

STATE REJECTS BELLEAIR SHORE BID TO REMOVE BEACH BOUNDARY

DEP RULES TOWN FAILED TO MEET LEGAL REQUIREMENTS FOR CANCELING EROSION CONTROL LINE

/BY: **Carlos Moncada**

BELLEAIR SHORE—Siding with Pinellas County and Belleair Beach, the state has rejected this town's controversial bid to remove a long-standing beach boundary separating public and private shoreline areas.

In a final order issued June 23, the Florida Department of Environmental Protec-



Pinellas Commission Chairman Dave Eggers had urged the state to reject Belleair Shore's petition. Photo from Pinellas County.

tion (DEP) denied Belleair Shore's petition to cancel the erosion control line, or ECL, ruling that the town failed to satisfy the conditions required under state law for removing the boundary.

The ruling by DEP Deputy Director of Resilience and Coastal Protection Lainie Edwards is a major setback for the town, which had argued the ECL was improperly recorded in 1997 and unlawfully deprived beachfront property owners of private property rights.

The ECL establishes a fixed legal boundary between public beach areas and private property, replacing the naturally shifting mean high-water line before a renourishment project begins.

DEP officials found that the underlying Sand Key beach nourishment project was commenced and completed within the timeframe required by law, making the ECL ineligible for cancellation.

The order also rejected the town's attempt to vacate only the Belleair Shore segment of the boundary, finding that state law authorizes cancellation of an entire ECL, not a portion of it.

"The Project for this ECL was commenced and completed in 1998, which is within two years of the ECL establishment timeframe," the 6-page order reads.

It further notes that the project has been renourished multiple times since the original restoration effort.

The ruling also disputed one of the town's central claims: that Belleair Shore received no benefit from the Sand Key project because no sand was directly placed along most of its shoreline. The order states that the town received sand from adjacent nourishment placements beginning in 1998 and as recently as 2018.

The decision comes after weeks of mounting opposition from neighboring governments and residents.

"We won!" Belleair Beach City Council member Frank Bankard, who first raised concerns about the ECL at a work session in April, said in an email.

Belleair Shore Mayor Steve Blume did not immediately respond to a text message from Pinellas Press seeking comment. The town's petition was first reported by sister publication Beach Scene last month.

Pinellas County Commission Chairman Dave Eggers had urged the state to reject the petition, writing in a June 16 letter that removing the ECL could jeopardize public beach access, complicate future beach renourishment projects and create legal and administrative problems.

A review by county attorneys also concluded that Belleair Shore's petition "does not meet the requirements necessary to support

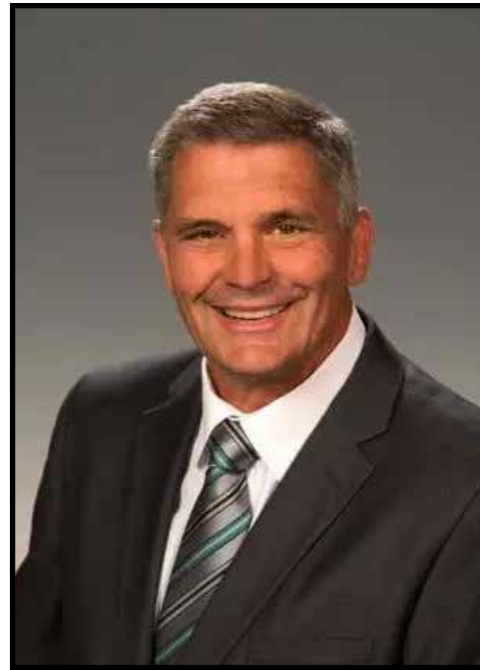


The state denied Belleair Shore's request to eliminate the erosion control line through the town. Aerial from Pinellas County Property Appraiser's Office.

rescission or modification of the ECL." The town claimed in its petition that all statutory requirements had been met.

Also last week, the Belleair Beach City Council adopted a resolution supporting the ECL, saying it protects shoreline access, property rights and decades of taxpayer-funded beach restoration efforts.

Indian Rocks Beach Mayor Lan Vaughan likewise told Pinellas Press that state officials should consider the proposal's effects on neighboring communities and public access, "not just the interests of property owners who purchased with full knowledge of the ECL and



Belleair Beach City Council member Frank Bankard first raised concerns about the ECL in April. Photo from Belleair Beach.

the coastal framework already in place."

Belleair Shore officials had maintained that the ECL should be canceled because no beach renourishment project was ever carried out within the town's borders and because more than 70 percent of affected property owners supported the request.

According to the petition, those signatures represented 3,866 linear feet of the town's 5,433 feet of beachfront property.

At a town commission meeting in May, Vice Mayor Daniel Storie described the effort as an attempt to restore private property rights.

"The reason we're vacating the ECL is the Army Corps of Engineers and Florida DEP have admitted that it was wrongfully recorded," Storie said. "We're correcting an error. An error that took private property from residents of Belleair Shore."

The department disagreed, concluding the petition failed on multiple legal grounds.

Belleair Shore has 21 days to challenge the decision through an administrative hearing and may ultimately seek judicial review.



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