

House Memorial

A memorial to the Congress of the United States,
 urging Congress to take immediate action to direct the
 United States Army Corps of Engineers to amend its
 current easement policy for shore protection projects
 to allow critical shore protection projects in Florida
 to proceed without delay.

WHEREAS, according to a 2015 report by the Office of
 Economic and Demographic Research, beaches are Florida's number
 one tourist attraction, generating billions of dollars for the
 state and local economies, and

WHEREAS, healthy beach and dune systems in Florida protect
 upland property and infrastructure, increase property values,
 combat sea level rise and erosion, provide critical habitat for
 threatened and endangered wildlife, and ensure a myriad of other
 benefits, and

WHEREAS, Florida has 825 miles of world-renowned beaches,
 and

WHEREAS, it has been the long-standing policy of Florida
 that erosion is most efficiently addressed by beach restoration
 and periodic nourishment, and

WHEREAS, according to the 2023 Critically Eroded Beaches in
 Florida Report by the Florida Department of Environmental
 Protection, 432.5 miles of beaches are critically eroded, and

26 WHEREAS, the federal, state, and local governments have
 27 partnered for over 50 years to protect 253 miles of critically
 28 eroded beaches in Florida, and

29 WHEREAS, public access to restored beaches has been
 30 enshrined in Florida since 1970 with the passage of state
 31 legislation requiring the establishment of an erosion control
 32 line, usually at the mean high-water line, before restoration of
 33 a beach, which identifies private interests landward of the line
 34 and public ownership by the state in trust for its people
 35 seaward of the line, and

36 WHEREAS, shore protection projects are typically authorized
 37 by the Congress of the United States for a duration of 50 years,
 38 and

39 WHEREAS, the federal government's cost-sharing
 40 responsibilities for shore protection projects were clarified in
 41 the Water Resources Development Act of 1986 to prohibit federal
 42 participation when shores are limited to exclusively private
 43 interests but allow the local sponsor to bear these costs in
 44 such instances where easements could not be obtained, and

45 WHEREAS, in 1996, the United States Army Corps of Engineers
 46 declared the minimum estate necessary for shore protection
 47 projects was the perpetual beach storm damage reduction easement
 48 but allowed local sponsors in Florida to acquire less-than-
 49 perpetual easements and to pay 100 percent of sand placement

HM 1411

2024

50 landward of the erosion control line for those areas not covered
51 by an easement, and

52 WHEREAS, in addition to the United States Army Corps of
53 Engineers requiring a perpetual easement for a 50-year project,
54 other overly broad public access and use language in the
55 easement not tailored to the needs of shore protection projects
56 is causing coastal property owners to reject signing such
57 easements, and

58 WHEREAS, project cooperation agreements require local
59 sponsors to ensure public ownership and use of the shores upon
60 which the federal cost-share is based, and

61 WHEREAS, recent shifts in United States Army Corps of
62 Engineers' policy on easements, which are not based in law,
63 require the acquisition of perpetual public access, use, and
64 construction easements from 100 percent of property owners
65 within a project area in order to proceed even if construction
66 will not occur over the easement area, and

67 WHEREAS, the United States Army Corps of Engineers is
68 retroactively applying its inflexible interpretation of law
69 regarding perpetual easements which has resulted in widespread
70 project delays for both traditional and emergency repair
71 projects, contradicting Congressional intent and leaving
72 Floridians and critical coastal habitat vulnerable to
73 catastrophic flooding and erosion from the next coastal storm,
74 and

HM 1411

2024

75 WHEREAS, the efforts of coastal stakeholders in Florida to
 76 address these issues with the United States Army Corps of
 77 Engineers have been unsuccessful, NOW, THEREFORE,

78
 79 Be It Resolved by the Legislature of the State of Florida:

80
 81 That to the Congress of the United States is urged to take
 82 immediate action to direct the United States Army Corps of
 83 Engineers to amend to its current easement policy for shore
 84 protection projects to allow critical shore protection projects
 85 in Florida to proceed without delay.

86 BE IT FURTHER RESOLVED that the Secretary of State dispatch
 87 copies of this memorial to the President of the United States,
 88 the President of the United States Senate, the Speaker of the
 89 United States House of Representatives, and each member of the
 90 Florida delegation to the United States Congress.