

## **FREQUENTLY ASKED QUESTIONS**

### **What is the Broward County Shore Protection Project – Segment III?**

The shore protection project, also known as a beach nourishment project, will place sand along the shoreline of Dr. Von D. Mizell-Eula Johnson State Park, Dania, Hollywood, and Hallandale Beaches. The project is intended to restore the eroded beaches of the Broward County Segment III shoreline in order to a) provide protection to upland property from storm waves; b) ensure adequate recreational beach space for residents and visitors; and c) enhance the environmental and aesthetic functions of the beach resource, including increasing sea turtle nesting habitat.

### **Why are easements necessary?**

The Broward County Shore Protection Project – Segment III is a Federal public works project that is administered by Broward County and funded by the Federal, County, and municipal governments. As part of the funding agreement with the Federal government, Broward County is required to provide access to those areas of the beach for which Federal funds are used for improvements. In some instances, this includes small slivers of the landward edge of the sand beach, typically seaward of seawalls and vegetated dunes, that are held by private upland interests. The easements will allow the temporary construction activities necessary to build and maintain the beach and will guarantee meet the requirement that public funds be spent on areas that are useable by the public.

### **When you grant the easement, can the government do something else with your beach?**

No. The easement is specific to this project only, which is limited to beach restoration and beach nourishment. If the government wishes to pursue any project other than the Broward County Shore Protection Project, another easement or permission would have to be obtained from you.

### **How will granting this easement affect your property?**

You have received this easement request because you are assumed to own a portion of the sandy beach which will either be affected by the upcoming shore protection project or is located in an area which has been subject to past Federal beach restoration (and therefore may be subject to future beach nourishment). Granting this easement will allow temporary construction activities on this portion of beach and will allow the public to use the beach. You are not giving up any ownership rights over this portion of beach. You still have the right to plant vegetation, construct dune overwalks, operate concessions, or conduct other beneficial activities subject to existing rules, regulations, and laws. The beach nourishment project benefits you, the beachfront owner, by providing increased storm protection, increased recreational opportunities, and enhanced environmental quality.

### **Why is it called a Perpetual Storm Damage Reduction Easement?**

The objective of Broward County is to maintain a healthy beach system along the Segment III shoreline over the long-term in order to preserve beach habitat, recreational benefits and the protection of upland development against damage caused by long-term and storm-induced beach erosion. The easement is called Perpetual because it will allow the County and other governmental sponsors to conduct future beach nourishment, if necessary, without the need to pursue easements again. The easement is called a Storm Damage Reduction Easement because one of the main functions of a restored beach is to protect upland property, structures, and infrastructure from damage by storm waves and storm surge. It is well documented that a wide beach significantly reduces wave and surge damage from most storms.

### **Why does the easement include a public use clause?**

The easement establishes that the public will have long-term use of the sand beach after public funds are spent to restore and maintain it. This is a non-negotiable requirement for the receipt of public funds to construct and maintain the project. The project will be funded entirely with public funds, even though you will receive personal benefits in the form of preserved or enhanced property values and storm protection. In exchange for public funding of the project, the easement establishes the public right to use the sandy beach provided by the project. You might know, however, that State of Florida case law defines "Customary Use Doctrine" as already granting the public continued permission to use the beach seaward of the dunes, including that area of the beach that is, technically, private property. Accordingly, in practical terms, the public use clause of the easement does not change the existing use or access of your beach property from your present expectations.

### **Will you be compensated for the easement?**

No. Federal rules governing property acquisition for Federal projects (49 CFR Sec. 24.102) provide that the Agency (County) "shall establish an amount which it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the fair market value of the property, considering the value of allowable damages or benefits to any remaining property." The report by the certified Appraiser states that the Broward County Shore Protection Project will provide benefits which are equal to or exceed the fair market value of the easement. Therefore, no direct compensation will be offered for the easement. Instead, the easement allows for the placement of beach nourishment which offers significant benefits to the property.

### **What happens if I do not grant an easement?**

If you do not provide the easement, the project will not place sand fill on your property. Additionally, current Federal policy states that in the case of those properties for which the easement is not supplied by the local sponsor (County), the Federal government will not share in the cost of sand placed on the beach fronting that property.

**Do you have to supply a survey or an appraisal of my property as part of the easement acquisition process?**

No. Federal rules governing property acquisition for Federal projects (49 CFR Sec. 24.102) provide that “an appraisal is not required if the valuation is uncomplicated and the fair market value is estimated at \$2,500 or less, based on a review of available data.” A State-certified MAI Appraiser has provided an easement evaluation report that documents that the valuation problem is uncomplicated and that the fair market of this easement is less than \$2,500. The report is available for review by the public at the Broward County Environmental Protection and Growth Management Department, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301; telephone 954-519-1270.

**When will the project be constructed?**

Initial project construction is currently anticipated for the winter of 2020 but will be determined by the availability of Federal funding. In any year, construction activities are limited to the period November 1 through February 28, outside the main turtle nesting season.

**Why are easements needed now?**

Signed easements must be in hand in advance of construction to complete the requirements for Federal funding and construction plans.

**What will happen during construction of the beach?**

Material for the beach nourishment project will be obtained from one or more upland sand mines in south and central Florida. The sand will be trucked from the upland mines to a designated sand receiving sites, typically street end beach access points. From there, the sand transport by off-road trucks to the fill placement site. The fill placement site and beach access points will migrate alongshore as areas of the project are completed. Beach work will occur from November 1 to February 28, the non-nesting season for sea turtles. Given the anticipated project production rates and the amount of sand to be placed for the project, it may require up to two seasons to complete the entire project. Multiple beach access points will be used to optimize sand placement efficiency and minimize impacts to the community. Activities such as access point preparation, sand transport and stock piling, and other project related activities that do not occur on the beach will not be restricted by the sea turtle nesting season.

**How long will construction affect my property?**

The length of time that construction activity will occur along or near your property will depend upon the property’s location and the mode of construction. Typically, it takes only a few days to place sand along most properties, however trucks carrying sand to be placed to other properties along the Segment III shoreline can be expected to pass along the beach in front of your property for longer.

**What will the sand look like?**

The new sand is required by law to be “compatible” with the existing beach sand. The new sand will be very similar to the sand which is currently on the beach.

**How much will the project cost and who will pay for it?**

The upcoming rehabilitation project is estimated to cost about \$29.5 million and funded by the federal government.

**Why do we need this beach project?**

The rationale for conducting these projects is primarily economic, although the beaches are also a primary nesting ground for threatened and endangered sea turtles and are habitat for several plant and animal species.

**How will marine turtles be protected?**

Project construction may only occur outside the main season for marine turtle nesting (from November 1 through May 1). Construction during the early and late nesting seasons (March-April and November) require that marine turtle nests be relocated and/or marked and avoided for construction. The project permits likewise require many other measures to protect turtles, shorebirds, and marine mammals as part of the project’s construction and monitoring, in addition to those measures required to protect the nearshore rock reef habitat.

**Will the project bury the dune vegetation?**

No. The project permits do not allow disturbance of existing substantial dune vegetation. Sand will be placed seaward of the continuous line of significant vegetation. Sand placement to repair or nourish the dune line will also include the planting of additional dune vegetation in most instances, depending upon conditions at the time of construction.

**Where can I get answers to my questions or more information?**

If you have further questions, please contact Greg Ward by telephone at (954) 519-1270 or by e-mail at [gward@broward.org](mailto:gward@broward.org). Questions or comments will be routed to the appropriate party and you will be contacted quickly with a reply.



Typical Illustrations of Landward Limits of Easement  
Broward County Shore Protection Project – Segment II