising more than 4,000 linear feet) in proposed P-10 Unit for recreation purposes.
- \*County adoption of tree protection and dune protection ordinances.
- \*County plans for new mainland - island bridge and for extension of existing central water system to barrier island north of C.R. 510; traffic impact fees for new bridge currently being collected.
- \*Native vegetation protection ordinance for north barrier island in draft form.

The County has several specific concerns regarding any expansion of the P-10 unit. First, the County is concerned that the prohibition of providing federal funds or federal assistance to areas in the CBRS would adversely affect the extensive agricultural use in the area. Second, the County is concerned that the long-range planning and infrastructure programming for the north barrier island will be adversely affected by the unavailability of flood insurance for the area. Third, the County is concerned that the proposed additions to P-10 are not consistent with the three major purposes of the Act, and that the existing P-10 and the proposed additions to it are part of a developed barrier island as defined by the criteria established by the Department of Interior. Finally, the County is concerned that extending the P-10 Unit will have the opposite effect from that intended, putting increased pressure on the existing agricultural land to be converted to urban development.

In conclusion, the Board of County Commissioners of Indian River County, Florida would strongly recommend that the existing P-10 unit be deleted from the CBRS and that the proposed additions to P-10 be withdrawn. If any questions arise regarding this matter, please do not hesitate to contact Bob Keating, Planning Director for Indian River County.

Sincerely,

*Don C. Scurlock, Jr.*  
Don C. Scurlock, Jr., Chairman  
Indian River County Board of Commissioners

/rj

cc: Senator Lawton Chiles  
Representative Bill Nelson  
Secretary of the Interior Donald Hodel  
Florida Department of Community Affairs  
Governor Bob Martinez  
Representative Tom Lewis  
Representative Dale Patchett



RESOLUTION NO. 87-49

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO SUBMIT COMMENTS TO COASTAL BARRIER STUDY GROUP, NATIONAL PARK SERVICE, UNITED STATES DEPARTMENT OF INTERIOR, REGARDING PROPOSED MODIFICATIONS TO THE EXISTING COASTAL BARRIER RESOURCE SYSTEM AND ENDORSING SAID COMMENTS.

WHEREAS, pursuant to the 1982 Coastal Barrier Resources Act (CBRA) two Coastal Barrier Resources System Units have been designated partially or fully within Indian River County; and

WHEREAS, pursuant to CBRA, the Department of Interior is proposing to submit a report to Congress to include recommendations for additions or deletions to the Coastal Barrier Resources System; and

WHEREAS, the Department of Interior's report recommends substantial increases to the existing P-10 Unit, which Coastal Barrier Resources Unit is within Indian River County; and

WHEREAS, the recommended increases in the P-10 Unit would conflict with existing Indian River County plans for low density, controlled residential development on the North Barrier Island; and

WHEREAS, Indian River County has recently embarked upon a program to ensure that low density, controlled residential growth on the North Barrier Island would meet

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the County's environmental protection objectives, and said program has included adoption of a tree protection ordinance which also protects manroves and dunes; adoption of stringent stormwater criteria for systems discharging to outstanding Florida waters; preparation for adoption of a natural vegetation protection ordinance for the North Barrier Island; and initiation of utility infrastructure planning for the North Barrier Island; and

WHEREAS, in addition, the proposed increases to the P-10 Unit could have substantial adverse impacts on the extensive agricultural use in the area, including adverse impacts on world famous Orchid Island citrus;

NOW, THEREFORE, the Board of County Commissioners of Indian River County, Florida hereby resolves that the Chairman of the Board of County Commissioners of Indian River County is authorized to submit to Mr. Frank B. McGilvrey, Coastal Barriers Coordinator, the attached letter which contains the concerns and comments of, and which is hereby fully endorsed by, the Board of County Commissioners of Indian River County.

The foregoing resolution was offered by Commissioner Eggert and seconded by Commissioner Wheeler, and, being put to a vote, the vote was as follows:

Chairman Don C. Scurlock, Jr. aye
Vice Chairman Margaret C. Bowman nay
Commissioner Richard N. Bird aye

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Commissioner Carolyn K. Eggert aye
Commissioner Gary C. Wheeler aye

The Chairman thereupon declared the resolution duly passed and adopted this 2nd day of June, 1987.

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS

By Don C. Scurlock, Jr.
Chairman

ATTEST:

Freda Wright
Freda Wright
Clerk of Court

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Bruce Barkett
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS



1088

June 18, 1987

The Coastal Barrier Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington D.C. 20013-7127

Subject: Coastal Barrier Resource Act of 1982 (PL-97-348)

Dear Study Group Members:

Recently, our Board has been provided copies of the Department of Interior's draft report to Congress on the Coastal Barrier Resource System. In reviewing this material, two items have emerged that are of concern to St. Lucie County and could also be of concern to other areas of the country under similar circumstances. First, on behalf of the St. Lucie County Board of County Commissioners, I would like to express our appreciation for this opportunity to register our comments on this matter.

Since 1983, both St. Lucie County and the State of Florida have actively been engaged in the acquisition of ocean front properties through the state's Save Our Coast program and local beach bond referendums. To date, approximately 550 acres of undeveloped coastal barrier habitat have either been dedicated to the county or purchased through these programs. At the present time, county and state officials are in the process of negotiating the purchase of an additional 400 - 500 acres of property. With a few exceptions, all of the acquired property, and those under negotiation are located within CBRA units P-10A or P-11.

In reviewing this Act, it appears as if it was the intention of Congress not to include those properties that are in the public trust within a CBRA unit. Since most of these acquisitions have occurred at the time the original Act was adopted, and in keeping with what we believe was the intent of Congress, we respectfully request that this committee recommend the deletion of those properties presently under the ownership of St. Lucie County or the State of Florida. Attached you will find a copy of the CBRA unit maps for this area with these tracts identified. I would also like to draw your attention to a parcel of land indicated on our tax rolls as federal property along the St. Lucie/Indian River County line. This small parcel is part of the Round Island Park located just north of the Indian River/St. Lucie County line.

June 18, 1987  
Page 2

Subject: Coastal Barrier Resource Act  
Review Comment

Our Board supports the DOI recommendation that as additional properties are acquired and placed under the control of either federal, state or local governments, these properties be excluded from the CBRA system. We would suggest that this study group propose to Congress that an administratively brief system be developed permitting DOI to amend the CBRA maps to indicate these deletions without having these matters brought before Congress.

Recognizing that one of the basic purposes of this Act is to minimize the expenditure of federal monies in and to undeveloped coastal barriers may serve to promote the development of these areas, we must register some concern over the actual implementation of a portion of this Act. Our understanding of the requirements of Section 5 of this Act are no new federal expenditures or federal assistance may be used for any purpose unless specifically exempted in Section 6 within a CBRA unit. We believe this broad restriction may have some unanticipated side effects that can seriously and adversely affect a local community.

Within St. Lucie County approximately 12 miles of coastline is included within these CBRA units. Approximately 10 miles of this shoreline lies within Unit P-11 stretching from the southern city limits of Ft. Pierce to about 2 miles north of the Martin County line. This area is located on Hutchinson Island. Within this unit, several pockets of existing development have been identified including the St. Lucie Nuclear Power Plant, Units 1 & 2. Our concern lies with the potential for restricting the use of federal funding sources for improvements to central water and sewer systems needed to serve existing development outside of these units, but may have service lines that pass through or service areas that include these undeveloped coastal areas.

In 1983, St. Lucie County, along with Martin and Indian River counties participated in the development of the Hutchinson Island Resource Management Plan. This plan was accepted by the State of Florida in early 1984 and is to be used to assist in the management of these coastal barrier islands. Among the many goals and objectives included in this plan was specific direction to the appropriate authorities to engage in a deliberate and concentrated effort to eliminate private and individual wastewater treatment systems presently existing on the barrier islands. These policies have again been repeated in the, as yet, unadopted Indian River Lagoon Management Plan being prepared by the State of Florida. We believe that a clear mandate exists at both local and state levels and every effort should be made to protect the valuable natural resource known as the Indian River Lagoon.

June 18, 1987  
Page 3

Subject: Coastal Barrier Resource Act  
Review Comments

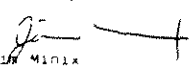
If the literal interpretation of this Act restricts a local community's ability to upgrade and improve an item as essential as wastewater treatment, then this Board does not believe the purpose of this Act is being served. Furthermore, we are concerned that an even broader interpretation of this Act could be made restricting a local government from securing additional sources of funding to upgrade facilities not providing direct benefit to the undeveloped CBRA units, but again because a service area happens to include a CBRA unit and with just the potential existing that this unit could receive some benefit, those possible funding sources are eliminated.

We recommend this group consider a proposal to Congress that would make allowances for the use of federal funding sources that would provide service to existing development that may happen to be located within a CBRA unit without penalty to that service system. Provisions could be made that would restrict these services to development existing or completed prior to the effective date of this Act or some other suitable date. At the very least, some allowance should be made for the use of federal funding sources to provide system upgrade if it can be demonstrated that the upgrade would provide no direct benefit to a particular CBRA unit, even though a service area may include that unit.

We believe that unless this issue is addressed the consequences of such seriousness may not be economically possible to prevent further contamination and degradation of the unique aquatic resources of this area and similar areas of the country.

In summary, we agree with the basic purpose of this Act. However, we do encourage this study group to examine carefully the implementation practices of this Act. We do not believe that it is in the best interest of the country, if the provisions of this Act conflict with the stated goals and objectives of state and local communities who are actively trying to enhance and protect our natural environment and still recognize the rights of the individual property owner. We appreciate the opportunity to comment through this review process and if we can be of any further assistance in this process, please don't hesitate to contact us.

Sincerely,

  
Jim Minix  
Chairman, Board of County Commissioners

June 18, 1987  
Page 4

Subject: Coastal Barrier Resource Act  
Review Comments

JM/JGA/DJM/mg  
Enclosure

cc: Senator Lawton S. Chiles  
Senator Bob Graham  
Representative Thomas F. Lewis  
Governor Bob Martinez  
State Senator William G. Myers  
State Senator Tim Deratany  
State Representative Charles L. Neigard  
State Representative R. Dale Patchett  
Thomas Pelnam, Secretary Department of Community Affairs  
Board of County Commissioners  
Honorable William Dannanower  
County Administrator  
County Attorney  
Development Director  
Harry Schindeneite (FPWA)  
Douglas Ballaro (Ft. Pierce)

LAW OFFICES OF  
GOULD, COCKSEY, FENNEL, APPLEBY, BARKETT & O'NEILL  
PROFESSIONAL ASSOCIATION

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BYRON T. COCKSEY  
DARRELL FENNEL  
FRANK M. APPLEBY  
LAWRENCE A. BARKETT  
EUGENE J. O'NEILL  
MICHAEL J. HANLEY  
CHRISTOPHER M. MARINE

979 BEACHLAND BOULEVARD  
VERO BEACH, FLORIDA 32963  
TELEPHONE 305/231-1100  
ADMITTED IN MASSACHUSETTS  
FLORIDA AND DISTRICT OF COLUMBIA  
FLORIDA BAR BOARD CERTIFIED  
CIVIL TRIAL LAWYER  
OUR FILE NO. \_\_\_\_\_

June 17, 1987

Coastal Barriers Study Group  
U. S. Department of the Interior  
National Park Service - 498  
Post Office Box 3712  
Washington, DC 20013-7112

RE: Coastal Barrier Resource System of the United States

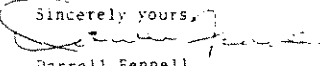
Gentlemen,

The Town of Orchid, which is a municipality organized and existing under the laws of the State of Florida, located entirely on the barrier island known as Orchid Island, has been advised of the report of the United States Department of the Interior which proposes the addition of part of Orchid Island to the maps of the "undeveloped" coastal barriers in the Coastal Barrier Resources System of the United States. If the recommendation as set forth in the report were adopted, the entire Town of Orchid would be included within the "undeveloped" coastal barrier designation.

Please be advised that the Town Council of the Town of Orchid and all residents and property owners of the Town of Orchid vehemently object to the proposed report and request for re-designation as it pertains to the Town of Orchid. The application of any reasonable test or criteria would clearly indicate that none of the property within the Town of Orchid is "undeveloped". The Town Council has adopted a Resolution which details the activities and land usage within the Town of Orchid and which, for reasons expressed in the Resolution, objects to the change in designation and requests removal of the property within the Town of Orchid from the recommended addition to the "undeveloped" Coastal Barrier Resources System. Enclosed is a copy of the Resolution adopted by the Town of Orchid for your review and consideration.

The Town of Orchid and all of its residents and property owners would greatly appreciate any assistance that you can lend to support the removal of the property within the Town of Orchid from the recommended additions to the "undeveloped" Coastal Barrier Resource System.

Sincerely yours,

  
Darrell Fennell  
Attorney for Town of Orchid

DF/pp  
Enc.  
cc: Mayor Lee Johnston  
Mr. Harold Melville

1006

RESOLUTION NO. 57-2

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ORCHID FLORIDA, COMMENTING UPON THE UNITED STATES DEPARTMENT OF THE INTERIOR PROPOSED ADDITION OF PART OF ORCHID ISLAND TO THE MAPS OF THE UNDEVELOPED COASTAL BARRIERS IN THE COASTAL BARRIER RESOURCES SYSTEM OF THE UNITED STATES AS CONTAINED IN THAT CERTAIN PROPOSED REPORT TO CONGRESS DATED MARCH 1987.

WHEREAS, the Office of the Secretary of the United States Department of the Interior has prepared a proposed report to Congress with recommendations with regard to additions and deletions to the Coastal Barrier Resources System of the United States; and

WHEREAS, the proposed additions to the undeveloped coastal barrier in Indian River County, Florida, includes the entire corporate limits of the Town of Orchid, Florida; and

WHEREAS, the entire corporate limits of the Town of Orchid consists of residential housing and completely developed citrus groves producing world famous Orchid Island grapefruit, all constructed with private capital; and

WHEREAS, there was a United States Post Office established on August 27, 1887 and remained active until 1925. A school house was built in 1915 and served the community for ten years. The first orange groves planted for commercial harvest were planted in 1890 and in 1902 the first commercial plantings of grapefruit were established; and since that time in 1902, all available land suitable for commercial agricultural use has been in a developed state; and

WHEREAS, in 1965 the community of Orchid applied for and was granted a Town Charter to preserve the character, beauty and charm which the original settlers found in the area. Responsible decisions and actions are certainly in evidence to this day exemplifying the careful and judicious planning and development of the Town of Orchid while preserving its distinctive natural beauty; and

WHEREAS, the Town of Orchid is rural in nature and extensive portions of the Town have been developed into citrus groves which are presently cultivated and maintained, and grove maintenance buildings and facilities presently exist within the Town as well as residences of private citizens with corresponding infrastructure for these residences, buildings and facilities as defined per page 17 of the Department of Interior Definition Draft, dated January 15, 1982, and accordingly; the Town of Orchid is not an "undeveloped barrier island" in the sense that term is used in the Vero Beach P-10 Draft Map; and

WHEREAS, the use of the Town of Orchid citrus groves is a long term use of the property and is not an annual use of the property; and

WHEREAS, the groves were developed and are used in accord with the following procedures:

The land is completely cleared of existing native trees and vegetation.

The land is then graded and bedded so that swale ditches for irrigation and drainage are constructed.

-2-

Perimeter and interior canals and ditches are dug for both irrigation and drainage purposes.

Dikes perimeter the property and are utilized to dike off any low lands and protect the citrus groves from flood water and the salt water of the Indian River.

Irrigation wells are installed and tied into the drainage and irrigation systems of canals and swale ditches which exist throughout the entire citrus grove area.

Wind brakes of Australian pines have been planted on the perimeter of the groves to protect the citrus from wind and salt spray from the Atlantic Ocean.

Electric power lines and poles have been constructed to provide power for homes, pumps and farm equipment.

Citrus trees were then placed in either single or double row formation and fertilized, sprayed and cultivated. These trees became bearing groves in approximately five to seven years after planting and continue to be producing groves for 40 to 60 years.

Annual maintenance includes the use of herbicides to kill grass and weeds, pesticides are sprayed to kill insects and fertilizer for growth.

In many areas the drainage and irrigation system is connected by individual culverts with flap gates or vales are utilized as control methods and pumps for irrigation and drainage were installed.

In order to harvest the fruit grown on the citrus trees, interior roads and perimeter roads were constructed to move the

picking equipment, hauling equipment and cultivation equipment in and among each row of trees and these privately owned service roads are connected to State Road A-1-A and County Road Jungle Trail to take the produce to market.

In conjunction with the cultivation, harvesting and transportation of the citrus, the grove owners of the Town utilize trucks, tractors, lightning loaders and other types of vehicles on the private roads; and

WHEREAS, the August 16, 1982 criteria developed by the Department of the Interior for defining "man made structures" and "man's activities" contemplates the exclusion from the undeveloped coastal barrier resource system, major agricultural developments that are intensely capitalized with private capital; and

WHEREAS, the Department's proposed report to Congress, at Page 7 of Volume 14 (Florida East Coast), incorrectly indicates that the rationale for excluding the Town of Orchid and surrounding developed citrus property from the undeveloped designation in the 1982 maps was because the area was permanently committed to agricultural use. The reason the Town believes the report is incorrect is because it believes the rationale used by the Department in 1982 was that the undeveloped citrus groves were developed coastal barrier and as a consequence were excluded by intent and definition from the classification "undeveloped coastal barrier"; and

WHEREAS, the inclusion of the Town of Orchid in the undeveloped coastal barrier would virtually deny in perpetuity

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any federal assistance for loans, grants, guarantees, insurance, including federal crop insurance, and any other form of direct or indirect federal assistance for every resident and property owner within the Town of Orchid; and

WHEREAS, the inclusion of the Town of Orchid in the designation "undeveloped coastal barrier" does not further the purposes of the Coastal Barrier Resources Act of 1982 and is contrary to the intent of the Act; and

WHEREAS, the Department of Interior's interpretation of their own criteria for determining "undeveloped coastal barrier" is incorrect when it includes developed citrus groves in general and the Town of Orchid in particular, or in the alternative, the criteria definitions that have been developed by the Department do not adequately provide for the exemption of developed citrus groves.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ORCHID, FLORIDA, that:

1. The foregoing recitals are correct and approved.
2. The Town objects to the Department of Interior's interpretation of the term "undeveloped coastal barrier" as applied to all the real property in the Town. The definition of "undeveloped coastal barrier" as contained in the criteria previously used by the Department of the Interior excluded the developed citrus groves from the classification "undeveloped".

-5-

3. The Mayor of the Town is requested to send a copy of this Resolution to the United States Department of the Interior, formally requesting, for the reasons expressed in this Resolution, to remove the Town from the recommended additions to the "undeveloped" coastal barrier resource system.

4. The Governor of the State of Florida and the Department of Community Affairs of the State of Florida are requested to examine this proposal as it relates to Indian River County and to the citrus development in the Town of Orchid and to urge the Department of the Interior to remove from its report and recommendations to Congress the addition of the Town of Orchid to the Coastal Barrier Resources System and to urge the adoption of maps which exclude the Town of Orchid and other citrus development from the status of "undeveloped coastal barrier".

The foregoing Resolution was offered by Council Member Pandy Finch and seconded by Council Member Ruby Johnston and upon being put to a vote, was unanimously passed.

The Mayor thereupon declared the Resolution duly passed and adopted this 3rd day of June, 1987.

TOWN OF ORCHID

By Lee E. Johnston  
Lee E. Johnston, Mayor

ATTEST:

Ruby Johnston  
Town Clerk

1434

996



INDIAN RIVER Citrus League

P.O. BOX 519 7925 20TH STREET  
VERO BEACH, FLORIDA 32961  
TELEPHONE: 305/562-2728

June 24, 1987

OFFICERS

DAVID L. BROWN  
Chairman of the Board  
PHILIP C. GATES, SR.  
Vice-Chairman  
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President  
GEORGE F. HAMNER, JR.  
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BEN F. BAILEY, III  
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Secretary/Treasurer  
DOUGLAS C. BOURNIQUE  
Executive Vice-President  
& General Manager  
W. R. BUCKLEWY  
Special Consultant  
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Vero Beach  
JOHN A. SCOTTO  
Fort Pierce  
E. R. SMITH, JR.  
Vero Beach

Mr. Frank McGilvrey  
Coastal Barrier Coordinator  
U.S. Fish & Wildlife Service  
Department of the Interior  
Natural Parks Services-498  
P.O. Box 37127  
Washington, D.C. 20018-7127

Dear Mr. McGilvrey:

On behalf of the 1600 citrus growers who grow citrus in the Indian River Citrus District, an area from Volusia to Palm Beach county on the eastern seaboard of Florida, I offer our objection to the Coastal Barrier Resources Act.

The League strongly opposes this Act because we feel it was unfairly reconsidered after the citrus acreage along the barrier island had been deemed developed in 1982 by the United States Congress and in 1983 and 1984 by the legislature of the State of Florida. There is both commercial and agricultural development on the island in question and due to the abundance of citrus acreage, that has existed there for decades, there is a complex infrastructure containing buildings and water management currently in the P-10 unit.

We urge your immediate consideration of this important matter.

Sincerely,

Douglas C. Bourniq  
Douglas C. Bourniq  
Executive Vice President

DCB:ef

\*The term "INDIAN RIVER" when used to describe the origin of Citrus Fruit refers to a territory on the East Coast of Florida, along the Indian River. -Florida Trade Commission-1986

Central Groves Corp.  
P.O. Box 521 • Vero Beach, Florida 32961-0521

June 17, 1987

Mr. Frank McGilvrey  
Coastal Barriers Coordinator  
U.S. Fish and Wildlife Department  
Department of the Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D.C. 20018-7127

Dear Mr. McGilvrey:

I am the President of Central Groves, a 60 acre fully operational citrus grove located in that section of Coastal Barrier Unit P-10 north of Route 510 between U.S. Highway A-1-A and the Indian River. While I strongly believe that the entire P-10 should be excluded from the Coastal Barrier system, my comments will focus on the specific characteristics of our grove.

Central Groves has been a going concern for more than 40 years. While there are several small structures on our property, I believe it is the very nature of citrus development that precludes the property from being considered undeveloped and therefore appropriate for inclusion in the Coastal Barrier System. I list the following factors in support of this conclusion:

1. Unlike more traditional types of agriculture, citrus trees require extensive and long term capitalization prior to the first harvest. The land itself must be extensively cleared and replanted prior to planting the trees themselves. Once those trees are planted, it takes on average five years until they bear enough fruit to show a return on the initial substantial investment.
2. In addition to planting of the trees themselves, extensive infrastructure must be in place to provide the proper irrigation and accessibility needed to maintain the crop. On my land, this includes electricity, roads, ditches, telephone, a large network of irrigation pumps and wells.

In sum there are few of man's activities that have a greater stabilizing influence than the development of a citrus grove. It is my understanding that, in 1965, the Congress specifically excluded the area North of Route 510 from the System because human activities had "stabilized" the land to the point where it could no longer be considered undeveloped. In fact, property owners like myself relied

GROWERS AND SHIPPERS OF WORLD FAMOUS INDIAN RIVER CITRUS

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Mr. Frank McGilvrey  
June 17, 1987  
Page 2

in good faith on your own Department's regulations which identify "intensively capitalized projects such as major agricultural development" as areas where stabilization prevents them from functioning as a traditional coastal barrier. It seems unfair for the Department of Interior to now change its position and include property in the system that, if anything, is more stabilized than it was when first considered by Congress in 1961.

The inclusion of Central Groves in the Coastal Barrier Resources System would severely diminish the value of my land which would in turn minimize the agricultural loans available from financial institutions. Man's activities on my 60 acre citrus grove have stabilized the property to the point where it can no longer be considered undeveloped. Both the Department of Interior and the Congress recognized this in 1991 and again in 1985. I urge the Department to maintain their previously stated position and exclude my property from the Coastal Barrier Resources System.

Thank you for your consideration.

Sincerely,

*Sen Bailey III*  
Sen Bailey III  
President

LIER GROVES, INC.  
1 Michael Creek Dr.  
Orchid Island  
Vero Beach, FL 32963

Mr. Frank McGilvrey  
Coastal Barrier Coordinator  
Department of the Interior  
National Park Service - 498  
P. O. Box 37127  
Washington, D. C. 20013-7127

Dear Mr. McGilvrey:

As the owner of Lier Groves, Inc. located on Orchid Island, Indian River County, I am writing to strongly protest your proposal to include my land in Unit P-10 of the Coastal Barrier System. It comes as quite a shock to me and my family that the grapefruit grove we have owned and operated for the past forty years is now being considered an undeveloped barrier island by the Department of the Interior. I would appreciate it if you would reconsider your decision and remove my property from your map.

Lier Groves, which is currently 96.4 acres on Orchid Island, was bought by my father in 1947 - 1950. Some of this grove was originally planted in the 1920's. My maternal grandfather, B. Michael Sr., planted his first citrus grove on Orchid Island in 1903. (see enclosed clipping). Since that time Orchid Island grapefruit has become renowned as the world's finest.

Unlike undeveloped barrier islands, my land has the following:

- 6765 citrus trees with an average age of thirty years
- 1.5 miles of ditches
- 13.25 million gallons per day drainage pump
- 9461 feet of 8 inch to 3 inch PVC water main
- 10,200 feet of 1 inch irrigation tubing
- 88,300 feet of 3/4 inch irrigation tubing
- 7 wells
- 865,000 gallons per day irrigation pump

All of these trees and infrastructure need to be constantly maintained and upgraded in order to keep my business going. Over the last three years, we have spent more than \$50,000 for irrigation and water conservation improvements. We have planted 900 citrus tree resets which do not come into production and give us a return for 3 to 5 years. While I am not building skyscrapers, I can assure you that man's activities have stabilized my land to the point where it can no longer be used for coastal barriers.

1210

KENNEDY GROVES

June 22, 1987

Mr. Frank McGilvrey  
Coastal Barrier Coordinator  
U.S. Fish and Wildlife Service  
P.O. Department of the Interior  
1364 V Street, N.W., Suite 400  
Washington, D.C. 20005

Dear Mr. McGilvrey:

My name is Kenneth Kennedy and I am Vice President and Owner of Kennedy Groves in Vero Beach, Florida. It is my understanding that the Department of Interior proposes to include my property in the so-called "Coastal Barrier Resources System". I oppose this proposal because my property is fully developed for agricultural purposes and is therefore not appropriate for the Coastal Barrier System.

Kennedy Groves currently is made up of two grapefruit groves of 39 and 45 acres located in the northern section of Orchid Island. Our 39 acre grove is located on the northeast corner of the intersection of Juneco Trail and Route 10. Our 45 acre grove is located approximately 1 1/2 mile north of that property on the Indian River. The 45 acre grove has been named to my family since 1959 and has been in operation continuously since the early 1900's. While I have only owned the 39 acre grove since June, 1985, it has also been in full operation for more than four decades.

Clearly, by any definition, my land is developed for agricultural use. Both the 39 and 45 acre tracts have had a full complement of infrastructure in place since the first grapefruit trees were planted. This infrastructure includes wells, pumps, electricity, microfilm, irrigation with underground mainlines and ditches. The 45 acre property also has 4 pond size storage buildings.

In order to conclude that this property is in some way undeveloped and therefore eligible for inclusion in the Coastal Barrier System, one would have to have (1) a minimal understanding of this area, or (2) little knowledge of the concept of a traditional barrier island. Since you are an expert on Coastal Barrier resources, I assume the proposed inclusion of my property in the System is due to a lack of understanding of the area. I can fully appreciate the fact it is impossible to tour each and every property along the eastern seaboard before making your decision on these types of matters. I hope the information contained herein will remove any doubt in your mind that my property is developed and therefore not appropriate for inclusion in the System.

P.O. BOX 968 • VERO BEACH, FLORIDA 32961-0968 • PHONES: 305/562-3653 / 800/327-4768

While I am no lawyer, I read in the paper recently that the Supreme Court decided that the Constitution provides protection for me and my family against the taking of my land without compensation. Our business depends on the assistance of Federal programs like the Federal Land Bank and its Production Credit Association, Federal Crop Insurance Program and the Soil Conservation Service. If these and other Federal programs are no longer available, we will go out of business, plain and simple. You should also note that our business includes the export of over \$1.3 million (including processing, shipping and handling) worth of grapefruit to Japan over the last three years. This is some way to address the federal trade deficit!

While I understand you have a difficult job to do, I would urge you to reconsider your decision on this important matter. I know the environmental quality of our area is important and that this legislation is preserving important natural resources. However, my land is no longer a natural resource and I should not be prevented from earning a living because of a misapplication of this law.

I strongly believe that your misunderstanding of the situation on Orchid Island could be quickly cleared up if you take a weekend to come see our groves and surrounding areas. I look forward to the opportunity to give you a personal tour of Lier Groves in the near future. You may contact me at 305 589-8690.

Sincerely,

*Peter E. Lier*

Peter E. Lier, Vice-President

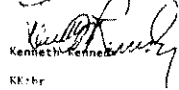
Mr. Frank McGilvrey  
Coastal Barriers Coordinator  
June 22, 1987  
Page Two

As you know, inclusion of my property in the Coastal Barrier System would diminish my investment in the point where it could have a negative effect on my business. My neighbors and I have relied in good faith on your regulations which specifically exclude developed agricultural land from the System because of the stabilizing effect such activity has on the land. Indeed, I relied in good faith on those regulations last June when I made a substantial investment in both the 38 acre grove and the improvements I made in the infrastructure that existed on the property at the time.

I understand that the Department of Interior is concerned that any failure to include the North Beach area in Unit P-10 will result in the immediate sale of vast sections of Orchid Island to unscrupulous developers who will think nothing of undermining the existing environmental integrity of our area. I can assure you that the people of Indian River County will take any and all steps to ensure that this does not occur. I urge you to reconsider your proposed inclusion of my property, and Orchid Island generally, in Unit P-10 of the Coastal Barrier Resources System.

I appreciated the opportunity to comment on these proceedings and look forward to what I hope will be an equitable decision on this important matter.

Sincerely,



Kenneth Kennedy

KK:hr

1319

MANATT, PHELPS, ROTHENBERG & EVANS

ATTORNEYS AT LAW

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June 22, 1987

Mr. Frank McGilvrey  
Coordinator  
Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Mr. McGilvrey:

Our firm represents the North Beach Property Owners' Association, Inc. (NBPOA), the members of which own property north of Vero Beach, Florida in Indian River County. The area begins approximately at Winter Beach Road at the northern end of John's Island and extends north through the area currently included in Unit P-10 of the Coastal Barrier Resources Act.

Under the provisions of Section 10 of the Coastal Barrier Resources Act of 1982, the Secretary of the Interior has the responsibility to recommend to the Congress additions and deletions to the Coastal Barrier Resource System. On March 25, 1987, the Department of Interior proposed in the Federal Register the expansion of Unit P-10 of the Coastal Barrier Resources System (CBRS) to include our client's property in the system.

The Department of Interior proposes the expansion of Unit P-10 by substantially increasing both the length of the shoreline included in the System from 1.7 miles to 5.9 miles and the acreage, from 337 acres to 5,231. Much of this increase is comprised of wetland acreage. In 1982, we specifically asked the Department of Interior to recommend ways to promote the conservation of fish, wildlife and other natural resources. As such, the Department's proposal to include this landward aquatic habitat is both sensible and appropriate.

However, based on my understanding of the Act and after making an extensive site tour of the North Beach area, I do not believe that the proposed inclusion of high ground areas specifically in Unit P-10 is either warranted or justified. Under the criteria set forth both by Congress and the Department of Interior, the property does not qualify as "undeveloped" and is therefore not appropriate for inclusion in the CBRS.

MANATT, PHELPS, ROTHENBERG & EVANS

Mr. Frank McGilvrey  
June 22, 1987  
Page 2

On behalf of the NBPOA, I urge you to remove these areas from the recommended expansion of Unit P-10 prior to submitting your report to Congress.

1. THE COASTAL BARRIER RESOURCES ACT

In 1982, Congress passed and President Reagan signed into law the Coastal Barrier Resources Act (Public Law 97-348). As you know, I was the principal author of this legislation in the House of Representatives. In developing the legislation, I personally spent substantial time working with other Members of Congress and your staff to determine what areas to include in the System. Our deliberations were aided by the technical work done by the Department of Interior, culminating in the publishing of criteria on August 16, 1982 under the aegis of the National Flood Insurance Act amendments of 1981.

Legally and logically, an undeveloped coastal barrier must be both a coastal barrier and undeveloped if it is to be included in the System. There is no question that North Beach is a barrier island. However, I believe it is equally clear that the area is developed under both Congressional intent and the Department of Interior criteria published in August of 1982 and March of 1985. As such, it should not be included in the System.

Coastal barriers or associated aquatic habitats will be considered "undeveloped" only if they:

"(i) contain few man-made structures and these structures and man's activities on such (barrier), do not significantly impede geomorphic and ecological processes, and (ii) are not included in areas otherwise protected..."

Coastal Barrier Resources Act of 1982, Pub. L. No. 97-348 §1, 96 Stat. 1653, 1654.

Congress considered an area to be developed if structures were present, with a rough measure of one roofed and walled structure per five acres of flatland, or if significant infrastructure is in place. The regulations also provide that property cannot be considered undeveloped if man's activities have impeded the geomorphic and ecological process to the extent that the area has stabilized and no longer functions as a coastal barrier system. 47 Fed. Reg. 158, 35712 (1982) (emphasis added).

MANATT, PHELPS, ROTHENBERG & EVANS

Mr. Frank McGilvrey  
June 22, 1987  
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2. NORTH BEACH

In order to apply the Coastal Barrier Resources Act and the implementing criteria of the Department of Interior to the North Beach area, one must recognize that the area is comprised of two major land uses: residential subdivisions and citrus groves. This is reflected on the land use map at Exhibit A.

A. Residential: From Winter Beach Road north generally to State Route 510 and the Wabasso Bridge, the area is comprised primarily of high quality, low density resorts. These are some of the premier resort properties in the country, and have been developed in an environmentally sensitive manner. Restrictive local zoning ordinances require strict adherence to the goals of environmental protection and low-density development. In fact, it is difficult to ascertain the exact boundaries of these resorts from aerial photographs or even from the ground due to the extensive foliage which exists.

These resort and residential properties, many of which have been built since 1982, cannot be considered to be "undeveloped." They clearly meet the definition of "developed" by containing a sufficient number of structures.

A few examples of existing subdivisions under active developments and communities with numerous completed residential units and/or extensive infrastructure located South of Route 510 in areas proposed to be included in Unit P-10 are as follows:

- John's Island community;
- Indian Trails;
- Sea Oaks;
- Coralstone Club;
- Turtle Back Beach Resort and Hotel;
- Orchid Isle;
- Orchid Isle Estates;
- Bay Tree; and
- Marbrissa

Some smaller subdivisions and developed properties along with some citrus groves are located in between these larger developments (See Exhibit A). These areas also meet the criteria we established in Congress because they are served by an extensive network of infrastructure. In fact a "full complement" of infrastructure does exist throughout the area south of Route 510, including extensive roads, sewer lines, water distribution mains, power lines, telephones, cable television, septic tanks, wells, and irrigation systems for citrus groves.

In sum, the area south of Route 510 has been stabilized through development to the point where it can no longer be considered a

Mr. Frank McGilvrey  
June 22, 1987  
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traditional barrier island. The Act should not be used to discourage development where that development has already occurred.<sup>1/</sup>

B. Citrus groves: The majority of the area north of Route 510 is in agricultural use, exclusively citrus groves.<sup>2/</sup> The grapefruits grown in the Indian River area are considered to be of the highest quality in the world. Many of the citrus groves have been in existence for decades, including the 600 acre Deerfield Groves which has been a functioning grove since the late 19th century.

It is important to note that citrus farming is different than most other types of agricultural ventures. Unlike growing corn or wheat, a citrus grove requires a substantial up front capital investment which produces no return until the trees begin producing fruit five years after being first planted. Prior to planting the trees, the land must be cleared and completely rebedded. Additional private capital is needed on an on-going basis to purchase and plant new trees and to care for the trees as they

<sup>1/</sup> While I consider this entire area to be developed sufficiently to be excluded from the Coastal Barrier Resources System, I believe errors were made in drawing the proposed boundary lines. Although I recognize that it is very difficult to draw these lines without a proper site visit and with the limited resources available to your office, the proposed lines intersected properties somewhat arbitrarily, including highly developed areas.

For example, the Indian Trails property has been split in two, even though the entire area contains residences and is served by extensive infrastructure. The same is true for the John's Island development, where a 90 acre development parcel has been proposed to be included in the System that contains infrastructure and is already platted and designed. During the Congressional consideration of this bill, we recognized that such phased developments should be excluded from the System. Another obvious error was in the inclusion of Wabasso Island, which contains a 30-year old subdivision, Orchid Isle, with many existing homes. A new subdivision, Orchid Isle Estates, is currently under development, with all roads and infrastructure in place to each development site. I understand that many of these property owners will contact you to inform you of the special circumstances facing their property. I hope you will consider their views carefully.

<sup>2/</sup> Three small subdivisions are located North of Route 510. Sanderling is a 13-unit subdivision with one completed residence and four structures under construction. Turtle Cove and Ocean Grove are platted for 20 and 3 subdivisions respectively, both with a full complement of infrastructure already in place.

Mr. Frank McGilvrey  
June 22, 1987  
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grow. Growers often use the value of their property as collateral to secure the short term loans they need for this purpose. The inclusion of this land in the System would diminish its value and make it more difficult for growers to secure these much needed loans.

Unlike more traditional crops, citrus groves also require extensive infrastructure to maintain the trees. The groves to the north of Route 510 contain extensive infrastructure, including public, secondary, and private roads, wells, levees, irrigation systems, electricity, telephone lines, pumps, irrigation ditches and canals. A summary of the infrastructure currently in place both north and south of Route 510 is included in Exhibit B.

The existence of infrastructure and the long term commitment of citrus growers to their groves demonstrate that the area has stabilized and therefore should not be included in the System. It is precisely this type of activity that transforms a natural barrier island. For this reason, the bill was amended to include language discussing the impact of man's activities on the geomorphic and ecological processes of a barrier island.

A specific discussion of heavily capitalized agricultural developments is included in the criteria set forth by the Department of Interior on August 16, 1982:

The heart of the man's activities element of the definition is the stabilizing influence of the human presence. Once again, private capitalization becomes a critical factor.... That impact is evaluated through the "man's activities" criteria. Similarly, other intensively capitalized projects, such as a major agricultural development, would quickly tend to stabilize an area even though there were few actual structures. The key point again is that extensive private capitalization on the ground tends to stabilize and, therefore, impede coastal barrier processes.<sup>3/</sup>

47 Fed. Reg. 35712-13 (emphasis added).<sup>3/</sup>

I know of no better example of a heavily capitalized agricultural development than the groves in question. Clearly, the land under these groves has not acted as a traditional barrier island since the first soil was overturned decades ago. It was for this reason that the citrus groves and other areas along the North Beach

<sup>3/</sup> The additional criteria issued by the Department in March 1985 for undeveloped coastal barriers does not modify this exclusion of major agricultural developments from the purview of the Act. See 50 Fed. Reg. 8700.

Mr. Frank McGilvrey  
June 22, 1987  
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coast area were not proposed to be included in maps prepared by Congress in 1982 in conjunction with passage of this Act. The shoreline lots were also not included, even though they were less developed than they are today, because we felt that they were small enough to be directly affected by the other stabilizing influences on the land, such as the citrus groves and other developments. The Department echoes this sentiment when discussing in the criteria minimum shoreline lengths to be comprised in the System.<sup>4/</sup>

C. Conclusions: The North Beach area was not proposed to be included in the Coastal Barrier Resources System by Congress because we considered it to be both too developed to the south, and too stabilized to the north. This conclusion was based on a substantial foundation that, if anything, is even more applicable today. The residents of North Beach relied on the Department of Interior's well-reasoned application of that law and have continued to make substantial capital investments in their property since 1982.

As you know, in 1985, the Department of Interior issued maps reflecting proposed revisions to the Coastal Barrier Resources System. While the Department had every opportunity to propose the inclusion of this property in the System, it did not do so. Instead, the only expansion of the area was the inclusion of landward aquatic habitat. See Exhibit C. Both NBPOA and I support the inclusion of the landward aquatic habitation area in the Coastal Barrier Resources System. At the same time, I believe that our client's reliance on the System announced in 1982 and the 1985 proposed changes to that System was well justified. To now include areas that are more developed, both above and below the ground, than they were in either 1982 or 1985 does a grave disservice to the people of North Beach without any corresponding benefit to the environmental integrity of the area.

According to the proposed Report to Congress of March 23, 1987, the presence of "for sale" signs along portions of Route A1A has led the Department to recommend that this area be included in the System. Such "for sale" signs do not necessarily portend

<sup>4/</sup> See 47 Fed. Reg. 35708. However, as you know, a small portion of the area directly south of Sebastian Inlet was included. After having seen the area earlier this month, I believe that this area was included by mistake. I understand that there are approximately 28 structures for the 90 acres, in addition to substantial infrastructure, and that this development density preceded the passage of the Act. I understand that your 1982 aerial photographs of existing P-10 demonstrate that inclusion of this subdivision was inappropriate. As such, I urge your deletion of this area from the CBRS.

Mr. Frank McGilvrey  
June 22, 1987  
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significant development in the area. It is my understanding that, in contrast to what would be expected in a period of rapid development, few of these properties are actually listed with realtors, and that these signs have been placed by individual property owners some time ago. Rather than evidencing a development boom, these signs may be simply reflective of the normal real estate turnover in the area.

However, additional development on any of these properties should have no relevance to the decision at hand. Under the law, clear Congressional intent, and Department of Interior regulations, this property is already developed due to the extent of man's activities altering the natural process and functions of a barrier island system. The effect these activities have had on this land cannot be reversed by simply reclassifying a developed area as undeveloped within the meaning of the Act.

Section 10 specifically states that the Department's report to Congress shall include recommendations for the conservation of the natural resources of the Coastal Barrier Resources System. The North Beach area cannot be proposed to be included for purposes of conservation of natural resources (unlike associated landward aquatic habitat which is specifically referenced in the Act). I am concerned that without an adequate foundation for inclusion of this area, the public will question the purposes and integrity of this legislation and the intent of the Department's actions. Both the Department's 1982 and 1985 criteria used to exclude the North Beach area has not changed. The existence of "for sale" signs in an area is an insufficient statutory foundation for inclusion when no other foundation exists.<sup>5/</sup>

As you know, I am strongly committed to the Coastal Barrier Resources Act and am proud of the work that Congress and the Department of Interior has undertaken to protect these important undeveloped resources. I also recognize that mistakes have been made in a limited set of circumstances both in 1982 when we drew

<sup>5/</sup> In addition, the proposed inclusion of this area in the CBRS may have a counterproductive effect of increasing pressure on landowners to sell their property now, thereby encouraging immediate, and perhaps less careful, development. Further, it should also be noted that the continuation of the sound well planned development of Orchid Island could provide environmental benefits, including the reduction of the non-point pollution of the Indian River and other waterways due to the run off of pesticides and herbicides from the groves. Finally, any development would be subject to strict Florida and local zoning and construction laws, including a prohibition against building structures taller than 35 feet or buildings that do not comply with flood insurance requirements.

MANATT, PHELPS, ROTHENBERG & EVANS

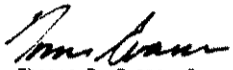
Mr. Frank McGilvrey  
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Page 8

the lines and in this proposed report to Congress. I feel a strong personal responsibility not to impinge on the integrity of the Act. Under no circumstances would I undertake the representation of any client on this issue if I believed that their objectives served to undermine the important goals of this legislation. I personally viewed this property prior to undertaking that representation and considered it in the broadest context of the bill. I concur with the local residents that this area should not be included in the System and that an error will be made if the area is included in the Report to Congress.<sup>6/</sup>

For all the reasons listed above, we urge you to reconsider the inclusion of the North Beach Property in the CBRS. Thank you very much for your consideration.

With kindest regards.

Sincerely,

  
Thomas B. Evans, Jr.  
for the North Beach Property  
Owners Association

6/ In addition to my clients, the government bodies having jurisdiction over these areas have taken a public position that under the applicable criteria this area should not be included in the System. The bodies include Indian River County, the Town of Orchid and the Indian River Board of County Commissioners. The applicable resolutions are attached as Exhibit D.

MANATT, PHELPS, ROTHENBERG & EVANS  
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LOS ANGELES, CALIFORNIA 90004  
310 544-0000

October 15, 1987

The Honorable Donald P. Hodel  
Secretary  
Department of Interior  
18th and C Streets  
Washington, D.C. 20240

Re: Coastal Barrier Resources System (CBRS), Unit P-10  
Vero Beach, Florida

Dear Mr. Secretary:

My clients, Ben Bailey and Bill Caldwell, and I very much appreciate your meeting with us and Congressman Tom Lewis regarding the proposed inclusion of the North Beach, Florida area in the Coastal Barrier Resources System.

As you know, Ben and Bill are part of the North Beach Property Owners' Association which opposes inclusion of the area in the System. I personally visited the area and recognized that it was not the type of undeveloped coastal barrier that I envisioned being a part of the System or needing the types of protection the Act offers.

The southern end of the area south of State Route 510 is residentially developed with a complete complement of infrastructure throughout. This type of developed area clearly does not fit the definition of an undeveloped barrier island and should not be included in the System.

To the north of State Road 510, the primary land use is intensively capitalized agricultural developments in the form of citrus groves. Necessary infrastructure for the groves is in place and has been there for years. The Department of Interior and Congress recognized that areas with this type of development no longer function as natural barrier islands due to man's activities changing the character of the land. As such, they were not included in the System.

MANATT, PHELPS, ROTHENBERG & EVANS

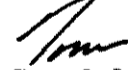
The Honorable Donald P. Hodel  
October 15, 1987  
Page 2

Unlike nearly any other type of agricultural activity, citrus groves are heavily capitalized, long term investments which stabilize the land. Inclusion of the North Beach area in the System cannot transform this area into a natural coastal barrier island.

As you know, I would not be representing this group if I felt otherwise. I hope that we will be able to continue the dialogue with you on this issue prior to the release of the Department's final Report to Congress.

I look forward to seeing you again soon. Many thanks and warmest personal regards.

Sincerely,

  
Thomas B. Evans, Jr.

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March 15, 1988

Mr. Frank McGilvrey, Coordinator  
Ms. Audrey Dixon  
Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Re: Draft Supplemental Legislative Environmental Impact  
Statement (LEIS) on Proposed Changes to the Coastal  
Barrier Resources System (CBRS)

Dear Mr. McGilvrey and Ms. Dixon:

The Proposed Action in the above-referenced Draft Supplemental Legislative Environmental Impact Statement (LEIS) reflects recommended changes submitted in the Department's Draft Report to Congress on Modifications to the Coastal Barrier Resources System (CBRS) published in March of 1987. Under Section 4332 of the National Environmental Policy Act, alternatives to and impacts of the Proposed Action must be considered.

As discussed below, the Proposed Action recommends inclusion of certain areas which our client, the North Beach Property Owners Association (NBPOA) and I do not believe meet the Congressionally-mandated criteria of an "undeveloped barrier island." As long as the Department's Proposed Action includes areas which do not meet these criteria, the Final Report to Congress on Modifications to the Coastal Barrier Resources System, as well as the final LEIS, will be flawed.

The Draft LEIS set forth criteria for an "undeveloped coastal barrier island". Specifically, the LEIS suggests that in order for an area to be considered "undeveloped" there must be less than one structure per 5 acres of fastland, at least 1/4 mile of shoreline and no extensive shoreline manipulation or canalization (see Chapter 2, page 14). The definition further states that there needs to be infrastructure in place for each unit of development if an area is to be considered developed.



Mr. Frank McGilvrey, Coordinator  
Ms. Audrey Dixon  
March 15, 1988  
Page 2

Unfortunately, this definition fails to consider other aspects of the definition of undeveloped as set forth in the Act itself. Specifically, the definition does not include the so-called "man's activities" exclusion that the Congress adopted when it considered and passed this Act in 1982. As you know, I was the principal author of this legislation in the House of Representatives and spent substantial time on this specific issue.

Congress devised an equitable definition which sought to protect truly undeveloped barrier islands that carried on their natural functions while excluding developed and other areas which had become so stabilized that they no longer acted in this capacity. The definition in the Act considers a coastal barrier or associated aquatic habitats to be "undeveloped" only if they:

- (1) contain few man-made structures and these structures and man's activities on such [barrier] do not significantly impede geomorphic and ecological processes, and 2) are not included [in areas otherwise protected]...

Coastal Barrier Resources Act of 1982. Public Law No. 97-348 §1, 96 Stat. 1653, 1654.

The definition excludes areas where man's activities have impeded the geomorphic and ecological process to the extent that the area has stabilized. In these cases, the natural integrity and dynamics of a coastal barrier island have been altered to such an extent that it no longer acts as a traditional barrier island.

This definition is reflected in the criteria set forth by the Department of Interior on August 16, 1982. In reference to the "man's activities" exclusion, specific mention is made of heavily capitalized agricultural developments:

the heart of man's activities element of the definition is the stabilizing influence of the human presence. Once again, private capitalization become a critical factor . . . That impact is evaluated through the "man's activities" criteria. Similarly, other intensively capitalized projects, such as a major agricultural development, would quickly tend to stabilize an area even though there were few actual structures. The key point again is that extensive private capitalization on the ground tends to stabilize, and therefore, impede coastal barrier processes.

47 Fed. Reg. 35712-13.

Mr. Frank McGilvrey, Coordinator  
Ms. Audrey Dixon  
March 15, 1988  
Page 3

The LEIS should reflect Congressional intent by fully discussing these exclusionary criteria. Inclusion of areas not meeting the definition is inappropriate.

Perhaps the best example of the "man's activities" exclusion is the North Beach area of Florida, north of Vero Beach (Unit P-10), which contains heavily capitalized agricultural developments in the form of citrus groves. Many of these groves have been in existence for decades.

Citrus farming is different than most other types of agricultural ventures. Unlike growing corn or wheat, a citrus grove requires a substantial up front capital investment which produces no return until the trees begin producing fruit five years after first being planted.

Prior to planting, a proposed citrus grove is heavily transformed. The area must be completely cleared and the soil extensively prepared for planting trees. Substantial additional capital is needed on an on-going basis to purchase and plant new trees and to care for trees as they grow. Growers often use the value of their property as collateral to secure the short term loans they need for this purpose. Inclusion of this property in the System would diminish its value and make it more difficult for the growers to secure these much needed loans.

In addition to the agricultural transformation of the land, a citrus grove requires the development of an extensive infrastructure. These citrus groves have extensive infrastructure in place, including roads, wells, irrigation systems, electricity, telephone, pumps, and irrigation ditches and canals. The Congress did not intend for the Department of Interior to apply the same kinds of infrastructure requirements for a citrus grove or other similar development as one would expect to have for a structural development.

The existence of this infrastructure and the long term commitment of citrus growers to their groves demonstrate that this area has stabilized. The land under these groves has not acted as a traditional barrier island since the soil was first turned decades ago. It is precisely this type of activity that transforms a natural barrier island and impedes its geomorphic and ecological processes. As a result, the bill was amended to include the "man's activities" exclusion.

In addition, the Draft LEIS states that "phased development was not considered." Congress specifically recognized phased

Mr. Frank McGilvrey, Coordinator  
Ms. Audrey Dixon  
March 15, 1988  
Page 4


developments in certain areas when we considered the Act in 1982. Many areas had plans underway for development when the CBRS "snapshot" was taken. Some properties in the North Beach area are currently part of a phased development. These landowners should not be unfairly penalized because their planned project was not complete at the moment the Department studied the area.

It was for these reasons that virtually the entire North Beach area was not proposed to be included in maps prepared by Congress in 1982 in conjunction with passage of this Act. Further, no additional areas were proposed to be included in the maps the Department made available in 1985 for review by the public.

We encourage the Department to review the criteria and the specific circumstances of the North Beach area carefully. These comments will supplement comments made on June 22, 1988 as part of the comment period on the Draft Report to Congress, a copy of which is attached.

We look forward to continuing to work with you and others on the appropriate delineation of the CBRS and to issuance of the Department of Interior's Final Report. Thank you for this opportunity to provide comments on the LEIS.

Sincerely,

  
Thomas B. Evans, Jr.  
for the North Beach  
Property Owners Association



**BROADVIEW**  
Savings

990

June 15, 1987

Coastal Barrier Study Group  
National Park Service  
U.S. Department of Interior  
P.O. Box 37127  
Washington, D.C. 20013-7127

Gentlemen:

Re: C.B.R.S./P-10 Recommendation

My name is Jeffrey S. Lee. I am a loan officer for The Broadview Savings and Loan Company of Cleveland, Ohio.

I am writing you this letter as a formal comment/protest on the proposed recommendations to the C.B.R.S. My particular concern is the P-10 recommendation in Indian River County, Florida; however, I think my observations apply to the other affected areas.

Broadview Savings, in 1983, became involved in an acquisition and development loan on the Vero Beach property with the understanding that the property was not included in the Coastal Barrier Resource System. The reasons for the exclusion from the area were clearly documented and accepted by state and federal representatives at that time. It was under this pretense of official congressional government ruling that Broadview believed that the security in the mortgage on this property would not be negatively affected by the Coastal Barrier Resource System.

Four years later and shortly before the comment period ended, Broadview and a lot of other land owners found out the Department of Interior had determined that Congress was wrong in its interpretation of C.B.R.S. and the 1982 decision to exclude the new P-10 area. Currently, 452,834 acres are in C.B.R.S. The D.O.I. is proposing an increase to 1,463,480.

The D.O.I. should be commended for its willingness to provide information on the C.B.R.S. and for its courtesy in dealing with the public. This commendation, however, should not be construed as a quid pro quo for the lack of public notice and poor exposure the new recommendations received at the locally affected areas. I can assure you that an investigation into the handling of the public notice given for the new C.B.R.S. will raise a lot of questions.



Finally, the random way of determining the C.B.R.S. areas, in my opinion, allows for too much subjective line drawing. Specific examples of this are in the P-10 recommendation. Two multi-million dollar developments have had lines drawn through the middle of the projects.

In conclusion, I would like to request two items from the Coastal Barrier Resource Study Group: the Broadview property outlined in Exhibit "A" be excluded from the F-10 recommendation for the same reasons it was excluded in 1982 and the comment period be extended until July, 1988, for the new recommendations.

Sincerely,

Jeffrey S. Lee  
Project Manager  
Real Estate Investments

JSL/jam  
Enc.

1025

June 19, 1987

Mr. Frank McGilvrey  
Coastal Barriers Coordinator  
Department of the Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D. C. 20013-7127

Dear Mr. McGilvrey:

As President of Lost Tree Village Corporation, developers of the community of John's Island in the Town of Indian River Shores, Florida, I am writing in opposition to the proposed inclusion of approximately 100 acres (see attachments 1 & 2) of our property in the Coastal Barrier Resources System. I do not believe that this area can be considered undeveloped under either your Department's regulations or the legislation passed by Congress in 1982. As such, the property should not be included in the system.

Lost Tree Village Corporation acquired the property in question in 1969 as part of a single purchase of 3000 acres which is located from the Atlantic Ocean to the Intracoastal Waterway both east and west of U.S. Highway A-1-A. Of the approximate 1650 acres which make up the community of John's Island, 1550 are not proposed for inclusion in the system. This area is already developed as a single and multi-family residential community. We are very proud of our development to date because we believe it maintains the environmental integrity of the area through low density (approximately one (1) dwelling unit per acre) and environmentally sensitive land planning.

Of the approximate 100 acres of property proposed for inclusion in the system, approximately 90 acres are located west of A-1-A and ten (10) acres are located east of A-1-A. All 100 acres are adjacent to the 1550 acres which are developed. The 90 acre tract should not be included in the coastal barrier system because (1) the existing infrastructure precludes it from being considered undeveloped, and (2) the area is part of a phased development planned long before the proposed revisions to the system were announced.

Mr. Frank McGilvrey  
June 19, 1987  
Page 2

On the first point, my understanding of your regulations is that the lack of structures currently on a piece of property does not by itself indicate that the property is an undeveloped coastal barrier. Instead, a property is excluded from the definition of an undeveloped coastal barrier if there is a full complement of infrastructure in place for each development site. In the case of the 90 acres west of A-1-A, the infrastructure that was installed prior to the announcement of the proposed change to the system includes electricity, water, and privately funded sewage treatment. The infrastructure was built on a scale to allow for the planned development of the area into the final phase of the John's Island community.

The existence of this full complement of infrastructure demonstrates the validity of the second point, i.e. that the area is part of a phased development. It is my understanding that when Congress was drafting the Coastal Barriers Resources Act, it specifically excluded from the system certain properties that were portions of substantially completed phased development. Our 90 acre tract presents that identical situation. The only factor that has precluded the company from completing our development of this last phase of John's Island is the uncertainty caused by the proposed revisions to the system. It would appear illogical for such a parcel of land to be included in a system designed to encompass only undeveloped coastal barriers.

The ten (10) acres owned by Lost Tree Village Corporation lying east of A-1-A should not be included in the system for the simple fact that the property is already platted and has been developed for single family residential use (see attachment 3). In addition to roads, water, and power already being in place, one home is already under construction by an individual property owner. Four (4) additional homesites, each exceeding 1.8 acres, make up the remainder of the property.

We respectfully request, given the above, that this property not be included in the system. If you require further information please let me know.

Thank you for your consideration.

Sincerely,

Helen Eckstone Barr  
President

attachments (3)

1071

June 15, 1987  
Vero Beach, FL

Coastal Barrier Study Group  
U.S. Department of the Interior  
Washington, D.C.

Comments on the Coastal Barrier Reserve Act of 1982

I recently attended an informational meeting in Vero Beach, FL, on the Coastal Barrier Reserve Act of 1982. I am a resident of Vero Beach and have lived here on the coast for five years. I would like to say that I feel the Act is a step in the right direction. I have watched this area experience rapid development of both the ocean and riverfronts along the barrier island and have been concerned for some time about the degradation of wildlife habitat and the threat to human life posed by a major storm. I feel the intent and purposes of the Act are absolutely correct and necessary.

I have a couple of specific comments concerning the areas delineated on your study maps in my locality. The first concerns sections of northern Indian River County between Wabasso Beach and the town of Indian River Shores. This area has only recently begun to be developed, and several homeowners or their representatives attended the same meeting I did. I certainly was shocked to learn the extent of federal monies involved in developing these areas. These developments have occurred after the October 1, 1983, deadline mentioned in the Act. They have guard stations to keep them private and are in general exclusive and expensive. I had always assumed that these people were paying their own way. Now I find that they receive subsidized flood insurance, subsidized road, water and sewage lines. While I would never argue that roads and sewage treatment are not completely necessary, I do feel that anyone who can afford to live in Vero's "showcase" developments should not be receiving federal monies.

I certainly hope that the pressure that will be brought to bear upon you from these development interests will not cause you to drop the above mentioned area from your reserve. Although beach front development has been quite extensive recently, the riverfront is not so built-up. On recent canoe and boat trips along the river between the Wabasso bridge and Indian River Shores, I have observed nesting ospreys and numerous species of wading, shore, and water birds.

Because the Act was formulated to include only areas undeveloped from ocean to river sides, I am worried that these small island and mangrove mini-peninsulas may not be included because the beach side has passed above the structure-to-acreage ratio <sup>that</sup> has been exceeded since the establishment of the study period in the Act. I think it may be worthwhile in some cases to include only a riverfront or only a beach front in the reserve system. Indian River County is definitely one of those places since the geology of this area gives the river side or the barrier island so much more coastline relative to the beach side, and since the human history of this area has favored the development of beach-front property first.

There is one other area I would like to mention. I noticed that an area just north of the development called Queen's Cove in northern St. Lucie County was marked for being dropped. My husband, a carpenter, spent most of last summer building a home in this development. I was able to get in and look at the untouched area around it. We observed manatees in the backwaters of this development. I question the wisdom of dropping this particular area in light of the manatees' status as a declining and rare species -- at least until more information is available.

I would like to say once again before I close that I agree wholeheartedly with the Act. These areas are unstable geologically, potentially unsafe, expensive to develop, and provide such a range of habitats for wildlife that the Federal government should extricate itself from its role as a development subsidizer, and therefore, encourage.

Thank you for the opportunity to express my views in this matter.

*J. Pat Corrigan*  
Rose A. Gaines  
1901 33rd Ave  
Vero Beach, FL 32900

*J. Pat Corrigan*  
1751 24th St.  
Suite 5  
Vero Beach, Florida 32908

June 19, 1987

Ms. Barbara Wyman  
Special Assistant to the  
Assistant Secretary for Fish  
and Wildlife and Parks  
Department of Interior  
18th and C Streets, N.W.  
Washington, D.C. 20240

Dear Barbara:

It was good to see you again last month at the meeting we had with Senator Chiles and Members of the Florida Congressional delegation regarding the proposed addition of much of the area north of Vero Beach into the Coastal Barrier Resources System. We appreciated having the opportunity to explain why this area should not be included in the System.

As you may recall, my mother, my brother and I are property owners in the town of Indian River Shores. Our property extends from the Atlantic Ocean across the Barrier Island to the Indian River. On the western part of this property are several structures, including two residences and as you go east there is a fully developed 50 acre grove which has been in existence for over 50 years.

As we indicated at the meeting, we are very opposed to the inclusion of this area in the Coastal Barrier Resources System. In fact, it is with great surprise and dismay that I learned that the Department of Interior desires to include our property. Our property is located inside the town of Indian River Shores, in the more intensely developed southernmost portion of the area being considered for inclusion.

The town of Indian River Shores is quickly becoming more developed. It is indeed curious why the area was able to be excluded in 1982 and now, when even more development has occurred, the Department is proposing to include us. The town has complete water and sewage systems in place, as well as other infrastructure, including roads, electricity and telephone. Our property is bordered on both sides by development, including John's Island resort to the south.

Page 2

Ms. Barbara Wyman  
June 19, 1987

I do not understand how this narrow strip of property, less than 1/4 mile wide, could be incorporated in the System. The department's own criteria talks about undeveloped shoreline frontage in excess of 1/4 mile in width which is the minimum size for inclusion in the system.

In another part of the Department's criteria for development, and as we discussed at our meeting, heavily capitalized agriculture developments have such a stabilizing influence on the land that they should be considered to be developed. The reference was made to the extent of man's activities impeding the natural movement and function of a barrier island.

There is no question in my mind that my citrus grove, as well as that of other property owners, constitutes sufficient evidence of man's activities that these areas should be considered to be developed. In our case, the infrastructure is already in place for development if it is needed. But all citrus groves share one common element -- they require considerable investment and effort to get a return. Preparation of the area for planting places an enormous strain on the land resources and it takes four to five years before any return on the trees can be realized. Citrus groves do not change but are long-term uses of the land.

I do not see how any of the earlier criteria of the Department of Interior has been changed so as to justify the inclusion of citrus groves. Further, the extent of development since 1982 on the island indicates clearly that it is not an undeveloped barrier island which should be included in the system.

I would hope that you could see the area for yourself and realize the mistake the proposal is making. The Interior Department's criteria are being misapplied on the entire North Beach area here, and I join other property owners in adamantly opposing inclusion of this entire area.

Our property is located on the south end of this area, within the beautiful, well planned town of Indian River Shores and most certainly should be excluded.

We appreciate your interest in this area and are grateful for whatever help you could provide us. By copy of this letter, I am submitting these views to Frank McGilvery for submission into the record.

Page 3

Ms. Barbara Wyman  
June 19, 1987

Thank you again.

Sincerely,

*J. Pat Corrigan*

J. Pat Corrigan

cc: Mr. Frank McGilvery  
Coastal Barriers Study Group  
Department of Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

1208



**Ed Schlitt**, REALTORS

321-21ST STREET, P.O. BOX 6007 VERO BEACH, FLORIDA 32961-6007 PHONE 305 567-1100

June 19, 1987

Mr. Frank McGilvrey  
Coastal Barriers Coordinator  
U.S. Fish and Wildlife Service  
Department of Interior  
National Park Service-498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Mr. McGilvrey:

My name is Edgar L. Schlitt and I am a Realtor in the Vero Beach area who has lived here for 59 years. Since I understand from reading the proposed Department of Interior Report to Congress regarding the Coastal Barrier Resources System that the reason that nearly all of the North Beach area has been included in the Barrier System is because an Interior official saw a few "for sale" signs along Highway A1A, I thought I had better write to shed some light on this situation.

There has been substantial change in the North Beach area during the past decade or so. Nearly all of John's Island and much of Indian River Shores has become developed with low density, high quality resorts and residential communities. However, these developments have been undertaken with the strictest sensitivity to environmental considerations. Local zoning laws require that in this area.

Relying on the fact that the area was not included for very good reasons in the Barrier System in 1982, many investors have purchased property and have begun development. I really do not believe that there was very good notice to these people that the Federal government would come in four or five years later and unilaterally sweep all of their property into the Coastal Barrier system. I believe this is unfair and unwarranted, primarily because one who has seen the area would be hard pressed to say that this is an undeveloped coastal barrier island.

There are, as the report indicates, some "for sale" signs present along the shore-line properties. But this does not mean that these properties will be sold, and will be sold for future large scale development. The few areas that are for sale are smaller, individual lots and residences. The sales may be for individual houses or other purposes, but it is clear that there is no foundation to believe that these signs are the precursors to large scale development.

In fact, many of these persons keep the signs up permanently. It doesn't mean that they are actively looking for buyers, and very few actually are listed with a Realtor. The signs are an indication that the property or house may be available for sale, if the price and circumstances are right. Anyone would be willing to sell their property if the price is right. However, the presence of these signs does not indicate a clear, immediate intent to sell property.

Mr. Frank McGilvrey  
June 19, 1987  
Page 2

On this point, I do not see how the criteria established by the Department of Interior for the Coastal Barrier Resources System allows the Department to make, what I consider to be, an enormous leap between "for sale" signs and extensive future development on the barrier island. If, in 1982, the area was considered to be developed and as such, not included in the System, I fail to see how the mere presence of a few "for sale" signs now has made the area undeveloped, thereby allowing it to be included in the System. I think this will take great deal of explaining.

In addition, the proposal to expand the Coastal Barrier system in this area is having a counterproductive result by increasing the pressure for development to occur now, prior to the time Congress finalizes the boundaries. Otherwise, property owners believe that they will be prevented from doing so in the future. Although I recognize that the Act does not prohibit private development, the perception still exists and is creating this unfortunate situation.

In summary, area residents have relied (now possibly to their detriment) on the System boundaries as they were established in 1982. Second, the "for sale" signs are not precursors to significant large scale development, and third, the proposed Interior report may actually be increasing the pressure on development. Further, I think the Department has created a very illogical and unwarranted situation in its misapplication of the criteria between 1982 and 1987.

Thank you very much for the opportunity to comment.

Sincerely,  
  
Edgar L. Schlitt, President  
Ed Schlitt, Inc. Realtors



INDIAN TRAILS

1214

June 11, 1987

Mr. Frank B. McGilvrey  
Coastal Barrier Coordinator  
U.S. Fish and Wildlife Service  
Washington, D.C. 20240

Dear Mr. McGilvrey:

I am writing to you as the President and owner of the Indian Trails development, which is located in Indian River Shores, Florida. My platted development was started three years ago and has approximately 65 acres, which incorporates about 100 feet of ocean front property used exclusively as a beach house for our Indian Trails homeowners. We then extend westward to the Indian River with about 1300 feet on the Indian River. We have full tennis and dining facilities with three existing tennis courts. We currently have seven homes under construction with some completions and owner occupied homes. In addition, we have approved plans for five additional homes and 20 lot sales. We also have Submerged Land Lease from the State and have almost completed a 28 boat marina pursuant to State permits. In a meeting at your office held on June 5, 1987 with representatives of Sea Oaks Development Co., Photograph #3 was presented, which was our Tennis Club Facility.

We are partially located in the proposed addition to CBRS Unit P10. The line on your map cuts through approximately the center of my development. The North one-half of my development is considered developed as is the Baytree and Marbrissa developments, and part of Sea Oaks. The South one-half on my development is part of the area which is included in the new map.

I hope the inclusion of my project is a mistake, as it seems entirely inappropriate that my property be split in two, since the project has roads, storm drainage system, underground electric, telephone and cable, and the City of Vero Beach water and sewer in place, with over \$3,000,000.00 spent on improvements. I have tried to leave all the native flora and fauna in place, including 200 year old native oak trees. Since I have developed this project in a natural way, it appears to be undeveloped, but it certainly is not.

8100 NORTH A1A  
INDIAN RIVER SHORES  
FLORIDA 32961  
305 231 1100



INDIAN TRAILS

Mr. Frank B. McGilvrey  
Page Two

June 11, 1987

You are probably aware that it takes more time and money to build around trees rather than bulldoze them down and build straight roads.

I feel that I am being penalized for being environmentally sensitive, as it appears from A-1-A that nothing has been developed at Indian Trails. I have included herewith a dozen pictures showing improvements at Indian Trails. Since I have invested a great deal of my own life savings in this project, it is crucially important that you reconsider my situation.

Thank you for your consideration.

Very truly yours,

JAMES B. CAIN, PRESIDENT  
INDIAN TRAILS, INC.

JBC/wvc/ljm  
enclosures

8100 NORTH A1A  
INDIAN RIVER SHORES  
FLORIDA 32961  
305 231 1100

1249

**OUTLOOK DEVELOPMENT CORPORATION**  
A GLENDALE FEDERAL COMPANY

CERTIFIED, REGISTERED MAIL

May 14, 1987

Mr. Frank B. McGilvrey  
Coastal Barriers Coordinator  
U.S. Fish & Wildlife Service  
Department of the Interior  
Washington, DC 20240

Re: The Coastal Barrier Resources Act (CBRA) of 1982  
Proposed Modification to CBRS Units  
P10, Vero Beach, Indian River County

Dear Mr. McGilvrey:

In accordance with the discussions held on Wednesday night May 13, 1987, at the County Commission Chambers in Vero Beach, Florida, I am writing you on behalf of Outlook Development Corporation, the owners of the Sea Oaks development and as President of North Beach Water Company, with respect to the proposed inclusion of Sea Oaks and all island properties south of Wabasso Causeway (State Road 510) within CBRS Unit P10. As President of North Beach Water Company, I will be writing to you in a subsequent letter to discuss the properties north of Wabasso Beach.

It appears that this area was included in error by the task group in that substantial development and investment has already taken place and is presently in progress. Your proposal should be amended to continue to exclude this area.

In reference to Sea Oaks, a 125-acre, 720-unit planned development, we have already built and completed — or presently have under construction 200 dwelling units, 78 of which are east of A1A and 122 of which are west of A1A; and over 150 third party owners of individual dwellings. We have Indian River County site plan approval, roadways already built, electrical, water and sewer infrastructure in the ground, an investment in land and improvements in excess of \$20,000,000 and an investment in sewer plant and system in excess of \$2,000,000. Along with other land owners we also have an investment in a water plant and system in excess of \$5,000,000. I have designated on your map #26 the approximate location of our Sea Oaks development and have included two recent aerial photographs.

Within the North Beach Water Company (NBWC) franchise area, in addition to the Sea Oaks property, other properties are now under significant development. Gordon Nutt has begun construction on a hotel and townhouse development with foundations under way, and NBWC has a Developer Agreement in place to provide water needs with mains already in the ground. Coral Stone has over 100 units either completed or under construction; roadway, electrical, water and sewer infrastructure in place, and will be closing units to third party owners within the next few days.

101 East Las Olas Boulevard P. O. Box 1426 Fort Lauderdale, Florida 33301 (305) 463-1111

May 14, 1987  
Mr. Frank B. McGilvrey  
Coastal Barriers Coordinator  
U.S. Fish & Wildlife Service  
Department of the Interior  
Page Two

Florida Land Company has invested over \$1,000,000 in NBWC, has mains within its property and a Developer Agreement with NBWC to provide service. Baytree has over 150 units either built or under construction, infrastructure in place, and a Developer Agreement with NBWC. The Cairns property has an investment in NBWC, mains within its property, a Developer Agreement with NBWC for service, and major investment in a sewer plant and system. On the attached map I have shown the approximate locations.

I hope that I have provided sufficient information to allow you to delete these properties from consideration for inclusion with the proposed modification of CBRS P10. Please advise me if that assumption is correct. If not correct, please advise what information would be required for such a determination on the part of the task force.

Yours truly,

Terry D. Hess  
President

TDH/mpi

cc: Mr. Jack Brown (Coastal Barrier Study Group)

Encls.

1279

12505 North A-1-A  
Vero Beach, Florida 32963  
June 23, 1987

Mr. Frank McGilvrey  
Department of the Interior  
National Park Service  
1375 K Street  
Suite 400  
Washington, D.C. 20005

Dear Mr. McGilvrey:

I am a homeowner abutting Ambersand Beach, a platted subdivision located at the southern end of existing P-10 of the Coastal Barrier Resources System. Our home and that subdivision were mistakenly placed in the System in 1982, resulting directly in a diminution of the value of my property and a potential loss of otherwise available federal assistance.

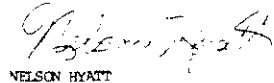
The Ambersand Subdivision is approximately 48 acres divided into 84 lots. At the time the property was first included in P-10 there were approximately 19 structures on site, as well as a full complement of infrastructure to service those homes. Today there are approximately 20 more structures located in the subdivision.

When you were in Vero Beach on May 13th, you and I looked at the 1982 aerial of P-10 that you had with you. You were of the opinion that from that picture our area was "heavily developed". Clearly, the Ambersand area is developed, either under the Department's one structure per five acre criteria, or the full complement of infrastructure requirement.

For the above reasons, on behalf of myself and other owners of homes in the Ambersand area, we urge you to take the steps necessary to rectify the mistake of your predecessors and remove our property from the P-10 unit.

Thank you for your consideration.

Very truly yours,

  
NELSON HYATT

1314

June 21, 1987

The Coastal Barrier Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Reader:

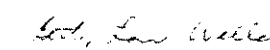
I wish to commend your group for increasing the acreage proposed for exclusion from federal funding for capital improvements or subsidized insurance on barrier islands. I hope you will hold firm on lands previously designated, as well in fact, in the interest of not subsidizing the wealthy. I would hope that you might be able to devise a policy of setting a cut off date for issuing federally backed insurance to new building on barrier islands, whether or not such building is in areas labeled "developed."

Generically, I would like to see park lands and others now excluded by reason of "other protected" status included as well. If for some reason that is not possible, then would it not be advisable to close that potential loophole by adding language that would bring it into covered status if it loses the "other protected" status?

Specifically, I very much appreciate your choice of acreage on South Hutchinson Island in St. Lucie County. Past hurricanes have split the island and will doubtless do so again.

I also find very logical the inclusion of citrus groves in Indian River County north of state road 510 and hope you will resist Orchid Isles' attempts to exclude that land. You may know that Treasure Coast Regional Planning Council refused to back their request to support exclusion.

Thank you for your important work.

  
Betty Lou Wells  
1124 Jasmine Avenue  
Ft. Pierce, Florida 33482

1396

LAW OFFICES  
OERTEL & HOFFMAN  
A PROFESSIONAL ASSOCIATION

KENNETH G. OERTEL  
KENNETH F. HOFFMAN  
RODOLFO J. FERNANDEZ  
TERRY COLE  
HAROLD T. RURNELL  
W. CHRISTOPHER BRANT  
W. DAVID MYERS  
MARTHA J. EDENFIELD  
ELEANOR A. JOSEPH  
DOUGLAS P. WATSON  
R. L. CALLEN, JR.  
WILLIAM C. POWERS, JR.

SUITE C  
2700 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32310  
TELEPHONE 904 877 0088  
MAILING ADDRESS  
POST OFFICE BOX 6507  
TALLAHASSEE, FLORIDA 32311-0507

June 15, 1987

Mr. Frank B. McGilvrey  
Coastal Barriers Coordinator  
U.S. Fish & Wildlife Service  
Department of the Interior  
Washington, D.C. 20240

Re: Sea Oaks, Indian River County, Florida  
(P-10) CBRA

Dear Mr. McGilvrey:

On behalf of myself and the owners of Sea Oaks we greatly appreciated the opportunity to meet with you on June 5, 1987. We hope we were successful in demonstrating that the Sea Oaks Development does not meet the criteria for inclusion in the Coastal Barrier Resources System, Unit P-10. In our opinion, Sea Oaks, as an established resort property, does not meet the definition of "undeveloped" coastal property. It is my understanding Joe Carroli was given a tour of the property and will pass on his observations to you soon.

If you could put me on a mailing list, I would appreciate receiving a copy of the final report and any publication of notice in the Federal Register. If you have any other questions regarding this property, we will be pleased to answer them.

A friend of mine, Dick Hauser, who is a Washington, D.C. attorney, will be representing us locally on this question. If Dick calls you, he is proceeding on our behalf.

Again, thank you for your consideration.

Yours truly,

*Kenneth G. Oertel*  
Kenneth G. Oertel

cc: Terry Hess  
Steve Pate  
Dick Hauser

KGO/lm

1398



June 18, 1987

Mr. Frank McGilvrey  
Coastal Barriers Coordinator  
U.S. Fish and Wildlife Service  
Department of Interior  
Washington, D.C. 20240

RE: Categorization of Government Lots 1 and  
2, Section 26, Township 31 South, Range  
39 East, Indian River County, Florida,  
within C.B.R.S. Unit P 10

Dear Mr. McGilvrey:

I am the owner of the above referenced property which is being evaluated by your department for categorization as "developed" or "undeveloped" in the update of the Coastal Barrier Resource System (C.B.R.S.).

The subject property contains 59.6 acres, is divided by A-1-A, and has approximate frontage of 1300 feet on the Atlantic Ocean and 1600 feet on Wabasso Causeway (S.R. 510). It is the site of the Turtle Back Beach Resort Hotel, which consists of 324 hotel and hotel villa guest units with associated amenities typical of a destination resort, including support health club/spa and recreational facilities both east and west of A-1-A.

The hotel and site improvements are permitted by all governmental agencies having jurisdiction. The hotel is currently under construction as are two detached hotel villa buildings: one being a four story, eight unit building at the southeast corner of the property; and the other a three story, four unit building close to A-1-A toward the south end.

I have paid for water, sewer, and irrigation plant capacities, connection fees, and their related infrastructure improvements to service all of my property. These utility improvements represent

Wingfield Development Co.  
PO Box 1137  
Longwood, Florida 32750  
305-32-4601

Wingfield Realty Inc. REALTOR®  
PO Box 1137  
Longwood, Florida 32750  
305-669-6666

1596

Mr. Frank McGilvrey  
Department of Interior  
Page Two  
June 18, 1987

a current replacement cost and value of approximately \$2,500,000. Other hard and soft hotel design, engineering, and construction costs total approximately \$1,900,000 to date. Project costs will approximate \$40,000,000 exclusive of land. The facility will open on schedule in October, 1988.

Enclosed are two high resolution color aerial photographs taken April 22, 1987. Both oblique and direct overhead photos clearly show the construction activities above described. The excavated areas of the hotel and south villa building show the driven piles. Grade beams and pile caps are now being formed and poured.

Also enclosed is a copy of the site plan for the hotel and villas which was approved by Indian River County on October 29, 1986.

I am respectfully requesting, on the strength of this project's development status that the subject property be categorized as "developed" and accordingly not appear on the updated C.B.R.S. map of "undeveloped" properties.

Sincerely yours,

*Gordon S. Mott*  
Gordon S. Mott

GSN/ggw  
Enclosures

TOM LEWIS  
17th DISTRICT, FLORIDA  
ROOM 314  
LONGWOOD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
TELEPHONE 202/225-1922  
COMMITTEE ON AGRICULTURE  
COMMITTEE ON SCIENCE, SPACE AND  
TECHNOLOGY



Congress of the United States  
House of Representatives  
Washington, DC 20515

June 11, 1987

Honorable Donald P. Model  
Secretary of the Interior  
U.S. Department of Interior  
Washington, D.C. 20240

Re: Proposed Inclusion of Wabasso Beach, FL  
area to Coastal Barrier Resources System

Dear Secretary Model:

As you know, on March 23, 1987 proposed recommendations for expansion of the Coastal Barrier Resources System were released. One area recommended for inclusion into the Coastal Barrier Resources System is the Wabasso Beach area of Florida's east coast, referenced as P10 on the Sebastian Quadrangle of Volume 14, Florida (East Coast).

As a Floridian recognizing the importance of preserving our pristine barrier islands, I wholeheartedly support the Coastal Barrier Resources Act (CBRA) of 1982 and applaud the Department of Interior's efforts to add to the system. However, in my view, the Wabasso Beach area (P10) does not meet CBRA's definition of an undeveloped coastal barrier island and should not be considered for inclusion into the Barrier Resources System.

The Wabasso Beach area is under intense agricultural usage in the form of citrus groves. Proposed rules for CBRA published in the Federal Register on August 16, 1982, indicate that "intensively capitalized projects, such as major agricultural development, would quickly tend to stabilize an area even though there were few actual structures."

Clearly, agricultural development, which would significantly alter the land, represents sufficient development to prohibit inclusion. Therefore, I urge the removal of the Wabasso Beach area from further consideration for inclusion into the Coastal Barrier Resources System.

Thank you for your attention to this important issue. Should you require additional information regarding this area, do not hesitate to contact my office immediately.

Sincerely,

*Tom Lewis*  
Tom Lewis, M.C.

1598

E. CLAY SHAW  
15th DISTRICT, FLORIDA  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515  
D 448 CANTON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
D 222 222-2222



Congress of the United States  
House of Representatives  
Washington, DC 20515  
June 24, 1987

COMMITTEES  
JUDICIARY  
SUBCOMMITTEES  
ADMINISTRATIVE LAW AND  
GOVERNMENTAL RELATIONS  
CRIME  
PUBLIC WORKS AND  
TRANSPORTATION  
SUBCOMMITTEES  
ECONOMIC DEVELOPMENT  
SURFACE TRANSPORTATION  
WATER RESOURCES  
SELECT COMMITTEE ON  
NARCOTICS ABUSE AND CONTROL

The Honorable Donald H. Hodel -- Page 2

of this property in the system. The fact that it is even being considered because of the happenstance sighting of "For Sale" signs by Department personnel is even more perplexing. To my knowledge there has been no change in the criteria for agricultural land or other types of "man's activities" exemptions. I know that proposed inclusion has caused great concern for growers in the area for several reasons including the hardships which will result for them in obtaining conventional loans and the loss of federal agricultural assistance.

I am also concerned about the Department's intention to recommend the inclusion of lands in unit P-10 which have been developed based on the boundary lines established pursuant to the original Act. Significant investments have been made to prepare land in the area for development. It is my belief that the Department should give serious consideration to this investment when evaluating whether or not to recommend this area be added to the system.

The Vero Beach area represents a unique case. Congress recognized this fact when it passed the Coastal Barriers Resources Act and I would hope that you will carefully reconsider the Department's current position with these facts in mind. I will be pleased to provide you with any additional information and to meet with you personally if you feel it necessary.

Many thanks for your consideration of my views on this very important issue.

Sincerely,

E. Clay Shaw, Jr.  
Member of Congress

ECS:jfs

The Honorable Donald H. Hodel  
Secretary  
Department of the Interior  
Washington, D.C. 20240

Dear Secretary Hodel:

The Department of Interior has proposed to add a substantial amount of new areas in Florida to the Coastal Barrier Resources System (system). As you may know, I was a cosponsor and strong supporter of legislation establishing this system and continue to remain very supportive of the Department's efforts to implement and manage this program. However, I am concerned with the Department's recent interpretation of provisions of the Act as they relate to the proposed additions the system now being suggested by the Department.

My specific concern relates to the use of agricultural lands in Florida which are, for the most part, used as citrus groves and the Department's proposal to recommend that these lands be added to the System. During consideration of this measure Congress extensively debated whether or not to include citrus lands in the System. Congress ultimately decided that these lands should be excluded because the intensive private capitalization that went into creating citrus groves stabilized the area thereby precluding the area from being considered "undeveloped".

In fact, the Department's August 16, 1982 regulations defining undeveloped coastal barrier islands reflects Congress's decision to exclude citrus lands. The regulations specifically state that "intensively capitalized projects, such as major agricultural development would quickly tend to stabilize an area even though there were few actual structures."

The area I am concerned about is the land north of Vero Beach, along the Indian River (commonly referred to as unit P-10). The groves have been in existence for decades with a corresponding substantial investment in infrastructure, including wells, roads, irrigation systems and power lines. The groves were considered to have stabilized the area as much or more than the presence of any other structural development. It is for these reasons that this area was originally excluded from inclusion in the system by Congress.

It is unclear why the Department is now proposing inclusion

1505

Congress of the United States  
House of Representatives



June 10, 1987

The Honorable Donald Hodel  
Secretary of the  
Department of the Interior  
18th and C Streets, N.W.  
Washington, D.C. 20240

BILL NELSON  
FLORIDA  
Eleventh District  
CHAIRMAN OF SUBCOMMITTEE  
SPACE SCIENCE AND APPLICATIONS  
COMMITTEES  
SCIENCE, SPACE AND TECHNOLOGY  
BANKING, FINANCE AND URBAN AFFAIRS

The Honorable Donald Hodel -- Page 2

Thank you for your consideration of this matter.

Sincerely,

Bill Nelson

BN:mr

Dear Mr. Secretary:

I am writing to urge your reconsideration of the proposed inclusion in the Coastal Barrier Resources System of the North Barrier Island (Unit P-10) located in my district in Vero Beach, Indian River County, Florida. The proposed addition constitutes nearly a 16-fold increase in acreage, from 337 acres to the proposed 5,231 acres, and would prevent property owners from being eligible for federal flood insurance and other forms of federal assistance. Please be advised that I am adamantly opposed to this plan.

There are several reasons why I believe the above described area should not be included in the Coastal Barrier Resources System:

- This area was considered for inclusion in the System by Congress when the Coastal Barrier Resources Act was first passed in 1982. The Congress determined at that time that it would not include the area in the System. This was consistent with the recommendation of the Department of Interior at that time. The Department of Interior should not now be considering the addition of areas which were explicitly rejected by Congress.

- The area contains a substantial number of functioning citrus groves which have been in existence for decades. As you know, the Department of Interior criteria for developed areas included those which have been heavily capitalized, such as these citrus groves. The criteria states that those areas which have been stabilized due to man's activities should not be included in the System.

- A full complement of significant infrastructure exists in the area. Highways have been in place for many years which enable direct access to development sites to the south and the citrus groves to the north.

- Also in place are water mains, wells, canals, electricity and infrastructure associated with irrigation, as well as septic and sewer systems. Clearly, man's activities have changed the nature of the island to the point where it does not meet the criteria of an undeveloped barrier island.

For the above compelling reasons, I strongly urge you to reject any changes in Unit P-10 in the Coastal Barrier Resources System.

IN RESPONSE, PLEASE REPLY TO:  
WASHINGTON OFFICE  
2404 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0912  
1203/222-2671

MELBOURNE OFFICE  
780 S.W. 7th AND S.W. 10th SUITE 112  
MELBOURNE, FLORIDA 32901-1423  
1203/876-1776

ORLANDO OFFICE  
FEDERAL BUILDING SUITE 300  
ORLANDO, FLORIDA 32801-2229  
1203/841-1776

ALL OTHER OFFICES (305) 847-1280  
SEMI-PRIVATE OFFICE (305) 453-8524  
TOLSON OFFICE (202) 456-4776  
FLEET MANAGEMENT (305) 466-1277

1682

TOM LEWIS  
12TH DISTRICT, FLORIDA  
ROOM 1218  
LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
TELEPHONE (202) 225-5181



DISTRICT OFFICES  
PALM BEACH GARDENS  
7700 PCA BOULEVARD  
SUITE ONE  
PALM BEACH GARDENS, FL 33410  
(305) 827-6192

COMMITTEES  
COMMITTEE ON AGRICULTURE  
COMMITTEE ON SCIENCE SPACE AND  
TECHNOLOGY

DEPT OF INTERIOR  
Congress of the United States  
House of Representatives OCT 28 AM 11:13  
Washington, D.C. 20515  
October 27, 1987  
EXECUTIVE SECRET

PORT ST. LUCIE  
2850 MICHOY BLVD  
SUITE 100  
PORT ST. LUCIE, FL 33482  
(305) 282-7889  
(305) 485-3710

The Honorable Donald P. Hodel  
Secretary  
U.S. Department of Interior  
1800 C Street, N.W.  
Washington, D.C. 20240

Re: Proposed Inclusion of Unit P-10  
Vero Beach, Florida, into the  
Coastal Barrier Resources System

Dear Mr. Secretary:

Thank you for taking the time to meet with my constituents Ben Bailey and Bill Caldwell, along with Tom Evans and myself, on September 30th to discuss the proposed inclusion of Unit P-10, near Vero Beach on Florida's east coast, into the Coastal Barrier Resources System.

As you may recall, some of the property proposed for inclusion is already developed into residential communities. The remainder consists of heavily capitalized citrus groves. These citrus groves have changed the character of the land dramatically, perhaps even more than residential development, and it is unlikely that it will ever return to the type of natural barrier island that Congress intended be included in the System.

With agricultural development having significantly altered this land, it is difficult to understand why it should now be included. Since this area was considered developed and thereby excluded in 1982 and 1985, it is illogical for the Department of Interior to suggest that it is now undeveloped, or will be at some point in the future. For this reason, I urge you to no longer consider Unit P-10 for inclusion into the Coastal Barrier Resources System.

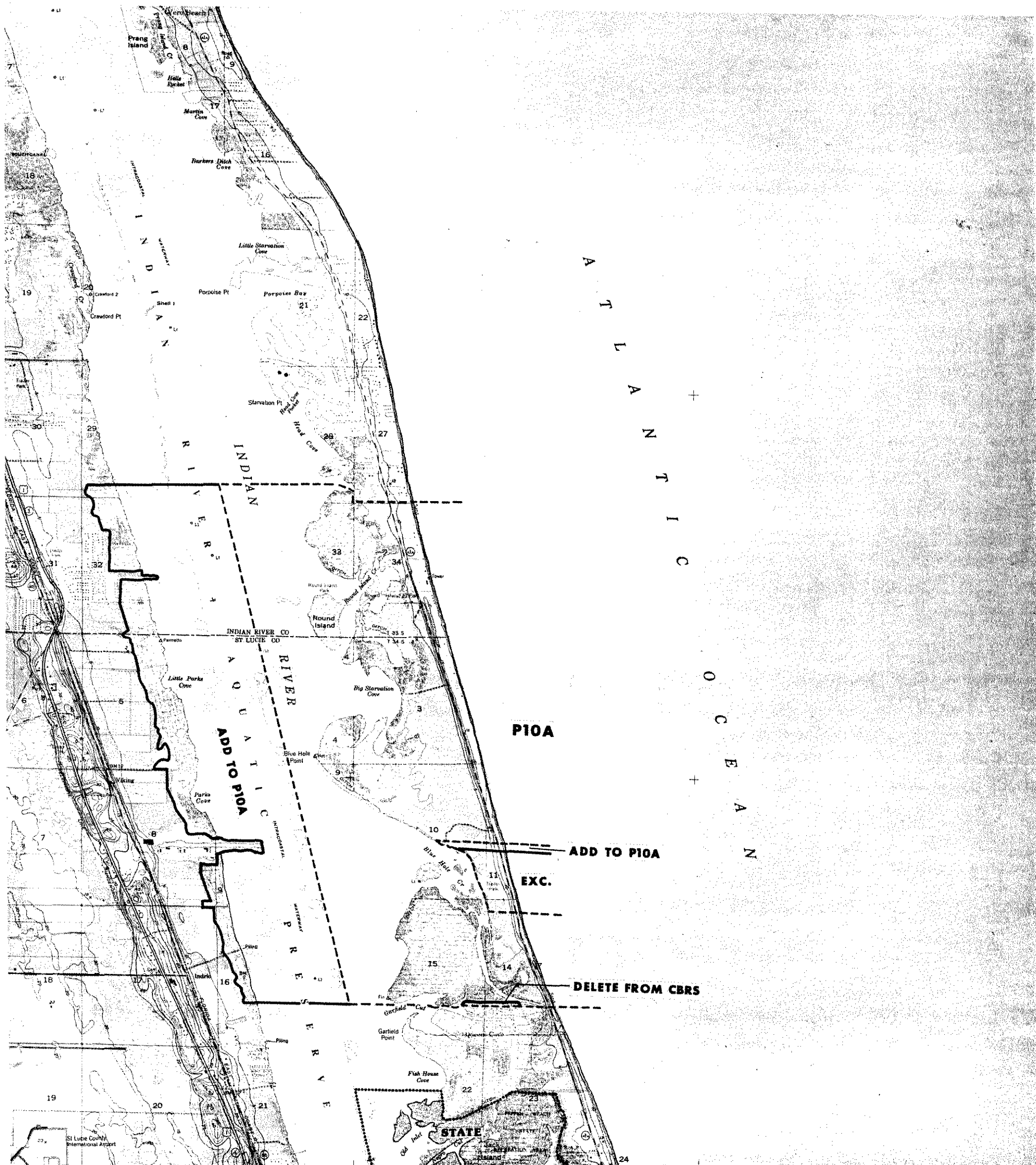
Again, thank you for your time and consideration.

Sincerely,

*Tom Lewis*

Tom Lewis  
Member of Congress





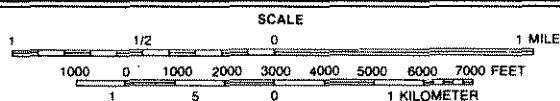
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
by the Coastal Barriers Study Group  
U.S. Department of the Interior  
Washington, D.C. 20240

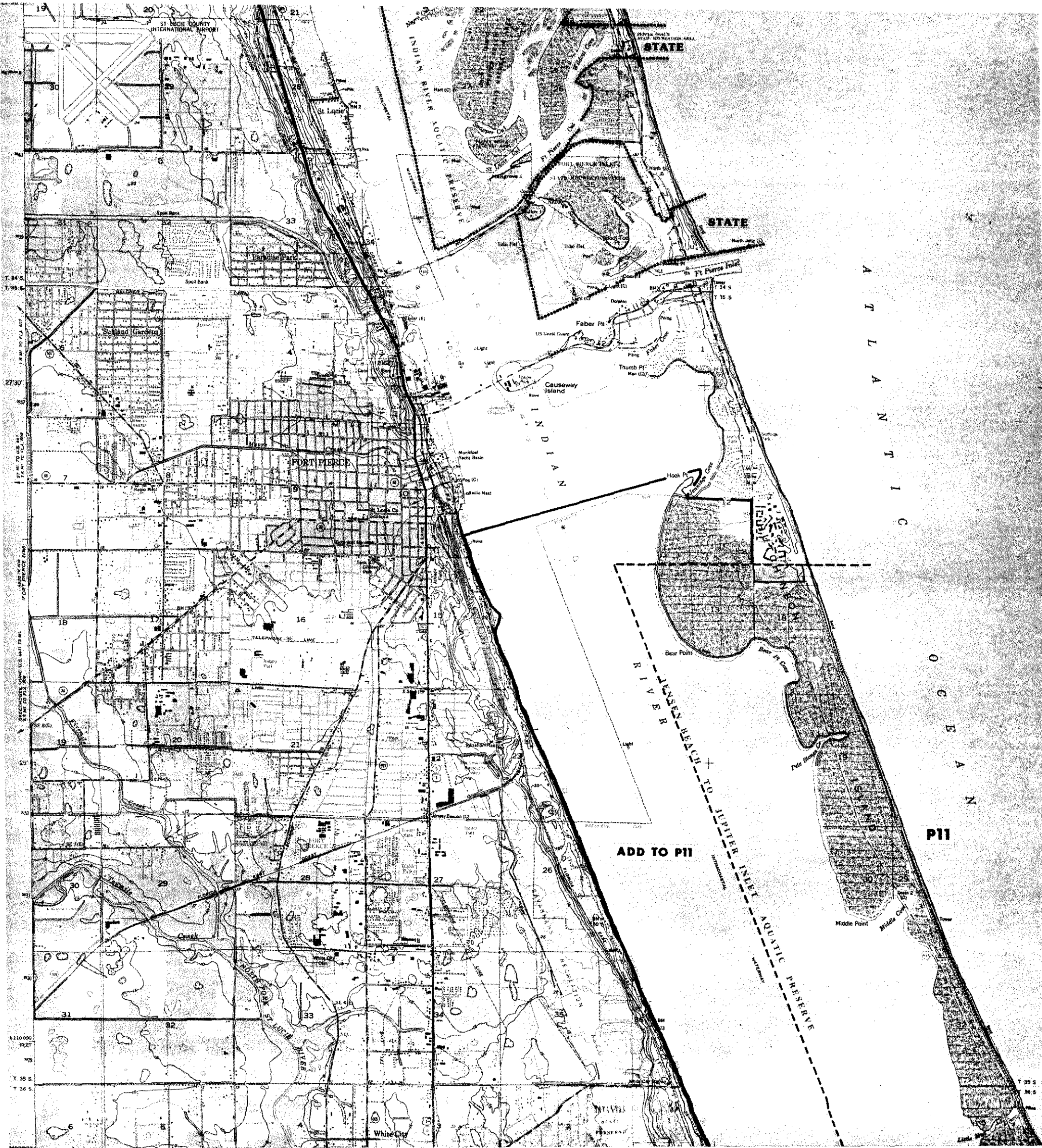
QUADRANGLE  
**INDRIO**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



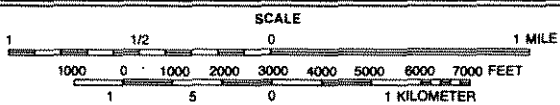
UNITED STATES  
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior  
Washington, D.C. 20240

**Report to Congress on the Coastal Barrier Resources System**

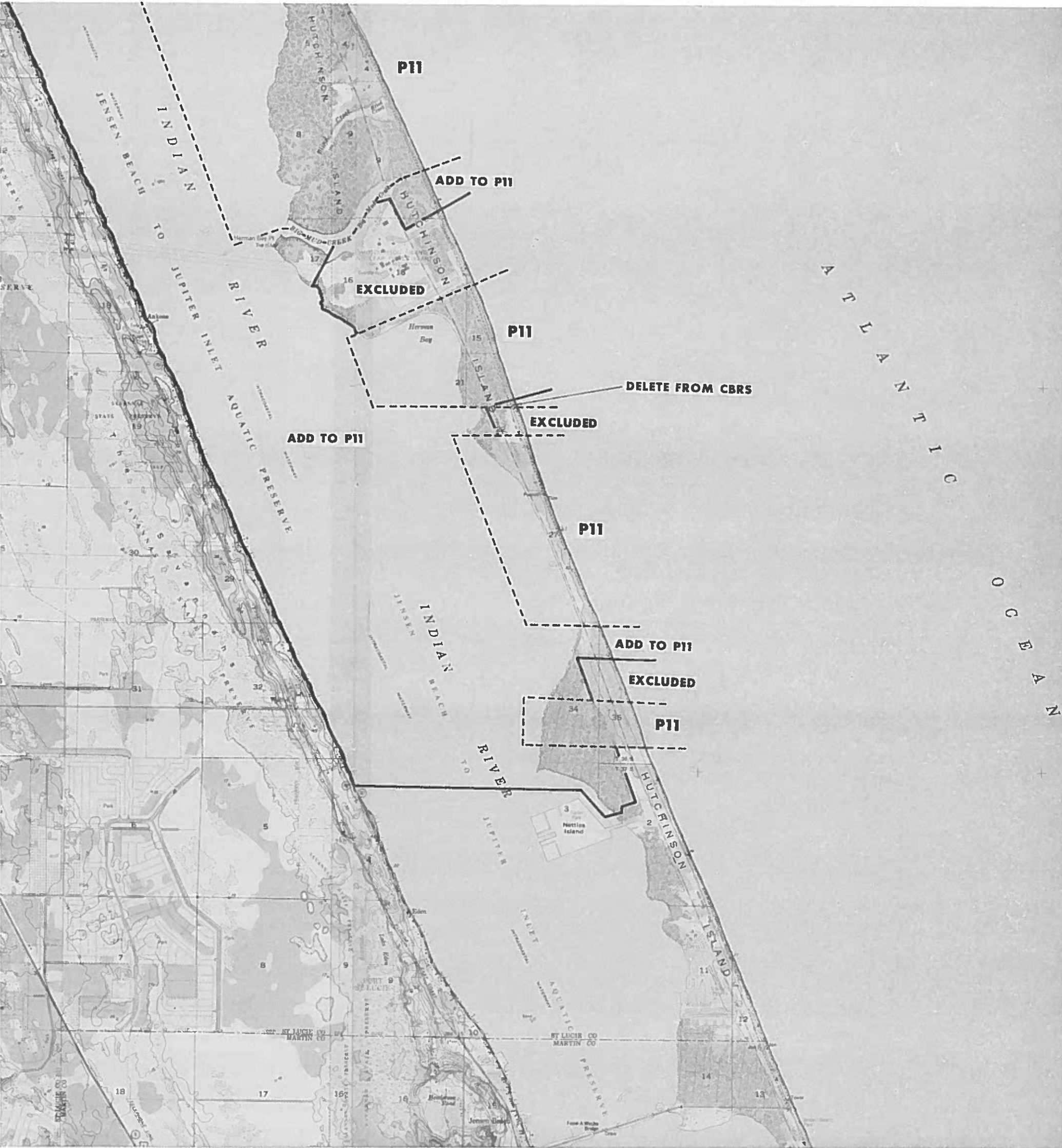
QUADRANGLE  
**FORT PIERCE**  
FLORIDA



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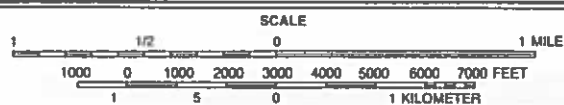
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior  
Washington, D.C. 20240

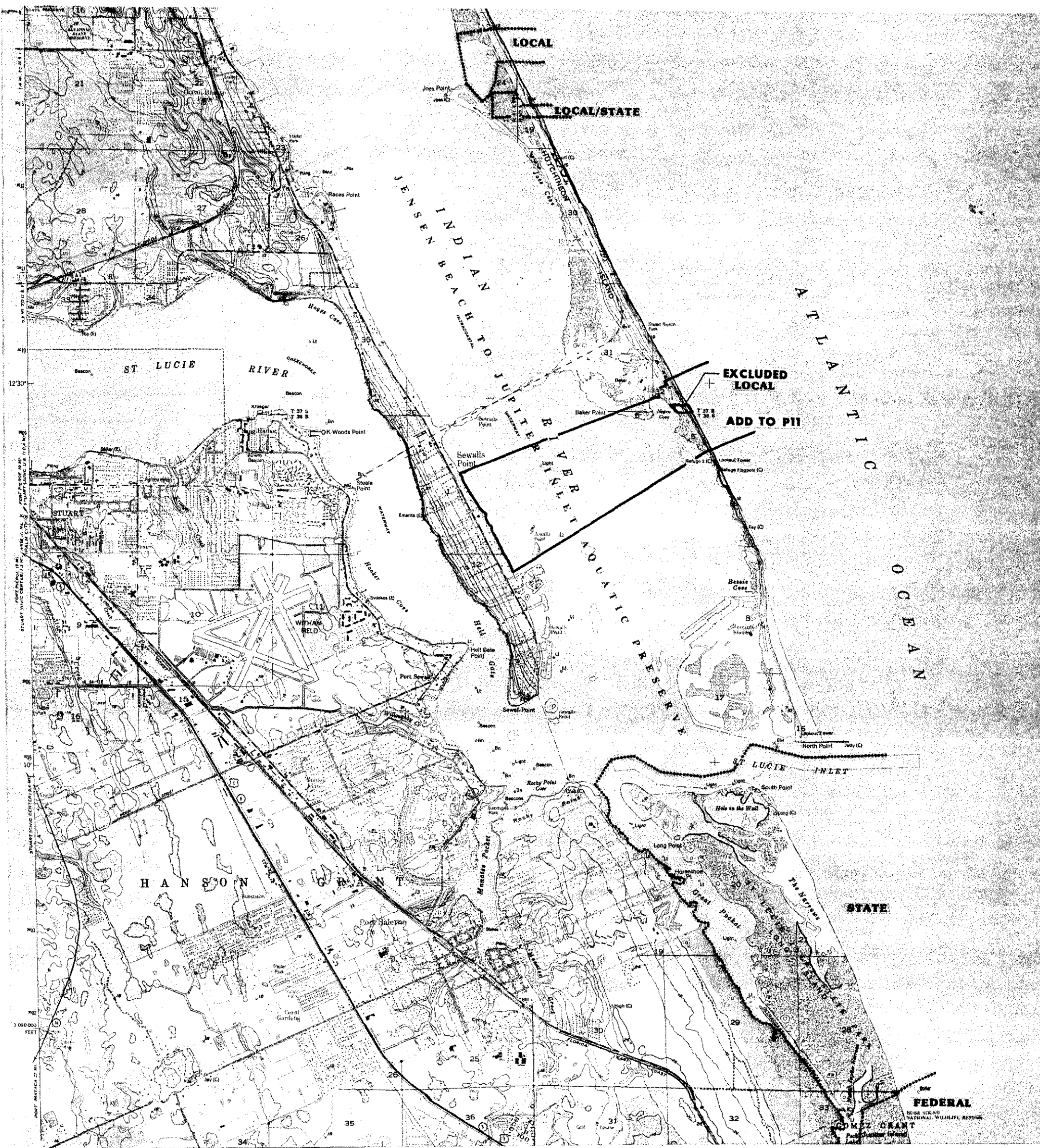
QUADRANGLE  
**EDEN**  
FLORIDA



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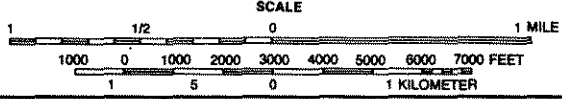
**Report to Congress on the Coastal Barrier Resources System**

UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
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U.S. Department of the Interior  
Washington, D.C. 20240

QUADRANGLE  
**ST. LUCIE INLET**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
  - - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
  - ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.
- Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

P11 - HUTCHINSON ISLAND

State Position: The State of Florida expressed no position on this particular CBRS unit.

Other Comments: Nine comment letters concerning P11 were received. Three letters supported additions to the unit and three opposed the additions claiming that developed areas had mistakenly been included within the proposed unit boundaries. Two letters informed DOI that the proposed additions also included county parks protected either by St. Lucie or Martin County. The St. Lucie County Commissioners expressed concerns that adding the associated aquatic habitats to P11 would interfere with utility service to developed portions of Hutchinson Island and discourage the construction of sewage treatment plants that might lessen the detrimental environmental impacts of malfunctioning septic systems on developed barriers. The City of Fort Pierce also expressed concerns about utility service and requested the deletion of a portion of the existing unit along the northern boundary which they claim is developed.

Five comment letters concerning P11 are reprinted below, two appear under P10 (letters number 1088 and 1314), and two

appear in the General Comment Letters section (letters number 805 and 1282).

Response: The DOI has carefully reviewed the delineations of P11 to assure that the boundary lines were correctly drawn at the interface between the developed and undeveloped portions of the island. However, the area about which the City of Fort Pierce is concerned was undeveloped in 1982. There is no justification for its deletion from the CBRS. Using the information provided by the commenters, the DOI has excluded all locally protected areas from the proposed additions.

It was not the intent of CBRA to penalize those living on developed coastal barriers; therefore, DOI has included a recommendation in this report to allow utilities to use Federal monies for essential lines that must cross the CBRS to service developed coastal barriers. See Volume 1 for further discussion of this issue.

DOI Recommendation: The DOI recommends adding adjacent undeveloped unprotected barrier areas and the associated aquatic habitats to the existing CBRS unit. The DOI also recommends deleting a small area that was developed in 1982 from the existing CBRS unit.



1421



OFFICE OF THE MAYOR AND CITY COMMISSION

CITY HALL, 500 BOSTON AVENUE  
P.O. BOX 1480  
FORT PIERCE, FLORIDA 33454

June 26, 1987

Coastal Barrier Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Members of the Study Group:

The City of Fort Pierce is in an agreement with the intent of the Coastal Barrier Resources Act. Nearly all of the City's jurisdiction on South Hutchinson Island in Saint Lucie County, Florida is urbanized and we feel that a policy of protecting the undeveloped portion of the barrier island is in the public's best interest.

We do, though, feel that the CBRA system boundary should be re-evaluated in order to define true "undeveloped areas". One example is the "Ocean Village" property upon which a nearly 1800 unit residential complex has been under construction for nearly ten (10) years. Possibly by mistake the CBRA system bisects this project which is located on the east side of State Road A1A just north of Blue Heron Boulevard (see attached map). The portion of the Ocean Village project that is currently within the system has been used as a golf course since prior to 1982.

In addition to our viewing the above described property as "developed," our Fort Pierce Utilities Authority has been under contract to serve the entire project with water and sewer service for many years. The CBRA could conceivably put our Utilities Authority in a "catch 22 situation" whereby not extending services could possibly put us in legal trouble and extending services could put us in a position of violating CBRA and endangering past and future federal funding.

We hereby recommend that the Study Group recommend to the legislature that:

1. The CBRA system boundary be re-evaluated to truly reflect developed versus undeveloped land, or
2. Provision be made to allow local governments and their utility providers to honor their previous contractual agreements without putting themselves in violation of the Coastal Barrier Resources Act.

Coastal Barrier Study Group  
June 26, 1987  
Page 2

I appreciate the opportunity to provide input to the Study Group and we hope that our comments will be considered when recommendation is made to the legislature. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

William R. Dannahower  
Mayor

REV/DAB/WRD/ccg

cc: City Manager  
Director of Development  
City Attorney  
Attorney Ben L. Bryan, Jr.

730



M. R. NELSON REAL ESTATE, INC.

801 East Ocean Boulevard, Suite B, Stuart, Florida 33494  
Telephone 305 / 287-3566

M. RONNY NELSON, Realtor  
G.R.

June 1, 1987

Secretary of the Interior  
Coastal Barriers Study Group  
U.S. Department of the Interior, National Park Services  
P. O. Box 37127  
Washington, DC 20013-7127

Re: CBRS Proposed Recommendations  
of areas to be added.

Dear Secretary:

It has come to my attention that revisions to the Coastal Barrier Resources Act, covering barrier island property, are to be considered by Congress in the near future. I also understand that there is a 90 day public comment period for the areas affected.

My concern is parcel #P11. From the small scale map I have seen, I can't determine for certain if my home is included in your proposed new area which is to be added, however, it appears that this P-11 area may take in all of Gov lot #1, Sec. 5, T38S, R42E which would include my home plus another house across the street and two of my vacant lots of which one is on the river and one on the ocean across from my house. These two vacant lots are already developed and buildable as is with no fill required. The house across the street from me was built in 1971. My house on the river was built in 1980.

My specific request is that the South 200 ft of Gov lot 1, Sec. 5, T38S, R42E, Martin County be excluded from the proposed revision for the following reason: it consists of 4 parcels, 2 homes and 2 already developed vacant lots which should be considered as part of a larger developed area which adjoins on the South being the House of Refuge property owned by Martin County and about 26 homes adjoining that and then Sailfish Point.

I believe I am being lumped into a non-developed area as I am on the fringe of a 12 acre swamp to the North of my property and you may not even know we are here and lines were drawn on small scale maps without knowledge of existing homes or developed lots.

Your consideration of excluding this South 200 ft of Gove lot 1, Sec. 5 from your P-11 will be appreciated and I will look forward to hearing from you. Also, please let me know if I should send

Secretary of the Interior

2/

June 1, 1987

additional information of any kind to support any of my comments above. If I am already excluded from the proposal, I would appreciate a letter confirming that fact.

Best regards,

*M. Ronny Nelson*  
M. Ronny Nelson

MRN:rn

Encl. Location map

cc: Frank McGilvrey, Coastal Barrier Coordinator

1008

Law Offices  
FIELDS, WILKINSON, RIPPIN & SPITTLER  
Professional Association  
55 East Osceola Street, Suite 100  
Stuart, Florida 33494

Telephone (305) 296-0890

June 19, 1987

Coastal Barriers Study Group  
National Park Service  
U. S. Department of the Interior - 498  
Post Office Box 37127  
Washington, D. C. 20013-7127

Re: Proposed Southernmost Addition to CBRS Unit P-11  
Hutchinson Island, Martin County, Florida  
Reference: Map Page 31

Gentlemen:

1. Reference conversation with Mr. Frank B. McGilvrey during and after the informational session held on May 13, 1987, at Vero Beach, Florida. The following information concerning the proposed southernmost addition to Coastal Barrier Resources System Unit P-11 (reference Map Page 31, Volume 14 Florida East Coast Draft Report to Congress Coastal Barrier Resources System, February 1987), is furnished:

(a) Exhibit "A" is the Warranty Deed containing the legal description of the property owned by my clients, SANTA LUCEA, INC. and EUROATLANTIC, INC., both Florida corporations, trading and doing business as SANTA LUCEA ASSOCIATES (hereafter referred to as SANTA LUCEA).

(b) Composite Exhibit "B" is:

(1) The Warranty Deed containing the legal description of the public beach known as FLETCHER BEACH acquired by Martin County; and

(2) The County Deed subsequently conveying same to the State of Florida,

which lies immediately adjacent to and South of SANTA LUCEA.

(c) Exhibit "C" attached hereto is an official Martin County Aerial photograph taken April, 1986, on which has been located:

(1) INDIAN RIVER PLANTATION RESORT, which lies 357 feet North of SANTA LUCEA.

D-5-38.26

Page 1

(2) The sewer plant owned by COOT BAY UTILITY CORP., which is wholly owned by my clients SANTA LUCEA, INC. and EUROATLANTIC, INC. The sewer plant currently operates under Florida Department of Environmental Regulation Permit No. DO-43-093738 servicing an area bounded on the North by a developed condominium known as the "DUNES CLUB", bounded on the South by Fletcher Beach. The sewer plant is designed and licensed for 150 residential units and is currently servicing the DUNES CLUB.

(3) The DUNES CLUB, which lies 200 feet North of SANTA LUCEA.

(4) FLETCHER BEACH, which lies immediately adjacent to and South of SANTA LUCEA.

(5) The DELHAISE residence, which lies immediately adjacent to and South of FLETCHER BEACH and 100 feet South of SANTA LUCEA.

(d) Not indicated on the map (in order not to clutter it) is:

(1) The underground water main;

(2) The underground telephone lines;

(3) The overhead electric power lines; and

(4) The overhead cable lines,

which service the South end of Hutchinson Island and follows MacArthur Boulevard, traversing through INDIAN RIVER PLANTATION, the DUNES CLUB, SANTA LUCEA, FLETCHER BEACH, the DELHAISE property and continues to SAILFISH POINT at the southerly tip of the Island.

2. It was my understanding from listening to the presentation at the informational session, that the criteria for additions to the Coastal Barrier Resources System were:

(a) Undeveloped land a minimum of a quarter-mile in length;

(b) Density of no more than 1 structure per 5 acres; and

(c) Lack of developmental infrastructure.

3. With reference to the SANTA LUCEA property:

(a) The distance between FLETCHER BEACH and the DUNES CLUB is 1,000 feet, which is less than a quarter mile.

D-5-38.26

Page 2

100

LAW OFFICES  
NEILL GRIFFIN JEFFRIES & LLOYD

311 SOUTH SECOND STREET  
FORT PIERCE, FLORIDA 33940

June 19, 1987

MAILING ADDRESS  
POST OFFICE BOX 370  
FORT PIERCE, FL. 33944  
TELEPHONE 308-484-8200

- (b) The DUNES CLUB to the north of SANTA LUCEA contains 18 condominium units. When the DELHAISE residence South of FLETCHER BEACH is added and the total quantity of residential units divided into the acreage of the property between the North property line of the DUNES CLUB and the South line of the DELHAISE residence, the resulting density is approximately 1 structure per acre.
- (c) The infrastructure of sewer, water, electric power, telephone and cable is in place and services single and multi-family development in the immediate area. SANTA LUCEA has already paid fire engine impact fees of \$13,800.00; island water system improvement impact fees in excess of \$26,000.00; water connection fees also in excess of \$26,000.00; water meter costs in excess of \$4,000.00; and is continuing to pay water reservation fees.
- (d) SANTA LUCEA has a valid Final Planned Unit Development Order for development of 48 condominium units and Preliminary Planned Unit Development Order for 44 future condominium units, same having been in effect since March 12, 1981. Prior to Planned Unit Development approval, the property was zoned for multi-family use, the PUD being consistent therewith.

## 4. Accordingly, on behalf of my clients, I request:

- (a) Exclusion of the SANTA LUCEA property described in Exhibit "A" from any contemplated additions to the Coastal Barrier Resources System inventory;
- (b) Exclusion of FLETCHER BEACH from any contemplated additions to the Coastal Barrier Resources System inventory; and
- (c) The opportunity to appear at any and all public hearings held on this matter by any concerned agency or legislative body.

Very truly yours,

AVRON C. RIPPIN

-RCR:rs  
Encl.

cc: Mr. Frank B. McGilvrey

D-5-38.26

Page 3

Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service  
Post Office Box 37127  
Washington, D.C. 20013-7127

Attn: William P. Horne  
Assistant Secretary for Fish and Wildlife  
and Parks

Re: Proposed Southernmost addition to the CBRS in  
Unit P11 (Hutchinson Island) Martin County, Florida

Dear Mr. Horne:

This office represents several owners of properties, which properties (hereinafter referred to collectively as the "subject property") are proposed to be added to the Coastal Barrier Resources System (CBRS) in Unit P11 (Hutchinson Island) in Martin County, Florida. This letter is in response to your solicitation for public comments with respect to the aforementioned proposed addition.

Enclosed with this letter are the following exhibits:

- Exhibit "A", which is a list of the property owners represented by this office and the legal descriptions of their respective properties.
- Exhibit "B", which is an excerpt from the St. Lucie Inlet quadrangle in Unit P11 as shown at Page 31 of Volume 14 of the Report to Congress. The subject property is located within the proposed southernmost addition to Unit P11.

Coastal Barriers Study Group  
Attn: Mr. William P. Horne  
June 19, 1987  
Page Two

3. Exhibit "C", which is an aerial photograph of the subject property (and other lands) prepared by the Florida Department of Transportation in April, 1986. The northern and southern boundaries of the subject property are identified on this aerial photograph.

4. Composite Exhibit "D", which consists of copies of a Contract and Agreement between the Department of Natural Resources of the State of Florida and Martin County, Florida, and a Deed from Martin County, Florida, to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida pertaining to Hutchinson Island Beach Access Parcel #6, commonly known as the "Fletcher Beach Access Parcel".

Although it is difficult to ascertain from Exhibit "B" the exact southern boundary of the proposed addition to the CBRS in Unit P11, it is my understanding of a conversation with Mr. Frank McGilvrey, Coastal Barriers Coordinator, following a public informational meeting held on May 13, 1987 in Vero Beach, Florida, that the southern boundary of the proposed addition is the northern boundary of land owned by Mr. M. R. Nelson, upon which land Mr. Nelson resides in a single-family residence. The northern boundary of the Nelson land is coincidental with the southern boundary of the subject property. I would appreciate it if you would confirm if, in fact, the southern boundary of the proposed addition to the CBRS is the northern boundary of the Nelson land.

We respectfully submit that the subject property, which is zoned for single family residential use, should not be added to the CBRS because it does not meet the definition of an undeveloped coastal barrier as set forth in the Coastal Barrier Resources Act and the March 4, 1985 edition of The Federal Register for the following reasons:

NEILL GRIFFIN JEFFRIES & LLOYD  
CHARTEREDNEILL GRIFFIN JEFFRIES & LLOYD  
CHARTERED

Coastal Barriers Study Group  
Attn: Mr. William P. Horne  
June 19, 1987  
Page Three

A. The northern boundary of the subject property is coincidental with the southern boundary of the Fletcher Beach Access Parcel as identified in Exhibit "D". The northern boundary of the Fletcher Beach Access Parcel is 300 feet north of the line dividing Township 37 South and Township 38 South as shown in the proposed addition to Unit P11. See Exhibit "B". This access parcel is owned by the State of Florida and leased to Martin County, Florida "for operation and maintenance as a recreation area for the use and benefit of the general public." Accordingly, as clearly provided in Section 3(1)(B)(ii) of the Coastal Barrier Resources Act, the Fletcher Beach Access Parcel should not be included in the CBRS.

B. MacArthur Boulevard bisects the subject property from north to south as shown on Exhibit "C". Virtually all of the land west of MacArthur Boulevard consists of a mangrove forest. Accordingly, only that portion of the subject property east of MacArthur Boulevard can be considered as "fastland." The subject property does not meet the definition of an "undeveloped" coastal barrier because it contains less than five acres of fastland (approximately 3.3 acres, including MacArthur Boulevard, as determined by planimetric reading from Exhibit "C") and there is at least one structure on the subject property which is "roofed and walled" and covers at least 200 square feet (the Delhaise residence).

C. The subject property is located between intensive capitalized development projects, i.e., the Santa Lucea Associates property located immediately north of the Fletcher Beach Access Parcel, which property has substantial infrastructure in place and has a valid final Planned Unit Development order for development of 48 condominium units and a preliminary Planned Unit Development order for 44 future condominium units, and substantial development immediately south of the subject property as can be clearly seen from Exhibit "C". Furthermore, significant infrastructure is in place on the subject property which effectively establishes a commitment to stabilize the area, viz: potable water supply lines, electric power lines, and telephone lines.

Coastal Barriers Study Group  
 Attn: Mr. William P. Horne  
 June 19, 1987  
 Page Four

For the reasons stated above, we respectfully request that the subject property not be added to the CBRS. We further request that we be given notice of all public hearings held on this matter by any concerned agency, committee, or legislative body.

With best regards.

Very truly yours,

*Robert M. Lloyd*  
 Robert M. Lloyd

RML/pw  
 Enc.

cc: Mr. Frank McGilvrey, Coastal Barriers Coordinator

NEILL GRIFFIN JEFFRIES & LLOYD  
 ATTORNEYS

June 9, 1987

Mr. Frank McGilvrey  
 Coastal Barriers Coordinator  
 U. S. Fish and Wildlife Service  
 Department of the Interior  
 Washington, D. C. 20240

Dear Frank:

Thank you for sending me the maps of Parcel P11 in Martin and St. Lucie counties. I have two properties: one in Martin County and one in St. Lucie county. The Martin County property is the land including the canal north of Joe's Point. This canal was dug approximately in 1969. I am sending you a copy of the original permit to extend the canal's channel. The dirt out of the canal was used to fill land approximately 150' south of the canal, and 115' north. I have a sewer plant located on the south side of the canal, serving the Seaside Condominium on the ocean and the two beach houses. This sewer plant is also to serve the balance of developed land. The lands to the north and south of these parcels are, I think, owned by the county and state, and are low. I feel this piece was overlooked, and mistaken as being low ground or undeveloped ground when maps were made for the coastal barrier resource act. It certainly will work a hardship on me if I can't be deleted from this act.

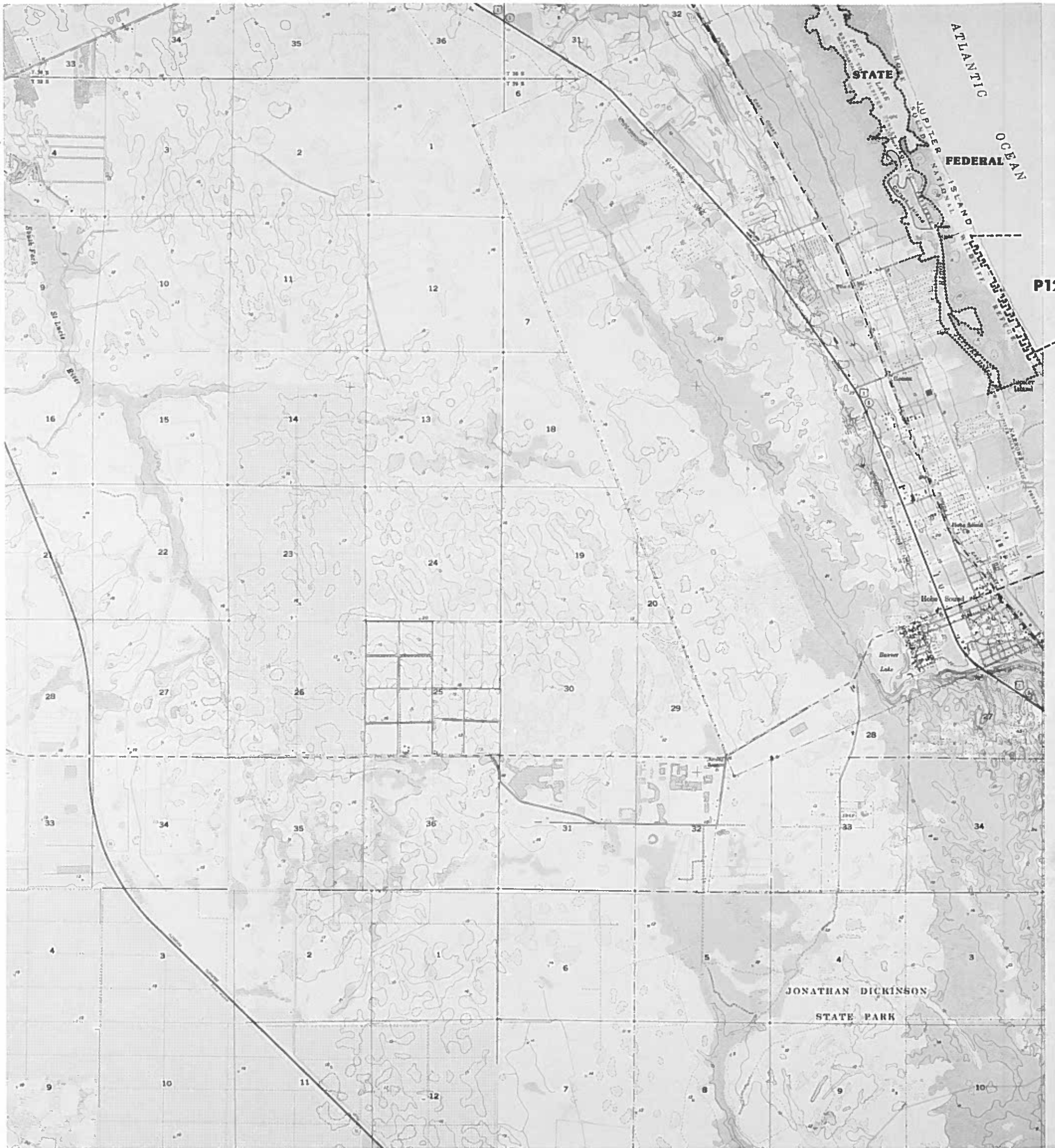
For approximately 15 yrs., I also have owned the parcel of land in St. Lucie County that adjoins Nettles Island to the north. I am sending you an area map showing that parcel. This land is approximately 300' wide on Highway A-1-A to 450' wide at 1000' west of A-1-A. As you can see, this is developed high land with trailers and a sewer plant. The sewer plant services the Hutchinson Inn Motel on the ocean, and is to be used for the balance of high ground. If you can delete this, I would appreciate it.

Frank, I know that small property can get overlooked in the big picture, and I hope that is the case here. If you can delete both parcels on the basis that they are already developed land with sewer plants and fill, I certainly would appreciate it. If you need any more information, please contact me.

Thanking you,

*Bob Rigel*  
 Bob Rigel  
 9750 S. A-1-A  
 Jensen Beach, Florida 33-57  
 phone: 305-225-6480





P12

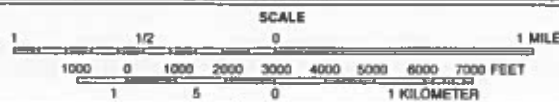
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**Report to Congress on the Coastal Barrier Resources System**

QUADRANGLE  
**GOMEZ**  
FLORIDA



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



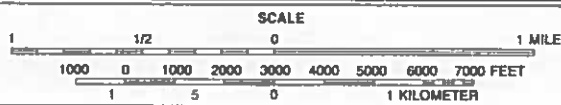
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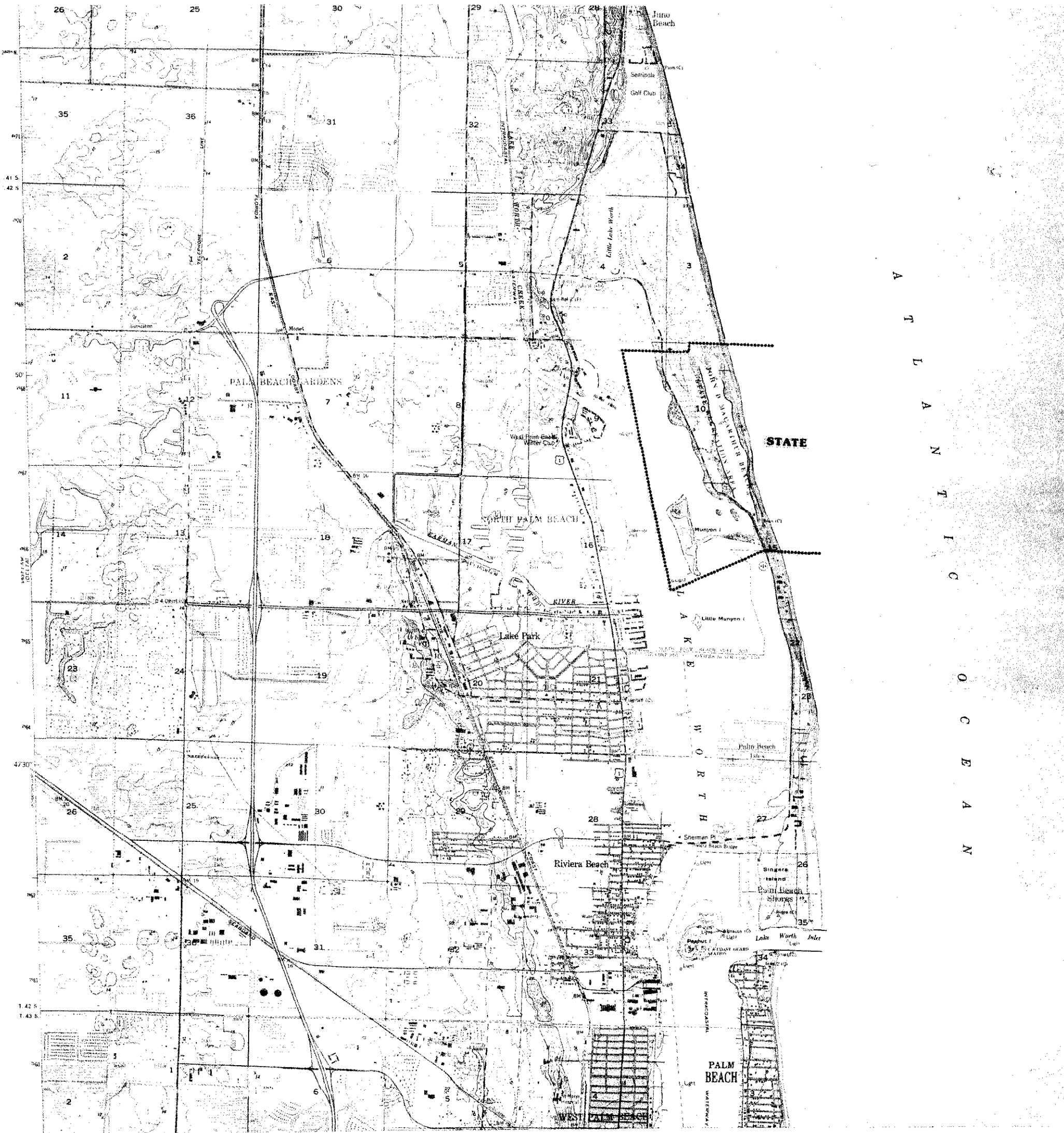
QUADRANGLE  
**JUPITER**  
FLORIDA



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ATLANTIC OCEAN

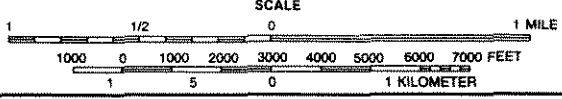
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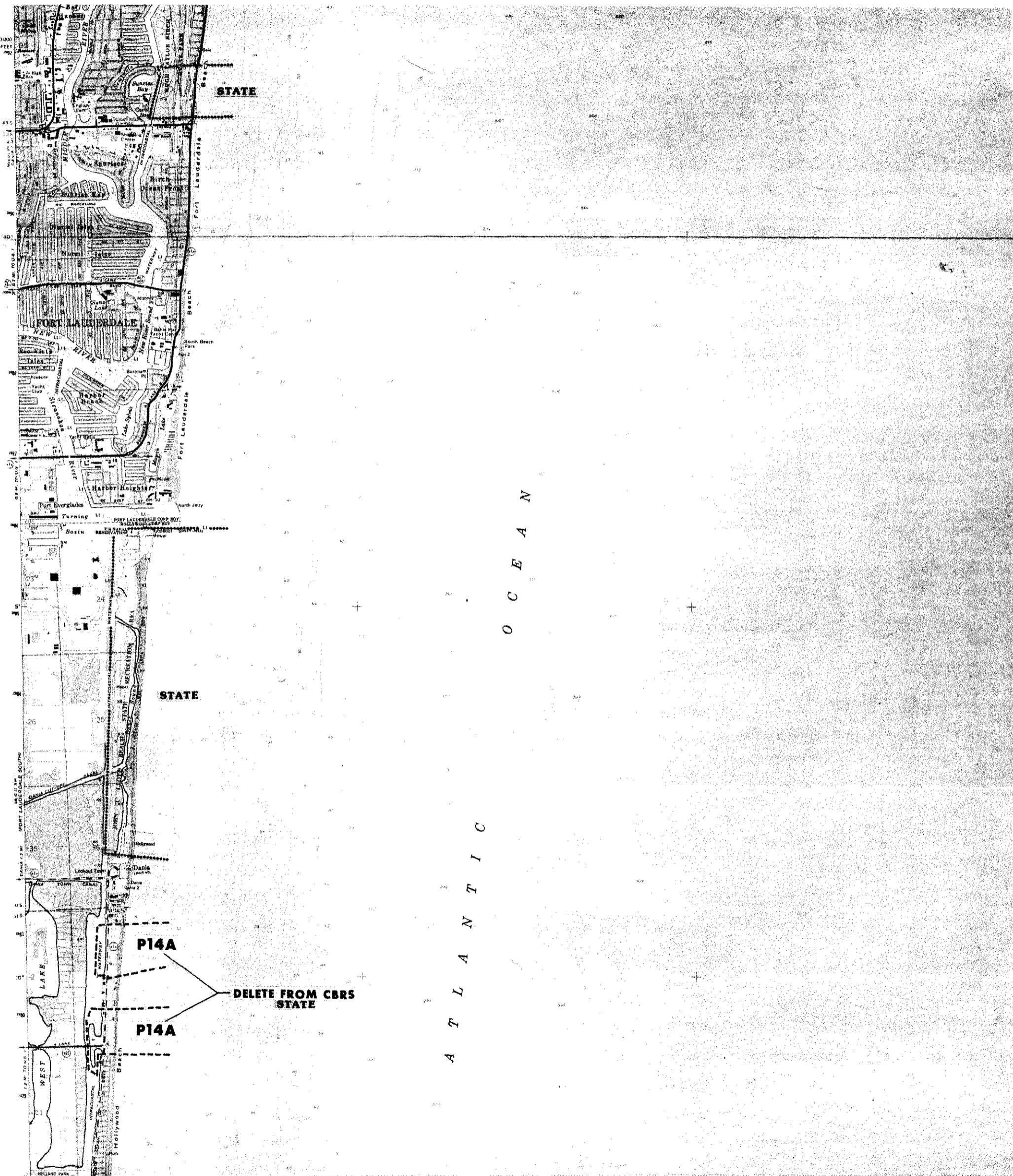
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QUADRANGLE  
**RIVIERA BEACH**  
 FLORIDA



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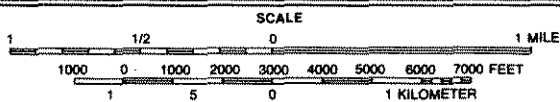
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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE  
**PORT EVERGLADES**  
FLORIDA



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P14A - NORTH BEACH

State Position: The State of Florida expressed no position on this particular CBRS unit.

Other Comments: One letter supporting the addition of associated aquatic habitat to P14A was received. It is reprinted below.

Response: All of P14A is protected by the State of Florida.

DOI Recommendation: The DOI recommends deleting P14A from the CBRS because it is protected by the State.

1019

*Carol B. Rist*  
12014 P.W. 23rd Court  
Miami, Florida 33157  
June 16, 1987

Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service-498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sir:

The following are my comments on the Department of the Interior's Report to Congress on proposed changes in the Coastal Barrier Resources System.

Private inholdings in already protected areas in the System should be included in the system. And land held for conservation purposes by private organizations should automatically be included within the system if the land is later sold for development.

All aquatic habitats associated with barrier islands within the System should be included within the system. I am well acquainted with the West Lake area which is behind the North Beach unit of the System in Broward County, Florida. I have been canoeing in this area for 15 years. I have seen rich aquatic life, countless shore birds and nesting ospreys in this area. It definitely merits inclusion in the System.

The definition of a "coastal barrier" should be extended to include coral reefs, mangroves, cheniers and the granitic outcroppings in New England. These areas are just as vital to the coastal ecosystem as a coastal barrier composed of unconsolidated sediments. Along with this recommendation, I heartily recommend the inclusion of the undeveloped parts of the Florida Keys. As a lifelong resident of south Florida, I have spent a lot of time in the Keys, and am acquainted with many of the units being proposed for inclusion within the system. There is no justification for the federal government subsidizing development in these areas which are already under so much development pressure.

When a barrier island is itself within the System, it makes no sense for the federal government to subsidize construction which will facilitate development on that island. Federal funding guidelines must be clarified to prohibit any activity undertaken in or outside the System specifically to benefit development within a CBRS unit.

Some of the recommendations in the Draft Report to Congress should be deleted. One such recommendation is that all military and Coast Guard lands should be deleted from the System. Military coastal barriers need protection just as much as barriers on private land.

Mobile Point in Alabama, should not be deleted from the System. Just because private development has taken place without federal subsidies is no reason to subsidize further development.

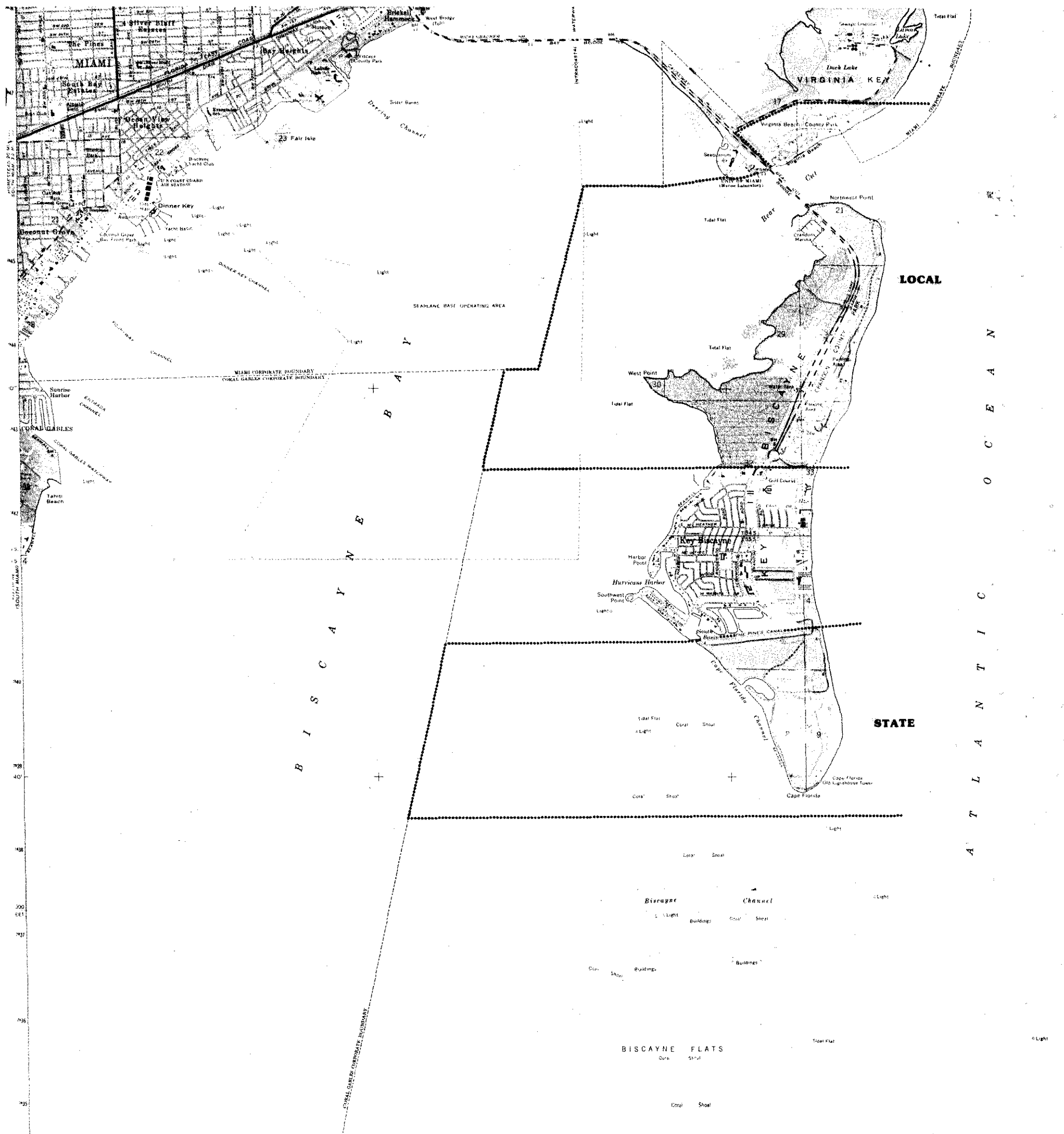
Barriers in the Great Lakes region and on the Pacific coast serve the same purpose and face the same problems as barriers on the East Coast. They should be included within the System.

Thank you for this opportunity to comment on the draft Report to Congress. I urge you to send to Congress a report which will recommend that Congress increase its restrictions on federal subsidies to development on undeveloped barrier islands throughout the country, no matter who owns them, so that the taxpayers of the United States will no longer foot the bill for unwise development in hazardous areas.

Sincerely yours,

*Carol B. Rist*  
Carol B. Rist





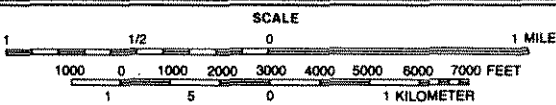
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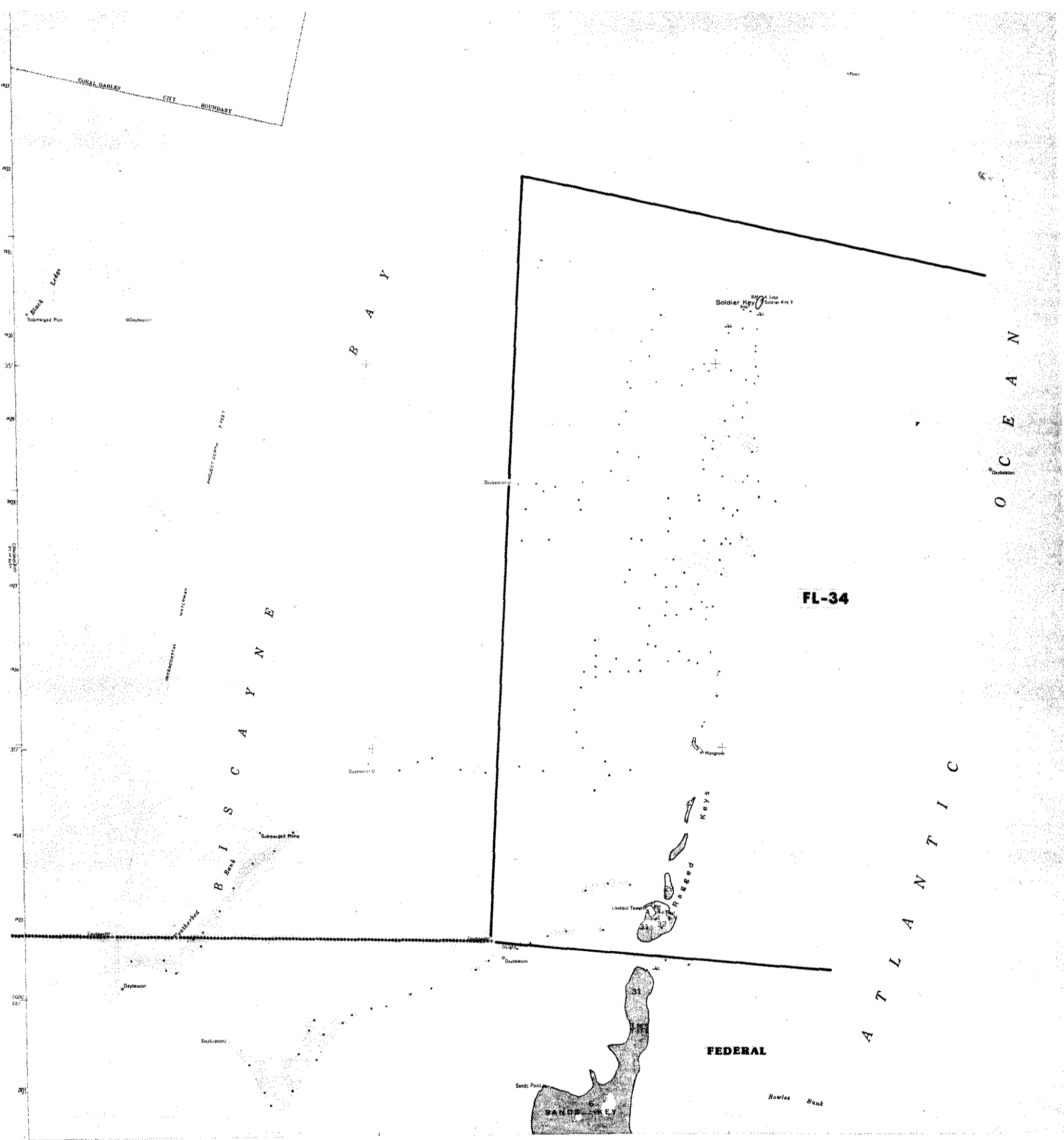
QUADRANGLE  
**KEY BISCAIYNE**  
FLORIDA



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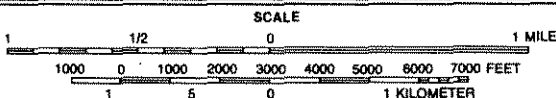
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QUADRANGLE  
**SOLDIER KEY**  
FLORIDA

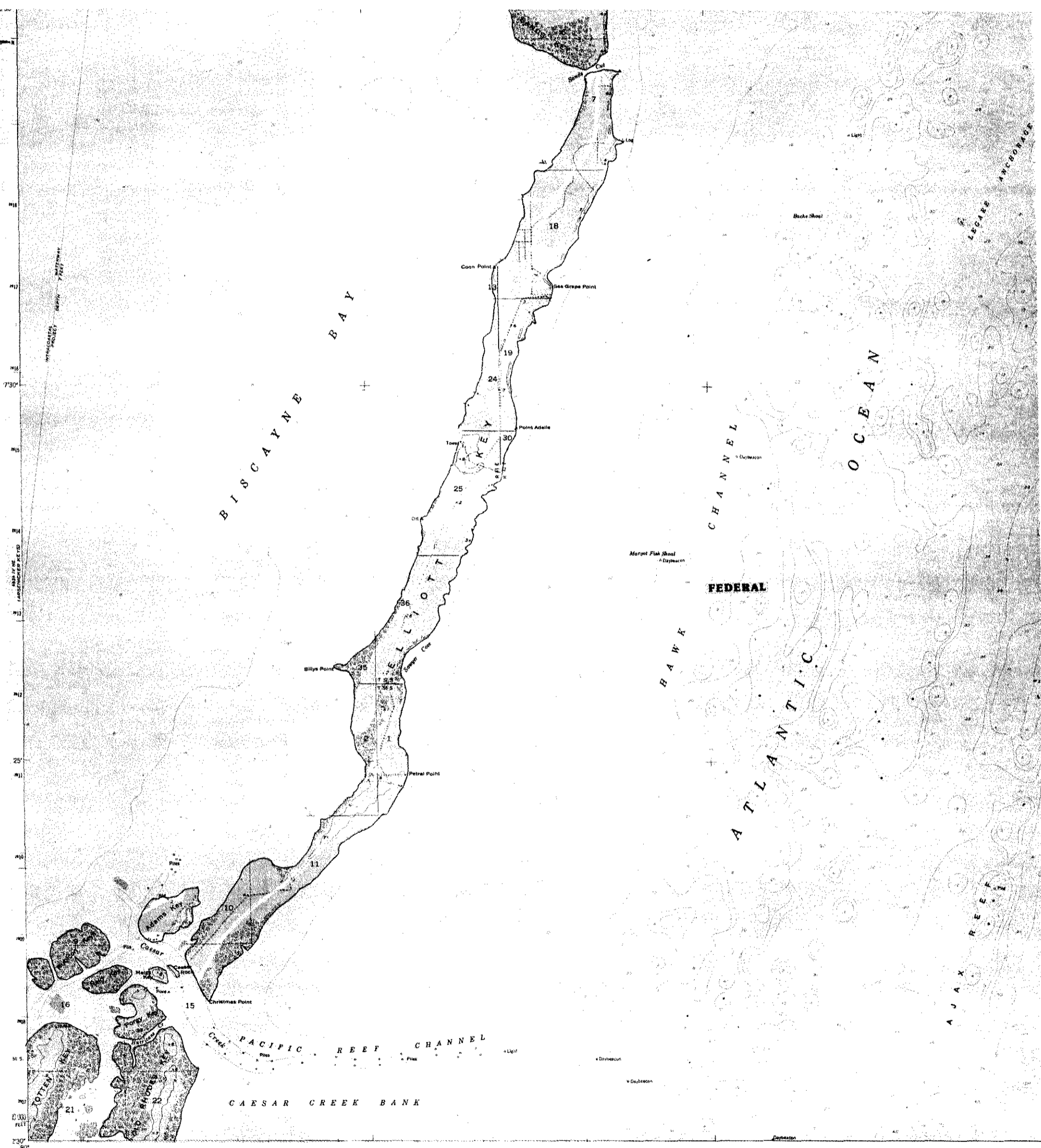


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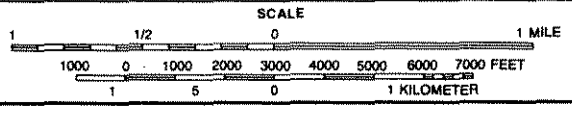
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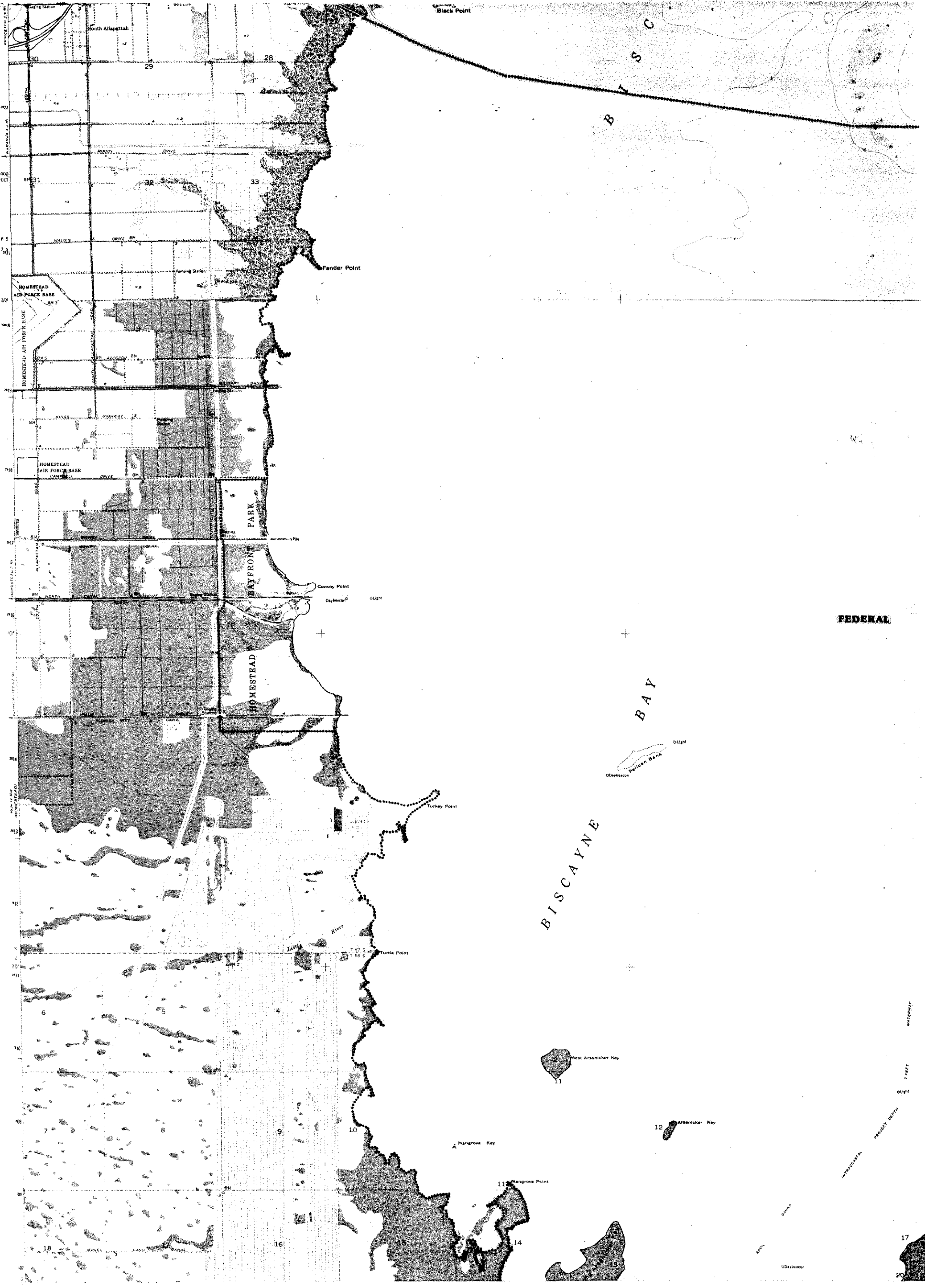
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QUADRANGLE  
**ELLIOTT KEY**  
FLORIDA



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FEDERAL

BISCAYNE BAY

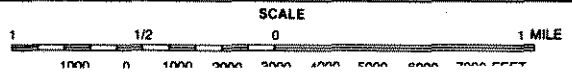
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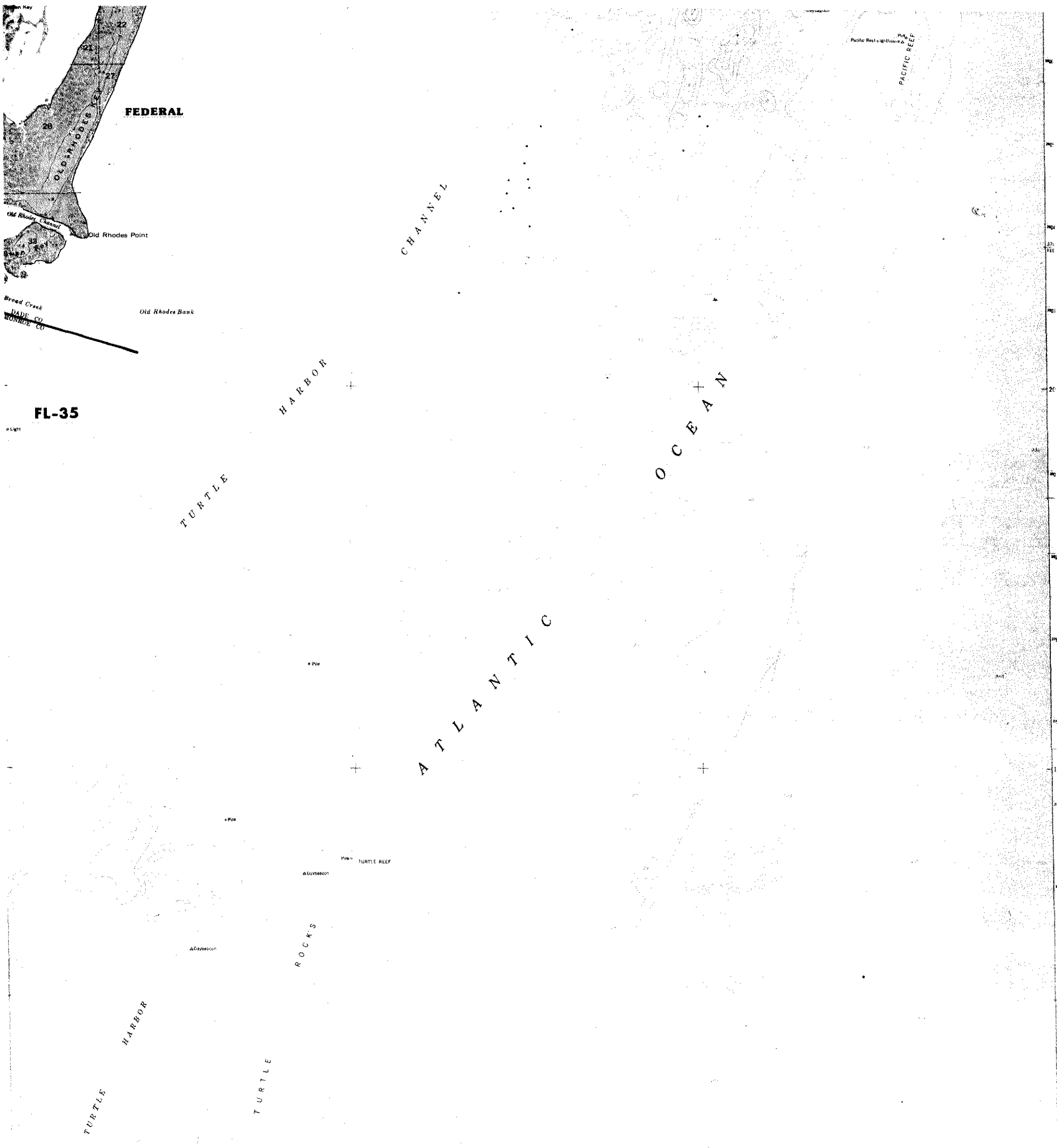


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QUADRANGLE  
**ARSENICKER KEYS**  
FLORIDA



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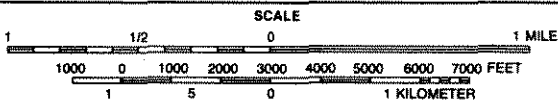
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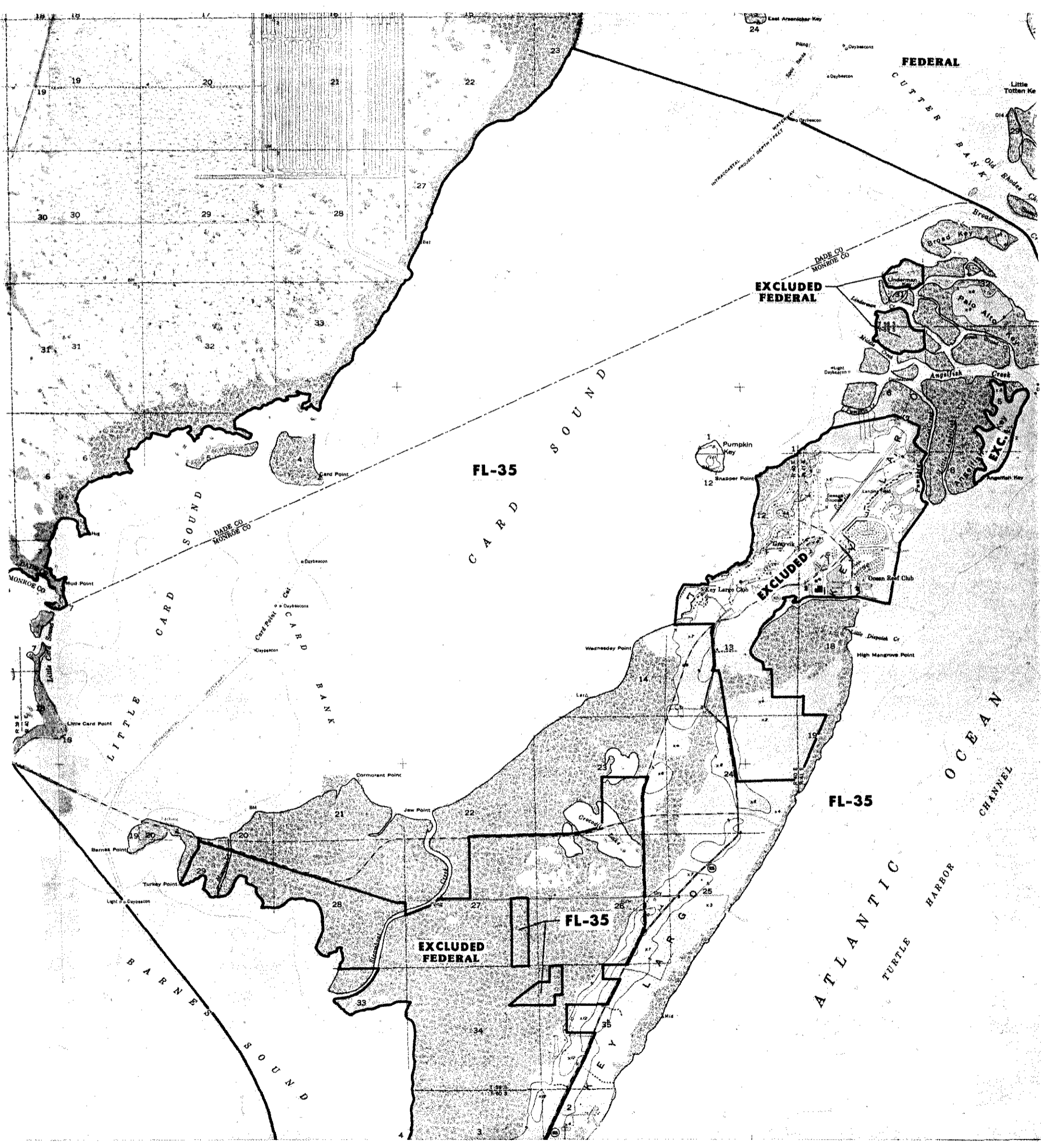
QUADRANGLE  
**PACIFIC REEF**  
FLORIDA



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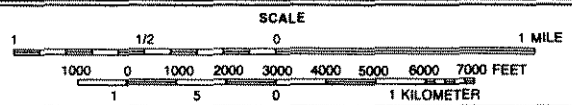
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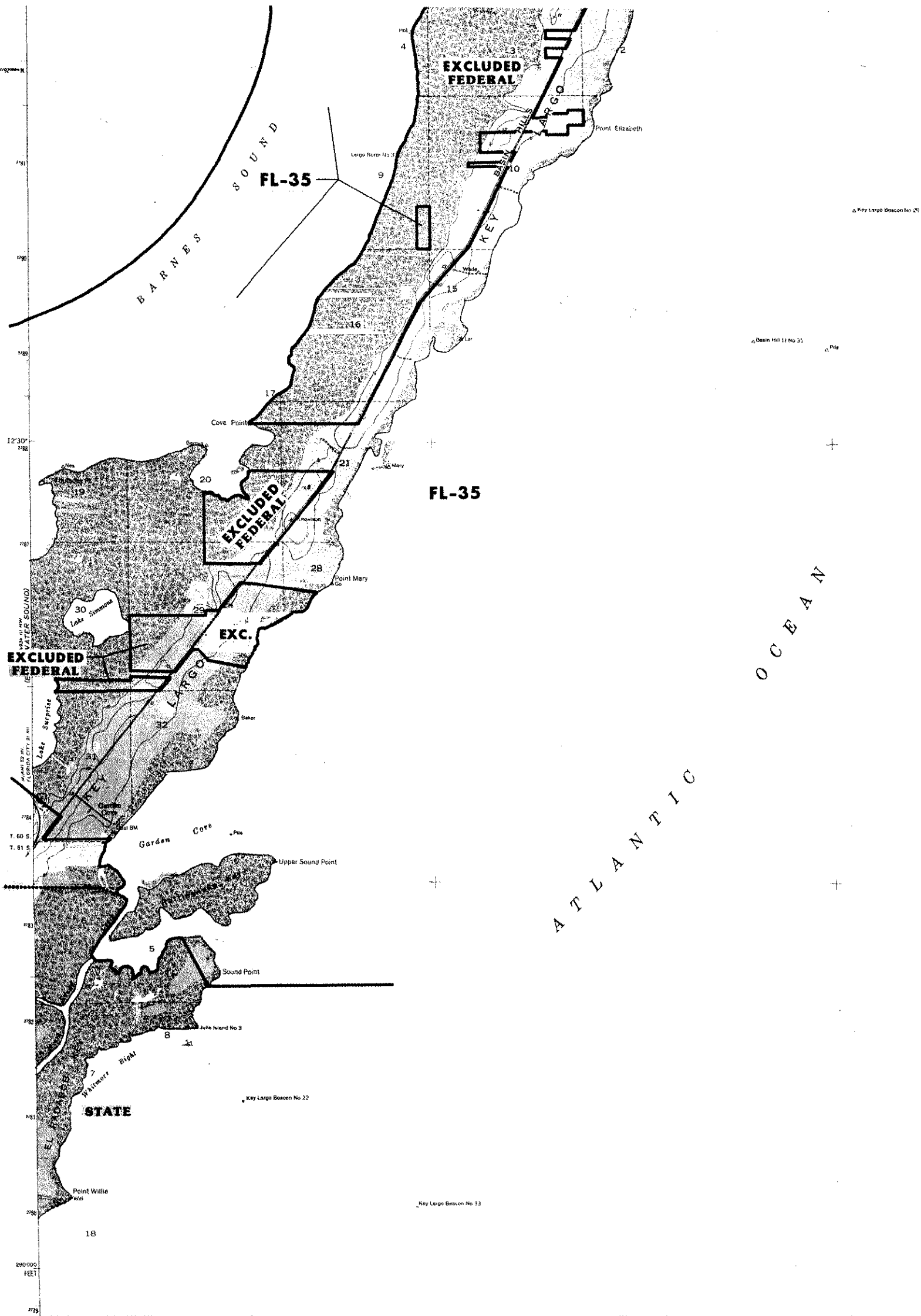
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QUADRANGLE  
**CARD SOUND**  
FLORIDA



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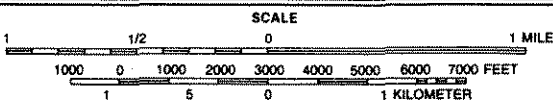
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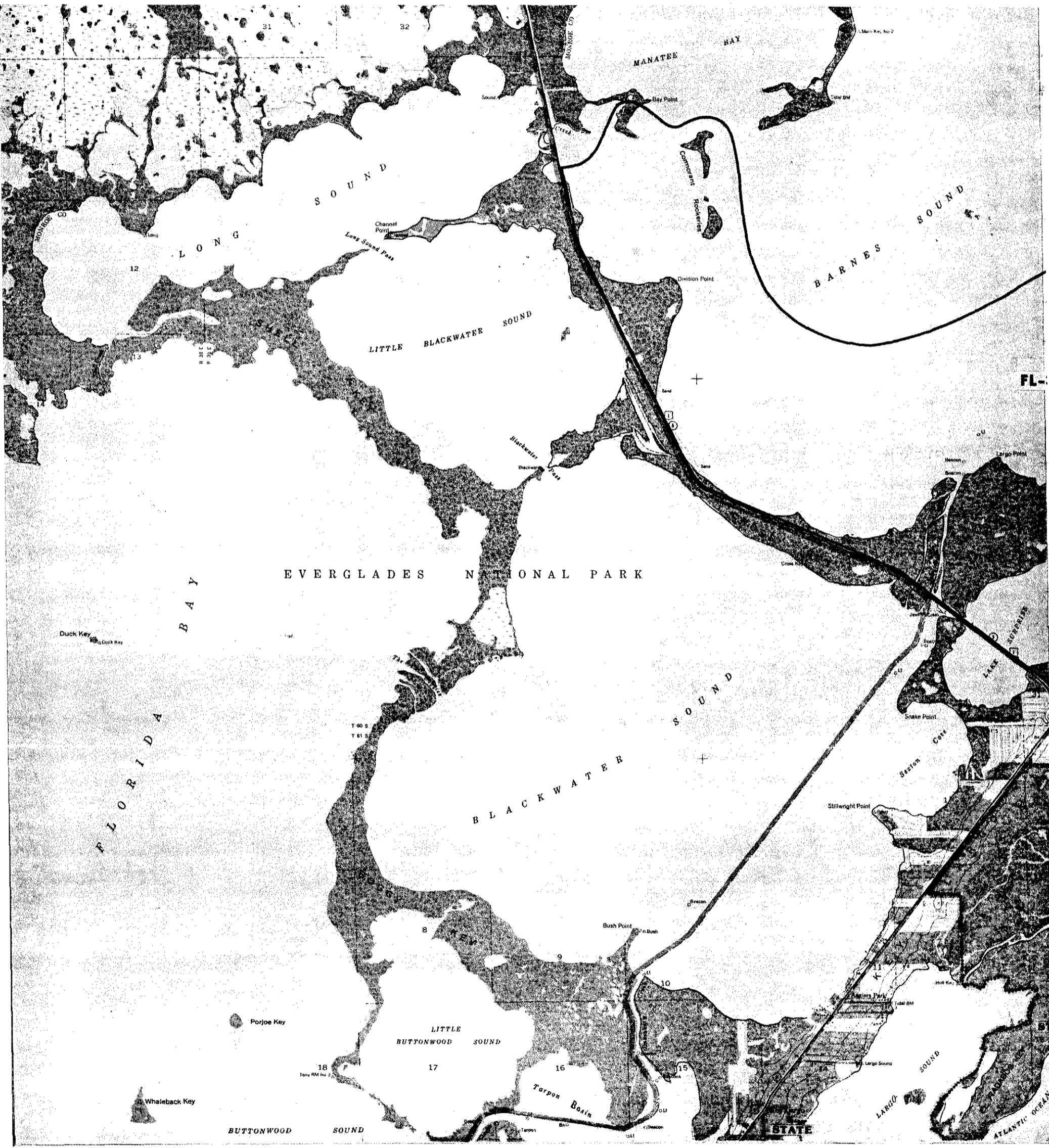
QUADRANGLE  
**GARDEN COVE**  
FLORIDA



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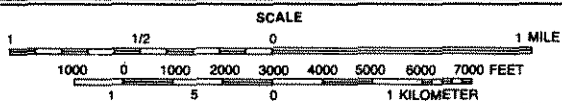
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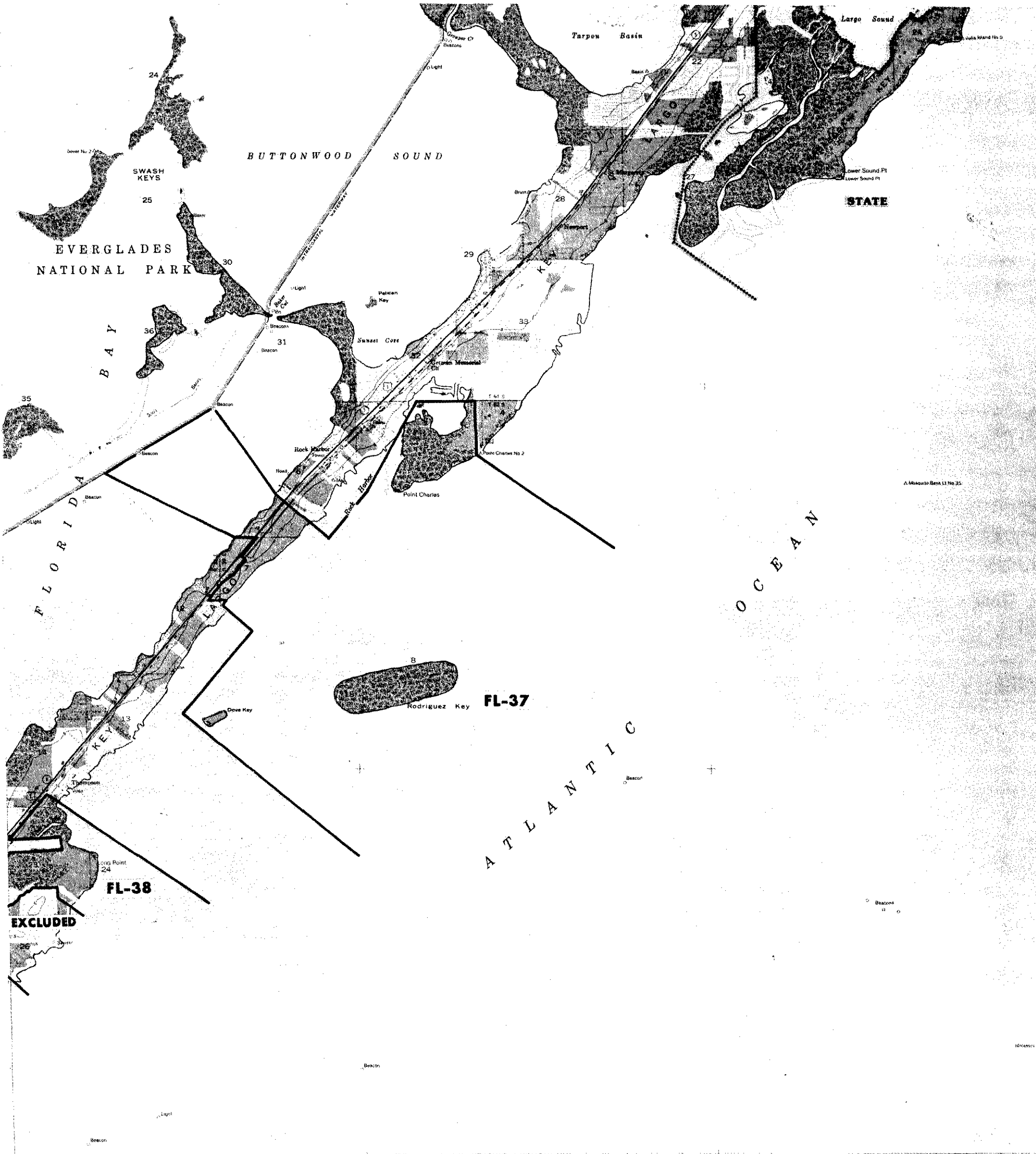
QUADRANGLE  
**BLACKWATER SOUND**  
FLORIDA



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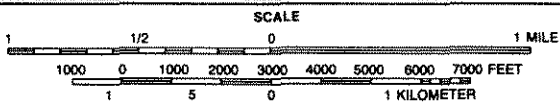
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QUADRANGLE  
**ROCK HARBOR**  
FLORIDA



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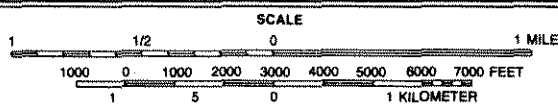
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QUADRANGLE  
**PLANTATION KEY**  
FLORIDA



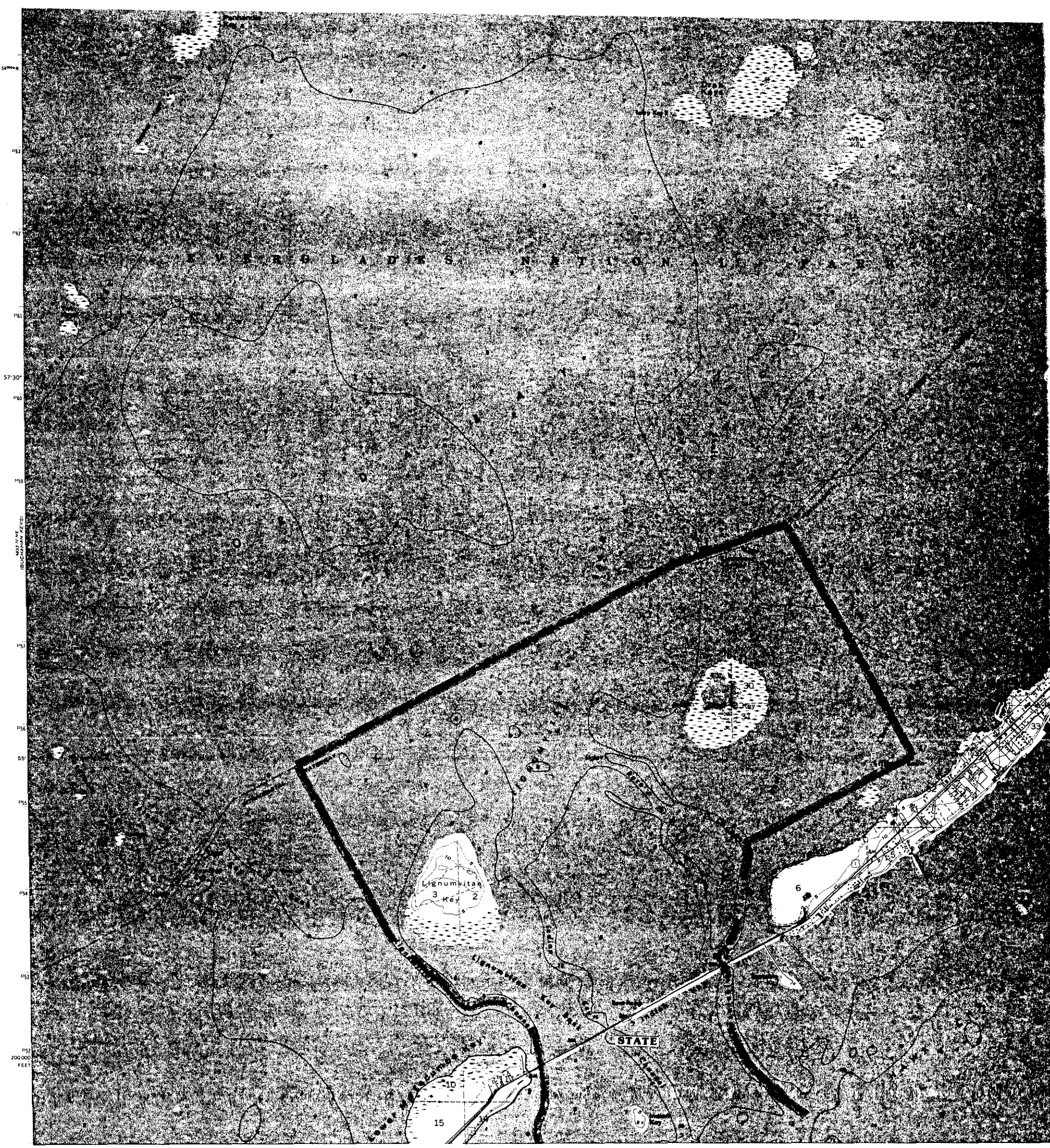
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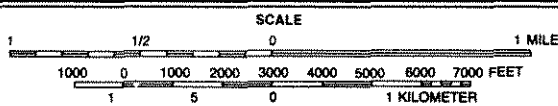
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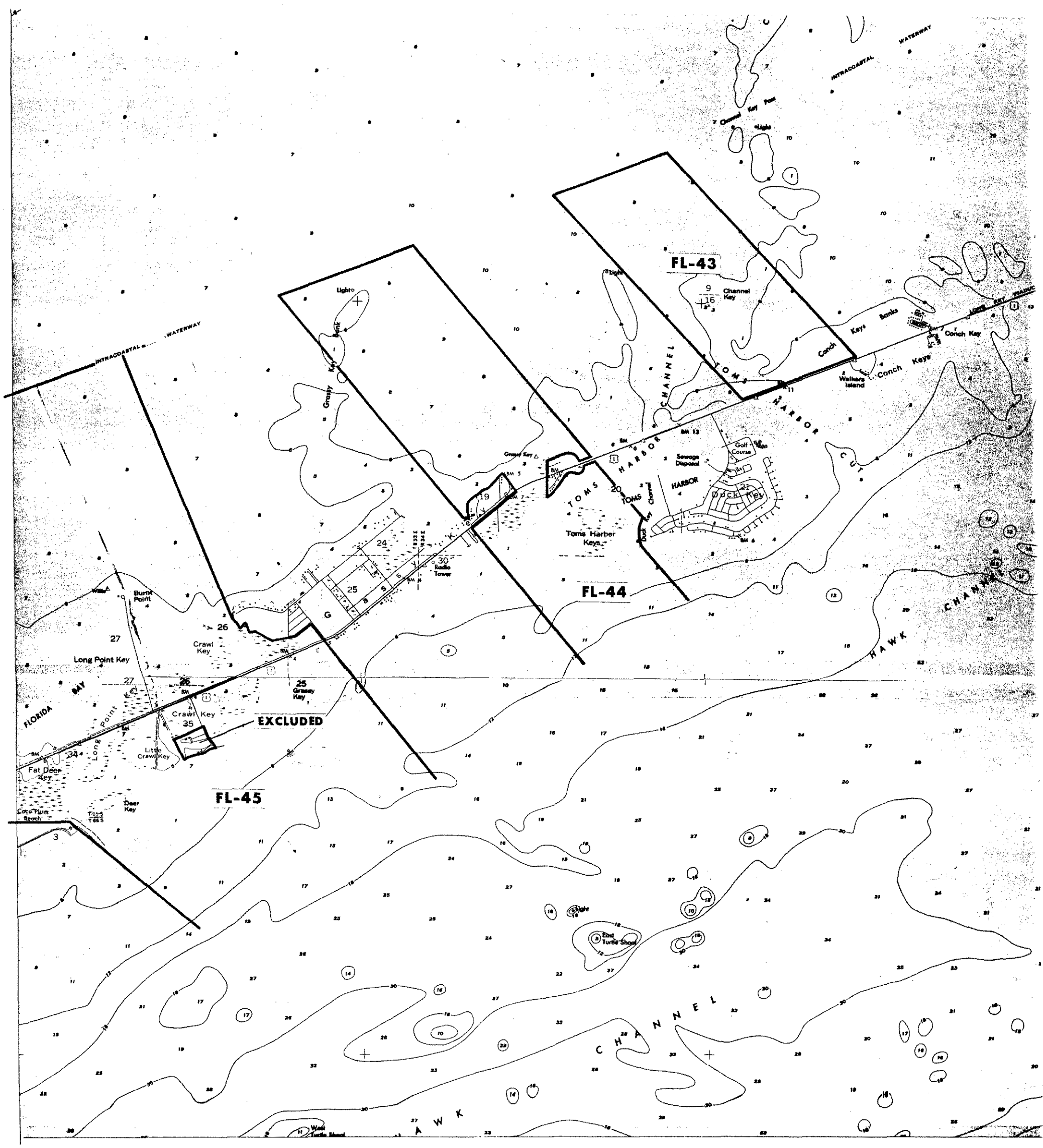
QUADRANGLE  
**UPPER MATECUMBE KEY**  
FLORIDA



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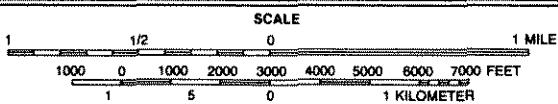
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DEPARTMENT OF THE INTERIOR



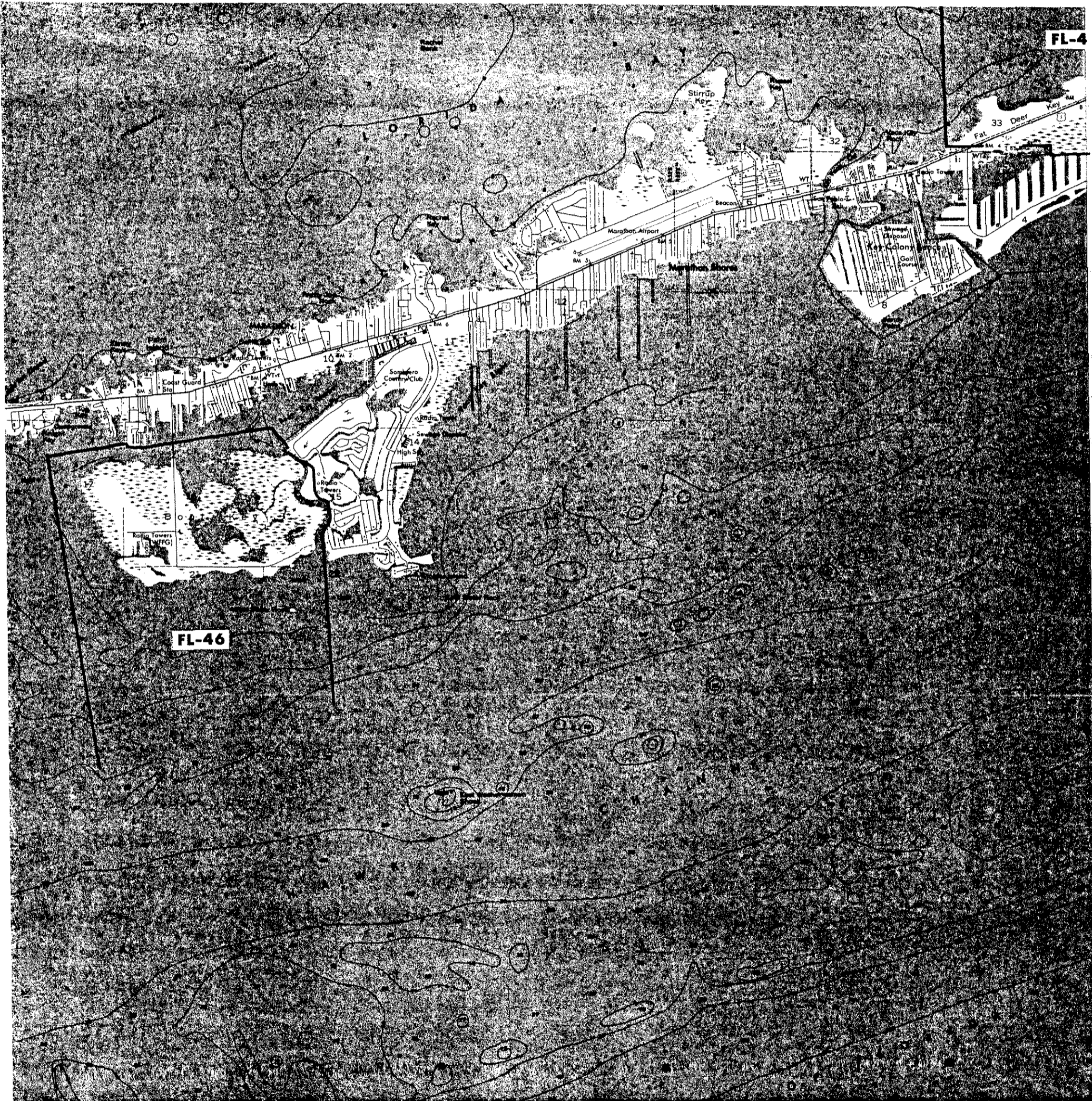
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U.S. Department of the Interior  
Washington, D.C. 20240

QUADRANGLE  
**GRASSY KEY**  
FLORIDA



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



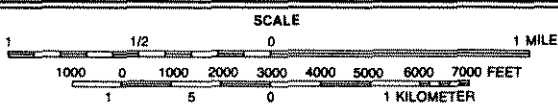
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**Report to Congress on the Coastal Barrier Resources System**

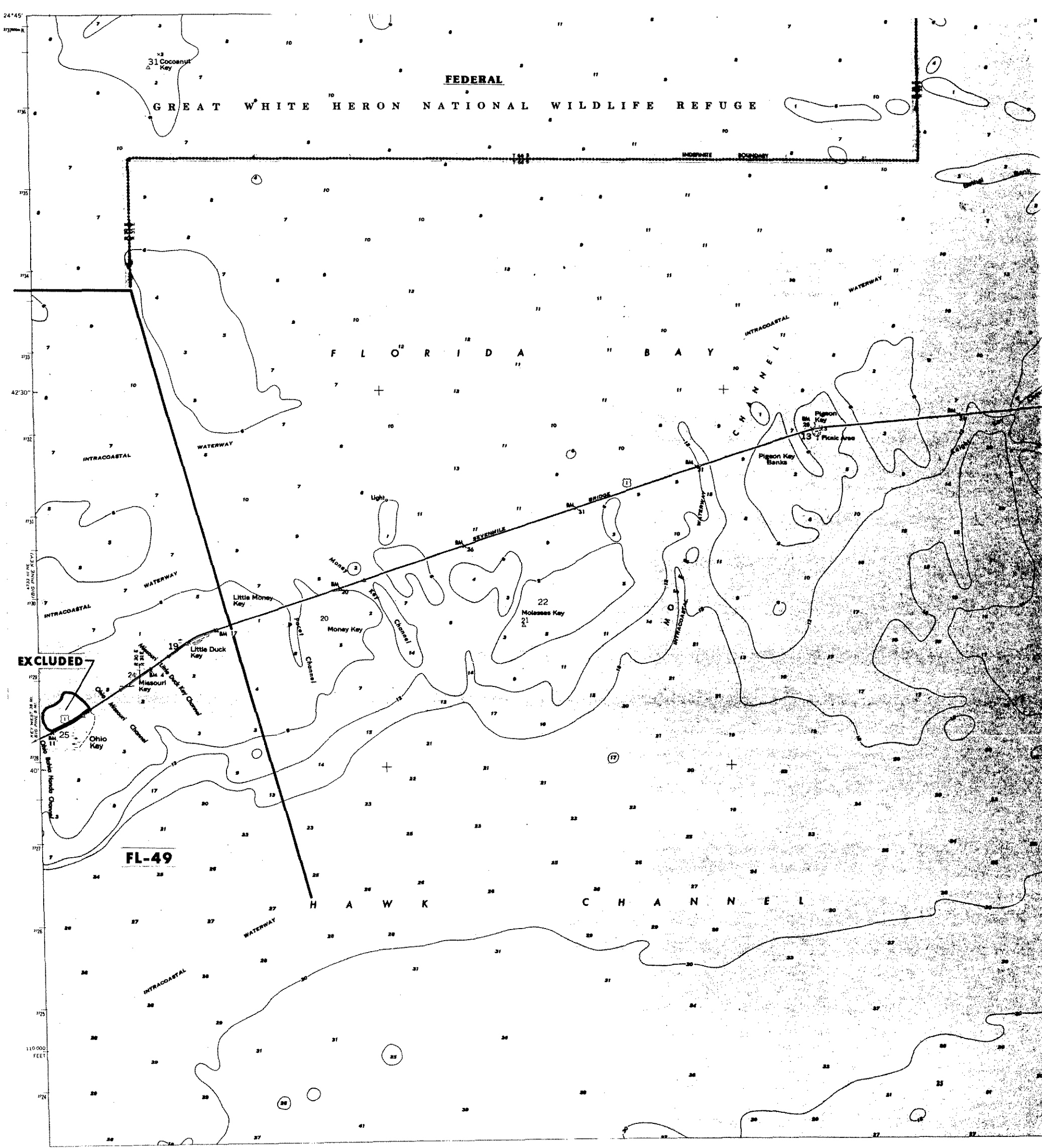
QUADRANGLE  
**MARATHON**  
FLORIDA



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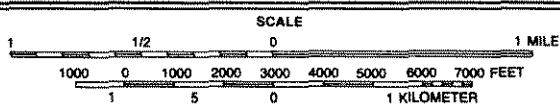
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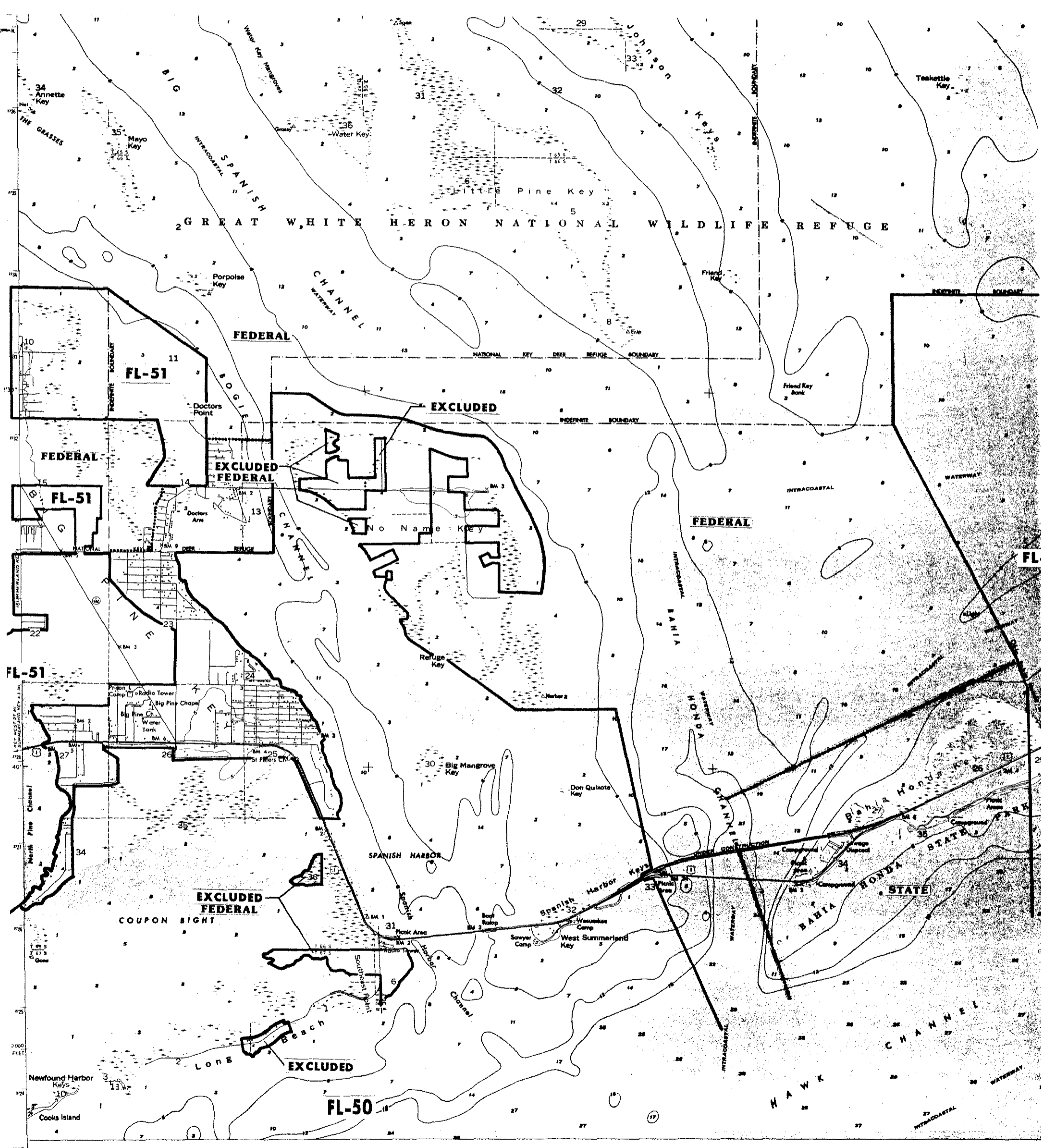
QUADRANGLE  
**SEVENMILE BRIDGE**  
FLORIDA



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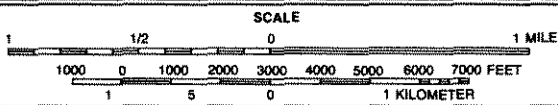
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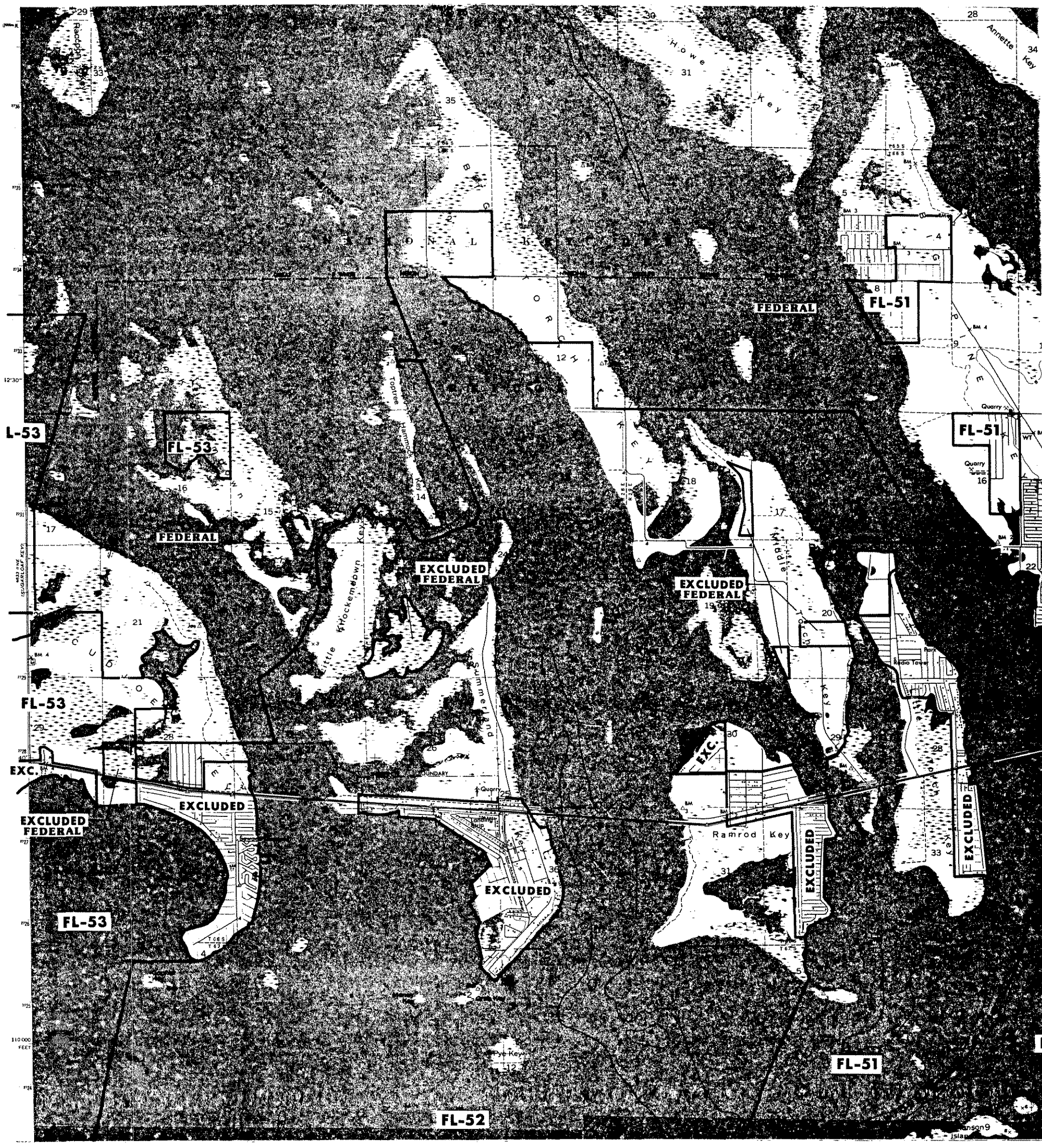
QUADRANGLE  
**BIG PINE KEY**  
FLORIDA



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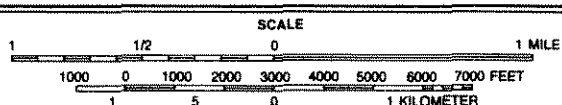
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Washington, D.C. 20240

QUADRANGLE  
**SUMMERLAND KEY**  
FLORIDA



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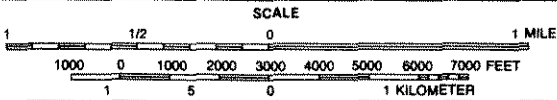
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DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior  
Washington, D.C. 20240

QUADRANGLE  
**SUGARLOAF KEY**  
FLORIDA

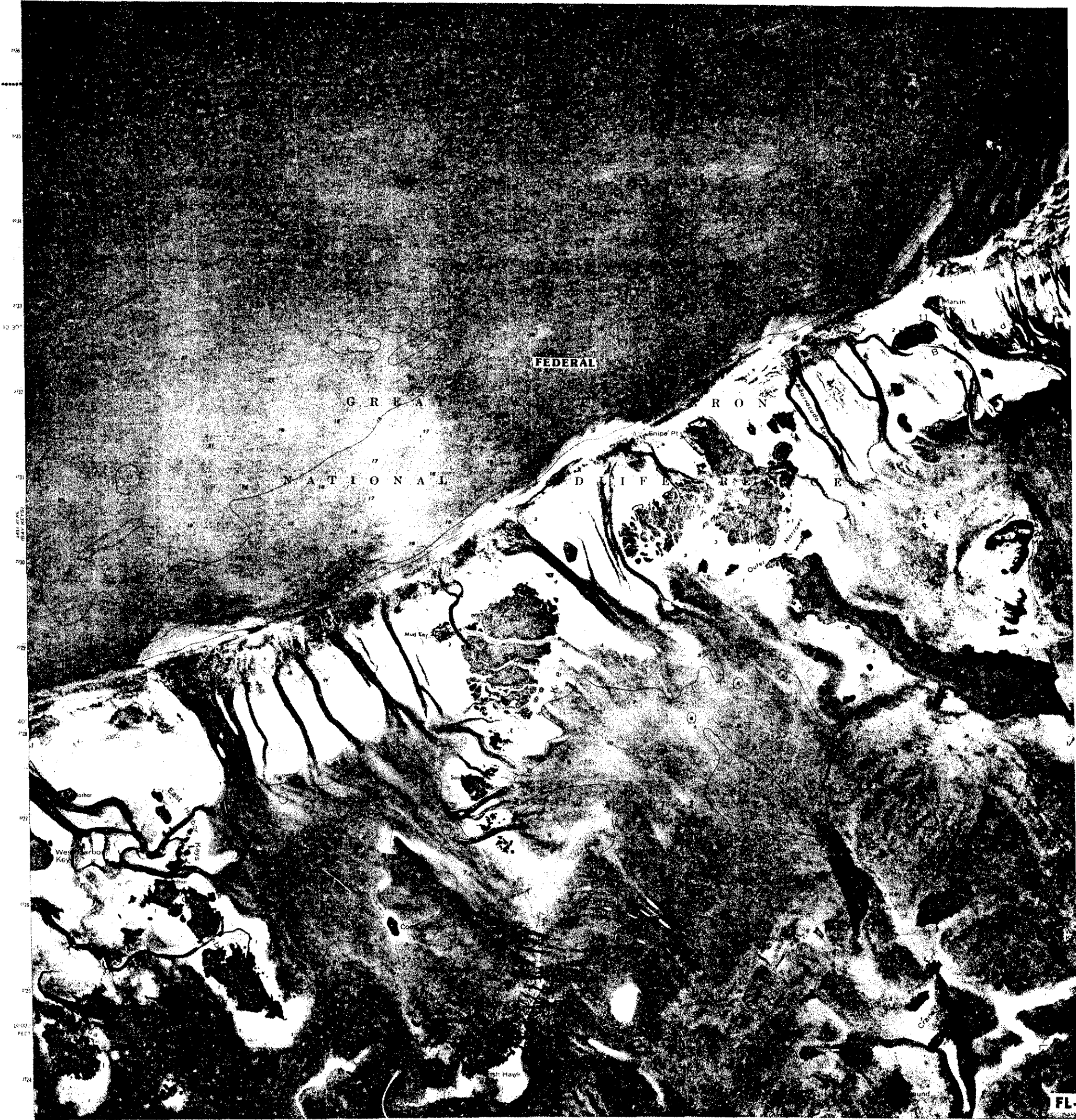


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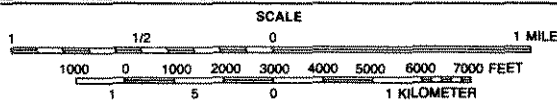
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DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

QUADRANGLE  
**SNIPE KEYS**  
FLORIDA



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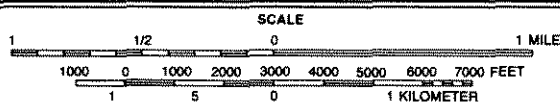
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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE  
**BOCA CHICA KEY**  
FLORIDA



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

FL-34 - FL-57 - THE FLORIDA KEYS UNITS

State Position: The State of Florida requested a reevaluation of the delineations of all the Keys units to ensure that only undeveloped unprotected areas were recommended for addition to the CBRS. The State also requested that Highway 1 be excluded from the CBRS.

Other Comments: The Department received 63 other comment letters relating specifically to the Florida Keys. Slightly more than half of these commenters favored the addition of the Keys to the CBRS. Those opposed to the addition of the Keys included the Monroe County Board of Commissioners, the Lower Keys Chamber of Commerce, and the Taxpayers League of the Florida Keys. The Florida Department of Community Affairs provided detailed information about each proposed unit in the Keys.

Whether for or against the addition of the Keys, a majority of the commenters also pointed out problems with DOI's draft delineations of the Keys units. Commenters provided information suggesting that developed and otherwise protected areas had been mistakenly included within unit boundaries and that additional qualified undeveloped unprotected areas, including privately owned inholdings in the National Wildlife Refuges and parks had been excluded. Several commenters argued that the Keys did not qualify as coastal barriers, were not subject to the same storm hazards as sandy barriers, and should be excluded from the CBRS because of their strict zoning ordinances. Several commenters also agreed with the State that Highway 1 should be excluded from the CBRS for safety reasons.

Representative substantive comment letters concerning the Keys are reprinted below.

See also the General Comment Letters section.

Response: The DOI visited the Florida Keys in 1987 and used all available information, including that provided by the State, the County, and the other commenters, to redelineate all the Florida Keys units. Many developed and otherwise protected areas were erroneously included in the draft delineations of Keys units and several qualified undeveloped unprotected areas were mistakenly left out. The DOI agrees that Highway 1, the only means of entry to and exit from the islands, should be excluded from the CBRS for safety reasons. Zoning ordinances, however, are not criteria for exclusion from the CBRS. Development plans also do not constitute development. A full complement of infrastructure must be in place for an area to be considered developed.

As discussed previously, the DOI considers the Keys coastal barriers because they are separated from the mainland, protect associated aquatic habitats, are subject to wind, wave, and tidal energies, and are vulnerable to severe flooding and damage by hurricanes. The limestone core of the Keys prevents the islands from migrating landward as sandy barriers do; however, this does not reduce the risk of storm tide and flood damage and the Keys have one of the highest probabilities of experiencing a hurricane in the Country. A limestone composition also does not reduce the Keys vulnerability to sea-level rise.

DOI Recommendation: The DOI recommends adding proposed CBRS units FL-34 through FL-57 to the CBRS as delineated in this report.

1738



400 Seventh St. S.W.  
Washington, D.C. 20590

In Reply Refer To:  
HEV-20

Ms. Audrey L. Dixon  
Coastal Barriers Study Group  
National Park Service  
Post Office Box 37127  
Washington, D.C. 20013-7127

Dear Ms. Dixon:

This letter is in response to the draft supplemental legislative environmental impact statement (EIS) on proposed changes to the coastal barrier resources system (CBRS). Of particular interest is the proposed addition to the CBRS of the undeveloped and unprotected coastal formations that function as coastal barriers located in the Florida Keys. The report to Congress: Coastal Barrier Resources System, Volume 14 proposes to add 27 barrier units along the Florida Keys.

It is noted that a number of the 27 barrier units include U.S. Highway 1 within their proposed boundaries. It is with this concern that Governor Bob Martinez of Florida wrote Secretary Donald Hodel on August 7, 1987, a very comprehensive letter (copy enclosed). The letter expresses the concern "that we do not inadvertently limit our ability to provide transportation services to people living in non-CBRS areas now or in the future." The Governor further states that "U.S. Highway 1 in the Keys is an important transportation corridor to both national and State interests, it should be excluded from the proposed additions to the system."

The draft EIS does not incorporate the concern of Governor Martinez as stated above. We strongly support the Governor's position that a corridor for highway transportation must be incorporated into any designation of CBRS units in the Florida Keys.

Thank you for the opportunity to express our concerns about the future transportation needs of the Florida Keys.

Sincerely yours,  
  
Ali F. Sevin, Director  
Office of Environmental Policy

Enclosure

1658



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

2371 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ  
Governor

THOMAS C. PELHAM  
Secretary

MEMORANDUM

TO: Walt Kolb, Office of the Governor  
FROM: George Schmahl  
RE: Coastal Barrier Resources System in the Florida Keys  
DATE: August 7, 1987

The following is a list of site specific comments regarding the proposed revisions to the Coastal Barrier Resources System (CBRS) in the Florida Keys (Volume 14, maps 34-42). The purpose is to provide information about the level of development within and adjacent to proposed CBRS units so that the maps may be corrected to accurately reflect existing conditions. This information was compiled through analysis of recent (1985) aerial photographs and ground truthing by our Keys Field Office staff. These comments are based solely on the presence or absence of existing development as per our interpretation of DOI criteria (Federal Register Vol. 50, No. 42, 3/4/85, p. 8700).

Attached to this memorandum are copies of the applicable CBRS maps. Areas which have been addressed in the comments have been identified by cross-hatching on the attached maps for reference.

Map #	Unit #	Comments
34	FL-35	The exclusion of the two small islands in the Northern section of the unit (Lindeman Key and island north of Middle Creek) does not appear justified unless they are State or Federally owned. These are undeveloped, mangrove islands which serve as valuable bird and marine habitat.

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

35	FL-35	The excluded area oceanside of SR 905 at Point Elizabeth is undeveloped. The areas bay-side of SR905 near Point Mary (Sections 29 and 30) are also undeveloped. There is a limestone mining operation in this vicinity, but no buildings or infrastructure.
36	FL-35	The area oceanside of US1 in section 11 and 12 (R39E), north of "Anglers Park" (area beneath the "EY" of "KEY LARGO" on map) is an undeveloped, privately owned tropical hardwood hammock.
37	FL-35	The small triangular area oceanside of US 1 and South of "Newport" (section 28) is a developed region comprised of several subdivisions (Holiday Homesites, Silver Lake, Ocean Acres) and does not meet the DOI criteria for inclusion.
37	FL-37	The area bayside of US 1 (section 7, R39E) on which the Sheraton Resort is located does not meet the DOI criteria for inclusion. Other undeveloped areas in this vicinity are appropriately included.
38	FL-38	The Hammer Point area is well developed and does not meet the DOI criteria for inclusion.
38	FL-39	The area bayside of U.S. 1, North of "San Pedro Ch." on Plantation Key is a developed area (school) which does not meet the DOI criteria for inclusion.
38	FL-40	There is a moderate amount of development in the Plantation Point area (oceanside of U.S. 1). This line should be redrawn to include only the undeveloped areas.
38	FL-40	Windley Key Quarries (bayside of U.S. 1, west of Coast Guard Station) is a disturbed area which is being purchased by the State of Florida for a park site.

39	FL-45	FL-45 should be considerably expanded to the southwest to include the undeveloped area of Long Point Key and Fat Deer Key. There are significant undisturbed palm hammocks located there.
40	FL-50	The northern portion of Long Point Key (Burnt Point) is previously disturbed but not highly developed and could be excluded from FL-45.
40	FL-50	No Name Key - Although not shown to be within the boundaries of the Key Deer NWR on the CBRS map, this area is significant habitat for Key Deer and a high priority acquisition by the USFWS. The entire island, except for two subdivisions in the north-central portion (Bahia Shores and Dolphin Harbor) meets the DOI criteria for inclusion. The areas designated as "excluded" within FL-50 are undeveloped, although a limestone mining operation is located within a portion of this area.
40,41	FL-50, FL-51	Big Pine Key - The Newfoundland Harbor Keys (with the exception Little Munson Island), the excluded part of the Long Beach area (oceanside) and the area South of North Pine Channel (section 14-Piney Pt. subdivision - Coupon Bight Side) are all undeveloped areas which meet the DOI criteria for inclusion. The USFWS owns land between Coupon Bight and Spanish Harbor Channel (cactus hammock).
40,41	FL-51	There are a number of predominately undeveloped, privately owned areas within the Key Deer NWR on Big Pine Key which meet DOI criteria for inclusion. Major areas of this type include the following subdivisions: Seaview, Pine Heights, Pine Ridge, Pine Grove, Pine Key Acres, Koehn, Audubon Acres, Kyle-Dyer Subdivisions within the NWR which have



**Danny L. Kolhage**

BRANCH OFFICE  
3117 OVERSEAS HIGHWAY  
MARATHON, FLORIDA 33060  
TEL. (305) 748-9096

CLERK OF THE CIRCUIT COURT  
MONROE COUNTY  
400 WHITEHEAD STREET  
KEY WEST, FLORIDA 33040  
TEL. (305) 294-4641

BRANCH OFFICE  
P.O. BOX 379  
PLANTATION KEY, FLORIDA 33070  
TEL. (305) 853-9283

May 12, 1987

Coastal Barrier Islands Study Group  
U. S. Department of the Interior  
Mail Stop #644, 18th and C  
Washington, D.C. 20240

Dear Sirs:

At a Regular Meeting in formal session on May 5, 1987, the Board of County Commissioners of Monroe County, Florida adopted Resolution No. 198-1987 opposing the proposed designation of the Florida Keys as Coastal Barrier Islands.

Enclosed please find a certified copy of said Resolution for your consideration.

Very truly yours,

Danny L. Kolhage  
Clerk of Circuit Court  
and ex officio Clerk  
Board of County Commissioners

by: *Rosalie L. Connolly*  
Rosalie L. Connolly  
Deputy Clerk

Enclosure

cc: Mayor Jerry Hernandez, Jr.  
Commissioner William Freeman  
Commissioner Eugene Lytton  
Commissioner Michael Puto  
Commissioner John Stormont  
County Attorney Lucien Proby  
County Administrator Tom Brown  
File

already been significantly developed include: Doctors Arm, Tropical Bay, Port Pine Heights (Partial) and Eden Pines Colony.

- 41 FL-52 Undeveloped subdivisions under private ownership within the Key Deer NWR include: Middle Torch Key- Middle Torch Key Estates and Buccaneer Beach Estates. Big Torch Key- Rainbow Beach Estates, Torchwood West, Dorns. Summerland Key - Niles Channel Cudjoe-Cudjoe Acres, Cudjoe Ocean Shores. In addition, there is significant undeveloped acreage under private ownership on Big Torch, Middle Torch and Little Knockdown Keys.
- 41 FL-52, FL-53 The area North of U.S. 1 and South of the Key Deer NWR boundary, between the included areas of FL-52 and FL-53 on Cudjoe Key is predominantly undeveloped (Cutthroat Harbor Estates) and meets the criteria for inclusion. A small area directly east of the above referenced area and included within FL-52 (portion of Cudjoe Ocean Shores) is well developed and does not meet the criteria for inclusion.
- 42 FL-54 The excluded area on Sugarloaf Beach is considerably larger than needed to allow for the existing developed properties. At least the northeastern half of the excluded area is totally undeveloped. This area is a beach berm/dune hammock of the highest quality, an extremely rare feature in the Florida Keys. Although underlain by Coral rock, this is a sand landform subject to erosion and blow outs by storms. Development of structures on the dune contributes to the destabilization of the dune through elimination of vegetation and trampling. The area landward of the dune is a tidally influenced mangrove wetland which provides significant habitat for waterfowl. This line should be redrawn to include only those areas which are previously developed.

County Commission

RESOLUTION NO. 198-1987

A RESOLUTION OPPOSING THE PROPOSED DESIGNATION OF FLORIDA KEYS AS COASTAL BARRIER ISLANDS.

WHEREAS, the County Commission of Monroe County has been advised that the Department of Interior is presently engaged in a study, the ultimate effect would be a designation of the Florida Keys as Coastal Barrier Islands; and

WHEREAS, the Mayor and County Commission of Monroe County, Florida, take the unalterable position that such a designation would not only be detrimental to the welfare of the Florida Keys, but is a false and improper designation in that said Florida Keys are not defined as Coastal Barrier Islands; now, therefore,

BE IT RESOLVED BY THE MAYOR AND COUNTY COMMISSION OF MONROE COUNTY, FLORIDA:

Section 1. That the Department of Interior and those who are attempting to designate the Florida Keys as Coastal Barrier Islands are hereby called upon to refrain from adding such designation to the Florida Keys.

Section 2. That only those Keys in Monroe County, Florida, which are unbridged, undeveloped and are off shore islands of the main Florida Keys be considered for such designation, even though most of these islands do not fit the definition of a Coastal Barrier Island. The Department of Interior is called upon to refrain from recommending any such designation, with the possible exception of certain islands offshore that may be defined as Coastal Barrier Islands.

Section 3. That it is the understanding of the County Commission of Monroe County that there are certain of the many maps that contain inaccurate information and that these are simply erroneous and not correct. Taken in to account these things with the fact that the main channel of islands in the Florida Keys have no characteristics whatsoever akin to barrier islands renders any such attempt to be improper in its inception.

Any such study leading to such a designation would have a direct, irreversible impact.

Section 4. Any study or attempt to designate the Florida Keys as Coastal Barrier Islands completely disregards the importance of these islands in connecting U.S. Highway 1, particularly as it affects the health, welfare, and safety of the citizens of the Florida Keys.

Section 5. Copies of this Resolution be furnished and forwarded to Senator Lawton Chiles, Senator Bob Graham, and Congressman Dante Fascell. Furthermore, copies of this Resolution be furnished to the Coastal Barrier Islands Study Group, Department of Interior.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 5th day of May, A.D., 1987.

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: *Jerry Hernandez, Jr.*  
Mayor/Chairman

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

*Rosalie L. Connolly*  
Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
BY: *Lucien Proby*  
County Attorney

532



# LOWER KEYS CHAMBER OF COMMERCE

Home Of The Key Deer

May 16, 1987

Coastal Barrier Study Group  
Department of Interior  
National Park Service - 498  
P. O. Box 3712  
Washington, D. C. 20013-7127

Statement made to Representatives of the DOI and Florida DCA in Plantation Key on behalf of the Lower Keys Chamber of Commerce opposing the Coastal Barrier designation being applied to the Keys on May 15, 1987.

The Lower Keys Chamber of Commerce is supportive of the effort to manage and protect Florida's coastal lands. The Keys coastline offers scenic beauty - recreational opportunities - residential island living and a significant economic contribution to the state of Florida. The proposed barrier island designation for the Keys is purported to protect the land along the coast. When we ask the obvious question "protect it from what?" it becomes clear that the intention is to protect it from people, since scientific geological studies suggest that the Keys need no protection from wind, waves or tides. Another purpose, we are told, is to clearly state that the Federal government will not subsidize any building in those areas that may destroy the barrier effect deemed necessary to protect the coast.

So, we have before us a proposal to designate the Keys and primarily the lower Keys as barrier islands. It should come as no shock to any environmental scientist that the lower Keys are oceanic islands sitting on 200 feet of solid rock covered by 0.35 feet of oolite over which the highest recorded storm surge was 4.5 feet. I suggest that is no barrier, as defined. Further, an argument of erosion or disruption of the islands due to development is specious - these islands of solid rock are not going anywhere whether they are built on or not!

In 1982, the GAO, published a study revealing that federal flood insurance had a marginal effect on the rate of growth. Growth has been repeatedly shown to be directly related to the economic well being of the country. Instead of identifying growth pressures in terms of individual families seeking to improve their condition (which is fact) the dominant public discussion is to blame profit mongering developers for lining their pockets and desecrating the land. Blaming development on developers is like blaming the population explosion on babies. Development and growth occur because people want to improve the places where they live.

We can find no factual or scientific data for suggesting that building or development of the lower Florida Keys adds to or even affects the destabilization of the islands such as the areas of shifting sand which are properly designated coastal barrier areas.

Further, the state of Florida has made a significant investment in Monroe County to create and enforce acceptable building practices and development patterns. This proposal will undermine these activities and offer disincentives to build anything substantial - create an enforcement nightmare - and as historical data show nothing

page 1 of 2

P.O. Drawer 511, Big Pine Key, Florida 33043, (305) 872-2411

Lower Keys Chamber of Commerce  
Statement to Coastal Barrier Workshop  
Plantation Key, May 15, 1987

to change the residential desires of people. Part of this discussion problem is the inability to regard problems of the environment in individual human terms... to acknowledge the primary concern of Americans to improve their own personal environments even if their efforts may offend those with greater means who have already settled on coastal areas.

We ask that you reconsider designating the lower Keys a barrier island in consideration of the indisputable facts that their geological make-up and their existence is not threatened by controlled development or "wave, tidal and wind energies."

Thank you for your thoughtful consideration of this request.

Sincerely,

June Girard  
Executive Director

CC: D. Fascell  
File  
Island Navigator

1379

## FLORIDA WILDLIFE FEDERATION

Affiliated With National Wildlife Federation

STREET ADDRESS 2545 BLAIRSTONE PINES DRIVE  
MAILING ADDRESS P.O. BOX 6870 TALLAHASSEE FLORIDA 32314-6870  
PHONE 904-856-7113



June 23, 1987

Mr. Frank B. McGilvrey  
Coastal Barrier Coordinator  
U.S. Fish and Wildlife Service  
Department of Interior  
Washington, D.C. 20240

Dear Frank,

I enjoyed meeting with you and Barbara last week. The Florida Wildlife Federation would like to submit the following comments regarding Interior's proposal for expansion of coastal barrier systems within Florida. In general, we strongly support Interior's recommendations. I have attached detailed comments regarding our specific positions on the Barrier Resources System prepared by Mr. Dennis Bayer, Florida Wildlife Federation Director. In addition to Mr. Bayer's recommendations, we would like to see Boot Key within the Florida Keys included in the system. Boot Key is an actual barrier island complex protecting portions of Marathon Key and Boot Key Harbor. Boot Key functions as a natural beach berm. The Key is surrounded by extensive red mangrove wetlands and highly productive bay bottom. The Key contains some upland habitat which several developers have expressed interest in developing. The Key is currently uninhabited. We believe that local ordinances are inadequate to protect this Key from development. This area, as so many areas in the Florida Keys, is extremely prone to inundation during tropical storms or hurricanes. For this reason we recommend inclusion of Boot Key in the Barrier Resources program. We completely support Interior's other Florida Keys proposals. We also support Interior's careful examination of Pine Island for potential inclusion within the Barrier Resources System. While not directly adjacent to the ocean, Pine Island functions as a barrier protecting the mainland shoreline. We believe that portions of Pine Island and adjacent wetlands qualify for inclusion.

Mr. Frank B. McGilvrey  
June 23, 1987  
Page Two

It is also our impression that areas designated as state aquatic preserves were generally excluded from Interior's proposed additions. We believe that state aquatic preserve status, while beneficial, is inadequate to protect these areas fully from unwise development. Inclusion of the state aquatic preserves within the Barrier Resources System would be highly desirable. In summary then, we strongly support Interior's proposals and would like to see our recommended additions included within the system.

Yours Truly,

Manley K. Fuller, III  
Manley K. Fuller, III  
Executive Vice President

MKF/bke

P.S. The Pine Island we are referring to here is on Florida's south west coast north of Smokey Bottom.

618



TAXPAYER'S LEAGUE OF THE FLORIDA KEYS, INC.

KEY WEST - LOWER KEYS - MIDDLE KEYS - UPPER KEYS CHAPTERS

POST OFFICE BOX 2725  
KEY WEST, FLORIDA 33048

May 22, 1987

COASTAL BARRIERS STUDY GROUP  
NATIONAL PARK SERVICE  
U.S. Dept. of Interior  
P.O. Box 37127  
Washington, D.C. 200013-7127

Subject: Taxpayers League Critique of the 1987 Report to Congress  
Coastal Barrier Resources System re: The Florida Keys

Gentlemen:

The Taxpayers League is a non-profit organization of over 5200 members who own property and/or are residents of the Florida Keys.

We, the property owners & citizens of the Florida Keys, strongly object to the inclusion of any part of the Keys which are already connected to the mainland by road in the barrier island designation. The Keys are not an unpopulated chain of islands, but a vibrant community that is one of the oldest and most established in Florida. Our main city, Key West, was once the largest city in Florida. There are at present over 20,000 owners of vacant property in the Keys--most of whom will be adversely affected by your proposed rule change.

In the following pages we will attempt to summarize many of the reasons why we feel that the addition of the Keys to the CBRS is unfair, unjust, improper and unnecessary.

The first part will be a critique of the Draft report to Congress, Executive Summary, dated March 1987. For your convenience we have duplicated the pages referred to (see enclosure A.)

Page 8 A: Here you claim that the Keys are Coastal Barriers and yet you admit that they do not fall into the definition of Coastal Barriers.

Page 8 B: Here you attempt to broaden the definition of Coastal Barrier to include slices of the Keys...yet, if the Keys are not "undeveloped Coastal Barriers," then their associated aquatic habitats should not be included. Furthermore, there are many areas which are not aquatic habitats that are included in your designated areas. If you include these areas in your designation, taxpayers will have to go to court to get relief.

Page 9: Fringing mangroves will exist and remain whether the area is developed or not because of the maze of rules and regulations which forbid the removal of these resources. This is well documented.

Page 11: You express the fear that areas which are owned by conservation organizations such as Audubon and the Nature Conservancy are in jeopardy because these organizations will be tempted to sell their protected lands to developers because of increased land values.

page 2

I submit to you that your comments are totally unfounded and are contrary to the very existence of these organizations. In fact, that is almost the worst logic of your entire report.

Page 14: CBRA prevents new construction within CBRA units. One major difference between your 1985 maps and these new ones is that the old maps did not overlap Route 1. The new ones do. U.S. Route 1 is a federal highway providing the only road access to Boca Chica Naval Air Station and Key West (one of the oldest cities in Florida.) There are also many subdivisions which you have excluded from CBRA. These areas will need to have additional service & expansion of Route 1's roads and bridges. CBRA designation will prevent this from happening and will eliminate federal assistance--not too smart a planning for a federal highway. Please pause long enough to think about the deaths that you will be responsible for if an orderly evacuation could not occur because of your restricted road access.

Finally, the Florida Keys which are connected by road are not a pristine area. Every Key has development.

Areas which do not have homes on them have been ditched for mosquito control in the early 80's. The small area left for private development has been recently zoned by the Monroe County LUMP (Land Use Master Plan) for residential, commercial, etc. use. Because of this zoning of the Fla. Keys, Monroe County has been experiencing the largest building boom of its history. Many new homes and developed areas do not appear on your outdated maps.

Most of us in the Keys are unhappy with building booms. Especially those artificially caused by government intervention. The DOI action will cause a development boom that will make our present one look like a depression. Let me explain. When Congress passed the CBRA, it gave a years grace for the areas involved in the system. In order to avoid a multitude of lawsuits, Congress will have to treat any new areas of designation equally. The rush to beat the deadline is predictably definite and will be massive.

The worst part about this panic building boom is that the development problems which will be perceived by the developers will probably not occur. Finally, most all new development occurs within new FEMA guidelines and is highly storm resistant. The Federal Insurance Program is rapidly approaching a breakeven point. To end it now would be improper and untimely.

Enclosure B was copied from a report by the Comptroller General of the U.S. The report was the result of a request by a Senate sub-committee to determine whether the National Flood insurance program was stimulating flood plain development.

On page 1 & 11 of the GAO report we see that the problem and cost of applying disaster relief in the event of a storm could counter balance any perceived monetary advantage of flood insurance denial.

page 3

The rest of the report shows that there are many other factors which have a far greater effect on growth than Federal flood insurance. See pages 7, 8, 9, 10, 11. See pages 20 & 21 for conclusions. The graph on page 58 shows that community growth is independent of the flood insurance program. Economic cycles appear to control the pace of development.

Therefore, your claim that you are protecting the Keys by denying federal flood insurance is false and misleading. Please halt this persecution of the people of the Keys.

Final thoughts. We sincerely hope that the Keys are not again being used as a political pawn. Former Gov. Graham is a master at this and, rumor has it that our new Gov. Martinez is being advised how to play this popular political game. Here is how it works: Environmental groups are continuously and strenuously lobbying politicians. For economic, legal and other reasons politicians can't always capitulate--but in looking around for a political bone to throw to the environmental groups, they find that the Keys are an optimum target. Our property sets the environmental groups salivating and the voter numbers are so low that we cause little damage in an election to a State or Federal politician.

The DOI is being heavily pressured for offshore oil drilling sites near the Keys. WE hope the coincidental reincarnation of the CBRA here is not a trade-off for drilling sites. We don't need either.

Sincerely,

Al Fried, President

AF/m

Enclosures

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The Izaak Walton League of America

DEFENDERS OF SOIL, AIR, WOODS, WATERS, AND WILDLIFE  
THE IZAAK WALTON LEAGUE OF AMERICA  
31 Garden Cove Drive  
Key Largo, Florida 33037  
Telephone: (305) 451-0993

May 14, 1987

Honorable Donald Hodel, Secretary  
United States of America  
Department of the Interior  
Washington, D.C.

RE: Proposed Barrier Designation of Portions of the Florida Keys

Dear Mr. Hodel:

This letter is to support the designation of the Florida Keys as Barrier Islands. The DOI study which has been completed has examined the potential for development of various areas in the Florida Keys, and appears to have understood the implications which development of these areas carries. We want to reemphasize some of the most important issues.

Much criticism of the proposal has been voiced locally by those who stand to make significant profits through development of the affected areas. The critics have spread much misinformation about the effects of the proposed designation on present residents. What has not been widely publicized are the serious negative impacts on present local residents if the proposed designation is not implemented.

If the proposed designation is implemented, there may be a slight slowing in the rate of development of the subject areas. There is no certainty that the areas would not be developed however, since the only change would be the lack of federal subsidies for flood insurance and infrastructure expenses. If there is a real need for the development, it appears that the private sector would make the necessary commitment of funds to meet the costs of these services. On the other hand, there is no cogent reason for the public to underwrite development of areas which are as environmentally sensitive as the Florida Keys.

Recent studies have indicated that in a major hurricane, large numbers of Keys residents would be in grave danger for their lives, based on 1980 census figures. The study indicated that, with the ability of the National Weather Service to give 12 hours of warning of the landfall of a hurricane, evacuation of the Florida Keys would take between 1 1/2 and 3 1/2 hours. People who have experienced hurricanes in the past (and this number of people is a rapidly decreasing small percentage of the present population) realize that little movement is possible during the last

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Honorable Donald Hodel, Secretary  
May 14, 1987  
Page Two

several hours before landfall of a hurricane, and in the Keys with the highways at very low elevations, much of the evacuation routes can be expected to be underwater before landfall, perhaps before the evacuation warning is even given. In these circumstances, much of the required evacuation time would be unuseable because of impossible driving conditions, and commensurate numbers of evacuees would be trapped in the Keys, possibly in their cars on blocked highways.

If there is no designation, numbers of residents will continue to increase, and the ability of Keys to evacuate the islands will be further compromised. The present subsidies have the bizarre effect of encouraging people who don't understand the risks they are taking to place their own lives in jeopardy.

The designation will have a second beneficial effect. Present land use plans for the Florida Keys will require astronomical infrastructure costs, on the order of Billions of dollars. Unless Congress intends to provide a subsidy for that infrastructure, and replacement of that infrastructure after storm damage, designation of the Florida Keys' appropriate areas as barrier islands will require the local governmental entities to ensure that development pays its own costs, which is as it should be.

Overriding all of the economic considerations is the necessity to insure adequate protection for the priceless natural resources surrounding the Florida Keys. The Keys acts to protect the vast nursery ground of Florida Bay and Everglades National Park, and is the site of two national marine sanctuaries as well as several national wildlife refuges. In addition to federally protected areas, there are other equally sensitive areas which have been designated for state protection, either through acquisition or through protective regulations.

A growing body of scientific information indicates that development of upland areas in the Florida Keys is a major cause of biological damage to the offshore areas in the Keys, particularly in the coral reef tract along the eastern and southern margin of the Keys. To date there has been no effort to make land development decisions with consideration of impacts on offshore systems. Even state permitting processes for marina development in offshore waters have been limited to water quality considerations until very recently, and the jury is still out as to whether new state rules will provide any real protection.

We understand the criteria for barrier island designation to include those islands which serve to protect valuable estuarine or wetland ecosystems. Certainly Florida Bay and the Mangrove forests which surround it are within this category. Through the implementation of the proposed barrier island designation for the Keys, Congress can indicate its continued desire to protect these valuable resources through curtailment of unnecessary subsidies to development.

Sincerely,

*Michael F. Chenoweth*  
Michael F. Chenoweth, President  
Izaak Walton League of Florida

Defenders of Soil, Air, Woods, Waters, and Wildlife



## The Izaak Walton League of America

DEFENDERS OF SOIL, AIR, WOODS, WATERS, AND WILDLIFE

P.O. Box 523  
Key Colony Beach, FL 33051  
305-743-7944  
May 15, 1987

Coastal Barriers Study Group  
National Park Service  
U. S. Department of the Interior  
P. O. Box 37127  
Washington, D.C. 20013-7127

Florida Dept. of Community Affairs  
2571 Executive Center Circle East  
Tallahassee, FL 32399

Barrier Island Testimony at Plantation Key Government Center

The Florida Keys Chapter of the IOLA endorses the D. G. I. proposal to designate large undeveloped areas of the Keys as part of the coastal barrier resources system.

We understand that this designation applies only to 1/4 mile or more of undeveloped shoreline or areas of at least 5 acres with less than one dwelling unit.

We also understand that the other areas of the Florida Keys will continue to be eligible for federal programs and subsidies such as national flood insurance with the right to rebuild after storm destruction and continue to have flood insurance.

The proposal comes at a time when the Keys environment and economy are severely threatened by overdevelopment. Marine water quality degradation has reached unacceptable levels in many areas. It is damaging our marine life and the only living reef in North America. A number of undeveloped areas with endangered species are also badly threatened. Rutgers research scientist R. L. Squibb, Ph. D. finds water so degraded that a number of fish cannot reproduce and the proposed conch hatchery will not work in the Keys.

Our land use plan encourages even more overdevelopment and the Marine Water Quality Law is a license to pollute as reported in our attached newsletters of Nov. '86 thru Feb. '87.

The coastal barrier resource system designation would eliminate a massive federal subsidy which stimulates polluting and tax increasing overdevelopment. The cost of this subsidy is five times greater than public acquisition according to H. C. Miller on page 5 of the 3-87 CBR Report to Congress.

Making matters much worse is the county land use plan which provides another massive subsidy to developers with the extremely low and/or no impact fee which is needed to pay for the facility needs of new development. Reference attached IOLA newsletters of Dec. '86 and Feb. '87 and IOLA Jan. 10 agenda items of land use plan problems. The destructive result of

Barrier Island Testimony (continued) May 15, 1987

these subsidies has been overdevelopment causing pollution and higher taxes paid by retirees, young working couples, veterans and others who are least able to pay while those who profit from development become even richer.

The coastal barrier designation would help to prevent federal and local tax increases and save our economy and environment. It is our last hope to save the Florida Keys.

*George Kundtz*

George Kundtz, President  
Fl. Keys Chapter IOLA



OVERNIGHT EXCURSIONS: Hurricane Aqua-Center, Inc.

Florida's Lower Keys  
Marquesas, Tonugas  
and LOOE KEY  
10800 Overseas Highway  
Marathon Florida 33050

with  
CAPT. ED DAVIDSON  
Aboard the  
REEF ROVER II  
Phone 305/743-2400  
Until 11 p.m. 7 days  
22 June 1987

The Coastal Barrier Study Group  
Department of Interior, NPS 498  
P.O. Box 37127  
Washington, DC 20013-7127

Florida Keys Audubon Society

Gentlepersons:

It is long past time that the relatively undeveloped remnants of the Florida Keys should be classed as barrier islands, since one of the chief threats to them has consistently arisen from the use of federal funds to build major infrastructure in areas where subsequent development would not have occurred otherwise - and would not have occurred anyway without the further subsidy of national flood insurance.

This scenario has been particularly detrimental in the case of North Key Largo, where the construction of a new fresh water pipeline the length of the island (which constitutes the shoreline of the John Pennkamp Coral Reef State Park and National Marine Sanctuary and consists mainly of critical habitat for a half-dozen listed endangered species) forced Florida and Keys Audubon Societies into an 8 year litany of hearings and lawsuits culminating in a federal court Endangered Species suit to prevent urbanization of the entire island by upwards of 35,000 new residents - all as the direct result of federal subsidies which barrier designation would prohibit.

As I said at the hearings conducted in the Keys by your roving staff group, it is entertaining to hear the same banking and real estate power brokers, who normally rail sanctimoniously against government interference with their sacred property rights, insist out the other side of their mouths on their equally sacred entitlement to the enormous subsidies they have become addicted to through federal flood insurance and federally funded infrastructure.

My counterpoint is that they have every right to be eight feet underwater during the next hurricane if they insist on continuing to build in low lying coastal areas where it is risky to do so; that such a perceivable gamble should not be subsidized by the taxpayers in the rest of the country; and that such overdevelopment in high hazard areas should emphatically not continue to be subsidized to the ruination of sensitive habitat for endangered and threatened species which the private sector would not support for a moment without federal flood insurance - particularly as this federal subsidy seriously erodes the periphery of many designated public park and refuge areas.

Such distorting government interference with private market forces ought to be very unpalatable to supporters of the present Administration, and we strongly recommend its immediate cessation by inclusion of the Keys in the barrier designation.



Vice President Sandi Bisceglie

copy: Hon. Nat Reed

*Ed Davidson*  
Operations Capt. Eric Keiser  
Capt. Ed Davidson, Chairman  
Florida Keys Audubon





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HERMAN RILEY STEIN  
1530 N.W. 11th Ave  
P.O. Box 773  
Tavernier, FL 33070

April 5, 1985

Coastal Barrier Study Group  
Federal Department of Interior  
National Park Service, Room 498  
P.O. Box 37127  
Washington D.C., 20013-37127

Gentlemen;

I wish to express my opinion in FAVOR of designating the Florida Keys "barrier islands".

I have lived in the Keys for twenty years. I have been on several county boards including the Monroe County Zoning Board where I tried to help maintain reasonable development (I didn't succeed). I was president of the Islamorada Chamber of Commerce three times and have held offices in several other groups in the Upper Keys....I only mention the above to explain that I am not a frequent "protest writer"

Thank you for your consideration.

Sincerely,

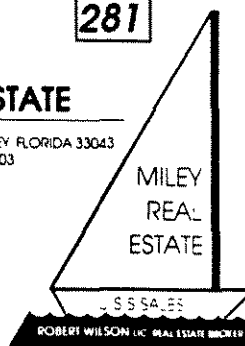
*Herman Riley Stein*  
Herman Riley Stein

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MLS  
HUD

MILEY REAL ESTATE

P.O. BOX 1544 • M.M. 311 • BIG PINE KEY, FLORIDA 33043  
TELEPHONE 305/872-9403



May 3, 1987

Coastal Barriers Study Group  
U.S. Dept. of the Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Study Group:

As a long time resident of Florida and as a recent resident of the Florida Keys, I am strongly against the Florida Keys being included in the Coastal Barrier Resources Act. There are over 65,000 permanent residents in the Florida Keys who are tax payers. The Florida Keys attract numerous tourists each year who pump millions/billions of dollars into Florida's economy that is distributed State wide for matters of public welfare and education. I do not want the Florida Keys or the State of Florida becoming like other states in our glorious Union who must depend on State/Federal aid for its' residents to survive.

I agree fully with U.S. Congressman Dante B. Fascell and former U.S. Senator Paula Hawkins' comments sent in letter form to the Department of the Interior. I have enclosed copies for your easy reference. Also enclosed is a fun article that clearly demonstrates the importance of tourism to the State of Florida as well as to the Florida Keys. These articles can better put into words my feelings on the subject better than I can.

Thank you.

Sincerely,

*Penny Clodfelter*

Penny Clodfelter  
Resident of Cudjoe Key and  
Broker-salesman

pc

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Land Matters, Inc.  
Land Use Consultants

2906 Overseas Highway  
Islamorada, Florida Keys 33050  
(305) 740-4270

May 1, 1987

The President of the United States  
The White House  
Washington, D. C. 20500

Dear Mr. President:

How proud I am to have been Monroe County Chairman of your 1984 re-election campaign. Sadly, that pride has turned to dismay. Allow me to respectfully explain:

While one arm of the U. S. Department of the Interior wishes to reclassify the Florida Keys as "Barrier Islands", the other branch of Interior seeks to drill for oil off our fragile islands. If the obvious conflict here were not so tragic, this whole episode might become a classic comedy sketch. Let me be more specific.

One Department of Interior group seeks to "protect us", while the other group from Interior plans to exploit us.

For goodness sakes, Mr. President, please refocus both these ill-advised efforts and return reason and responsibility to this Federal agency.

Sincerely yours,

*Jim Lewis*  
LAND MATTERS, INC.  
Jim Lewis

JL:bv

CC: Vice President Bush  
Senator Lawton Chiles  
Senator Bob Graham  
Representative Dante Fascell  
Monroe County Commissioner  
Jim Rubino, THE REPORTER  
Rosemary Harold, MIAMI HERALD  
M. A. Jimenez, KEY WEST CITIZEN

Sen. Lawrence Plummer  
Rep. Ron Saunders  
Governor Bob Martinez  
William J. Martin, THE KEYNOTER  
Daggy Wolff, THE REPORTER  
Jackie Harder, THE KEYNOTER  
Shelly Sigo, THE KEYNOTER  
William S. Daniels

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Mike Barr  
1122 Grand St.  
Key Largo, FL 33037  
(305) 852-4702

May 12, 1987

Mr. Frank Gilvrey  
Coastal Barrier Study Group  
Department of Interior  
National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Mr. Frank Gilvrey:

I appreciate receiving a copy of the Executive Summary on the Coastal Barrier Resource System (CBRS) and the Florida maps.

I would like to begin with specific problems and I will conclude with problems on the overall concept of declaring isolated portions of inhabited islands as "Barrier Islands".

My first concern is that when you chop up an island and you use a scale of 1 = 24,000 it is virtually impossible to be able to discern exactly where the boundaries fall. Since the designation of CBRS will devastate any home owner, business owner, or land owner within the designation it would seem appropriate to use maps with a scale that would allow pin point accuracy.

The first area I would like to discuss is the proposed area FL-28. Within that area there are more than 200 single family homes and several commercial buildings of which a significant portion were constructed in the early 70's. Your map appears to indicate no development, as you do not show any streets and although you do not have a map legend it seems it indicates marsh or wetlands. If this is an example of the accuracy of your maps I find it extremely hard to have any faith in the quality of the research done by your staff. For your edification I have included a street map, zoning map and a copy of aerial photography for a small portion of FL-28 identified as Hammer Point.

Next, I would like to point out some items on FL-35. Again, your so called uninhabited area contains subdivisions zoned IS (Improved Subdivision), the IS zoning designation was only given to subdivisions that had all improvements (road, water, and electric) on-site as of September 15, 1980. Three of the subdivisions within FL-35 have had

continuously occupied residential dwelling units since the early 1910's (See enclosed # 2).

As to my general comments on CBRS there were several items within the executive summary that I feel we need an explanation of, for example, on page 4 under item A the last line "These barriers, formed of sand, shell, and gravel, endlessly shift into a variety of shapes and sizes as they absorb ocean energies, buffering associated wetlands and the mainland from daily waves and tides and occasional hurricanes and northeasters", is a description of Barrier Islands, the Florida Keys do not meet this definition. On the same page in the fourth paragraph, "Construction and development, alteration of primary dunes, beach stabilization measures, maintenance of navigation channels, and ground water extraction and contamination are all examples of human activities that can disrupt coastal processes, destroying the ecological well-being of coastal barriers and even the barriers themselves", this description again does not fit the Florida Keys, and the same is true in the next paragraph, "Sand is shared between offshore sand bars, the barrier beach, the dunes, and, over the longer term, the entire land mass of the barrier. As sand is eroded from one part of the barrier it is deposited somewhere else", and "Large storm waves push through the dunes and sometimes across entire islands".

On page 5 first paragraph is this statement, "Clearly, such a dynamic environment is a difficult place for people to live. Structures built too close to the shoreline are quickly threatened by an eroding beach", this is fascinating since the keys have been inhabited for over 300 years and obviously we have survived. The last line in this paragraph, "Without the barrier, large population centers on the mainland would be threatened by the direct assaults of the sea", is also an interesting concept and would be fascinating to know what population center on the mainland, the Monroe County portion of the Florida Keys protects. On the next paragraph, your language, "rapid development of our beaches in the past four decades", again does not fit the Florida Keys. Further on in the paragraph you state, "Hurricane Alicia in 1983 caused over \$750 million in damages to commercial, residential, and public facilities in the Galveston, Texas, area", this comes as no surprise because Galveston, Texas is indeed a Barrier Island by definition, and these problems do exist. The final paragraph on page 5 states that, "This legislation was specifically designed to restrict federally subsidized development of undeveloped coastal barriers along the Atlantic and Gulf coasts in order to: (1) minimize the loss of human life, (2) reduce the wasteful expenditure of Federal revenues, and (3) reduce damage to fish and wildlife habitat and other valuable natural resources of coastal barriers". In the 20th Century more people by far have been killed in any one year because of the inadequacy of highway

U.S. 1 in the Keys, than have ever been killed in all of the hurricanes that have ever struck the keys, excluding the unique circumstances of the Labor Day storm of 1935. In fact, if you bother to research the history of hurricane damage in the Florida Keys, there has been only 1 truly devastating hurricane, the Labor Day storm of 1935, which was the worst storm to ever hit the North American Continent, and even in that storm the high death toll was an unlucky twist of fate, as an evacuation train was left exposed on a bridge and 90% of all fatalities came from that train.

Your second item again does not hold weight. As any research would indicate that we have never received substantial sums of disaster aid when compared with any other area of the country, coastal or inland. Also we have never received 1 cent from the Federal Flood Insurance program. Therefore, it would be my contention that if you are going to destroy communities that have existed for decades and in some instances more than a century, we would expect you to do the same to the newly inhabited areas such as Chicago, Tampa, Los Angeles, the bay area of California (built on the San Andres fault) and many others.

As to your item 3, uninhibited development with no environmental protection might make this a legitimate concern, however, the Florida Keys recently enacted the most restricted development codes ever imposed in the State of Florida. Furthermore, our offshore waters have been designated "Outstanding Florida Waters" which further restricts our waterfront development. We are also an area of "Critical State Concern" which among other things requires The State of Florida through the Department of Community Affairs (DCA) to approve every development permit issued in Monroe County. An example of what type of activity that includes is the pruning of trees. We are further protected by various Federal and State agencies which must approve most forms of waterfront development. These include, but unfortunately, are not limited to U.S. Army Corp of Engineers, Environmental Protection Agency, U.S. Fish and Wild Life Service and a dozen or so State Agencies. Further, since more than 95% of all Monroe County is owned by the U.S. Government, The State of Florida, Monroe County, or governmental sub-agencies, that only leaves 5% of the Keys that environmental protections are needed for; within the 5% that private citizens own more than 50% is zoned in such a manner as to allow no development. Within the same 5%, we also have critical habitat for endangered species such as a cotton mouse, a rat, a butterfly, a cactus plant, a snake, and other life forms that we in this world would be devastated without.

On page 10 of the proposed summary of recommended changes to the CBRA, is an example of what I believe apply demonstrates

a bureaucracy run amuck. The acreage would more than triple if all recommended areas were included and the power base of this new bureaucratic monstrosity would also triple. My final comments would be concerning the last paragraph on page 12 "During the last three decades, public awareness of the diverse national benefits associated with natural coastal barrier ecosystems has increased, resulting in a greater commitment to conservation of undeveloped areas. This trend parallels the corresponding proliferation of development, predominantly residential, that reflects the desire of an increasingly affluent population to use these resources for personal enjoyment. The result has been a progressive commitment of vast expanses of coastal barrier open space to long-term and private uses". I find the last 2 sentences as probably the most onerous written within the Executive Summary. On what possible basis is the Federal Government concerned that our "affluent population" is using their private property "for personal enjoyment". Is that not the cornerstone of the American System or have we now decided to appropriate the property of the "affluent population" to be redistributed amongst the "proletarian masses". Are we going to turn the Florida Keys into a commune, shall we also execute the "capitalist pigs" who have amassed their wealth by the sweat and labor of the "working class". For myself, I am one capitalist pig that you will have to execute before I allow my home, my businesses, and my community to be destroyed for redistribution to the proletariat.

Sincerely,



Michael Barr

MB/dlm

CC: President, Ronald Reagan  
Vice-President, George Bush  
U.S. Senator, Lawton Chiles  
U.S. Senator, Dante Fascell  
U.S. Senator, Bob Graham

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13 May, 1987



Jacky Robinson  
Freelance Writer  
Media Events: Coastal Barriers Study Group  
Coordinator: Publications: Park Service  
U.S. Dept. of Interior  
5322 N.W. 89th  
Miami, FL 33165  
305-595-7416  
305-694-8108

A Member of  
The Florida Freelance  
Writers Association  
The National  
Marine Fisheries  
Service

Re: Proposed designation of portions of the Florida Keys as barrier islands

Gentlemen:

Monroe County's track record in terms of disregard and disrespect for the environment has not gone unnoticed by the residents of the community and this state. Designations such as, Outstanding Florida Waters, "area of critical state concern," and the marine circles for guiding development have had little or no effect, and indeed, the flagrant abuse and misuse of our islands' natural resources are too numerous to recount.

One has only to look to North Key Largo to understand why it is essential that any portions, perhaps all, of the Florida Keys must be designated as coastal barrier islands. The recent construction of the proposed North Key Largo Habitat Conservation Plan process threatens not only residents' lives because of the impossibility of emergency evacuation, but America's only living coral reef at John Pennkamp Coral Reef State Park. For the financial benefit of a few landowners, our county commissioners are willing to sacrifice an international treasure and the livelihoods of nearly 70,000 people. The ecosystem that sustains life and affords each of us a place in this paradise is continually being sacrificed to myopic developers who rape hammocks and annihilate wildlife in the name of progress.

The issue of preserving the resources and the Florida Keys has not go unnoticed by one of the most credible scientists of our generation, Captain Jacques Cousteau.

In a recent letter to the county commissioners regarding the proposed coastal and upland development of North Key Largo, Dr. Richard C. Murphy, Vice President of Science and Education for The Cousteau Society wrote: "We have become convinced that the quality of life is directly linked to the quality, vitality and health of natural ecosystems, particularly water systems. We have consistently seen that excessive development can destroy the very character and charm that initially attracted people to a specific region. This is especially evident in the Mediterranean, the Caribbean, the South Pacific and many coastal regions of the United States. Many of these areas, once rich in marine and wildlife, are fast becoming wastelands, barren of all but the most hardy species. The possibility of similar consequences in an area whose economy is heavily dependent upon fishing and tourism could be disastrous." Dr. Murphy continues by urging the

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Jacky Robinson  
Freelance Writer  
Media Events  
Consultant/Publisher

Commissioners "to protect the reefs, mangroves and adjacent ecosystems."

53225 W 89 -  
Miami, FL 33165  
305/595-7116  
305/604-8108  
A barrier island designation for the Florida Keys will afford these fragile islands the maximum protection against what will inevitably be total destruction. I urge your department to go forward with this most viable and welcome program.

A Member of  
The Florida Endemic  
Birds Association  
The National  
Birds Club

Sincerely,

Jacky Robinson

/j

Enclosures

cc: Ms. Claudia Shambaugh, DCA  
Governor Bob Martinez

156 Dove Ave.  
Tavernier, Fla. 33070  
6 May 1987

Coastal Barrier Study Group  
Federal Dept. of Interior  
National Park Service Rm. 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sir:

I recently read in the local newspaper (The Reporter, April 2, 1987) about your tentative decision to include most of the Florida Keys in the Coastal Barrier Resources System. Your rationale for this decision is that the Keys "act as a barrier even though they are made up primarily of limestone and coral and also serve as a natural habitat for various flora and fauna" according to a "federal spokesman".

Of course the Keys act as a barrier, no matter what they are made up of, and they also serve as habitat (as does every other area of this planet). This rationale is totally useless as a reason for including the Keys in the System.

The Coastal Barrier System was set up to preserve the existence of sandy barrier islands, by prohibiting the destruction of the protective vegetative cover and the sand dunes, so that the islands did not wash away during hurricanes and expose the lagoon areas and mainland behind it to the full force of the storm waters. I can see the rationale behind this, but limestone islands will not wash away because of development. Just how far do you want to stretch the Coastal legislation? Long Island, New York, is a sandy-rocky island with a lagoon behind it. Have you included this island in the Coastal Barrier Resources System?

The newspaper article says that if my house is damaged or destroyed, I could not rebuild it if the land is in the Coastal System. Is this true? If not, is it only that I could not buy subsidized flood insurance for reconstruction?

Development will not affect the permanence of rock islands. It will affect the permanence of sandy islands. Designation of the Keys as barrier islands is unnecessary for island protection, is make-work for government employees, is costly in terms of using our taxes for no significant benefit, and is cruel and callous in forcing the residents off the lands that they bought and maintained and built dream homes on in good faith. What sort of reputation does the government want to acquire?

I feel that inclusion of rock islands in the Coastal Barrier Resources System is inappropriate, because the

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islands are permanent, in contrast to the shifting sandy temporary islands that the legislation was designed to protect.

Yours truly,

Henry A. Feddern, PhD  
Marine Biology

Vivian C. Waddell  
6120 SW 132 Street  
Miami, Florida 33156  
June 12, 1987

Coastal Barrier Study Group  
Dept. of Interior  
National Park Services  
P.O. Box 37127  
Washington, D.C. 20013

Gentlemen:

I wish to request that you include the Florida Keys, and the Florida Gulf Coast in the Coastal Barrier Resource System. These environmentally fragile areas already suffer from overdevelopment, and what remains must be preserved in its natural or as near natural a state as possible.

I believe all federal programs encouraging development of barrier islands should be eliminated immediately. I strongly encourage the federal government to acquire and manage undeveloped barrier islands as natural areas. It is vital to protect the remaining barrier island habitat, including beach and dune systems.

Your consideration will be greatly appreciated.

Sincerely,

Vivian C. Waddell  
Vivian C. Waddell

973

11 SW 43rd Terrace  
Gainesville, FL 32607  
June 19, 1987

Coastal Barriers Study Group  
U. S. Dept. of the Interior  
National Park Service  
Washington, D. C. 20013-7127

Dear Sirs:

I am deeply concerned with the importance of giving maximum protection to coastal zones and barrier islands. Certain other islands, such as the Florida Keys, should receive similar protection. Both environmental and safety considerations demand strong discouragement of development in these areas.

I have learned of proposals to delete from protection certain "otherwise protected areas." This would be a serious mistake. There is no reason to avoid double protection, and there are important advantages to it. Protection as a state or county park, for example, is subject to the whims of local politics; the added protection of being included in a Federal program would improve their safety. Moreover, eliminating all Federal subsidies that encourage development on barrier islands and exposed coastal areas is a necessity not only for protection of the environmental values of these areas, but equally for the safety of people who, unaware of the danger when a hurricane or other severe storm strikes, might be induced to settle on them. And, of course, such subsidies are a gross misuse of taxpayers' money.

I urge you to provide the strongest and most inclusive program possible for this important matter.

Sincerely,

*Charles E. Reid*  
Charles E. Reid



FLORIDA KEYS  
BOARD OF REALTORS, INC.

1242

POST OFFICE BOX 579  
TAVERNIER, FLORIDA 33070  
852-9294

March 26, 1987

Coastal Barriers Study Group  
National Park Service 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Gentlemen:

Please send me a copy of the maps that set forth the coastal areas now being considered by your group as encompassed by plans for the Florida Keys. This morning's Miami Herald detailed possible restrictions that would be placed on coastal locations, including the Keys, and our interest is more detailed information on the actual Keys locations.

Consideration of the Florida Keys as a possible Barrier Reef was addressed in August, 1985, when our then president wrote to Debra Lagone, Study Manager of the Coastal Barrier Reefs Study Group, to protest the Keys' inclusion. Initially, the Florida Keys were not even on the Study Group's list of sites to begin assembling scientific data in, but were placed on the list at a later date at the request of the National Park Service who was approached by an environmental group. The Keys' addition to the list was seriously questioned because (1) the soil composition and actual structure of the Keys does not and cannot conform to the guidelines and (2) Coastal Barrier Reefs are so designated as protection. The Keys quite obviously stand alone and away from all other land and further protect nothing from nothing in any direction. At that time the National Oceanic Atmospheric Association (N.O.A.A.) did not recommend the Florida Keys for possible Barrier Reef designation.

The above information is being sent for further consideration at this critical time.

Sincerely,

*Alice S. Vlach*  
Alice S. Vlach  
Executive Officer  
FLORIDA KEYS BOARD OF REALTORS, INC.

cc: T. Fouts, president

1261



May 15, 1987

Coastal Barriers Study Group  
National Park Service  
U.S. Department of the Interior  
Washington, D.C. 20240

Dear Ladies and Gentlemen:

The purpose of this letter is to object to the proposed designation of the Florida Keys as a barrier island and to state the comments presented at the hearing held in Plantation Key, May 15, 1987 at 3:00 p.m.

We feel that this designation is arbitrary, capricious and discriminatory, and will not accomplish the stated goals of the Department of the Interior, but will be detrimental to the 55,000 people who have made the Keys their home and invested their savings and future in the Keys. The Keys environmental protection is well established through the laws of the state of Florida.

We also want to go on record as to protesting the accuracy of the proposed maps. These maps do not reflect the development having taken place in the Keys in the recent years.

At the 1985 hearing we presented you with documented facts regarding our property, a residential property of 50 acres, with an elevation of 8 ft., which is abutting U.S. 1, with a turning lane, platted to provide 74 homesites with buildings and roads under construction.

This project is 10 years in the making and has all the permits required from all state and county agencies, and conforms to the Land Use Pland and to the Federal Flood Insurance Plan.

It seems discriminatory to have neighbors within sight of the property, with a lesser elevation, excluded from the designation.

We were told that these changes would be taken into consideration and reflected on the new maps and they are not.

We respectfully request a set of guidelines and procedures to have the Department of the Interior exclude our property from this denomination, and the maps corrected.

Sincerely,

*Jacqueline Keevan*  
Jacqueline Keevan  
Vice President

cc: Gov. Bob Martinez  
U.S. Senator Bob Graham  
U.S. Senator Lawton Chiles  
U.S. Representative Dante Fascell  
Fla. Senator Larry Plummer  
Fla. Representative Joe Allen  
Mr. Dean Alexander, DC

SHARK KEY DEVELOPMENT CORPORATION

1 Tiburon Circle • Shark Key • Key West, FL 33041 • 305/296-0750

ENCLOSURES

13

C. Gail Swanson  
Route 1, Box 189  
Marathon, Fla. 33050

March 30, 1987

Coastal Barrier Study Group  
U. S. Dept. of Interior  
National Park Service - 498  
P. O. Box 37127  
Washington, D. C. 20013-7127

Re: Elimination of Various Federal Funds for Barrier Islands and Florida Keys

Gentlemen:

I fully support your recent proposal regarding the above. Even though I live in the Florida Keys myself I am appalled at the money spent by Americans who don't even know the Keys exist to provide wonderful comforts for such a tiny population.

I feel it is way past time for governments all over the world to realize geology is of prime importance in developing or maintaining population areas. Just one example would be Mexico City, which was founded eons ago by Aztec Indians who believed they should build a city wherever they found a bird with a snake in it's mouth. The first such bird they saw happened to be in the middle of a lake, and water or no water, that is where they built huge Mexico City. 10,000 people are now dead because of the effects of an earthquake on the underlying mud of Mexico City.

600 people have already died in the Florida Keys from the 1935 hurricane and that was when hardly anyone lived here, and geological history does nothing but repeat itself.

Your proposal, although certainly not popular, shows a great deal of direction and leadership.

Very truly yours,

*C. Gail Swanson*  
C. Gail Swanson

/gs

  
The Home of Thomas Jefferson  
P.O. Box 316  
Charlottesville, Virginia 22902

1691

November 27, 1987

Mr. William Penn Mott, Director  
National Park Service  
P. O. Box 37127  
Washington, D.C. 20013-7127

Dear Mr. Mott,

On behalf of the National Park System Advisory Board, I wish to contribute to your current Coastal Barrier Island (CBI) study proposal, which would expand the number and type of areas included in the CBI system.

At its April 10, 1987, meeting in South Florida, the Board adopted the attached resolution recommending that the Secretary designate private islands within the boundary of Biscayne National Park, Florida as units of the Coastal Barrier Island System. The particular islands are Soldier Key and Ragged Keys 1 through 5, as marked on the enclosed map. This resolution essentially repeats a Board recommendation made in 1982. The objective of the Board's action is to advocate the withdrawal of Federal development subsidies on these islands. We feel certain that Congress did not intend that other Federal agencies should subsidize any loss of resource values within the boundary of this unique National Park.

Thanks very much for your consideration. The Board would appreciate being kept up-to-date on the matter.

Sincerely,

Dan

Daniel P. Jordan, Chairman  
National Park System Advisory  
Board

DPJ:bb

/enclosures: Resolution  
Biscayne National Park map

cc: Mr. David L. Jervis

Thomas Jefferson Memorial Foundation

1031

NICHOLS/HENDRIX/POST CORPORATION  
10987 County Road 905  
Key Largo, Florida 33037  
305/451-3247

June 18, 1987

Coastal Barriers Study Group  
Department of the Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sirs and Mesadames:

I am writing to you to register my opposition to the plan to declare portions of the Florida Keys part of the Barrier Island System: my comments are as follows:

1. The islands are not "barrier islands" no matter how the definition is distorted, stretched, or mangled. (see attached copy of a portion of an article from Sea Secrets, the publication of the International Oceanographic Foundation). The islands are solid rock and have been "settled for generations" (to use Congressman Fascell's term). Nor are the islands "sparsely populated" in spite of the fact that the permanent population is only approximately 70,000 people. Well over a million people visit the Florida Keys every year, and it is both county and state government policy to encourage and increase such tourism; indeed, as the attached news clipping points out, the Monroe County Tourist Development Council alone has a budget for 1987 - 1988 of 2.9 million dollars, raised from a 2% "bed tax" on hotel and motel accommodations, to encourage people to visit the Keys and Key West. There are many who deplore this influx of tourists and the effects of such crowds upon the natural environment; however, calling the islands "barrier islands" and attempting to impose mickey-mouse impediments to house-building does not seem to be fair, reasonable, or productive. In addition, to the number of people who now visit the Keys yearly, it should be noted that Key West was an important city as far back as the Civil War. It has had direct land communication with the mainland since 1912 when the railroad was first extended to Key West; U.S. Highway #1 has served Key West since 1938, and an obvious reason for extending this primary federal highway throughout the length of the Keys (in addition to serving the residents and tourists) was to serve the U.S. naval station and naval air station in Key West and Boca Chica, both of which stations are active today.

Coastal Barrier Study Group  
June 18, 1987  
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2. The Barrier Island concept is supposedly designed to reduce federal expenditures for certain public services. During the recent public hearings here in the Keys we were threatened with future reductions in funding improvements to U.S. Highway #1. It is to be noted that the funding for the maintenance and improvements to the U.S. primary road system comes from the federal gasoline tax - which is paid, of course, by all those tourists who use U.S. Highway #1 when they visit the Keys. It would only seem fair and reasonable that U.S. Highway #1 in the Keys would have to be treated just like every other section of U.S. Highway #1 and every other primary highway when it comes to repairs, improvements and maintenance.

With respect to sewage treatment facilities, you should be advised that there are only two publicly owned and operated sewage treatment plants in all of the Florida Keys; one is at Key West and was built by the WPA in 1935; the other is in the city of Key Colony Beach; both of these were aided by federal grants in the same manner as hundreds of other municipalities in the United States. You should also be advised that there are 159 active domestic waste water treatment plants throughout the Keys. That number is contained in a report prepared in 1985 by the Florida Department of Environmental Regulations (1); the report also says "all of the plants are operated by, or under the supervision of a certified operator. Approximately 99% of the plants are meeting state treatment requirements of secondary treatment on a regular basis. The majority of these facilities have small design flows and discharge their effluents to bore holes or shallow wells (10-40 ft. deep) which penetrate the upper lime stone formations. These formations are very porous and are subject to tidal flushing. Surface water impacts from this disposal technique have not been conclusively demonstrated." In light of these facts, it could hardly be said that the federal government faces any demands for funding for sewage disposal facilities.

With respect to water supply in the Keys, I presume that it is understood that the Keys are supplied with drinking water from a well field in Florida City (on the mainland) by means of an aqueduct that runs some 130 miles to its terminus in Key West. This pipeline was originally constructed by the U.S. Navy to supply its facility in Key West during World War II; it was recently replaced and updated with a new pipeline, funding by a loan from the Farmers Home Administration, which loan is being paid off solely out of user charges; this can hardly be

(1) Report to the Florida Environmental Regulation Commission entitled "Proposed Designation of the Waters of the Florida Keys as Outstanding Florida Waters."

Coastal Barrier Study Group  
June 18, 1987  
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said to represent a subsidy encouraging development of the Keys, any more than the thousands of other loans made by federal agencies to groups of people for various causes and which are ultimately repaid, with interest.

3. At the recent public hearings on the barrier island designations, it was pointed out by a government spokesman that development in the Keys was to be discouraged by the withdrawal of flood insurance for buildings constructed in the designated barrier island areas (except for certain "excluded" areas). I find this to be the most unfair and obnoxious threat of all, because, by its very definition, insurance is suppose to represent a pool of money collected from a large group (all of whom are at risk from some common peril), whose contributions are then available to aid those few who are actually damaged when the disaster strikes, and who can thus be compensated for their losses from the contributions of the many. This process should require no subsidy from Big Daddy; if in fact the federal government is subsidizing the federal flood insurance program, I think that is undesirable and should be changed, but it in no way justifies the government penalizing any particular group by barring them from the program simply because the program as a whole is not actuarially sound. In my judgement, the only fair and equitable requirement for obtaining flood insurance should be that the proposed structure meets the specific requirements of the federal flood insurance regulations and the local land use plan and building code requirements (both of which, in turn, must already conform to the flood insurance regulations, in order for the community to maintain its eligibility for the program).

What does shine through all the rhetoric about "barrier islands" though, is the intent to impede the development of certain areas of the Keys by arbitrarily denying flood insurance; I think it improper and ill-advised for an agency of the federal government to interfere in what is already a local government function, that of land-use planning. The Keys are now the most over-regulated county in the whole world, and if a man is fortunate enough, determined enough and patient enough to endure, comply with, and surmount all the regulatory obstacles (and confusion) presently existing, and he finally achieves the award of a building permit, he should be roundly applauded and permitted to go on his way without the imposition of another layer of (federal) regulations.

4. And one last point: I hereby request that Nichols Subdivision (Plat Book 6, Page 103, Public Records of Monroe County) be designated as an "excluded" area on the same grounds

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Coastal Barrier Study Group  
June 18, 1987  
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that Ocean Reef Club and other developed areas have been apparently so designated, to-wit: Significant existing development or already-approved development (representing substantial investment) under existing County and State land-use regulations.

In conclusion, I should like to request that I be notified as to the time and place of any future Congressional hearings on this matter, and I would appreciate an opportunity to testify at such hearings, if and when they may be held.

Very truly yours,

*Howard M. Post*  
Howard M. Post

HMP/kl

Enc:

NICHOLS/HENDRIX/POST CORPORATION  
10987 County Road 905  
Key Largo, Florida 33037  
305/451-3247

July 23, 1987

Mr. Frank McGilvray, Director  
Coastal Barrier Study Group  
Department of the Interior  
National Park Service  
P.O. Box 37127  
Washington, DC 20013-7127

Dear Mr. McGilvray:

Recently I wrote to the Coastal Barrier Study Group expressing my opposition to the designation of the Florida Keys as Barrier Islands (letter dated June 18, 1987, letterhead same as above). I also requested that, even if the designation were to be imposed, Nichols Subdivision on Upper Key Largo (Plat Book 6, Page 103), be excluded from the designated area because of the extent of existing development and the substantial sums already invested.

Nichols Subdivision (see attached aerial photo) consists of a total of 7.75 acres, of which one acre is occupied by a boat basin and ocean access canal; 1.75 acres are preserved in perpetuity as wildlife habitat (for the endangered Key Largo Woodrat and Key Largo Cotton Mouse) under a recorded easement running in favor of the Florida Game and Fish Commission; one acre is dedicated as a mangrove preserve. The remaining four acres of high land are occupied by eleven platted lots, two of which contain existing residences, one completed in 1980 and the second in 1984. In addition to the two residences, other improvements include paved streets, electric power, telephone, street lights, six inch water main to all lots, three docks and 300 feet of concrete bulkheads, a 12' x 16' dock building, and a 900 foot ocean channel to deep water. My wife and I have owned the property since 1968, and the development started in 1972 with the excavation of the off-shore channel. All of the improvements, without exception, have been constructed with all necessary permits from governmental agencies. We have expended over \$500,000 to date and look forward to the sale of the remaining nine lots to recover our investment and to provide for our retirement. Not a penny of public funds has been spent on any of these improvements. Now, the barrier island designation threatens to disrupt the usual and normal flow of mortgage funds by declaring lands such as ours ineligible for flood insurance, because flood insurance is "subsidized" by the federal government. If it is in fact subsidized, perhaps it should not be, but if it is going to be subsidized, we should not be discriminated against any more than any other areas. Moreover, it seems to me even more

1229

Mr. Frank McGilvray  
July 23, 1987  
Page Two

inappropriate and unfair to prohibit (by bank regulations) local banks and savings and loans from making loans for structures that must be designed and built to withstand the hurricane winds and waters which we may encounter; our current building and zoning codes are so strict that owners of buildings that meet the codes do not need the insurance anyway - but the lending agencies are prohibited from lending even if they want to - and we are left to wither on the vine. Either leave it to the lender to decide if he wants to require flood insurance, or leave us with the same access to the insurance as everyone else.

In conclusion I would reiterate my request that Nichols Subdivision be excluded from any barrier island designation that may be applied to the Florida Keys for the following reasons:

1. A very substantial private investment has been made over a period in excess of 15 years, all in strict compliance with local, state, and federal regulations, including over \$100,000 to comply with purely environmental concerns.
2. There are 2.75 acres of the original tract dedicated to preservation under various environmental regulations.
3. There are two residences and an auxiliary building in existence on the four acres of dry land available for development.
4. Future development will be unfairly and artificially impeded if mortgage money for home building becomes unavailable simply because the usual lending institutions are forced to require flood insurance as a condition for a loan, and the borrower can not get the insurance because it is "subsidized" (never mind the fact that he may not want or need the insurance in the first place).

I would appreciate hearing from you in response to this request; I am not aware of the criteria which were employed to select the "excluded" areas shown on the maps which your office furnished, but if I need to supply additional information to be used in evaluation of this request, I shall be happy to do so.

Very truly yours,

*Howard M. Post*  
Howard M. Post

HMP/kl

Enclosure: Aerial photo  
CC: Dante Fascell  
Wm. J. Roberts, Esq.  
Fred Tittle, Esq.

KENNETH DRUCKMAN  
ATTORNEY AT LAW  
RURAL ROUTE 2, BOX 160  
KEY LARGO, FLORIDA 33037  
TELEPHONE 451-0266

June 10, 1987

Mr. Donald P. Hodel  
Secretary of the Interior  
18th & C St. N.W.  
Washington, D.C. 20240

Re: Coastal Barrier Resources System  
Dept. of Interior Proposed Additions

Dear Mr. Hodel:

Some of Key Largo, Florida is about to be recommended for addition to the Coastal Barrier Resources System by the Department of the Interior.

You will note from the enclosed copies of your Report to Congress dated February, 1987 that pages 34 and 35 clearly indicate areas excluded from addition. Problem arises on page 36 which covers most of developed Key Largo in that the boundaries of the included area are not clear.

Your report should clearly indicate excluded areas on Page 36 of the report.

Clarification may blunt opposition to the report in this area.

Sincerely,

*Kenneth Druckman*  
Kenneth Druckman

KD/ms

PHILADELPHIA  
NEW YORK  
LOS ANGELES

JOHN QUARLES  
GULF SHORES (336) 875-8114

**MORGAN, LEWIS & BOCKIUS**

COUNSELORS AT LAW  
1800 M STREET, N.W.  
WASHINGTON, D.C. 20036  
TELEPHONE: (202) 872-3000  
CABLE ADDRESS: MORLEBOCK  
TELE: 89-827

MIAMI  
HARRISBURG  
LONDON

June 23, 1987

The Coastal Barriers Study Group  
Department of the Interior  
National Park Service  
P. O. Box 37127  
Washington, D.C. 20013-7127

Re: Proposed Recommendations for Additions  
to the Coastal Barrier Resources System  
on the East Coast of Florida-CBRS Unit FL-35

Ladies and Gentlemen:

**INTRODUCTION**

We are filing comments today on behalf of the Ocean Reef Property Owners' Association, the Ocean Reef Improvement Association, Driscoll Properties, and the Key Largo Foundation. These comments concern proposed recommendations for additions to the Coastal Barrier Resources System (CBRS) on the east coast of Florida. We have reviewed proposed CBRS Unit FL-35 and submit to the Coastal Barriers Study Group that it has made a clear mistake in identifying properties within the Ocean Reef Club on Key Largo as "undeveloped barrier island". The Study Group needs to reexamine aerial photographs and development on this Key. We are confident that such an examination will confirm that the Ocean Reef Club's property is developed within the meaning of the Coastal Barrier Resource Act (CBRA).

**MORGAN, LEWIS & BOCKIUS**

The Coastal Barriers Study Group  
Department of the Interior  
June 23, 1987  
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The property in the Ocean Reef Club affected by the Study Group's February 1987 recommendations is fastland acreage on which there are already twenty-four (24) homes, a golfcourse, six man-made lakes, a man-made canal and paved and cleared roads. (In marked contrast, the unprotected mangrove adjacent to this property, which the Study Group's recommendations have curiously skirted represent increasingly diminishing and invaluable wetlands habitat which we think ought to be protected.)

Failure to readjust the boundaries of the proposed additions to the Coastal Barrier Resources System (CBRS) will arbitrarily and inequitably penalize home and land owners in the Ocean Reef Club, as well as unfairly inhibit development of remaining lots by prohibiting federal assistance under the Act.

Finally, we believe that inclusion of this acreage on Key Largo does not further the purposes of the Coastal Barriers Resource Act (CBRA). The Keys are not "barrier islands" as defined by the law, and they do not offer the type of environmental protection to the mainland and associated aquatic habitats contemplated by Congress in

**MORGAN, LEWIS & BOCKIUS**

The Coastal Barriers Study Group  
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enacting the statute.

**Description of Affected Property**

As currently delineated on MAP 34 in Volume 14 of the Report to Congress on the Coastal Barriers Resources System (CBRS), the Coastal Barrier Study Group has proposed to recommend to Congress that portions of the Ocean Reef Club in North Key Largo be added to the CBRS. The Ocean Reef Club property which these comments concern lies immediately contiguous with the excluded parcel of the Keys in which the remainder of Ocean Reef Club is located, on the seaward side of the northern end of Key Largo, in quadrants 13, 18, 19 and 24 of Map 34. [See Attachment 1.]

The Ocean Reef Club covers approximately 1,200 acres of the nearly 23,000-acre Key. The portion of the development which has inadvertently been proposed to be added to the key involves roughly 100 acres of that property. Redelineation of the proposed boundary to comport with guidelines provided by the Department of Interior, would exclude this acreage and affect approximately one-half mile of the 15.2 mile affected unit on Key Largo's coastline.

**MORGAN, LEWIS & BOCKIUS**

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**1. The Ocean Reef Club is "Developed" Within the Meaning of the Law and the Department of Interior Criteria.**

The Coastal Barrier Resources Act would include only undeveloped coastal areas in the CBRS. 16 U.S.C. § 3503(a). The Department of Interior has utilized the criteria that "(a) coastal barrier be considered undeveloped if it contains less than one (1) structure per five (5) acres that is 'roofed and walled and covers at least 200 square feet.'" 50 Fed. Reg. 8700 (March 4, 1985). Clearly, the portion of the Ocean Reef Club affected by the Study Group's proposed recommendation fails this definition of "undeveloped."

The Ocean Reef Club is a planned community covering approximately 1,200 acres of the 23,000-acre Key on its northern end, development of which is ninety percent complete. The community includes over 1,500-homes and condominiums, five restaurants, an airport, three 18-hole golf courses and a 175-slip marina. (See, Attachment 2). This community has been in development over the last 20 years. The master development plan for the Ocean Reef Club was approved by Monroe County officials in 1977. The entire

MORGAN, LEWIS & BOCKIUS

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Ocean Reef Club community is served by the Florida Aqueduct Authority and owns its own sewer treatment plant. The Florida Keys Electric Coop provides this Key with energy.

The portion of the Ocean Reef Club which we believe has inadvertently been included in the Study Group's proposed recommendations represents the last 10% of the Ocean Reef Club to be developed. Substantial development has already taken place on the property. Twenty-four homes are presently completed and occupied on the 100-acre parcel, and several single family homes are under construction. (See Attachment 3 -- pictures of affected homes). The owners of these homes have obtained Federal Flood Insurance. All of the homes are in conformance with state and local building codes, and they have ground areas exceeding 200 feet. Thus, the number of structures on the property more than satisfies the criteria of one roofed structure per five acres.

There is also substantial evidence of other types of development on the affected property. In addition to the owned and occupied homes, there is an 18-hole golf course, a man-made canal and seven man-made lakes. There are also paved roads owned by the Ocean Reef Improvement Association

MORGAN, LEWIS & BOCKIUS

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and cleared roads around unbuilt, but cleared lots. As a result of the existing development, the character of the fastland has been inalterably changed and the stabilized character of this portion of the Key has been established. Structures, the golf-course, excavation, clearance of fastland and disturbances are readily visible from aerial photographs. (See Attachment 4.) Dredging spoils from creation of the man-made lakes and other sediments from clearance of fastlands for roads by developers of the property are scattered within the confines of the parcel of land we have described. There is no clear break in development upon which the Coastal Barriers Study Group could reasonably have delineated the "so-called" undeveloped areas from the other contiguous Ocean Reef Club development. In fact, the current boundary indicated in the Coastal Barriers Study Group's recommended additions to the CBRS not only runs down between two rows of homes, but also appears to run through two homes' living rooms.

2. Aerial Maps of the Potentially Affected Coastal Barrier Manifest Clear Demarcations in Vegetation to the West of Harbor Course South.

Pursuant to criteria described in DOI's March 4,

MORGAN, LEWIS & BOCKIUS

The Coastal Barriers Study Group  
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1985 notice, "boundaries are generally drawn perpendicular to the unprotected shoreline across the entire coastal barrier at the break in development." 50 Fed. Reg. 8702. An examination of aerial maps of the potentially affected area demonstrates clear demarcations in vegetation and visible structures and roads west of where the proposed boundary line is currently drawn. (See Attachment 3 -- aerial photograph). As noted above, that significant disturbance of original vegetation has occurred as a result of clearance and excavation operations which have occurred at the western end of the Ocean Reef Club. There is no break in development where the proposed boundary is delineated. Such a result is clearly in conflict with DOI's stated criteria for delineating undeveloped portions of coastal barrier islands.

The boundary should thus be shifted and drawn to the west along the property line, described in the Ocean Reef Club Master Plan, to exclude the area substantially impacted and stabilized due to development activity.

3. The Ocean Reef Club Development Involves Intensive Capitalized Development, Continuing A Thirteen Year Commitment to Stabilize the Property Included in its 1977 Master Development Plan.

MORGAN, LEWIS & BOCKIUS

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Department of the Interior  
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DOI's guidelines also contemplate exclusions of areas of coastal barriers adjacent to and adjoining intensively capitalized areas, since these areas are committed to stabilization. 50 Fed. Reg. 8702 (March 5, 1985). As indicated, the property which the Study Group has proposed be added to the CBRS within the Ocean Reef Club was dedicated to condominiums, townhomes, and single family homes in a Master Development Plan approved in 1977 by Monroe County and the State of Florida. (See, Attachment 5). This Master Development Plan represents a private investment exceeding \$500 million dollars. Not only is the affected parcel developed within the meaning of the statute, but the roads, cleared lots, golf course and man-made lakes are additional visible commitment by the Ocean Reef Club to stabilize areas now compromised by DOI's recommendations.

In keeping with DOI's criteria for delineation of undeveloped areas adjoining intensively capitalized areas, the current boundary should be redrawn to the southwest to exclude the area of significant impact due to this development activity. In addition, since property lines are clearly indicated in the 1977 master plan for the Ocean Reef



MORGAN, LEWIS & BOCKIUS

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Club, these property lines should be utilized in the Study Group's recommendations, again in keeping with DOI's own guidance on delineation of undeveloped coastal barriers where property lines are known. See, 50 Fed. Reg. 7802.

4. The Environmental Values of The Florida Keys Are Not Related To The Purposes Of The CBRA.

Finally, we think that the definition of a "coastal barrier island" in the current law precludes inclusion of the Florida Keys in the CBRS. Because the Keys are consolidated limestones, and not unconsolidated sediments, as is the case with the Eastern Atlantic Coastal Barrier Islands, amendment of section 2 of the statute is clearly required before Congress could approve the recommended addition of portions of the Florida Keys to the CBRS. Further, because of the unique geomorphology of the Keys, we think that their inclusion is not in keeping with the Act's purpose since they do not function to absorb the tidal or storm energies of the ocean, so as to protect the aquatic habitat between the coastal barrier and the mainland. Thus, the basic protection function of a coastal barrier island which the CBRA was enacted to preserve, does not exist with respect to the Keys.

MORGAN, LEWIS & BOCKIUS

The Coastal Barriers Study Group  
Department of the Interior  
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CONCLUSION

By drawing the boundary of included portions of the CBRS along the property line of the Ocean Reef Club, the Study Group's recommendations for additions to the CBRS to Congress will be consistent with its own guidelines on delineation of undeveloped coastal barriers. Since the Ocean Reef Club has already been "developed" within the meaning of the CBRA and thus, substantially altered and stabilized by man's activities, it is not within the contemplation of the statute's protections. Furthermore, considerable inequity will result to homeowners and landowners with property on the affected portion of the Key if Federal assistance is denied to them as a result of this apparent mistake in drawing boundaries around undeveloped portions of the Key.

If you have questions on these comments or on the attachments, they may be directed to Bradley Dressler,

MORGAN, LEWIS & BOCKIUS

The Coastal Barriers Study Group  
Department of the Interior  
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representative of the Petitioners at (305) 367-3127 or to me at the above telephone number.

Sincerely,

*John Quarles*  
John Quarles  
Counsel for Petitioners

JQ/rjh

Attachments:

- (1) Map 34 of Vol. 14 of the Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System indicating Affected Property.
- (2) Ocean Reef Club Promotion Folder Showing Location, Lots, and Improvements on Affected Property.
- (3) Pictures of 24-Occupied Homes on Ocean Reef Property. (Note: Letters on back of photographs correspond to Letters designated on Lots on Attachments 2 and 5.)
- (4) 1986 Aerial map - to be supplied to Mr. McGilvrey and Ms. Wyman on 6/25/87.
- (5) 1982 Map of Master Development Plan for Ocean Reef Club Approved in 1977.

1384

Simon, Larsen & Marsh

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June 25, 1987

Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service -- 498  
P. O. Box 37127  
Washington, D.C. 20013-7127

Attn: Mr. Frank McGilvrey, Coordinator

Re: Proposed Expansion of Coastal Barrier Resources System  
North Key Largo, Florida 66-75

Dear Study Group Members:

On behalf of our clients, Bayside Properties, Ltd., Mr. and Mrs. Arthur J. Shadok, and Mr. and Mrs. Joseph R. Harrison, Jr., the following comments are submitted in response to the proposed recommendations for additions to and deletions from the Coastal Barrier Resources System ("CBRS") made available for comment on March 25, 1987. 1987 Fed. Reg. Vol. 52, No. 57, Part II, pp. 9618-19.

Mr. and Mrs. Joseph R. Harrison, Jr., and Mr. and Mrs. Arthur J. Shadok are the owners of approximately 125 acres of land ("Ocean Forest Parcel"), and Bayside Properties, Inc. is the owner of approximately 450 acres of land ("Bayside Parcel"), located on North Key Largo, Florida, as shown on the map attached as Exhibit A, which generally corresponds with Maps 34 ("Garden Cove") and 35 ("Card Sound") which were part of the CBRS Draft Report. Both parcels (the "Parcels") are proposed for addition to the CBRS under the inventory of undeveloped coastal barriers prepared pursuant to the Coastal Barrier Resources Act, 16 U.S.C. Sec. 3509 (the "Act").

I. INTRODUCTION.

In general, the Parcels should be excluded from the inventory and not proposed for inclusion in the CBRS because their inclusion would not further the purposes of the Act and, to the contrary, would significantly impede major efforts currently in progress which will further those purposes. More specifically, inclusion of these Parcels would not significantly reduce the loss of human life, the wasteful expenditure of federal revenues nor damage to fish, wildlife and other natural resources (and would impede a major effort to enhance and protect wildlife habitat on North Key Largo) for the following reasons:

- (1) the Parcels are presently part of a "development node" (and serviced by existing facilities) or otherwise partially developed under regulations which are consistent with federal standards to minimize damage from major storms and therefore there would not be any significant reduction in federal expenditures, the loss of human life or damage to fish and wildlife resources;
- (2) the Parcels are currently within an area, North Key Largo, designated by local regulations, pursuant to state legislation as primarily for wildlife conservation purposes (although the development of these parcels, as part of designated "development nodes," would be permissible under those regulations), and are therefore not appropriate for inclusion in the CBRS;
- (3) inclusion of the Parcels in the CBRS would significantly impede a major multi-agency effort presently being conducted under the aegis of the former Governor of Florida and funded by specific appropriation from Congress, which has been in progress for two years to develop a Habitat Conservation Plan ("HCP") for the North Key Largo Area which will protect and conserve the habitat of four species of endangered species as well as other species of concern and reconcile development and wildlife concerns (a program which the Study Group might well consider as a model for use in similar situations to protect and conserve coastal resources); and
- (4) development within these Parcels is currently regulated by local and State laws and regulations

which implement the program of the Federal Emergency Management Agency to minimize loss of human life and federal expenditures from hurricanes and similar storm events, and therefore to include them in the CBRS would free them in turn from the development constraints of the FEMA program.

The following sets forth the facts and these arguments in greater detail.

II. FACTS.

A. North Key Largo Generally.

North Key Largo, on which the Bayside and Ocean Forest parcels are located, is the northern 11,000 acres of the first key offshore the South Florida mainland. Geomorphically, the Key is not comprised of unconsolidated, sedimentary materials and is not subject to erosion. Biologically, it includes wetland and hardwood hammock habitats which provide habitat for, among others, four endangered species: the North Key Largo wood rat, the North Key Largo common mouse, the Schaus Swallowtail butterfly and the American crocodile. Seven thousand acres of the Key have been designated as a national refuge for the crocodile. In addition, approximately four miles seaward lies a living coral reef, which is within the John Pennekamp State Park and the Coral Reef National Marine Sanctuary.

North Key Largo is served by two highways and water and electric facilities. See Exhibit B hereto. The northernmost portion of the Key ("Northern Development Node") has been developed with the Ocean Reef Club and the Anglers Club (with approximately 1500 existing and proposed units). The Bayside Parcel is immediately adjacent to the Ocean Reef Club and the Anglers Club and has been proposed by the Habitat Conservation Plan, discussed below, as being within the Northern Development Node.

Other development nodes have been improved with, among other things, navigable channels and adjacent scarified or cleared areas for residential and commercial/recreational structures.

The Keys have been designated as an area of critical statewide concern requiring special local and state planning efforts. In addition, in 1985, the Governor established a gubernatorial study committee ("HCP

Committee") to develop a "Habitat Conservation Plan" ("HCP") for North Key Largo in order to "formulate an agreement between participating entities and interests concerning anticipated development in the North Key Largo area and a general environmental protection plan for the same area." According to the Executive Order, the agreement was necessary in order to "reconcile conflicts between the pressures of growth and conservation and to balance environmental protection and economic concerns in North Key Largo." The HCP Committee included participation by representatives of local, state and federal agencies (e.g., the United States Fish and Wildlife Service) as well as development and conservation interests.

In February 1986, the Monroe County Board of Commissioners gave additional recognition to the Habitat Conservation Plan by designating North Key Largo as an "Area of Critical County Concern" in the Land Development Regulations of the Florida Keys' Comprehensive Plan. The regulations contain special guidelines for preparation of the HCP, including requirements that lands designated for wildlife conservation purpose be preserved in perpetuity and that the development occur only on areas suitable for on-site development; that is, clustered in appropriate nodes. Co. Plan, Vol. III., Sec. 11-107.D. The Comprehensive Plan allocates a maximum of 3500 dwelling units to North Key Largo, but defers approval of any development proposals until after adoption of the HCP and issuance of federal and state environmental permits.

After more than a year of study, the HCP Committee submitted a detailed Habitat Conservation Plan Report which proposed strict development limitations and a comprehensive wildlife and habitat management program for the North Key Largo Management Area. The HCP is being developed to meet the rigorous requirements of Section 10(a) of the U.S. Endangered Species Act, 16 U.S.C. Sec. 1552, et seq., including:

- (a) Provision of conserved habitat;
- (b) Maintenance, management, improvement and restoration of conserved habitat;
- (c) Necessary funding for conservation programs; and
- (d) Assurances to protect environmental resources (e.g., to protect against adverse impacts on the coral reef), as well as

development rights to be provided to the private sector. HCP at 102.

The HCP also meets the requirements of the Florida Endangered and Threatened Species Act, Fla. Stat. Sec. 372.72, and will serve as the basis of an areawide Development of Regional Impact Order under Section 380.06(25), Fla. Stat. (1985). The Monroe County Board of Commissioners, the governing board of the local general purpose governmental agency, is currently in the process of considering the HCP. It will then be submitted for approval to the appropriate state and federal agencies.

The HCP Report provides for the establishment of "Conserved Habitat" areas (to be protected as wildlife habitat and precluded from development) and "Development Nodes" (areas appropriate for development).

The "Development Nodes" were selected based on their appropriateness for development; that is, based on consideration of their lack of impact on significant habitat, their proximity to existing development, the condition of the lands (e.g., disturbance), availability of public services and the partial development of the site (e.g., the development and existence of navigable channels and access to deep water).

In addition, the "Development Nodes" promoted the protection and conservation of the "Conserved Habitat" by being "receiver sites" for development otherwise allocated to "Conserved Habitat"; by providing a source of funding for the maintenance and operation of the "Conserved Habitat"; and by requiring certain other measures (e.g., the removal of roads and the re-establishment of certain tidal creeks) which will promote the wildlife value of the area.

The proposed areas of development within the Bayside and Ocean Forest Parcels are within the Development Nodes. Under the HCP, development on the Bayside Parcel is limited to areas adjacent to the existing Anglers Club/Ocean Reef Club and subject to numerous additional conditions, including a requirement that all mangrove acreage be preserved. See HCP at 60. The Ocean Forest Parcel, with its existing ocean access, is limited to a single entrance with retention of a hammock buffer of approximately 300 feet in width along the entire frontage of S.R. 905. See HCP at 62.

B. Bayside Parcel.

With respect to the Bayside Parcel, the lands involved are part of the Northern Development Node, served by existing road, water and electric facilities and are immediately adjacent to the existing Anglers Club and the Ocean Reef Club. It is anticipated that the development on this parcel will utilize the existing navigable access to the Anglers Club (which was one of the bases for its selection as part of the Northern Development Node under the Habitat Conservation Planning process). Further, the development of the Bayside Parcel was determined in the HCP Report to have little adverse impact on the endangered species of concern and is outside of the area that was described as desirable for habitat for these species by the U.S. Fish and Wildlife Service in connection with consultation under the Endangered Species Act in connection with the expansion of water and electric facilities. For example, biologists determined that the site proposed for development had a very small number of the endangered rats and mice (provision is to be made for their trapping and relocation).

Finally, portions of the site have already been approved for development by the County.

C. Ocean Forest Parcel.

With respect to the Ocean Forest Parcel, the owners have spent in excess of \$1,000,000 in dredging an ocean access channel to the property and in clearing and preparing areas adjacent to the channel for the construction of residential and recreational structures. Of the approximately 74 acres of hammock habitat on the parcel, only 15 acres will be allowed to be developed under the proposed HCP and County ordinances (unless additional development is transferred to the site from Conserved Habitat under the plan, in which case wildlife protection will be even further enhanced). Of the remaining 32 acres of the parcel to be developed, approximately 13 acres is graded (i.e., cleared) and extends along the existing dredged channel and the remainder are transition lands.

In short, the Ocean Forest Parcel is served by existing public facilities, is partially developed (with the navigable features of the project in place) and the wildlife resources will be minimally impacted.

26,000 units were proposed at one time for the area. Pursuant to the HCP, the proposed number of units would be reduced to a maximum of 3,500 units and probably to less than 2,000 units. In doing this, less than 500 acres of the approximately 11,000 acres on North Key Largo would be developed. Further, a significant part of the HCP is the provision of ongoing, active management of the Conserved Habitat in a manner which will further promote the conservation of resident wildlife resources. This is in keeping with the purposes of the Act which are, among others, to reduce damage to "fish, wildlife, and other natural resources." 16 U.S.C. Sec. 3501 (b).

In part, the plan will be accomplished by "clustering" and transferring development from the Conserved Habitat to Development Nodes. Further, the development within the Development Nodes is subject to development fees of \$2,500 per unit and ongoing assessments of approximately \$100 per unit per year which will fund the active management and restoration of the Conserved Habitat.

Thus, not only did the HCP planning effort identify those lands most appropriate for development--the Development Nodes, but provided a way whereby conservation efforts in the area will be enhanced by the development which is to occur.

Accordingly, care should be taken to assure that the Development Nodes identified by the HCP Report are not included within CBRA. Further, the Study Group and the Secretary of Interior might well determine that such HCP planning efforts which reconcile development and wildlife concerns may in fact better promote the objectives of the Act than the simple prohibition approach currently contemplated by the designation procedure. Properly located development (e.g., clustered development which concentrates human occupation thereby reducing the need for federal emergency assistance) may better support and promote wildlife conservation. If there is an interest on the part of the Study Group or the Secretary in pursuing this approach, we would be pleased to discuss it further with you.

D. Existing Regulations Provide for Minimization of Federal Expenditures and Loss of Human Life.

Development on the Bayside and Ocean Forest Parcels is also protected from storm and hurricane damage by strict Monroe County regulations required by the Federal Emergency Management Agency. Habitable portions of all

III. DISCUSSION.

A. Exclusion Based on Existing Conditions of the Parcels.

Based on the existing conditions of the Parcels, described above in II.B. and II.C., they should be excluded from the CBRS. As noted above, the Bayside Parcel contains few endangered species and is immediately adjacent to existing development which has already been excluded from the CBRS. The developable portions of the Ocean Forest Parcel are already largely scarified and served by existing public utilities. The technical studies commissioned for the HCP identified these Parcels as suitable for development.

B. Exclusion of North Key Largo Area as Part of Established Area Primarily for Wildlife Habitat Conservation Purposes.

The development of the North Key Largo HCP is also expressly required by the existing County Land Use regulations (a copy of which is attached as Exhibit C), and therefore the North Key Largo Area is clearly an "area established under ... local law ... primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes," such that it does not fall within the jurisdiction of the CBRA. The area will also qualify as "otherwise protected" under state and federal development permits to be issued by the Florida Freshwater Fish and Game Commission and the U.S. Fish and Wildlife Service to implement the HCP. State issuance of an "Order for a Development of Regional Impact" will add an additional level of special environmental protection. In short, the North Key Largo Area is already adequately regulated for the Act's purposes and should not be included within the revised CBRS.

C. Exclusion of North Key Largo Area Based on Need to Promote, and not Impede, Habitat Conservation Planning Effort.

It is critical that the two parcels, as well as other parcels designated as "Development Nodes" pursuant to the HCP Report (see Exhibit A), be excluded from the CBRS in order to accomplish the wildlife habitat protection objectives of the HCP.

As mentioned above, North Key Largo is the subject of significant development pressure. More than

structures must be constructed at elevations above anticipated storm tides and in accordance with standards designed to minimize wind and accelerated water damage. The properties have excellent emergency escape routes to the mainland over U.S. Highway 1 and Card Sound Road. Further, North Key Largo is the first and closest key off the Florida mainland.

IV. SUMMARY AND CONCLUSION.

In summary, the two parcels should continue to be excluded from the CBRS and Maps 34 and 35 should be revised as shown on Exhibit A. This is based on the fact that the Bayside Parcel is properly a part of the "Northern Development Node" and the Ocean Forest Parcel has been partially developed with the expenditure of over \$1,000,000; that portions of the Bayside Parcel have been approved for development by the County; that the proposed development of the Parcels has been indicated as appropriate pursuant to the HCP Planning effort and is actually supportive of efforts to conserve wildlife and endangered species habitat within the area (by promoting the clustering of development and providing an on-going source of funding). Finally, the multiple access to the mainland and existing regulations will require development which will minimize any storm damage and any anticipated federal assistance in this regard.

If you have any questions of if I can be of further assistance, please let me know.

Yours very truly,

  
ROBERT M. MARSH  
SIEMON, LARSEN & MARSH

LLM/rlo  
Enclosures

cc: David Gayer, Esq.  
Mr. and Mrs. Arthur J. Shadek  
Mr. and Mrs. Joseph R. Harrison, Jr.  
Edmond J. Gong, Esq.  
William Roberts, Esq.  
Douglas Halsey, Esq.  
David Gayer, Esq.

MAUREEN B. HARWITZ  
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1307

June 21, 1987

Coastal Barrier Study Group  
Box 37127  
U.S. Dept. of the Interior, National Park Service  
Washington, D.C. 20013

Dear Study Group:

On behalf of the North Key Largo-Coral Reef Coalition, an ad hoc organization of individuals and public interest groups, who are committed to safeguarding the rare resources of North Key Largo and its coral reefs, I urge you to adopt the recommendations of the Interior Department in its Draft Report to Congress on the Coastal Barrier Resources System dated March 1987.

It has been brought to our attention that incorrect information regarding FL-35 Key Largo has been submitted to your record. By this letter we would like to bring certain indisputable facts to your attention:

1. North Key Largo has been listed as the number one priority in the State of Florida for public acquisition under the Conservation and Recreation Lands Program (C.A.R.L.). The property attained the highest priority because it has been recognized as having unique and irreplaceable natural resources, including, but not limited to: critical habitat for 4 listed endangered species on the uplands, critical habitat for the Manatee on the Barnes Sound side; approximately 20 listed state plants and animals; the existence of important cultural resources documented through state archeologic officers; the only living coral reef in North America.

2. North Key Largo is surrounded by a mosaic of state and federal preserves and parks, whose continued health is contingent upon North Key Largo remaining an undeveloped wilderness area, rather than an inholding for private development. These areas include: John Pennekamp Coral Reef State Park, North Key Largo Hammocks State Botanical Site, Everglades National Park, Biscayne National Park, Key Largo Coral Reef Marine Sanctuary, Crocodile Lakes National Wildlife Refuge, Biscayne Bay Aquatic Preserve, and Biscayne Bay-Card Sound Lobster Sanctuary.

3. Development interests on North Key Largo participated in a study group for approximately two years and produced a study report which they intend to use as a basis for a Habitat Conservation Plan under the Endangered Species Act. This report has not been approved by local government and has been criticized by state-wide environmental groups and state agencies for failing to be scientifically based in the natural resources of the study area.

Page 2 of 2  
June 21, 1987  
Coastal Barriers Study Group

I have enclosed a copy of an article which appeared in the New York Times, Sunday June 14, 1987, in which Ralph Lopez, the project manager for N.O.A.A., Florida and the Caribbean stated that NOAA had not been consulted about the study report for North Key Largo. He states:

"It's the only tropical reef system in continental waters... and our concern is that no one is taking a comprehensive ecological approach to its protection."

The HCP study report thus ignores the very resources that the Coastal Barrier Resources Act of 1982 was designed to protect. In sum: FL-35 Key Largo should be designated for inclusion in the coastal barrier system. It is a critical inholding in a mosaic of federal and state preserves. Exemption from the system will encourage development of this important wilderness area and thwart the state of Florida in its ongoing efforts to secure this area as a preserve. The preservation of this area will protect the existing and flourishing tourist and commercial and recreational fishing industries that already exist here. There should be no further federal subsidies for private interest development schemes.

Sincerely,

Maureen B. Harwitz  
Coordinator

c.c. Senator Bob Graham  
Senator Lawton Chiles  
Congressman Dante Fascell  
Claudia Schanbaugh, Fla. DCA  
Governor Bob Martinez  
David Worley, Fla. DER

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LAND USE & ENVIRONMENTAL LAW  
ZONING & COASTAL PERMITTING  
ADMINISTRATIVE APPEALS  
INVERSE CONDEMNATION LITIGATION

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KEY LARGO, FLORIDA 33037

JAMES S. MATTSON, PH.D.  
ANDREW M. TOBIN  
LIN YANNIS, OFFICE MANAGER  
MEMBER FLORIDA AND  
DISTRICT OF COLUMBIA BARS

May 6, 1987

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GLENN BOE & ASSOCIATES, INC.

Coastal Barriers Study Group  
National Park Service  
U.S. Department of the Interior  
P. O. Box 37127  
Washington, DC 20013-7127

Re: Comments on CBRS Recommendations: The Florida Keys

Dear Sirs:

I represent George DeCarion, James E. Roberts, and Ms. Lamar Louise Curry, who together own nearly all of the uplands in proposed Coastal Barrier Resource System ("CBRS") addition FL-37 in the Florida Keys. We oppose the addition of FL-37, as well as the other proposed additions in the Florida Keys, to the CBRS on several grounds.

First, the Florida Keys do not meet the definition of "coastal barriers" in Pub.L. No. 97-348, the Coastal Barrier Resources Act ("the Act"). Subsection 3(1)(A)(i) of the Act defines a coastal barrier as one which "consists of unconsolidated sedimentary materials," i.e., sand. The Florida Keys island chain consists of limestone coral rock. From Soldier Key to the south end of Big Pine Key, the Key Largo Limestone formation varies from 70 to over 170 feet thick over bedrock. South of Big Pine Key, the Lower Keys are comprised of the 35 foot thick oolitic Miami Limestone (Key West Limestone) over bedrock. No island in the Keys chain is comprised of "unconsolidated sedimentary material."

Adding the Florida Keys to the CBRS should require Congressional debate on amending the definition of "coastal barrier" in the Act. We presume the Administration would not propose simply ignoring the definition language in the Act, and suggest that Congress merely add these limestone rock formations to the CBRS maps. If, however, that is your intent, we insist that the conflict be highlighted in any recommendations to Congress that include portions of the Florida Keys.

Second, Area FL-37 takes a slice out of a highly-developed area of Key Largo, completely subverting Congressional intent. The Senate Report on S. 1018, at p. 6, states: "A threshold of approximately one structure per five acres of fast-land was used in determining if a coastal barrier was developed."<sup>1</sup> Area FL-37 consists of 75-80 acres on the ocean side of US-1, 10 acres in the median strip of

<sup>1</sup> S. Rep. No. 97-419, reprinted in 1982 U.S. Code, Cong. Ad. News, 3212-3228, at p. 3213.

a 4-lane divided highway (US-1), and 14 acres on the Bay side of US-1. To the north of FL-37 lies roughly 8 miles of intense development. The area of Key Largo south of FL-37 is less intensely developed than the area to the north, but it is certainly not "undeveloped."

Key Largo had a permanent population of 9,910 in 1980.<sup>2</sup> This is the northernmost island in the Florida Keys, and its proximity to Dade County has created phenomenal growth in the past decade. Traffic growth on Key Largo, which has been increasing nearly 10% per year for the past 5 years, is closely related to population growth. Based upon observed increases in traffic, Key Largo's current population is on the order of 16,800. Demographic analyses of Monroe County's population show an average household between 2.0 and 2.3 persons. Based on this there are about 7,800 permanent dwelling units ("DU's") on Key Largo.

Almost all of the permanent population on Key Largo lives in Monroe County Planning Areas 33-38, from the south end of Key Largo to the intersection of US-1 and SR-905 at Garden Cove. Planning Areas 33-38 have a total area of 6,856.8 acres.<sup>3</sup> Based upon Congress' definition of "undeveloped" as being less than 1 structure per five acres, Planning Areas 33-38 of Key Largo became "developed" many years ago. The area currently has about 5.7 permanent DU's per 5 acres.<sup>4</sup> This estimate does not count commercial structures or vacation DU's, which in this writer's opinion would push the figure over 8 structures/5 acres.

Area FL-37 lies in Planning Area 34, a 722.7 acre section of Key Largo that is 51% built-up in residential and commercial development. It has 315.4 acres of residential development, and its proportional share of Key Largo's 7,800 permanent residential dwelling units is about 1,050 structures, or 7.26 structures/5 acres. Thus, even Planning Area 34, a 1.13 mi<sup>2</sup> area of Key Largo out of which you have carved Area FL-37, does not qualify as an "undeveloped" coastal barrier as intended by Congress.

In summary, Messrs. Roberts and DeCarion, and Ms. Curry, register their strongest objections to the proposed inclusion of Area FL-37 in DOI's recommendations to Congress for additions to the Coastal Barrier Resource System. FL-37 is not an unconsolidated sedimentary barrier, and it cannot rationally be viewed as meeting the Congressional standard of "undeveloped." Congress never impliedly or

<sup>2</sup> Figures in this paragraph are taken from Vol. I, Florida Keys Comprehensive Plan (effective 9/15/86), Florida Department of Transportation traffic counters, and the Donnelley Demographics database, available on DIALOG.

<sup>3</sup> Vol. I, Florida Keys Comprehensive Plan, p. 201.

<sup>4</sup> Key Largo has only a small amount of multi-family housing, and most of those are seasonal (vacation) DU's. It is reasonable to assume that there is one residential structure for each permanent residential DU.

<sup>5</sup> Even considering the north portion of Key Largo, which comprises 11,783.3 acres (Planning Areas 39-42), the density of permanent residential structures on all of Key Largo is 2.1 per 5 acres, or 2.1 times the Congressional guideline for "undeveloped."

584

May 26, 1987

expressly authorized DOI to consider every 1/4 mile stretch of undeveloped land on otherwise developed islands in this review process.

Please keep the undersigned informed as this process proceeds.

Sincerely yours,

*James S. Mattson*  
JAMES S. MATTSON, ESQ.

cc: Hon. Lawton Chiles  
Hon. Bob Graham  
Hon. Dante Fascell  
Hon. Bob Martinez  
Monroe County Commissioners

The Coastal Barriers Study Group  
Department of Interior  
National Park Service - 498  
P. O. Box 37127  
Washington, D. C. 20013-7127

ATTN: Mr. Frank B. McGilvrey

Dear Mr. McGilvrey:

The following material is being presented to assist you in deleting "Plantation Lake Estates" from the Coastal Barrier Resources System. As you will see, the community does not meet the requirements of the Coastal Barrier Resources Act (P.L. 97-348). The community was included in the CBRS solely because it does not appear on the U. S. Geological Survey Plantation Key Quadrangle (dated 1970), and the error was not corrected in the first draft report.

This same material was presented to you at the Department of Interior information session held on Plantation Key May 15, 1987. I am sending it to you as a follow-up action to insure it does not get overlooked again.

Sincerely,

*Carl P. Spahn*  
CARL P. SPÄHN

Carl P. Spahn  
P. O. Box 85  
Tavernier, Florida  
33070

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1172

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June 22, 1987

June 22, 1987

Coastal Barrier Study Group  
U. S. Department of the Interior  
National Park Service 498  
P. O. Box 37127  
Washington, D. C. 20013-7127

Dear Sirs:

According to the Study Group's "Report to Congress on the Coastal Barrier Resource's System Map #38 Area FL-40" Plantation Key, FL, you have designated an area known as Plantation Point South, between Plantation Ridge Subdivision on the West, and Plantation Point and Plantation Lake Estates Subdivisions on the Northeast, located on the enclosed aerial survey, as part of the System.

We believe this to be an error due to the following reason:

The parcel RE #00093-520-000000 fails to meet the requirement of 1/4 mile of undeveloped shoreline as the smallest area to be included in the System.

Sincerely,

*William H. Selby*

William H. Selby,  
Vice President  
PLANTATION POINT SOUTH, INC.  
326 South Drive  
Islamorada, FL 33036  
(305) 852-7929

encl.  
WHS/shg

Coastal Barrier Study Group  
U. S. Department of the Interior  
National Park Service 498  
P. O. Box 37127  
Washington, D. C. 20013-7127

Dear Sirs:

According to the Study Group's "Report to Congress on the Coastal Barrier Resource's System Map #38 Area FL-40" labeled Plantation Point, you have designated a Subdivision known as "Plantation Point" on Plantation Key in the Florida Keys, recorded in Plat Book 7, p. 41, RE #00093570-000000 and 0009-3421-000100, as part of the System.

We believe this to be in error due to the following reason:

There is presently a density of 1 house per 3.92 acres in this designated area, which falls below the 1 house per 5 acres requirement for undeveloped area; therefore, this Subdivision should not be included.

Enclosed please find a copy of the recorded Plantation Point plat, Page 1 of which shows total acreage; Page 2 gives location of the Subdivision; Page 3 gives location of the existing home.

Sincerely,

*Edith W. Ellis*

Edith W. Ellis  
326 South Drive  
Islamorada, FL 33036

encl.  
EWE/shg

147

376



The School of the Ozarks

Accredited four-year college

POINT LOOKOUT, MISSOURI 65726 • TELEPHONE (AREA CODE 417) 334-6411

Office of the Chancellor

May 12, 1987

Coastal Barriers Study Group  
National Park Service  
U. S. Department of Interior  
P. O. Box 37127  
Washington, D. C. 20513-7127

Gentlemen:

Please accept this letter to register our official protest of any plans to expand the barrier island network of the Florida Keys. The School of the Ozarks owns property in the FL-45 Crawl Key Complex.

It is our sincere hope that Florida Governor, Bob Martinez, and the U. S. Department of the Interior will take a position of support to the economic growth of the area.

Sincerely,

*Howell Keeler*  
Howell Keeler  
Chancellor

HK/sr

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3086 N.W. SEVENTH STREET MIAMI, FLORIDA 33125 • (305) 648-3535  
NEAR THE AIRPORT AND EAST WEST EXPRESSWAY



April 23, 1987

Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service-498  
Box 37127  
Washington, D.C. 20013

Coastal Barriers Study  
Florida Keys

Gentlemen:

I have just received your new maps which you recently sent to me.

It is not clear to me what the status of Big Torch Key on Summerland Key quadrangle sheet 41 is. Is all of Big Torch Key no longer to be considered as designated a Barrier Island?

On your map last year only the improved canal lot subdivision on Big Torch Key was excluded from the designation.

I own property on Big Torch Key and it disturbs me that any of this Key would be considered as a Barrier Island, or any of the Florida Keys for that matter.

I also notice at the bottom of page 11 of your draft report that you propose that all privately owned property within a conservation area be included in reference in the CBRS. Does this mean, for example, that even if all of Big Torch Key is excluded as a conservation area, all of the privately owned property on Big Torch would on the other hand be automatically included?

May I please hear from you soon?

Sincerely,

*Wm. Cleare Filer*  
Wm. Cleare Filer



SERVICE BEYOND THE POLICY

1582

**FILER** ESTABLISHED 1919  
**INSURANCE, INC.**  
3086 N.W. SEVENTH STREET MIAMI, FLORIDA 33125 • (305) 648-3535  
NEAR THE AIRPORT AND EAST WEST EXPRESSWAY



August 7, 1987

Mr. Frank McGilvrey, Co-ordinator  
Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service - 498  
Box 37127  
Washington, D.C. 20013

Dear Mr. McGilvrey:

According to the enclosed news report, you are going to revise the Florida Keys maps for the Coastal Barrier Resource System and exclude areas that are developed.

I wish to point out to you three developed areas that should be excluded. Please refer to the enclosed charts. In your first maps last year you excluded the developed canal subdivision on Big Torch Key. I developed this subdivision 17 years ago. However, in your most recent map you included it. In view of your recent announcement you should now exclude it. It is shown in red on the enclosed chart; there are now eight homes on the canal and another is in the planning stage.

In addition, I began developing the 27 acre shorefront tract immediately west of the canal last year and built a road through it. I sold two of the eight proposed parcels, and a large expensive home is nearing completion on one of the parcels. I expect to sell a third parcel soon and possibly a fourth one. Since this is a development now in progress it should likewise be excluded. This development is shown in blue on the enclosed chart.

Also, I have owned another 15 acre shorefront tract farther north of the above development for many years. Last year I began the development of it by building perimeter access roads on the east and north boundaries. Also, I deeded off two parcels of approximately three acres each, and the remainder is to be divided into three parcels for future sale. Because of this development activity this property should likewise be excluded. It is shown in green on the attached chart.

I would appreciate your consideration of these suggested exclusions.

Sincerely,

*Wm. Cleare Filer*  
Wm. Cleare Filer



SERVICE BEYOND THE POLICY

619

COASTAL BARRIERS STUDY GROUP  
NATIONAL PARK SERVICE  
U.S. DEPT OF INTERIOR

Mr. & Mrs. A. P. Fried  
42 Key Haven Rd.  
Key West, FL 33040

RE: COASTAL BARRIER RESOURCES SYSTEM IN THE FLORIDA KEYS  
PUBLIC HEARING MAY 15, 1987

My name is Al Fried and I am president of the Taxpayers League of the Florida Keys, an organization of over 5000 members and represent over 20,000 vacant pieces of property throughout the Keys.

I would like to speak as a property owner before I speak for the Taxpayers League.

My property is on Little Torch Key and falls in the area you propose for a barrier island designation. Little Torch Key has been split from North to South by your boundary line. If taken as a whole, Little Torch Key at 840 acres has over 500 homes already build, with a potential of 300 more in areas outside your boundary. Thus the entire island is five times more populous than your previous density limit of 1 home every 5 acres.

In your summary & in the Fed Register you indicate that you propose to include mangrove shoreline for protection. Much of my property consists of bone dry upland and cannot ever be construed as wetlands and, therefore, does not deserve your consideration for inclusion on your hit list. Furthermore, between my property and the water is a major development right on the water. This development separates my property from the water at certain points. Across the paved road there is a row of duplex homes at the dwelling density of 16 units per acre. My upland property has been zoned for residential use by the new Monroe County Land Use plan.

It is beyond any rational thinking how you can include this section of my property in your designation anymore than you could include a farm in Kansas.

In addition to what I have said, 2 miles to the seaward of Little Torch Key is a long chain of islanos shown on your charts as the Newfoundland Harbor keys. These keys act as a barrier to open water for Little Torch Key.

You cannot use the wetland protection criteria, because much of my property is not wetlands. You cannot use Secondary barriers because my property is not unconsolidated sediments and does not protect important fish & wild-life habitats. My property should not be "otherwise" protected because it does not fall within a conservation or recreation area.

I find your boundary lines and exclusion lines very arbitrary. We have no doubt that in your heads you feel very much justified in what you are doing because you feel that you are doing your share to "preserve" the environment.

We in the Keys know about environmental protection. Not only are we environmentalists, but we care enough about this part of the world to put our hard earned money down to own a piece of it.

148

1248

We have a multitude of Government agencies to look after us to make sure we do not abuse our own property. To name a few: DER, DCA, DNR, Fish & Wildlife, EPA, CDE & MC Zoning & Planning.

We really do not need another agency to tell us that we cannot enjoy the same federal insurance that covers our neighbors across the road because the environment must be preserved. The Government is not losing money in the Keys. We have homes here that have been standing for more than 100 years.

In addition, I find your dissertation on rising ocean levels unscientific, prejudicial and alarmist. The ocean level has been fairly stable within the time span of man's ability to measure it.

Your fear of the greenhouse effect could easily be counteracted because increased temperature could cause more moisture in the atmosphere thereby blocking the sun's rays with a heavy cloud cover. The earth could actually become cooler instead of warmer.

Your claim that the waters of the earth will rise as the temperature goes up because of thermal expansion is absurd and totally ignores the fact that the earth around and under the ocean will also thermally expand and could result in a lowering of the ocean's levels. Finally, the Atlantic Coast is not subsiding. There is a spreading ridge in the Mid-Atlantic which is pushing our tectonic plate westward. It is the Pacific Coast that is being subducted under the Pacific plate. In a mere 10 million years Florida may wind up in New Mexico. (I hope it doesn't take that long to convince you to leave us alone.)

You tried to include our property in 1985 and failed. Here you are trying again in 1987. If you fail again, will you be back in 1989? From our point of view, this is harassment.

The voters of Monroe County and our elected officials do not feel that the Keys should be characterized as Barrier Islands. Please do not recommend our inclusion in your designation.

*Al & Maggi Fried*

Mr. & Mrs. A. P. Fried  
42 Key Haven Rd.  
Key West, FL 33040

305 294 7738

To whom it may concern: 5-15-87

Legal: Section 33, Township 66, Range 28, Cudjoe Key, Monroe County, Florida

It is believed that the maps which have been drawn for the Coastal Barrier Designation are inaccurate. In reference to the above legally described parcel, also known as 'SPOONBILL SOUND' the maps do not depict the area adequately. The area is listed as 16 acres of Tropical Hardwood Hammock on the adopted Existing Conditions Map which is a part of the Monroe County Land Use Plan. While 12 acres of the adjacent parcel is a lake bordered by mangroves, this parcel is all upland, the wetlands had been previously deeded away to a conservation group. This tract of land is an approved Major Development of 50 units by Monroe County and already has two roads within the parcel. It is believed that the maps should be redrawn to accurately depict the vested status of the project. Confirmation of the above can be obtained from the Zoning Dept. of Monroe County. Further input about the project will be mailed as soon as a settlement with the Florida Dept. of Community Affairs is reached. It is believed that this will be within the next few weeks.

Cordially,  
*Lynn Kephart*  
Lynn Kephart, Owner and agent

736

**KeyCology, Inc.** 414 Bimomon Bl. • Key West FL 33040 • 305-294-8719

May 29, 1987

Coastal Barrier Study Group  
U.S. Department of the Interior  
National Park Service 498  
PO Box 37127  
Washington, DC 20013

Re: Spoonbill Sound  
Cudjoe Key, Florida

Dear CBSG:

Please be advised that the Spoonbill Sound project is located within the State of Florida on Cudjoe Key, Section 33, Township 66, Range 28 in Monroe County. It has been brought to our attention that the coastal barrier designation maps are inaccurate and I was informed on 5/15/87 to write the study group of the potential inaccuracy of the map. Spoonbill Sound is an approved major development with 16 acres of tropical hardwood hammock located adjacent to U.S. 1 and a dedicated County road (Pirates Road). This tract of land was approved for a 50-unit residential development by Monroe County and there is an existing road through the center of the property which is permitted.

It has also been permitted for a residential dock by the Army Corps and DER as well as Monroe County. The property does not meet the standards of a coastal barrier designation as is obvious from the above information. Therefore, I am requesting a letter of acknowledgement that there is no coastal barrier designation on this land.

Sincerely,  
*Lynn Kephart*  
Lynn Kephart  
Environmental Planner

LHK:gjl  
Encl.

PS: This was also pointed out at your meeting in Plantation Key in May 1987.

1599

**COUNTY OF MONROE**  
KEY WEST, FLORIDA 33040  
(305) 294-8821

Ext. 415  
District Two  
3180 Overseas Highway  
Bay Point  
Key West, FL 33040

BOARD OF COUNTY COMMISSIONERS  
MAYOR Jerry Hernandez, District 1  
Mayor Pro Tem Gene Lytton, District 2  
Wm. Billy Freeman, District 3  
Mike Puto, District 4  
John Stormont, District 5

March 30, 1987

Honorable Dante S. Fescoll  
7855 S.W. 104th Street, Suite 220  
Miami, FL 33156

Dear Dante:

Once again we must do battle against the absurd. The State of Florida has saddled Monroe County with total Outstanding Florida Waters designation and is probably considering again an attempt to classify the entire county an Aquatic Preserve.

New FEMA regulations effective April 11, 1987 will virtually destroy the viability of mobile homes as the only genuine and legitimate form of affordable housing in this county.

Now we learn the barrier island controversy has been raised again. How is a small county, virtually 100% dependent on a water or rented economy, expected to function or survive, when it is inundated with regulatory agencies each trying to out jurisdiction each other? The cumulative effect is ludicrous and paralyzing.

Help!

Sincerely,  
*Eugene R. Lytton, Sr.*  
Eugene R. Lytton, Sr.  
County Commissioner  
District 2

ERL:mkn  
cc: Honorable Bob Martinez, Secretary, Department of Community Affairs  
Honorable Dale Tschimmann, Secretary, Department of Environmental Regulation  
Honorable Elton J. Gissendanner, Executive Director, Dept. of Natural Resources  
Mayor Jerry Hernandez  
Commissioner Billy Freeman  
Commissioner Mike Puto  
Commissioner John Stormont  
Capt. Tom Brown, County Administrator

457



Florida House of Representatives

Ron Saunders  
Representative, 120th District

Reply to:  
516 Southard Street  
Key West, FL 33040  
Tel: 304-8232  
1st House Office Building  
Tallahassee, FL 32399-1300  
(904) 488-9965

Committees  
Tourism & Cultural Affairs, Vice Chairman  
Tourism Subcommittee, Chairman  
Finance & Taxation  
Judiciary  
Natural Resources

May 12, 1987

Coastal Barriers Study Group  
U.S. Department of the Interior  
National Park Service - 498  
Post Office Box 37127  
Washington, D.C. 20013-7127

Dear Gentlemen:

Please follow the spirit as well as the letter of the law on the issue of the Florida Keys being included in the Coastal Barrier Resource System.

The Keys are composed of coral and rock and are by definition not Coastal Barrier Islands. They should automatically be excluded from any consideration or discussion.

Please do not be remiss in your responsibility. Listen to Congressman Dante Fascell, former Senator Paula Hawkins, and the Monroe County Commission. Do not amend the original and intended definition of "undeveloped coastal barriers".

The Act was never intended to include the Florida Keys. We cannot afford to be without access to Federal funds or insurance and there is no reason we should be denied access.

Thank you for your consideration and your wisdom in doing your job.

Sincerely,

*Elizabeth Bacon-Smith*  
Elizabeth Bacon-Smith  
Legislative Secretary

cc: Congressman Dante Fascell

Enclosure

-2-

I understand that it is the opinion of some in the Department that the Florida Keys never should have been settled because of the inevitable storm damage which occurs there. I also understand that there is growing Departmental resistance to using federal flood insurance to underwrite the rebuilding which is inevitable after a large storm. But the fact remains that the Florida Keys are not uninhabited islands, nor have they been for generations.

The residents of the Keys join the Department in opposing unwise and inappropriate large-scale development on these unique islands. However, under existing regulations, home and commercial builders are already required to build up to federal standards in order to receive federal flood insurance. The residents of the Florida Keys are keeping their part of the bargain with the federal government. It is imperative that the federal government live up to its commitments.

Again, I remain strongly opposed to the inclusion of any parts of the Florida Keys under the Coastal Barrier Resources System and I urge the Secretary to delete the Keys from his recommendations for the expansion of the System.

Sincerely,

*Dante B. Fascell*  
DANTE B. FASCELL  
Member of Congress

DBF/DS

1495

DANTE B. FASCELL  
17th District, Florida

W AFFAIRS COMMITTEE  
CHAIRMAN

Congress of the United States

House of Representatives  
Washington, DC 20515

May 12, 1987

ARMED CONTROL, INTERNATIONAL  
SECURITY AND SCIENCE SUBCOMMITTEE  
CHAIRMAN

SELECT COMMITTEE ON NARCOTICS  
ABUSE AND CONTROL  
MEMBER

CHARLES R. O'NEAL  
ANNOUNCER

COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE  
MEMBER

NORTH ATLANTIC ASSEMBLY  
CHAIRMAN  
HOUSE DELEGATION

CANADIAN-UNITED STATES  
INTERPARLIAMENTARY GROUP  
MEMBER U.S. DELEGATION

Coastal Barriers Study Group  
Department of the Interior  
National Park Service - 498  
P.O. Box 37127  
Washington, D.C. 20013-7127

Dear Sirs and Mesdames:

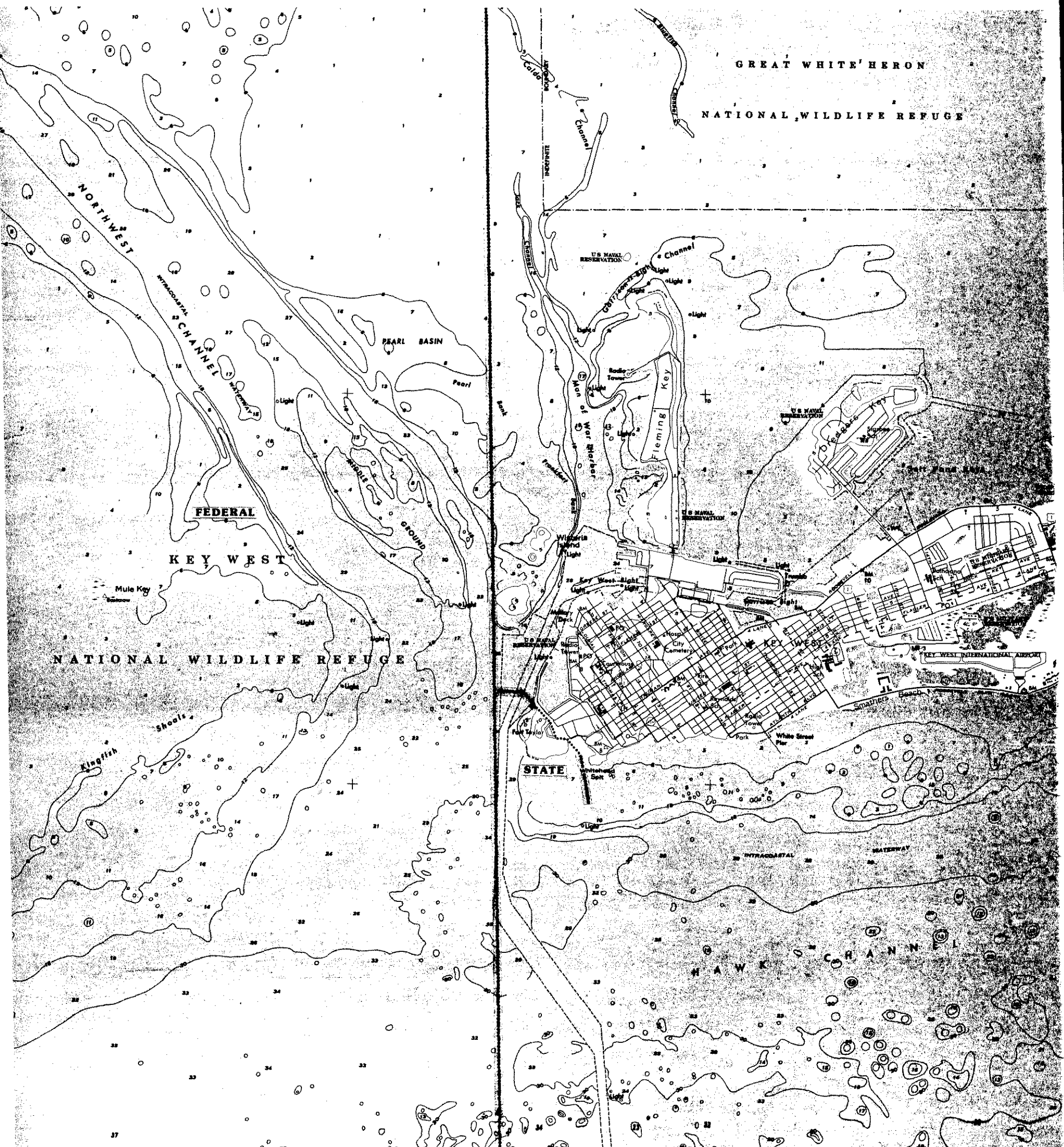
I appreciate having this opportunity to comment on the Secretary of the Interior's proposed recommendations to expand the Coastal Barrier Resources System.

As I originally advised you in comments dated September 20, 1985, I continue to strongly oppose the Department's proposed recommendation to include parts of the Florida Keys under the Coastal Barrier Resources System and I urge the Secretary to delete the Keys from his recommendations. I still see no reason why the Keys--stable, coral rock formations--should be included under the same system which was created to protect highly unstable, shifting sand barrier islands. I fully understand the Department's desire to protect the associated aquatic habitat which abuts the Keys's shoreline. However, since the islands themselves do not shift, and thus do not cause additional instability to the associated habitat during storms, I fail to see the logic in designating onshore areas in the Keys under the System. In fact, it seems to me that the Department's motivation in this case is geared less toward environmental protection and more toward ultimately releasing the federal government from its long-standing commitment to provide flood insurance to the more than 60,000 permanent residents of the Keys.

Monroe County, which includes all of the Florida Keys, has been designated as an Area of Critical Concern by the State of Florida and, as such, is already subject to stringent development and land use controls. I do not believe that an additional federal barrier island designation would slow development in the Keys, as the Department has argued. Instead, I believe that Congressional approval of such a designation could result in a short-term hemorrhage of building permit applications, as small landowners and developers rush to raise structures which would be eligible for federal flood insurance, prior to the effective date of any federal legislation.

Finally, the imposition of a patchwork barrier island designation would wreak havoc in the Keys. It would disrupt the orderly administration of local tax assessments as well as the implementation of other local and State statutes. It would also prohibit the future expansion of existing water delivery and electric systems which currently serve more than 60,000 people.





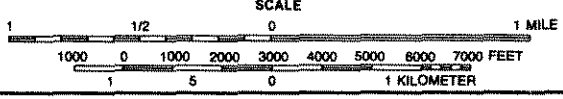
UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
by the Coastal Barriers Study Group  
U.S. Department of the Interior  
Washington, D.C. 20240

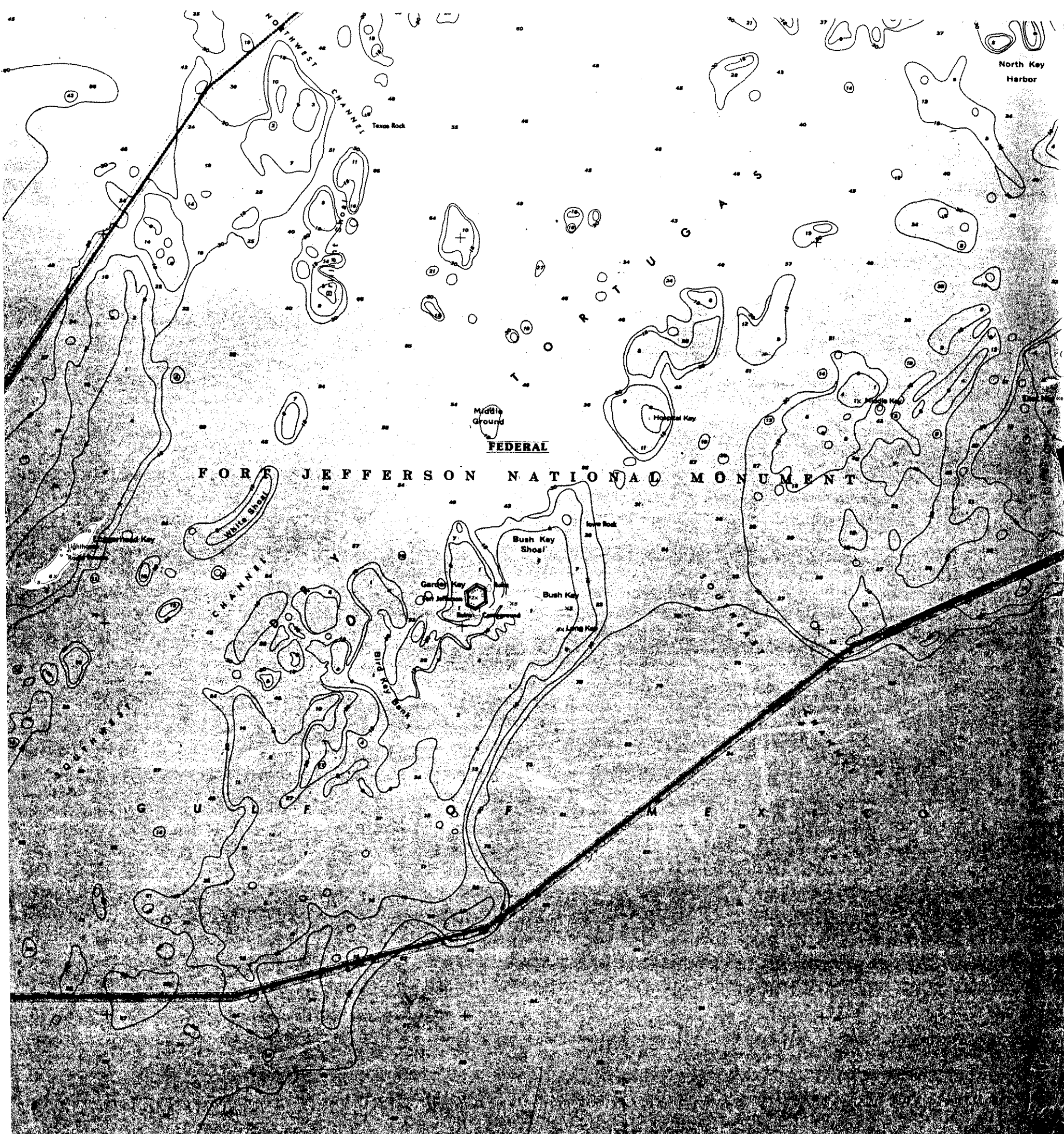
**Report to Congress on the Coastal Barrier Resources System**

QUADRANGLE  
**KEY WEST**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- ..... Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.

Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



FEDERAL  
FOR JEFFERSON NATIONAL MONUMENT

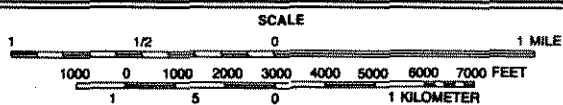
UNITED STATES  
DEPARTMENT OF THE INTERIOR



Mapped, edited and published  
by the Coastal Barriers Study Group  
U.S. Department of the Interior  
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE  
**DRY TORTUGAS**  
FLORIDA



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
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