

Lines in the Sand

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Recently a meeting was held at the Community Center regarding the Florida Department of Environmental Protection proposal to establish an erosion control line (ECL) on Perdido Key. In order to understand the significance of this line, a discussion of some of the other lines in the sand may be helpful. I will try to go from landward to seaward in this discussion where possible.

To start, the state has determined that Perdido Key, in its entirety, is in the Coastal High Hazard Area (CHHA). The Florida Administrative Code (FAC) requires counties in their comprehensive plans to “[d]irect population concentrations away from known or predicted coastal high-hazard areas.” Rule 9J-5.012(3)(b)(6), F.A.C. Furthermore, local governments have an obligation to “limit public expenditures that subsidize development permitted in coastal high-hazard areas.” Rule 9J-5.012(3)(b)5, F.A.C. This line, around the whole Key, has obvious significance as we discuss and debate the planning for future growth and construction on the Key.

The next designation or line is the sand, is the coastal construction control line (CCCL). This is a more or less permanent line established by the state which defines that “portion of the beach-dune system subject to severe fluctuations which is based on a 100-year storm surge, storm waves, or other predictable weather conditions” 62B-33.002 FAC. Construction landward of this line does not require any special permit. Construction seaward of the CCCL requires a permit from the state, which provides for additional safeguards in the construction of structures due to the additional hazards from the environment. This line, therefore, does not limit construction; it only requires construction to meet higher, safer standards.

The 50-foot setback line is a line used in conjunction with the CCCL “in which construction is prohibited within 50 feet of the line of mean high water at any riparian coastal location fronting the Gulf of Mexico or the Atlantic coast shoreline” 62B-33.002 FAC. So, one can build seaward of the CCCL to higher standards, but no closer than fifty feet from the mean high tide line.

The mean high water line “is the average height of the high-waters over a 19-year period” 62B-33.002 FAC. In practice, licensed and certified personnel obtain data from a specified tidal gauge in the area and then project that data on to a map to find the mean high water line. The state of Florida claims all land, surface and subsurface, seaward of the mean high water to the limits of its territorial seas.

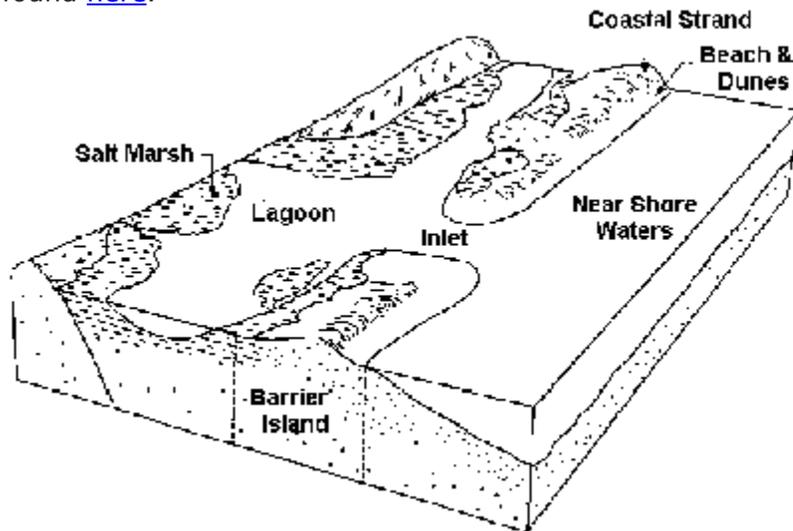
Riparian land owners, those people owning waterfront land, can gain or lose land over time as they gain land through natural accretion or lose

land through natural erosion. Generally, land must be gained over a period of time, imperceptibly, to be claimed by the riparian landowner; it can be lost in a similar manner. Land lost or gained rapidly (avulsion), as in a storm or by beach nourishment, does not necessarily change ownership.

The erosion control line is a line proposed to be established by FDEP. The ECL is to be established at the mean high water line surveyed as of August 2007. Private property landward of the ECL will remain private property and lands seaward remain state lands. The line will not move once it is established per 161.141 Florida Statutes (FS). The benefit to be gained is that once the line is established, the county will be eligible to apply for federal and state (matching) funds to maintain and re-nourish the beach. Depending on how a beach nourishment project will be funded, county residents may be called upon to approve the expenditure of county funds for the project.

While these lines in the sand have been established by the state; the tides and winds are moving the island without regard to those lines. Storm winds and tides have altered, and will continue changing the shape of the island, causing significant changes to the lines in the sand. This latest regulatory defined line in the sand points to the need for sound policies and public involvement to ensure Perdido Key remains the paradise we all call home.

Access to the Florida Administrative Code and Florida Statutes can be found [here](#).



Click [here](#) for Florida Statutes that explain what the state laws are regarding Erosion Control.