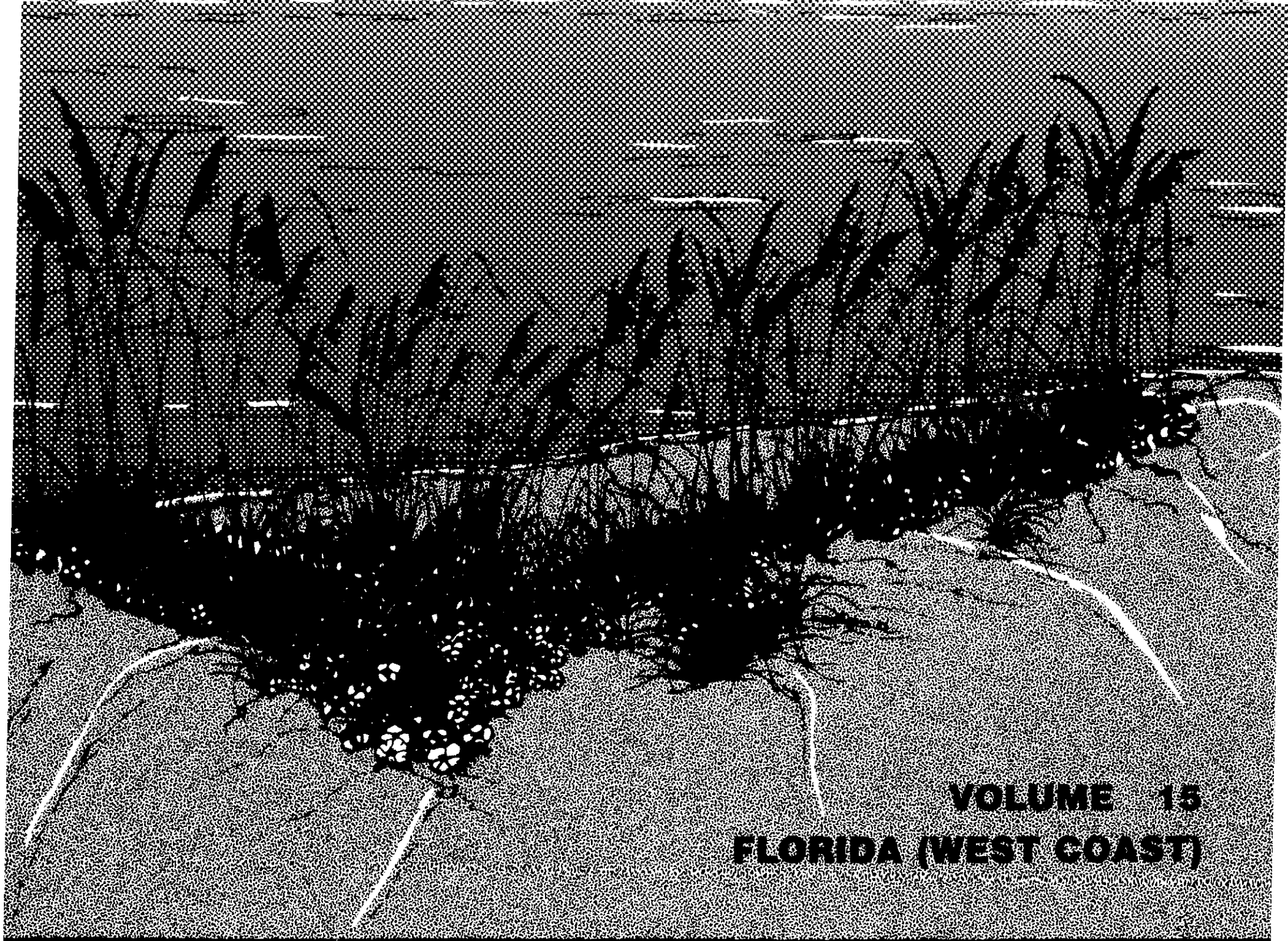


REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM

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



**VOLUME 15
FLORIDA (WEST COAST)**

U.S. Department of the Interior



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FLORIDA (WEST COAST)

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

United States Department of the Interior
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FLORIDA (WEST 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 west 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 west coast of Florida and delineations of additions to and modifications of the CBRS in this part of the State 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 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 lives 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. Phosphate products, for example, are almost all 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). Honeymoon 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.

Only Pinellas County, which is the most highly developed county on the west coast, includes taxation policies that support the conservation of barriers. Lands designated as "Preservation" on the County Land Use Plan (CLUP) may remain in private ownership or may be donated to the county. If they remain private, some type of deed restriction or easement is typically applied to specific sensitive areas. These lands are taxed at the lowest rate by the County Property Appraiser. Pinellas County passed a referendum in 1977 to establish a 0.25-mill tax to set up a fund for the purchase of environmentally sensitive land. This tax was only in effect for a 2-year period.

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, Sarasota County does not permit structures closer than 20 feet to MHWL on the bay or estuary regardless of elevation (Ord. 75-38), nor buildings closer than 150 feet to MHWL on the Gulf of Mexico. Sarasota County has its own Water and Navigation Control Authority which regulates and controls all submerged and other sovereignty lands of the county. Any activities that affect these lands must be approved through this body.

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 Sarasota County (four parcels) and others.

There is one plan that may be considered as indirectly supporting barrier development. Dunedin Pass, part of CBRS unit P24A, in Pinellas County is currently being considered for dredging, using local funding. If this dredging is successful, it could encourage nearby development by allowing better access from both open and protected water.

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 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 a coastal zone management grant for Hutchinson

Island project 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 west coast of Florida can be divided into three distinct regions: the west-central coast, the Big Bend coast, and the panhandle coast.

The west-central coast includes the barrier island complex that begins at Cape Romano (P15) on the south and extends north to just north of Mandalay Point (P24A). This coast is subject to low wave energy because of the restricted fetch of the Gulf of Mexico and the gentle slope of the adjacent Continental Shelf. Tidal range is about 3 feet. Although tropical storms occur on this coast, they are relatively infrequent. The most recent significant hurricane (Donna) was in 1960. Barriers are typically short and rather wide, at least at one end or the other. Many protect extensive mangrove forests and marshes as well as large open water areas adjacent to them. The barriers are separated by numerous large inlets and are irregularly shaped because of the marshes and mangroves. Erosion is common and locally severe though more spotty than on the east coast. The barriers on the west-central coast have lower elevations than those on the east coast and are, therefore, more susceptible to flooding. Development is locally intense.

The Big Bend coast is sometimes also called the "zero energy" coast because of the low wave climate and the general absence of beaches. There is also a general absence of barriers in the usual sense, though this reach of coast does contain two small units (P25 and P26). The area is remote and is unattractive to many people. Most of the coast is a low marshy environment that is very susceptible to flooding.

The generally east-west trending coast of west Florida, the panhandle, contains six CBRS units. They extend from the Ochlockonee Complex (P27A) on the east side of the Apalachicola Delta to Moreno Point (P32). Some of the barriers are associated with the large river delta, and others are associated with the mainland. Wave climate increases from the delta westward, partly because of the increase in shelf gradient and decrease in shelf width in that direction. Tides are about 3 feet or less throughout. Hurricanes are more frequent in the panhandle than in the Big Bend. Along the western panhandle, storms are about as frequent as they are on the east coast of the State.

The coastal barriers of the panhandle are typically long and narrow, but rather high because of dune development. The western panhandle coast has the highest dunes in the

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

Unit Name	Unit ID Code	County	Shoreline Length (miles)	Total Area (acres)	Fastland Area (acres)
Cape Romano	P15	Collier	4.3	3,461.6	449.5
Keewaydin Island	P16	Collier	9.0	2,946.5	1,084.7
Lovers Key Complex	P17	Lee	2.5	1,196.1	182.4
Bodwitch Point	P17A	Lee	0.4	70.1	14.5
Sanibel Island Complex	P18	Lee	0.4	427.9	86.8
North Captiva Island	P19	Lee	1.3	329.9	64.3
Cayo Costa	P20	Lee	2.5	2,441.5	848.2
Bocilla Island	P21	Charlotte	3.9	1,565.7	514.8
Manasota Key	P21A	Sarasota	0.9	70.4	24.8
Casey Key	P22	Sarasota	1.0	397.3	89.3
Longboat Key	P23	Manatee	0.2	234.8	47.9
The Reefs	P24	Pinellas	1.1	1,417.0	92.0
Mandalay Point	P24A	Pinellas	0.2	59.9	40.4
Atsena Otie Key	P25	Levy	1.0	751.8	57.1
Pepperfish Keys	P26	Dixie	1.9	704.4	56.0
Ochlockonee Complex	P27A	Wakulla			
		Franklin	2.8	553.8	179.6
Dog Island	P28	Franklin	6.7	1,573.7	394.7
Cape San Blas	P30	Gulf	10.4	4,803.7	2,523.7
St. Andrew Complex	P31	Bay	31.1	12,121.5	3,662.9
Four Mile Village	P31A	Walton	3.5	1,879.0	1,135.9
Moreno Point	P32	Walton			
		Okaloosa	3.2	4,364.5	2,722.7
Totals:			88.3	41,371.1	14,272.2

State. Extensive open-water bays are present in most places, but here the barriers front small embayments. Beach erosion is moderate along this coast and generally related to the passage of tropical storms.

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

P15-Cape Romano (Collier). This large unit includes a barrier island complex which is subdivided by bays and tidal channels into Cape Romano Island, Kice Island, Morgan Beach, and several unnamed mangrove keys. The unit is not accessible by land. The entire unit is pristine except for a dredged canal through Cape Romano Island, which has been closed off, apparently by natural processes. Beaches are well developed, but dunes are lacking. Widespread mangrove swamps are present. The area fronts the Gulf of Mexico on the south and west and is separated from the mainland by a complex of mangrove islands, tidal channels, and open bays. The community of Marco Island is to the north.

P16-Keewaydin Island (Collier). This unit consists of 9 miles of barrier located between Gordon and Big Marco Passes. Numerous mangrove islands and tidal channels separate the island from the mainland. About half of the unit is beach/dune and the other half is mangrove swamp. The unit is pristine except for some spoil piles adjacent to the Intracoastal Waterway (ICW) and a few cottages and trails on the southern portion of the island. The community of Marco Island lies to the south, and the City of Naples lies to the north. Extensive wetlands lie landward of the island.

P17-Lovers Key Complex (Lee). This unit consists of two barrier islands: Lovers Key, 1 mile north of New Pass, and Big Hickory Island, just south of New Pass. Lovers Key is entirely beach and dune. It is undisturbed and inaccessible by vehicle from the mainland. Big Hickory Island is dominated by mangrove swamp with a fringe of sand beach. A highway extends the entire length of the island. Both islands face the gulf and are separated from the mainland by mangrove islands and open water. Estero Island to the north and Bonita Beach to the south are fairly heavily developed.

P17A-Bodwitch Point (Lee). This is a very small parcel just in excess of the quarter-mile minimum. It occupies the northwestern tip of Estero Island and is a sand spit beach with some vegetation on the higher ground. The unit is free of residential development but is accessible by vehicle for recreational use. It is adjacent to and northwest of Fort Myers Beach but surrounded on the other three sides by water.

P18-Sanibel Island Complex (Lee). This unit is very small and is adjacent to Wulfert Channel and Blind Pass between Sanibel and Captiva Islands. It includes a narrow strip of barrier beach on Captiva Island, several small mangrove islands, and a portion of Sanibel Island. The habitat is heavily used for sport fishing and recreation. A highway and bridge over Blind Pass traverse the unit. Extensive development is present immediately to the south and north of the unit.

P19-North Captiva Island (Lee). This unit consists of three parcels which extend from Foster Point to the southern tip of the island at Redfish Pass. The northern parcel includes part of Foster Point, the middle one is adjacent to Foster Bay, and the southern

one includes the South Banks. Each parcel includes beach, dune, and mangrove environments. Although there are a few buildings present, human impact appears minimal. Beach and dune environments are best developed in the south parcel; mangrove swamps are most extensive in the north and middle parcels. North of the unit is a residential development accessible only by boat or air.

P20-Cayo Costa (Lee). This unit consists of six parcels on Cayo Costa Island, a well-developed drumstick-shaped barrier island. The largest parcel includes most of the central 2.5 miles of the island except for four small State-protected areas. The other five parcels are small areas on the southern end of the island. The island is not accessible from the mainland by vehicle. The unit contains well-developed beach, dune and mangrove swamp environments that are undisturbed except for a few scattered cottages. The unit is bounded to the north by a State Park.

P21-Bocilla Island (Charlotte). This unit consists of three parcels along the barrier island coast. The northern parcel is at the northern end of Don Pedro Island immediately south of Stump Pass. The middle parcel is at the southern end of Don Pedro Island, and the southern parcel is 1 mile north of Gasparilla Pass on Little Gasparilla Island. The entire unit contains well-developed beach dune, and mangrove swamp environments; there are numerous spoil piles along the mangroves. Scattered cottages, trails, and boat docks are present within the unit, and intervening tracts contain more extensive human development.

P21A-Manasota Key (Sarasota). This unit includes three barrier-island parcels on Manasota Key. Each parcel has a well-developed beach and a narrow fringe of mangrove swamp. The habitat appears little disturbed. The parcels front the gulf on the west and Lemon Bay or the ICW on the east. The intervening developed areas contain a relatively high number of dwellings and trails.

P22-Casey Key (Sarasota). This unit consists of 1 mile of barrier island mangroves adjacent to Midnight Pass. It includes the Bird Keys and portions of Casey Key and Siesta Key. The Bird Keys are old tidal deltas of Midnight Pass; large spoil piles are present on their landward side because of dredging of the ICW. Several dwellings are within the unit on Siesta Key. There are well-developed beaches with some Australian pines on Casey and Siesta Keys. The density of development increases markedly to the north on Siesta Key and to the south on Casey Key.

P23-Longboat Key (Manatee). This unit includes a small portion of the northern tip of Longboat Key, a barrier island, and all of Jewfish Key, a mangrove-covered flood tidal delta landward of Longboat Key. The Longboat Key portion has a well-developed beach with a fringe of salt marsh and dense development to the south of the unit. Jewfish Key contains undisturbed mangrove wetland; it is surrounded by water and receives no open-water waves.

P24-The Reefs (Pinellas). This unit consists of a group of mangrove keys and an emergent barrier located between Bunces Pass on the

south and Pass-a-Grille to the north. This unit is accessible by water only. The emergent barrier, which first became supratidal in 1961, is completely pristine and contains well-developed beach and dune environments. The mangrove islands are disturbed only by a few widely scattered and rarely used fishing shacks.

P24A-Mandalay Point (Pinellas). This unit consists of a recently formed sand spit complex at the north end of Clearwater Beach Island. It contains completely pristine beach and dune environments with some wash-over aprons. The unit faces the gulf on the west, Clear Water Harbor on the east, and Dunedin Pass on the north. To the south is extensive residential development.

P25-Atsena Otie Key (Levy). This unit includes all of Atsena Otie Key, the southeastern island of the Cedar Keys. The island is fringed with a narrow beach and contains scattered patches of salt marsh and open water. It is totally pristine and is accessible by water only. The community of Cedar Key is 1 mile to the north. To the south and west are other keys which are part of the Cedar Keys National Wildlife Refuge. Some distance to the east is the drowned karst coast of Florida.

P26-Pepperfish Keys (Dixie). This group of three small, low-lying, salt marsh islands is one-half mile south of Halfway Point. The islands are pristine and have essentially no beach development. The largest of the three is about 1 mile long. The islands are surrounded by water and are adjacent to the salt marsh coast of Dixie County.

P27A-Ochlockonee Complex (Wakulla and Franklin). The unit consists of two parcels on either side of the mouth of the Ochlockonee River at the eastern end of Mashas Island (Ochlockonee Point) and St. James Island (Bald Point). The Ochlockonee Point parcel is primarily salt marsh with much evidence of human impact in the form of dredged canals and roads for residential development. The Bald Point parcel is less affected. It contains some beach and dune development and is accessible by unpaved trail only. The unit lies west of Apalachee Bay; extensive salt marsh and tidal creeks line the back of the unit.

P28-Dog Island (Franklin). This unit contains seven parcels which total about half of the area of Dog Island, a 7-mile long barrier off the coast of the mouth of the Carrabelle River. Although the island is not accessible by road, there is a ferry service and an airstrip. Modest development is scattered throughout the island. There are excellent beaches and dunes with salt marsh wetlands landward. The human impact within the unit itself has been minimal. The island is bounded on the southeast by the Gulf of Mexico and on the landward side by St. George Sound.

P30-Cape San Blas (Gulf). This large unit includes about 10 miles of Cape San Blas and St. Joseph Peninsula to the northwest. The unit is primarily beach and dune with discontinuous salt marsh on the landward side. This is one of the most rapidly developing units in the CBRs.

P31-St. Andrew Complex (Bay). This is the largest unit in Florida, consisting of about 30 miles of barrier coastline in two parcels. The largest parcel includes Crooked Island, St. Andrew Sound, the southern two-thirds of Shell Island, and the adjacent mainland coastline. The second parcel includes part of Shell Island adjacent to St. Andrews State Park. The unit contains well-developed beach and dune complexes on both the barriers and the mainland. Some scattered salt marsh is present on the landward side of the barriers. The unit is uninhabited and undisturbed with the exception of a small Air Force research center on Raffield Peninsula.

P31A-Four Mile Village (Walton). This unit includes 3.5 miles of the seaward side of a barrier peninsula (Moreno Point) in front of Choctawhatchee Bay. It is a beach, dune ridge, and wooded environment about 1 to 1.5 miles wide. There are several small freshwater lakes and freshwater marshes landward of the dunes. The beach/dune complex is well developed. Although the unit is accessible by trails, there is no visible development or human impact. Adjacent land areas have scattered residential development.

P32-Moreno Point (Walton and Okaloosa). Four miles of Moreno Point, a peninsula seaward of Choctawhatchee Bay, are included in this unit. It contains beach, dune, and woods with some small ponds, freshwater marsh, and salt marsh. A road corridor and three residentially developed tracts are excluded from the unit. A highway (US 98) traverses the unit and numerous trails are present, but human impact has been minimal. Adjacent land areas have scattered residential development.

REFERENCES

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- Purpura, J., and W. Sensabaugh. 1974. Coastal construction setback line. Florida Sea Grant, Marine Advisory Program Rep. SUSF-SG-74-002.
- State of Florida. 1981. The Florida Coastal Management Program final environmental impact statement. National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, and Florida Office of Coastal Management, Tallahassee.

RECOMMENDED ADDITIONS AND MODIFICATIONS

The Department of the Interior recommends that all undeveloped, unprotected coastal barriers and associated aquatic habitat

identified along the west coast of Florida be included in the Coastal Barrier Resources System.

The DOI also recommends that otherwise protected, undeveloped coastal barriers be excluded from the CBRS. Portions of existing CBRS unit P21A are locally protected and portions of P30 and P31 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 west 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. Portions of existing CBRS units P30 and P31 are part of Tyndall Air Force Base; the DOI recommends that these areas 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.

In the 1987 Draft Report, the DOI proposed a new CBRS unit at Wiggins Pass (FL-65). During the public comment period the DOI learned that the southern half of this proposed unit is otherwise protected and the northern half is owned by a developer who planned his project before 1982 but has not been able to proceed because of litigation brought by a Florida environmental organization. That litigation has been settled. As part of the settlement, the developer agreed to transfer environmentally sensitive land on the barrier to Collier County. Because of this settlement and the fact that development is proceeding in the unprotected portions of the barrier, the DOI has not included FL-65 in its recommended additions.

A large part of Dog Island, P28, was excluded from the CBRS in 1982 because it belonged to The Nature Conservancy and was considered

"otherwise protected." The Nature Conservancy has since sold its holdings to a private trust that will permit limited development. Because of the change in ownership and protective status, the Department recommends that all of Dog Island be placed in the CBRS.

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 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 CBRA 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 "phased 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 State's positions on individual existing or proposed CBRS units on the west 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 concerning the State of Florida. The majority of these letters concerned individual existing or proposed CBRS units. General letters concerning Florida were overwhelmingly in favor of the CBRS expansion.

Several commenters, including the Florida Department of Natural Resources and the various Regional Planning Councils, suggested additional areas along the Florida coast that 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. Although several specific requests to include Horrs Island in the proposed additions to the CBRS were made, it does not qualify as an unprotected undeveloped coastal barrier under DOI criteria.

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

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS ALONG THE WEST COAST OF FLORIDA

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
P15	Cape Romano	Collier	12	4.8	7,312	474	Add wetlands and Dickman Point to existing CBRS unit
FL-63	Big Marco Pass	Collier	12	—	—	—	Do not add to CBRS; see the following section
P16	Keewaydin Island	Collier	12	9.0	20,506	1,175	Add wetlands and undeveloped spit at Big Marco Pass to existing CBRS unit
P17	Lovers Key Complex	Lee	13	3.3	5,361	356	Add wetlands and new area to existing CBRS unit

(continued)

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

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
P17A	Bodwitch Point	Lee	13	0.4	70	14	No change to existing CBRS unit
FL-67	Bunch Beach	Lee	13	3.7	3,058	171	Add to CBRS
P18	Sanibel Island Complex	Lee	13	0.4	428	84	No change to existing CBRS unit
P19	North Captiva Island	Lee	13	1.3	3,209	64	Add wetlands to existing CBRS unit
P20	Cayo Costa	Lee	13	2.5	6,954	936	Add wetlands to existing CBRS unit
P21	Bocilla Island	Charlotte	13	3.9	2,020	508	Add wetlands to existing CBRS unit
P21A	Manasota Key	Sarasota	13	0.3	32	10	Delete locally protected segments from and add new area to existing CBRS unit
P22	Casey Key	Sarasota	13	1.0	606	89	Add wetlands to existing CBRS unit
P23	Longboat Key	Manatee	10	0.2	1,746	48	Add wetlands to existing CBRS unit
FL-78	Rattlesnake Key	Manatee	10	3.2	3,292	143	Add to CBRS
FL-81	Egmont Key	Hillsborough	7	0.3	314	58	Add to CBRS
FL-82	Bishop Harbor	Manatee	7	3.3	1,744	125	Add to CBRS
FL-83	Cockroach Bay	Hillsborough Manatee	7 10	4.3	3,297	350	Add to CBRS
P24	The Reefs	Pinellas	7	1.9	2,782	147	Add new area and undeveloped barriers to existing CBRS unit
P24A	Mandalay Point	Pinellas	9	0.3	234	40	Add Moonshine Island and associated wetlands to existing CBRS unit
P25	Atsena Otie Key	Levy	2	5.2	18,008	697	Add new area to existing CBRS unit

(continued)

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

Unit ID Code ^a	Unit Name ^b	County	Con- gress. Dist. ^c	Shore- line Length (miles) ^d	Total Area (acres) ^e	Fast- land Area (acres) ^f	Recommendation ^g
P26	Pepperfish Keys	Dixie	2	1.9	704	56	No change to existing CBRS unit
P27A	Ochlockonee Complex	Franklin Wakulla	2	8.2	5,775	882	Add new area to existing CBRS unit
P28	Dog Island	Franklin	2	8.1	8,988	1,782	Add all of the island to existing CBRS unit
FL-90	St. George Island	Franklin	2	1.1	619	246	Add to CBRS
FL-92	Indian Peninsula	Gulf	2	2.8	1,393	352	Add to CBRS
P30	Cape San Blas	Gulf	2	5.0	41,774	1,437	Delete military (Air Force) and State-protected lands from and add wetlands to existing CBRS unit
P31	St. Andrew Complex	Bay	1	1.9	3,250	429	Delete military (Air Force) and State-protected lands from and add wetlands to existing CBRS unit
FL-94	Deer Lake Complex	Walton	1	1.8	251	163	Add to CBRS
FL-96	Draper Lake	Walton	1	0.3	58	25	Add to CBRS
P31A	Four Mile Village	Walton	1	3.5	1,898	1,120	Delete one structure on the west edge of the existing unit; add wetlands to existing CBRS unit
P32	Moreno Point	Walton Okaloosa	1	3.1	4,346	2,677	Delete area developed in 1982 from existing CBRS unit
FL-97	Santa Rosa Island	Escambia Santa Rosa	1	0.7	688	119	Add to CBRS
FL-98	Gulf Islands	Escambia	1	1.1	972	254	Add to CBRS
FL-99	Tom King	Santa Rosa	1	0.6	32	12	Add to CBRS
FL-100	Town Point	Santa Rosa	1	0.7	38	18	Add to CBRS
FL-101	Garcon Point	Santa Rosa	1	3.6	767	150	Add to CBRS

(continued)

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

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
FL-102	Basin Bayou	Santa Rosa	1	1.1	127	24	Add to CBRS
				-----	-----	-----	
Total - CBRS as Recommended				95.8	152,653	15,235	
Existing CBRS				<u>88.3</u>	<u>41,371</u>	<u>14,272</u>	
Net Change in CBRS				+7.5	+111,282	+963	

^aUNIT ID CODE - State initial (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.

^bUNIT 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.

^cCONGRESSIONAL DISTRICT - U.S. Congressional District in which unit is located.

^dSHORELINE LENGTH - For existing units with additions or deletions, this length is for the entire unit, as modified.

^eTOTAL AREA - For existing units with additions or deletions, this area is for the entire unit, as modified.

^fFASTLAND 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.

^gRECOMMENDATION - 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, 1987 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 on 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 Twachtmann
Colonel Robert Brantly
Kaye Henderson
Jeb Bush
Gregory Coler
George Percy

OTHER GENERAL COMMENT LETTERS CONCERNING WEST FLORIDA



BREVARD County
BOARD OF COUNTY COMMISSIONERS

1212



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 COBRA 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 COBRA, 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 excepted 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 excepted" 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 accommodate 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?

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Board of County Commissioners
COLLIER COUNTY COURTHOUSE COMPLEX
NAPLES, FLORIDA 33962-4977

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COMMISSIONER

JAMES D. LEE
COMMISSIONER

April 21, 1987

Coastal Barrier Study Group
National Park Service (498)
P.O. Box 37127
Washington, D.C. 20013-7127

Gentlemen:

It has come to my attention that the Department of Interior has requested a study to be made of beach front and barrier islands. I am told, and yet have not been able to get a copy of the act and suggested amendments, that the discussion will greatly affect the Southwest Florida beach front and barrier islands. The study has proposed increasing by 37% areas barred from receiving federal funded flood insurance or government building subsidies. Without federal subsidies, the chances of roads, bridges, sewer, water systems and others of being built on the mostly undeveloped parts of some areas are very slim.

By barring owners from federal flood insurance, the government is making it difficult for individuals to obtain mortgages and is basically telling owners to build at their own risk. In Collier County these proposed restrictions apply to 2.16 miles of beach front on the north end of Marco Island and also includes 3.2 miles of coastline, near Wiggins Pass in the northwest corner of the County. The part of Marco Island that is affected is a subdevelopment that is being built as a security area with a security gate that people must go through. The price of the building lots in this area is extremely high and yet quite a number of high-cost houses have already been built in the area or are planned. I certainly have to raise objection to moving in on this area without due consideration to the hardship that will be imposed on a great many people. It would be well if your committee could come to this area and see, firsthand, what the suggested changes will do to the value of property owned by individuals.

Coastal Barrier Study Group
March 21, 1987
Page Two

As far as the piece of property in the northwest area of Collier County is concerned, this is an area where we are trying to obtain land for a public beach park. We would need to be able to build facilities and would, of course, want to be able to obtain necessary insurance. I understand that the suggested Bill is being pushed, in an effort to get it before Congress by September. I would appreciate receiving as much information about this matter as you can send me.

I am sending you two maps that show the area on Marco Island that will be affected if changes are made. You can see that this is a well planned development and building is going forward at a good pace at this time.

If I can send you more information, please let me know and please advise how I can help to be sure that the citizens of Collier County are not adversely affected by planned changes.

Very truly yours,
John A. Pistor
John A. Pistor, Commissioner
District 1

JAP:sf

Enclosure

cc: Mr. Robert Stakich
Mr. Doug Calloway



Board of County Commissioners
COLLIER COUNTY GOVERNMENT COMPLEX

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12 May 1987

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

Dear Sirs:

I write with a comment concerning your proposed recommendations for Florida west coast barriers. You have chosen to delete Horrs Island from the inventory because it is "not a coastal barrier." I believe that this is clearly an error since Horrs Island meets the criteria for a secondary coastal barrier island.

The Natural Resources Management Department of Collier County requests that you reconsider your deletion of Horrs Island from the CBRS inventory.

Sincerely,

Edward Proffitt, Ph.D.
Director, Natural Resources Management
Department

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813-774-8999



524

P.O. BOX 398 FORT MYERS, FLORIDA 33902-0398 (813) 334-2166

JAMES G. LARUE
ACTING COUNTY ADMINISTRATOR
JAMES G. YAEGER
ATTORNEY

Writer's Direct
Dial Number
335-2223

May 20, 1987

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

Dear Sirs:

I would like to submit the following comments for the record regarding the Department of the Interior Report to Congress on the Coastal Barriers Resources Act.

As a lifetime native of the State of Florida, I strongly support and urge the recommended addition of the Florida Keys. It is essential to protect the unique natural resources enjoyed by all Americans in this beautiful area.

I wish to bring to your attention that it is a misconception in the Report to Congress that State of Florida Aquatic Preserves are sufficiently protected from development, and need not be included for protection. In fact, the State Aquatic Preserves do little more than cosmetic protection for water quality. They do not prohibit development either on privately-owned or state-owned lands. There are many privately-owned lands in and surrounding aquatic preserve boundaries. They are, therefore, at high risk for development.

Please be aware that there is also no prohibition protecting these lands from land swaps or land sales by the State to developers. Again, large areas could be rapidly developed, if they do not receive the protection of the Coastal Barrier Resources Act.

BOARD OF COUNTY COMMISSIONERS

PORTER J. GOSS DISTRICT ONE CHARLES L. BIGELOW, JR. DISTRICT TWO MARY ANN WALLACE DISTRICT THREE BILL FUSSELL DISTRICT FOUR DONALD D. SLISHER DISTRICT FIVE

-2-

Due to these considerations, I urge you to keep all State of Florida aquatic preserves on the protected list. In particular, please do not delete on Map 20, Volume 15, the Lovers Key Complex. Please keep all of Estero Bay, and add any areas not now included for protection. There are significant privately-owned areas, with intense development pressures in Estero Bay. I strongly support the recommendation for adding the area designated on Map 21, Volume 15, to be added to P 17. Also, please retain the areas depicted on Map 22 and 27, volume 15, on the protected list.

I would request that your report recommend that no Federal funds be allowed to be spent for infrastructure, which would encourage development on barrier islands, especially new bridge construction!

I would like to submit the following requests:

1. a copy of the Report to Congress, Coastal Barrier Resources System - Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System, volume 15, Florida West Coast, February, 1987.
2. a copy of your final report to Congress, and
3. please keep me on your mailing list for any updates regarding Coastal Barrier Islands.

Thank you for including my comments in your deliberations for your report to Congress.

Sincerely,

Mary Ann Wallace
District #3 Commissioner

MAW:mat

cc: Gov. Bob Martinez
Sen. Bob Graham
Sen. Lawton Chiles
Rep. Connie Mack
Lyle Danielson, Sierra Club
Ellen Peterson, Sierra Club

(0647H)

North Central Florida
Regional Planning Council

10/300 S.W. 5th AVENUE, GAINESVILLE, FLORIDA 32601-6864
CHARLES F. JUSTICE, EXECUTIVE DIRECTOR (804) 378-3244

494

May 19, 1987

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

RE: Regional Clearinghouse Review of U.S. Department of Interior Proposed Amendments to Coastal Barrier Resources System.

Dear Mr. McGilvrey:

The North Central Florida Regional Planning Council functions as the Regional Clearinghouse for Planning district III as designated by the State of Florida pursuant to Presidential Executive Order 12372.

The following comments are submitted on the above-referenced item in accordance with State Clearinghouse procedures and Council Rules.

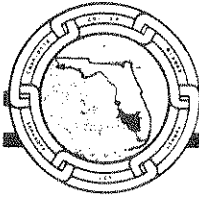
The above-referenced amendments are consistent with the regional plan goal of protecting and preserving recognized areas of high natural environmental values.

This letter serves as assurance of compliance with Presidential Executive Order 12372. If you have any questions concerning this matter, please do not hesitate to call.

Sincerely,

Charles L. Kiester
Director of Regional Planning

cc: Claudia Shambaugh



Southwest Florida Regional Planning Council
2121 West First Street, Fort Myers, Florida 33901 (813)334-7382

June 22, 1987

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

RE: IC&R #87-088 -- Proposed Recommendations for additions to or deletions from The Coastal Barrier Resources System

Dear Sir/Madam:

In accordance with the Florida Intergovernmental Coordination and Review Process and the Council's adopted regional clearinghouse review procedures (Chapter 29I-5, F.A.C.), the above-referenced recommendations have been reviewed by this office.

The Southwest Florida Regional Planning Council has determined that the proposed additions and deletions to the Coastal Barrier Resources System are regionally significant and consistent with adopted regional plans, programs, and development goals, objectives and policies. Attached are comments the Department of Interior should consider before the final recommendations are made. Council, however, has requested an additional period of time to review Comment 2 at its next meeting. If, at that time, Council recommendation should change, you will be notified.

If you should have any questions about these comments please do not hesitate to call.

Sincerely,

SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL

Carol A. Rhee
Regional Planner

CAR/bc

attachment

COMMENTS

1. In the proposed recommendations for the west coast of Florida, Horrs Island has been deleted from consideration because, as stated, it is "not a coastal barrier." The Council acknowledges and accepts the agreements set forth in the Stipulation for Dismissal and Settlement Agreement between the State of Florida and The Deltona Corporation. Therefore, the deletion of Horrs Island on the grounds of prior regulatory and development agreements would be satisfactory. The deletion of Horrs Island from the inventory because it is "not a coastal barrier" is not satisfactory. We suggest a clarification of the definition of coastal barriers or a change in the designated status of Horrs Island, particularly since the adjacent wetlands are proposed for inclusion.

2. The exclusion of areas because they are "otherwise protected" is not necessarily acceptable. Many such determinations have been made for areas adjacent to and within Aquatic Preserve Areas of Florida. The designation of an area as an Aquatic Preserve does not prevent development within these areas. Suitable barriers should be included.

Barriers not considered for inclusion because of Aquatic Preserve designation within the Southwest Florida region include in whole or in part:

- A FL-62 Ten Thousand Islands,
- B FL-66 Estero Bay,
- C FL-68 Matlacha Pass,
- D FL-69 Pine Island Sound,
- E FL-70 Charlotte Harbor, and
- F FL-71 Gasparilla Sound.

You should review these areas again for inclusion in the Coastal Barriers System.

3. General text description without accurate or detailed geographic information makes thorough reviews and meaningful comment very difficult. The following units under consideration in Southwest Florida should have been located on maps.

- A) FL-62 Ten Thousand Islands,
- B) FL-73 Venice Airport,
- C) FL-70 Charlotte Harbor,
- D) FL-71 Gasparilla Sound,
- E) FL-72 Punta Gorda,
- F) FL-74 Venice Inlet, and
- G) FL-75 Lido Key.

FLORIDA GAME AND FRESH WATER FISH COMMISSION

THOMAS L. HINES, SR. Chairman, Lake Wales MRS. GILBERT W. HUMPHREY Vice-Chairman, Miccosukee WILLIAM G. BOSTICK, JR. Winter Haven C. TOM RAINEY, D.V.M. Miami DON WRIGHT Orlando

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



FARRIS BRYANT BUILDING
422 South Meridian Street
Tallahassee, Florida 32301-1600
(904) 688-1960

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 (GFC) 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
Page 2

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 CBRS 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 CBRS 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 CBRS lands added to a conservation/recreation unit managed by a government agency and to delete military and Coast Guard lands currently within the CBRS. 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 CBRA. 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 CBRS 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, CBRS 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 CBRA, 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 CBRS, 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 CBRS 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 CBRA" endorsed by the DOI. We agree that federal funding of facilities located outside of CBRS units but which provide a tangible product within these CBRS units should be

Mr. Frank McGilvrey
June 17, 1987
Page 3

restricted by the CBRA. 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 CBRA." 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 CBRA is also commended.

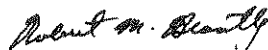
Our agency does, however, disagree with the DOI recommendation to delete Section 7 from the CBRA. We believe that the annual certification process does serve a valuable function in reminding agencies of their obligation to implement regulations and procedures guiding the expenditure of federal funds 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 CBRS 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 CBRS in order to ensure compliance with the purposes of the CBRA. Likewise, military and Coast Guard lands should not be exempted from the CBRS 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 CBRS in Florida and the continued designation of existing CBRS units.

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

Sincerely,


Colonel Robert M. Brantly
Executive Director

B662dc5123
ENV 2-1-2A

cc: Mr. Lloyd Stith, USFWS, Panama City
Mr. Ed Kepner, NMFS, 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- 498
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 CBRS. 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 Club'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 CBRS Units that are "Otherwise Protected". The Secretary was on track in 1982 when he recommended that "otherwise protected areas" be include in CBRS. 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 CBRS. 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 CBRS. 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 CBRS 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,


Jonathan Miller

Sierra CBRS Comments p. 1

SIERRA CLUB 

The Florida Chapter

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 Pepperfish 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
On the northeast shore of Pine Island the proposed boundary should have been moved landward to the Mean High Water line or edge of mangroves in this undeveloped area.
- F-69 Pine Island Sound**
State/federally (FWS) protected; no further consideration
On the southern half of Pine Island the proposed boundary should have been moved landward to the Mean High Water line or edge of mangroves in this undeveloped area.
- 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"
We supported the addition of Northern Buck Key, the Ding Darling National Wildlife Refuge and the beach adjacent to Old Blind Pass

- FL-72 Punta Gorda**
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
Casperen 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.

The Venice Airport area is a unique headland beach area that deserves inclusion and expansion. With the possible exception of the Venice Fishing Pier and the poorly-sited Sewage Treatment plant, all the coast from P2 1A north to a line extended gulfward from the northern boundary of the airport should have been included.
- 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. These shoals function as part of the sand-sharing submerged barrier system, as outlined in the Draft Coastal Barrier Inventory. One area (Sand Dollar Key) is typically above mean high water. This new line should be drawn in such a way that it protects the vast majority of this shoal and incipient island area without interfering with current plans for the Corps of Engineers to dredge the outer bar to improve navigation.

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

- 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 (specifically the southern half of the platted Safety Harbor area), significant portions of which had not been cleared and remained in native habitat. If anything, additions should have been expanded here on this unbridged barrier island.
- 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 (the new 111 acre Gasparilla Island State park) or undeveloped areas (such as the undeveloped estuarine beach lying east of the railroad right of way). This estuarine beach area constituted a secondary barrier, and they included the functional equivalent (Punta Blanca Island) on the other side of Boca Grande Pass. In addition, the undeveloped bay side of Gasparilla Island, (areas such as Hoagen Key, Hole-in-the-Wall, the Kitchen, Live Oak Key and Bird Key near Little Gasparilla) should have been included.
- 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, as identified by USFWS. We recommended addition of the publically owned western half of Gasparilla Sound which is an aquatic preserve, and therefore was already protected.
- 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 this week to the middle parcel in P-21. We also supported the other P-21 additions.

- 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 P23) 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 Sneed 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 P23) 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

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 Sneed 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. This area receives the full force of storms moving directly from the Gulf into Tampa Bay.

FL-82 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.

FLORIDA NATURAL AREAS INVENTORY

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

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

22 June 1987

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(a)(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

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:

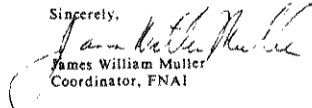
- an area south of area being added to P05A
- an area south of the addition to P09A
- an area east of an addition to P11
- Horns Island area, adjacent to an addition to P15
- an area that appears to be an addition to the P27A complex (our copy of the map was too poor to discern boundaries)
- expansion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

Coastal Barriers Study Group
22 June 1987
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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
Coordinator, FNAI

cc: D. Worley

Coastal Resources
Citizens Advisory Committee



Coastal Resources
Citizens Advisory Committee
P.O. Box 37127
Washington, D.C. 20013-7127

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 1963, 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.

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 to 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.

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

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.

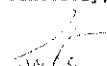
Followup


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

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



Working for the Nature of Tomorrow
NATIONAL WILDLIFE FEDERATION
 1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

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

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, Ximanes Creek, and the Intracoastal Waterway--linking the Guano River Tract and Tolomato River (two state protected areas north of P04A) 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.

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 accoutrements 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

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 Area 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 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.

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Hernando Audubon Society
P.O. BOX 1678
BROOKVILLE, 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

455



FLORIDA AUDUBON SOCIETY
PANHANDLE CHAPTER
P.O. Box 254
MARIANNA, FLORIDA 32442

Mr. Brian Specht
Rt. 1, Box 225
Marianna, FL 32460

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 man-made construction. Instead they should be a place for man to visit to enjoy a natural, ever changing environment.

Sincerely,
[Signature]
Conservation Chairman
PAS

462



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. 20013-7127

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 118.8 miles of Gulf and Atlantic shoreline to the proposed 208.11 miles. This expansion would increase the acreage involved from 61,575 to 237,697.

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



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

Chairman
Gloria Rains
Manatee

Vice Chairmen
Rebecca Natanson
Sarasota

Kil Fernald
Manatee

Treasurer
Russ Fernald
Manatee

Energy
Erin Holmes
Sarasota

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Land Use
Mary Scioese
Sarasota

Ariene Fisk
Manatee

Water Quality
Fred Quisberg
Sarasota

Doris Schember
Manatee

Air Quality
Mary Jekis, MD
Sarasota

Solid Waste
Charles Holmes
Sarasota

Marge Peters
Manatee

Information Office
5314 Bay State Road
Palmetto, FL 33461
(813) 722-7417

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.

Sincerely,
Gloria C. Rains
Gloria C. Rains
Chairman

A. L. Dougherty Co., Inc.

SUITE 408
139 NORTH VERMILION STREET
DANVILLE IL 61822

June 12, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service 498
Post Office Box 37127
Washington, D.C. 20013-7172

Re: Report to Congress: Coastal
Barrier Resources System Proposed
Recommendations for Additions to
our Deletions from the Coastal
Barrier Resources System (FL 65-
Wiggins Pass)

Gentlemen:

I am writing to you in connection with the proposed extension of jurisdictional boundaries under the authority of the Coastal Barrier Resources System as proposed by the U.S. Department of the Interior. I am the president of A. L. Dougherty Co., Inc. which owns a significant portion of the acreage you propose to expand into around the Wiggins Pass Area in northern Collier County, on the west side of Florida (FL 65). Our land is not on the Gulf of Mexico and is not an island. It is part of the Florida mainland. It does not protect the beaches from erosion since it lies away from the shoreline and somewhat landward of a state park, Delnor State Park (which contains large parking lots, etc.), and also landward of large developed complexes of dwelling units which are situated on solid land. Wiggins Pass itself keeps filling up with sand so that even small boats can not safely traverse it. Collier County, Florida constantly keeps having maintenance difficulties in trying to dredge it and keep it open. At the present time the Pass has about filled up again and there are ongoing discussions about how to attempt to solve this problem. Consequently, Wiggins Pass is not acting as an effective natural geographic feature to help control the wave action of the Gulf against the beaches. This is true because our land is well landward of the beaches being sought to be protected and located so that solid land is situated between our land and the beaches.

Aside from the specific environmental concerns and specific applications of the statutory language definitions to our specific geographic and environmental physical location there is another matter to be considered. The United States Supreme Court on June 9, 1987, decreed that landowners must be compensated when government regulations impose new limits on the owner's use of

The Coastal Barriers Study Group
June 12, 1987
page 2

land because this may amount to a violation of a landowner's rights under the Fifth Amendment to the U.S. Constitution which says "private property (shall not) be taken for public use without just compensation."

Expanding your jurisdiction over some of our property effectively helps take away many of our options that presently may exist to us as landowners without any consideration of that action and without any compensation for such actions. This results in a taking by inverse condemnation of certain of our property rights. The United States Supreme Court June 9, 1987 pronouncement dictates that such actions as your proposed one can not be taken without compensation to the affected landowners. You have not proposed any compensation, and, therefore, it appears to us that your actions would be illegal.

The use of a parcel of land should be between the landowner and the local regulatory agencies who have a knowledge of the local situation and conditions. The blanket imposition of a regulatory zone by the Federal authorities upon this whole Wiggins Pass area and part of our land in particular is uncalled for and unfair to us as an affected landowner. Enclosed is a map of our affected property for your reference.

I strongly urge you not to expand your jurisdiction at all. If you do however, then I urge you to delete our land from this proposed jurisdictional expansion by your Department should it be determined that your jurisdictional boundaries are expanded.

Very truly yours,

A. L. DOUGHERTY CO., INC.

By *Allen L. Dougherty*
Allen L. Dougherty
President

ALD:dc

Enc.



LELY DEVELOPMENT CORPORATION

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CABLE ADDRESS LELYCOR

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June 23, 1987

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

Re: Coastal Barrier Resources System

Dear Mr. Secretary:

Lely Barefoot Beach Development -
Included in FL-65

At the time Congress considered and enacted the Coastal Barrier Resources Act in 1982, the Lely Barefoot Beach development was already a reality. Five years earlier, after various public hearings, the Board of County Commissioners of Collier County, Florida, on September 27, 1977, had adopted Ordinance 77-48 zoning the Barefoot Beach property for Planned Unit Development ("PUD") as a "single family residential community in a setting where most of the existing natural vegetative and earth form features are preserved." The property comprises portions of Sections 5, 6, 7 and 8, Township 48 S., Range 25 E., Collier County, Florida, and lies within area "A" of the Collier County Water-Sewer District and within Collier County Water Management District # 7. Provisions for roads, building sites, recreational open spaces, preserved mangrove forest, and utility areas were included in the ordinance. The development's maximum gross density of dwelling units, including the area devoted to mangrove forest preserve, community recreation center site and common recreational open space lands, man-made lake, gate-house facility, interim utility site and home sites, was 1.75 dwelling units per acre, the equivalent of 10.9 dwelling units per five acres, excluding the mangrove forest and man-made lake.

The ordinance further provided that the special requirements designed to protect beach front residences from storm.



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tide and wave damage, incorporated in the state of Florida approved protective covenants for Lely Barefoot Beach Project, as contained in Coastal Setback Line Variance #74-75V40, were applicable. The ordinance required that no modification should be made to natural vegetation or to the land surface gulward of the western most residential home sites permitted on the plat of the development. Provision was also made for street lights, a sewage disposal plant and other utility and maintenance activities, including a central waste water collection system approved by the County Water/Sewer District, an approved solid waste disposal service, fire hydrants, potable water supply, easements for underground utilities such as power, telephone and T.V. cable, waste water collection and transport, water distribution lines and fire protection.

Thereafter, on August 1, 1978, Lely Estates, Inc. entered into an agreement with the State of Florida, Department of Natural Resources pursuant to which Lely would construct a road through the property and would permit the State of Florida to tie into water, sewage disposal, electrical and telephone lines servicing the development, plus an agreement to size its lines to accommodate reasonable State connections at some future date. Lely also granted the State the right to lay utility lines along the road shoulders. Lely on the same date also entered into an agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida under which Lely would build a paved road within three years of the agreement to provide access to the Barefoot Beach State Preserve operated by the Florida Trustees of the Internal Improvement Trust Fund, lying to the south of the Lely Barefoot Beach development.

By March, 1982, the Lely Barefoot Beach development included the construction of a number of residences and boat slips with associated natural landscaping. See Exhibit A. The Lely Barefoot Beach development area, therefor, was not included by Congress as a part of the Coastal Barrier Resources System when it adopted the Coastal Barrier Resources Act on October 1, 1982. As pointed out in the Senate Report, No. 97-419, on S. 1018, the bill would affect undeveloped and unprotected areas only. The areas which met the definition of undeveloped and unprotected coastal barriers for the purposes of the Act were designated on the maps referenced in Section 4 of the bill.



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The Lely Barefoot Beach project area was specifically not designated as such an area.

The committee report on S. 1018 explained that the coastal barrier areas delineated in the maps were treated as undeveloped only if there were few, if any, man-made structures on the barrier. A threshold of approximately one structure per five acres of fastland was used in determining whether a coastal barrier was "undeveloped". This threshold had been used in previous delineations of undeveloped coastal barriers prepared by the Department of the Interior. The committee stated: "Acres with structures that exceed this threshold tend to interfere with the natural process of coastal barrier." The Act provided in Sec. 10 that the Secretary of the Interior should report to the Congress his recommendations for additions and deletions from the Coastal Barrier Resources System within three years.

As the Lely Barefoot project area was not included in the Coastal Barrier Resources System by the Act, the development of the Barefoot Beach project continued. In 1985, in settlement of a law suit brought by The Conservancy in connection with a rezoning of 38.08 acres of the project for single or multi-family residential development, the Board of Commissioners of Collier County, Florida approved Ordinance 85-83 pursuant to which the project developer agreed to maintain 7 acres as a passive community recreation site (e.g. nature trails, boardwalks, etc.) in which no residential units would be permitted because of its ecological environmentally sensitive characteristics, 10 acres as an active community recreation area in which no building or structure would be erected or land used other than for community recreation uses, and 23.92 acres as preservation areas in which all development was prohibited to maximize retention preservation of native coastal barrier habitats and to provide for storm surge/breachment channels and, in addition, to deed 107 acres of the Barefoot Beach project area, comprising the remaining portions of the project area within proposed unit FL-65, to the State of Florida for natural area preservation with the condition that no land modification or structures are permitted. As a result, 275.75 (out of a total of 329.24) acres of the Lely Barefoot Beach Development included in FL-65 must comprise open water, state mangrove preserves and other protected areas.



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In recognition of the developed nature of the project, the settlement of the law suit and the ordinance adopted in connection therewith, that ordinance now required such urban attributes as polling places. In addition, the ordinance provided for a dune preservation zone in order to highlight the importance of the Lely Barefoot Beach dune area in storm damage prevention and to emphasize the need for its restoration and strict protection. The dune preservation zone encompasses the entire area of the project seaward of the State CCCL. In the dune protection zone, only activities strictly related to that function are permitted and no development, structures or facilities other than dune crossovers are allowed. The ordinance also provided protection for the wetlands and the need for their preservation. Trimming and pruning of live wetland plants is prohibited without first obtaining federal, state and local approval; land modifications for structures are prohibited except for nature trails and boardwalks.

The approval of multi-family condominium use of a portion of the Lely Barefoot Beach project area was consistent with the criteria used by the Coastal Barrier Resources Study Group which the Secretary of the Interior had established in 1983 to develop proposed recommendations to Congress with respect to areas to be considered by Congress for addition to or deletion from the Coastal Barrier Resources System. The definition of coastal barrier used by the Study Group was based on guidance provided by Sec. 3 of the Act and supported by definitions previously used by the Department of the Interior and also used in the legislative history of the Act.

The Study Group also used the previous definition of "undeveloped". A coastal barrier would be considered undeveloped if it contained less than one structure per five acres that is "roofed and walled" and covers at least 200 square feet. Even if an area contained fewer than one structure per five acres of fastland, it would not be considered undeveloped if there were intensive capitalized development projects, such as condominiums, which effectively established a commitment to stabilize an area even if there are few actual structures. Moreover, an undeveloped area immediately adjoining condominiums



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and similar intensively capitalized sites would not be included as undeveloped because it was considered committed to stabilization. Thus, the boundary of an undeveloped area would be drawn to exclude the area of significant impact due to the development activity. Property lines were to be used where known and reasonably reflective of the area of significant impact.

The 1987 Proposed Recommendations of the Secretary of the Interior.

Despite the developed status of the Lely Barefoot Beach project, consistent with the definitions developed by the Department of the Interior prior to the Act and used by Congress in its designation of areas included by the 1982 statute as within the Coastal Barrier Resources System and used again by the Study Group of the Department of the Interior, the recommendations which the Secretary of the Interior now proposes to submit to Congress, after public comment, include a critical portion of the Lely Barefoot Beach project in unit FL-65 as an undeveloped coastal barrier recommended for placement within the Coastal Barrier Resources System.

This is clearly inconsistent with the intent of the Congress in adopting the Coastal Barrier Resources Act and with the prior actions of Department of the Interior. The northern portion of the unit FL-65, comprising Lely Barefoot Beach developed area which consists of portions of Sections, 5, 6, 7, and 8; Township 48 S, Range 25 E, Collier County Florida, should be deleted from the unit, as shown on Exhibit B.

This requested modification of unit FL-65 concerns only that small portion of unit FL-65 which has since 1977 been considered to be a part of the Lely Barefoot Beach development. The remaining area of the coastal barrier north of Wiggins Pass included in FL-65 is a State of Florida preserve under the control of the Trustees of the Internal Improvement Fund of the State of Florida.

Finally, it should be noted that the Lely Barefoot Beach project sponsor in connection with Ordinance 77-48 also commit-



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ted itself to dedicate, and has dedicated, a tract of beach-front land to Collier County for public beach recreation use and, in addition, to dedicate to the county a tract of land sufficiently large to accommodate a minimum of 100 off-street parking spaces to serve the public beach. As previously noted, the project's sponsor also undertook to construct paved roads and provide county access to its water, sanitary sewer and other utility lines, as well as to construct a road to the State of Florida Barefoot Beach Recreation Area south of the Lely Barefoot Beach development.

Thus, the project sponsor of the Lely Barefoot Beach development has made further and substantial contributions to public access and enjoyment of the area, which were recognized by the Board of County Commissioners of Collier County, Florida in the adoption of Ordinances 77-48, 85-22 and 85-83. Because of this fact, and the other reasons set forth above, those portions of Sections 5, 6, 7 and 8, Township 48 S, Range 25 E, Collier County, Florida comprising the Lely Barefoot Beach development which lie within FL-65 should be deleted from the recommendations by which the Secretary of the Interior proposes to make to Congress, pursuant to Sec. 10 of the Coastal Barrier Resources Act.

Respectfully submitted,

LELY DEVELOPMENT CORPORATION

by its President

Richard L. Klaas

Summary

A portion of the Lely Barefoot Beach Development was included in FL-65 despite the fact that the entire development is a single development under one ownership and is being developed as a unit. It is considered as a single development for land use regulatory purposes by the State of Florida, Department of Community Affairs Division of Resource Planning and Management, and by The Conservancy, Inc., the Florida environmental conservation group.

The Lely Barefoot Beach Development is located north of Naples, Florida. It is a contiguous geographical area under one ownership being developed under a comprehensive plan by the developer, Lely Estates, Inc. The plan consists of two PUDs (Planned Unit Developments) adopted as ordinances by the Board of County Commissioners, Collier County, Florida. One PUD, approved as Ordinance 77-48 by the Board, includes three sections, known as Barefoot Beach Unit One, Barefoot Beach North and Barefoot Beach South. The other PUD was approved by the Board as Ordinance 81-76 as a high rise condominium project. No natural or artificial barriers divide the property comprising the Lely Barefoot Beach Development under the two PUDs.

The entire Lely Barefoot Beach Development was excluded by Congress from the Coastal Barrier Resources Inventory when it adopted the Coastal Barrier Resources Act on October 1, 1982 and was excluded both by the Secretary of the Interior in his August, 1982 report to Congress and by the Final Environmental Statement on Undeveloped Coastal Barriers, prepared May, 1983 by the Coastal Barriers Task Force of the Department of the Interior.

Litigation brought by The Conservancy in 1985 to enjoin and set aside approval by the Collier County Board of a proposal by Lely Estates, Inc. to modify Ordinances 77-48 and 81-76 was settled upon terms which The Conservancy states are "extremely satisfactory." As part of the settlement, the mangrove areas of the Lely Barefoot Beach Development are to be transferred by Lely Estates, Inc. either to the State of Florida or to Collier County.

The environmentally sensitive area in the southern portion of the development has been sold to Collier County.

The remaining portion of the Lely Barefoot Beach Development included in FL-65, shown as the shaded

1724



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March 16, 1988

Donald P. Hod-1
Secretary of the Interior
U.S. Department of the Interior
18th & C Streets, N.W.
Washington, D.C. 20240

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

Re: Coastal Barrier Resources System
Lely Barefoot Beach Development -
Included in FL-65

Dear Mr. Secretary:

On February 1, 1988, a Draft Supplemental Legislative Environmental Impact Statement (LEIS) on Proposed Changes to the Coastal Barrier Resources System was made available to the public for comment. The LEIS assesses the environmental implications of the March, 1987 Draft Report of Proposed Recommendations to Congress on the Coastal Barrier Resources System.

The comments below concern the application of the proposed expansion of the definition and delineation criteria for the protection of coastal barriers set out in the draft LEIS to the request that a portion of the Lely Barefoot Beach Development, which is located north of Naples, Florida, not be included in FL-65. Under these criteria, this area, which is part of a single development under one ownership, should not be included in FL-65 because the environmental goals have been resolved through circumstances which are unique to this development under the terms of a settlement of a lawsuit brought by The Conservancy. This settlement assures the protection of the environmental values discussed in the draft LEIS.

The Lely Barefoot Beach Development

Background

The Lely Barefoot Beach Development, located in Collier County, Florida was conceived by Lely Estates, Inc. in May of 1973 as a low density, single family home development with all land improvements being restricted to upland areas, thereby eliminating the necessity for submerged land modification, shoreline modification, or productive mangrove area modification. Immediately south of the Lely Barefoot Beach Development are the Delnor-Wiggins State Recreation Area, a State of Florida State Park on the south side of Wiggins Pass, and the Barefoot Beach State Preserve, owned by the Trustees of the Internal Improvement Fund of the State of Florida, on the north side of Wiggins Pass. The gross area of the tract is 491.2 acres of which 190.2 acres are submerged lands owned by the State of Florida.

The 1973 development plan called for no more than 499 dwelling units and was based upon detailed study and recommendations prepared by Dr. Durbin Tabb, an environmental consultant who had played a major role in the preparation of the 1972 report to the Collier County Commission, "Ecological Inventory of Coastal Waters and Adjacent Uplands of Northwest Collier County, Florida in the Vicinity of Wiggins Pass." In recommending preserve and development areas for the Barefoot Beach project, Dr. Tabb noted that his principal working premises were that all tidal red mangroves should be preserved; that where black mangroves existed in semi-impounded conditions, the presence or absence of leaf litter gave clues as to which part of the black mangrove areas were contributing to the aquatic system and hence worth saving; and that the density of air breathing snails, *Melampus Coffeus*, helped to determine the portion of the mangrove forest which was subject to tidal flooding.

As the 1973 development plan was prepared, decisions were made to avoid construction of any sea walls or other structures along the beach; to avoid modification of any natural shorelines; to leave beachfront dune vegetation intact in order that it could continue its beach stabilization function as well as be a highly desirable landscape feature; to limit the number of home sites of the project to less than 500 and to

establish commonly-owned natural preserve areas. Comprehensive utility and water management strategies were prepared to protect the natural features and vegetation of the development. Plans for water, sewage, police and fire protection for the entire development were drawn up.

The preliminary development plan for the Lely Barefoot Beach Development was submitted to Collier County authorities in late 1973. It was reviewed by the Environmental Advisory Council, the Water Management Advisory Board and the Coastal Area Planning Commission, each of which gave preliminary approval to the plan. On February 19, 1974, the Commissioners of Collier County approved the basic concept plan for the Lely Barefoot Beach Development in connection with a rezoning petition.

In mid-1975, the processing of the Lely Barefoot Beach rezoning petition was suspended because of litigation regarding land ownership, later resolved, and an expression of interest by the State of Florida in purchasing the property for public beach purposes. In 1977, the State of Florida determined not to purchase the Lely Barefoot Beach property and to leave it subject to private development.

Thereafter on September 22, 1977, pursuant to an application by Lely Estates, Inc., the Board of County Commissioners of Collier County, Florida adopted Ordinance 77-48 zoning a portion of the Lely Barefoot Beach property for Planned Unit Development ("PUD") as a "single family residential community in a setting where most of the existing natural vegetation and earth form features are preserved." The property was within Area "A" of the Collier County Water-Sewer District and within Collier County Water Management District #7.

Ordinance 77-48 made applicable the special requirements designed to protect beachfront residences from tide and wind damage, which were incorporated in the State of Florida approved protective covenants for the Lely Barefoot Beach Development as contained in Coastal Setback Line Variance #74-75-V40. It also required that no modification should be made to natural vegetation or to the land surface seaward of the westernmost residential home sites permitted on the plat of the development. Provisions were made for street lights, a sewage disposal plant and other utility and maintenance activities, including a central waste water collection system approved by the County Water-Sewer District, an approved solid waste disposal service, fire hydrants, potable water supply, easements for underground utilities, such as power, telephone and T.V. cable, waste water collection and transport, water distribution lines and fire protection.

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enjoin any changes in the development plan which had been authorized by the 1977 and 1981 ordinances. The Conservancy is an organization composed of citizens interested in preserving the quality of life and protecting the environment in, among other places, Collier County, Florida. Its principal place of business is in Collier County, Florida.

The Conservancy pointed out in its complaint that both the 1977 and 1981 PUDs had authorized the residential development of Barefoot Beach and that although two PUDs exist regarding the property, one approved in 1977 and the other in 1981, the two PUDs consist of a single development, were under the same ownership, were contiguous, were a unit geographically, were being developed as a unit, had a common road and access, were interdependent for various public facilities, and both fronted on the Gulf of Mexico. It said that no natural or artificial barriers divide the property or require that the PUDs be considered as separate developments for purposes of planning or regulating, and that the two PUDs "must be considered as one development for land use regulatory purposes." The State of Florida, Department of Community Affairs, Division of Resource Planning and Management also took the position with respect to the proposed changes in the 1977 and 1981 PUDs that the 1977 and 1981 PUDs were a unified project and "all part of one development" by Lely Estates, Inc.

A settlement was reached on December 17, 1985 in the litigation initiated by The Conservancy. The Board of Commissioners of Collier County, Florida on the same day approved Ordinance 85-83 pursuant to the settlement agreement. The Conservancy reported to its members that it "was extremely pleased" with the out-of-court settlement of the Lely Barefoot Beach lawsuit and that in exchange for withdrawing its suit, it had obtained concessions which insured that the natural dynamic processes will be maintained with minimal disruptions; that the existing native habitats will be preserved; that the residential units will be constructed outside narrow areas susceptible to storm surge and/or breachment and further from the beach than permitted by the original master development plan; and that the areas degraded in the past by exotic plant invasion or land alteration will be restored.

Also, pursuant to the settlement agreement, approximately 4,400 linear feet of the Lely Barefoot Beach Development was designated as an "Area of Particular Environmental Concern." In this area of sensitive native habitats and high storm hazard, special development conditions were applied to protect existing native habitat and eliminate residential use. The number of residential units which would have been increased to 272 under the 1985 proposed change in the development plan was reduced to 97, the same number permitted in the 1977 master plan. The maximum permitted development coverage, set individu-

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On August 1, 1978, Lely Estates, Inc., the developer, entered into an agreement with the State of Florida, Department of Natural Resources, pursuant to which Lely would construct a road through the property to the State owned preserve on the southern boundary of the tract and would permit the State of Florida to tie into the water, sewage disposal, electrical and telephone lines servicing the development, including an agreement to size its lines to accommodate reasonable State connection at some future date. Lely also granted the State the right to lay utility lines along the road shoulders. On the same date, Lely also entered into an agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida under which Lely would build a paved road to provide access to the Barefoot Beach State Preserve lying to the south of the Lely Barefoot Beach Development and owned by the Florida Trustees of the Internal Improvement Trust Fund.

On December 3, 1981, on the application of Lely Estates, Inc., the Board of County Commissioners of Collier County, Florida adopted Ordinance 81-76 zoning the remaining beachfront portion of the Lely Barefoot Beach Development for condominiums. The condominium tract was immediately north of the single family development area previously approved by Ordinance 77-48 and immediately behind a 600 foot beach which Lely Estates, Inc. agreed to donate to Collier County as a public beach.

By March, 1982 the Lely Barefoot Beach Development included the construction of a number of residences and boat slips with associated natural landscaping. Therefore, it was not included by the Secretary of the Interior as an undeveloped area in his recommendations to Congress in August, 1982 and was not included by Congress as a part of the Coastal Barrier Resources System when it adopted the Coastal Barrier Resources Act on October 1, 1982. Work on the Lely Barefoot Beach Development continued and by 1985, Lely Estates, Inc. had expended over \$5,100,000 on roads, engineering, water, electric and sewage systems and other development costs.

In 1985, the developer, Lely Estates, Inc., attempted to change the development of the southern portion of the Barefoot Beach Development by applying for modifications of Ordinances 77-48 and 81-76 to decrease the number of condominium units authorized for the condominium area by Ordinance 81-76 and substantially increase the density of development authorized for the remaining portion of the beachfront development by Ordinance 77-48 from 499 to 800 dwelling units by changing from single family detached dwellings to attached single family and multi-story condominium structures. The density of development was increased by 150 units in an area not included in FL-65.

This action by the developer was challenged by The Conservancy, Inc., which in June, 1985 filed a law suit to

-5-

ally for each development corridor, was limited to 25% of the available upland area, as opposed to the 50%-75% development coverage for the area under the 1977 master development plan. Development of the environmentally sensitive community recreation area was strictly limited to 10% of the available upland area, and a provision was included limiting beach front construction to the State Coastal Construction Control Line, not the previously approved variance utilized in the 1977 master plan. Reconstruction of the dune zone which was previously damaged by storm activity and exotic plant activity and the vegetation of that zone with native plant species was required. The clustering of all beach front residential units, rather than continuous, shore parallel alignment, was made mandatory; and all development facilities were required to be placed outside areas with existing native habitats.

In addition, the Lely Estates, Inc. agreed to deed to the State of Florida as a mangrove preserve most of the area lying on the bay side of the road traversing the length of the Lely Barefoot Beach Development and, in a separate transaction, sold to Collier County the southern 3100' of the beachfront area.

In 1987, the Coastal Barriers Study Group of the Department of the Interior proposed a recommendation to be submitted to Congress by the Secretary of the Interior which would include a portion of the Lely Barefoot Beach Development within the boundaries of FL-65. Such an action would divide into two segments an area which was considered by the developer, Lely Estates, Inc., as well as by The Conservancy and by the State of Florida to be a single development, with no natural or artificial barriers which divide the property, and which, according to the Conservancy, must be considered as one development for land use regulatory purposes.

The developer, Lely Estates, Inc., asks that the portion of the Lely Barefoot Beach Development which is proposed to be included in FL-65 should not be included because it is part of a single development under the 1977 and 1981 PUDs and because the environmental issues have been resolved in the settlement of the litigation brought by The Conservancy consistent with the Proposed Action in the LEIS. The developer, Lely Estates, Inc., does not request exclusion from FL-65 of those portions of the Lely Barefoot Beach Development which have been or will be transferred to the State of Florida or to Collier County, Florida for conservation purposes.

A map showing the FL-65 unit, as it would be modified by taking the request of Lely Estates, Inc. into account, is attached as Exhibit A.

Analysis - Discussion

The question posed by the request of Lely Estates, Inc. is whether a portion of the Lely Barefoot Beach Development

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which the Study Group proposes to include in FL-65 should not be included because it is part of a single development and because the environmental values have been preserved by the terms of the settlement of litigation brought by The Conservancy. That environmental organization has stated that it "was extremely pleased" with the terms of the settlement which assured that the environmental values, including natural dynamic processes and native habitats will be preserved.

The requested action involves only fastlands already considered and excluded by Congress in the 1982 congressional designation of the CBRS. It does not involve any adjacent wetlands, marsh, estuary, inlet, or nearshore water. Thus, the requested action should have no adverse effect on the ability of associated aquatic habitats to survive major storms.

Further, because of the condition imposed on Lely Barefoot Beach Development by Collier County and the State of Florida that it provide access to and accommodate people visiting publicly managed conservation or recreation areas, the requested deletion of a portion of the development from FL-65 is consistent with the Proposed Action in the LEIS.

The requested action is consistent also with the concept in the Proposed Action which would exclude any undeveloped area immediately adjoining intensively capitalized areas (condominiums etc.) because such an area is considered committed to stabilization. Approval of the requested action also would not neglect the conservation of fish, wildlife, and other natural resources of the coastal barrier, nor work counter to the specific mandate in Section 10 of the CBRA. Indeed, as is more fully set out in the Background section, very careful attention has been paid to environmental quality concerns in the planning and execution of the development. The permits granted for the Lely Barefoot Development indicate that the environmental values have been preserved in the Lely Barefoot Beach project and thus are consistent with the DOI finding that the major federal permit programs which affect CBRS permits for bridge construction, dredge, and fill do take fish and wildlife values into account and that most states have additional regulatory safeguards that also serve the purposes of CBRA, including wetlands protection programs, construction setback requirements, and post storm construction policies to control development on barriers.

Finally, the three environmental characteristics which all coastal barriers have in common are preserved in the case of the Lely Barefoot Beach Development which (a) protects the rich biological productive estuaries and associated wetlands behind them from the energies of large bodies of water (b) protects the habitats of both vegetational and faunal wildlife found there and (c) protects the mainland.

-8-

Granting the request of Lely Estates, Inc. also will not adversely impact on the thirty four animal species which are associated with the coastal barriers and known to require special protection to maintain healthy populations, or hinder the maintenance of the natural functions of the Coastal Barrier System, including storm protection for the mainland, maintenance of productive wetlands and open water aquatic habitats which support valuable fish and shell fisheries and natural removal of water-borne pollutants.

It should be noted also that the litigation brought by The Conservancy to preserve environmental values was settled and The Conservancy states that it is "extremely pleased" with the settlement. Environmentally sensitive land within the development will be transferred by Lely Estates, Inc. to the State of Florida or to Collier County, Florida.

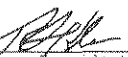
Because of these factors, the remaining portion of the Lely Barefoot Beach Development which was considered developed in 1982 warrants continued classification as developed both on the ground that it is part of an existing development comprised of condominiums and single family dwelling units and, therefore, committed to stabilization and on the ground the environmental values have been protected. For these reasons it properly should not be included in FL-65.

Conclusion

In view of all the circumstances, that portion of the Lely Barefoot Beach Development which is proposed to be included in FL-65 should not be included. It is not only part of a single development for land use regulatory purposes and considered to be developed area, but the environmental values discussed in the LEIS have been protected.

Respectfully submitted,

Lely Estates, Inc.

By 
President
Richard L. Klaas

-9-

974

P. O. Box 271
Gainesville
Florida 32632
June 18, 1987

Coastal Barriers Study Group
U. S. Department of the Interior
National Park Service-498
P. O. Box 27127
Washington, D. C. 20013-7127

Gentlemen:

Your support for the Barrier Island System is strongly urged. Addition of wetlands to existing units plus inclusion of wetlands to units which will expand CBRS is of real importance. Add other landforms (enclosure).


Please expand CBRS to include Florida Keys, Puerto Rico, U. S. Virgin Islands, Maryland, New Jersey plus secondary barriers in embayments together with all associated aquatic habitats. Urge clarification and strengthening of Federal funding guidelines and restrictions. Areas which would make desirable additions to CBRS are those along the Pacific Coast and in/along the Great Lakes.

Deletions to CBRS should be avoided. Mobile, Alabama, area is an example, specifically Mobile Point. Deletion of the CBRS certification of no federal funding should also be avoided.

CBRS is a money saving and life saving type of legislation. Those of us living in Florida really appreciate such facts!

Enclosed sheets will give you more details.

Very truly yours,


Dolores Krausche, Ph.D.

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 CBRS
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
F32	Moreno Point	Destin	Continue existing CBRS
FL-97	Santa Rosa Is.	Lary 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 CBRS
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 CBRS

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.

1337

6/2/87

Coastal Barriers Study Group,

As a footnote to the enclosed petition I would like to state my outrage over the "condos" that have been built on the western most tip of Holiday Isle in Destin Florida. The highrise buildings are perched on a mere sandbar and will most certainly fall into the beautiful Destin Pass when the next hurricane hits the area. I, personally, do not want federal money to help rebuild these concrete "eyesores." Thank you.

Margo M. Jourick

1302

3120 38th Ave. -
Bradenton, FL 33508
past J11 will be 34208
June 21, 1987

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

Dear Study Group:

Yesterday I visited the Cockroach Bay Aquatic Preserve in the south part of Hillsborough County, Florida. A man told me that it was not on your proposed list. I feel it should be. It is a lovely, close to pristine area of mangrove shoreline, mangrove islands and an estuary. Except for the impact of pollution from urban-shipping runoff and development in other parts of Tampa Bay it would be totally pristine.

A developer wanted to dredge a channel through the grass beds and put in a large marina, motel and condos. The Florida Department of Regulations denied the permit and the developer has decided not to build I hear.

I have been on boat trips in this area south of the Alafia River and it is truly undeveloped for miles of waterways (shallow), islands and shoreline. It is across a sizeable bay and a strong storm event would gather momentum that this mangrove system could absorb before it went inland.

An aquatic preserve designation protects the submerged lands owned by the state. An Outstanding Waters designation gives us the ability to deny permits for activities that would degrade the water quality below the ambient water quality for the two years preceding designation. The shoreline needs CBRMS designation to preserve its protective function in storm events, the continued good health of the habitat for wildlife, and the tax dollars of all the US citizens for subsidizing new development here.

I believe the two areas on the Rattlesnake Key should be included. Also the CBRMS designation needs to go up the Bayous that are currently mangrove lined to maintain the integrity of the mangrove system in the Bishop Harbor area in Manatee County. The maps in the packet are hard to see and seem to just barely cover the Gulf most mangroves not the viable system. Hopefully you have better maps to work from.

Thank you for considering these comments.

Jim Ceryly
Mary Sheppard



The Florida Chapter

562

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, Horse 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,
CRS Chair

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

24

April 9, 1987

Coastal Barriers 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 overbuilt, and many condos are now going down.

Why are lawmakers always so concerned about what the developers think? They come in, do their destruction of the native area under the guise 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 native 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 11201
Santa Rosa Beach FL 32459

Dear Sirs,

Concerning the proposal to declare more areas for barrier designations I wish to say "so for it" I'm in the Navarre area and as I understand it if this area receives a barrier designation it will interfere with the proposed pass. I say anything that will stop that and anymore offshore development such as piers from which I departed as fact as I could, is all I'd like to see. I am sick to death of hearing from my developers and those

would make their living sucking the tourists saying how good it will be for me. I went some beach area too. I also have to pay the going rates for whatever the restaurants, shops etc feel they they can gouge out of the tourist during the season. I know a barrier designation won't stop all building but it might help.

Sincerely,
Joe S. Baker
(registered voter & 1 year Holley - Navarre, Florida)

Coastal Barriers Study Group,
Washington, D.C.

Leslie and Henthorn:

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 propose further expansion of the Florida system to enhance protection of the great sea turtles.

Yours
Carl W. Smith (Prof.)
1001 Tower B, Blvd.
Lake Wales, Fla. 33853

Mr. Mrs. Carl W. Smith
1001 Tower B
Lake Wales, FL 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. 20017-7127

Re: Proposed changes to the coastal barrier resources system in Florida

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 18th & 19th, 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 (Derm./Fla.)
 Representative Bill Front
 David Klingner, US Dept. of Interior

Don Pennington
 2424 Jim Lee Rd.
 Tallahassee, Fla.

32301

Box 100
 Santa Rosa Beach
 Florida 32458
 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 Sirs:

Your support for the Barrier Island System is strongly urged. Additions to existing units plus addition of wetland areas is of real importance to CBRIS.

Inclusion of Florida keys, Puerto Rico, U. S. Virgin Islands, New Jersey, Maryland and secondary barriers in embayments together with all associated aquatic habitats within CBRIS is strongly urged. Clarification and strengthening of federal funding guidelines and restrictions should be included in CBRIS. Great Lakes and Pacific Coast areas are important additions to CBRIS.

Areas like Mobile Point, Alabama, should remain within CBRIS. Avoid deletion of CBM certification of no federal funding.

Enclosed sheets will give you further particulars for our local area along the Gulf Coast.

CBRIS is needed to protect resources as well as safety of residents of coastal areas.

Very truly yours,

Mary Clarke
 Mary Clarke (Mrs.)

COASTAL BARRIER RESOURCES

Unit Code	Unit Name	Quadrangle	Recommendation
Fl-94	Deer Lake Complex	Point Washington	Add undeveloped part to CBRIS
Fl-95	Grayton Beach	Grayton beach	Retain state area; Add balance to CBRIS
Fl-96	Draper Lake	Grayton Beach	Add to CBRIS
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 CBRIS
F32	Moreno Point	Destin	Continue existing CBRIS
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 CBRIS
Fl-98	Gulf Islands	Holley and Orleole Beach	Retain state and federally protected segments; add all undeveloped areas plus wetlands adjacent to Santa Rosa Sound to CBRIS
Fl-99	Tom King	Holley	Add to CBRIS
Fl-100	Town Point	Gulf Breeze	Add to CBRIS
Fl-101	Garcon Point	Garcon Point	Add to CBRIS
Fl-102	Basin Bayou	Garcon Point	Add to CBRIS
Fl-103	Ferdido		Include in CBRIS

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

All military and Coast Guard areas should remain within existing CBRIS units.

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-488
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 CBRS.

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

All coastal barriers and similar land-forms 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,

Mrs. George Bishop
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 CBRS
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 - see map page
F32	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 CBRS
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 CBRS

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.

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,

Linda West
805 Destin Yacht Club
Destin, FL 32541

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

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

1531

EARL HUTTO
181 DARTMOUTH
FLORIDA
330 CANNON SQUARE
WASHINGTON, D.C. 20515
(202) 223-4136

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 16, 1987

Coastal Barriers Study Group
U.S. Department of Interior
National Park Service-498
Post Office Box 37127
Washington, DC 20013-7127

Dear Ladies and Gentlemen:

The enclosed letters from my constituents share a common theme -- opposition to the recently proposed changes to the Coastal Barriers Resources Act. I fully support the goal of the Coastal Barriers Resources Act, which would enhance the conservation of fish, wildlife and other natural resources while reducing federal expenditures in these areas. However, I do not support all of the proposed changes in the First Congressional District of Florida.

Many new homes and the related infrastructure have been constructed and planned on numerous areas of the property proposed for inclusion in the Coastal Barriers Resource System. In addition, the financial loss to private citizens, local governments and local corporations would be extreme, not to mention the economic losses to individual communities which would certainly result should the present proposal be adopted. I strongly urge you to reconsider the inclusion of FL-95, PJ2, and FL-98 in the re-draft of this proposal.

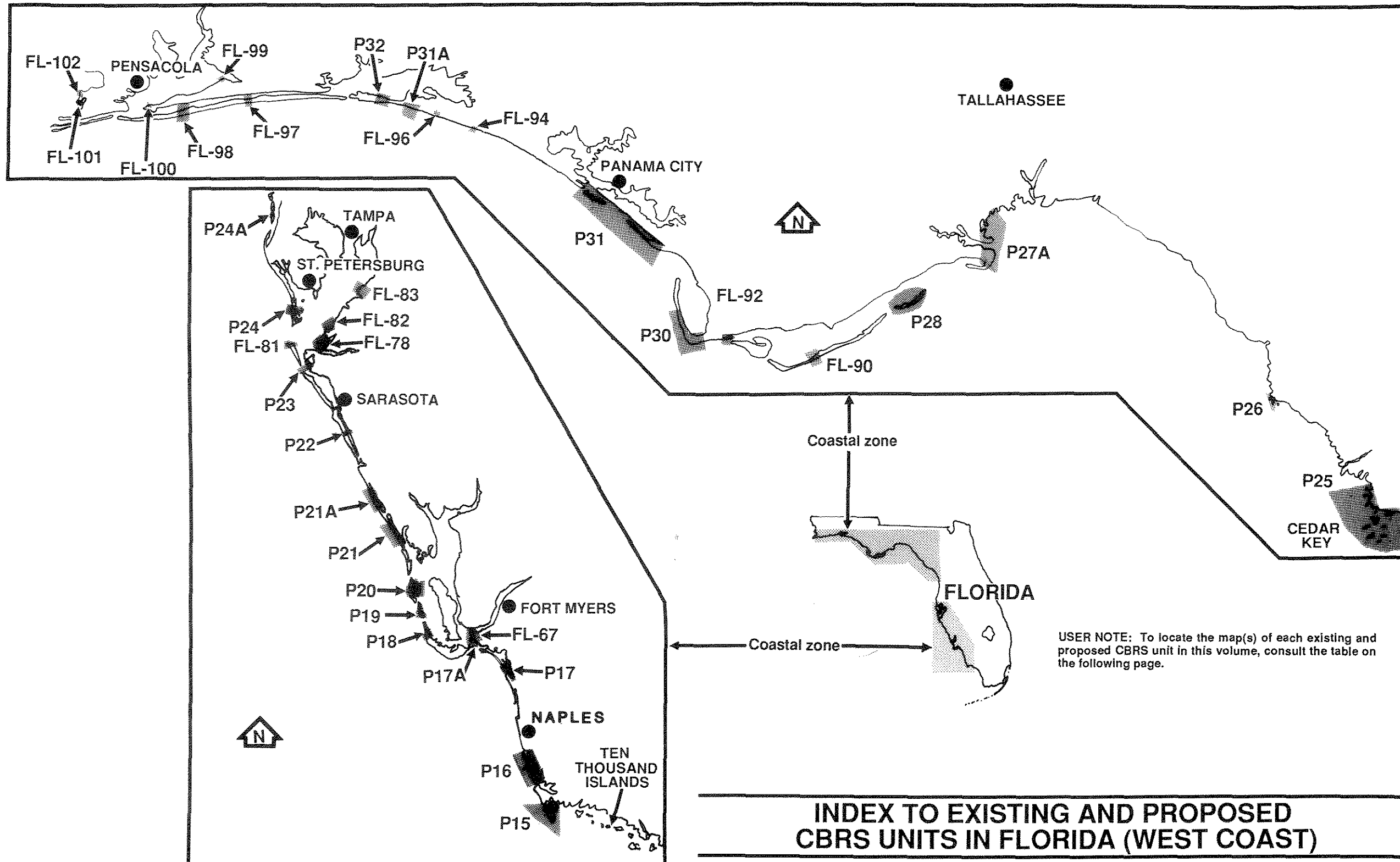
I believe it is my responsibility to extensively review this proposal to make certain the Act's original purpose is fulfilled without adversely affecting the construction plans and the economy of my district. Thank you in advance for your consideration of my comments on this important matter.

With warm regards,

Sincerely,

Earl Hutto
Earl Hutto

EH:dlh
Enclosures



**INDEX TO EXISTING AND PROPOSED
CBRS UNITS IN FLORIDA (WEST COAST)**

MAPS DEPICTING EXISTING AND PROPOSED CBRS UNITS

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P17	Lovers Key Complex	Bonita Springs	48
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P17A	Bodwitch Point	Fort Myers Beach	50
P18*	Sanibel Island Complex	Wulfert	54
P19*	North Captiva Island	Captiva	57
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		Palmetto	72
FL-81	Egmont Key	Egmont Key	89
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*Public comment summaries and DOI responses follow unit maps.

**Includes comments and responses on inventory unit FL-63, Big Marco Pass.

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

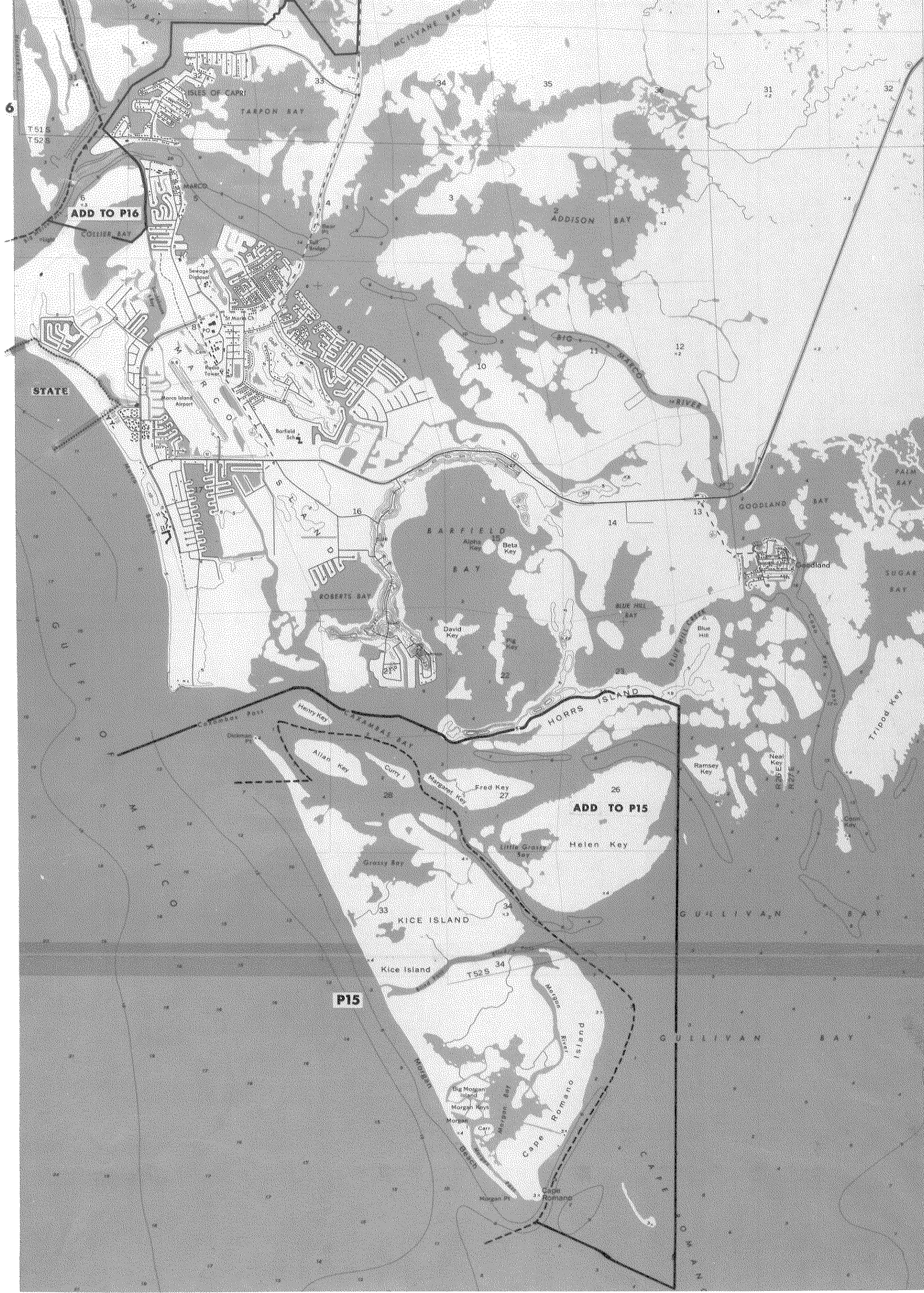
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*These maps are provided for information purposes only. DOI is not recommending the addition of these areas to the CBRS unless they are made available for development that is inconsistent with the CBRA purposes.

MAP KEY

-----	Existing CBRS units
_____	Recommended additions to or deletions from the 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 south to north.



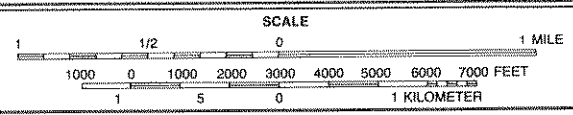
Report to Congress on the Coastal Barrier Resources System

**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
MARCO ISLAND
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.



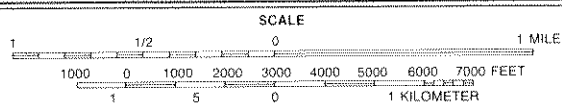
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DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
BELLE MEADE
FLORIDA



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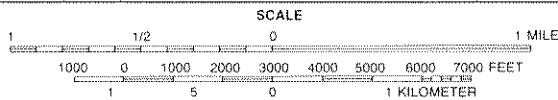
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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
NAPLES SOUTH
FLORIDA



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

P16 - KEEWAYDIN ISLAND; FL-63 - BIG MARCO PASS

State Position: The State of Florida requested that the developed areas on Marco Island be excluded from proposed CBRS unit FL-63. The State expressed no position on P16.

Other Comments: Seventy-five other comment letters concerning FL-63 were received. All opposed the addition of the proposed unit to the CBRS because it is developed. Representative letters are reprinted below. No letters concerning P16 were received.

Response: Marco Island has developed rapidly over the past several years. The DOI has

carefully reexamined the area and concludes that all of the unit, as delineated in the 1987 Draft Report, is developed except for the extreme northern spit at Big Marco Pass. The DOI has eliminated proposed unit FL-63 from the inventory of undeveloped barriers and included this small spit as part of the proposed additions to CBRS unit P16.

DOI Recommendation: The DOI recommends adding the spit at Big Marco Pass and all associated aquatic habitat to existing CBRS unit P16.



613

May 27, 1987

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

Attention: Ms. Barbara Wyman

Subject: Comments to the Coastal Barrier Study Group for the Secretary of The Interior Department meeting at the Lee County Courthouse, Ft. Myers, Florida Thursday May 14, 1987.

My name is Des Farrell and I am the Executive Vice-President of the Marco Island Area Chamber of Commerce. Our Chamber has over 500 business members which ought to indicate to the committee that we are a developed island. Over a period of the last 25 years there have been many studies, permits and countless government hearings and meetings leading to the developed status of the community of Marco Island today (1987).

We have become a visitor and retirement community with millions of investment dollars spent here and a full complement of ancillary and professional services. Our current year round population is over 9,200 and our three to six month seasonal residents swell the total to over 22,000. Our four major resort hotels and more than 90 condominiums ranging from 4 to 400 plus units bring in over a million visitors a year to our island area. These are hardly the statistics of a desert island.

To assist the committee in understanding the nature of Marco Island we enclose a street map which shows that Marco, the largest and northern most of the ten thousand islands, has been developed for the use of humans. We have, within minutes of the island, access to the Florida Everglades, the Aquatic and Marine life of the Ten Thousand Islands and The City of Naples, Florida - all of which account for the desirability of Marco Island as an investment site for tourism, retirement and the businesses that provide necessary services.

We support Mr. Frank Blanchard of the Marco Beach Renourishment Advisory Committee in his contention that Marco Island, Florida should be excluded from the lands proposed for the Coastal Barrier Resources System.

Sincerely,

Des L. Farrell
Executive Vice-President

DLF/tig
P.S. May we have a copy of the Committee's final report, please.

Page 1 of 2
1102 N Collier Blvd - 394-7549

Page 2 of 2

Copies of this statement were sent to inform the following:

Florida Dept. of Community Affairs
2571 Executive Center Circle East
Howard Bldg.
Tallahassee, Fl. 32399
Att: Ms. Claudia Shanbaugh

Senate Committee on Environment & Public Works
U.S. Senate
Washington, D.C. 20510

House Sub-Committee of Merchant Marine & Fisheries
U.S. House of Representatives
Washington, D.C. 20515

Congressman Tom Lewis
1313 Longworth Bldg.
Washington, D.C. 20515

Senator Lawton Chiles
350 Russell
Senate Office Building
Washington, D.C. 20510

Senator Robert Graham
313 Hart
Senate Office Building
Washington, D.C. 20510

State Senator Fred Dudley
1708 Cape Coral Parkway
Cape Coral, Fl. 33904

State Rep. Mary Ellen Hawkins
212 Naples City Hall
735 - 8th St. South
Naples, Fl. 33940

Commissioners - Max Hasse &
John Pistor
Collier County Government Complex
3301 Tamiami Trail E.
Naples, Fl. 33962

Enc. Map

308

HIDEAWAY BEACH



May 5, 1987

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

Gentlemen:

On behalf of the Marco Island Beach Renourishment Committee we wish to advise you of our objection to your total plan for Marco Island. Our objection is based on the fact that Marco Island with over 9,200 full time residents is approaching a fully developed island. Permitted and approved by all the existing county, state and federal agencies from 1965 to the present Marco Island has developed into a full fledged resort and retirement area. Your map 18 Marco Island quadrangle is woefully outdated and to help bring your department up to date we include a street map of modern-day Marco.

For example on the north end of the island is an exclusive area named Hideaway Beach which is fully developed with 267 improved water and sewer supplied lots along the Marco River. The property includes a \$3,000,000 clubhouse and three single family homes built on the beach at a cost of one million dollars or more.

Further plans call for 365 condominium units already approved by Collier County to be located on the north beach of the Marco River opposite the Isle of Capri. This area is known as Royal Marco Point.

South of Hideaway Beach, the property abuts a designated and installed public beach called Tigertail. This public facility provides parking and beach access and is operated and maintained by Collier County.

The development line in the Caxambas Pass area at the south end of Marco could well interfere with our beach renourishment plans which will probably include dredging to clean out the pass and relocating fill to the south end of the island.

ROYAL MARCO DEVELOPMENTS 403 GATEHOLSE COURT P.O. BOX 8000 MARCO ISLAND FL 33971
813 394 5197 Outside Florida 1-800-247 6511

Coastal Barrier Study Group
May 5, 1987
Page two

We expect to meet with your group at the Lee County court house in Ft. Myers on May 14, 1987 to register our comments in person.

Sincerely,

Robert D. Stakich
Chairman,
Marco Island Beach Renourishment
Committee

FDS:kk
Enclosures as stated.

755

166 Hollyhack Court
Marco Island, FL 33937
June 6, 1987

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

Ref: Coastal Barrier Resources Act

Dear Sirs:

As a member of the Hideaway Beach Association it has recently come to my attention that the HIDEAWAY BEACH COMMUNITY on MARCO ISLAND, FLORIDA is being considered to be part of the Coastal Barrier Resources System. This disturbs me greatly because I own a lot in Hideaway Beach and intend to build a home on it. My ability to obtain a mortgage will be impaired if I cannot obtain Federal Flood Insurance. In addition, the inclusion of Hideaway Beach into the Coastal Barrier Resources System will effectively curtail the full development of the community and will adversely affect property values.

At present Hideaway Beach has a multi-million dollar beach club, a golf course, tennis courts, roads, a sewage system and many homes and it does not appear to me that these are the characteristics of an undeveloped barrier island.

Please delete the inclusion of Hideaway Beach into the Coastal Barrier Resources System. It's a beautiful place and my wife and I want to live there.

Sincerely,

Norman R. Settle

cc to:
Department of Community Affairs
Howard Building
2571 Executive Center Circle East
Tallahassee, Florida 32301

758

DOR, PC., Anesthesiologists

9301 PARK WEST BLVD
KNOXVILLE, TENNESSEE 37923

TURAN OZDIL, M.D.
CECIL D. ROWE, M.D.
ORVILLE J. DUNCAN, M.D.
DOUGLAS Y. SEATON, M.D.
JOHN E. ERPENBACH, M.D.

TELEPHONE
(615) 693 2074

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

Gentlemen:

It has come to my attention that Hideaway Beach on Marco Island is being considered for inclusion in the Coastal Barrier Resources System. As a future resident of Hideaway Beach, I would like to comment in opposition to that proposal. My property is located at Lot 8 Block 13.

If you take a close look at the Hideaway Beach area, I think you will agree that it is not the type of coastal area that should be included in the coastal barrier system. The area has been developed since 1980 and already has many residents. Additionally, there is a Beach Club, a Sports Center, golf course, tennis courts, road and sewage systems and other community infrastructures. In other words, Hideaway is an established community.

I am very concerned that this developemnt would be severely hurt if future residents who own property within the area considered for inclusion could not obtain federal flood insurance and therefore would be unable to obtain mortgage financing. It would appear that many lot owners would be unable to construct homes and, therefore, the value of the property, including those homes which have already been built, will be adversely affected.

I do not see the need for this additional protection for Hideaway Beach since a substantial portion of the Hideaway Beach community is owned by the State and will never be developed for that reason.

The residents and owners of all parts of Hideaway Beach will be hurt by this proposal. Not only will the general economic well-being of the community suffer but I have been led led to believe that future beach renourishment projects may not receive federal funding. Without federal funding, such projects very likely will be abandoned as financially unfeasible. Such a situation would add to environmental problems, not alleviate them.

I hope that you will reconsider your attempt to include Hideaway Beach in the Coastal Barrier Resources System.

Sincerely,

Turan Ozdil, M.D.

1087

BAKER & MCKENZIE
ATTORNEYS AT LAW

815 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20008-4078
TELEPHONE: (202) 392-1800
TELECOPIER: (202) 392-1805
FAX: (202) 392-1898
CABLE: AMBKAD
TELEX: 344444
34430
34427
34424

AMSTERDAM MIAMI
BARCELONA MILAN
BOGOTA NEW YORK
BRUSSELS PARIS
BUENOS AIRES RIO DE JANEIRO
CARACAS ROMA
CHICAGO SAN FRANCISCO
FRANKFURT SAO PAULO
GENEVA SINGAPORE
HONG KONG STUTTGART
LONDON TOKYO
MADRID TORONTO
MEXICO CITY HELSINKI
NEW YORK

June 24, 1987

Coastal Barriers Study Group
Department of the Interior
National Park Service
1100 L Street, N.W.
Room 3319
Washington, D.C. 20005

Dear Sirs:

This letter and the accompanying Exhibits are submitted in support of the comments filed on behalf of Royal Marco Developments ("ROYAL MARCO") by letter dated June 23, 1987, and are hereby made part of that document.

The Exhibits enclosed herewith are as follows:

- A) Three aerial photographs showing the entire development of Hideaway Beach, including the Point.
- B) Aerial photograph showing the golf course and the clubhouse.
- C) Photograph showing the beachfront of the clubhouse.
- D) Five aerial photographs of the Point showing the road leading to that area as well as the land clearing that has taken place already and the extensive development of surrounding areas.
- E) Conceptual Site Plan of the Point indicating the location of the individual units to be built.
- F) Copy of the Customer Master File showing the names and addresses of property owners in the "blocks" that appear to be included in unit FL-63.

BAKER & MCKENZIE

Coastal Barrier Study Group
June 24, 1987
Page 2

- G) Colored map of the Hideaway Beach development showing the approximate boundary of unit FL-63 and indicating the structures already built and those currently under construction.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,

Edward E. Dyson
Edward E. Dyson

cc: Mr. James Reinders
Dennis I Meyer, Esq.
Hon. Robert McClory
Francisco J. Cimadevilla, Esq.

1570



Florida House of Representatives

Mary Ellen Hawkins
Representative, 75th District

Reply to:
755 8th Street South
Naples, FL 33940
(813) 263-0922
224 The Capitol
Tallahassee, FL 32399-1300
(904) 498-4487

Committees
Appropriations
Corrections, Probation & Parole
Health & Rehabilitative Services

June 17, 1987

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

Dear Secretary Hodel:

It has come to my attention that the Coastal Barriers Study Group has recommended a portion of Collier County located on Marco Island (FL-63) be included in the Coastal Barrier Resources System as created by the CBRA.

Further, I understand there is concern on the part of local residents regarding the accuracy of the maps and information on which this recommendation was based.

The Big Marco Pass area is highly developed. The restrictions imposed by the CBRA would be a great hardship on current residents were the area to be included in the system.

On behalf of the many concerned constituents who have contacted me, I am asking you to give careful review to the recommendations of the study group.

Sincerely,

Mary Ellen Hawkins

Mary Ellen Hawkins

MEH:kp

1597



Congress of the United States
House of Representatives

Washington, DC 20515

June 11, 1987

TOM LEWIS
12TH DISTRICT, FLORIDA
ROOM 1214
LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-1742
COMMITTEE ON AGRICULTURE
COMMITTEE ON SCIENCE, SPACE AND
TECHNOLOGY

DISTRICT OFFICE
PALM BEACH COUNTY
2100 PALM BEACH BOULEVARD
SUITE 100
PALM BEACH, FLORIDA 33411
TELEPHONE: (407) 833-1111
FAX: (407) 833-1112

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

Re: Proposed Inclusion of Big Marco Pass, FL
area to Coastal Barrier Resources System

Dear Secretary Hodel:

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 Big Marco Pass area of Florida's west coast, referenced as FL-63 on the Marco Island Quadrangle of Volume 15, Florida (West 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, the Big Marco Pass area (FL-63) 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 areas in question on Marco Island are clearly developed, as current maps and other accurate data will attest. Therefore, I strongly urge the removal of the Big Marco Pass 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
Member of Congress

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M
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C
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LOCAL

Clear Beach

Doctors Pass

Naples

NAPLES AIRPORT

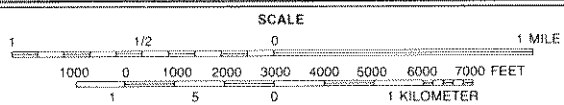
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DEPARTMENT OF THE INTERIOR



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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
NAPLES NORTH
FLORIDA



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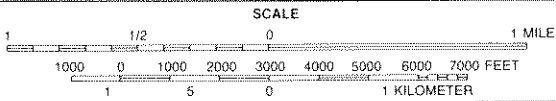
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR
DONALD P. HODEL, SECRETARY



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QUADRANGLE
BONITA SPRINGS
FLORIDA



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



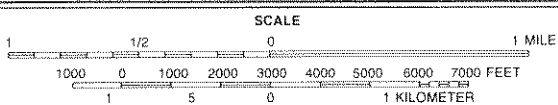
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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
ESTERO
FLORIDA



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Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

QUADRANGLE
FORT MYERS BEACH
FLORIDA



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

FL-67 - BUNCH BEACH

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

Other Comments: Two letters were received from a landowner in this proposed unit. He

supports the addition of his property to the CBRS. His letters are reprinted below.

DOI Recommendation: The DOI recommends adding FL-67 to the CBRS as delineated here.

1393

June 15, 1987

Frank Drinkle, Director
Fish and Wildlife Service
United States Department of Interior
Washington, DC 20240

Re: PWS/CB

Dear Mr. Drinkle:

Thank you for your recent letter in regards to FL-67 Bunch Beach in Fort Myers, Florida. The map was very helpful and I have marked the location of my two homes on the map and have enclosed it for your consideration.

Since I spoke on the phone once with Mr. Frank McGilvery I have sent him a copy of my files.

I support the proposal. I am just pointing out that my property is within the boundaries and putting the department on notice that I am included in the boundaries of FL-67, and have been there since 1977.

Best regards,

Philip C. Hopkins
Philip C. Hopkins
2430 McGregor Blvd. SW
Fort Myers, FL 33901

813-334-2460

1512

April 28, 1987

Coastal Barrier Study Group
U.S. Dept. of Interior
National Park Service #498
P. O. Box 37127
Washington, DC 20013-7127

Re: FL67-Bunch Beach

Hello:

I'm writing in regards to an article in the Fort Myers News Press which spoke about stopping development on the above mentioned beach by not allowing and more flood insurance on certain parcels of land in Lee County, Florida. I'm concerned because I own the only two houses on this stretch of beach and you have gotten my mortgage holders very excited.

My two properties are located about 1/4 of a mile before the Sanibel Causeway and I have enclosed some photos and a map to mark their location. These homes were build in 1977 and 1978.

1. 10-46-23-00-00006-004

2. 10-46-23-00-00006-003

It was apparent from the article that the development at Punta Rassa or the Jimmy Connors Tennis Center was excluded from the possible termination of flood insurance and I was hoping for some of the same assurances that my property would not be changed.

I realize how sensitive my property is to the environment and that is why I purchased it. I felt that no more houses would be allowed in the area and I wanted to preserve the seclusion and privacy that presently exists there now.

Please let me know if I have a problem or if my area would not be included in the areas that you are trying to protect.

Best regards,

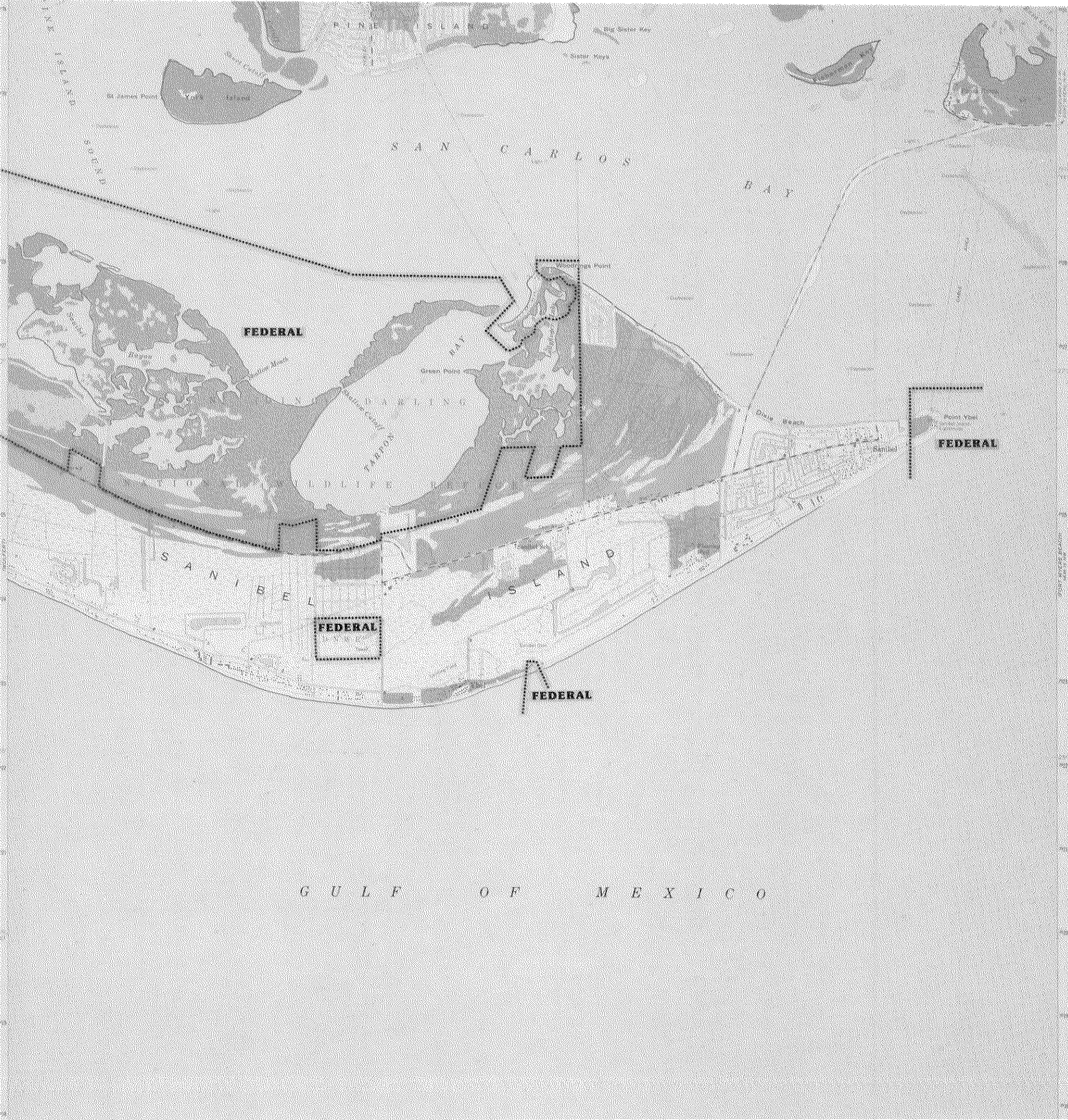


Philip C. Hopkins

2430 McGregor Blvd

Fort Myers, Florida 33901

1-813-334-2460



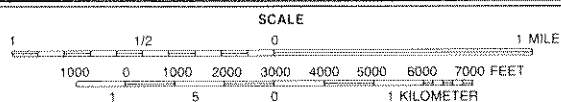
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Report to Congress on the Coastal Barrier Resources System

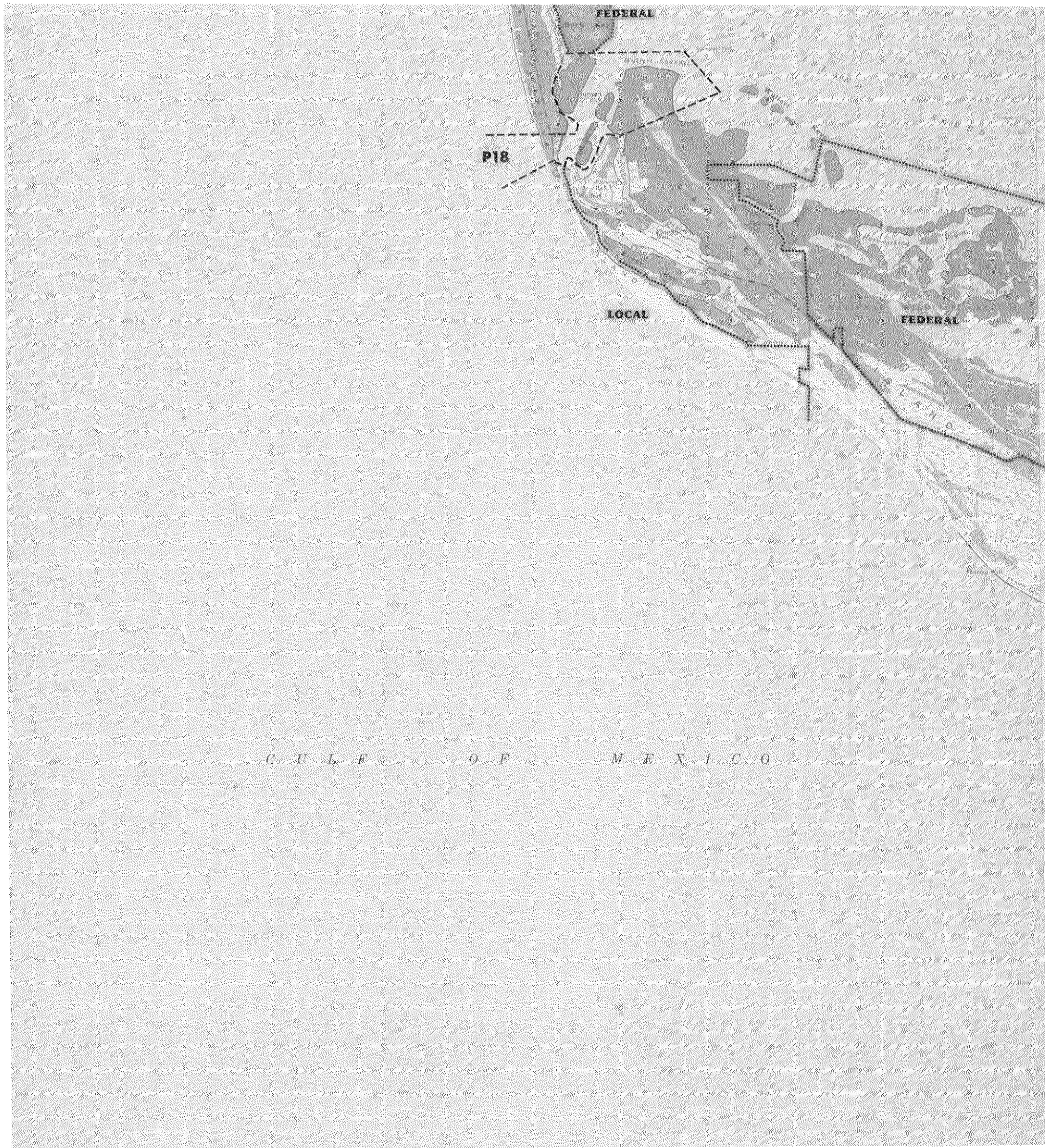
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SANIBEL
FLORIDA



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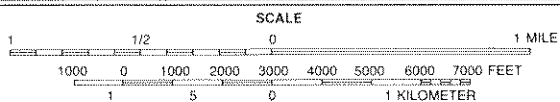
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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
WULFERT
FLORIDA



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

P18 - SANIBEL ISLAND COMPLEX

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

Other Comments: Two letters requesting the deletion of P18 from the CBRS were received. The Sanibel Bayshore Associates argue that their property (Wulfert Woods) was developed in 1982, they have extensive plans in place for future development, and their land is the only remaining developable land on Sanibel Island. The Sanibel and Captiva Island Board of Realtors argue that local land use plans and regulations are sufficient to protect the area and thus it should be deleted from the CBRS. Both letters are reprinted below.

Response: The Congress requested that the DOI review the development status of the Wulfert Woods property as part of its Section 10 Study. The DOI has conducted such a review using both 1982 aerial photographs and site visits in 1985 and 1987. The property was undeveloped in 1982 and remains undeveloped today according to DOI criteria. Planning and local land use regulations are not criteria for deletion or exclusion from the CBRS.

DOI Recommendation: The DOI recommends no change in the boundaries of this existing CBRS unit.

1094

CHAPMAN AND CUTLER

111 West Monroe Street Chicago, Illinois 60603
Telephone 312-445-3000

Frederick J. Chapman
312-445-3000

Robert E. Cutler
312-445-3000

June 22, 1987

Ann Arker
312-445-3000

VIA FEDERAL EXPRESS

The Coastal Barriers Study Group
U. S. Department of the Interior
National Park Service - 498
18th and "C" Streets, N.W.
Washington, D.C. 20013-7127

Re: Coastal Barrier Resources System;
Section 10 Report To Congress;
Proposed Recommendations of The Department of the Interior

Dear Sirs:

We represent John J. Ruth, the Managing Agent of Sanibel Bayshore Associates, an Illinois joint venture which owns approximately 415 acres of land located in the extreme western part of the Island of Sanibel, Florida, commonly known as Wulfert Point, and historically known as the Village of Wulfert. It is and has been our position that this property constitutes over 16% of the developable land on the Island of Sanibel and, from an environmental standpoint, this land has some of the highest and most tolerant land on the island for development. Enclosed please find our previous submission to you dated September 27, 1985 which carries maps of the relevant property as Exhibit "A".

A portion of the property owned by Sanibel Bayshore Associates was designated as a proposed "undeveloped coastal barrier" by the Department of Interior Coastal Barriers Task Force and was so indicated on the draft maps of Proposed Undeveloped Coastal Barriers, pursuant to Part IV of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35, 95 Stat. 357, Aug. 13, 1981) (hereinafter referred to as "OBRA"). In response to the letter of James G. Watt, Secretary of the Interior, dated January 15, 1982, which contained an invitation to affected persons to submit comments on the draft maps and information summaries, we submitted reports dated March 19, 1982, and July 13, 1982, which indicated that such property was not an "undeveloped coastal barrier" as defined by OBRA and provided brief histories of the relevant property which indicated that the relevant property had been developed, inhabited, altered by man and had been and should continue to be covered under the National Flood Insurance Act, as amended. Copies of these previous submissions to the Department of Interior are Exhibits "B" and "C" to the enclosure.

In response to the letter of J. Craig Potter, Assistant Secretary of the Interior, dated February 15, 1985, which contained an invitation to affected persons to submit comments on the draft maps and information summaries referenced in the Coastal Barrier Resources System Draft Report To Congress, dated April 1, 1985, we

The Coastal Barriers Study Group
June 22, 1987
page 2

submitted a lengthy letter containing an extensive and detailed discussion of the history of the relevant property, the development of the property, and an outline of the numerous arguments in support of our view that inclusion of this property in the Coastal Barrier Resources System (hereinafter referred to as "CBRS") is a mistake and is contrary to the language of the OBRA and the Coastal Barrier Resources Act. Accordingly, we argued that the Wulfert Point property had been and should continue to be covered under the National Flood Insurance Act, as amended. A copy of this letter is the enclosure hereto.

On Wednesday, March 25, 1987, the Department of the Interior issued its proposed recommendations for additions to and deletions from the CBRS. 52 Fed. Reg. 9618 (Mar. 25, 1987). Volume 15 of the maps prepared by the Department of the Interior, which illustrates proposed recommendations for additions to or deletions from the CBRS for the Western Coast of Florida, describes the Wulfert Point property, at Map No. 24, Area P-18. As this map indicates that this Department of the Interior is not recommending the deletion of the Wulfert Point property from the CBRS, we are again submitting our comments in an attempt to point out to you the error of including this property within the CBRS.

The conference report on S. 1018, Coastal Barrier Resources Act, 178 Cong. Rec. H8337 (Daily Ed., Oct. 1, 1982) (emphasis added), contains the following statement, by which members of the conference committee indicated that they had been made aware of the possible error which would be made if the Wulfert Point property were included in the CBRS, due to the prior development of the property:

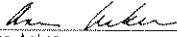
"The Secretary's report will also include recommendations for additions to or deletions from the Coastal Barrier Resources System. While the conferees do not intend that areas developed after the date of the Act should be recommended for deletion for development reasons, they recognized that in a few areas further study may reveal possible errors. In particular, the conferees are aware that there is a dispute regarding the geological composition of Coconut Point, Florida. There is also a dispute regarding the development status of approximately 114 acres of the Wulfert [sic] Woods property on the west end of the Island of Sanibel, Florida. These 114 acres are part of a planned unit development which has been approved in a settlement agreement between the owners of the property and the Sanibel-Captiva Conservation Foundation. Finally, there is a question regarding the conservation status of an area included in the Casey Key, Florida, map. The conferees intend that the Department of the Interior study these areas and report to the appropriate committees as soon as practicable to insure that any errors may be addressed legislatively."

CHAPMAN AND CUTLER
The Coastal Barriers Study Group
June 22, 1987
page 3

To the best of our knowledge, such additional study was not done. We have repeatedly asked to meet with you regarding this matter, but have received no response to these requests or to our previous submissions regarding the inclusion of this property in the CBRIS. Rather than submit another lengthy description of our position, we have enclosed copies of our previous submissions in order that you might once again reconsider the inclusion of this property in the CBRIS. We would once again request that we be given the opportunity to present our position to you personally, and that you carefully consider the advice of Congress and the facts and arguments presented in our previous submissions and recommend that the Wulfert Point property be deleted from the CBRIS.

Very truly yours,

CHAPMAN AND CUTLER

By: 
Ann Acker

Enclosures

1590

SANIBEL & CAPTIVA ISLANDS
BOARD OF REALTORS, INC. 

Chartered 1985

1633 H. Penwinke Way • Sanibel, Florida 33957 • Phone 813 472-9353

June 1, 1987

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

Gentlemen:

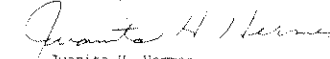
The National Association of REALTORS has provided us with a copy of the proposed recommendations for additions to or deletions from the Coastal Barrier Resources System, Volume 15, Florida (West Coast).

There appears to be only a small portion of lands applicable in our particular area of Sanibel and Captiva Islands (P-18).

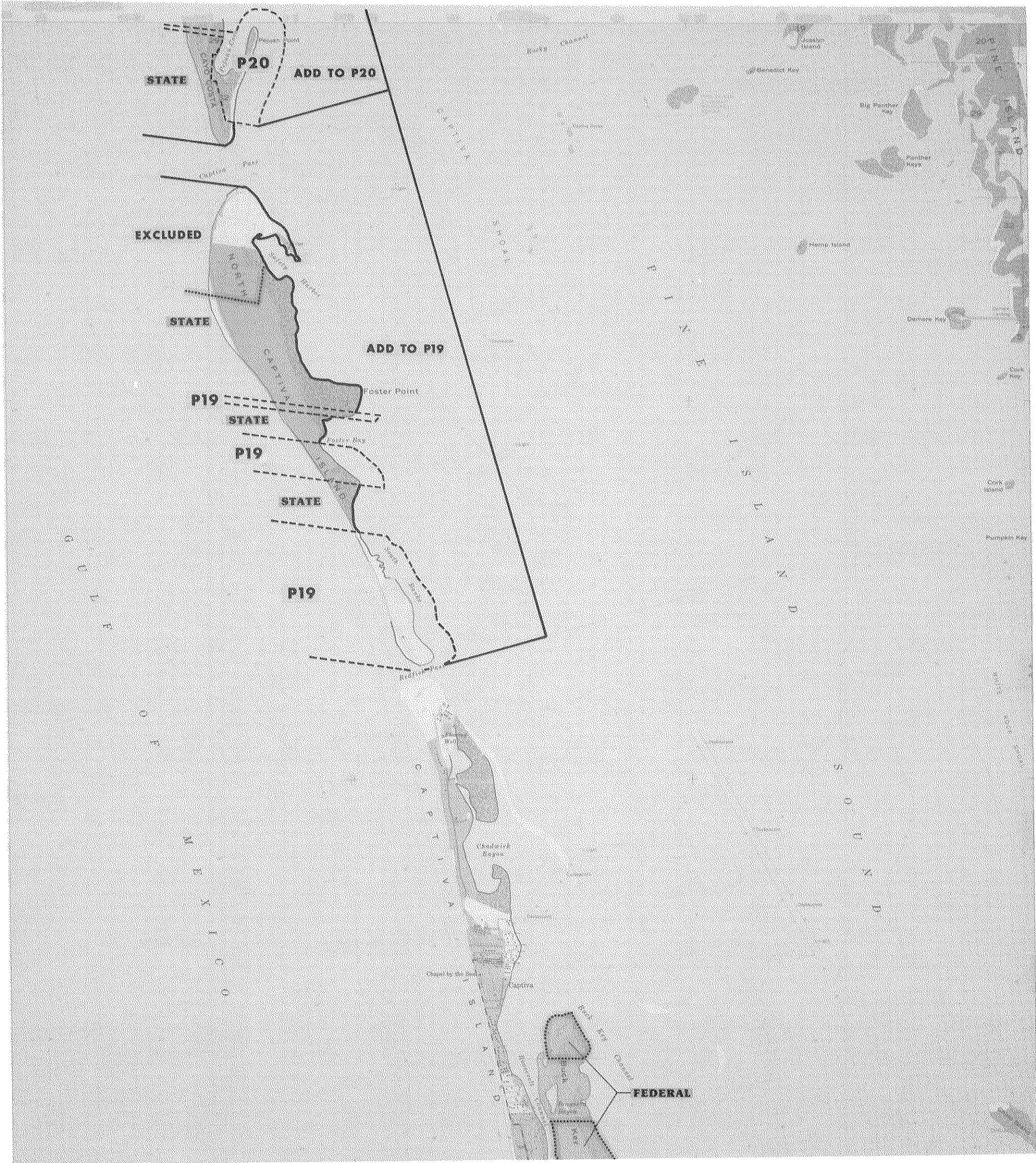
You may already be aware that Sanibel has one of the most comprehensive land use plans in the Country. Many years of extensive research and study went into our land development code which has served as a model for many other cities seeking to control growth and protect environmentally-sensitive lands.

We believe our local government rules and regulations are adequate to protect the areas in question and recommend that these particular areas (P-18) be removed from your Coastal Barrier Resources System inasmuch as any proposed development will be effectively controlled by our local City and/or County.

Sincerely,


Juanita H. Hermes
President

cc: David Weiss
Government Affairs Division
National Assn. of REALTORS
777 14th St. N.W.
Washington, D.C. 20005



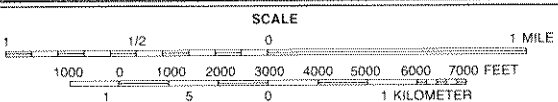
Report to Congress on the Coastal Barrier Resources System

**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

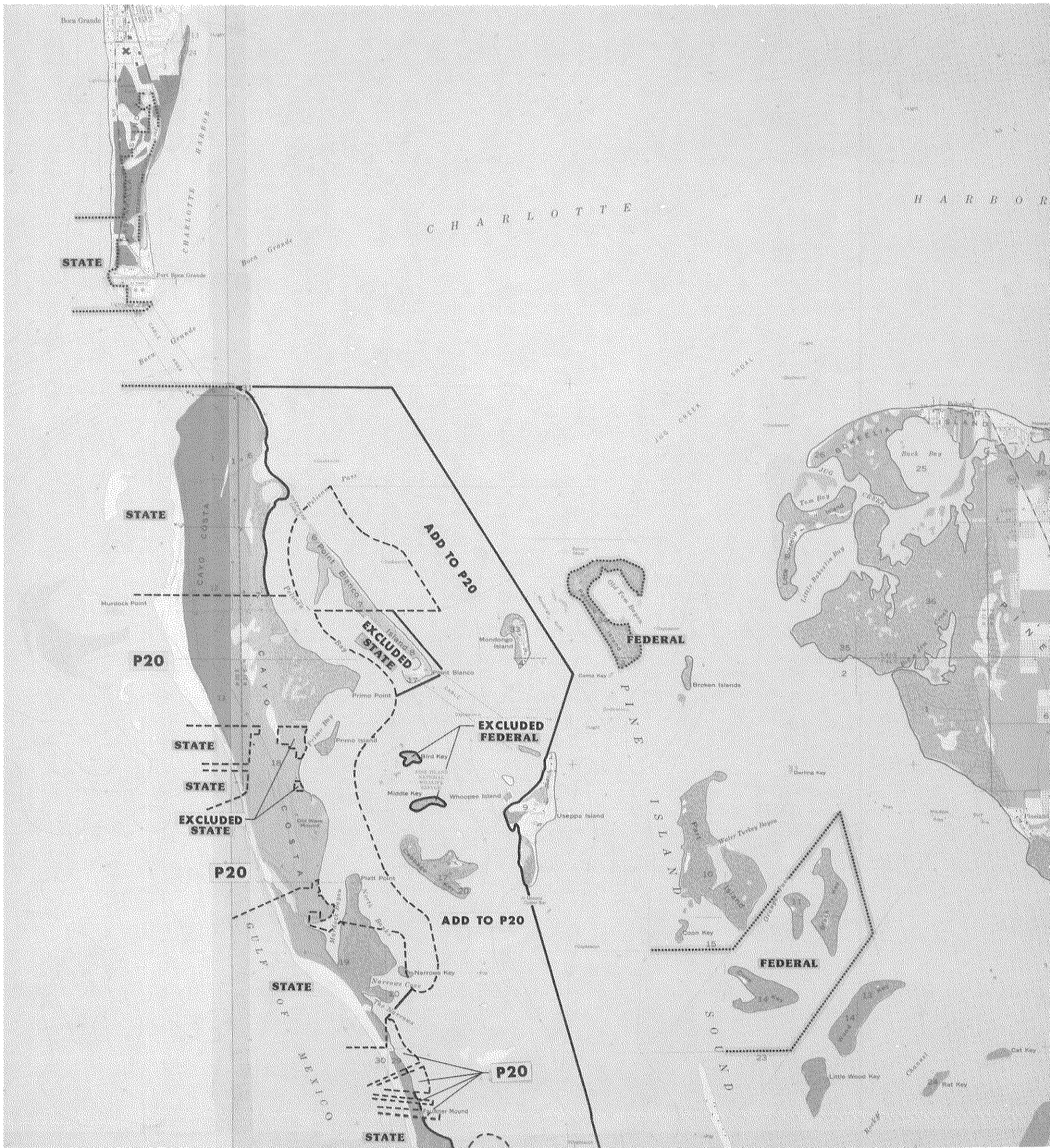
QUADRANGLE
CAPTIVA
FLORIDA



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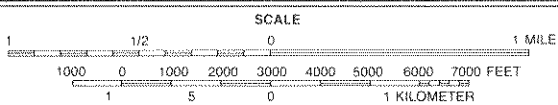
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

QUADRANGLE
BOKEELIA
FLORIDA



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

P19 - NORTH CAPTIVA ISLAND; P20 - CAYO COSTA

State Position: The State of Florida expressed no position on these particular CBRS units.

Response: Portions of Pine Island Sound Charlotte Harbor Aquatic Preserve do qualify as aquatic habitat associated with CBRS units P19 and P20.

Other Comments: Two letters were received requesting that Pine Island Sound and Charlotte Harbor Aquatic Preserves be added to the CBRS. They are reprinted below.

DOI Recommendation: The DOI recommends adding the associated aquatic habitat, including qualified portions of Pine Island Sound and Charlotte Harbor Aquatic Preserves, to existing CBRS units P19 and P20.

1594

June 987

Attention: Jack Brown
Coastal Barrier Studies Group
National Park Service
U.S. Dept. of Interior
Washington, D.C. 20013-7127

Dear Mr. Brown,

It has been called to our attention that the U.S. Interior Service is planning to leave Pine Island Sound and Charlotte Harbor Aquatic Preserve out of the Coastal Barrier Resource System. We are writing to register our unhappiness with this decision. We feel very strongly that this would be a very big mistake.

Although this area is in an aquatic preserve it would not be protected through if developers were eligible for Federal Funds.

This area is one of the areas that should be protected by the Resource System. This whole area is highly developed and beautiful. If you know how much it is appreciated by many people all over Florida and just from

Many other states you would want to do your utmost to protect it. I don't know how to explain it or even what to say to try to convince you of the importance of your decision. I think everyone that knows the area feels it is unique and should have the utmost protection - And if the Federal Government is trying to protect undeveloped coastal areas, this lovely area should be included. Please keep these areas in the Coastal Barrier Resource System.

Sincerely,

Dolene and William Buetler
956 Flagpole Hill
Marion, Ohio 43302

MARY L. SHELLHAMMER
170 HERNANDO AVE N.E.
PORT CHARLOTTE FL 33952

711

Port Charlotte, Florida 33952

JUNE 1, 1987

COASTAL BARRIER STUDIES GROUP
NATIONAL PARK SERVICE
U.S. DEPT. OF INTERIOR
BOX 37127
WASHINGTON, D.C. 20013-7127
ATT. MR. JACK BROWN

DEAR MR. BROWN;

I DO NOT APPROVE OF LEAVING
PINE ISLAND SOUND OUT OF THE
RESOURCES SYSTEM.

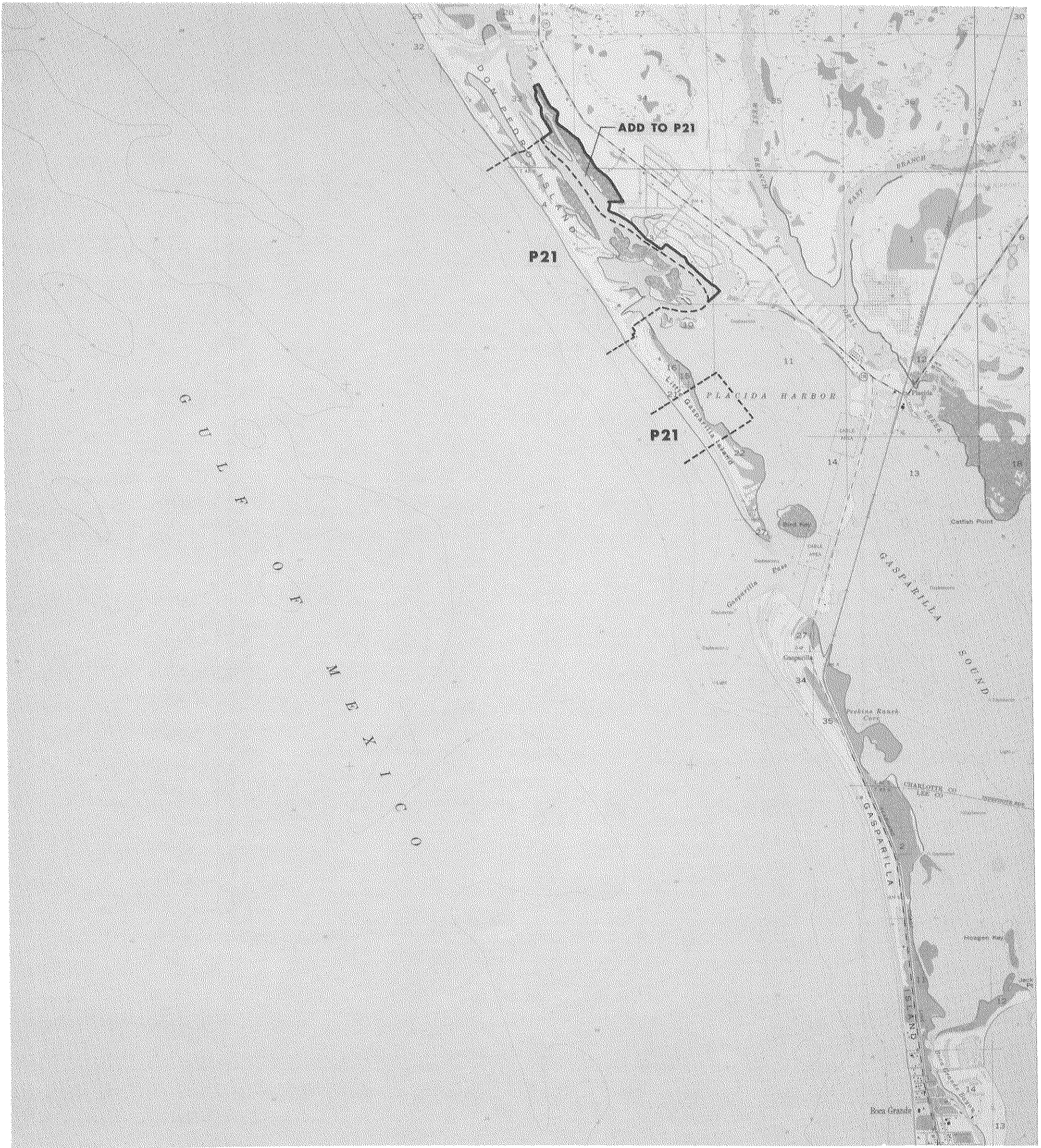
WE SETTLED HERE BECAUSE
OF ITS SLOWER PACE AND UNSPOILED
NATURAL BEAUTY. PLEASE KEEP WEST
FLORIDA FREE FROM THE CEMENT
NECKLACE SYNDROME.

LOCAL GOVERNMENTS AND DEV-
ELOPERS ARE DOING ENOUGH HARM TO
THE LOVELY BEACHES. LET'S NOT DESTROY
"FLORIDA" COMPLETELY.

RESPECTFULLY YOURS,

Mary L. Shellhammer

UTER REG. NO. 0522857 CHARLOTTE CO. SINCE 3/8/78



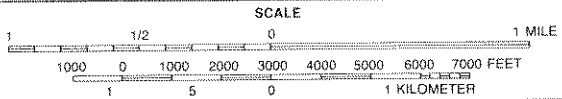
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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U.S. Department of the Interior
Washington, D.C. 20240

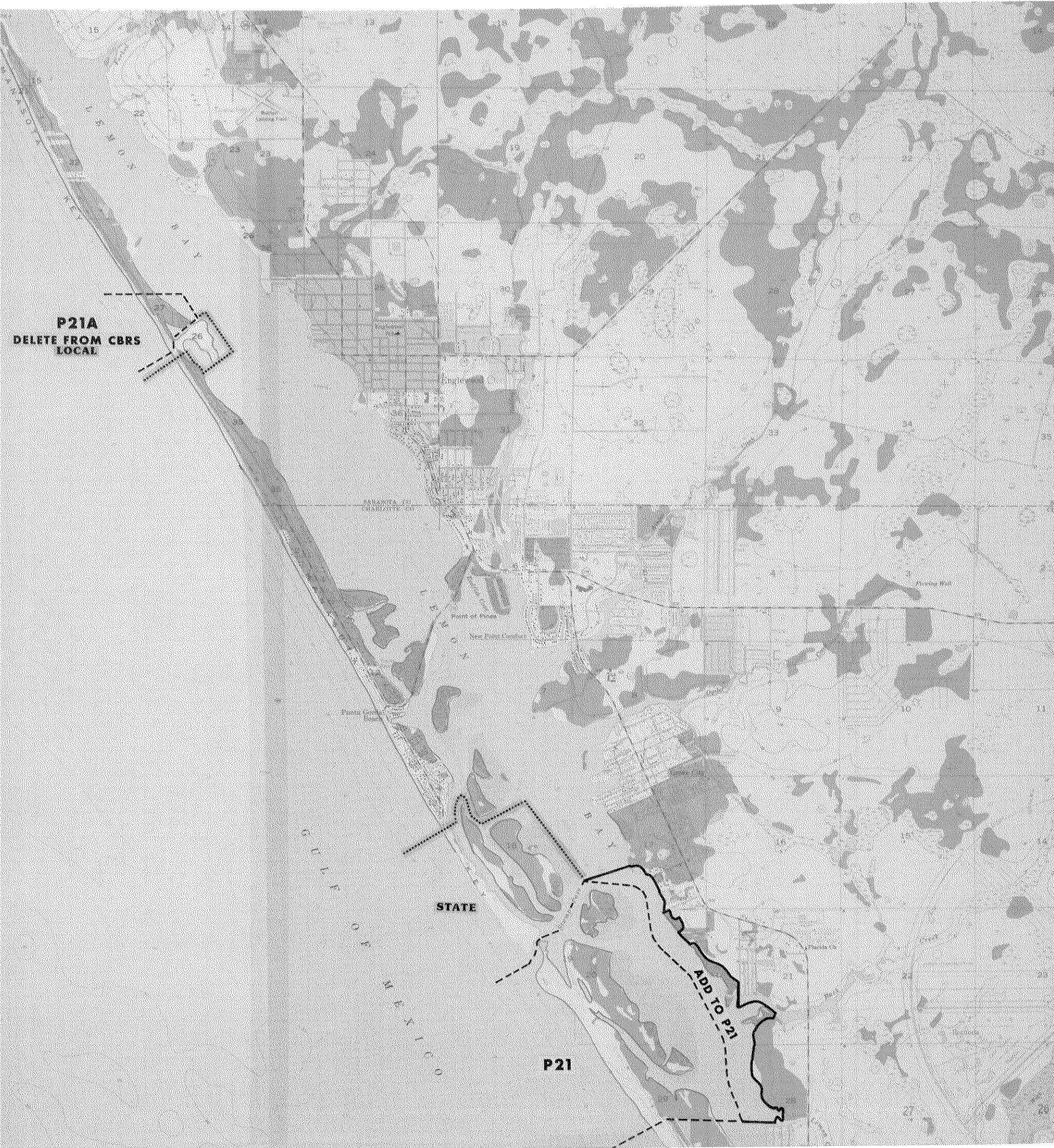
QUADRANGLE
PLACIDA
FLORIDA



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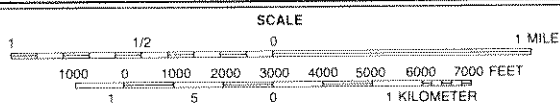
UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
ENGLEWOOD
FLORIDA



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

P21 - BOCILLA ISLAND

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

Other Comments: One letter was received arguing that P21 was mistakenly identified as an undeveloped coastal barrier in 1982 and should be deleted from the CBRS. It is reprinted below. Four letters of support for the addition of associated aquatic habitat to P21 were also received. Two letters representative of these four are reprinted under P21A (letters number 750 and 977).

Response: The DOI has carefully reviewed the status of P21 using both 1982 aerial photographs and site visits and determined that it was undeveloped in 1982 and fully qualified for addition to the CBRS under DOI criteria.

DOI Recommendation: The DOI does not recommend any deletions from the existing CBRS unit. Furthermore, the DOI recommends adding the associated aquatic habitat to the CBRS unit as delineated here.

Scott/Permar/Ravenel

1092

June 19, 1987

Mr. Frank McGilvrey
Coastal Barrier Coordinator
U.S. Fish & Wildlife
Room 400
1375 K Street, NW
Washington, DC 20005

Re: P21 Coastal Barrier Unit - Portions of Bocilla Island.

Dear Frank:

I am writing on behalf of Gar and Dean Beckstead, the owners and developers of property within the P21 coastal barrier unit.

As you may recall, detailed comments on the applicability of the Department of the Interior's (DOI's) report entitled, Undeveloped Coastal Barriers: Definitions and Delineation Criteria (January, 1982) (hereafter Definitions and Delineation Criteria) were submitted to DOI in March of 1982 (summary section attached hereto as Exhibit A).

I believe that these March, 1982 comments presented a very strong case that the subject property did not qualify as an "undeveloped coastal barrier," as defined in the Definitions and Delineation Criteria. However, when compared to other units being evaluated by DOI, the situation at the P21 unit was somewhat complex (see Exhibit A for detail).

As a result, the unit remained on DOI's "proposed" maps during its designation process being conducted in response to the Omnibus Budget Reconciliation Act of 1981 (OBRA). Since Congress used these maps as the basis for its designations in the Coastal Barrier Resources Act (CBRA), the unit was also included in CBRA even though DOI had not completed its technical evaluation.

In my opinion, the unit would have been either deleted from DOI's final designations (developed for OBRA) or would have had its boundaries revised after the completion of DOI's final technical review.

As you know, Congress has asked DOI to report to Congress on the Coastal Barrier Resources System (CBRS) and to make comments relating to technical adjustments, boundary modifications, additions to, and deletions from CBRS. We feel

Scott Permar/Ravenel Inc.
One Beachclacker Office Park - Kureab Island, South Carolina 29551 - 803/768-0992

Mr. Frank McGilvrey
June 19, 1987

Page 2

that this is the appropriate time for DOI to complete the technical review that it started in 1982 and we would like to request a site visit by appropriate DOI officials. We would also like to review the detail of the 1982 comments with you and other DOI officials during your visit to the site.

I have attached hereto correspondence of January 9, 1986 (Exhibit B) wherein this matter was discussed in comments during a previous comment period on DOI's Draft Report to Congress. Also attached is a summary of the current development status of the subject property and a current aerial photograph (see Exhibit C).

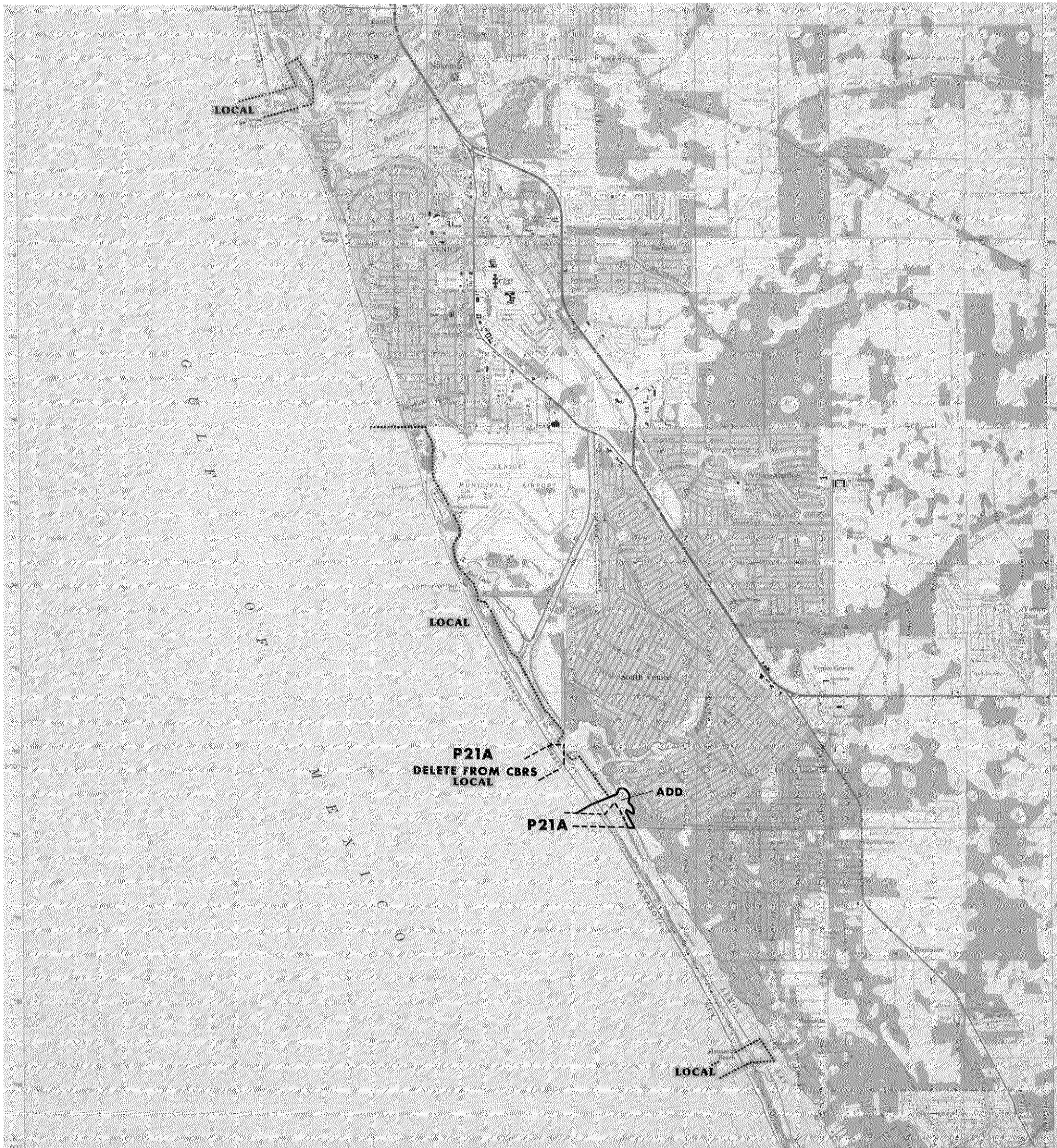
I look forward to discussing this matter with you further.

Sincerely,


James M. Scott

cc: Gar and Dean Beckstead
Senator Chiles
Congressman Connie Mack

inhc:doi
61:170.1



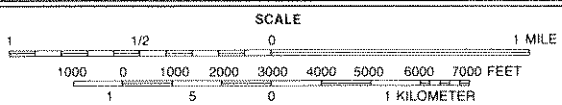
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

QUADRANGLE
VENICE
FLORIDA



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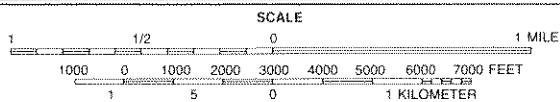
UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
BIRD KEYS
FLORIDA



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P21A - MANASOTA KEY; P22 - CASEY KEY

State Position: The State of Florida expressed no position on these particular CBRS units.

Other Comments: Five comment letters supporting additions to P21A and P22 were received. Two representative letters are reprinted below.

DOI Recommendation: The DOI recommends adding the associated aquatic habitat to existing CBRS units P21A and P22 as delineated here. The DOI also recommends deleting the locally protected segments in P21A from the CBRS.

750

June 9, 1987

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

Dear Sir/Madam:

This purpose of this letter is to comment upon the draft report and recommendations to Congress pursuant to Section 13 of the Coastal Barrier Resources Act.

I have reviewed volumes 14 and 15 of the CBRA. Please record me in support of the additions to the Coastal Barrier Resources System. Particularly, I would like to offer my support to the following: Unit ID Code #P21 (Bocilla Island), P21-A (Manasota Key), P22 (Casey Key), and P23 (Longboat Key).

My concerns center around certain deletions or no further actions as reflected by volumes 14 and 15, particularly in those areas where sections are proposed to be deleted because of private and state protection. I fail to see how any harm would result in overlapping jurisdictions such that state and federal or federal and private protection is afforded the same area. I would therefore suggest areas be included which heretofore have been protected by state or private action.

Thank you for your opportunity to review the draft report to congress.

Sincerely,

David P. Persson

CC: Manley Fuller, Executive Vice President
Florida Wildlife Federation

977

6/18/87

2649 FT. Worth ST
Sarasota FL ~~33584~~
34231

Dear Study Group Members:

I urge you not to delete "otherwise protected" areas from CBRA as some of these areas may not actually be protected. Also I support the addition of the following areas:

- P21A Manasota Key
- P22 Casey Key
- P23 Longboat Key
- FL 78 Rattlesnake Key
- FL 82 Bishop Harbor

Thank you for your consideration



Mary Heminger



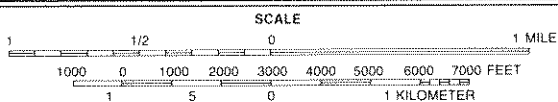
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DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

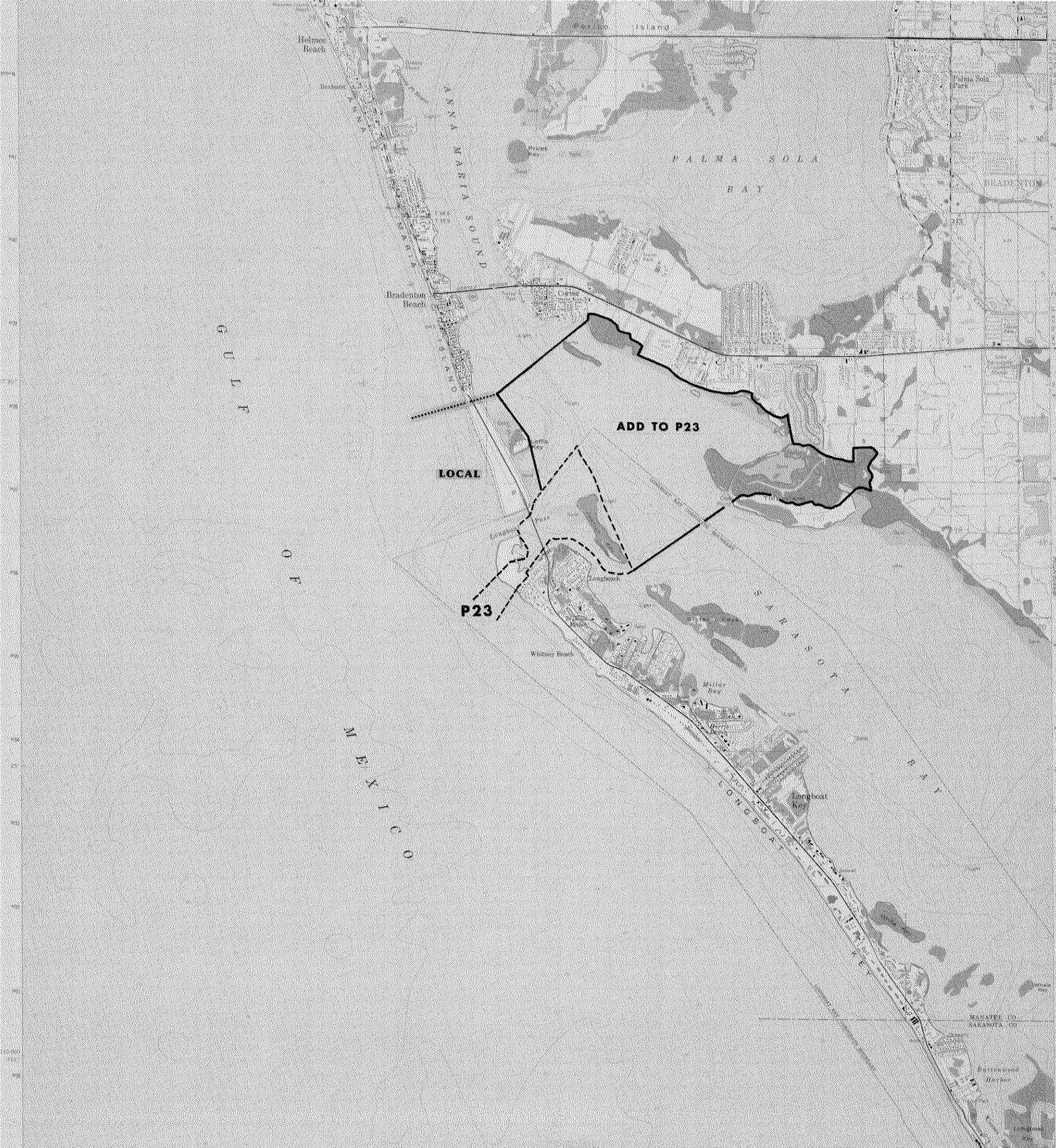
QUADRANGLE
SARASOTA
FLORIDA



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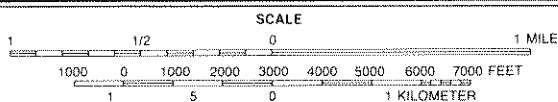
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
BRADENTON BEACH
FLORIDA



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P23 - LONGBOAT KEY

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

Other Comments: Eight letters supporting the addition of associated aquatic habitat to P23 were received. One letter, from the Town of Longboat Key, also suggested that an additional parcel of land within the town limits, near New Pass, might qualify for addition to the CBRS. Two letters are reprinted below; two letters representative of the other six appear under CBRS unit P21A (letters number 750 and 977).

Response: According to DOI criteria, a CBRS unit must include a minimum of 0.25 mi of ocean shoreline and a continuous cross section of barrier from the ocean to the sound side. The DOI has carefully examined the area suggested by the Town, and cannot find a large enough parcel that would run across the island from the Gulf of Mexico to the sound.

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



TOWN OF
LONGBOAT KEY

1433

40 Bay View Drive
Longboat Key, Florida 34294
(813) 487-1111

June 23, 1987

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

RE: Proposed Recommendations to The Coastal Barrier Resources System

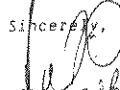
Dear Sirs:

In response to your request for comments concerning the above referenced subject, the Town would like to propose that an additional piece of property, within the Town of Longboat Key, be added to the system. At this time the Town would like to propose that the only remaining vacant parcel on New Pass within the Town's limits, west of the New Pass Bridge, (i.e., the property is known as Lighthouse Point) be added to the coastal barrier resources system. The Town would like for the Secretary to include this parcel of land in his recommendations to Congress to amend the Coastal Barrier Resources Act. Based upon information acquired by the Town, the property appears to meet the Department's qualifications for being added to the list.

The 13 acre piece of property is situated on the northwest portion of New Pass, along the southern boundary of Longboat Key. The property is presently in private ownership and slated for multifamily development.

If you have any questions concerning this matter, please feel free to contact either Mark L. Gumula, the Town's Planning Director, or myself concerning this issue. We urge your support in this matter and we appreciate this opportunity to comment. Thank you very much.

Sincerely,


Albert T. Cox, Jr.
Town Manager

ATC/as

cc: Mayor Fernald
Mark L. Gumula
Claudia Shambaugh, Dept. of Community Affairs

918

3120 38th Avenue East
Bradenton, FL 34208
June 16, 1987

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

Dear Study Group:

Thank you for this opportunity to comment on CBRS. The executive Summary of the Draft Report to Congress was a very readable and informative document.

I am concerned that in addition to Federal agencies being aware of CBRS requirements there would be a need for local planning departments to know which areas are under CBRS and its implications. pp.19-20

I heartily support a study to develop alternative guidelines on which to base decisions concerning redevelopment of coastal barriers following major storms or hurricanes. P.23 This is a crucial item for long range protection of people, habitat and the burden on Federal flood insurance.

As a resident of Manatee County, Florida, I am particularly pleased to see the mangrove shoreline of Lady Island and Cortez added to CBRS.

FL - 78 Rattlesnake Key says "delete federally (NPS) protected area. Add balance to CBRS" the submerged lands are an Aquatic Preserve by Florida State Designation. The mangrove fringe bordering the Preserve is open to development. The mangrove islands and mainland with the associated salt flats need CBRS designation.

FL -77 and FL - 79 Manatee Beach and Anna Maria Key referred on '85's maps to the County beach recreation areas (C). If they should ever leave public ownership, they need to automatically come under CBRS. I remember when the beach at the foot of Cortez road was wide and the houses there were not crowded. Now the water laps up to the rip rap that probably will not protect the road when a major hurricane hits.

CBRS p. 2

FL - 82 Bishop Harbor is in Manatee County. I have canoed Bishop Harbor, Rattlesnake Key, and Jewfish Key areas. They are all lovely and the first two in very pristine shape. The January 1987 arials at the county assessors show that they are about as undeveloped as in '85. The county commissioners turned down two rather intense developments last year. One was averaging in acres of submerged land to request multi-family units in Joe Bay.

There is a county advisory meeting currently to work out the logistics of acquiring the mangrove and salt flats on Perico Bayou (which is between P 23 and FL -78 and is a very productive marine habitat) and Emerson Point on Snead's Island. It will mean a bond issue and the voters would have to approve the purchases. Residents here would like to preserve these for passive recreation and for their wildlife and beauty values.

The White Key Complex is currently owned by the City of Longboat Key and is zoned open space. If at a future time it leaves this protected status it should automatically be listed in CBRS.

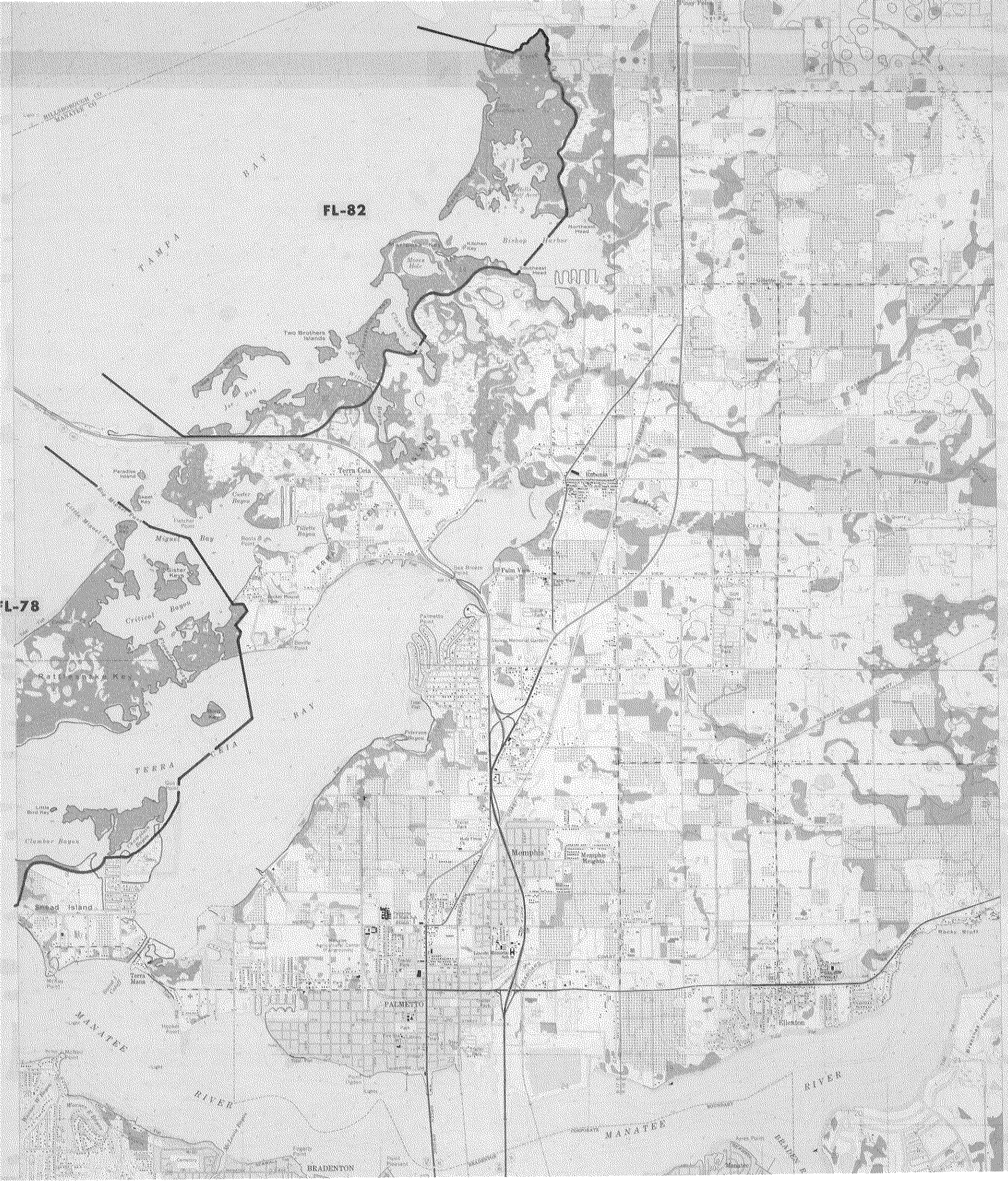
The Terra Ceia Bay and Sarasota Bay-Anna Maria Sound are Outstanding Florida Waters (OFW). This means that the Department of Regulations (DOR) cannot grant permits for NEW activities that will degrade the water quality of an OFW. The quality of the water for the two years preceding the designation is the criteria that new developments must meet. An OFW designation does not prohibit development so inclusion in CBRS is needed.

I support the inclusion of all the proposed sites for Manatee County and would like the protected ones listed to become automatic members of CBRS should they lose their current protected status.

I suggest that local planning departments be informed of CBRS and its requirements. I feel that a way of keeping tabs on the Federal Programs and their compliance is needed. The proposed study group for rebuilding past a major storm event needs priority funding and deadlines.

Thank you for considering these comments. If I can be of any service to you, please call on me. (813) 746-6563

Sincerely,
Mary E. Sheppard
Mary Sheppard



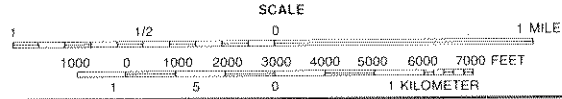
Report to Congress on the Coastal Barrier Resources System

**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
PALMETTO
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.

FL-78 - RATTLESNAKE KEY

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

Other Comments: The Department received 21 other comment letters concerning FL-78; eight of these supported the addition of FL-78 to the CBRS and 13 opposed it. Those opposed were specifically concerned about the Snead Island portion of the proposed unit. The major arguments these commenters presented include (1) Snead Island does not qualify as a coastal barrier because it fronts on the Manatee River and has a stable shoreline, (2) portions of Snead Island are developed, and (3) portions of the island should be considered otherwise protected because the county has approved a bond issue to purchase land for a nature preserve and because a comprehensive plan and zoning regulations exist for the island.

Representative letters of support are reprinted under FL-82 (letters number 1063 and 1324) and in the General Comment Letters section (letter number 1289). Letters of opposition are reprinted below.

Response: The comment letters concerning FL-78 indicate general confusion about where the barrier feature itself is located. The

FL-78 barrier is the sand shoal and fringing mangroves that front Snead Island and Rattlesnake Key on Tampa Bay; it is not that portion of Snead Island fronting the Manatee River. The FL-78 barrier protects the wetlands of Terra Ceia Bay, Snead Island, and Rattlesnake Key from wind, waves, and tides originating in Tampa Bay. It is a fully qualified secondary barrier under DOI criteria. Although DOI describes secondary barriers as generally more ephemeral than primary coastal barriers, shoreline stability is not a criterion for exclusion from the CBRS.

The DOI has carefully examined FL-78 and redelineated portions of the proposed unit to exclude the development at Emerson Point and Champlain Bayou. If Manatee County acquires land on Snead Island and establishes a nature preserve that meets the legal definition of otherwise protected, under DOI recommendations, it would be automatically excluded from the CBRS. Zoning regulations and comprehensive planning do not qualify an area as otherwise protected.

DOI Recommendation: The DOI recommends adding FL-78 to the CBRS as delineated here to exclude all developed areas.

1641

September 9, 1987

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

Dear Mr. McGilvrey:

This letter is to protest the inclusion of portions of Snead's Island, Manatee County, Florida, in the Coastal Barriers Resource Proposal, which will be presented to the U.S. Congress for action soon.

I have owned a lot on Snead's Island since 1952, which my wife and I plan to use for a retirement home. Snead's Island is not an undeveloped parcel, but a neighborhood community of single family homes interspersed with some fishing and agricultural activities. Much of it is a development called Gulf & Bay Estates, which was started in 1950.

I cannot see what purpose will be served in designating my one acre family lot as a Coastal Barrier. Please advise on any course of action I may have in protecting my long-awaited and reasonable use of my land. I appreciate your assistance in this matter.

Although I realize that the public comment portion of the proposal is technically closed, please be advised that we were never notified of any hearings in this area. This matter regarding my land came to my attention last week.

Again thank you for any help you may be able to give.

Very truly yours,

Henry F. Glass

Henry F. Glass
373 Lantana Avenue
Sarasota, FL 34243

Telephone 813/355-5105

1690

GREGORY L. MORRIS, Ph.D.
HYDROLOGICAL & ENVIRONMENTAL ENGINEERING

BOX 5635
SAN JUAN
PUERTO RICO 00905-5635
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(809) 723-8005

December 23, 1987

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

Gentlemen:

I am writing concerning the proposal to include portions of Snead Island in the Coastal Barrier Resources System. Snead Island is located at the mouth of the Manatee River, in the southern portion of Tampa Bay, Florida, as shown in the attached map.

I am writing as a property-owner affected by the agency's proposed rule. However, as a professional well acquainted with the technical issues involved, I cannot satisfy myself that by including Snead Island in the Coastal Barrier Resources System your agency has complied with the definitions that were established as criteria for inclusion of lands into this system. Rather, it appears that Snead Island is being included based on an arbitrary decision which does not proceed from either the agency's stated eligibility criteria or the spirit of the Coastal Barrier Resources Act.

By this letter I wish to: (1) explain why Snead Island does not meet eligibility criteria for the Coastal Barrier Resources System, (2) request that Snead Island be removed from consideration for inclusion in the System, and (3) request a response from the responsible official concerning this request.

All shorelines (ocean, estuary, river, lake, etc.) are "subjected to wave, tidal and wind energies," as included in the definition of "undeveloped coastal barriers" in Section 3 of the Act. However, the Act is quite clear in specifying that the distinguishing feature of coastal barriers is their instability. They are subjected to wave, tidal and wind energies so large that they result in unstable shorelines, or land areas that are subject to storm swash at regular intervals which threaten manmade structures. This is quite clear in reading Section 2(a)(3) of the Act:

"Coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures."

This concept has been accurately reflected in the discussion of coastal barriers in the Executive Summary¹:

"Coastal barriers in their natural state exist in a state of dynamic equilibrium as they constantly respond to the varying assaults of wind and water. Sand is shared between offshore sand bars, the barrier beach, the dunes, and, over the long term, the entire land mass of the barrier. As sand is eroded from one part of the barrier it is deposited somewhere else. During storms, the barrier retreats from the direct attack of the ocean through the overwash process. Large storm waves push through the dunes and sometimes across entire islands, depositing fans of sediment behind the dunes or in the soundside marshes... 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." (p4)

Snead island is NOT "a difficult place for people to live". In fact, its stability was such that it was the site of a large Indian settlement centuries prior to the arrival of the Spanish in the early 1500s. The Indian shell mounds remain present today, and the main mound is located and named on the attached map showing the proposed limit of the coastal barrier. At your request I can provide an aerial photo, 50 years old, clearly showing that Snead Island had the same shoreline then as it does today. (The island was used primarily for agricultural purposes then.)

Instead of being an unstable island, many centuries of human settlement, plus a long history of agricultural use, attest to the stability of Snead Island and the absence of overwash by salt water.

Snead Island is not a Secondary Barrier, as defined in the Executive Summary:

1 U.S. Dept. of Interior. "Report to Congress: Coastal Barrier Resources System, Executive Summary". March 1987.

"Secondary barriers are located in large, well-defined embayments (e.g. Narragansett Bay, Chesapeake Bay). They are maintained primarily by internally generated wind, waves and tidal currents rather than open ocean waves. Consequently, they are generally smaller and more ephemeral than barriers along the coast of the Atlantic Ocean or Gulf of Mexico." (p 9)

Snead Island is not "maintained primarily by internally generated wind, waves and tidal currents." Also, as explained previously with respect to the stable shoreline configuration and many centuries of human habitation, Snead Island is not "ephemeral".

Snead Island does not qualify for inclusion because it has "fringing mangroves."

"Fringing mangroves with associated coral reef systems are considered as coastal barriers in tropical and subtropical areas because the protection afforded the associated aquatic habitat and mainland are comparable to that of coastal barriers that contain a linear or curvilinear beach." (Executive Summary, p9)

Snead Island also does not contain "fringing mangroves with associated coral reefs": it has no coral reef. (The combination of coral reef and mangrove occurs most commonly in the Florida Keys and the Caribbean, but only when wave energies are relatively low. When wave energies are characteristically high you typically see reef and beach, not reef and mangrove).

The presence of fringing mangroves clearly indicates that Snead Island IS NOT an unstable island subjected to high wind and wave energies. It is well known that mangroves are adapted to LOW-ENERGY shorelines: mangroves do not tolerate high levels of wave energy.

The conservation objectives of the Act refer to aquatic habitats associated with coastal barriers, not to ALL shorelines which are fringed with mangroves but which otherwise would not be eligible for consideration as a coastal barrier because they do not meet the criteria of instability. Some coastal barrier islands have mangroves, but these islands are also subject to wave action and have high-energy beaches created by waves from the Atlantic Ocean or the Gulf of Mexico. Typically these islands have beach on the high energy side of the island and mangrove on the low energy side (I have seen old residual mangroves on a few relatively high

energy Gulf island beaches, but this is because the beach has eroded to where the mangroves are; mangroves seedlings cannot establish themselves in this environment.) Snead Island is not such a barrier island: it is ENTIRELY SURROUNDED by mangroves.

Finally, I would like to note that mangroves and their associated tidal flats and seagrass beds are already protected by Florida Law and Regulation, which does not prohibit development of upland areas behind the mangroves, as long as this development is not detrimental to the mangrove and associated nearshore environment.

However, the proposed Coastal Barriers designation moves far beyond conservation of mangroves to discourage the utilization on upland areas, regardless of whether or not this has any impact on the mangroves and associated aquatic habitat. Thus, to include in the Coastal Barrier Resources System the fringing mangroves PLUS ADJACENT UPLAND AREAS, clearly violates both the letter and the spirit of the Act unless the upland area exhibits characteristics of a coastal barrier.

For the aforementioned reasons, the inclusion of Snead Island within the Coastal Barrier Resources System appears to be inconsistent with the intent of the Act and the definitions of coastal barriers. While agreeing with the need to protect mangrove and associated aquatic habitat, I vigorously protest the agency's proposal to include upland areas inland of fringing mangroves in the Coastal Barrier Resources System when the fundamental coastal barrier criteria are not met.

I request the removal of Snead Island from consideration for inclusion in the Coastal Barrier Resources System, and would appreciate your earliest possible response to this letter stating the technical basis for the proposed inclusion of Snead Island in the System. Thank you.

Sincerely,


Gregory L. Morris

cc: Carol Browner, Senator Lawton Chiles' Office
Sue Sendenbach, Senator Bob Graham's Office

1703

BOX 5635
SAN JUAN
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U.S.A.

GREGORY L. MORRIS, PH.D.
HYDROLOGY & ENVIRONMENTAL ENGINEERING

(809) 723-8005

February 5, 1988

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

Re: Snead Island, Tampa Bay, Florida
Coastal Barrier Designation

Dear Mr. McGilvrey:

In response to my December 23 letter to the Coastal Barriers Study Group, I received a kind reply from Mr. Juergen Reinhardt of the USGS stating that Snead Island is a Secondary Barrier. His letter also noted that I was not clear on the criteria used to define a Secondary Barrier:

"You are mistaken in using instability as a qualifying criteria for a coastal barrier. The protection of a landward aquatic habitat, along with the generally unconsolidated composition and buffering of coastal energies, are the qualifying criteria."

Unhappily, this "clarification" leaves me somewhat confused, since it appears to be at odds with the definition of a Secondary Barrier presented in the Executive Summary submitted to Congress.

"Secondary barriers... are maintained primarily by internally generated wind, waves and tidal currents rather than open ocean waves. Consequently, they are generally smaller and more ephemeral than barriers along the coast of the Atlantic Ocean or Gulf of Mexico." (p 9, Executive Summary).

Mr. Frank McGilvrey
2/5/1988

Page 1

Does this mean that the Study Group is reporting to Congress and the public that one definition is being used, while a different definition is being used in practice?

If we accept the "landward aquatic habitat" criteria cited by Mr. Reinhardt, I still do not understand why UPLAND areas of Snead Island are proposed for inclusion as a Secondary Barrier. Aquatic habitats do not extend inland from the fringe mangroves surrounding Snead Island. Rather, inland of the fringing mangroves in an upland area which has a history of agricultural use and has agricultural zoning. I can see no justification whatsoever for extending the Secondary Barrier designation inland to include these upland areas which are: (a) not ephemeral, (b) not aquatic habitat, (c) not influenced by salt water, (d) have a centuries-long history of human habitation, (e) have a long history of farming, and (f) are inland of a stable, low-energy shoreline which is not shaped by storm swash.

- 1) Please also send me the definitions which are being used by the Study Group to define Secondary barriers.

Mr. Reinhardt's letter also mentioned research performed by Dr. Richard A. Davis of the University of South Florida concerning the definition of Secondary Barriers in Tampa Bay. Please also send me a copy of these studies, or provide a reference to the same, so that I may order a copy from the Interior Department, NTIS, the University or other source.

- 2) Please explain the technical basis for proposing inclusion of Snead Island as a part of the Coastal Barrier Resources System.
- 3) Please notify me of any future hearings on this issue and add me to the mailing list of persons to receive publications or reports prepared with respect to the Coastal Barriers Resources System. (I was not informed of the May, 1987, meeting mentioned in the Mr. Reinhardt's letter, and notice of such a meeting was not published in the Manatee County newspaper, even though Snead Island is in Manatee County.)

1713

GREGORY L. MORRIS, Ph.D.
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BOX 5635
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March 11, 1988

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

Re: Comments on Coastal Barrier Resources System (CBRS)
Snead Island, Manatee County, Florida (FL-78)

Dear Sir:

I am a property-owner affected by the agency's proposed inclusion of Snead Island in the CBRS.

When the Department of Interior prepared its April 1985 "Draft Report to Congress on the Coastal Barrier Resources System as Requested by Section 10, PL 9748, Coastal Barrier Resource Act of 1982", Snead Island was not proposed for inclusion into the system.

During 1987 portions of Snead Island have been proposed for inclusion. This proposed inclusion was not advertised in any Manatee County newspaper nor were affected property owners notified, thereby very effectively excluding us from participation at the public meetings held in the Florida in May of 1987 to discuss this matter. Accordingly, having been effectively denied the opportunity to participate in any public forum, this letter contains my comments relating to the same.

Snead Island has been incorrectly proposed for inclusion into the Coastal Barrier Resources System.

- The proposed CBRS delimitation includes areas that are not aquatic habitat, but rather are uplands having a long history of farming. (The enclosed air photo shows that much of the area proposed for inclusion in the CBRS is agricultural quality upland, which is not clear from the USGS topographic maps).

Mr. Frank McGilvrey
2/5/1988

Page 3

I appreciate the prompt and thoughtful reply to my previous letter and look forward to receiving your response to the items mentioned above.

Sincerely,

Gregory L. Morris
Gregory L. Morris

cc: Mr. Juergen Reinhardt

Mr. Frank McGilvrey
3/11/1988

Page 2

- The aquatic habitat (mangroves and nearshore waters) which fringe Snead Island are already strictly protected by State of Florida laws and regulations and as such does not warrant inclusion in the CBRS. Coastal Barrier status will not increase the level of protection already afforded.

- On the elections of March 8, 1988, the citizens of Manatee County passed a bond issue for the purchase of undeveloped portions of Snead Island. This purchase will afford an even higher level of protection than CBRS designation and clearly indicates the county's active interest in preserving the associated aquatic habitat.

- There are other areas in Manatee County similar to Snead Island that have not been proposed for inclusion in the CBRS, indicating that a consistent set of standards have not been applied.

- The proposed boundary includes river shoreline, rather than the shoreline of a large embayment or coastal lagoon as specifically stated in the definitions of secondary barriers. Both the Act and the Department's definitions are clear in indicating that there is not intent to include river shoreline in the CBRS.

- Snead Island is not important for the buffering of coastal energies because the entire shoreline receives very low wave energies (a fact already recognized by the Study Group).

- Snead Island is not ephemeral and "maintained primarily by internally generated wind, waves, and tidal current." Rather, it is a stable landform as evidenced by its continuous habitation for many centuries, including centuries of habitation by mound-building Indians prior to the arrival of Spaniards in the early 1500s.

In his letter dated February 19, 1988, Mr. Juergen Reinhardt of the Study Group indicated that stability of the landforms was not a criteria used for determining whether an area is a coastal barrier or not. Nevertheless, secondary barriers have been characterized as "generally smaller and

more ephemeral than coastal barriers directly fronting the ocean" in both the 1987 Executive Summary to Congress and Environmental Impact Statement. It both irregular and misleading that the Study Group should describe coastal barriers in one manner, yet use an entirely concept for their delimitation.

The remainder of this letter discusses in more detail the technical basis for these conclusions using the Department of Interior's CBRS definitions.

Definitions Applicable to Snead Island

In response to my letter of December 23, 1987, requesting information on the basis for proposing that Snead Island be included in the CBRS, Mr. Juergen Reinhardt of the Dept. of Interior indicated in his letter dated January 15, 1988 that Snead Island was considered a "secondary barrier" and was proposed for inclusion in the CBRS based on the following criteria:

1. Protection of landward aquatic habitat.
2. Generally unconsolidated composition and buffering of coastal energies.

Secondary Coastal Barrier

A "secondary coastal barrier" is defined in the 1987 Environmental Impact Statement (EIS) prepared for the Coastal Resources Barrier System:

"Secondary coastal barriers are found in large bays, or in lagoons on the mainland side of coastal barrier systems if a suitable sediment source and sufficient wind, wave and tidal energy exist within the embayment. These secondary barriers, such as those in the Chesapeake Bay, Delaware Bay, and Narragansett Bay, are maintained primarily by internally generated wind, waves, and tidal current rather than waves generated in the open ocean. Consequently, they are generally smaller and more ephemeral than coastal barriers directly fronting the ocean." (p II-11).

The discussion of secondary coastal barriers found in the Executive Summary' is almost identical.

Snead Island is not an ephemeral or transitory component of the environment. The upland area of the island had a long history of continuous habitation by Indians prior to the arrival of Spaniards in the early 1500s. (Note the presence of the Portavant Indian Mound on the CBRS map.) This long history of continuous human habitation certainly indicates that Snead Island is not ephemeral.

Snead Island is not, "maintained primarily by internally generated wind, waves, and tidal current," as stated in the definition. In fact, wave energies are low, as recognized by Juergen Reinhardt in his January 15 letter.

Much of the shoreline of Snead Island which has been included in the CBRS does not border on a large embayment or lagoon as required in the Department of Interior's definitions. Rather, it borders the Manatee River, which is again inconsistent with the definition of a "secondary barrier". Both the Act and the Department's definitions are clear in indicating that there is no intent to include river shoreline in the CBRS.

Protection of Landward Aquatic Habitat

One of the purposes of the CBRS is to protect aquatic habitats associated with coastal barriers. An "associated aquatic habitat" is defined in the EIS as follows:

"Associated aquatic habitats include all wetlands (e.g., tidal flats, swamps, mangroves, and marshes), lagoons, estuaries, coves between the barrier including the sand-sharing system, and, in tropical areas, the coral reefs associated with coastal mangroves." (pII-10)

1 U.S. Dept. of Interior. "Report to Congress: Coastal Barrier Resources System, Executive Summary". March 1987.

The criteria for delineating the landward boundaries of undeveloped coastal barriers is also provided in the EIS:

"In general, the landward boundary of a coastal barrier was drawn to follow some natural or cultural feature within or landward of the aquatic habitats, such as the vegetation to uplands or tidal channel, features that would be recognizable on available maps or aerial photographs as well as on the ground." (p II-16)

However, the proposed CBRS boundary for Snead Island has not been drawn in accordance with the definitions. The landward boundary has not been drawn at the limit of uplands, but rather has simply included all upland areas as if it were wetland. As a result, the proposed CBRS includes uplands historically used for agriculture (see enclosed historic photograph) which are clearly not wetlands or aquatic habitat.

Part of this confusion in delineation of the landward boundary may have arisen from the existing topographic mapping, which indicates that portions of Snead Island as wetland when, in fact, this is not the case. I trust that the enclosed photograph will clarify this matter, as would a field inspection.

The aquatic habitat (mangroves and nearshore waters) which fringe Snead Island are already strictly protected by State of Florida laws and regulations and as such does not warrant inclusion in the CBRS. Furthermore, virtually all of the aquatic habitat on Snead Island is on the northern shore (Terra Ceia Bay). Terra Ceia Bay has been designated an Outstanding Florida Water and Aquatic Preserve by the State of Florida, and as such is afforded the highest level of protection available. Coastal Barrier status will not increase the level of protection already afforded.

The "aquatic habitat" on the southern shore consists of a narrow and discontinuous band of fringing mangroves along the Manatee River. These mangroves are also protected by the State of Florida. However, as previously mentioned, the justification for including river shoreline as part of the coastal barrier system is unclear since the Act and the Department's definitions clearly do not intend that river shoreline be included in the CBRS.

Criteria 2: Unconsolidated Composition and Buffering of Coastal Energies

Coastal barriers are generally consist of unconsolidated materials and are subject to coastal energies. This is a dual criteria, since it is the presence of coastal energies that will erode unconsolidated deposits.

Mangroves buffer coastal energies, but the unconsolidated upland areas inland of mangroves do not buffer wave energies. Thus, the inclusion of upland areas inland of mangroves is not justified on the basis of "buffering coastal energies", regardless of whether or not they consist of unconsolidated deposits.

Actually, Snead Island has low energy coastline, as evidenced by the presence of mangroves (which cannot tolerate high wave energies) and as recognized by Juergen Reinhardt in his January 15 letter. Furthermore, the South (Manatee River) shoreline is protected from high wave energies entering from the Gulf of Mexico or Tampa Bay by its physical configuration and the limited fetch. The North (Tampa Bay) shoreline is protected from high wave energies by the extremely shallow grass flats; shoal areas 1 foot deep extend over 1000 feet from the entire northern shoreline, and the 6 foot depth contour in Tampa Bay lies some 4000 feet from the north shore of Snead Island.

Additional Considerations

In his letter of January 15, 1988, Mr. Juergen Reinhardt stated:

"We recognize that much of the west coast of Florida, especially in the Tampa Bay vicinity, is a low energy coastline. Some very fine research by Dr. Richard A. Davis and his colleagues at the University of South Florida has been done on the evolution of coastal barriers and the general topic of low energy shorelines in this area. Dr. Davis was a consultant to the Study Group on Florida barriers, so I feel confident that the definition of undeveloped coastal barriers was

applied with the best possible expertise throughout this region."

However, in a telephone conversation with Dr. Davis on March 1 he indicated that he has not participated in the Study Group since 1984, and that he had nothing to do with the definition or secondary barriers or the inclusion of any proposed lands in Manatee County.

Not only did the inclusion of Snead Island not originate from the studies conducted by Dr. Davis, but it also did not originate from any request by the State of Florida or Manatee County. I question the basis for the decision to propose that Snead Island be included in the CBRS and the manner in which sufficient local expertise was consulted.

The question of sufficient local expertise and consultation is highly relevant for two reasons.

1. By failing to advertise the proposed inclusion in the CBRS of lands in Manatee County in any Manatee County newspaper, when no lands in Manatee County had been previously proposed for inclusion, the Study Group again failed to benefit from the local expertise and information available from the county government and its interested citizens.
2. There are other areas in Manatee County similar to Snead Island that have not been proposed for inclusion in the CBRS. For instance, why was Perico Island excluded, particularly when Snead Island's aquatic habitat has a higher level of protection than those of Perico Island. This indicates that a consistent set of standards have not been applied.

Had better local information and expertise been applied these inconsistencies might have been avoided.

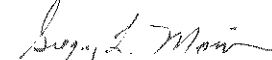
Closing Comments

In summary, the proposed inclusion of Snead Island in the Coastal Barrier Resources System is inconsistent with the definitions and criteria published by the

Department of Interior in the 1987 Executive Summary submitted to Congress and the Environmental Impact Statement. Furthermore, inclusion of Snead Island in the Coastal Barrier Resources System will not increase the level of protection to aquatic habitat which is already afforded by the State of Florida and by Manatee County. Accordingly, I request that Snead Island be removed from the proposed system.

Thank you for your attention to the issues I have raised.

Sincerely,


Gregory L. Morris

Encl: Historic air photo (late 1930s)

cc: Senator Lawton Chiles
Senator Bob Graham
Representative Andy Ireland

1709

ALMARDON TRUST

POST OFFICE BOX 471, BRADENTON, FLORIDA 34206

December 11, 1987

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

Re: Coastal Barrier Resources System
Report to Congress by the Department of Interior
(March, 1987 Draft)

Dear Mr. McGilvrey:

We have received, through our attorneys, a copy of the above referenced report which indicates that a portion of Snead Island in Tampa Bay, Florida has been proposed for designation as a Coastal Barrier. (See attached maps). This would make it subject to provisions of the Coastal Barrier Resources Act (PL 97-348).

As you are aware, the objective of the Coastal Barrier Resources Act is to discourage development in areas ineligible for all types of federal assistance which helps to restrain development, such as flood insurance.

However, Snead Island is neither a Barrier Island nor secondary Barrier, and has been improperly proposed for inclusion in the Coastal Barrier Resources System. We base our conclusions on the following technical factors:

1. Snead Island is not a Barrier Island. It has no Gulf of Mexico beachfront, and is actually located six miles from the Gulf. It is separated from the mainland by a dredged boat channel a little more than 100' feet wide.

ALMARDON TRUST

December 11, 1987

Mr. Frank McGilvrey
Washington, D.C. 20013-7127

Page 2

2. Snead Island is not a Secondary Barrier because it is not "maintained primarily by internally generated wind, waves and tidal currents" per the Department of Interior's definition. (Page 9, Exec. Summary). The Interior report further notes that these Secondary Barriers "are generally smaller and more ephemeral than barriers along the coast."

However, Snead Island is not maintained by wind, waves and currents. Rather, it is completely fringed by mangroves, which do not tolerate an environment shaped by wind, waves and current.

Snead Island is also not ephemeral. It has a very stable shoreline as attested by the existing mangrove vegetation, 50 year old aerial photography, plus the remains of prehistoric Indian mounds which attest to the stability of this land mass for many centuries.

3. Snead Island is not a high hazard area for storm swash.

4. The flood plane level for this location, as established by the Corps of Engineers, is considerably lower than other comparable waterfront locations indicating it is not as prone to flooding as the other comparable locations are. This is evident by the fact that the historical use of the island was for farming due to its frost-free environment. This would not be possible if the land had been flooded by saltwater from time to time.

We also would like to point out that not all of Snead Island has been proposed for inclusion. Rather, the proposed boundary has been jerrymantered to include only the land owned by the heirs of F. H. Horton and by Hy Kom Development Company; other undeveloped land on the island is not proposed for inclusion. The technical basis for this boundary demarcation escapes us, except to suggest that some criteria other than flood damage prevention was used.

ALMARDON TRUST

December 11, 1987

Mr. Frank McGilvrey
Washington, D.C. 20013-7127

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Finally, we do recognize that the island's mangroves and adjacent shallow waters are environmentally important. However, we feel that existing federal and state environmental rules and legislation are adequate to provide this protection. The Coastal Barrier Act is designed to prevent flood damage and should not be misapplied in the name of environmental conservation.

We would be indebted to you for any way that you could assist us to rectify the error in this proposed designation, and would appreciate hearing from you concerning any future action that can be taken along those lines.

Sincerely,

Martin C. Morris
Martin C. Morris
Manager of Almaridon Trust

MCM:keh

cc: Carol Browner, Senator Lawton Chiles's Office
Sue Sendenbach, Senator Bob Graham's Office

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ALMARDON TRUST

POST OFFICE BOX 471, BRADENTON, FLORIDA 34206

March 16, 1988

Mr. William P. Horn
Assistant Secretary for Fish,
Wildlife and Parks
U.S. Department of the Interior
Washington, D.C. 20240

Dear Mr. Horn:

I am the manager of the Almaridon Trust which is the owner of a large portion of undeveloped property located on Snead Island, Manatee County, Florida. My family also owns property on Snead Island. This property has been recommended by the Department of Interior for inclusion into the Coastal Barrier Resources System (CBRS). For the past several years, on behalf of the Trust and as a representative of my family's interests, I have met with various civic groups who are serious of acquiring and preserving this property. During these ongoing negotiations, I had always felt that I was negotiating with persons of integrity although occasionally various persons including some elected officials suggested that the property would be less expensive to acquire if it were downgraded. I understand that these comments were the personal views of individuals and not the official view of the governing body.

These ongoing negotiations for purchase of the property may be interrupted by the federal government's recommendation that these lands be included in the CBRS. Property included in the CBRS is not eligible for participation in the Federal Flood Insurance Program or be eligible for other federal funds. If Snead Island is included in the CBRS, neither the local governing body nor the state will be able to develop it as a park. Inclusion in the CBRS will also result in a definite devaluation of the property.

The recommendation that portions of Snead Island be included within the CBRS was a surprise to Manatee residents. No land in Manatee County was included in any recommendations in the original report to Congress which was submitted in 1985. The 1987 report recommended inclusion of portions of Snead Island, Passage Key and Rattlesnake Key. Of these three areas, the Department of Interior chose to exempt Passage Key and Rattlesnake Key for various reasons leaving the Snead Island property as the principal affected area in Manatee County. The rationale provided for the exemptions for Passage Key and Rattlesnake Key does not make sense since these areas more closely fit the definition of coastal barriers than does Snead Island.

Mr. William P. Horn
March 16, 1988
Page Two.

Manatee County residents were not given any notice that the actions taken by your department would affect property located within the county. I discovered that portions of Snead Island were recommended for inclusion in the CBRS through a news article in the Sarasota newspaper. Upon contacting representatives of your department about this, those representatives informed me that the only notice required was publication in the Congressional Register. While that may be legally correct, as a citizen and tax payer of this county, I feel that more of an effort should have been made to inform the citizens. Further inquiry revealed that the experts which the department stated that it relied upon in making its determination made no specific recommendations about Snead Island. The inability of your staff to justify its recommendation that Snead Island be included within the CBRS causes me to wonder whether the inclusion of Snead Island is part of someone's hidden agenda and if it is an attempt to deprive property owners of their rights under the law.

In summary, my family finds ourselves in the position of being the victims of government, not large and small. My family are native Manatee County residents and have owned the Snead Island property for over sixty (60) years. The family has utilized this land both as a seaside and as a productive farm. We have also preserved and protected this area at our expense. We object to any action by the federal government which would reduce the value of our holdings and thereby cause us to lose both the fruits of our labors and the value of our property. We strenuously object to inclusion of this property in the CBRS.

Sincerely,

Martin C. Morris
Martin C. Morris
Manager

1726

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March 16, 1988

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

RE: Comment to Draft Supplemental Legislative
Environmental Impact Statement on Proposed
Changes to the Coastal Barrier Resources System
on the West Coast of Florida - CBRS Unit FL-78

Ladies and Gentlemen:

This is submitted on behalf of Hy Kom Development Company pursuant to the Notice of Availability of a Draft Supplemental Legislative Environmental Impact Statement on Proposed Changes to the Coastal Barrier Resources System ("CBRS"), published on February 1, 1988, Federal Register, Vol. 53, No. 20, p. 2792.

Hy Kom Development Company owns approximately 3.06 acres of land on Snead Island, Manatee County, Florida ("the Property"). A legal description of the Property is attached hereto as Exhibit "A". Hy Kom is constructing a seven (7) story, forty-nine (49) unit, condominium project on the Property.

On March 25, 1987, the office of the Secretary of the Interior noticed the availability of the proposed recommendations for additions to and deletions from the CBRS. Federal Register, Vol. 52, No. 57, p. 9618. The proposed recommendations for additions to the CBRS along Florida's West Coast include the Property. See Report to Congress: Coastal Barrier Resources System, Proposed Recommendations for Additions To or Deletions From the Coastal Barrier Resources System, Vol. 15, Florida (West Coast), February, 1987, CBRS Unit FL-78.

We have reviewed the proposed addition of a portion of Snead Island to CBRS Unit FL-78 and submit that the Coastal Barrier Study Group has erroneously identified the Property as being part of an "undeveloped coastal barrier". Accordingly, we submit herewith a study dated March 15, 1987, prepared by Greiner, Inc., which assesses Snead Island in light of the Coastal Barrier Resources Act ("CBRA") and Department of Interior criteria and concludes that Snead Island is not a "barrier island". In addition, we believe the Property was inadvertently included inasmuch as the Property is not "undeveloped" within the meaning of CBRA and the Department of Interior criteria.

1. The Property is Not a Coastal Barrier Within the Meaning of the Coastal Barrier Resources Act, 16 U.S.C. §3501, et seq.

CBRA, by its own terms, is not applicable to the Property. The Greiner Study assesses Snead Island and concludes that it does not function as a "coastal barrier". The Greiner Study examines the definitional requisites for a "coastal barrier" under

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Furthermore, as the Greiner Study notes, Snead Island does not serve a protective function for significant areas or aquatic habitats, and protection for Snead Island, itself, is provided by Anna Maria Island and Egmont Key.

Further, the legislative history of CBRA indicates that Congress did not intend to include lands exhibiting characteristics of the Property as a coastal barrier. Senate Report (Environment and Public Works Committee) No. 97-419, May 26, 1982, states:

"Coastal barriers are among the most unstable of land forms. Beaches, dunes, and entire islands erode and migrate as ocean currents, wind, and waves undermine and move them. Storms can wipe out whole sections of beach when they are overwashed and can just as easily close inlets as sediments are redeposited. The sands of the beaches continually move and are redistributed. In response to a rising sea level (about 1 foot per century along the Atlantic coast), these islands are generally migrating landward. The combination of erosion and migration, as well as the effects of flooding from hurricanes and other storms, make these areas exceptionally hazardous places for permanent man-made structures and human habitation."

As discussed above, and in light of the foregoing findings, the Greiner Study shows that there has been virtually no erosion or migration on the Property, there has been no detrimental effect of flooding from hurricanes and other storms, and sands on the beaches are not moving or being redistributed. To the contrary, the Greiner Study makes clear that the Property is a stable landform, suitable for permanent man-made structures and human habitation.

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CBRA and Department of Interior criteria and concludes that they are not met because Snead Island is not subject to wave, tidal and wind energies that could significantly control its configuration, and it does not act as a protective barrier for significant aquatic resources. To support this contention, the Greiner Study notes the long standing stability of Snead Island. As the Greiner Study indicates, maps from 1876 to the present show virtually no change in the configuration of the island.

In addition, the findings of Congress indicate that CBRA is not applicable to the Property. 16 U.S.C. §3501(a)(3) states:

"coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine man-made structures;"

The Property is suitable for development because it is not uniquely vulnerable to hurricane and storm damage, and there has been virtually no natural shoreline recession over more than one hundred (100) years. As noted above, since the original mapping of the island was done, there has been virtually no movement of unstable sediments indicated during the period. Our client informs us that there was not any shoreline or beach erosion as a consequence of the No-Name Storm of 1982 or from Hurricane Elena in 1985.

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Moreover, our review of the Draft Supplemental Legislative Environmental Impact Statement indicates that the proposed criteria for the designation of coastal barriers have been expanded from those contained in the 1982 Department of Interior criteria. The Draft Supplemental Legislative Environmental Impact Statement at p. II-6 states:

"In response to the Congressional mandate in Section 10(c)(2) of CBRA that the DOI's Report to Congress include recommendations for additions to, or deletions from the CBRS and modifications to the boundaries of the System, DOI reviewed and expanded its definitions of coastal barriers for use in the Section 10 study. The definitions that were developed are based on Section 3 of CBRA and are supported by definitions used previously by the DOI as well as by the legislative history of CBRA." (emphasis supplied).

We respectfully submit that the expanded definitions go beyond the intent of CBRA and would lead to the inclusion of properties that do not exhibit the characteristics that give rise to the Federal concerns addressed by CBRA. Specifically, under the expanded definition proposed in the Draft Supplemental Legislative Environmental Impact Statement, properties could be included in the CBRS that are simply not uniquely vulnerable to wave, tidal and wind energies, and consist of stable land forms and are suitable for permanent development.

The legislative history of CBRA does not support the expansion of the definition of "undeveloped coastal barriers" in the manner proposed in the Draft Supplemental Environmental Impact Statement. In fact, at the time that the CBRA legislation was

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adopted, the House of Representatives Committee on Merchant Marine and Fisheries recognized the detrimental effect and inequitable consequences that would result from uncertainty in the definition of coastal barriers. House Report No. 97-841, Part 1, p. 14, stated:

"The Committee believes that establishing the areas by legislation will provide certainty which will be beneficial to the owners of the property as well as the state and local governments which must incorporate these areas into their planning efforts." (emphasis supplied).

The proposed expanded definition beyond that contained in the existing legislation is precisely the uncertainty that the House Committee on Merchant Marine and Fisheries was attempting to address. We submit that the existing legislatively adopted definition of an "undeveloped coastal barrier" should remain constant so as to provide for consistency and certainty in the treatment of properties.

2. The Property is Not Undeveloped Within the Meaning of CBRA and the Department of Interior Criteria.

The Property is not "undeveloped" as defined in 16 U.S.C §3502(1). That section imposes the additional limitation that to qualify as an "undeveloped coastal barrier" a property must "(i) contain few manmade structures and these structures, and man's activities on such feature and within such habitats, do not

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"The existence of an intensive, private, capitalization on-the-ground within a coastal barrier area is the most significant indicator of its development status." Federal Register, Vol. 47, No. 158 (August 15, 1982), p. 35712.

"If a unit contains fewer than roughly one structure per five acres of fast land, it is considered undeveloped except when geomorphic ecological processes are altered to the extent that the long term perpetuation of the coastal barrier is threatened by one or more of the following:

(a) extensive shoreline manipulation or stabilization;
...

(d) intensive capitalized development projects, such as condominiums, which effectively establish a commitment to stabilize an area even though there few actual structures." Federal Register, Vol. 50, No. 42 (March 4, 1985), p. 8700.

Hy Kom's condominium project is such an "intensive capitalized development project" as contemplated by CBRA and the Department of Interior criteria. Hy Kom has made substantial expenditures toward construction of a 7-story condominium not only in the initial land costs but also in on-the-ground development. As a result, the Property has been cleared and excavated and more than 80% of the foundation work for the condominium building has been completed. These efforts, coupled with the fact that the Property itself has been stable for at least one century, clearly establish that Hy Kom's construction activities have caused the Property to be "developed" within the meaning of CBRA and the Department of Interior criteria.

It is clear that the intent of CBRA is not to designate areas where development has occurred, causing great harm to the individual property owner while furthering no useful purpose of

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significantly impede geomorphic and ecological processes, and (ii) are not included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in section 170(h)(3) of Title 26, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes."

The Department of the Interior has developed criteria for determining when a property is not "undeveloped". These criteria include the following:

"All or part of a coastal barrier will be considered developed even when there is less than one structure per five acres of fast land if there is a full complement of infrastructure in place. This is consistent with the clear intent of Congress on this point (Congressional Record, July 31, 1981, p. H5793). A full complement of infrastructure requires that there be vehicle access (i.e., improved roads or docks) to each lot or building site plus reasonable availability of a water supply, a wastewater disposal system, and electrical service through each lot or building site." Federal Register, Vol. 47, No. 158 (August 15, 1982), p. 35712.

Under the foregoing criteria, the Property cannot be considered to be "undeveloped". A county road provides vehicular access directly to the site and there is reasonable availability of a water supply, a wastewater disposal system, telephone and electrical service to the site. Accordingly, the Property is "developed" and cannot be considered as part of an "undeveloped" coastal barrier.

In addition, the Department of Interior criteria recognize the level of capital expenditures as an important consideration:

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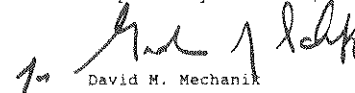
CBRA. The level of development on the Property establishes that the Property is not "undeveloped". The "developed" status of the Property is strongly evidenced by the clean break in development between the Property and the adjacent properties.

3. Conclusion.

For the reasons stated above and on the authority of the Greiner Study, the Department should re-evaluate the proposed designation of property. Please be advised that in addition to this law firm, Hy Kom has retained the services of Dow, Lohnes & Albertson, 1255 23rd Street N.W., Suite 500, Washington, D.C. 20037, telephone number (202)857-2660, and that Mr. Arthur Silverman is the primary contact person at that firm. Should there be any questions regarding this matter, please contact Mr. Silverman or me.

Thank you for your consideration in this matter.

Respectfully submitted,


David M. Mechanik

DMH/ama
Attachments
cc: Mr. Robert D. Bair
Arthur H. Silverman, Esquire

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DYE, SCOTT & DEITRICH, P.A.

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DEWEY A. DYE 1988-1989

March 3, 1988

Mr. William P. Horn
Assistant Secretary for Fish,
Wildlife and Parks
U.S. Department of the Interior
Washington, D.C. 20240

Re: Draft Supplemental Legislative Environmental Impact
Statement on Proposed Changes to the Coastal Barrier
Resources System dated January 1988

Dear Mr. Horn:

This office represents several property owners who own property on Snead Island, Florida. Based upon the maps provided to this office, Snead Island is contained in Unit FL-78 which is included for recommendation into the Coastal Barrier Resources System. The purpose of this letter is to object to inclusion of Snead Island in the Coastal Barrier Resources System (CBRS) and to raise concerns about the designation process.

The original amendments to the CBRS were proposed by the Department of Interior (DOI) in 1985. The report published at that time listed no areas in Manatee County for consideration and inclusion in the system. I have been advised that these proposed amendments were advertised and public hearings to consider inclusion of these units were held at various locations throughout the state. This office can find no record that DOI published any advertisement in the local paper nor were public hearings held in this county. Subsequent to this 1985 effort, amendments were again proposed by DOI in 1987. Included in the March 1987 draft Report to Congress is a recommendation that Unit FL-78 be included in the CBRS. Unit FL-78 contains a portion of Snead Island, Rattlesnake Key, Bird Key, Sisters Key, and other islands located within the Terra Ceia Bay system.

This office became aware of DOI's efforts during the summer of 1987 and by letter dated August 20, 1987 requested that we be provided with a copy of the Report to Congress and that we be placed on the mailing list so that we would be notified of any future public hearings. We understood at that time that we would receive a copy of the draft environmental impact statement when it became available. Despite this request, DOI apparently did not place our

Mr. William P. Horn
March 3, 1988
Page Three.

A second objection to the inclusion of Snead Island in the CBRS is that Snead Island does not meet the criteria of either a primary or secondary coastal barrier. Coastal barriers are defined on page II-7 of the draft Environmental Impact Statement. As defined, a coastal barrier "is a depositional feature which consists of unconsolidated sedimentary materials, is subject to wave, tidal and wind energies and protects landward aquatic habitats including the adjacent wetlands, estuaries, inlets, and shallow waters." In addition to this general definition, the report describes and includes three additional areas that function as coastal barriers. Snead Island fits none of these definitions. The proposed recommendations also include a number of secondary coastal barriers. As defined on page II-11, secondary coastal barriers are "generally smaller and more ephemeral than barriers directly fronting the ocean." Snead Island does not fit this definition either. Snead Island is not ephemeral. In fact, Snead Island has been a stable land mass for numerous years. The stability of this area can be documented through aerial photographs and land surveys which date back to the early 1900s. It has a long history of human habitation and a long history of agricultural use. Snead Island is not composed of unconsolidated material as required by the definitions nor is Snead Island subject to wave action.

Snead Island is separated from the mainland by a channel known as the Snead Island cut. This channel is a man made cut, first authorized by Congress for dredging in 1896. From time-to-time since then, the U.S. Army Corps of Engineers has maintained this navigational channel. If this channel did not exist, Snead Island would probably not be considered for inclusion in the Coastal Barrier Resources System. The State of Florida, in its definition of "coastal barrier islands", provides that mainland areas which were separated by artificial channelization for the purpose of assisting marine commerce are not considered coastal barriers.* (See Section 161.54(2), F.S., copy enclosed) DOI should take this into consideration as well when reviewing parcels for possible inclusion into the system.

Another point which needs to be raised concerns the seemingly inconsistent recommendations for units located within Manatee, Pinellas, and Hillsborough Counties which were considered for inclusion. For instance, within Unit FL-78, DOI is proposing that Rattlesnake Key be deleted from consideration. The rationale stated for that deletion is that Rattlesnake Key is federally protected. I

Mr. William P. Horn
March 3, 1988
Page Two.

name on the mailing list and failed to send us a copy of the draft environmental impact statement until specifically requested to do so. Similarly situated property owners in Manatee County have experienced the same difficulty which this office has experienced in obtaining up-to-date information from DOI regarding this matter.

While I am aware that it is difficult to coordinate an amendment which has a widespread effect on numerous states, I am concerned that areas within Manatee County being considered for inclusion into the system have not been reviewed in a thoughtful manner. Little, if any, input has been received from the local governments with jurisdiction over this area. Further, I have found no one who can explain why the 1985 proposed amendments included no areas in Manatee County and why the 1987 draft report did. In response to an inquiry about this change, Jurgen Reinhardt advised that DOI had relied upon the expertise of Dr. Richard A. Davis in applying the definition of coastal barrier to shorelines in the Tampa Bay region. Yet when we consulted Dr. Davis, he indicated that he had only worked on the 1985 amendment package and that Snead Island was not included as a coastal barrier then nor did he recommend it for inclusion.

On behalf of our clients, we object to the inclusion of portions of Snead Island as part of Unit FL-78. A primary objection is based upon the fact that only a portion of Snead Island has been proposed for inclusion. The proposed boundary has been gerrymandered in a manner which defies description. The boundary line as shown on the map results in completely different treatment for similarly situated parcels. For instance, undeveloped land located on the east side of Tarpon Road, which is closer to the mainland, is recommended for inclusion in the CBRS. The property on the west side of Tarpon Road which is developed at a density of 4.5 units per acre, it is not recommended for inclusion within the system. This makes absolutely no sense. Similarly, undeveloped property located east of an imaginary boundary line is recommended for inclusion within the system while undeveloped property located west of this same imaginary boundary line is not. Again, there appears to be no rhyme or reason for this distinction. If the island is reviewed as a whole, Snead Island would meet the DOI criteria for exclusion based upon urban development densities, agricultural improvements, the existence of infrastructure such as roads and the existence of commercially developed parcels such as the Snead Island Boat Works.

Mr. William P. Horn
March 3, 1988
Page Four.

question the correctness of this statement. Manatee County staff members are unaware of any federal protection offered to Rattlesnake Key either through the National Park Service or otherwise. Similarly, DOI has recommended that Anna Maria Key be deleted from consideration citing that it is locally protected. DOI also has recommended that Unit FL-83 (Cockroach Bay) not be included in the system because it is state protected.

Similar rationales can be used to delete Snead Island from inclusion in the CBRS. Snead Island, which is located landward of Anna Maria Key, has equal if not greater local protection. Manatee County, through its comprehensive plan (Ordinance 80-4) and its zoning ordinance (Ordinance 81-4), strictly regulates development on Snead Island. These regulations overlap with regulations enforced by the Florida Department of Environmental Regulation, the Florida Department of Natural Resources and the Southwest Florida Water Management District. In addition, Terra Ceia Bay has been designated by the State of Florida as an Outstanding Florida Water and as an Aquatic Preserve. Through these designations, Terra Ceia Bay and its tributaries are granted the highest protection offered by the state. This designation is the same designation as that granted to Cockroach Bay which is proposed to be deleted from the system.

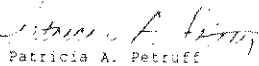
Finally, there are other undeveloped "islands" located within Manatee County which have the same characteristics as Snead Island which are not recommended for inclusion in the CBRS. One which readily comes to mind is Perico Island. It too has a fringing mangrove shoreline. It has been farmed extensively and currently, it is experiencing development pressure. Like Snead Island, it is connected to the mainland by a bridge. Since Perico Island was not considered as a coastal barrier, Snead Island should not be classified in this manner.

In summary, for the various reasons cited above, it is inappropriate to include Snead Island within the Coastal Barrier Resources System. Snead Island does not meet the definition of either a primary or secondary barrier. It is partially developed and the undeveloped area has a long history of agricultural use. Under separate cover, one of our clients is forwarding DOI a copy of

Mr. William P. Horn
March 3, 1988
Page Five.

a 1940s aerial photograph which delineates the extent of this agricultural use. The impact of the inclusion of Snead Island has not been thoroughly reviewed by either the DOI or the citizens of Manatee County. We respectfully request that Snead Island be deleted from consideration.

Sincerely,


Patricia A. Petruff

PAP/lrb
enclosure

cc: Martin C. Morris w/enc
Manatee County Commissioners w/enc
Senator Lawton Chiles w/enc
Senator Robert Graham w/enc
Representative Andy Ireland w/enc
Florida Department of Community Affairs w/enc
Greg Morris w/enc

Coastal Barriers Study Group
March 17, 1988
Page 2

- a. Because Snead Island Does Not Suffer Hurricane Damage, Has A Stable Shoreline, And It Is Currently Undergoing Development

Congress has stated the following findings with regard to coastal barriers:

[C]oastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures.

Pub. L. 97-348, Sec. 2(a)(3) (CBRA). In enacting the CBRA, Congress stated that its purpose was to isolate lands that met the definition of coastal barriers, and prevent development of those lands in order to "minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts." Id. at Sec. 2(b). The Department's own report to Congress describes coastal barriers as "dynamic environment[s]" that are subject to constant buffering and erosion by wind and water, creating a hostile environment too unstable for human habitation. See "Report to Congress: Coastal Barrier Resources System, Executive Summary, "(the "Executive Summary") March, 1987, at 4. The distinguishing feature of coastal barriers is instability.

1730

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March 17, 1988

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 Barriers Resource System on the West Coast of Florida-CBRS Unit FL-78.

To The Study Group:

These comments are filed on behalf of Hy Kom Development Corporation, owners of 3.06 acres of land on the leeward side of Snead Island, Manatee County, Florida. Upon review of the proposed CBRS Unit FL-78, we respectfully submit to the Department of the Interior (the "Department") that Snead Island, and in particular, our client's land, is neither a coastal barrier, nor a secondary coastal barrier, nor an associated aquatic habitat within the meaning of the Coastal Barrier Resources Act ("CBRA").

1. Snead Island Is Not An "Undeveloped Coastal Barrier" Within the Meaning of CBRA

1/ Snead Island (actually a former peninsula with a dredged canal separating it from the mainland) faces the Terra Ceia and Tampa Bays to the north, and the freshwater Manatee River to the south. Hy Kom's land is situated on the uplands on the south shore of Snead Island. For purposes of this comment, the term "Snead Island" will refer only to the portion of the Island for which the Department of Interior seeks CBRA coverage.

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Page 3

As detailed thoroughly in the report submitted in the record of this proceeding by the Greiner, Inc. environmental engineering firm, on behalf of Hy Kom (the "Greiner Report"), the island's shoreline reflects almost no erosion or other instability, in comparison with the shoreline as it appeared more than 100 years ago. The portion of the island owned by Hy Kom is particularly environmentally stable, has a ~~water~~ water shoreline, has been developed, and is served by a ~~road~~ road built by the county. Furthermore, the Greiner Report demonstrates that the wildlife in the Snead Island area sought to be protected under the Act (mangroves and seagrass) lie almost exclusively on the windward (i.e., the bay) side of the island rather than the river side, and thus are not shielded by Snead Island. In summary, Snead Island is historically a habitable, environmentally stable land, which is itself fringed on its northern bay side by mangroves and seagrass beds; the uplands on its southern, river shoreline are relatively free of short and long-term erosion, and are not only suitable for human habitation, but already contain several manmade structures, as well as a road built by the county. These characteristics, which are presented in greater technical detail in the Greiner Report, make it clear

that Snead Island is not the type of land mass which Congress sought to protect under CBRA.

- b. Snead Island Is Not A Secondary Barrier Because Its Shoreline Is Not Shaped Or Maintained By Internally Generated Winds, Waves Or Tides

In both its Executive Summary and its recent Draft Supplemental Legislative Environmental Impact Statement on Proposed Changes to the Coastal Barriers Resource System (Jan. 1988) ("Supplemental EIS"), the Department described "secondary barriers" as land located in large, well-defined embayments "maintained primarily by internally generated wind, waves and tidal currents rather than waves generated in the open ocean. Consequently, they are generally smaller and more ephemeral than barriers directly fronting the ocean." Supplemental EIS at II-11; See Executive Summary at 9. The distinguishing features of secondary barriers are "[i]rregularities in the shape of the beach and breaks in the continuity of the linear or curvilinear features..." and providing "substantial protection for the mainland during major storms in much the same fashion as primary coastal barriers." Supplemental EIS at II-11. Snead Island does not bear these characteristics. Neither its bay or its river shoreline contain irregularities. These shorelines have changed little as records from the past 100 years can

reefs or from leeward Snead Island, indicating that they are not endangered by winds, waves or tides. In summary, upland areas, inland of thriving mangrove beds, including stable bay and river shores, are not subject to the coverage by the CBRA provision regarding associated aquatic habitats.

3. Conclusion

The bay and river shorelines of Snead Island are not subject to drastic or even diminished wave, tidal, or wind energies. The shorelines exhibit historic stability, with only minor changes in the past 100 years from the scouring effect of the river; and there is no threat to the mangrove beds which fringe the island on its windward side. The uplands bordering the leeward river shore are under development and currently are served by a county road. Consequently, Snead Island exhibits none of the distinguishing characteristics of either a coastal barrier, a secondary barrier or an associated aquatic habitat. To include Snead Island in the Coastal Barriers Resource System even though it fails to meet the fundamental criteria of CBRA would be inconsistent with the purposes stated by Congress in enacting the statute.

demonstrate. Only some minor reshaping of the south shore has taken place, and that has been the result of the scouring action of the Manatee River, rather than from erosion caused by internally generated wind, waves and tidal currents from the ocean or bay. See Greiner Report at 2-3. Finally, as stated earlier, Snead Island does not act as a storm barrier to its associated wildlife.

2. Snead Island Cannot Be Classified As An "Associated Aquatic Habitat" Because It Is Not Subject To "Diminished Wind, Wave, And Tidal Energy" Caused By Major Storms

"Associated aquatic habitats" protected under CBRA are those areas "subject to diminished wind, wave, and tidal energy due to presence of the coastal barrier during a major storm." Coastal Barrier Resource System Draft Report to Congress (Dep't Interior 1985) at IV-13. These areas include "the coral reefs associated with nearshore mangroves." *Id.* These characteristics are not reflected in the environmental makeup of Snead Island. First, the island maintains a stable shoreline configuration, and has been subject only to minor shaping by the Manatee River to the south, not by winds, waves and tides (diminished or otherwise) caused by major ocean storms. Second, Snead Island contains mangrove beds to its north, but they are not associated with coral reefs. These mangrove beds thrive without protection from coral

If you have any questions regarding these comments, please direct them to me at the above number.

Sincerely,


Arthur H. Silverman

1740

4040 Red Rock Lane
Sarasota, Florida
34231

March 16, 1988

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

Re: Proposed inclusion of Snead Island, Manatee County,
Florida in the Coastal Barrier Resources System

Dear Mr. McGilvrey:

This is by way of objection to the proposed inclusion of Snead Island in the Coastal Barrier Resources System as a "secondary barrier" island - an appellation even cursory examination of a chart by an experienced observer would prove fallacious. I have not the technical expertise to muster of others who have written you about this matter, one of whom, Gregory L. Morris, PhD, not only is well qualified in these matters, but also is my nephew.

I have only the experience of my entire lifetime of 50 years spent in the shadow of this property and the common sense to know it is far less "ephemeral" than an I. This island supports a dense tropical hardwood hammock lushly forested with Florida red cedar and live oak, and fallow fields and groves cultivated long before I was a child for raising mangos and avocados, gladiolas and truck crops - all of which are intolerant of salt and would never have survived tidal inundation.

In fact, this "island" is an island more in name than reality for it is separated from the mainland shore of its parent geography by a narrow, artificially dredged channel. If that channel did not exist, Snead Island would be apparent for what it really is - a promontory thrusting from the mainland towards, but miles distant from, the Gulf of Mexico, as shown in the enclosed sketch map.

Which brings me to the next point. How can the federal government designate anything as a "barrier" when the trend of its landmass juts perpendicularly towards the sea rather than parallel to the seaward shelf and shoreline?

ALLAN H. HORTON March 16, 1988, page 2

My father, Freeman H. Horton, a civil engineer renowned for his understanding of coastal dynamics and internationally famous for his City of Tampa seawall design, once explained to me that Snead Island would withstand the ravages of a hurricane storm surge far better than any barrier island or most mainland properties precisely because of its peninsular aspect. He said it would tend to separate, rather than block, the tidal surge and thus, would remain relatively unscathed. He was, as am I, a native of Bradenton which faces Snead Island across the Manatee River.

I believe the presence and aspect of the island today which conforms precisely to my knowledge and the earliest charts of its form and shape, bears witness to the veracity of his claim. Certainly it has withstood the furies of all history's storms relatively intact, or else it would differ greatly from its earliest recorded form - which it does not.

I do not believe any honest assessment of Snead Island as it exists today or did before can make it fit the federal definition of a "secondary barrier." I would hope you would agree and support my request that Snead Island be deleted from the proposed system.

Thank you for your attention to this matter.

Very truly yours,



Allan H. Horton

AHH/hs
Encl.
cc: Senator Lawton Chiles
Senator Bob Graham

1763

Joan and Abe Kawa
983 East 82nd Street, Brooklyn, New York 11236

3/9/88

Mr. William P. Horn
Assistant Secretary for Fish, Wildlife and Parks
U.S. Department of the Interior
Washington, D.C. 20240

Dear Mr. Horn: Re: 9-34-17, U.S. Govt. Lot 1

For over seventeen years we have been the owners of residentially zoned waterfront land on Snead Island in Manatee County, Florida.

Our rights to build our retirement home as well as our right to develop this land are being wrongfully threatened by the proposed changes to the Coastal Barrier Resources System (CBRS) since our property has been arbitrarily include in Unit FL78.

The purpose of this letter is to object to the inclusion of our property in Unit FL78 and are hereby requesting that we be deleted from consideration.

Joan and Abe Kawa
983 East 82nd Street, Brooklyn, New York 11236

Our objection is based on the fact that Snead Island does not meet the criteria of either a primary or secondary coastal barrier. Coastal barriers are defined on page II-7 of the draft Environmental Impact Statement. As defined, a coastal barrier "is a depositional feature which consists of unconsolidated sedimentary materials, is subject to wave, tidal and wind energies and protects landward aquatic habitats including the adjacent wetlands, estuaries, inlets, and shallow waters." In addition to this general definition, the report describes and includes three additional areas that function as coastal barriers. Snead Island fits none of these definitions. The proposed recommendations also include a number of secondary coastal barriers. As defined on page II-11, secondary coastal barriers are

-2-

Joan and Abe Kawa
983 East 82nd Street, Brooklyn, New York 11236

"generally smaller and more ephemeral than barriers directly fronting the ocean." Snead Island does not fit this definition either. Snead Island is not ephemeral. In fact, Snead Island has been a stable land mass for numerous years. The stability of this area can be documented through aerial photographs and land surveys which date back to the early 1900s. It has a long history of human habitation and a long history of agricultural use. Snead Island is not composed of unconsolidated material as required by the definitions nor is Snead Island subject to wave action.

Snead Island is separated from the mainland by a channel known as the Snead Island cut. This channel is a man made cut, first authorized by Congress for dredging in 1896. From time-to-time since then, the U.S. Army Corps of Engineers

-3-

Joan and Abe Kawa
983 East 82nd Street, Brooklyn, New York 11236

has maintained this navigational channel. If this channel did not exist, Snead Island would probably not be considered for inclusion in the Coastal Barrier Resources System. The State of Florida, in its definition of "coastal barrier islands", provides that mainland areas which were separated by artificial channelization for the purpose of assisting marine commerce are not considered coastal barriers." (See Section 161.54(2), F.S.). DOI should take this into consideration as well when reviewing parcels for possible inclusion into the system.

Another valid objection is that our property (marked in red in the enclosed FL78 copy) has been created by illogical gerrymandering. The boundary line results in completely different treatment for

-4-

Joan and Abe Kawa
983 East 82nd Street, Brooklyn, New York 11236

similarly situated parcels. Undeveloped property west of ours is excluded from CBRS even though it is situated closer to the Gulf of Mexico. Again, there appears to be no rhyme or reason for this distinction.

Another objection to the inclusion of our property is that on November 18, 1986 we were granted by the Army Corps of Engineers permit # 851PM-21036 as well as by the Florida Department of Environmental Regulation Permit # 411101153 allowing us to make major alterations to the elevation and topography of our property.

During the month of August, 1987 we exercised part of these permits, considerably raising the elevation of our land thereby further excluding it from the criteria used to define what constitutes inclusion or consideration in the Coastal Barrier Resources System.

-5-

Joan and Abe Kawa
983 East 82nd Street, Brooklyn, New York 11236

Based on the above we respectfully request that our property be deleted from consideration.

Yours truly,
Joan Kawa
Abraham Kawa
Joan Kawa
Abraham Kawa

enclosure
cc: Congressman Charles E. Schumer
Senator Lawton Chiles
Senator Bob Graham
Congressman Andy Ireland

-6-

1742 March 12, 1988

Mr. Frank McGilvrey
The Coastal Barriers Study Group
Dept. of the Interior
National Park Service
P.O. Box 3127
Washington, D.C. 20013-7127

Re: Comments on Coastal Barrier Resources System Snead Island, Manatee
County, Florida (FL-78)

Dear Sir:


We have discovered that Snead Island is going to be recommended to become a secondary barrier reef. Approximately 90% of the Snead Island property owners belong to Snead Island Community Inc., but none of us know anything about this barrier reef proposal.

The voters of Manatee County have just approved a bond issue to help purchase 360 acres on the western portion of Snead Island in order to create a nature preserve in that area. We are waiting for the State of Florida to commit to purchasing this land. We are concerned about whether or not the proposed "secondary barrier reef" designation for Snead Island will adversely affect this attempt to create a nature preserve on the island.

Before any action is taken to include Snead Island in the secondary barrier reef program, we respectfully request that our concerns be addressed. We request that the specific regulations that will apply to Snead Island after it is designated a secondary barrier reef be sent to our organization so that the property owners can review them and comment.

Thanks for considering this request.

Sincerely,


Harry Soule, President Snead Island Community Inc.
4318 Pinfish Lane
Palmetto, Fla. 34221


John McDonald - Community Relations



1766

MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS

March 2, 1988

Mr. William P. Horn
Assistant Secretary for Fish,
Wildlife and Parks
U.S. Department of the Interior
Washington, D.C. 20240

Re: Draft Supplemental Legislative Environmental
Impact Statement on Proposed Changes to the
Coastal Barrier Resources System, dated
January 1988

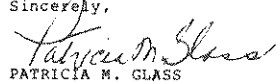
Dear Mr. Horn:

As a local elected official and a property owner on Snead Island, I wish to protest the fact that this community was not apprised of public hearings and determinations leading to the above referenced matter.

For your information I have enclosed copies of Mr. Glass' letters sent to Mr. Frank McGilvrey, Coastal Barriers Study Group, U.S. Department of Interior; and to the Vero Beach Field Supervisor, U.S. Department of Interior.

Any decision based on such inadequate due processes and information is unthinkable. I appreciate any assistance we may be able to encourage.

Sincerely,


PATRICIA M. GLASS
County Commissioner

PMG:yh

EDWARD W. CHANCE • KENT G. CHETLAIN • WESTWOOD H. FLETCHER, JR. • PATRICIA M. GLASS • JAMES J. McGRATH

P O Box 1000, Bradenton, Florida 33506



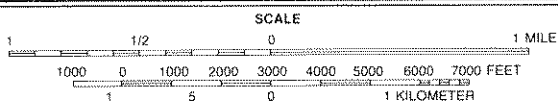
UNITED STATES
DEPARTMENT OF THE INTERIOR



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
COCKROACH BAY
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.

FL-82 - BISHOP HARBOR

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

Other Comments: Seven letters expressing support for the addition of FL-82 to the CBRS were received. One of these also suggested that the interior portion of Bishop Harbor should be included in the unit. Representative letters are reprinted below. See also letter number 1289 in the General

Comment Letters section and letter number 918 reprinted under CBRS unit P23.

Response: The inner portion of Bishop Harbor is not associated with the barriers and does not qualify for addition to the CBRS under DOI criteria.

DOI Recommendation: The DOI recommends adding FL-82 to the CBRS as delineated.

1063

6/18/87

3621 San Remo Terrace
Sarasota FL 33579

Dear Study Group Members:

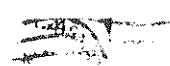
I would urge you to support the additions of the following areas to CBRA

- P21A Monasota Key
- P20 Casey Key
- P23 Longboat Key
- FL 78 Rattlesnake Key
- FL 82 Bishop Harbor

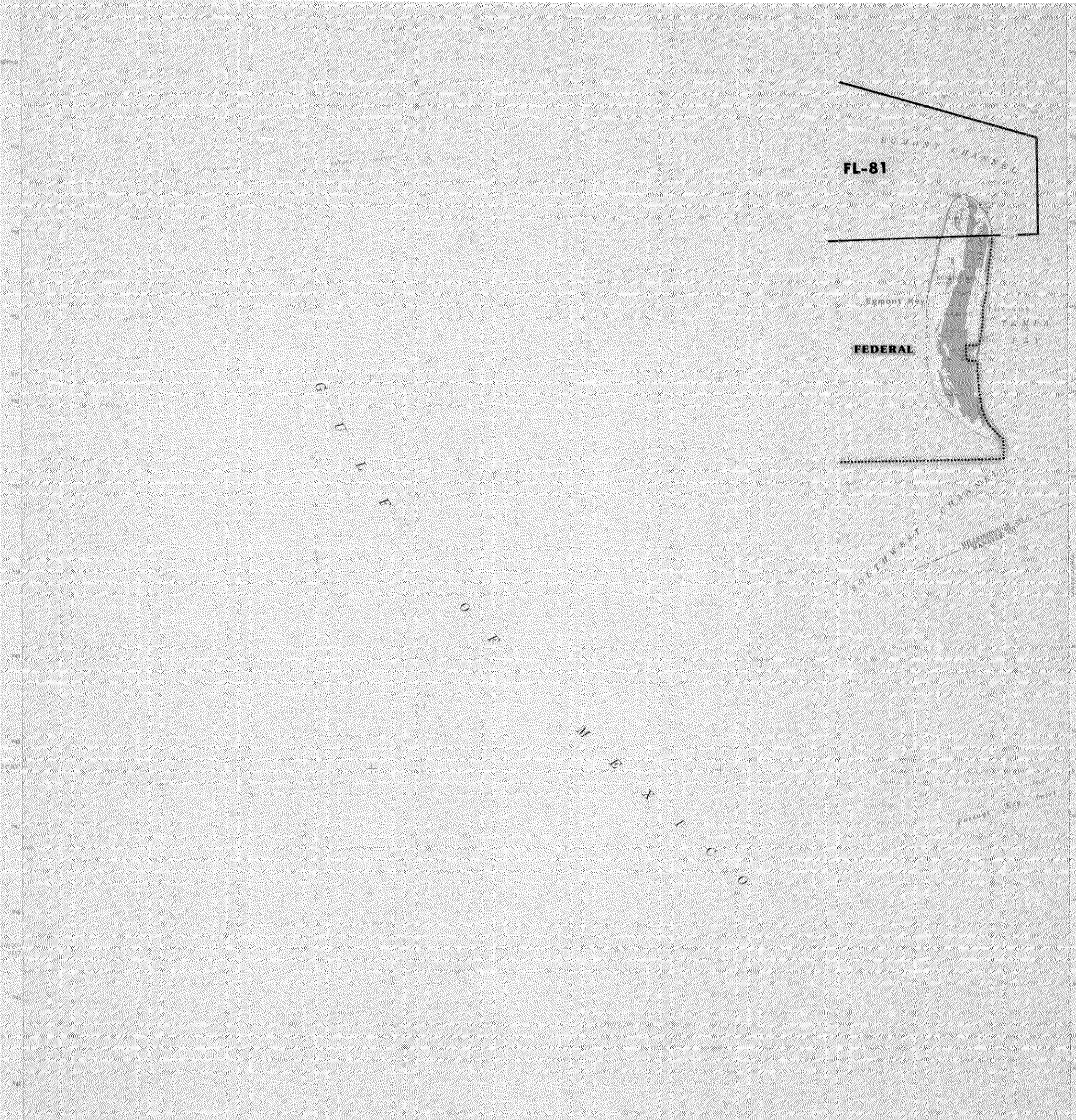
Also I urge you not to delete the "otherwise protected" areas from CBRA which actually may not be protected

Thank you,
Blanche Jaffer
(Miss Maurice Jaffer)

1324

Dear Sirs:  Jun 19, 1987
I strongly feel that the current issue of adding "Coastal barriers - FL 82 and FL-78 and the addition to P23 is important. I also support the addition of the Florida Keys to this list. I oppose deletion of "otherwise protected areas".

Sincerely,
Jan Simkus



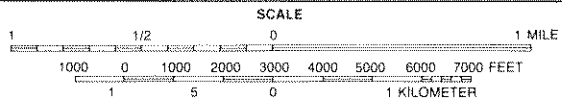
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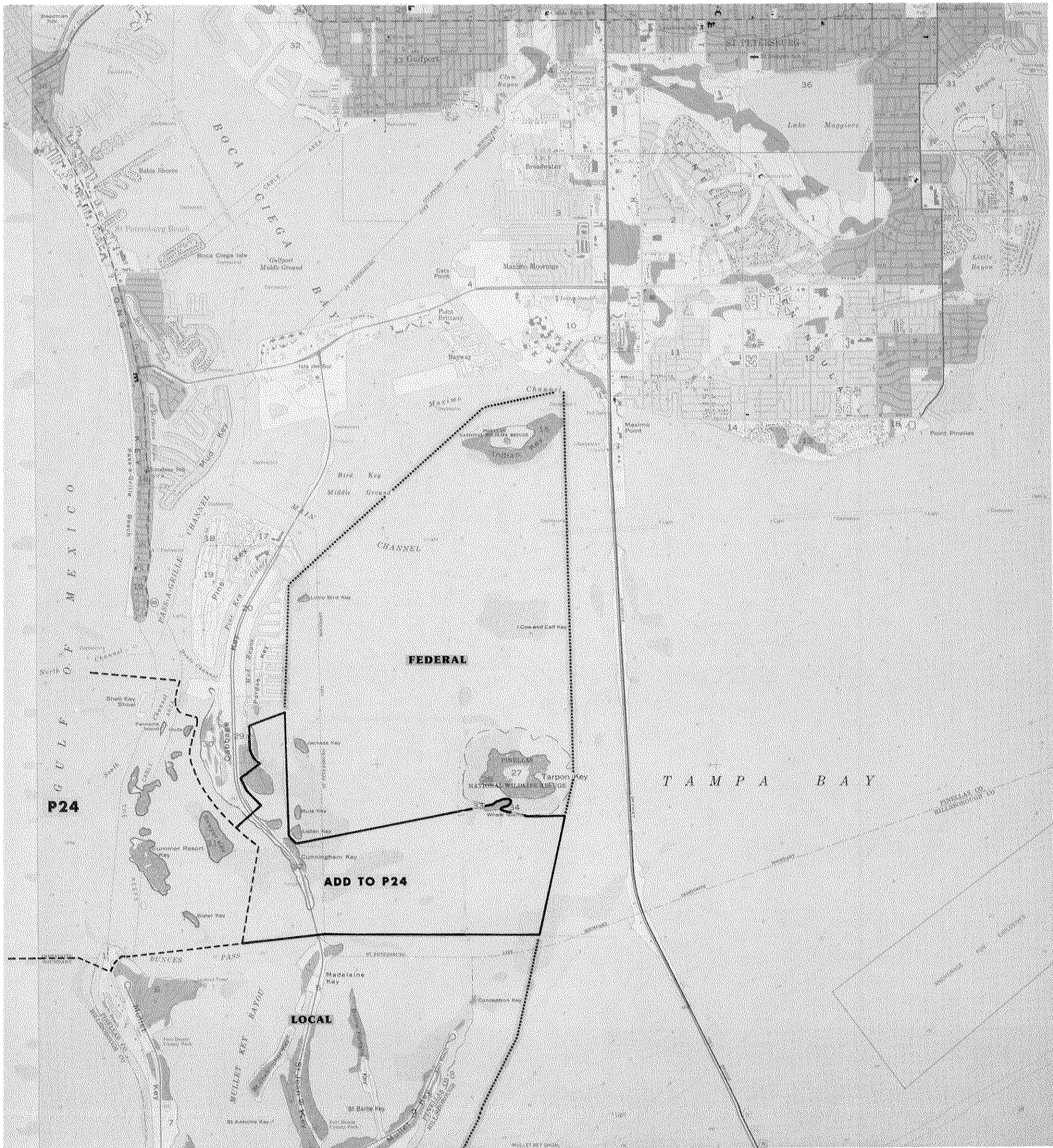
Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
EGMONT KEY
FLORIDA



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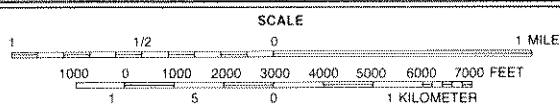
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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QUADRANGLE
PASS-A-GRILLE BEACH
FLORIDA



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P24 - THE REEFS

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

Other Comments: Three letters expressing support for the continued inclusion of P24

in the CBRS were received. They are reprinted below.

DOI Recommendation: The DOI recommends adding the undeveloped barriers and associated aquatic habitat to the existing CBRS unit.



303

Post Office Box 11775, St. Petersburg, Florida 33733, 813/321-6876

May 7, 1987

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

Gentlemen:

Re: Comment on addition to
the CBRS - The Reefs,
P 24 - Map 35

Thank you for this opportunity to reply on proposed recommendations to the Coastal Barrier Resources Act (CBRS).

The League of Women Voters of the St. Petersburg Area urge that Unit P 24, Map 35, The Reefs located in Pinellas County, Fl., Congressional District 7 consisting of 1.10 shoreline miles and 1,617 acres be added to the Coastal Barrier Resource Act. We recommend this because five islands in this area remain in private ownership and as such could be developed. At this time Pinellas County has received an application from an owner of a small island in The Reefs for a permit to develop. These islands are small sand coastal barrier islands and should be included in the CBRS. We wrote three (3) years ago requesting you to update your information on this area and feel it is essential to do so at this time.

It is true a few of the islands located in The Reef area have been purchased by Pinellas County but five remain in private ownership.

Thank you for your immediate investigation of this area and we are hopeful The Reefs will be recommended by the Secretary of the Interior to be added to the Coastal Barrier Resources Act.

Sincerely yours,
Margaret Tappan
Margaret Tappan, President
LWV of the St. Petersburg Area

493

2482 35th Ave N.
St. Petersburg, FL 33713
May 19, 1987

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

Dear Sirs:

I am concerned that the area off Florida's west coast called the "Reefs" continue to be included in the coastal barrier resource system protected from development. We have too long subsidized unwise development on fragile areas.

I am happy to hear that you plan to expand the system in Florida.

Very truly yours
Emily K. Dipple

June 20th, 1987

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

Re: Interior Department's Report to Congress on
Underdeveloped Coastal Barriers dated March
26, 1987

We are heartily in favor of the proposals in the final draft report. Especially the enlargement of the system in providing protection to aquatic habitats, wetland and tidal flats areas associated with CBRS units.

Listed below are areas that we are acquainted with thru residency or visits to the areas.

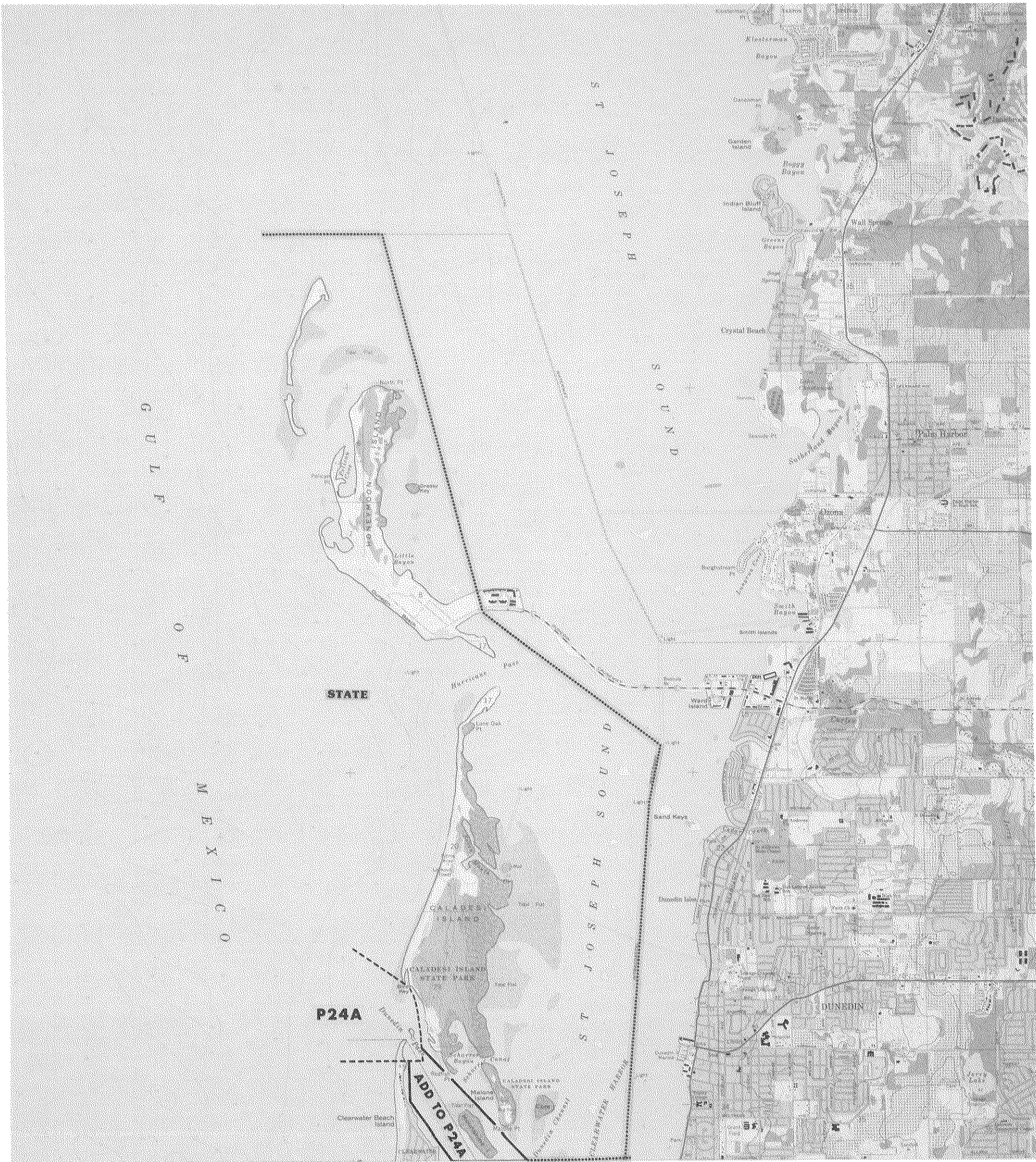
1. Recommend that the five barrier islands, called the Reefs in Pinellas-Hillsborough Counties be retained in the system. They are privately owned, and have been submitted in an application for zoning in the County department.

2. Recommend inclusion of the Florida Keys, Maryland, New Jersey, the Great Lakes and Pacific Coast in the system.

3. We oppose the deletion of the military and Coast Guard lands from the system.

Respectfully yours,

Mr. and Mrs. Winfield Lott



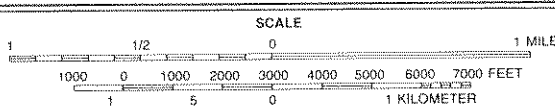
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Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

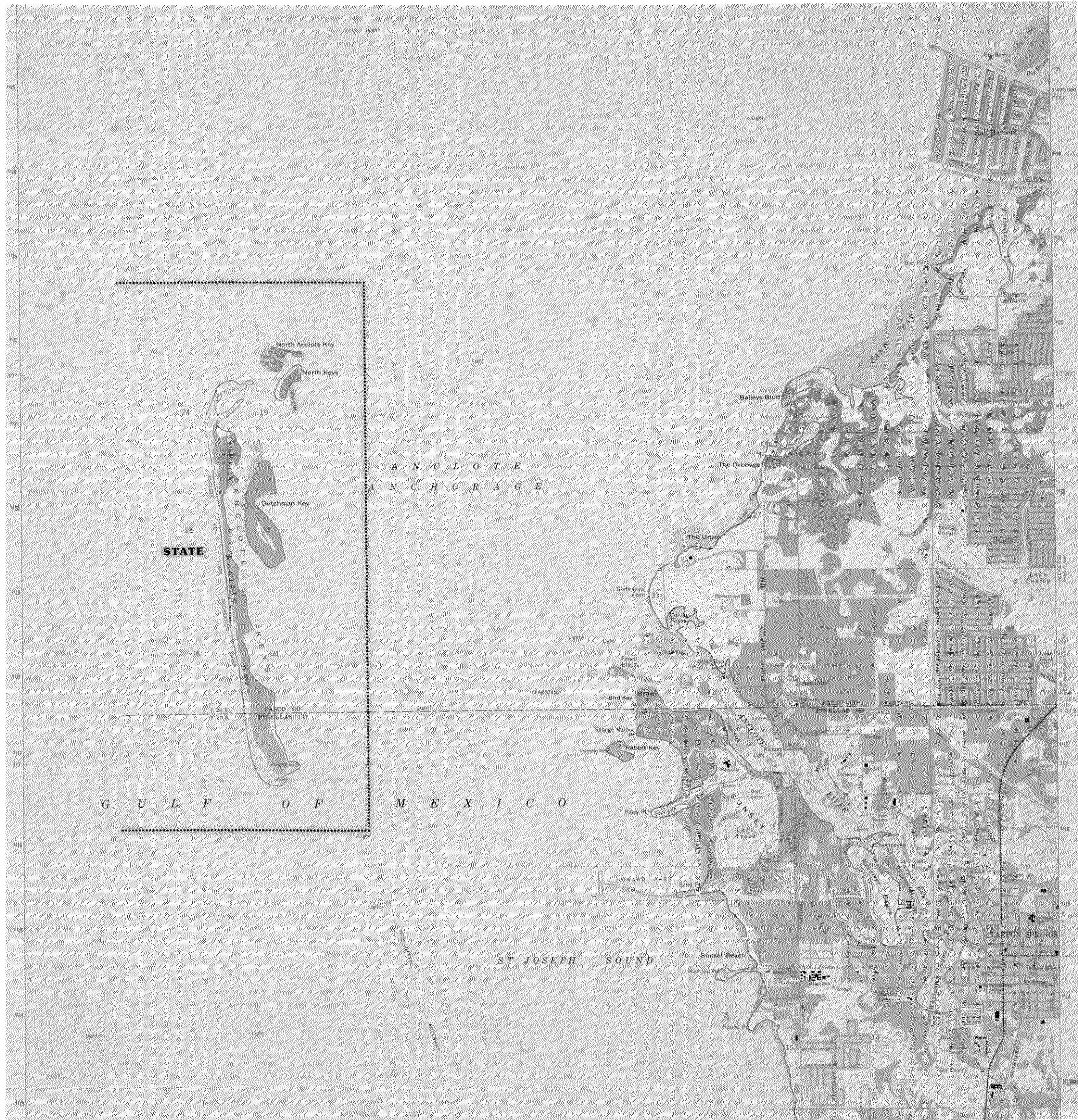
QUADRANGLE
DUNEDIN
FLORIDA



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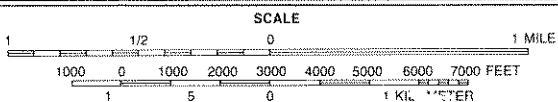
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Report to Congress on the Coastal Barrier Resources System

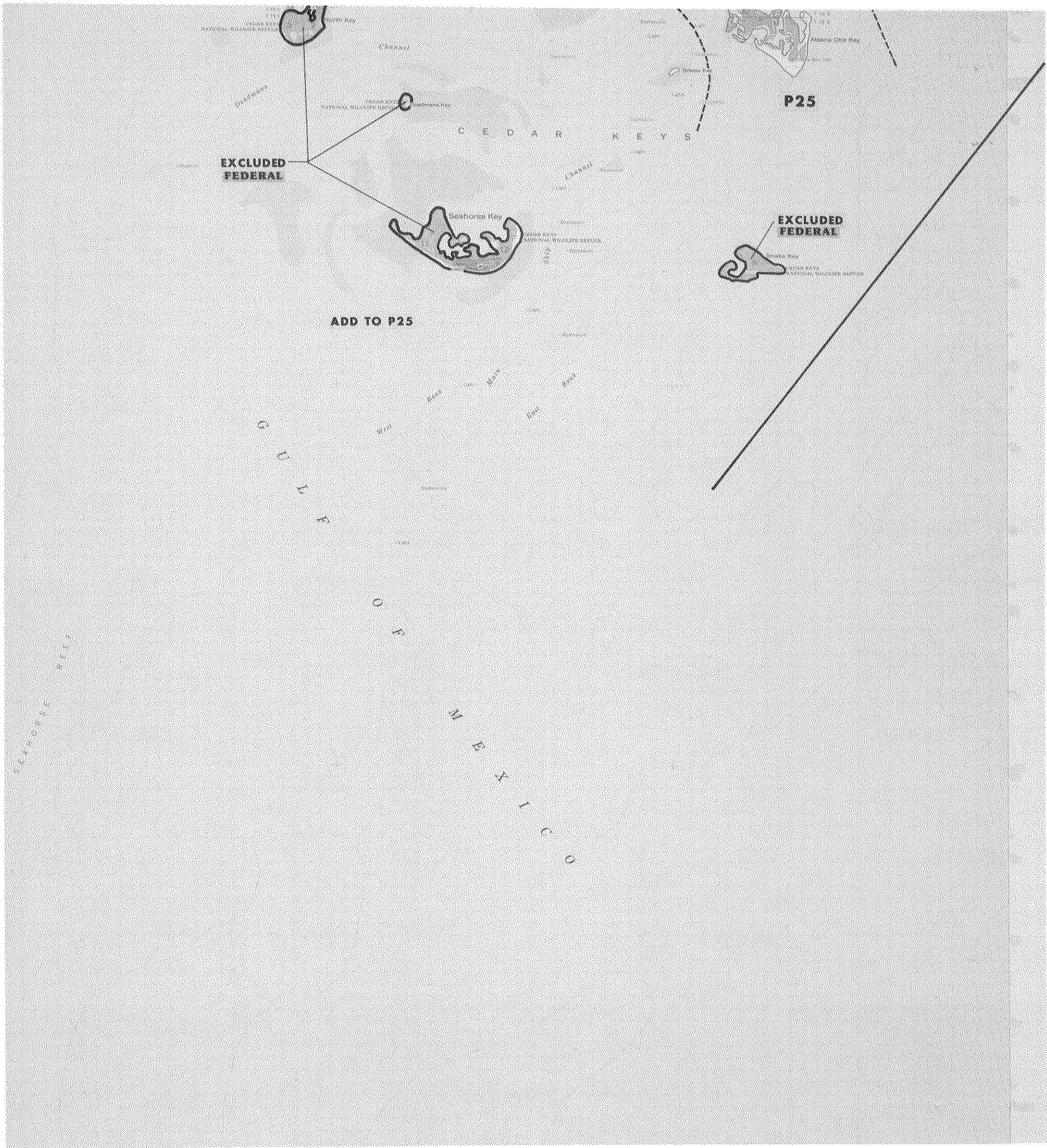
QUADRANGLE
TARPON SPRINGS
FLORIDA



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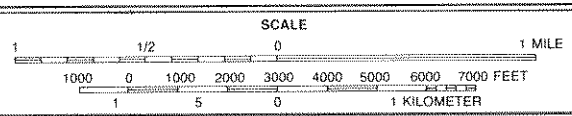
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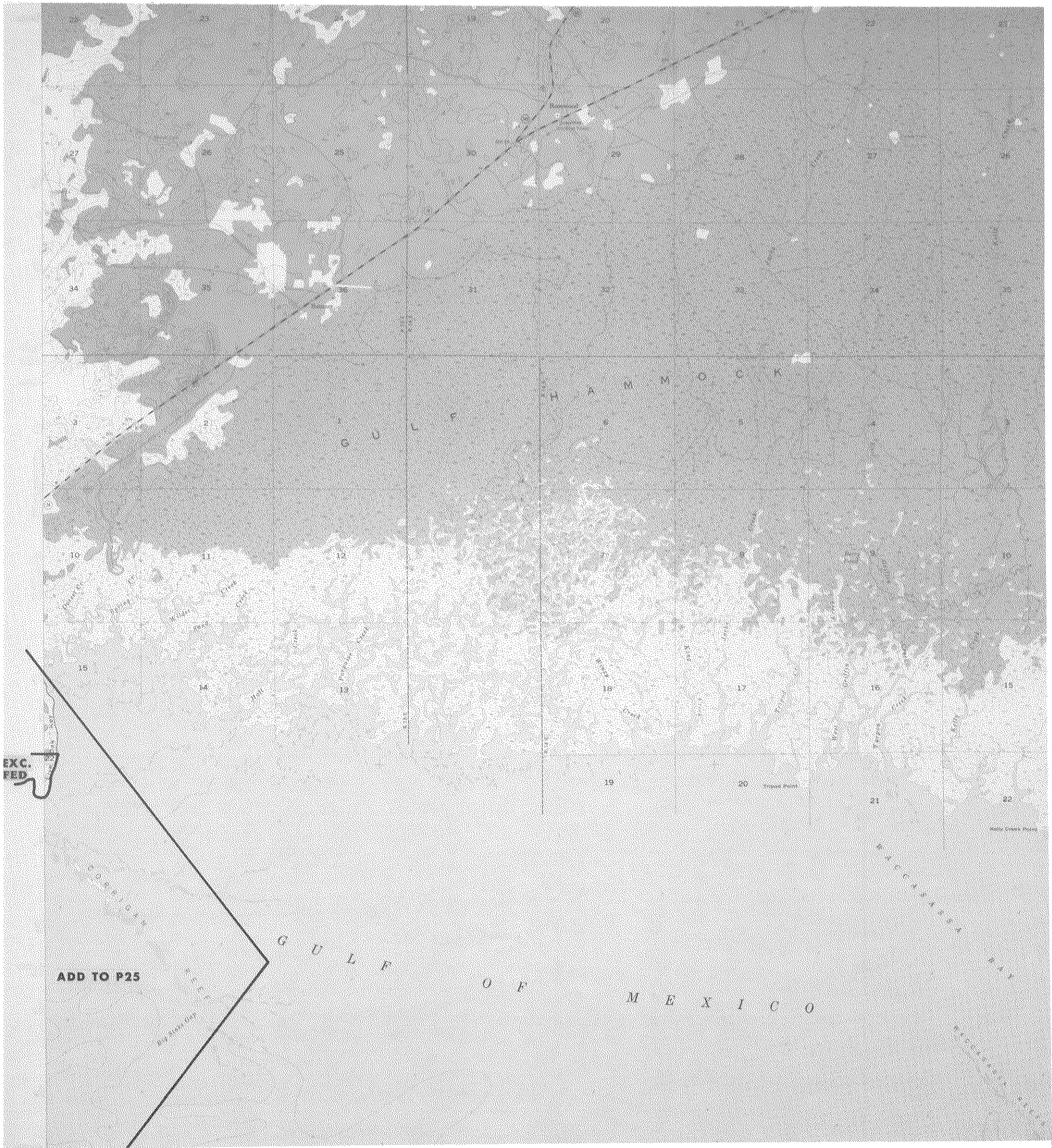
QUADRANGLE
SEAHORSE KEY
FLORIDA



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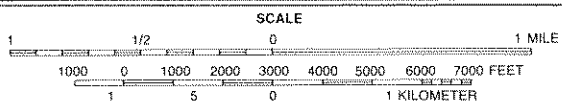
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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Washington, D.C. 20240

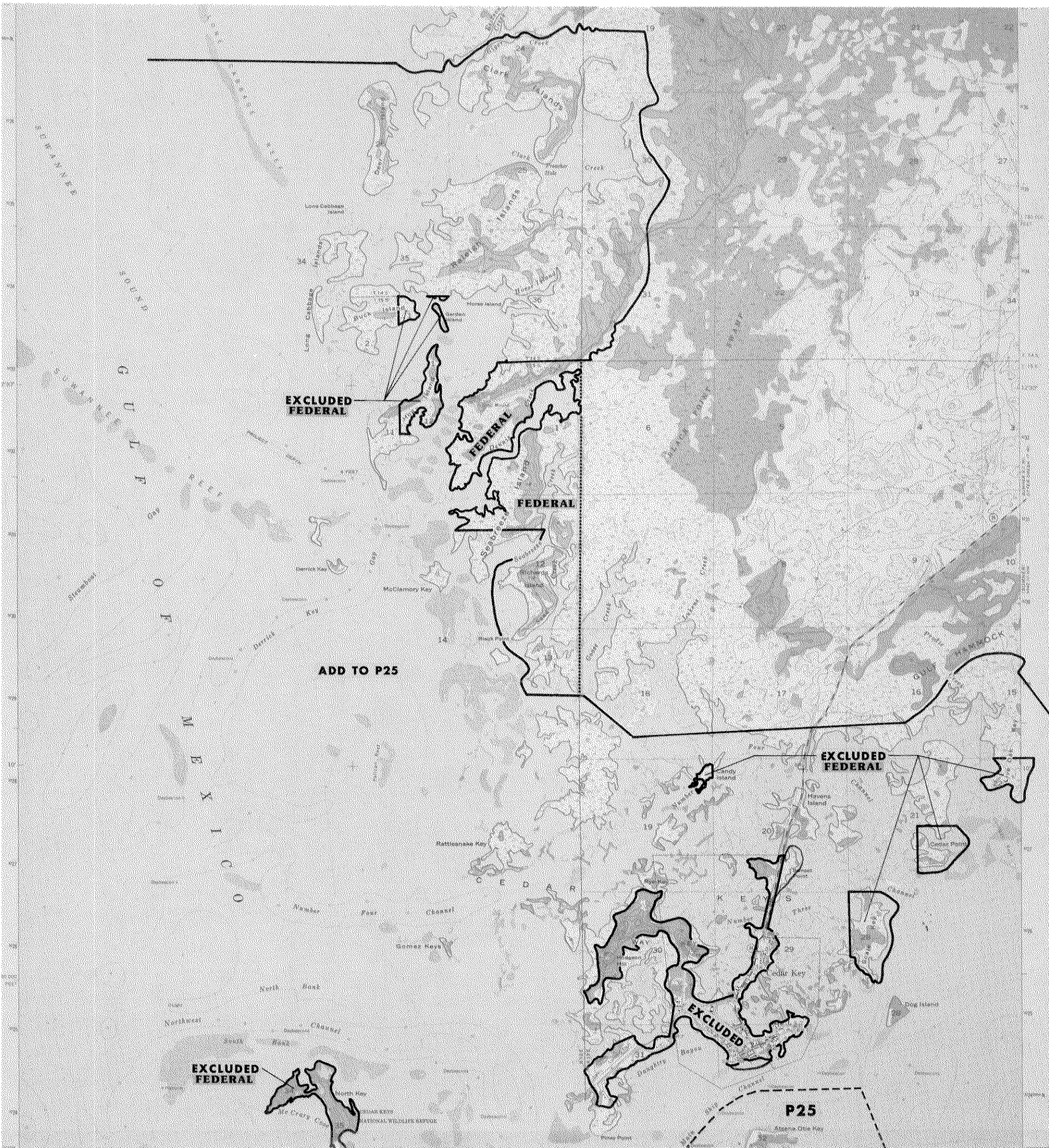
QUADRANGLE
SUMNER
FLORIDA



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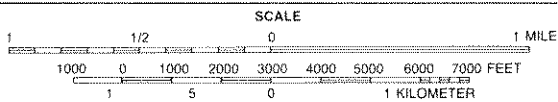
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
CEDAR KEY
FLORIDA



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P25 - ATSENA OTIE KEY

State Position: The State of Florida requested that the boundaries of the proposed additions to P25 in the 1987 Draft Report be revised to exclude several developed areas in and around the City of Cedar Key.

Other Comments: The Department received six other letters concerning P25. Four of these requested that the boundaries of the proposed additions to P25 be redelineated to exclude six areas that the commenters claimed were developed, including Way and Rye Keys, the north side of the Cedar Key airstrip, the Cedar Key dock area, Highway 24 and the surrounding lands between Bridges 3 and 4, Cedar Key Plantation, and the abandoned railroad site. Since all four of these letters were the same, one representative letter is reprinted below.

The City of Cedar Key requested that all land within the city limits of Cedar Keys be excluded from the proposed additions to P25. The Withlacoochee Regional Planning Council suggested several additional areas for inclusion in the unit, including Dog Key, Scale Key, and five marsh islands.

Both the City's and the Planning Council's letters are reprinted below.

Response: The DOI has reviewed the information provided by the commenters and agrees that Way Key, the north side of the airstrip, the dock area, the stretch between Bridges 3 and 4, and Cedar Key Plantation are developed and should not be added to the CBRS. No developed areas within the city limits of Cedar Key are included in DOI's delineations of the unit.

Rye Key, the abandoned railroad site, and Dog Key are all undeveloped and fully qualify for addition to the CBRS. Scale Key is protected by the State. The five islands suggested by the Regional Planning Council do not qualify as coastal barriers under DOI criteria; they are marsh islands with no linear features.

DOI Recommendation: The DOI recommends adding the undeveloped unprotected areas and associated aquatic habitat to the existing CBRS unit as delineated here to exclude the City of Cedar Key.

City of Cedar Key

The Island City

Phone (904) 543-5132 • P. O. Box 417 • Cedar Key, Florida 32625

June 12, 1987

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

Dear Mr. McGilvray:

I am enclosing for your information a copy of a current map of the City of Cedar Key, Florida. Please note that the city limits have been extended and that a substantial amount of development has taken place since the map you are using was printed. Practically all the area enclosed within the city limits of Cedar Key is platted into lots and most are fronting on paved streets with water and sewer service presently extended to most areas.

For this reason we request that your map showing excluded areas be revised to include all the area within the city limits of Cedar Key, Florida.

Should you have any questions, please advise.

Sincerely,

Robert D. Niffenegger
Robert D. Niffenegger
Building and Zoning Official
City of Cedar Key, Florida

DN/fh

Enclosure

XC: Bill Grant, U. S. Congressman
Commissioners, City of Cedar Key

804

1241 S.W. 10th Street
OCALA, FLORIDA 32674-2708
Telephone 904/732-3207



1228

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SECRETARY

June 29, 1987

Mr. Frank McGilvrey
Coastal Barriers Coordinator
U.S. Fish and Wildlife Service
Department of the Interior
Washington, DC 20240

Dear Mr. McGilvrey:

Thank you for the opportunity to comment on proposed changes to the Coastal Barrier Resources System. The Withlacoochee Regional Planning Council's recently adopted Comprehensive Regional Policy Plan contains goals calling for protection of marine habitats and the natural functions of coastal ecosystems and for avoidance of development which would increase evacuation time from coastal high-hazard areas, and a policy opposing the construction or reconstruction of infrastructure on offshore islands. The three coastal counties in our region have numerous undeveloped offshore islands. Only one, Atsena Otie Key, is currently included in the federal system; therefore, we would like to propose additions.

The islands on the attached list and highlighted in pink on the enclosed maps have been identified by the Florida Department of Community Affairs (DCA) as being inaccessible by bridge or causeway, and by the respective county development departments as having a density lower than one structure per five acres. A certified property appraiser has verified that the seven islands off the coast of Hernando County have no habitable structures and are privately owned. Some of the islands offshore from Levy County and perhaps Citrus are state or federally owned. We are including them because we believe they need the same degree of protection as the ones in private ownership.

Mr. McGilvrey
Page Two
June 29, 1987

In addition to the islands on the DCA list, most others along the Citrus County coast are undeveloped and should be considered. The following exceptions, highlighted in yellow on the map, already have development too dense to meet the criteria of your program:

Ft. Island	Sportsman Island
Pine Island	Lashley Point
Bond Island	Hell Gate

Please call if you have any questions.

Sincerely,



Charles L. Harwood
Executive Director

CLH:keg

Enclosures

620



Pelican Realty
"On The Dock"

P.O. Box 117, Cedar Key, Florida 32625 904-543-5219
Doris C. Hellermann, REALTOR 904-543-5581



May 27, 1987

Mr. Frank B. McGilvrey
Coastal Barriers Coordinator
US. Department of the Interior
P.O. Box 37127
Washington DC 20013-7127

Dear Mr. McGilvrey:

Although I was unable to attend the Coastal Barrier Resources System hearing in Jacksonville on the 12th, I sent along the information I had put together regarding Cedar Key. It was not totally complete, so I am now sending you the whole thing.

As a resident of Cedar Key and a full-time Realtor for over seven years, I have reviewed the Coastal Barrier Maps for this area (Maps numbered 36, 37, and 38). I am submitting my recommendations for your consideration:

1. WAY KEY AND RYE KEY AREA. Development in this area includes:

87 Homes plus 2 under construction
1 State Museum
1 City Cemetery

Amenities are central water throughout, central sewer to approximately one-half, electric and telephone lines throughout, as well as cable TV to most of the area. The entire area is platted into one-third to one-half acre lots. There are asphalt roads throughout the area except for one small loop of about one-half mile that is limerock.

Inclusion within the CBRS would bring great hardship to the landowners in this area as well as in the areas described below because there would be no new mortgage money available nor any flood insurance.

2. NORTHERLY SIDE OF CEDAR KEY AIRPORT. Development in this area (approximately one-half mile long) includes 8 homes with central water, electric and telephone lines. The road is asphalt.

3. DOCK AREA. This area presently is the main attraction for the small tourist industry enjoyed by Cedar Key. It is developed as follows:

Page 2

7 Seafood Restaurant/Sandwich Shops
6 Retail Shops
1 Real Estate Office
1 Main Fishing & Docking Dock

Amenities include central water and sewer, telephone and electric lines. The street is paved the entire length of the Dock (approximately 3 blocks).

Including this area in the CBRS would create financial burdens so great the businesses would not likely survive.

4. ABANDONED RAILROAD TRESTLE. I understand this property was recently purchased as a homesite and plans are underway for building on it. An asphalt road runs back to the property, with utility services available. It does not make sense to me to include this small piece of property in the CBRS when the property all around it is excluded already.

5. NUMBER THREE BRIDGE TO NUMBER FOUR BRIDGE. (approximately one mile). This area is presently developed as follows:

18 Homes
1 Duplex
1 Mobile Home/RV Park with Motel & Swimming Pool
3 Motels
2 Oyster Houses
1 Beauty Shop

Highway 24, which runs through this entire area, is paved, and there are two short graded limerock road (private). Amenities include central water throughout this area, central sewer to most of this area, electric lines, telephone lines, and cable TV throughout this area.

All but six of the homes and one of the oyster houses are located within the corporate city limits of Cedar Key.

Including this area in the CBRS would create hardship for the individual property owners inasmuch as there would be no federal flood insurance and therefore no mortgage funds or business loans to these people. Without water and sewer grant money, maintenance of these services within this area would become a tremendous burden.

6. CEDAR KEY PLANTATION AND CORRIDOR TO CEDAR KEY. Cedar Key Plantation is located on property that was platted several years ago. Development is underway, with many if not all of the needed permits in the developer's hands. The developer also has plans for the rest of the area, not yet recorded. Inclusion in the CBRS would create a very great hardship for this property owner.

Page 3

MAP ERRORS: I would also like to point out that the map you have used is very out of date. I have marked approximate street changes on a copy of your map to give you an idea how extensive the changes are. I am also enclosing a more accurate street map and a plat map. I can furnish you with more detailed plat maps if you would like them.


CURRENT PROTECTIVE REGULATIONS. The City of Cedar Key has a 217-page Zoning Ordinance, drafted by Gainesville and later Sanibel Island zoning attorney, David LaCroix, in 1983. The ordinance restricts heights of buildings to 32 feet and also restricts density according to zoning classification. The restrictions on density are stricter than those prior to 1983. Development of wetlands is prohibited and is also very unpopular with local residents.

In 1985, Cedar Key adopted the FEMA guidelines; in 1987, we adopted the amended FEMA guidelines as well as the Florida Coastal Construction Code. In 1986, we became part of the Florida Windstorm Pool. Cedar Key has a Comprehensive Plan and is in the process of updating it. We are regulated by the DNR, DER and the Army Corps of Engineers.

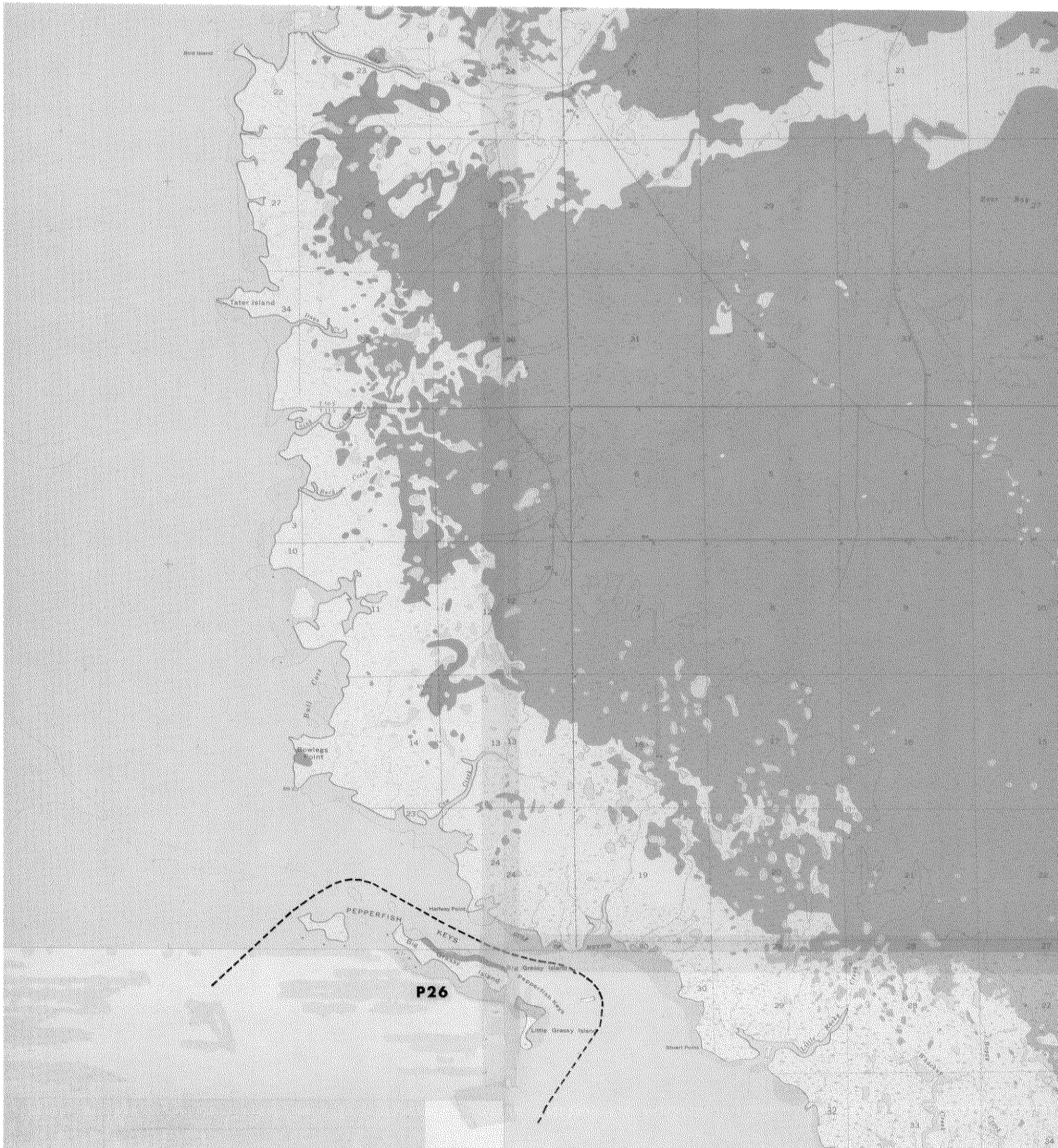
I believe inclusion of the above six areas of Cedar Key in the CBRS will create an inordinate hardship for the landowners involved. It also seems unfair to put these areas into the CBRS while their neighbors are excluded.

Please contact me if I can be of further assistance to you in any way.

Sincerely,



Doris Hellermann
REALTOR



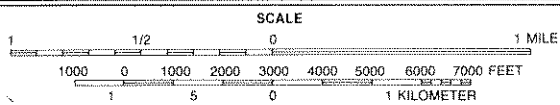
UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

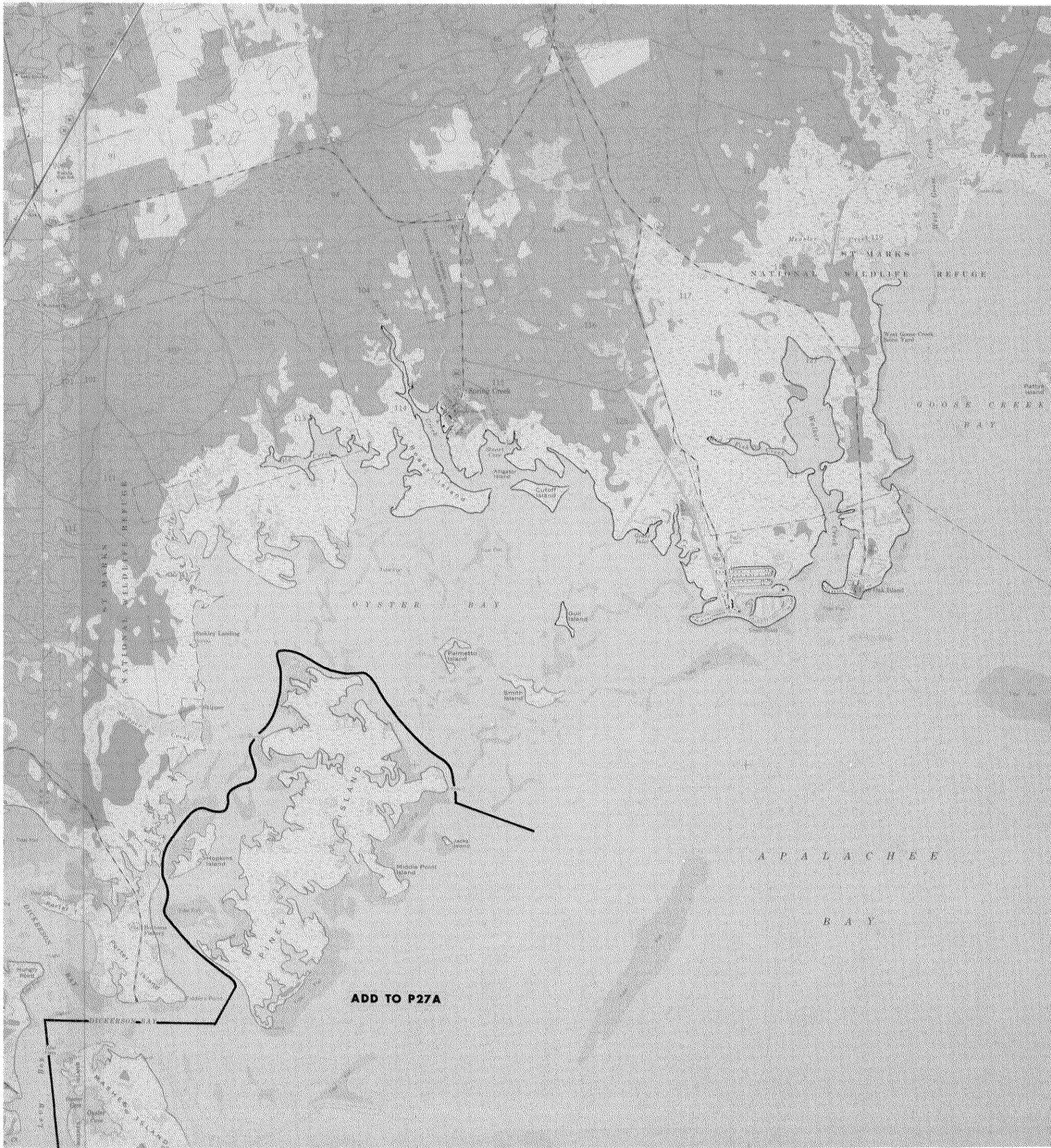
QUADRANGLE
STEINHATCHEE SW
FLORIDA



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



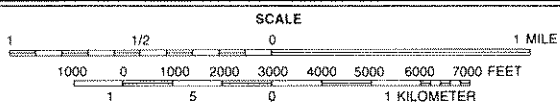
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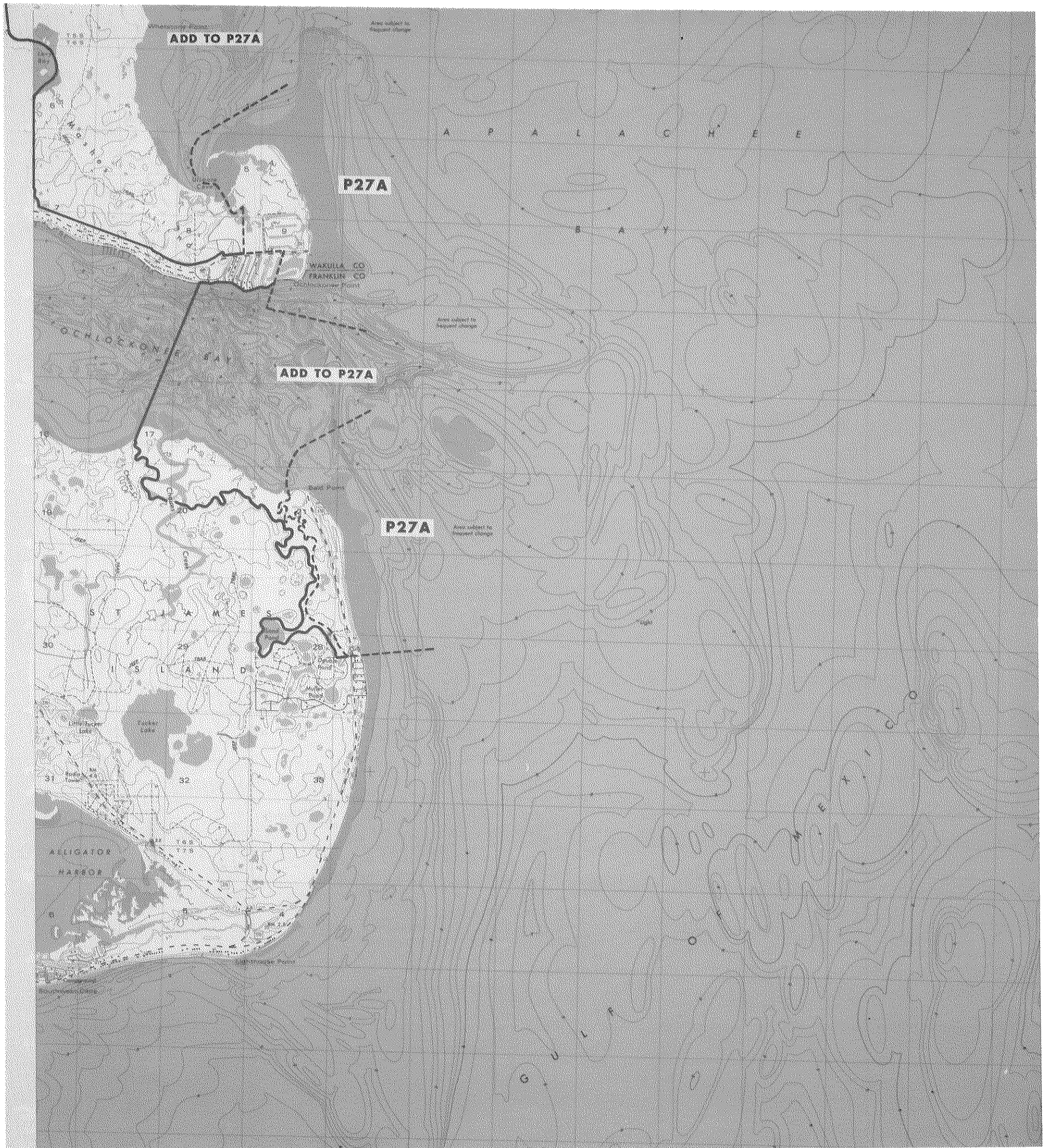
QUADRANGLE
SPRING CREEK
FLORIDA



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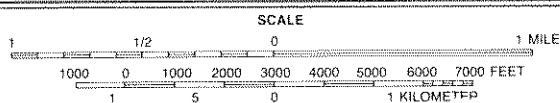
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QUADRANGLE
LIGHTHOUSE POINT
FLORIDA



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P27A - OCHLOCKONEE COMPLEX

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

DOI Recommendation: The DOI recommends adding new undeveloped unprotected areas to the existing CBRS unit as delineated here.

Other Comments: One letter was received supporting additions to P27A in Franklin County. It is reprinted below.



LEE R. P. RIVERS, Clerk

FRANKLIN COUNTY

P. O. Box 340
APALACHICOLA, FLORIDA 32320

April 30, 1987

BOARD OF COUNTY COMMISSIONERS
JIMMY G. MOSCONIS, *Chairman*
WILLARD VINSON
EDWARD KUBICKI
EDWARD TOLLIVER
PERCY O. MOCK

239

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

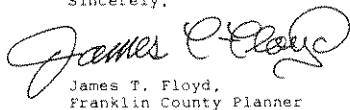
Gentlemen:

We have reviewed the proposed addition of certain lands in Franklin County, Florida for coastal barrier designation and find no real objection to the addition proposed for P27A as identified on Chart 41 of the Lighthouse Point Quadrangle in as much as this area has experienced little or no growth and is subject to excessive tides according to the F.I.R.M.

I cannot comment on the proposal for addition to the P28 Dog Island Quadrangle, Chart 42, as it is a bit confusing and I do feel the owners of this property will contribute their own comments.

Unfortunately, I will not be able to attend the public hearings but have notified several concerned individuals, especially residents of Dog Island as to the date, time and location of these public hearings.

Sincerely,


James T. Floyd,
Franklin County Planner

JTF:rlw

cc: D.C.A.



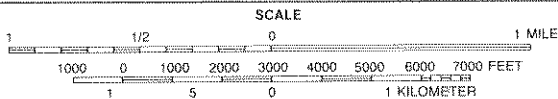
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QUADRANGLE
ST. TERESA
FLORIDA



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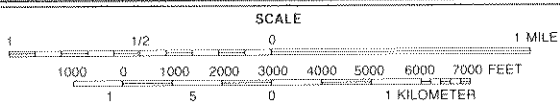
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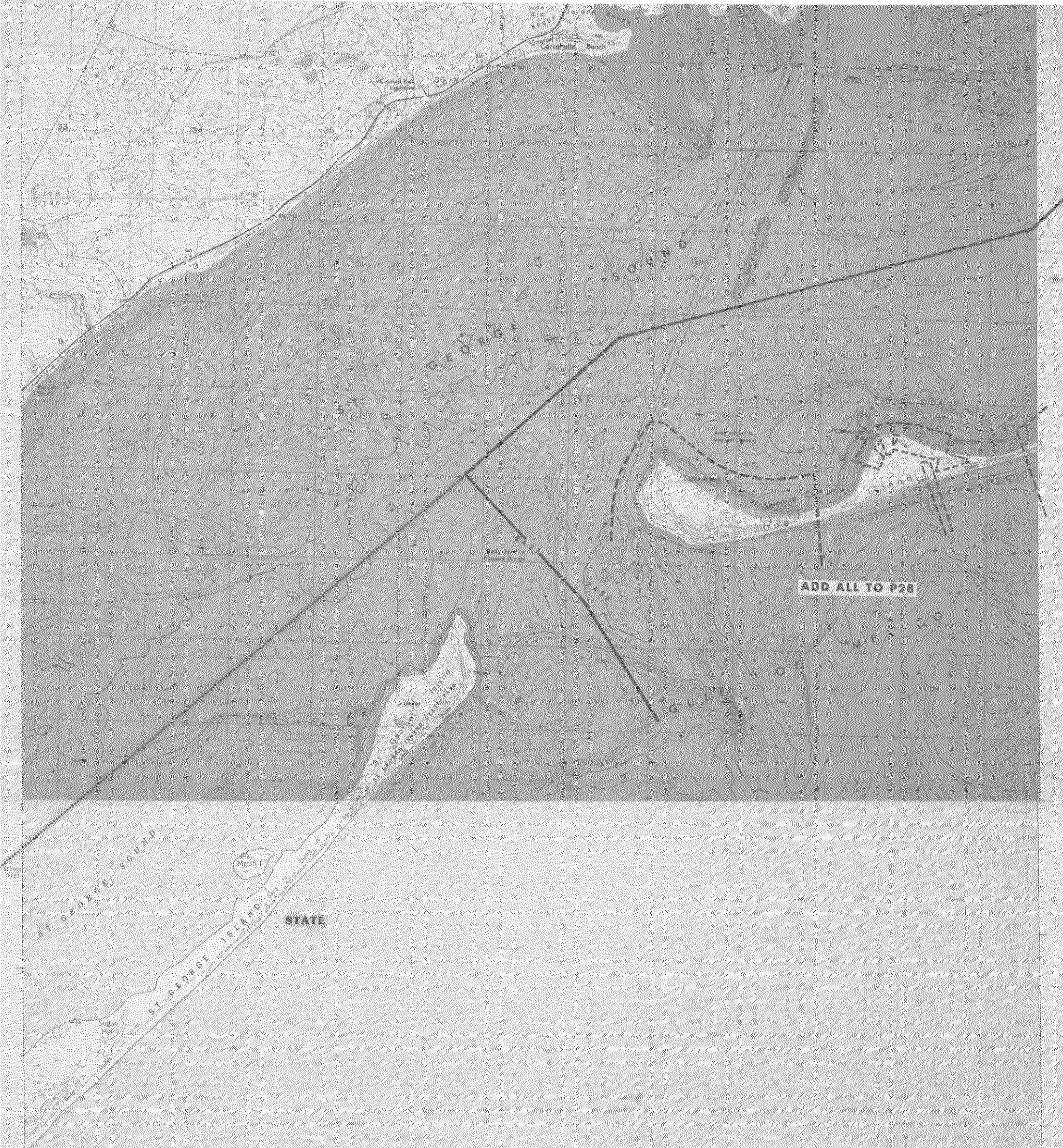
QUADRANGLE
DOG ISLAND
FLORIDA



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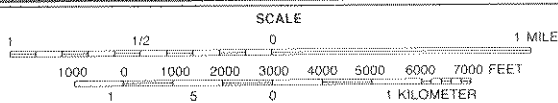
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QUADRANGLE
CARRABELLE
FLORIDA



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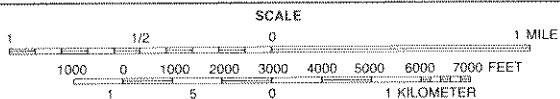
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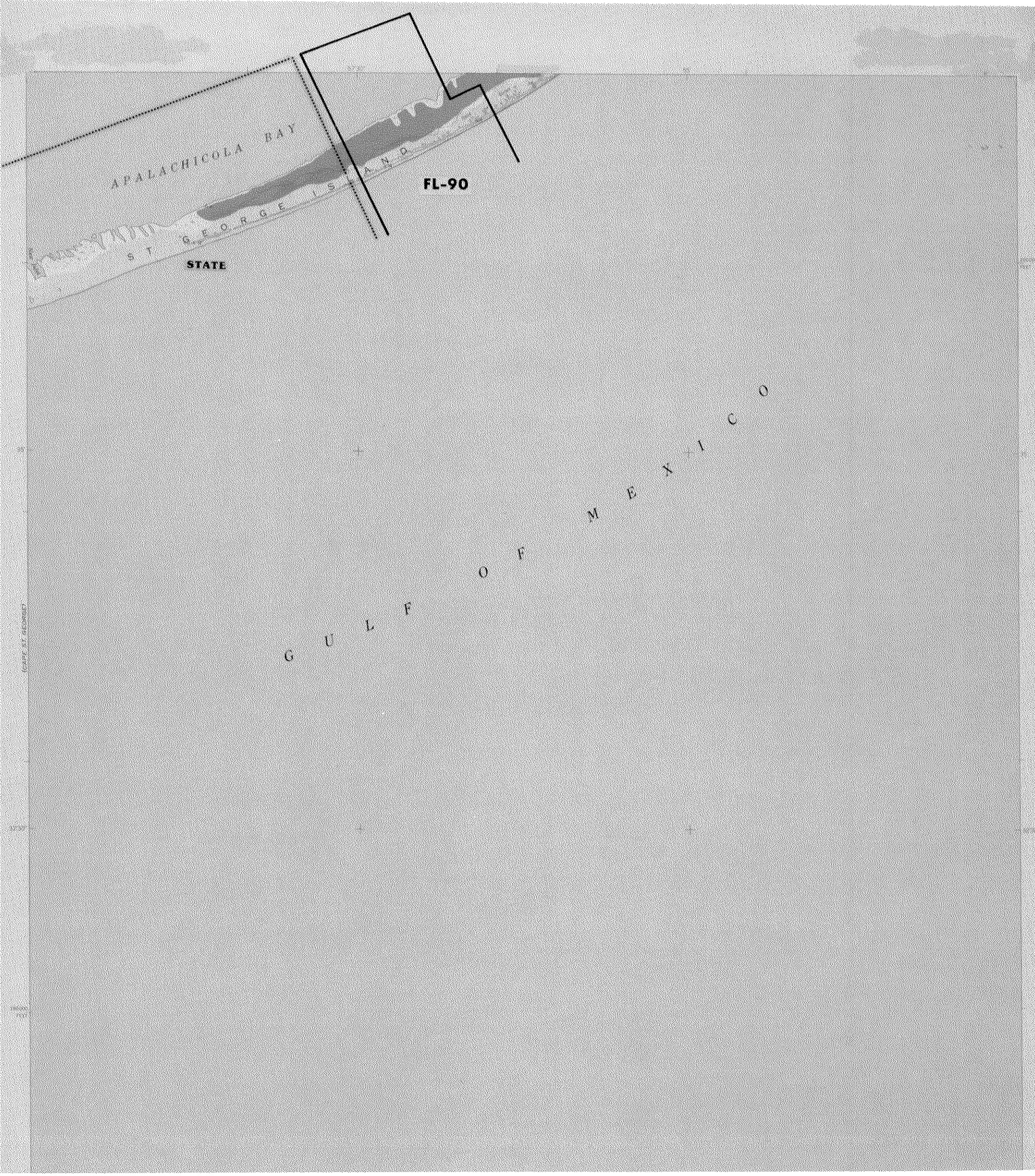
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GOOSE ISLAND
FLORIDA



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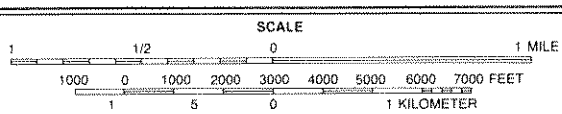
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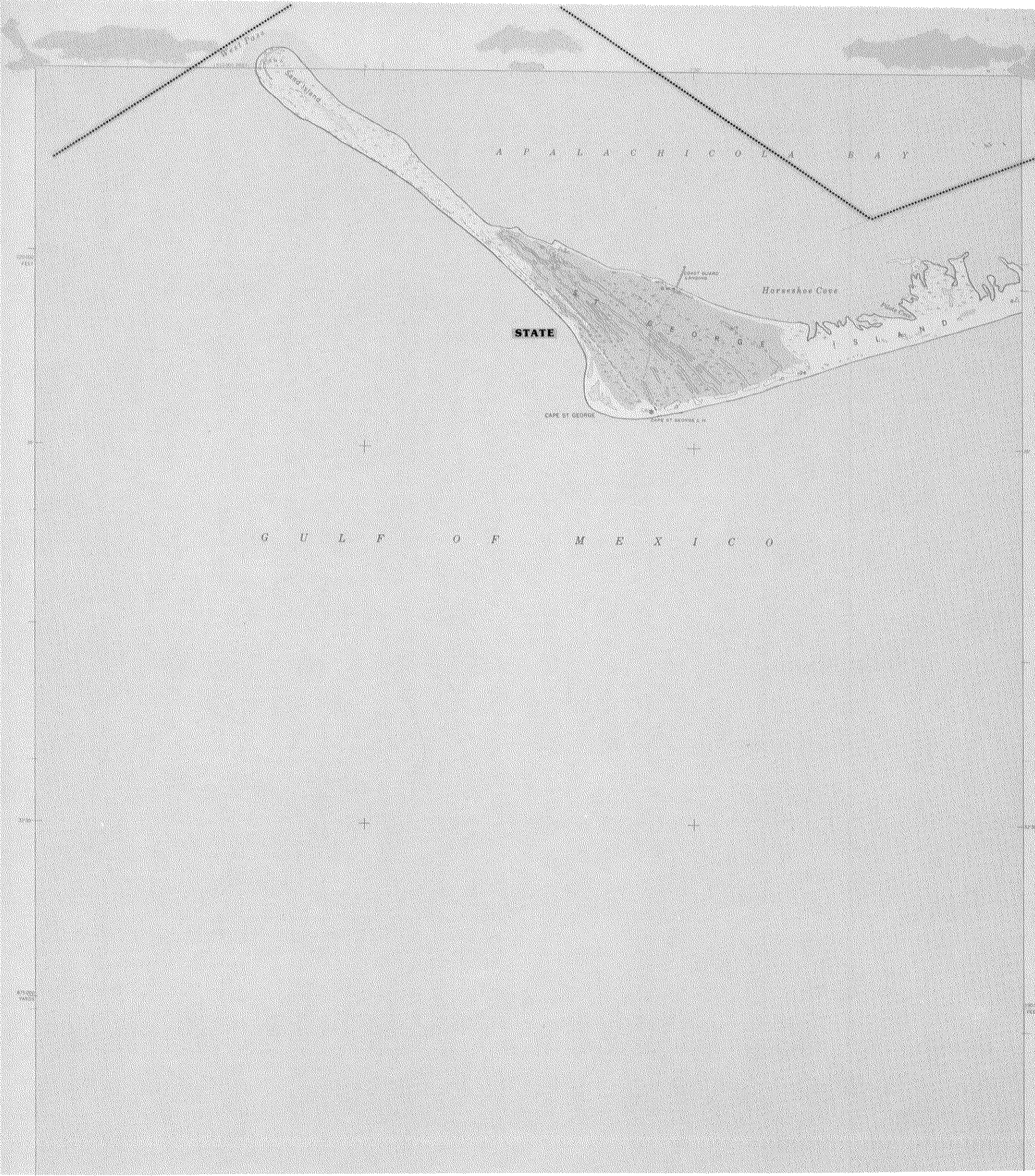
Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
NEW INLET
FLORIDA



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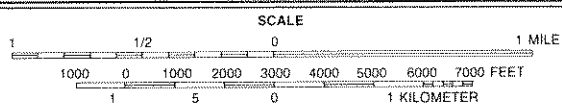
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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
CAPE ST. GEORGE
FLORIDA



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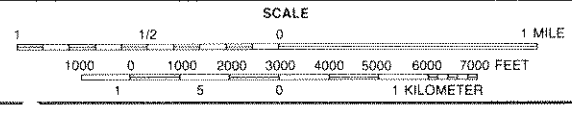
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Report to Congress on the Coastal Barrier Resources System

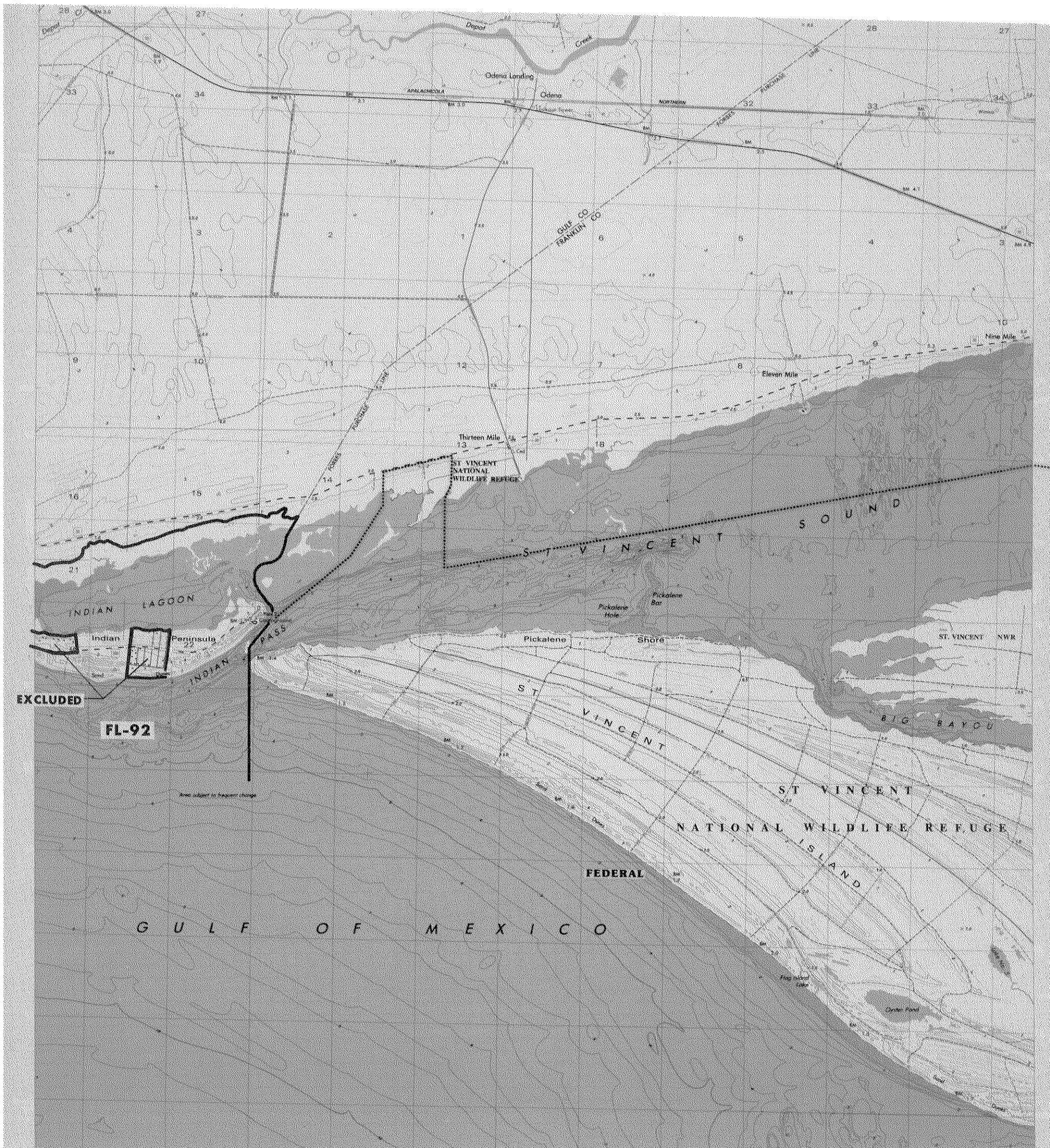
QUADRANGLE
WEST PASS
FLORIDA



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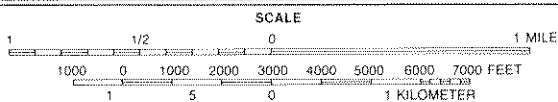
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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
INDIAN PASS
FLORIDA



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FL-92 - INDIAN PENINSULA

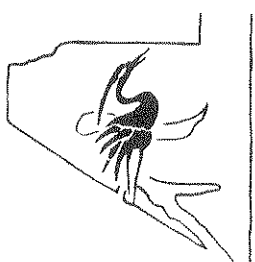
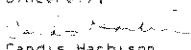
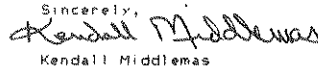
State Position: The State of Florida expressed no position on this particular proposed CBRS unit.

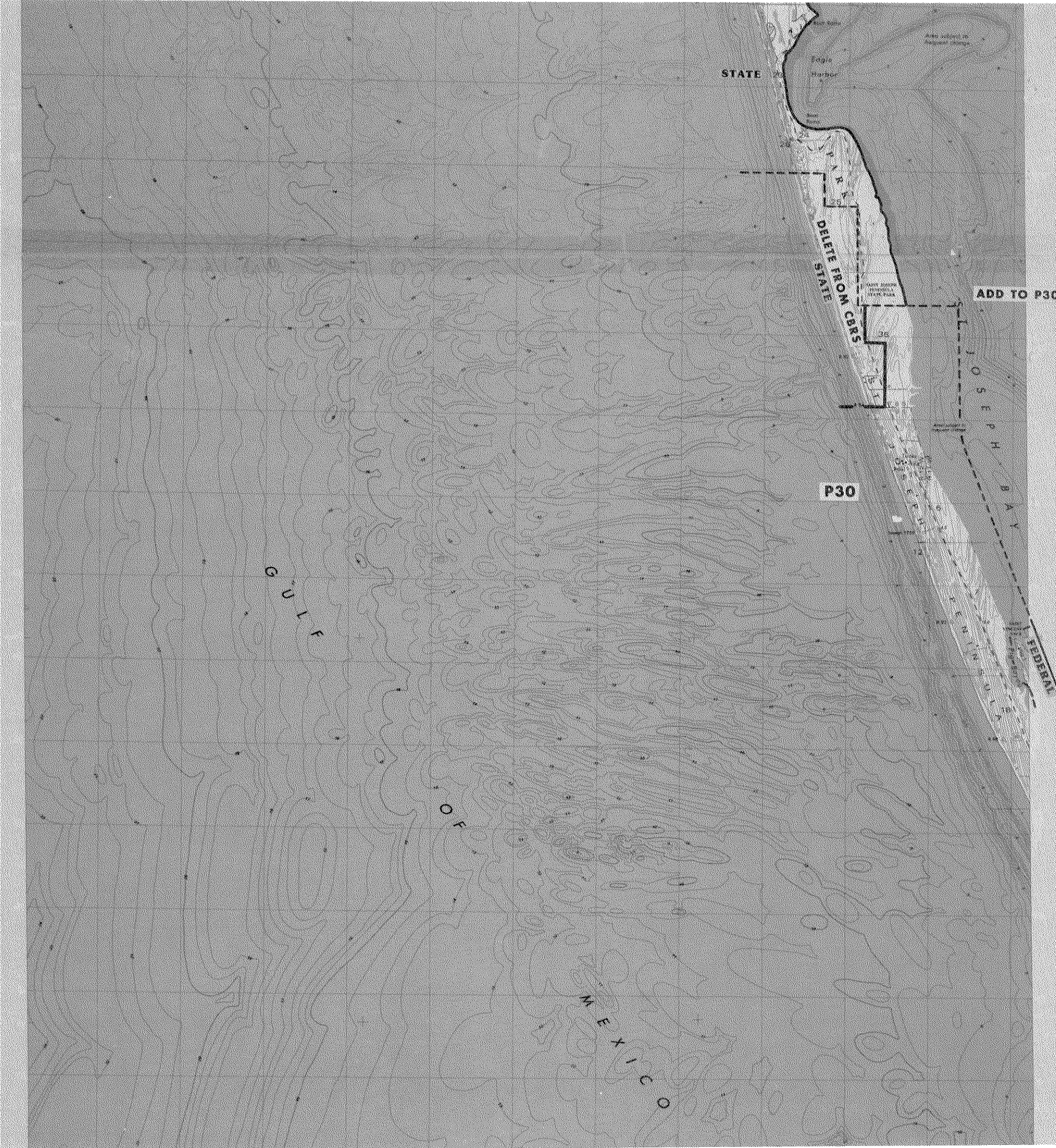
Other Comments: Five letters supporting the proposed addition of FL-92 to the CBRS were received. One of these letters also suggested that the area around Lake Powell at Phillips Inlet (see Seminole Hills map, page 122) be added to the CBRS.

Two representative letters are reprinted below.

Response: The area around Lake Powell at Phillips Inlet is locally protected as a public park.

DOI Recommendation: The DOI recommends adding FL-92 to the CBRS as delineated.

<p style="text-align: right;">530</p> <p style="text-align: center;">"FROM BIRDWATCHING  TO THE TOTAL ENVIRONMENT"</p> <p style="text-align: center;">May 21, 1987</p> <p>Coastal Barriers Study Group DOI, National Park Service P O Box 37127 Washington, DC 20013-7127</p> <p>Dear Study Group Members, Our group is pleased that the Department proposes to expand the Coastal Barriers Resource System. We urge the inclusion of all proposed areas in Bay, Walton, Gulf, and Franklin counties in Florida. The area of Gulf County known as Indian Peninsula is of special concern to our group since it is not only scenically beautiful but is also an area which is very hospitable to wildlife and fisheries. There are extensive wetlands in the area which should all be included in the System. We do not see that deletion of state-controlled and military-controlled areas is necessary; while the state and the military are frequently good stewards of their resources, this is not always the case. We would like to see large embayments included in the System; in particular, we would like to see the area around Lake Powell at Phillips Inlet in Bay County included. And certainly, if vulnerability to hurricane damage is one of the criteria for inclusion, the Florida Keys should be foremost on the list. Thank you for the opportunity to comment by letter since our Society's annual meeting took place on May 11 and prevented us from attending the public hearing that night!</p> <p style="text-align: right;">Sincerely,  Candis Harbison Conservation Chair</p> <p>Bay County Audubon Society • P.O. Box 1182 • Panama City, Florida 32402</p>	<p style="text-align: right;">1117</p> <p style="text-align: right;">800 Bunkers Cove Road Panama City, Fl. 32401 May 21, 1987</p> <p>Coastal Barriers Study Group DOI, National Park Service P O Box 37127 Washington, DC 20013-7127</p> <p>Dear Study Group Members, I am a property owner in the area of Indian Peninsula, Gulf County, Florida which is proposed for inclusion in the Coastal Barriers Resource System. I highly endorse such action. This is a beautiful area of beaches and wetlands which nurtures wildlife and marine life. It was hit hard by the hurricanes of 1985 in which many existing structures were damaged, proving its unsuitability for large-scale development and the foolishness of expenditure of federal funds to encourage such development. I do object, however, to the deletion of military-controlled areas in Gulf County (specifically at Cape San Blas) from the System. One branch of the federal government certainly cannot be depended on to follow the regulations of another branch unless forced to do so.</p> <p style="text-align: right;">Sincerely,  Kendall Middlemas</p>
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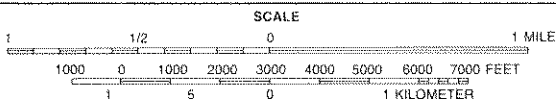
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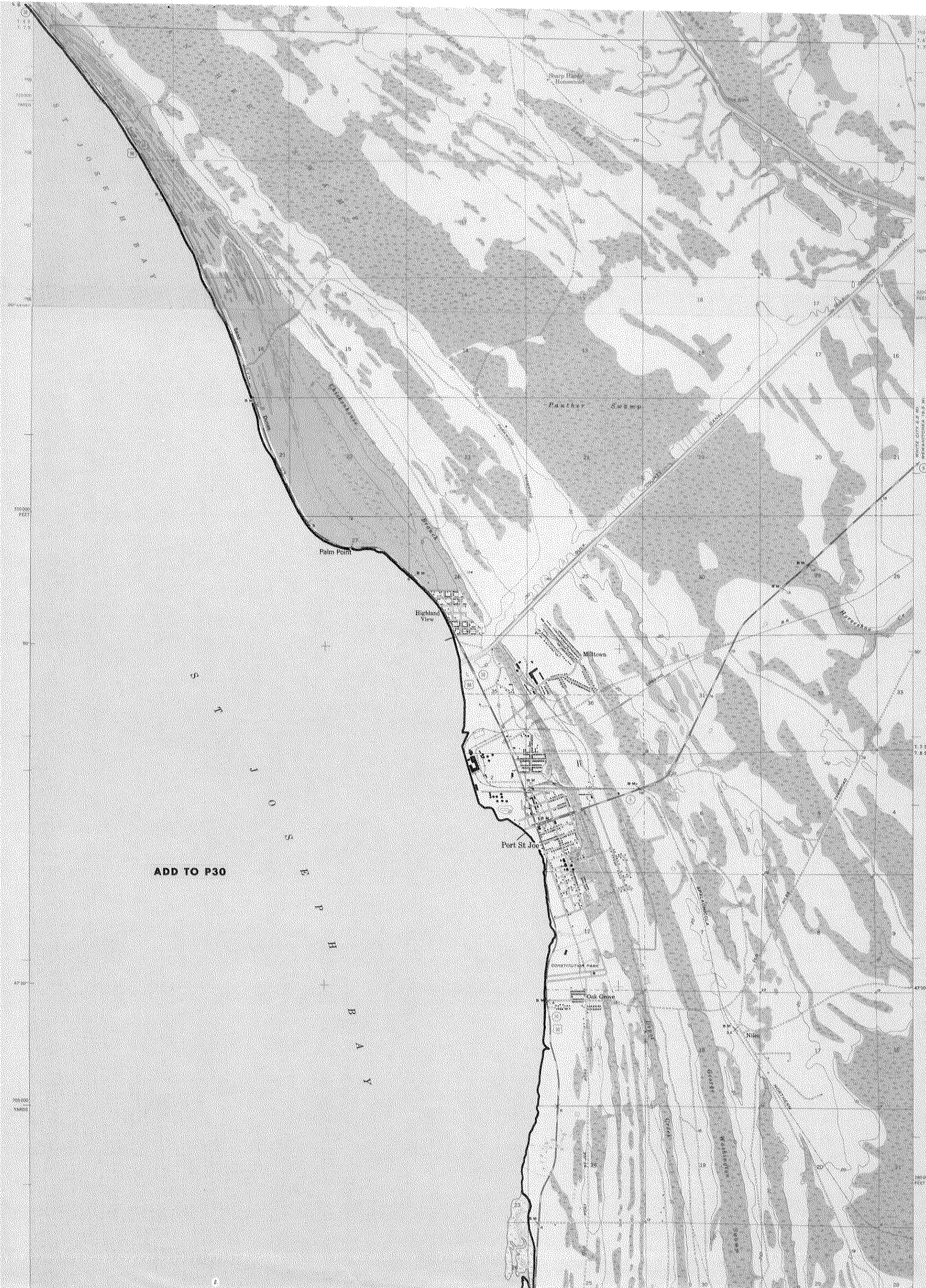
QUADRANGLE
ST. JOSEPH PENINSULA
FLORIDA



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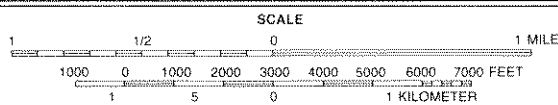
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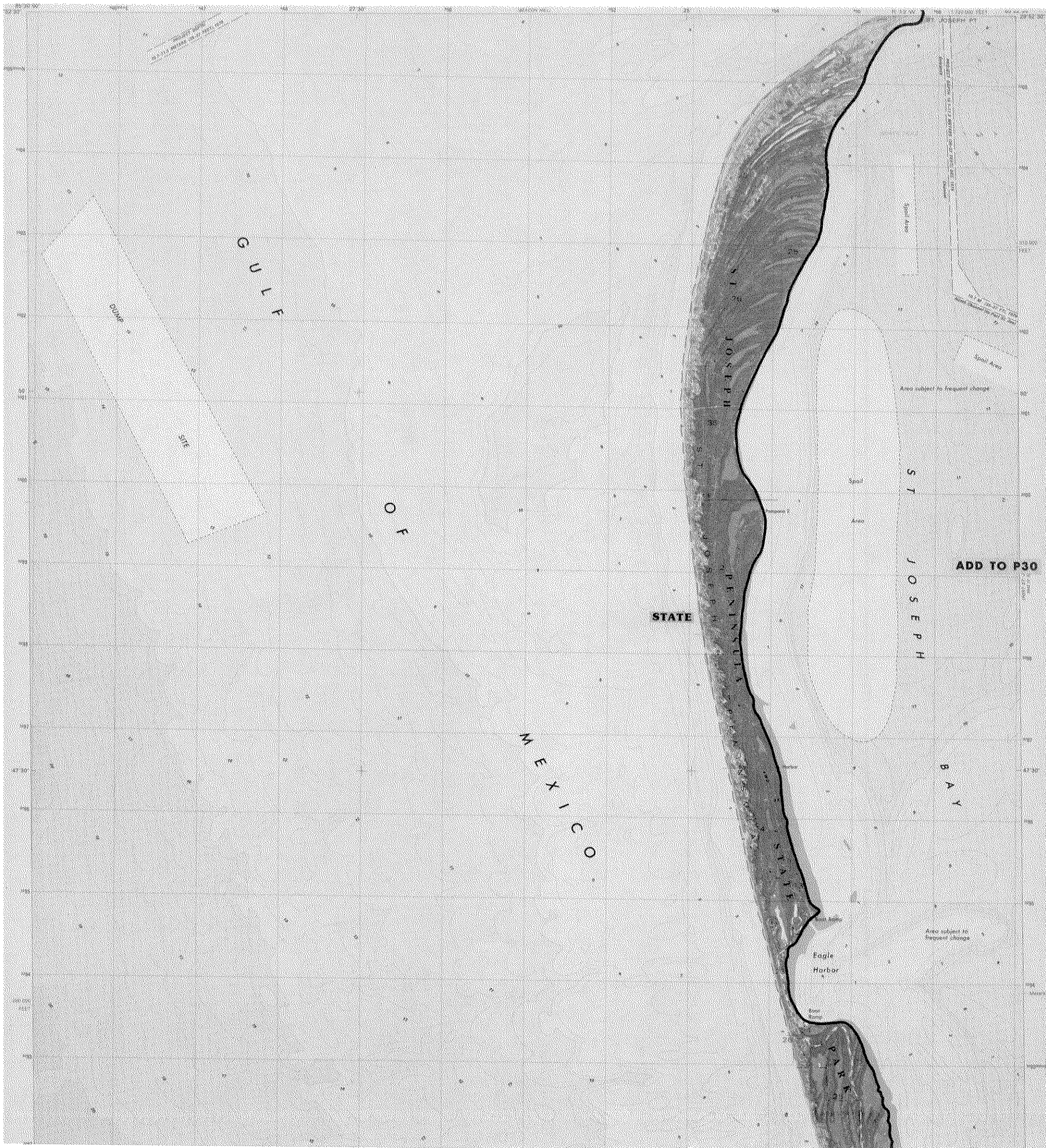
QUADRANGLE
PORT ST. JOE
FLORIDA



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



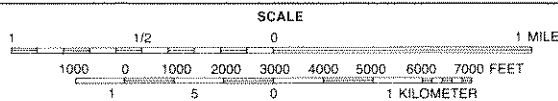
UNITED STATES
DEPARTMENT OF THE INTERIOR



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. JOSEPH POINT
FLORIDA



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P30 - CAPE SAN BLAS

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

Other Comments: Three identical letters opposing the deletion of the Air Force lands from the CBRS were received. One representative letter is reprinted below.

Response: The DOI is recommending that all military lands be deleted from the CBRS. See Volume 1 for further explanations.

DOI Recommendation: The DOI recommends deleting the Air Force land and the State-protected area from the existing CBRS unit. The DOI also recommends adding the associated aquatic habitat to the remaining unit.

526

527 N. Palo Alto
Panama City, FL 32401
May 21, 1987

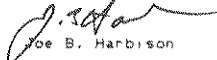
Coastal Barriers Study Group
DOI, National Park Service
P O Box 37127
Washington, DC 20013-7127

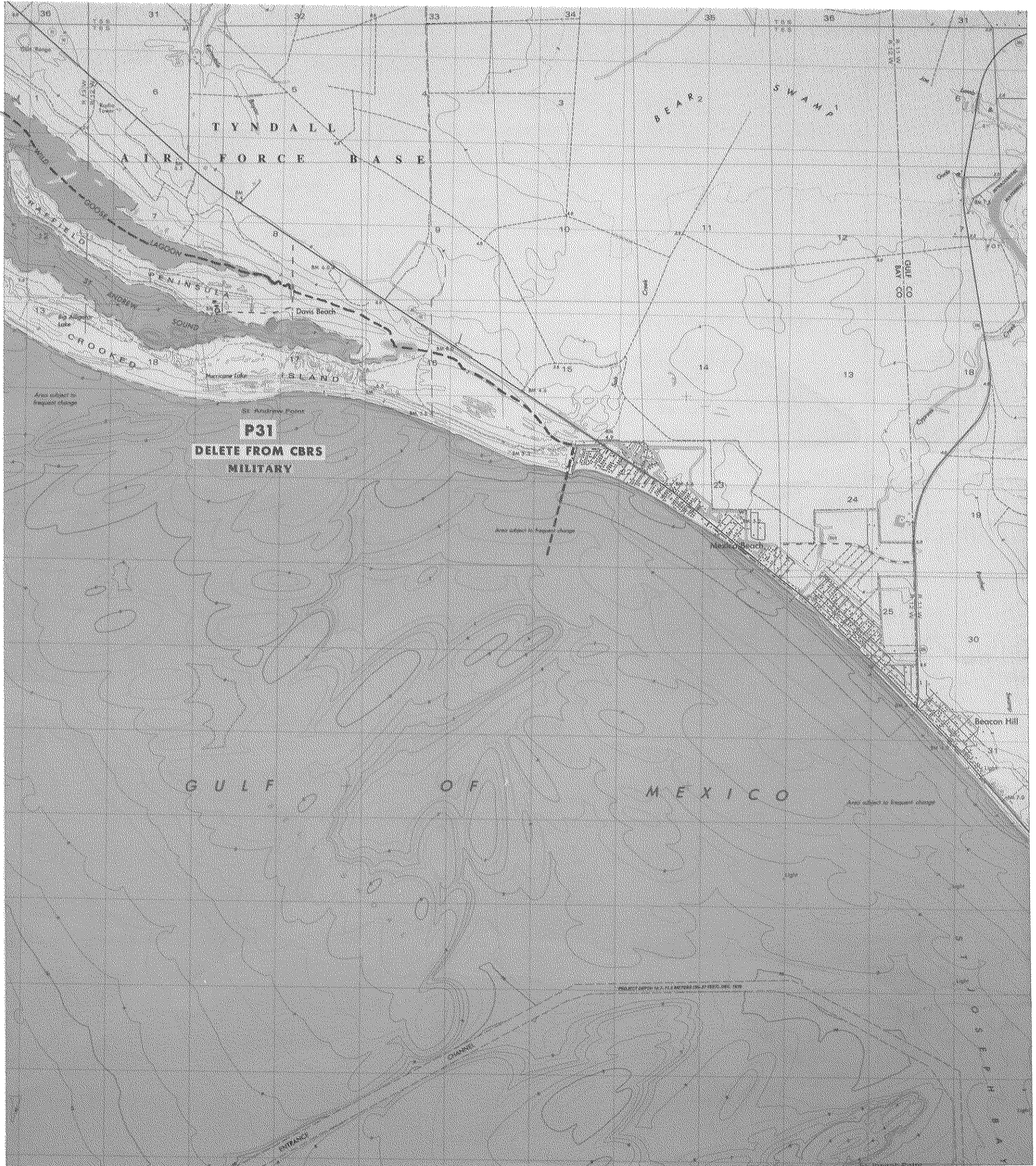
Dear Study Group Members,

I am a property owner in the area of Indian Peninsula, Gulf County, Florida which is proposed for inclusion in the Coastal Barriers Resource System. I highly endorse such action. This is a beautiful area of beaches and wetlands which nurtures wildlife and marine life. It was hit hard by the hurricanes of 1985 in which many existing structures were damaged, proving its unsuitability for large-scale development and the foolishness of expenditure of federal funds to encourage such development.

I do object, however, to the deletion of military-controlled areas in Gulf County (specifically at Cape San Blas) from the System. One branch of the federal government certainly cannot be depended on to follow the regulations of another branch unless forced to do so.

Sincerely,


Joe B. Harbison



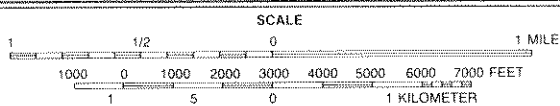
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UNITED STATES
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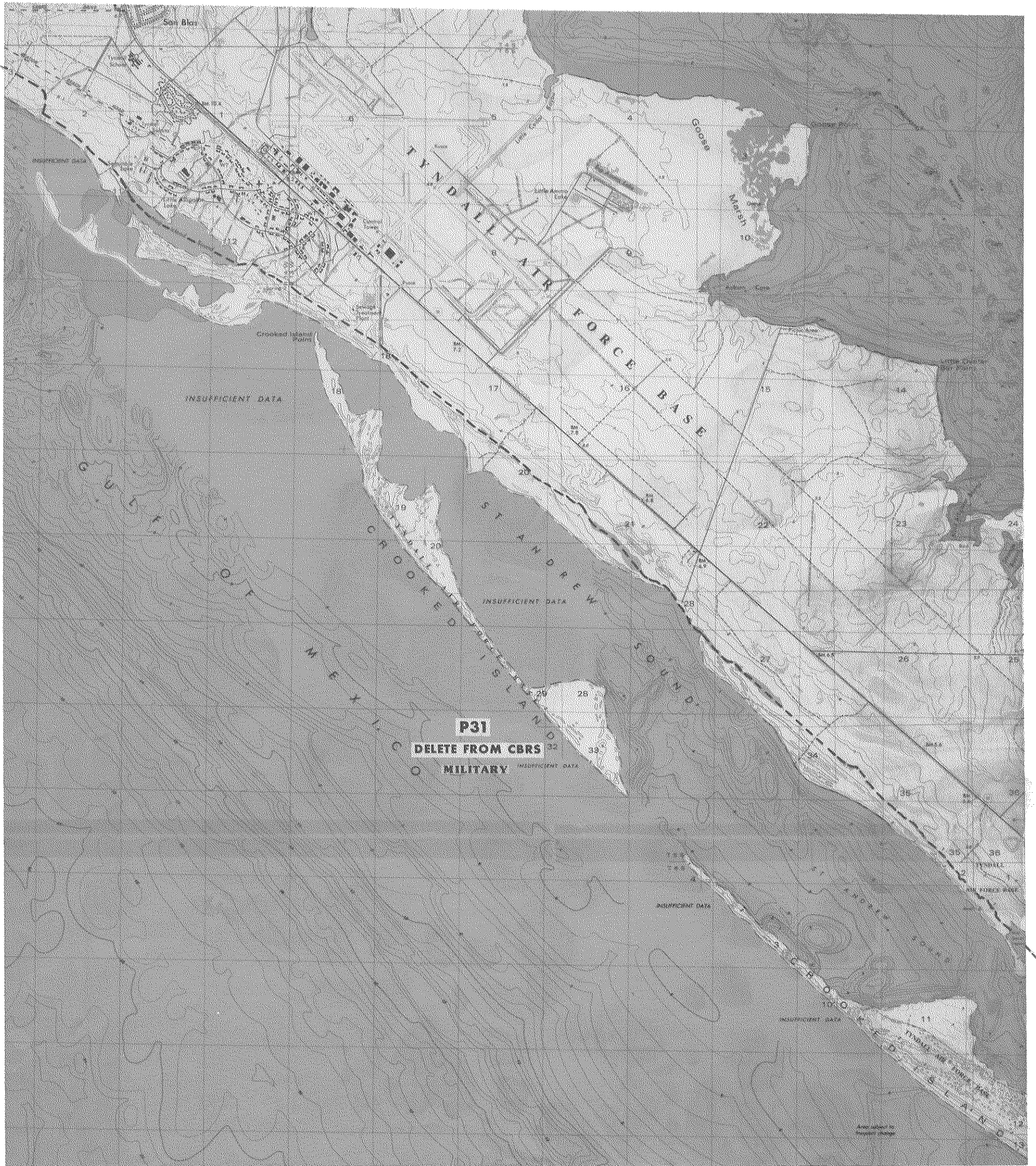
QUADRANGLE
BEACON HILL
FLORIDA



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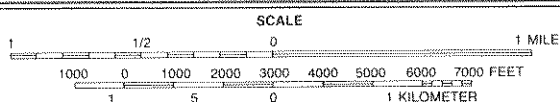
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

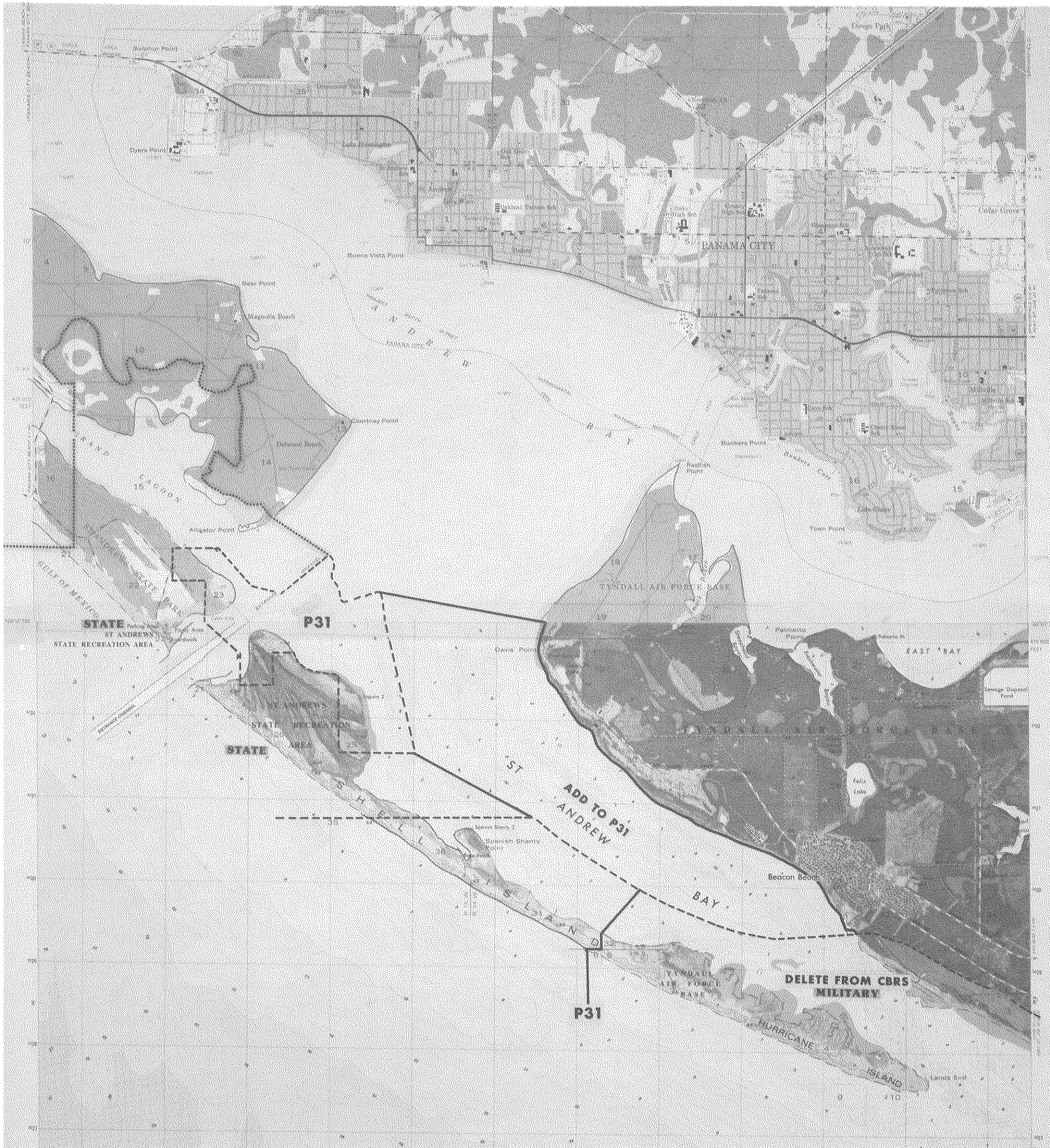
QUADRANGLE
LONG POINT
FLORIDA



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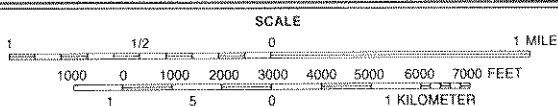
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DEPARTMENT OF THE INTERIOR



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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
BEACON BEACH
FLORIDA



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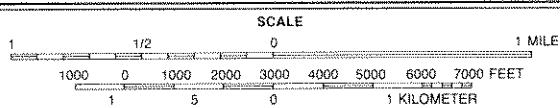
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DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
SEMINOLE HILLS
FLORIDA



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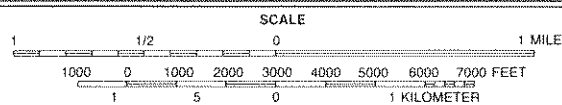
UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
POINT WASHINGTON
FLORIDA



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FL-94 - DEER LAKE COMPLEX

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

Other Comments: Five comment letters concerning FL-94 were received. Two of those suggested that the delineation of the western boundary of FL-94 in the 1987 Draft Report did not accurately follow the interface between the developed and the undeveloped portions of the barrier. The other three letters expressed support for adding FL-94 to the CBRS. The first two letters are reprinted below. The other three appear under P31A (letter number 1336) and in the

General Comment Letters section (letters number 974 and 1034).

Response: The DOI visited the Deer Lake area in 1987 and carefully determined where the interface between the developed and undeveloped portions of the barrier was located. The 1987 draft delineations of the western boundary of the proposed unit did not accurately follow that interface and has been adjusted.

DOI Recommendation: The DOI recommends adding FL-94 to the CBRS as delineated here.



300

RIVARD REALTY OF SOUTH WALTON, INC.
P. O. Drawer 1040 (US 98 at Fla. 393)
Santa Rosa Beach, Florida 32459
904 267-2133

Page 2

April 22, 1987

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

Dear Mr. McGilvrey:

Reference the two documents you sent me concerning the Coastal Barrier areas designated in Walton County, Florida. The documents received were the Executive Summary, dated March 1987, and Volume 15 FLORIDA (West Coast), dated February 1987.

Everything seems quite clear except for the location of the west boundary of designated area "FL-94", being referred to as the Deer Lake area. (copy of your map, page 50, attached).

I have tried to "scale" the west boundary and it appears to transect a portion of the U.S. Government Subdivision of the West 3/4 of the South half of Section 19, T3S, R18W, Tallahassee Meridian. This U.S. Gov't subdivision was created in 1954 and granted to the public by homestead act and/or sold at auction.

At the Public Hearing held in Panama City a few years ago (1982?) you were there and I was under the impression that this area had been personally visited and I, among other attendees, understood that the full subdivision would be removed from the barrier area.

Would you please clarify exactly where the west boundary is located and if it does in fact cut across some of the lots in this subdivision.


I am agent for some of the lots that could be affected and I also own one lot personally. Where the boundary is located would make a great deal of difference in value depending on which side of the boundary they are located.

I appreciate the fast service given by your office in sending me the referenced material and enjoyed meeting you when you were a part of the Public Hearing in Panama City.

For your assistance in helping to answer my request, I am attaching a copy of the U.S. Government Subdivision in Section 19 and have drawn in where your boundary line "seems" to be located according to my "scaling".

Hoping to hear from you soon,

Sincerely,


Paul M. Benedict, REALTOR, GRI
PMB/sw



"South Walton County Property Experts"

SINCE 1967



508

RIVARD REALTY OF SOUTH WALTON, INC.
P. O. Drawer 1040 (US 98 at Fla. 393)
Santa Rosa Beach, Florida 32459
904-267-2133

April 24, 1987

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

Dear Mr. McGilvrey:

Reference my letter to you dated 22 April pertaining to the location of the west border of Coastal Barrier parcel "FL-94".

This morning I received, as a result of a phone call, a letter with attachments from the local (Panama City) office of Fish and Wildlife Service.

I immediately noted that the map depicting area "FL-94" was of different configuration from that shown in your map from the Volume 15, FLORIDA (west coast), which I had just written you about. Also the hand drawn boundary in the second and larger plat shows a much different area containing considerably more land and extending nearly three-quarters of a mile further westward.

Would you please clarify this discrepancy as the attached plat depicts an area that contains much development (houses and townhouses that have been built in the last 5 years or more). It also positively contains property which belongs to individuals who I represent both as agent and also as personal friends.

Noted that the attached plat shows an area extending to the west shore of Eastern Lake, which is not what is shown on your plat in Volume 15.

Your early clarification would be appreciated.

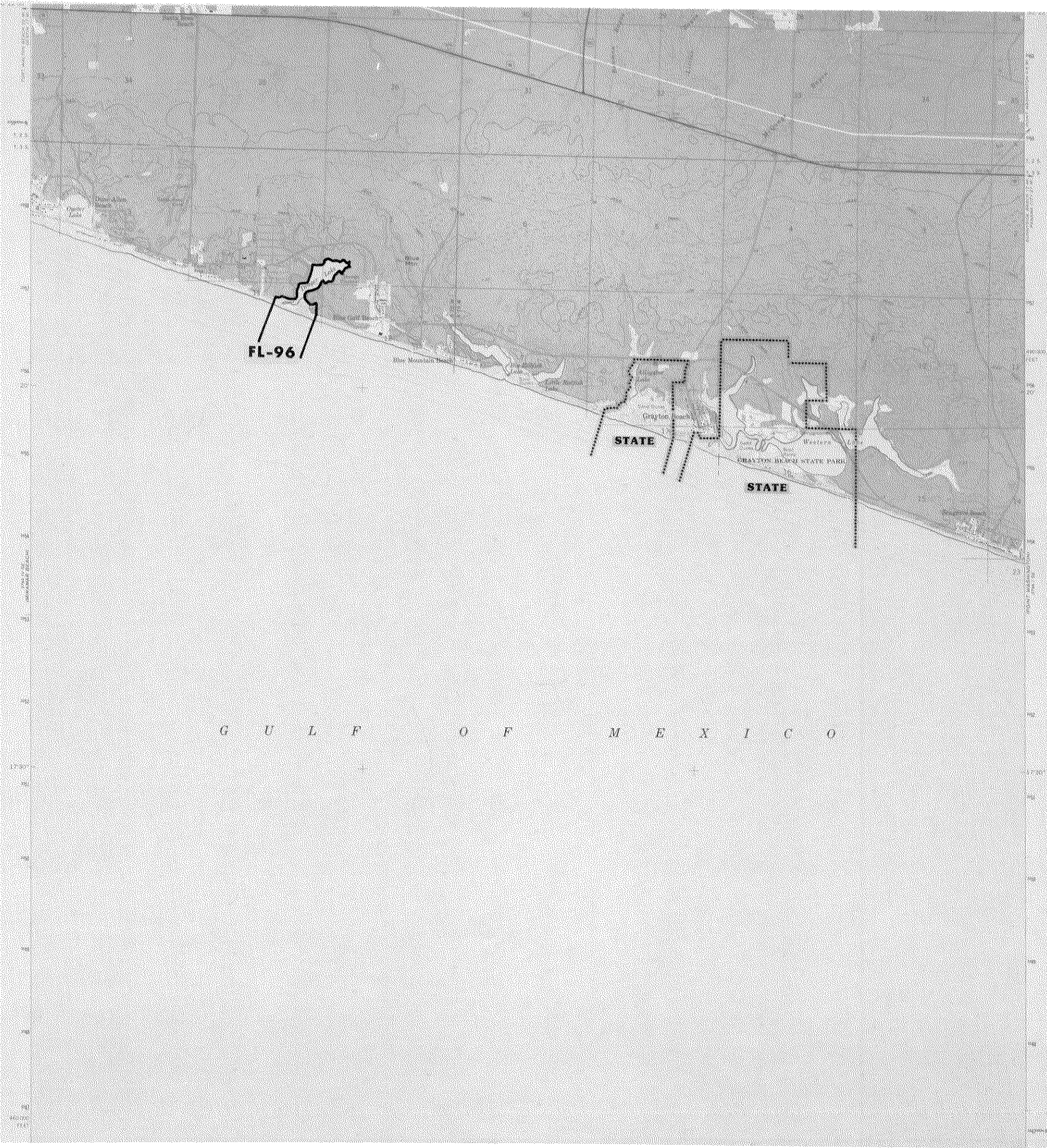
Sincerely,

Paul M. Benedict, REALTOR, GRI
PMB/sw



"South Walton County Property Experts"

SINCE 1967



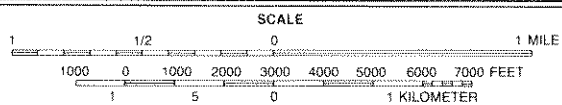
UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
GRAYTON BEACH
FLORIDA



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FL-96 - DRAPER LAKE

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

One is reprinted below; the other three appear in the General Comment Letters section (letters number 974, 1034) and under CBRS unit P31A (letter number 1336).

Other Comments: Four letters supporting the addition of FL-96 to the CBRS were received.

DOI Recommendation: The DOI recommends adding FL-96 to the CBRS.

15

4/3/87

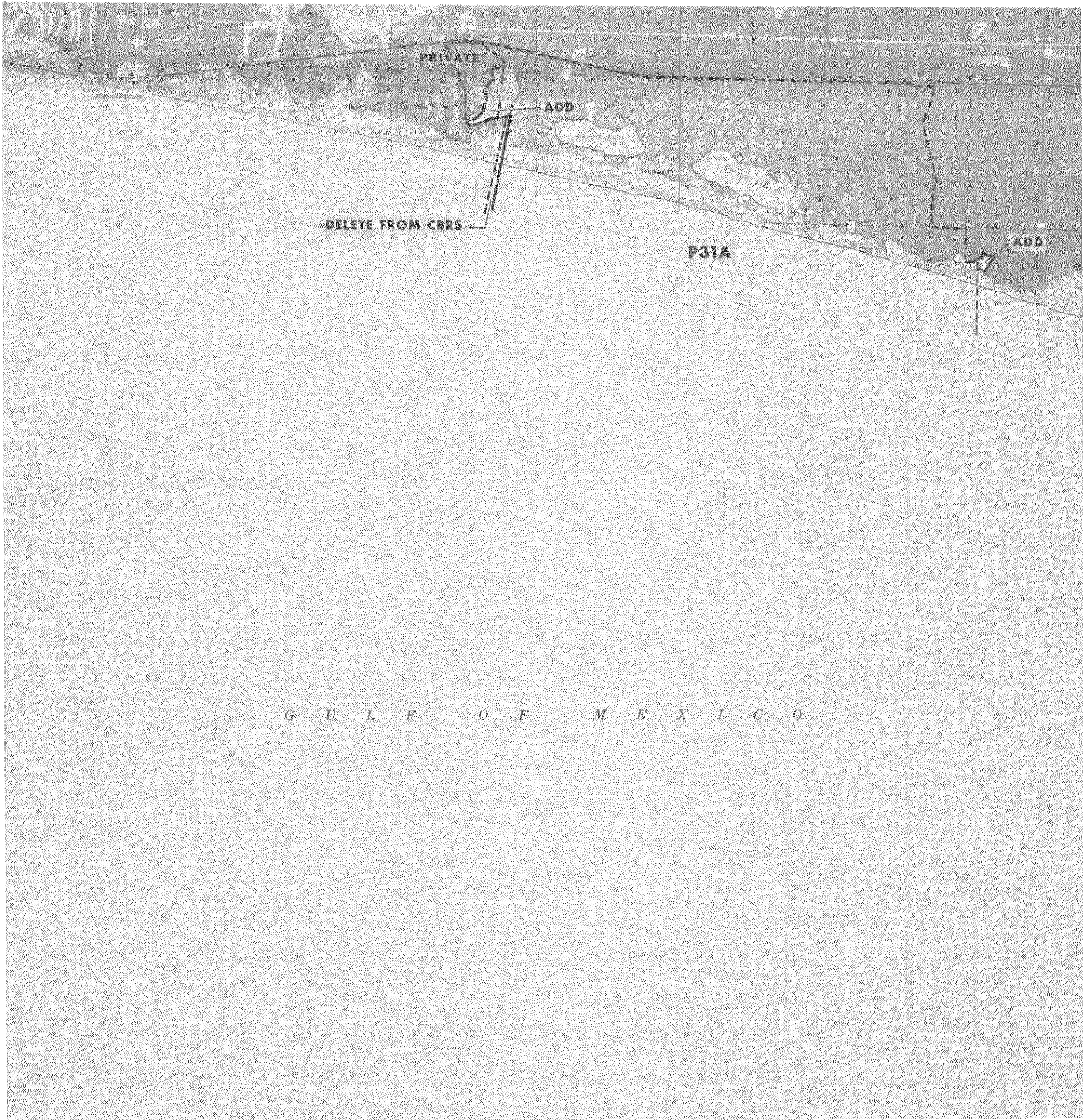
Sir -

We have been vacationing
in the Draper Lake area
in Walton County Florida
for some years.

We explain the decision to
protect some of these beautiful
& functional areas

Would you please send me
a map of the area to be
included in the Bureau designation
in the Draper Lake area

Thank you
John A. Johnson Jr
375 L. Henry Lane
Chesterfield MO 63017



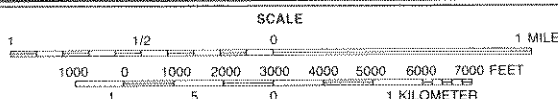
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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Washington, D.C. 20240

QUADRANGLE
MIRAMAR BEACH
FLORIDA



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P31A - FOUR MILE VILLAGE

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

Other Comments: Eight letters with 24 petition signatures were received expressing support for the proposed additions to P31A, especially Fuller and Stalworth Lakes. Several of these commenters also suggested that Grayton Beach and the wetlands northeast of Fuller Lake be added to the System. One commenter suggested that the wetlands in Choctawhatchee Bay also be added to the CBRS. Three of the letters are reprinted below; the others appear in the General Comment Letters section (letters number 974, 995, and 1034), under CBRS unit P32 (letter number 999), and under proposed CBRS unit FL-99 (letter number 1298).

Response: Both Grayton Beach and the wetlands northeast of Fuller Lake are otherwise protected. The northern boundary of P31A is U.S. Highway 98. Nothing along Choctawhatchee Bay qualifies for addition to the CBRS under DOI criteria.

The existing western boundary of P31A cuts through an established development, leaving all but one of the structures outside the unit. This one structure was mistakenly included in the CBRS in 1982.

DOI Recommendation: The DOI recommends a modification of the western boundary of P31A to delete one structure which existed in 1982 from the existing CBRS unit. The DOI also recommends adding the associated aquatic habitat, including Fuller and Stalworth Lakes, to the CBRS unit.



The Florida Chapter

952

1401 N.W. 30th Street
Gainesville, FL 32605
June 19, 1987

Mr. Frank McGilvrey, Coordinator
The Coastal Barriers Study Group
Department of the Interior
National Park Service D 498
P. O. Box 37127
Washington, D.C. 20013-7127

Re: Unit P31A Four Mile Village

Dear Mr. McGilvrey:

On behalf of the Sierra Club Foundation which owns the Coffeeen Nature Preserve in south Walton County, and the Florida Chapter of the Sierra Club which manages the Preserve, I reaffirm our strong support for the Coastal Barrier Resources Act of 1982. We commend the Congress for this plan to prohibit federal subsidy of development in the fragile and ecologically valuable areas of coastal barrier islands and associated wetlands.

I appreciate this opportunity to make three comments on the proposed recommendations as they relate to the Coffeeen Nature Preserve. First, we endorse the proposed addition of the western portion of Fuller Lake and its associated wetlands to the Coastal Barrier Resources System. May I remind you of the map which I left with you at the Panama City workshop in May; I marked on the map to show the wetlands around the lake.

Second, I urge the inclusion of "otherwise protected" areas, especially private holdings, as recommended by the Coastal Resources Advisory Committee, which category may describe the Coffeeen Nature Preserve. Sierra Club Foundation ownership certainly protects the Preserve from internal development, but the Preserve would benefit from the additional protection against highway expansion which inclusion in the CBRS would provide.

The Coffeeen Nature Preserve has a remarkable diversity of interest areas for its size, 225 acres. The variety of ecosystems include pine flatwoods, a hardwood hammock, primary dune areas with dwarfed tree growth and resident endangered beach mice, a dune trough of several acres, a sandpine community,

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

Mr. Frank McGilvrey - 2

a strip of Gulf beach, wetlands and swampy areas, and the freshwater lake of some 60 acres (Coffeeen or Fuller Lake). This is a wildlife preserve available for environmental education and research; the Preserve is also a designated bird sanctuary.

We are very concerned about the plan to four-lane U.S. Highway 98. The Preserve cannot afford to lose any of the wetland that exists between the highway and the lake; preservation of existing wetland filtration is very important to the health of this lake which is a part of a chain of wetlands and freshwater lakes that are widely recognized as one of the very special features of the region.

Therefore, my third comment is to urge you to designate the southern edge of the existing pavement of Highway 98 as the northern boundary of this portion of the Coastal Barrier Resources System in order to prohibit federal subsidy of highway encroachment into the Coffeeen Nature Preserve.

Thank you again for the opportunity to comment on this very worthwhile project.

Sincerely,

J. Kenneth Watson
J. Kenneth Watson,
Florida Representative for
The Sierra Club Foundation

CC: S. Stevick, SC Foundation Director
C. O'Sullivan, Florida SC Chair

925

101 Gardenia Court
Fort Walton Beach, Fl. 32548
June 16, 1987

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

Gentlemen:

I am writing to endorse your proposal to add Grayton Beach and Four Mile Village to the Barrier Island designation list. I am very familiar with both these tracts of land and am aware of the shenanigans that have been going on behind the curtain to try to have them exempted.

In addition to the foregoing, it has been brought to my attention that it is being requested to remove Moreno Point ground from the Barrier Island designation. Investigation has revealed to me that this is for private gain by landowners, contractors, builders and numerous environmentally opposed individuals.

Hoping that you find that the Barrier Island designation is the proper category for these parcels, as it benefits the fauna and all God's Creatures whether two or four legged, I am,

Environmentally yours,

William I. Stichler
William I. Stichler

1336

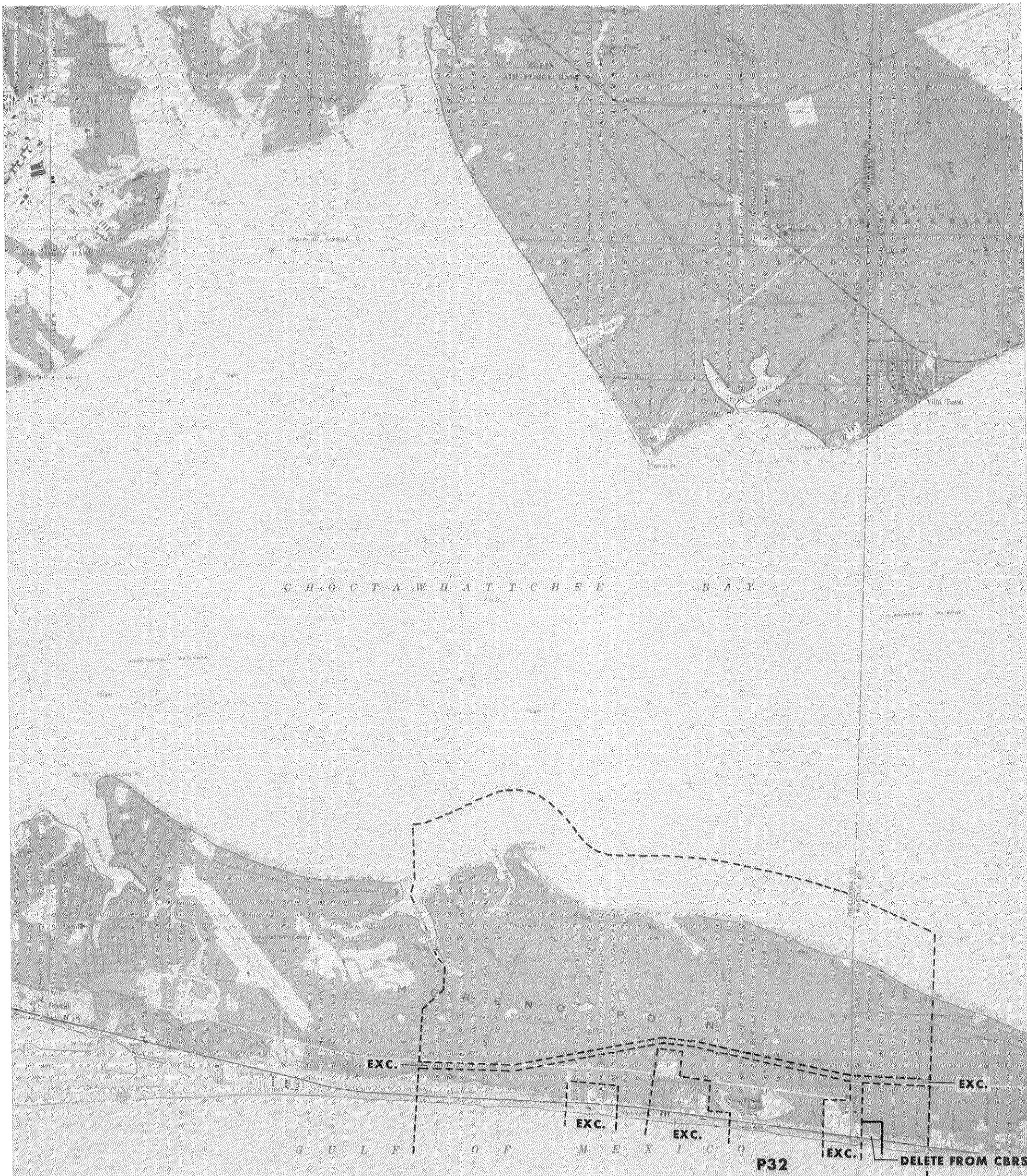
6/2/87

We, as residents of Walton County Florida, would like the following acres to be considered "protected barrier areas"; vital in terms of hurricane protection and the preservation of wildlife and marine life.

- Deer lake - 213 acres including the lake and land seaward of it.
- Grayton Beach - 378 acres west of the state recreation area and seaward of Alligator lake
- Draper lake - 44 acres including the lake and land just west of Blue Mountain Beach
- Four Mile Village - about 100 acres of wetlands and submerged land along Choctawhatchee Bay would be added to the existing tract of 1,879 acres.

We do not want the federal government to subsidize flood insurance for development in these areas.

Margo M. Younick
Rachel Morgan
DA Morgan
Lorraine Morgan
R. M. Cochran
Madeline V. Burns
Robert J. Bowers
Bill Younick



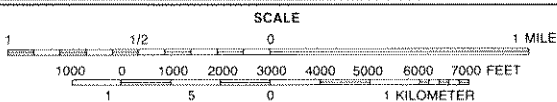
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
DESTIN
FLORIDA



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P32 - MORENO POINT

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

Other Comments: The Department received 17 comment letters concerning P32. Six letters expressed support for maintaining the P32 CBRS unit as it is. Eleven commenters opposed the continued existence of P32. The Destin City Council, the Okaloosa County Commissioners, and the Mid-Bay Bridge Authority all expressed concern that the continued existence of P32 would inhibit the construction of a new bridge across Choctawhatchee Bay. Several landowners wrote claiming that their property was developed in 1982 and was erroneously included in the CBRS. Thirteen of the comment letters are reprinted below. The others appear in the General Comment Letters section (letters number 974 and 1034), under CBRS unit P31A (letter number 925), and under proposed CBRS unit FL-97 (letter number 1404).

Response: The continued inclusion of P32 in the CBRS does not prohibit the construction of a bridge across Choctawhatchee Bay to the barrier; however, Federal monies may not be used to finance that construction. The DOI has carefully reviewed all the areas that landowners suggested were developed in 1982 and determined that only a small area on the Gulf of Mexico in the Walton County portion of the unit was developed in 1982 according to DOI criteria. All of the areas along the Bay were undeveloped and fully qualified for inclusion in the CBRS in 1982. 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 deleting a small portion of the existing unit along the Gulf of Mexico which was developed in 1982 from the CBRS. No other changes are recommended.

The City of Destin

Post Office Box 399 Destin, Florida 32541 (904) 837-4242

June 16, 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 Sir:

As you know, the Federal Government in 1982 designated more than 4,000 acres in eastern Okaloosa County and western Walton County as Barrier Islands. These lands are depicted as Parcel 32 on a "Report to Congress on the Coastal Barrier Resources System."

The Destin City Council on June 15, 1987, unanimously voted to adopt a resolution respectfully requesting the lands on Moreno Point (Parcel 32) have removed from them the Barrier Island designation. You will note in the enclosed Resolution 87-07 that Parcel 32 is composed of well-elevated, highly stable lands, the designation of which appears inconsistent with surrounding lands. Moreover, rights-of-way for vital transportation corridors are to be located within Parcel 32. Inasmuch as we believe the designation of this parcel is not in the public's interest, we respectfully request your agency take those steps necessary to have the lands on Moreno Point removed from the Barrier Islands designation.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,


J.E. Dorman, Jr.
City Manager

enc
cc: Mr. Roger Clary
Mr. Chuck Ingram, Baskerville-Donovan Engineers, Inc.
Mr. Lowell Kelly, Coleman L. Kelly Trust
Mr. Doug Horton, Coleman L. Kelly Trust

1022



The City of Destin

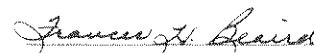
Post Office Box 399 Destin, Florida 32541 (904) 837-4242

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF DESTIN

I, FRANCES H. BEARD, City Clerk, in and for the City, County and State aforesaid, do hereby certify that the foregoing is a true and correct copy of an Resolution 87-07 which was duly passed and adopted at a regular meeting of the City Council of Destin on the 15th day of June, 1987, and appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this the 22nd day of June, 1987.

FRANCES H. BEARD
CITY CLERK, CITY OF DESTIN



1115



RESOLUTION NO. 87-07

A RESOLUTION RESPECTFULLY REQUESTING THE LANDS ON MORENO POINT HAVE REMOVED FROM THEM THE DESIGNATION OF "BARRIER ISLANDS."

WHEREAS, Parcel 32, as depicted on a "Report to Congress on the Coastal Barrier Resources System," and situated within the City of Destin, Okaloosa and Walton counties, has been designated a Barrier Island by the Federal Government; and

WHEREAS, said parcel is composed of well-elevated, highly stable lands which evidence minimal alteration by wind, wave or tidal action during the past 100 years; and

WHEREAS, a majority of the land fronting the Gulf of Mexico is either the property of State or Local Government or has already been developed; and

WHEREAS, rights-of-way for vital transportation corridors are to be located within Parcel 32; and

WHEREAS, including Parcel 32 in the Barrier Island designation appears inconsistent with surrounding lands and does not appear to be in the public's interest;

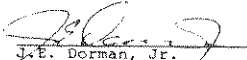
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Destin, Florida, that Moreno Point and other areas of Parcel 32 have removed from them the designation of Barrier Islands.

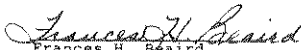
PASSED AND ADOPTED THIS 15th DAY OF JUNE 1987.

CITY OF DESTIN


William E. Phillips, Chairman
Destin City Council

ATTEST


J.E. Dorman, Jr.
City Manager


Frances H. Beard
City Clerk

RESOLUTION 87-3

MID-BAY BRIDGE AUTHORITY
OKALOOSA COUNTY, FLORIDA

1116

RESOLVED, that the Mid-Bay Bridge Authority opposes the designation by the United States Department of the Interior of Moreno Point, Okaloosa County, Florida, as a coastal barrier area pursuant to the 1982 Coastal Barrier Resources Act, to the extent that the designation includes rights of way, access roads and other property that will be required for the construction, operation and maintenance of the proposed bridge facility to transverse Choctawhatchee Bay; and

FURTHER RESOLVED, that the Chairman of the Mid-Bay Bridge Authority is authorized and directed to correspond on behalf of the Authority with the United States Department of the Interior regarding its opposition to said coastal barrier area designation; and

FURTHER RESOLVED, that the Mid-Bay Bridge Authority supports the concept and intent of the action taken by the Okaloosa County Commission in opposition to the designation of Moreno Point as a coastal barrier area.

Dated this 15th day of June, 1987.

MID-BAY BRIDGE AUTHORITY


BY: David C. Weaver (SEAL)
DAVID C. WEAVER, CHAIRMAN

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT
STOWELL, ANTON & KRAEMER


BY: W. Glenn Kilpatrick (SEAL)
W. GLENN KILPATRICK, SECRETARY

RESOLUTION NO. 87-55

A RESOLUTION OPPOSING THE CONTINUED INCLUSION OF A PORTION OF MORENO POINT (I.D. UNIT P32) WITHIN THE COASTAL BARRIERS RESOURCE ACT.

WHEREAS, portions of Moreno Point have been included within the Coastal Barriers Resources Act (CBRA) and which portions are more accurately designated as CBRA Unit No. P32, and

WHEREAS, a majority of the property on Moreno Point identified within CBRA Unit No. P32 consists of well-elevated, highly stable land which evidences minimal alteration by wind, wave or tidal action during the past 100 years, and

WHEREAS, a majority of the property on Moreno Point identified in CBRA Unit No. P32 is not within the 100 year flood plain as established by the Federal government and constitutes some of the highest coastline along the Gulf of Mexico in the State of Florida, and

WHEREAS, existing local, State and Federal regulations, without resort to the inclusion within CBRA, are sufficient to regulate development within CBRA Unit No. P32 so as to adequately protect the natural resources within said unit, and

WHEREAS, the inclusion of portions of Moreno Point within CBRA Unit No. P32 greatly inhibits the construction of a mid-bay bridge and thereby inhibits the construction of a major evacuation route for citizens of Okaloosa County with the associated endangerment of those citizens, and

WHEREAS, Section 10 of CBRA requires the Secretary of the Interior to make recommendations, including proposed deletions from CBRA, to Congress for its review and consideration, and

WHEREAS, Okaloosa County believes that a close examination of the stability of the land and the flora and fauna existing in CBRA Unit No. P32 coupled with the aforelisted justifications will warrant reclassification of CBRA Unit No. P32 so as to delete said unit from CBRA.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Okaloosa County, Florida, unanimously requests that the Secretary of the Interior reconsider the classification of CBRA Unit No. P32 and recommend to Congress the deletion of Unit No. P32 from CBRA.

BE IT FURTHER RESOLVED that in the event the Secretary of the Interior does not recommend to Congress the reclassification of CBRA Unit No. P32, that the Board of County Commissioners of Okaloosa County, Florida, requests our Congressional Delegation take appropriate steps to include reclassification on CBRA Unit No. P32 as part of any amendment to the Coastal Barrier Resources Act.

DULY PASSED AND ADOPTED in regular session this the 16th day of June, 1987.

BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA

Joe Mosier
JOE MOSIER, Chairman

ATTEST:

NEWMAN C. BRACKIN
CLERK OF CIRCUIT COURT

By: *Debra Ward*
Deputy Clerk

CERTIFIED A TRUE
AND CORRECT COPY
OF THE ORIGINAL
NEWMAN C. BRACKIN

Debra Ward
Deputy Clerk



1731

GulfView

P.O. Box 27
Dest. Florida 325
902-887-3127
902-887-3127

GulfView

October 30, 1987

Mr. William T. Horn
Assistant Secretary
Department of the Interior
1830 C Street NW
Washington, D. C. 20240

Dear Mr. Horn,

I'm writing in regard to property in Walton County, Florida which I own and which has been negatively impacted by the Federal Coastal Barrier legislation in a way I feel is very unfair. This property is located in the western end in Walton County along the Gulf of Mexico. It is included on FEMA map #1203170330C. I believe it also to be included in the larger geographical area known as Moreno Point.

My father and I purchased this property in the year 1979. During 1980 and 1981, significant development began on the property. We contracted for architectural plans for the development of two fourplexes to be built on the south side of this property on the Gulf of Mexico. We sought and were granted variances by the State of Florida for construction of these fourplexes in 1980. One fourplex was constructed and completed in July of 1980. At that time, permitting was completed with Florida's Department of Environmental Regulation under the supervision of engineers for South Walton Utility Company for the construction of two steel case borings under Highway 98 (which separates the south and north side of our property) for water and sewer utilities for the site. These borings and the construction of water and sewer lines and manholes to service the property border both north and south of the highway, were completed at our expense in 1981.

In 1982, the "Coastal Barrier Resources Act" made the availability of federal funding and federal flood insurance an impossibility to our property. At that time, I was told private flood insurance would be reasonably available. Knowing that our infrastructure was already in place, I was not greatly concerned.

Now that private insurance companies are not able to compete with federally subsidized flood insurance, it creates a significant problem for us. In spite of the fact that I am in flood zone C (not a flood prone area) lenders in the conventional market (the only market I have) often require flood insurance. This is not only a problem in financing but becomes a significant problem in the marketing. This month, I lost a sale on a \$120,000 property (one of the four

Mr. William T. Horn

-2-

October 30, 1987

units which was built prior to the Coastal Barrier Designation) because of the fact that in spite of its being insured for flood at this time, if it were to be destroyed or damaged beyond 50% of its value, it could not be re-insured.

I feel this is unfair in that my property was already partially developed and had its infrastructure in place prior to the Act. I am not in a flood zone area, but have been included as a Coastal Barrier island, whereas many properties which are prone to flooding and which did not have their infrastructure in place, have been left out and therefore receive a federal subsidy for flood insurance. This is extremely detrimental to me and to the value of my property.

I would appreciate any consideration you or your staff might give to recommending this property be removed from the Coastal Barrier island designation in your upcoming report to the Congress. If there can be any other method of making this property eligible for flood insurance, please let me know the procedure. If necessary, I can provide documentation substantiating all of the development accomplished on this property prior to the "Coastal Barrier Resources Act."

Please let me know the status of the department's report to Congress and whether or not there is any other possible solution to my problem.

Sincerely yours,

James F. Adams
James F. Adams

JFA/dsr

1706

P.O. Box 27
Dest. Florida 325
902-887-3127
902-887-3127

February 2, 1988

Ms. Barbara Wyman
Room 3150
United States Department of Interior
18th and "C" Street NW
Washington D. C. 20240

Dear Barbara,

I have enclosed two exhibits which indicate the location of my property about which I wrote you in October 1987 (copy of letter attached). One is a photograph taken during the Spring/Summer of 1980. The other is a copy of your map #12 showing the Moreno Point coastal barrier. In both exhibits, my property is indicated by pencil highlighting.

The photograph shows the construction of my four-plex and construction next door on the property known as Gulf Winds East. The corner of the photograph shows construction at Gateau La Mer, which is in an area left out of the Coastal Barrier designation. Additionally I have circled with a pencil on both drawings, a square rectangular segment of undeveloped road. This will give you a further reference point between the two drawings.

Hopefully, this will serve to demonstrate the location, and to some extent the scope of development of my property prior to the coastal barrier legislation. What doesn't show up is the completed construction of manholes on both sides of the highway, and steel cased borings with water and sewer lines in place to service both sides of my property. The completed infrastructure for my property was in place, much of it at our personal expense (including the purchase of forty sewer taps) in 1981.

I will contact you shortly in hopes of learning more about the Department's position on "Moreno Point." Thank you for your consideration of our problem.

With kind regards, I am

Sincerely yours,

James F. Adams
James F. Adams

JFA/dsr

Enclosures

17

Claudia Spymianagh
 Study Group - all waterfront property
 Okaloosa - Walton counties - various
 sites - Gulf front tracts in Santa
 Rosa + Escambia counties - wetlands
 etc. Any and all of these areas
 should be designated as federal coastal
 barrier sites
 The general public is sick
 and tired of reinsuring + paying
 costs for properties incorrectly
 placed in areas subject to
 hurricanes. It is criminal
 what has happened to thousands of
 acres of wetlands on the Florida
 coast. Good luck with your
 proposals - *Eliann Light Shabica*
 Box 1631
 Destin Fla 32541

19

JACKSON G BEATTY, P.A.
 ATTORNEY AT LAW
 POST OFFICE DRAWER 581
 TALLAHASSEE, FLORIDA 32302-0581

SHINE FERRELL HOUSE
 318 NORTH CALHOUN STREET

April 6, 1987

TELEPHONE
 (904) 222-8715

Coastal Barrier Study Group
 Department of Interior D-498
 Post Office Box 37127
 Washington, D.C. 20013-7127

Gentlemen:

I would like to voice my objection to the U.S. Department of Interior's proposal that certain coastal waterfront property in Okaloosa and Walton County, Florida, be rendered ineligible for federal flood insurance.

This proposal is essentially an unconstitutional taking of property, without compensation, to the property owners. As you know, if improvements upon such property cannot be insured, most lenders will not provide funds for such improvements. This considerably reduces the value and usage of such property and is discriminatory since this protection is provided for other properties.

Overall, I would suspect the small savings the program affords the government does not begin to justify the large private value losses imposed upon landowners. The federal government should not target these selected coastal areas for exemption from the federal-backed insurance programs at the expense of landowners, any more than it should exempt the states of Kansas and Oklahoma from catastrophe or other federal insurance for tornado damage.

I'd appreciate your consideration of these matters and would hope that any final proposal would be considerate of the landowners' values so that property value is not stripped away from owners without just compensation.

Thanking you, I am

Yours truly,

Jackson G. Beatty
 Jackson G. Beatty
 ac

527

May 19, 1987

Coastal Barrier Study Group
 Department of the Interior D-498
 Post Office Box 37127
 Washington D.C. 20013-7127

RE: Moreno Point Unit P32, Okaloosa and Walton County, Florida

Dear Members of the Coastal Barrier Study Group:

Enclosed, please find photocopies of Unit P32, a portion of quadrangle sheet "Destin, FL", a copy of the subdivision plat of Whispering Oaks, and a listing of property owners in the Whispering Oaks Subdivision.

I am requesting that you delete Whispering Oaks Subdivision from the barrier area due to its having been developed, recorded, and roads constructed and lots sold to individuals prior to October 1982. The barrier maps appear to have been based on quadrangle sheets dated 1970 (revised 1976), which did not show the Whispering Oaks road as it existed in 1980. It was apparently the intent to delete developed roads as was done for the sand roads on the Okaloosa/Walton County line at the Gulf of Mexico, which did not represent a developed area and are now completely overgrown with no development and is all under one ownership.

The inclusion of this subdivision in the coastal barrier area has prevented utilities from serving the existing residences, eliminated flood insurance, and restricted financing of new homes which has depreciated our properties. I purchased lot 26, Block "A", in 1983 with no knowledge that the property was affected by a coastal barrier area, as did several others.

I and the other owners will appreciate any assistance or advice you can give us in this matter. Please call or write me and advise if I have contacted the correct office or if you need any additional information.

Very truly yours,

Raymond E. Richardson
 Raymond E. Richardson

RER/sdm
 Enclosures

cc: Dewey Wilson
 Raymond Hall

737



BASKERVILLE-DONOVAN ENGINEERS, INC.
 A PROFESSIONAL SERVICE ORGANIZATION
 PENSACOLA
 MILTON • DESTIN • PANAMA CITY • APALACHICOLA • DAYTONA BEACH

June 8, 1987

Coastal Barrier Study Group
 United States Department of the Interior
 National Park Service 498
 Post Office Box 37127
 Washington, D.C. 20013-7127

Dear Sir:

I would like to take this opportunity to ask for your reconsideration of the present national flood insurance designation for Indian Bayou Subdivision, Unit V, located in Destin, Okaloosa County, Florida.

Presently, the total Indian Bayou Subdivision consists of five units with approximately 45 lots in each unit and a golf course with related amenities.

At Indian Bayou's inception the total master plan included the five units. Apparently, when the flood designations were created the area composing Unit V was omitted because it was not substantially developed. As near as I can determine that designation originated in 1983.

In 1986, our client, Mr. Roger Clary, authorized Baskerville-Donovan Engineers, Inc. to proceed with the infrastructure design and installation. This was complete in January, 1987. Prior to and during design and construction, neither Mr. Clary nor Baskerville-Donovan Engineers, Inc. had any knowledge that the National Flood Insurance designation for this area varied from the previous Indian Bayou development. Unit V is adjacent to and a continuation of the other units and lies basically at the same elevation.

Our request on behalf of our client is to include Indian Bayou Unit V in the National Flood Insurance program. It is presently ready for the sale of the included lots and, in fact, has sales pending your decision.

Thank you for your consideration on this matter. I am confident it will be a positive one for Mr. Clary and the City of Destin, Florida.

Sincerely,

BASKERVILLE-DONOVAN ENGINEERS, INC.

C.L. Ingram
 C.L. Ingram, P.E.
 Destin Office Manager

cc: Mr. Roger Clary
 City of Destin
 Mr. Fred Donovan
 Mr. Fred Thompson
 Mr. Robert E. Lee
 Congressman Earl Hutto

DESTIN OFFICE P.O. BOX 959, DESTIN, FL 32541 (904) 837-2102

CORPORATE OFFICE 16 W. ZARRAGOSSA ST. PENSACOLA, FL 32501 (904) 438-9661 • 243-3228

135

835

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

11 June 1987

Dear Mr. Chairman:

I have just learned through my local newspaper of an attempt by my County Commissioners to remove a nearby section of land from the Barrier Islands program. The section is locally known as the Moreno Point section in Okaloosa and Walton Counties, Florida. It extends from the eastern shore of Indian Bayou eastward to about 1.2 mile east of the Okaloosa-Walton County line.

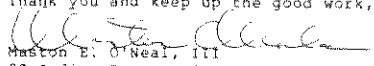
I object strenuously to the removal of this land from the protection of this program.

Unfortunately, my county commission is dominated by development interests and they often have a higher regard for their businesses than they have for the community which they purport to serve. They tend to assuage the immediate pains of community growth with little thought about the long term effects on either the social or environmental health of the community. I do not blame them for the pressures which threaten their careers and their political survival, but I do blame them for selfishly forcing upon our children a world with fewer of these gorgeously undisturbed coastal regions than their parents enjoyed.

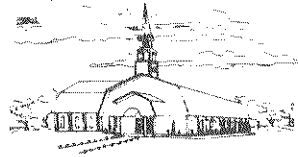
I can not imagine an improvement in the conditions which prompted the need to protect this land. If anything, the threat to the environment has worsened due to continued development.

Arrogant though it may sound, sometimes our elected officials, like our children must be protected from themselves.

Thank you and keep up the good work,


Maston E. O'Neal, III
88 Indian Bayou Drive
Destin, Florida 32541

859



Village Baptist Church

P.O. Box 968
200 Matthew Blvd
Destin, Florida 32541
Church (904)837-8107 Home (904)837-3904
Dr. Raymond D. Johnson, Pastor

June 11, 1987

Dr. Ray Johnson
2136 Walton Way
Destin, Fl. 32541

Re: Coastal Barrier

Dear Sir,

I read in yesterday's paper that we could and should write with any in/out as to the Coastal Barrier situation in and near Destin.

I live 95 ft. East of the Okaloosa - Walton County line in Walton County. We purchased our land and built our home just a few weeks before the Barrier Island designation was set for our area in 1982. At the time we knew nothing of the pending designation.

We live on the Bay, just West of Bay Shore Drive, which is a much developed community. Our house is on a paved road and has an elevation of 8ft + and is as high and dry as any of that around that is not designated as Barrier. Because of the restrictions on Flood Insurance, the street on which we live has not developed.

It is not a danger area, and I feel the designation has harmed the area. After building a sea-wall and putting in rip-rap, the environment has been enhanced for the growth of sea life. This kind of controlled development will help and not hinder the environment. The people who own the land next to build their homes, but cannot get a load because of the Barrier designation... that happened after the streets were cut and they bought their land. It seems something of an unfair burden, since land of the same elevation is being developed just a mile away.

I have heard rumors that the designation might have had something to do with the Kelly Trust land, but regardless of the reasons, I would like to go on record as being anxious for having the land re-designated as NON-Barrier Island.

There will be problems with the Mid-bay Bridge now under study, and with access to it when it is built. This bridge is needed for safety and evacuation in the event of hurricanes as well as normal usage.

There is talk that the designation is to limit growth, but it seems that growth is here, and a better plan might be to organize that growth with zoning and other regulatory methods than to force it to fit around a "Barrier" zone in an unorganized way.

Needless to say, many of us have strong feelings about our land, and some feel that though they own it, it has been stolen from them by regulations that do not allow the normal and proper use of it. Any help you can give us will be greatly appreciated, and remembered!

Asking for Help,

God Bless America and so down I live!

1046

Coleman L. Kelly Trust

P. O. Box 187
Destin, Florida 32541
Phone: (904) 837-6532 • 837-6722

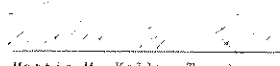
June 19, 1987

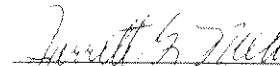
Dept. of Interior
Coastal Barrier
June 19, 1987
page 2

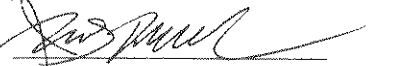
We, the Trustees for the Kelly Trust, request that in order to build these required and much needed roads, your office will see fit to remove the Barrier Island designation from the entire Moreno Point property.

With appreciation for your consideration and cooperation, we are,

Sincerely,


Mattie M. Kelly, Trustee


Jarrett G. Melvin, Trustee


The Vanguard Bank & Trust Co., Trustee
by: James D. Houser,
Senior Vice President & Trust Officer

mk

Coastal Barrier Study Group
Dept. of the Interior, D-498
P. O. Box 37127
Washington, D.C. 20013-7127

Dear Sirs:

In previous correspondence pertaining to Coastal Barrier Resources Act of 1982; Unit P-32, Moreno Point, Coastal Barrier Island designation, particularly as it applies to Moreno Point, Destin, the Kelly Trust has protested this designation as not fitting your department's description of Barrier Island characteristics, such as low areas, prone to flooding, etc.

We have pointed out that according to geological and geodetic surveys that much of this land is labeled "500-year Flood Plain", while another large portion has been designated "100-year Flood Plain".

A strip of this property has been used for construction of Federal Highway 98, which runs east-west across the property. This parcel has been declared exempt from the Barrier Island designation and resulting restriction.

Presently a north-south right-of-way from Piney Point to Highway 98 will be needed to complete the requirements for a Mid-Bay Bridge. An east-west right-of-way parallel to Highway 98 has been recommended for construction by a Comprehensive Planning Group to help alleviate local traffic on the main Highway 98. All of which helps to create the network of roadway necessary to complete the highway system required in this area.

999

704 Main Street
Destin, Florida 32541
June 16, 1987

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

Gentlemen:

This letter is in regard to the several proposed Barrier Area designations and Moreau Point already designated as a Barrier Island.

Moreau Point contains wetlands, fauna and a particular species which are candidates for the endangered species list; it is a spawning area for fish and shellfish; the ghostshrimp found by Moreau Point on the north has been determined to be a fragile organism; it is protection against hurricanes. I believe these and other factors support the continued Barrier Island designation.

Four Mile Village and Grayton Beach, a short distance east of Moreau Point on the Bay, have the same characteristics as Moreau Point. I believe they should be classified Barrier Island.

It is unfortunate that the main drive to stop the Barrier Area designation is for economic gain of developers and construction with little concern for the present or future effects of environmental destruction or for the protection afforded by these barriers.

While it may have no bearing on determining a Barrier Area designation, I do not believe the Federal Government should subsidize "growth" in hazardous areas if people choose to build and live in such areas.

I am in full support of the Moreau Point and the proposed Four Mile Village and Grayton Beach Barrier Area designations.

Very truly yours,

Virginia R. Alford
Mrs. Virginia R. Alford



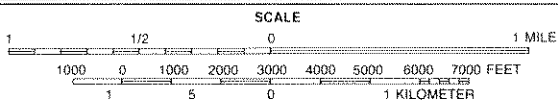
UNITED STATES
DEPARTMENT OF THE INTERIOR



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
FORT WALTON 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.



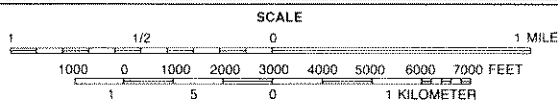
UNITED STATES
DEPARTMENT OF THE INTERIOR



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
MARY ESTHER
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.



FL-97

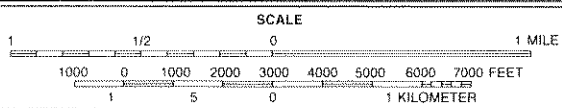
UNITED STATES
DEPARTMENT OF THE INTERIOR



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
NAVARRE
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.

FL-97 SANTA ROSA ISLAND

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

Other Comments: Nine comment letters concerning FL-97 were received. Two letters supported the addition of FL-97 to the CBRS but objected to excluding the Air Force and State-protected areas from the unit. The other seven letters, including one from the Santa Rosa County Commissioners, opposed the addition of FL-97 to the CBRS. These commenters claimed that developed areas had erroneously been included in the unit and that the delineations of aquatic habitat included wetlands and portions of Santa Rosa sound that were not associated with the barrier. The County Commissioners also stated that Navarre Beach is protected by the county.

Six of the comment letters are reprinted below. Two appear in the General Comment Letters section (letters number 974 and 1034), and one is reprinted under FL-98 (letter number 1702).

Response: The DOI has carefully reexamined FL-97 and determined that all of the portion of Santa Rosa Island included in the proposed unit fully qualifies as an undeveloped unprotected coastal barrier. None of that portion of Navarre Beach that is protected by Santa Rosa County is included in FL-97; the entire island segment recommended for addition to the CBRS is in Escambia County. Only a small portion of the associated aquatic habitat is in Santa Rosa County.

The Department acknowledges that the 1987 draft delineations of FL-97 included portions of Santa Rosa Sound that were not associated with the barrier unit. The associated aquatic habitat has been redelineated to include only the portion of the Sound and wetlands directly behind the barrier.

DOI Recommendation: The DOI recommends adding FL-97 to the CBRS as delineated here to include only those aquatic habitats directly associated with the barrier.

1667

Board of County Commissioners
Santa Rosa County, Florida

801 Caroline St., S.E.
Room 107 - Courthouse
Milton, Florida 32570-4978

MARVIN FOWLER, District One
BILLY M. LEE, District Two
WILLIAM CARROLL, District Three
LEONARD BARNES, District Four
DAVID C. KESSLER, District Five

(904) 623-0135
(904) 994-1335
(904) 939-1259

THOMAS V. DANNHEISSER, County Attorney
GUS SCHUSTER, Budget Director

September 22, 1987

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

Dear Mr. Hodel:

I am writing in regard to the Department of the Interior's proposed inclusion of FL-97 and FL-98 into the coastal barrier resource system. The eastern section of FL-98 and all of FL-97 are located in Navarre Beach and are owned by Santa Rosa County.

County staff has previously voiced our objections to the proposed designation at the local public hearing and by letter. The Governor's office was apparently unaware of our concerns and is currently reviewing the matter.

Attached are copies of correspondence on this matter. If you require any additional information, please contact my office.

Sincerely,

Thomas V. Dannheisser
Thomas V. Dannheisser
County Attorney

TVD/wf
Attachments
cc: Coastal Barrier Study Group
Jon Reynes

Board of County Commissioners
Santa Rosa County, Florida

801 Caroline St., S.E.
Room 107 - Courthouse
Milton, Florida 32570-4978

MARVIN FOWLER, District One
BILLY M. LEE, District Two
WILLIAM CARROLL, District Three
LEONARD BARNES, District Four
DAVID C. KESSLER, District Five

(904) 623-0135
(904) 994-1335
(904) 939-1259

THOMAS V. DANNHEISSER, County Attorney
GUS SCHUSTER, Budget Director

September 22, 1987

Mr. Walt Kolb
Office of the Governor
Office of Planning and Budgeting
The Capitol
Tallahassee, FL 32301

Dear Walt:

Enclosed is a map of Navarre Beach. In regard to FL-98, the parcels labeled J and K are already developed and, therefore, severs this section from the National Seashore. Clearly, the proposed designation is not appropriate.

In regard to FL-97, a roadway has already been constructed as depicted on the map. Sewer collection lines and potable water lines have also been installed. The Governor recognized a similar situation when he recommended against the FL-98 designation for the Santa Rosa Island Authority property on the western boundary of FL-98. This recommendation was based on proposed infrastructure. Santa Rosa County has infrastructure in place throughout FL-97 and FL-98.

Additionally, both FL-97 and FL-98 are included in a pending Areawide Development of Regional Impact application and should be deleted per State policy.

If you need any further information, please contact me.

Sincerely,

Thomas V. Dannheisser
Thomas V. Dannheisser
County Attorney

TVD/wf

Enclosure

Board of County Commissioners
Santa Rosa County, Florida

801 Caroline St. S.E.
Room 107 - Courthouse
Milton, Florida 32570-4978

MARVIN FOWLER, District One
WILLY M. LEE, District Two
WILLIAM CARROLL, District Three
LEONARD BARNES, District Four
DAVID C. KESSLER, District Five

(904) 623-0135
(904) 994-1335
(904) 939-1259

THOMAS V. DANNHEISSER, County Attorney
GUS SCHUSTER, Budget Director

September 16, 1987

Governor Bob Martinez
The Capitol
Tallahassee, Florida 32301

Dear Governor Martinez:

Santa Rosa County has recently been informed that the Governor's Office has sent comments to the Department of Interior regarding the Coastal Barrier Resources System. Apparently, no comment was made regarding the Department of Interior's proposed inclusion of FL-97 and FL-98.

Representatives of Santa Rosa County attended a local public hearing on this matter and voiced our objections to these proposed designations.

Florida-97 does not qualify for the proposed designation. A full compliment of infrastructure is present in FL-97, including an access road, a water supply system, and a waste water disposal system. This infrastructure was built at the cost of over \$400,000 for the express purpose of providing service to the FL-97 area.

Additionally, Santa Rosa County has for several years been actively pursuing permitting for re-establishing gulf-to-sound navigational access in the FL-97 area. A preapplication conference has already been held with the West Florida Regional Planning Council regarding Santa Rosa County's application for an Area Wide Development of Regional Impact. The ADRI specifically addresses the planned navigational project, relevant infrastructure, and related development. Over \$500,000 has been spent on permitting for the ADRI and navigational project. Two Hundred Thousand Dollars is budgeted for Fiscal Year '87-'88.

Florida-98 also is not appropriate for designation. Infrastructure commitment has already been established with extensive roadway, water supply, and sewer disposal systems. Additionally, this unit does not include an undeveloped area extending through the fastland from the beach to the associated landward aquatic habitat. Development has existed on the north side of White Sands Boulevard for many years as shown by the attached photos. This information was also shared at the local public hearing.

The infrastructure previously referred to was partially funded by the 1983 water and sewer bond issue, which was refunded in 1986. The proposed

Governor Bob Martinez
September 16, 1987
Page 2

designation threatens the financial stability of the revenue pledge for the bond repayment. The repayment is based on future water and sewer tap revenues. Since the infrastructure has already been constructed, future tap fees must be received to support the indebtedness.

The proposed designated areas are valued by Santa Rosa County in excess of \$75,000,000 and failure to remove them from the designation list would result in serious financial repercussions to the citizens of Santa Rosa County. Santa Rosa County requests that you notify the Department of Interior regarding the inappropriateness of the proposed designation. Your immediate action in this regard will be greatly appreciated.

Sincerely,

David C. Kessler
Chairman

DCK/wf

Enclosure

1102

NAVARRE BEACH

PHONES 939-2387 / 994-7521 8220 GULF BOULEVARD, GULF BREEZE, FLA. 32561

Navarre Beach Administrative Board

J.A. "JIM" HARRIS
CHAIRMAN

J. LANCE REESE
VICE CHAIRMAN

OSCAR J. LOCKLIN
SECRETARY

CARL F. BARNARD
MEMBER

REV. JOHN FRANKLIN
MEMBER

June 22, 1987

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

Gentlemen:

Please delete FL-97 Pg. 55 and FL-98 Pg. 56 Navarre Quadrangle from the Coastal Barrier Study.

On FL98 we've attached photos showing units were constructed on the north side of White Sands Boulevard for many years at the Campground and to the east of the Campground, a project we know as Sunset Harbour.

On FL97 this needs to be deleted due to long-standing leases and water/sewer infrastructure.

Sincerely,

NAVARRE BEACH DIVISION
of Santa Rosa County

Joseph Reynes
Executive Director

JR/pm

Atts:

XC: Tom V. Dannheisser, SRC Attorney

JOSEPH REYNES
EXECUTIVE DIRECTOR

NEAL R. OAKES
UTILITY SUPERVISOR

FORREST SHORES OWNERS' ASSOCIATION)
151 S. Mary Esther Cut-Off, Suite 30.
Mary Esther, FL 32569

917

June 16, 1987

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

Gentlemen:

The Forrest Shores Owners' Association OPPOSE the proposed recommendation to move the coastal boundaries inland beyond the Barrier Islands; specifically, in the area of our waterfront subdivision (see attached map.) Our rationale for this position is as follows:

1. The Barrier Islands themselves provide sufficient natural protection; therefore, the current boundaries are appropriate.
2. The proposed extension to the mainland includes developed areas and areas under development in our subdivision contrary to the basic guidelines of the study. (See attached photograph.)
3. The Florida Wetlands Protection Act, Chapter 403.91 Florida Statutes, passed in 1984, specifically charges the Florida Department of Environmental Regulation with the duties and powers related to wetland activities within the State of Florida. Additional Federal regulatory activity would be redundant and unnecessary.

Thank you for allowing us to provide this information to your study group prior to arriving at your final recommendations.

Would you please provide us with a copy of your final report to the Congress. Thank you.

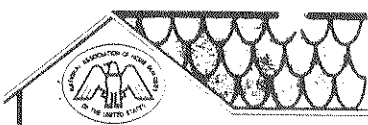
Sincerely,

Gordon Thomas
President, pro tem
Forrest Shores Owners' Association

GT/sa

- 2 Atch: 1. Map
2. Photograph

cc: Representative Earl Hutto
Senator Bob Graham
Senator Lawton Chiles



1358

HOME BUILDERS ASSOCIATION
Okaloosa-Walton Counties, Inc.

- President
Betty F. Buck
- 1st Vice President
Cary M. Carmanan
- 2nd Vice President
Dennis E. Moore
- Treasurer
Felix A. Boussencamp
- Secretary
A. R. A. Bower
- Local Directors
James P. Baker
Robert C. Bonner
Max Matthews
M. G. Sackel
Dr. Richard A. Swanson
James S. Sweeney
James D. Davis
- National Directors
James E. Spock
David R. Meyer
David C. Akker
- Alt. National Directors
Robert C. Bonner
Cary M. Carmanan
Max Matthews
- Life State Directors
Cary M. Carmanan
- State Directors
James P. Baker
James Spada
George R. Budd, Sr.
Jack - J. J. J. J.
Joseph A. Mitchell, Sr.
- Alt. State Directors
Robert C. Bonner
Cary M. Carmanan
David C. Weaver
Linda Barber
Randy Wise
- Associate State Directors
Steve Bach
Susan H. Holmes
James G. Ward
- Alt. Associate State Directors
Earl Hutto
Ron Beves
Curtis Urquhart
- Immediate Past President
Joseph A. Mitchell, Sr.
- Immediate Past 2nd Vice President
Florence Smith
- Executive Director
Marilyn J. Cameron, CEO

June 10, 1987

United States
Dept. of the Interior
Donald P. Model, Secretary
Office of the Secretary
Washington DC 20240

Re: Coastal Barrier Resources System
Quadrangles 53-55

Gentlemen:

The Board of Directors of the Home Builders Association of Okaloosa Walton Counties, Inc. unanimously oppose the proposed recommendation by your department to move the boundaries of the above referenced from the barrier islands to the mainland. It is felt that the barrier islands themselves provide sufficient natural protection of the mainland. There is no sufficient evidence of flooding or storm damage to this property to justify moving these lines.

Please be assured that our members would be the first to respond to any changes in the barrier boundaries, if they felt like they were in any way endangering the safety and welfare of the consumer public. However, this is not the case in this matter.

We encourage your close and immediate attention to your review of this area. Please forward a copy of the study commission's report at your earliest convenience.

Sincerely,

Betty F. Buck
Betty F. Buck,
President

cc: Earl Hutto
Bob Graham
Lawton Chiles
Jerry Coone (FHBA)
Jim Fischer (NAHB)

1980 Lewis Turner Blvd. • Fort Walton Beach, FL 32548 • (904) 863-5107

960

H. H. CARNATHAN AND COMPANY
INCORPORATED

HOMEBUILDING • DESIGN • REMODEL • GENERAL CONTRACTORS • AMEREC SAUNAS

MAILING ADDRESS
P.O. DRAWER 820
FT. WALTON BEACH, FL 32549

904-863-5117

GENERAL OFFICES
1399 GREENACRES BLVD
FT. WALTON BEACH, FL 32548

June 18, 1987

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

Gentlemen:

As one of the affected property owners, we **OPPOSE** the proposed recommendation to move the coastal boundaries inland beyond the Barrier Islands, specifically, in the areas of our waterfront property that is presently under development.

The Islands themselves provide sufficient natural protection, therefore, the present boundaries are sufficient.

There is no record of excessive flooding even in the worst storms.

The proposed extension to the mainland includes developed areas and areas under development contrary to the basic guidelines of the study.

We would appreciate your careful consideration of our request.

Would you please provide us with a copy of your final report to the Congress. Thank you.

Sincerely,

H. H. Carnathan
H. H. Carnathan
President

I attached map
cc: Representative Earl Hutto
Senator Bob Graham
Senator Lawton Chiles



1404

EARL HUTTO
1st DISTRICT
FLORIDA
320 CANNON BUILDING
WASHINGTON, D.C. 20515
(202) 225-4128
COMMITTEES:
ARMED SERVICES
MERCHANT MARINE AND
FISHERIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 19, 1987

DISTRICT OFFICES
OLD TOWN SQUARE SUITE 110 B
PENSACOLA, FLORIDA 32501
(904) 432-4179

FEDERAL BUILDING
PANAMA CITY, FLORIDA 32401
(904) 784-0709

SHALIMAR COURTHOUSE ANNEX
BUNNELL, FLORIDA 32278
(904) 691-3111

Coastal Barriers Study Group
U.S. Department of Interior
National Park Service-498
Post Office Box 37127
Washington, DC 20013-7127

Dear Ladies and Gentlemen:

The enclosed letters from my constituents share a common theme -- opposition to the recently proposed changes to the Coastal Barriers Resources Act. I fully support the goal of the Coastal Barriers Resources Act, which would enhance the conservation of fish, wildlife and other natural resources while reducing federal expenditures in these areas. However, I do not support all of the proposed changes in the First Congressional District of Florida.

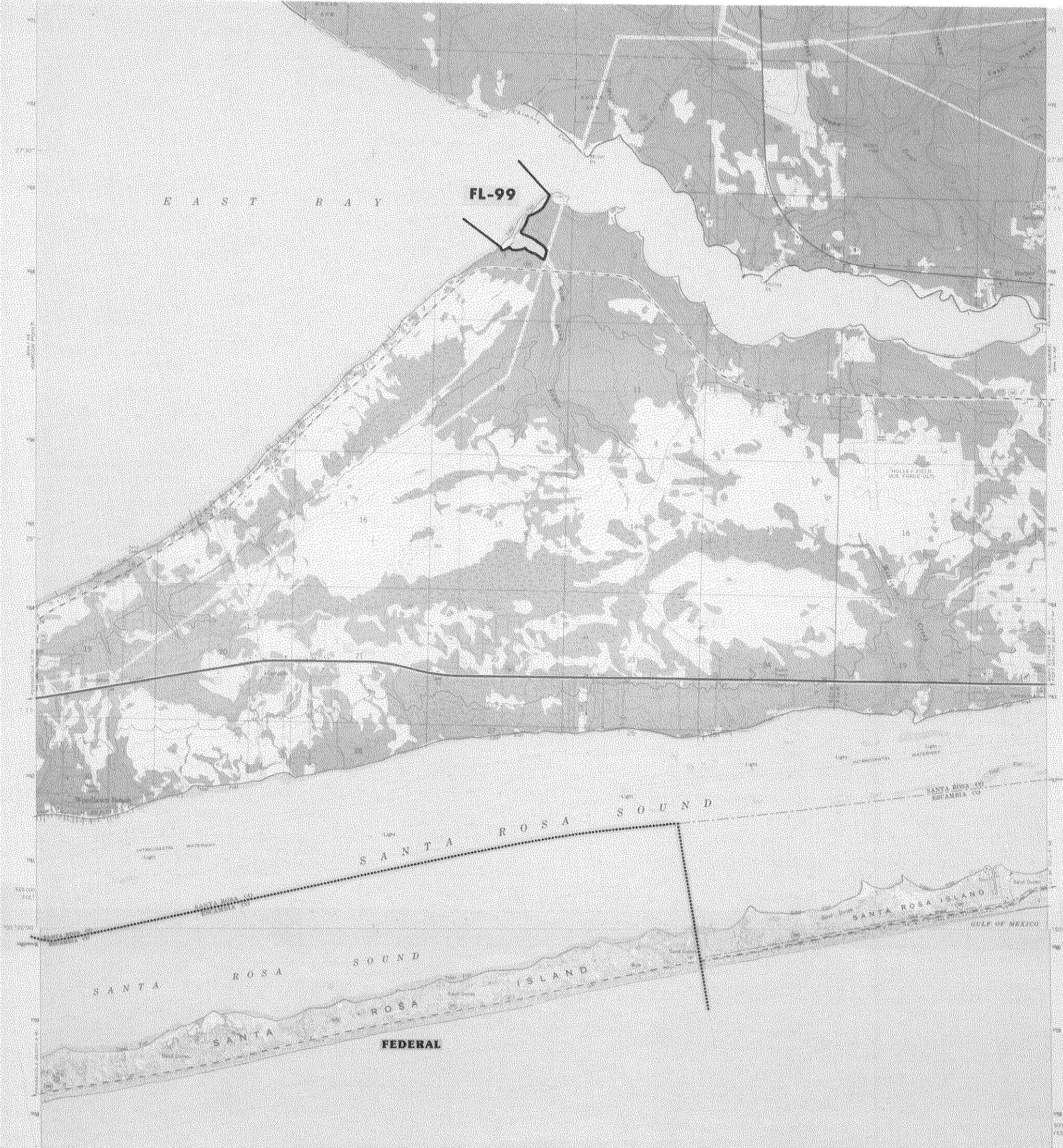
Many new homes and the related infrastructure have been constructed and planned on numerous areas of the property proposed for inclusion in the Coastal Barriers Resource System. In addition, the financial loss to private citizens, local governments and local corporations would be extreme, not to mention the economic losses to individual communities which would certainly result should the present proposal be adopted. I strongly urge you to reconsider the inclusion of FL-97, and P32 in the re-draft of this proposal.

I believe it is my responsibility to extensively review this proposal to make certain the Act's original purpose is fulfilled without adversely affecting the construction plans and the economy of my district. Thank you in advance for your consideration of my comments on this important matter.

With warm regards,

Sincerely,
Earl Hutto
Earl Hutto

EH:dlh
Enclosures



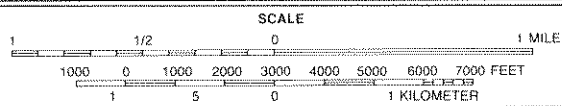
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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

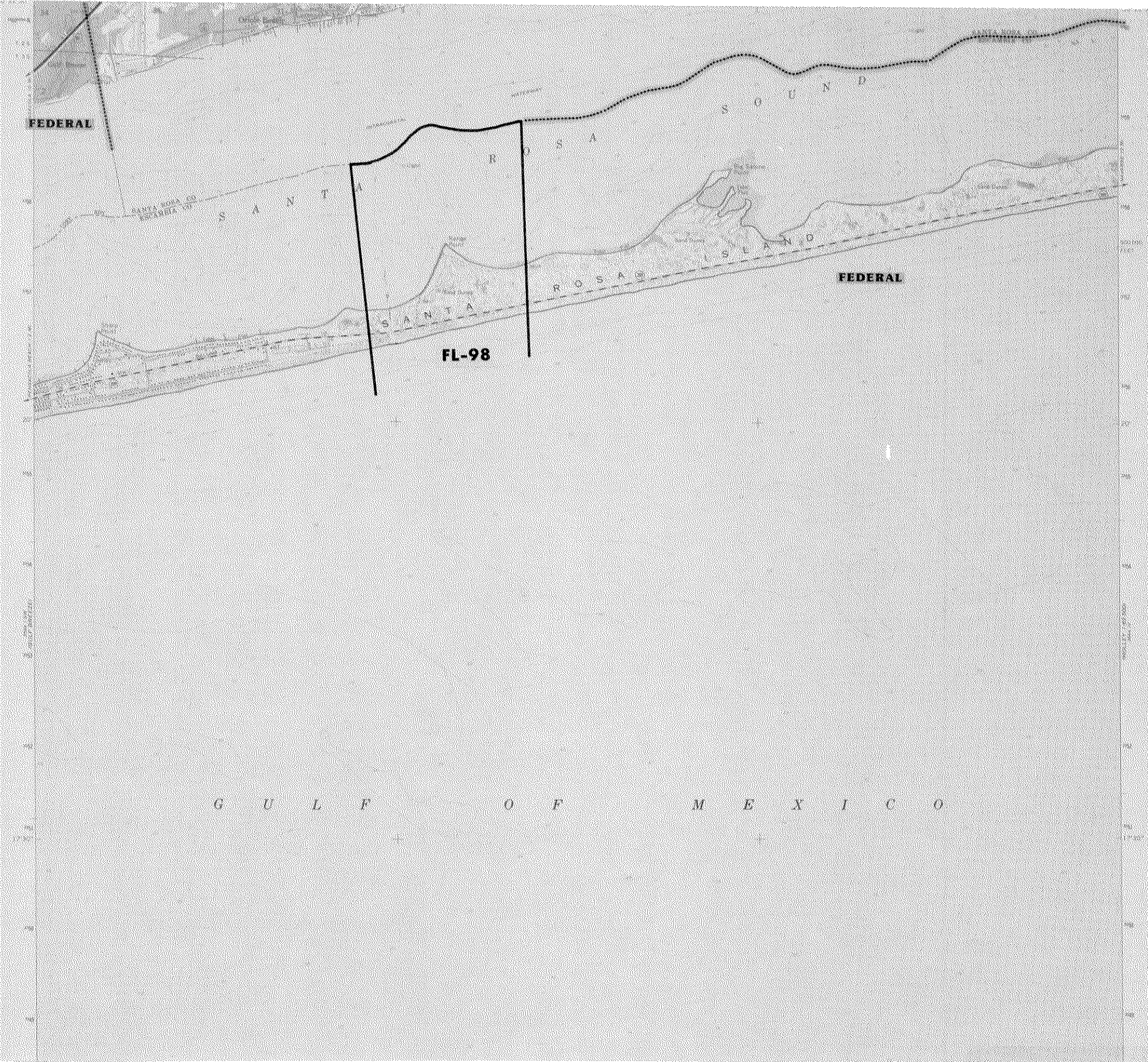
QUADRANGLE
HOLLEY
FLORIDA



- 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.



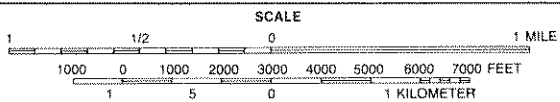
Report to Congress on the Coastal Barrier Resources System

**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
ORIOLE 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.

FL-98 - GULF ISLANDS

State Position: The State of Florida requested that the western boundary of this proposed CBRS unit be modified to exclude a developed area. The State also requested that the Santa Rosa Island Authority property, excluding the beachfront acreage, be left out of the proposed unit.

Other Comments: Twelve other letters concerning FL-98 were received. Three letters supported the addition of FL-98 to the CBRS; two of these also requested that the otherwise protected areas be retained in the proposed unit. The other nine letters, including those from the Santa Rosa County Commissioners and the Santa Rosa Island Authority, opposed the addition of FL-98 to the CBRS. These letters argue that developed areas, including Sunset Harbor and Forest Shores, were mistakenly included in the proposed unit. The Santa Rosa Island Authority also argues that because they have sold several million dollars in revenue bonds to extend sewer and water service into their property and because they previously donated another piece of island property to the National Park Service, their remaining holdings should be excluded from the CBRS. Substantive comment letters are reprinted below. See also letters number 974 and 1034 in the General Comments Letters section, and letters number 917, 1102, and 1667 under proposed CBRS unit FL-97.

Response: The 1987 draft delineations of FL-98 included a substantial amount of land protected by the National Park Service. These delineations also mistakenly included several developed areas, including Sunset Harbor and Forest Shores. Both the protected and developed areas are excluded from the revised unit delineated here. None of the proposed unit is located in Santa Rosa County.

Although the DOI criteria do not provide for the exclusion of undeveloped unprotected coastal barrier property on the basis of bond issues or previous donations of other property to a public agency, these are issues the Congress may wish to consider. A full complement of infrastructure must be present on each lot in the development for an area to be considered developed and excluded from the CBRS under DOI criteria.

DOI Recommendation: The DOI recommends adding FL-98 to the CBRS as delineated here to exclude the developed and Federally protected areas. The DOI also recommends that the Santa Rosa Island Authority's concerns be considered during the Congressional deliberations on this unit.

Board of County Commissioners
Santa Rosa County, Florida

1702

801 Caroline St., S.E.
Room 107 - Courthouse
Milton, Florida 32570-4978

MARVIN FOWLER, District One
BILLY M. LEE, District Two
WILLIAM CARROLL, District Three
LEONARD BARNES, District Four
DAVID C. KESSLER, District Five

(904) 623-0135
(904) 994-1335
(904) 939-1259

THOMAS V. DANNHEISSER, County Attorney
GUS SCHUSTER, Budget Director

October 26, 1987

Mr. Frank Dunkle, Director
United States Department of Interior
Fish and Wildlife Service
Washington, D.C. 20240

Re: FWS/CB/34378

Dear Mr. Dunkle:

I have reviewed your letter of October 16, 1987. I appreciate your outline of the general process regarding the Coastal Barrier Resource Act. However, the letter was not responsive to the questions raised by Santa Rosa County.

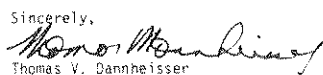
Santa Rosa County asserts that the proposed FL-98 and FL-97 designations are contrary to the guidelines of the Coastal Barrier Resource Act and relevant administrative regulations.

As stated in the correspondence sent to the Department of Interior on June 22, 1987, and September 22, 1987, FL-98 does not include an undeveloped area extending through the fastland from the beach to the associated landward aquatic habitat. Extensive development has existed for years, including buildings, roads, sewer, water, etc.

Florida-97 also has been developed for several years. It contains a full complement of road, sewer, and water infrastructure.

It would be greatly appreciated if the Department of Interior would respond specifically to the question of why FL-97 and FL-98 are still proposed for the Coastal Barrier Resource Act designation when such areas do not meet the criteria for such designation.

Thank you for your cooperation.

Sincerely,

Thomas V. Dannheisser

TVD/wf

cc: Representative Earl Hutto
Secretary Donald Hodel
Terry Lewis, Esquire
Mr. Joseph Reynes

Santa Rosa Island Authority

238

P.O. Box 1208
Pensacola Beach, Florida 32561-1208
Phone (904) 931-2257

Jerry Kirkley
Chairman
W. McGuire Martin
Vice Chairman

Edward B. Jones
Secretary-Treasurer

Lamar Dean
Member

Dorothy Davlin
Member

Ann Farnans
Member

James M. Sheffer
General Manager

May 1, 1987

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

Gentlemen:

We have recently received the draft report to the Congress on the Coastal Barrier Resources System.

We submitted a position paper in 1985, a copy of which is enclosed, stating our reasons for objecting to the inclusion of the property on that portion of Santa Rosa Island contained in Unit I.D. Code FL-98-Drisle Beach Quadrangle, owned by Escambia County, Florida. We also met with representatives of your agency in Washington and outlined our problems to them.

We came away with the feeling that we had made our case and that there was general agreement on the part of everyone present that our request would be granted.

Needless to say, we were surprised when we received the latest report. The conditions which were listed in 1985 have become ever more critical from the standpoint of economic viability of this agency.

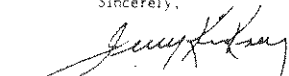
We sold \$5.5 million dollars in revenue bonds in July 1985. Expected revenues from part of the property in question have been pledged to pay the debt service on those bonds. We have already extended water and sewer service to part of the property. We pointed out in 1985 that the maps that were used to establish this Coastal Barrier area were outdated and did not depict the current status of the land. At the present time there are fifteen single family homes that have been constructed in the area and, insofar as we are aware, have secured Federal Flood insurance.

Coastal Barriers Study Group
May 1, 1987
Page Two

We have adopted the most stringent building code requirements in this part of the state in trying to mitigate against storm damage and we have already placed a significant amount of property in dune preserves. We have made provision for adequate public access to our beaches with the installation of parking areas and dune cross-overs. We also have an ongoing dune restoration/stabilization program in place.

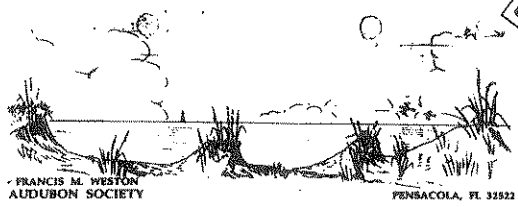
Given the amount of beach property that Escambia County has already transferred to the Department of the Interior for inclusion in the Gulf Islands National Seashore, it seems fair to allow us to retain the remainder without imposing additional restrictions.

Sincerely,


Jerry Kirksey
Chairman
SANTA ROSA ISLAND AUTHORITY

mb
Encls.

cc: Senator Bob Graham
Senator Lawton Chiles
Congressman Earl Hutto



Mr. Frank McGilvrey
Coastal Barrier Coordinator
U.S. Fish and Wildlife Service
Dept. of the Interior
Washington, D.C. 20260

RE: F1-98 and F1-99

Dear Sir,

I am pleased that 10.31 and 0.53 miles in Escambia County have been added to the maps.

Because of recent proposals to develop 3.72 acres on Santa Rosa Island for a golf course (which belongs to Escambia County) and to develop a channel at Navarre Beach (Santa Rosa County, which also belongs to Escambia County), could you please review the maps and send me this information as soon as possible. (Assume this area is protected)

(2)

Also, would you mark the area to be protected in Escambia County for me and send the maps to me, and please send me any additional information that you may have.

Time is very important because of the proposed developments on the two sites.

Thank you.

Sincerely,

Dorothy S. Kaiser, Chair
Conservation Committee
Francis M. Weston Audubon
7055 Marie Ave.
Pensacola, Florida 32504

Stuart N. Goldman Interests, Inc.

2714 Louisiana
Houston, Texas 77006
(713) 520-5755

May 19, 1987

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

Re: Coastal Barrier Resources Act

Dear Mr. McGilvrey,

I have recently received the draft report to the Congress on the Coastal Barrier Resources Act.

I submitted a position paper to the Department of the Interior in October of 1985, a copy of which is enclosed. This paper states the reason for objecting to the inclusion of this property on that portion of Santa Rosa Island contained in Unit I.D., Code FL-98-Oriole Beach Quadrangle, owned by Escambia County, Florida. On or about the same date representatives of the Santa Rosa Island Authority met with representatives of the Coastal Barriers study group, Department of the Interior, and outlined our problems to them.

We came away with the feeling that we had made our case and that there was a general agreement on the part of everyone present that our request would be granted.

Needless to say, I was surprised when I received the latest study/report indicating not only had our property not been removed from the Coastal Barrier area but a larger area of Pensacola Beach was now included.

Presently, I have expended approximately \$4.5 million dollars on this project. This figure is inclusive of all land and development cost incurred to date. Located on our site is an office complex servicing the aforementioned development. Utilities have been in place on site since July of 1986.


In addition, the Santa Rosa Island Authority has sold \$9.5 million dollars in revenue bonds expecting the revenues from our property to help pay the debt service on these bonds.

The Santa Rosa Island Authority has also adopted the most stringent building code requirements in this part of the state and I have met or exceeded every requirement or regulation in complying with their guidelines.

1266

Given the amount of beach property that Escambia County has already transferred to the Department of the Interior for inclusion in the Gulf Island National Seashore, it would seem fair for the Department of the Interior to allow us to continue the development of our project without imposing the additional restriction of the Coastal Barrier Resources Act.

Sincerely,


Stuart N. Goldman

SNG/gdw

Enclosure

cc: The Honorable Jack Brooks, Congressman
District #9
U.S. House of Representatives
Washington, D.C. 20515

Mr. Jack Brown
Coastal Barriers Study Group
National Park Service

Jim Sheffer
Santa Rosa Island Authority

W. G. Hall, Jr.
Security Savings & Loan Association

1402

CGM-LAND GROUP, INC.

REGISTERED REAL ESTATE BROKERS

8701 PENSACOLA BLVD
PENSACOLA, FL 32505
TELEPHONE (904) 478-4100

May 27, 1987

Ms. Susan Reece
Assistant Secretary of the Department
of the Interior
Fish and Wildlife Division
P. O. Box 37127
Washington, D. C. 20013-7127

Re: Coastal Barrier Resources
Act

Dear Ms. Reece:

This is in response to the draft report to the Congress of the United States on the Coastal Barrier Resources Act as it relates to property recommended for inclusion as so-called undeveloped property on the east end of Pensacola Beach, Florida (Unit I.D. Code FL-98- Oriole Beach Quadrangle, Escambia County, Florida).

The property west and south of the red line on the enclosed plat has been mistakenly included and should not be included in the draft report recommendations.

Ms. Reece, the reasons are:

- 1) Many existing new homes are already built upon this property.
- 2) Utilities have already been extended to serve this property at very substantial costs.
- 3) Escambia County Florida, through its agent The Santa Rosa Island Authority, has floated a major bond issue of approximately \$9.5 billion and pledged the impact fees, and lease revenues (99 year leaseholds) to be generated from completion of other construction on this property to service and retire the bonds.
- 4) Approximately 75% of Pensacola Beach has already been set aside as two major parks (The Gulf Islands National Seashore) thus precluding private development on 75% of Pensacola Beach. This is a very favorable balance of developed vs. undeveloped property.


Ms. Susan Reece
Page Two
May 27, 1987

- 5) Several private developers, including this writer, have made major investments in excess of \$10 million in this subject property and would lose everything if this subject property were mistakenly included, and denied flood insurance and/or loans from federally chartered or insured lenders.
- 6) Just a couple of years ago the federal government through the U. S. Treasury Department, Internal Revenue Service, was encouraging construction on Pensacola Beach by offering 10% investment tax credits to buyers of second homes and condominiums. Based upon this incentive and encouragement the subject land was planned and zoned for construction consistent with these incentives. A major sewage plant expansion was accomplished and a major public bond issue of \$9.5 million was sold to fund this plant expansion. Major private investment in this land was made. Clearly, it would be a travesty for the citizens of Escambia County and for the private investors to be induced by the federal government to invest, then have the rug pulled from beneath them, and leave them holding the bag with no hope of recovering approximately \$20 million already invested.
- 7) The general economy of Pensacola is largely dependent upon tourist revenues. The Pensacola economy, under your current recommendations, would suffer severe negative impact.

I respectfully request that you please correct your maps in accordance with the enclosed plat of the property.

I would appreciate hearing from you at your earliest convenience.

Sincerely,


Charles F. Faddis

CFF/ab
Enclosure

cc: The Honorable Earl Hutto
The Honorable Robert Graham
The Honorable Lawton Chiles
Mr. James M. Sheffer
Mr. Frederick Levin
Mr. Stuart N. Goldman
Mr. W. G. Hall, Jr.

1748

BEGGS & LANE

ATTORNEYS AND COUNSELLORS AT LAW
SEVENTH FLOOR BLOUNT BUILDING
3 WEST GARDEN STREET
PENSACOLA, FLORIDA 32501

ROBERT B. GAINES
WILLIAM D. DAVIS, JR.
A. SPENDER WITCHER
JAMES M. WELLS
ROBERT J. CHONGWATER
JOHN W. WINDHAM
NIXON DANIEL, III
G. EDSON HOLLAND, JR.
RALPH A. REEDER
RONALD J. NELSON
DAVE B. LEIGHTON
TOMAS R. CHANNS
JEFFREY A. WOOD
BARBARA W. PALMER
SCOTT E. GODFREY
JAMES S. CAMPBELL
W. LUCE WELLS
LARRA HAYDEN

March 15, 1988

POST OFFICE BOX 2830
PENSACOLA, FLORIDA 32505
TELEPHONE (904) 432-2445
TELECOPIER (904) 438-8139
E. DALE BEGGS
4/COMM
BENT LANE
1917-1988

Mr. William P. Horne
Assistant Secretary for Fish
and Wildlife and Parks
U. S. Department of Interior
Office of the Secretary
18th and C Streets, N.W.
Washington, D. C. 20240

Re: 50 acres on Pensacola Beach (Santa Rosa Island),
Florida

Dear Mr. Horne:

In June of 1985, I accompanied Mr. James M. Sheffer, General Manager of the Santa Rosa Island Authority, on a trip to Washington to meet with representatives of the National Park Service, Coastal Barrier Study Group. Mr. Sheffer had previously submitted a position paper, copy of which is enclosed, stating the Authority's reasons for objecting to the inclusion of approximately 85 acres of property on Santa Rosa Island (owned by Escambia County, Florida and subject to lease) in Unit ID Code FL-98, Oriole Beach Quadrangle. The inclusion of that property in this unit would bar residents of said property from obtaining federal flood insurance and, in effect, prohibit the completion of the development of the property. Mr. Sheffer's memo emphasized that the property in question and other property not included in Unit ID Code FL-98, Oriole Beach Quadrangle, had been covered by options to lease granted several years prior to June of 1985. Based on an understanding that the property would be developed, the holders of the options and the Authority had negotiated an agreement that reduced the amount of property actually to be leased under said options and a commitment that the gulf frontage area of the leased property would remain undeveloped. Based upon such understanding, the Authority began developing the infra-structure in the area in question. After our meeting with the representatives of the Park Service they seemed satisfied with our explanation and it

Mr. William P. Horne
March 15, 1988
Page 2

appeared that the land in question would not be included within the area for which insurance would not be available. We heard nothing for many months. In late June or early July, 1987, we received a new map which indicates that the Island Authority's objections were not fully considered and that approximately 50 acres of the property addressed in Mr. Sheffer's memo remains in Unit ID Code PL-98.

In July, 1985, Escambia County, on behalf of the Santa Rosa Island Authority, issued \$9.5 million in revenue bonds, primarily for the repair and improvements of the Island's infra-structure. The Authority has already extended water and sewer service on part of the property which now is included on the Coastal Barrier Resource System map. In addition, there are in existence a substantial number of homes in this area.

It seems both unfair and unrealistic for the people with present existing homes to be penalized and for Escambia County to be deprived of the funds which it needs to repay the bond issue. This is particularly true in light of the tremendous amount of Island property which Escambia County has previously transferred to the Gulf Islands National Seashore. Further, the prohibition of development of this property might force a reconsideration of the agreement prohibiting development of certain portions of the remaining gulf frontage.

All the help which you can give us on this issue will be appreciated.

Yours very truly,



W. Spencer Mitchem
For the Firm

WSM:dd



G U L F O F M E X I C O

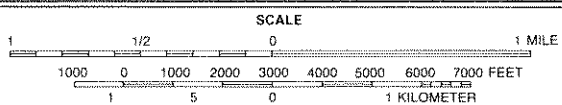
Report to Congress on the Coastal Barrier Resources System

**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

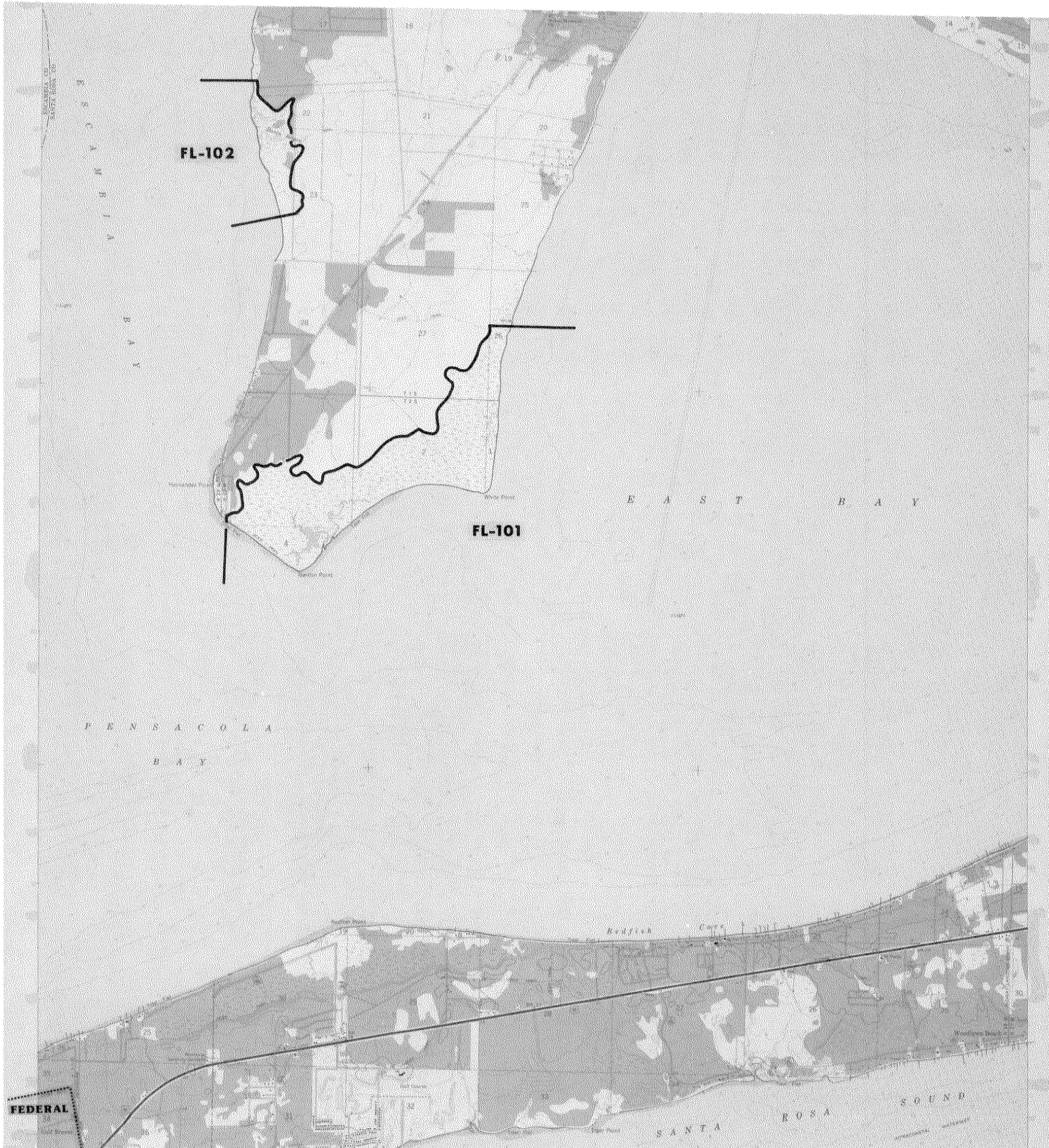
QUADRANGLE
GULF BREEZE
FLORIDA



- 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.



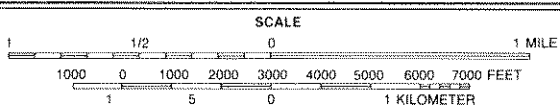
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QUADRANGLE
GARCON POINT
FLORIDA



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FL-99 - TOM KING; FL-100 - TOWN POINT; FL-101 - GARCON POINT; FL-102 - BASIN BAYOU

State Position: The State of Florida expressed no position on these particular proposed CBRS units.

Other Comments: Three letters supporting the addition of these four units to the CBRS were received. One is reprinted below; the

other two appear in the General Comment Letters section (letters number 974 and 1034).

DOI Recommendation: The DOI recommends adding FL-99, FL-100, FL-101, and FL-102 to the CBRS.

1298



The Florida Chapter _____

Northwest Florida Group
4649 Soundside Drive
Gulf Breeze, FL 32561
6-20-87

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

Dear Sirs,

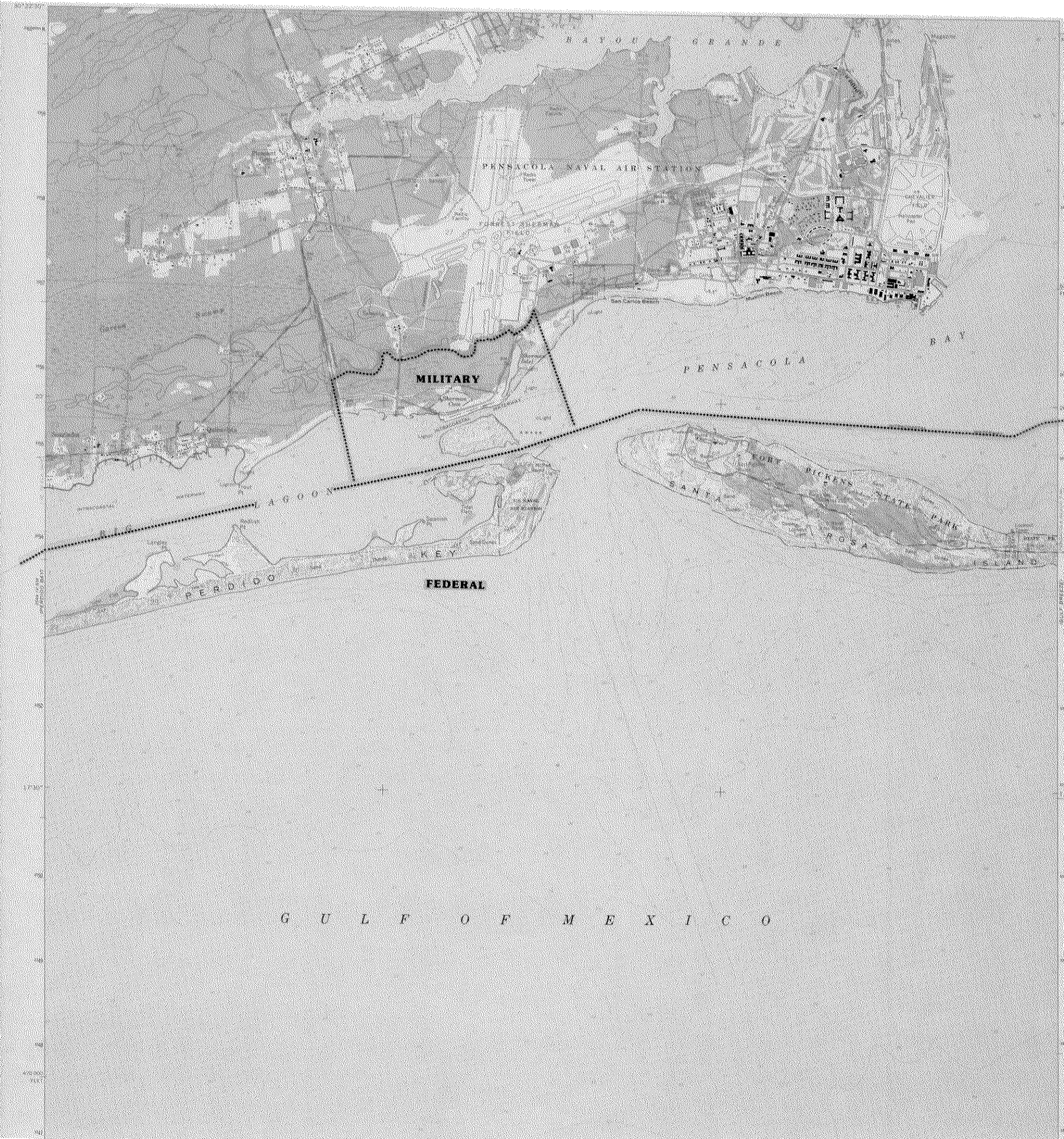
We wish to support the total CBRS Florida list and want to particularly urge the retention of the following units.

P 31 A-Four Mile Village
P 32- Moreno Point
FL-98 Gulf Islands- Navarre Beach and Pensacola Beach
FL-99 Tom King Bayou
FL-100 Town Point
FL-101 Garcon Point
FL-102 Basin Bayou

Thank you for your consideration.

Sincerely,

Richard D. Radford



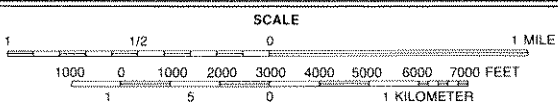
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QUADRANGLE
FORT BARRANCAS
FLORIDA



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