

December 5, 2016

Beaches on Perdido Key

On Tuesday, November 22, 2016, the *Pensacola News Journal* published a front page article titled “Project would shore up beaches” (available at <http://www.pnj.com/story/news/local/perdido-gulf-shores/2016/11/21/project-shore-up-perdido-beaches/93956284/>). It discussed Escambia County's dune replanting initiative for Perdido Key where \$500,000 of BP restitution money would be used to plant sea oats and other plants along Perdido Key beaches. It also noted that only about 40% of beachfront property owners had thus far agreed to the project.

The article went on to discuss private ownership of Perdido Key beachfront and that beach renourishment, i.e., bringing new sand to the beaches, was much more controversial than dune replanting. Citing Perdido Key Association (PKA) president Charles Krupnick, the article stated that while most Perdido Key property owners favored beach renourishment in the 2015 Survey conducted by PKA, opinion was divided on easements and using eminent domain to achieve it. A particular concern of beachfront owners has been that new beach created by renourishment, with perhaps 100 to 300 feet of added sand between previous beachfront and Gulf waters, would belong to the State of Florida. While noting that Perdido Key beaches were “critically eroded,” the article did not mention the current concerns of some beachfront property owners – such as at the Indigo Condominium – about beach erosion that has allowed Gulf waters to reach dune crossovers.

In its August 2016 report “Critically Eroded Beaches in Florida,” the Division of Water Resource Management under the Florida Department of Environmental Protection stated:

The Westernmost 6.5 miles of Perdido Key in Florida was critically eroded (R1-R34) threatening development and recreational interests. A beach and dune restoration project is planned for this area. The eastern 5.9 miles (R34-R65) of Perdido Key are non-critically eroded along the Gulf Islands National Seashore. Inlet sand transfer is being conducted to this area using Pensacola Bay Entrance dredge material.

The same document, citing the Department’s rule 62B-36.002(5), defined “Critically Eroded Shoreline” as:

... a segment of the shoreline where natural processes or human activity have caused or contributed to erosion and recession of the beach or dune system to such a degree that upland development, recreational interests, wildlife habitat, or important cultural resources are threatened or lost. Critically eroded areas may also include peripheral segments or gaps between identified critically eroded areas which, although they may be stable or slightly erosional now, their inclusion is necessary for continuity of management of the coastal system or for the design integrity of adjacent beach management projects.

Noting that “impacts from Hurricane Ivan [2004], and the subsequent impacts of smaller storm Arlene, Dennis, and Katrina (all in 2005)” led to the Critically Eroded Shoreline designation, in July 2011 Escambia County submitted Local Government Funding Request (LGFR) 2012-2013 for funds to renourish Perdido Key beaches from the Alabama border to Gulf Islands National Seashore. In August 2014 the County submitted LGFR 2015-2016, a document similar to the earlier request but for beach nourishment and dune restoration only on the 3 mile stretch of beaches between Perdido Key State Park and Gulf Islands National Seashore. The more limited scope of the request was probably because, as cited in the document, the western portion of Perdido Key had revealed “a trend of relative stability of shoreline position...”

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On February 27, 2009, the Florida Department of Environmental Protection approved Escambia County's request for Perdido Key Beach Restoration and issued Permit No. 0273340-001-JC "to construct the initial beach and dune restoration project along the westernmost 6.5 miles of shoreline at Perdido Key." With the permit set to expire on February 27, 2014, the County requested and received an extension on the project (Permit Modification No. 0273349-003-JN) until February 27, 2019. The extended permit contained a number of changes, some due to the 2010 Deepwater Horizon oil spill but most modifying requirements for protection of wildlife habitat.

Perdido Key beach renourishment, however, is in a "holding pattern" – a term used by Escambia County Senior Manager for Natural Resource Management Timothy Day and Escambia County District 2 Commissioner Douglas Underhill in the Escambia County October 21, 2016 video "The Underhill Update: Perdido Key" (available at <https://www.youtube.com/watch?v=GLunuQEcaqs&index=2&list=PLYp6oPuWyBadkPfVnARMnOPXKIddsJRfy>). Commissioner Underhill explained that when he took office [in 2015] about 35% to 40% of Perdido Key beachfront property owners had not completed the "right of entry" agreements needed for beach renourishment to proceed and that, in his discussions with them, he became impressed with their "fears" about property rights. Because of such concerns and his personal opposition to eminent domain, Commissioner Underhill intends to rely on "incremental" action such as dune replanting and the deposition of Pensacola Bay Entrance dredge material to improve Perdido Key beaches.

Perdido Key beaches are the only ones in the immediate Gulf Coast vicinity that have not been renourished: Navarre Beach was renourished in June 2016 and Pensacola Beach in August 2016, while Orange Beach and Gulf Shores were renourished in 2013. It is likely that renourished local beaches will require periodic renourishment because they front developed areas where storms, jetties and dredging disturb natural sand replenishment processes, though the relatively mild Gulf beach action should extend the period. Dune replanting and Pensacola Bay Entrance sand may help improve Perdido Key beaches, but it is not clear that these actions alone can restore the beaches to health. The issue to consider for Perdido Key beachfront property owners, other Perdido Key owners and residents, and the rest of Escambia County is whether having Perdido Key beaches designated as Critically Eroded Shoreline should be an urgent call for action or can remain a condition they are prepared to accept for the foreseeable future.

Charles Krupnick

President, Perdido Key Association