



SURFRIDER FOUNDATION
SOUTH FLORIDA CHAPTER

April 29, 2007

SENT VIA CERTIFIED MAIL

Colonel Paul L. Grosskruger P.E
District Commander
US Army Corps of Engineers Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-8175

RE: Dade County Beach Sustainability Project
Federal Navigation Project: Baker's Haulover Inlet

Colonel Grosskruger P.E,

I had the pleasure of meeting you shortly after hearing your "Corps Report" presentation at the Florida Shore and Beach Preservation Association's (FSBPA) September 2006 Conference in Fort Lauderdale. A week prior, one of my colleagues brought to the attention of Charles Stevens, Senior Project Manager for the Beach Erosion Control and Hurricane Protection Project (BEC & HP) for Dade County, that in July 2006, public parking and access to the federally funded beach at Bal Harbour was closed to the public. Mr. Stevens noted that the area was being renovated with pavers and landscaping. I am writing to update you on that issue:

1. To this date, the 15' wide public accessway on the south side of Baker's Haulover Inlet is still closed; no construction for improvements has commenced.
2. Construction adjacent the accessway at the One Bal Harbour project is now excavating on or near the 50ft easement designated for ACOE maintenance of the Baker's Haulover Inlet. At a March 2006 workshop it was stated that the excavation is running into concrete revetments and other unforeseen objects.
3. Access and parking to Bal Harbour beach have been either closed or severely inhibited for almost 10 months creating unequal public use of the shoreline; per ER 1165-2-130 lack of public use by all on equal terms disqualifies the area for federal funding consideration.

The beach at Bal Harbour is a very special place for Dade County residents. One that provides a sheltered cove for parents to safely take their children swimming, excellent fishing for subsistence fisherman to catch a meal, a unique surfing location for countless members of the immigrant communities west of the area and of course, the Army Corps of Engineers (ACOE) built jetty that allows those less fortunate to own a boat to be able to walk out and experience the sea. Following the July 2006 abrupt closure of the area our members have gathered ample documentation that the accessway Mr. Stevens noted as in the process of being renovated has actually been used as a staging area for



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the One Bal Harbour project (see attached). Furthermore, design plans for the One Bal Harbour project appear to have a “Fire Truck Set-Up Area”, and assumably the corresponding fixed structures of plumbing, standpipes and electrical components for such operations, all encroaching upon the 50ft easement designed for maintenance of the Baker’s Haulover Inlet.

As you discussed at the FSBPA Conference, Bal Harbour Beach is currently under Army Corps planning for an estimated \$5 million dollar project to be cost shared by Federal, State and local entities under the precepts of the BEC & HP for Dade County. Engineering Regulations (ER) 1165-2-130 requires that to be eligible for cost sharing there must be a benefit arising out of public use. ER defines “public use” as “public use by all on equal terms.” This is not the case in Bal Harbour.

Bal Harbour is a municipality that has allotted ZERO public property to beach access or parking for beach access. Indeed, the only beach access within the municipality is an easement donated to the public by a private condominium association. The parking associated with that easement is located under State Road A1A (the Baker’s Haulover Bridge) and thus owned by the Florida Department of Transportation (FDOT). Bal Harbour knowingly agreed to a development plan that allowed both of these areas to be completely closed to the public. The latter being a violation of FDOT’s lease and requiring disciplinary action (see attached).

When addressed with these legitimate concerns an alternative accessway without parking was purported to be constructed. Signage, so the general public knew such access existed did not appear until 7 months AFTER the original accessway closed and only at the behest of the Florida Dept of Environmental Protection. It is worth noting that the signage does not note that the beach access is “public”, rather it carries the Bal Harbour name with “Beach Access” under it (see attached). As well, public announcement of the temporary accessway opening was not advertised to the general public. Both clearly demonstrate the perpetuation of unequal public access for Bal Harbour residents and the general public.

More importantly, the method that the general public must use to/from parking and the publicly funded beach is wholly unequal. Parking is located over ¼ of a mile from the temporary accessway. To traverse that span all beachgoers, including women with children as well as the handicapped, must walk along roadways frequently trafficked by cement trucks, and other large construction vehicles. The Bal Harbour Police have encouraged tractor-trailers and other heavy machinery to park on the sidewalk so as not to block the roadway residents must drive to reach their homes (see attached).



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Upon reaching the temporary accessway one finds it wholly inadequate and unequal as well (see attached). It is less than 1/3rd the width of the original accessway, not even providing 2-way ADA access for the 600' of upland property that must be traversed. Whereas the general public needs room to carry cumbersome items such as coolers, umbrellas and other recreational equipment to reasonably enjoy a day at the beach; the design of the temporary accessway clearly is favored towards local residents who merely desire access in order to talk a walk.

Surfrider has made exhaustive attempts to amicably resolve this matter with the Village of Bal Harbour (see attached). As well, Surfrider has attempted to enlist the assistance of the local project sponsor (Miami-Dade County) and the Florida Department of Environmental Protection (see attached). Neither agency has seen fit to implement equal access for the general public, stating they do not have jurisdiction to do so. As such, Bal Harbour beach no longer maintains an equal public use status.

Surfrider therefore, on behalf of the general public, asserts that Bal Harbour beach should be disqualified from further State and Federal taxpayer funding consideration on beach projects as well as receipt of sediment from maintenance dredging of Baker's Haulover Inlet. These actions must necessarily require Bal Harbour's removal from the BEC & HP for Dade County.

Respectfully,

Theodore J. Marshall

enclosures

cc: Charles Stevens, Senior Project Manager
Debbie Wasserman-Schultz, U.S. Congresswoman
Nancy Pelosi, U.S. House Speaker
Henry Reid, U.S. Senate, Majority Leader
Barbara Boxer, U.S. Senate, Chairman Environment & Public Works Comm.
Bill Nelson, U.S. Senator
Mel Martinez, U.S. Senator
Alberto Gonzalez, U.S. Attorney General