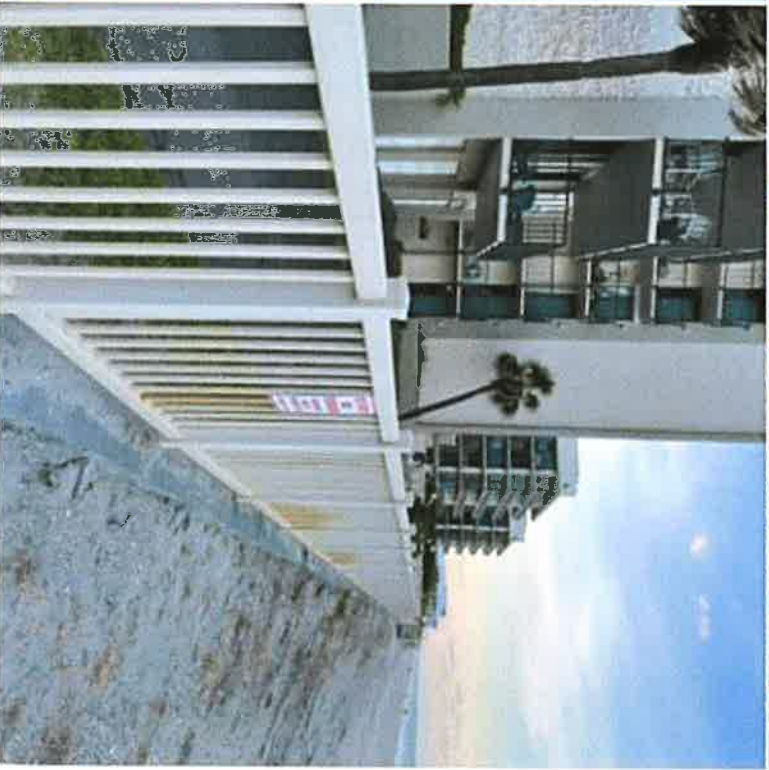


An aerial map of a coastal area. A red location pin is placed on a building labeled 'LIFE'. The map shows various floodplains labeled 'COASTAL FLOODPLAIN' and 'COASTAL FLOODPLAIN'. Other labels include '274', '276', '87', '88', '89', '91', '277', '278', '279', '280', '281', '282', '283', '284', '285', '286', '287', '288', '289', '290', '291', '292', '293', '294', '295', '296', '297', '298', '299', '300', '301', '302', '303', '304', '305', '306', '307', '308', '309', '310', '311', '312', '313', '314', '315', '316', '317', '318', '319', '320', '321', '322', '323', '324', '325', '326', '327', '328', '329', '330', '331', '332', '333', '334', '335', '336', '337', '338', '339', '340', '341', '342', '343', '344', '345', '346', '347', '348', '349', '350', '351', '352', '353', '354', '355', '356', '357', '358', '359', '360', '361', '362', '363', '364', '365', '366', '367', '368', '369', '370', '371', '372', '373', '374', '375', '376', '377', '378', '379', '380', '381', '382', '383', '384', '385', '386', '387', '388', '389', '390', '391', '392', '393', '394', '395', '396', '397', '398', '399', '400', '401', '402', '403', '404', '405', '406', '407', '408', '409', '410', 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- (a) The county possesses approximately 70 miles of high-energy sandy beaches along the Atlantic Ocean. These natural sandy beaches constitute an integral component of the dynamic beach-dune system, which plays a significant role in the economic, scientific, recreational, cultural and environmental well-being of the inhabitants of the county. The integrity of this beach-dune system is dependent upon its ability to fluctuate in response to the natural forces of the ocean, such as tides, waves, winds and storm floods.
- (b) The board of county commissioners recognizes that the beach-dune system constitutes a first line of defense against the attack of storms, waves and currents, and also acts as a sand bank for the county's beaches. Rigid coastal and shore protection structures, such as seawalls, bulkheads, revetment and mound structures, block the movement of sand from the dunes to the beach, thereby preventing the natural renourishment of the sandy beaches. This blockage of sand, coupled with the historical rise in relative sea level, could cause the loss of the natural sandy beaches, if allowed to occur.
- (c) Development of the county's coastal barriers, through construction of beachfront structures, significantly impacts upon the beach-dune system. Excavations associated with the construction of such structures remove sand from the system. Impervious surfaces created through this construction prevent the sand from assuming its proper role in the dynamics of the beach-dune system. Structures located near the dunes deprive the shifting frontal dune of the equilibrium necessary for the beach-dune system to function in its capacity as the first line of defense from ocean forces. Failure of this defense capacity of the beach-dune system during a severe storm event or hurricane could result in substantial loss of property and life, with the county's limited number of evacuation routes from the coastal barrier, congested roadway network, and the resulting impediment to the evacuation of the coastal barrier inhabitants during such an emergency.
- (d) In response to the findings mentioned in subsections (a) through (c) of this section, the board of county commissioners finds and declares that it is in the public interest to preserve and protect the county's coastal barrier beach-dune system from imprudent construction, which would jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures and endanger adjacent properties.
- (e) Therefore, the public health, safety and welfare of the inhabitants of the county require the establishment of special construction regulations to allow the beach-dune system to maintain its equilibrium, so as to buffer persons and property from devastation by ocean forces, and the establishment of additional setback requirements to provide that structures located on oceanfront property be set back sufficiently and constructed in a manner so as to provide a useful life thereof, considering the perils of storm and sea.



Sandra Sullivan <s2sully@gmail.com>

Air Force/PAFB Section 7 Consult

8 messages

Dziergowski, Annie <annie_dziergowski@fws.gov>

Mon, May 3, 2021 at 12:22 PM

To: Sandra Sullivan <s2sully@gmail.com>

Cc: "Davis, Lucas L" <lucas_davis@fws.gov>

Ms. Sullivan,

Thank you for contacting us and for your interest in the protection of sea turtles and their habitat adjacent to the South Housing portion of Patrick Air Force Base (PAFB). As shown in your research and FOIA requests, it appears that the proposed development on the privatized south portion of PAFB has not entered into consultation with the U.S. Fish and Wildlife Service (USFWS), nor have we been contacted to do so. Requirements for deed restriction language for exterior lighting were included in the 2003 consultation between the USFWS and the Department of the Air Force. Attached is the 2006 letter between the USFWS and PAFB that references requirements for exterior lighting at Pelican Coast (formerly the South Patrick Housing Project). The letter includes requires the USFWS be contacted to ensure no light sources or reflected light is visible from the beach. We also have in our records a consultation with PAFB in 2008, but this only referenced the North and Central Housing Areas. We have no record of any consultation for the South Housing area since the attached 2008 letter. We understand that any exterior lighting or construction activities this area can adversely impact nesting and emerging sea turtles and will continue to work with PAFB to resolve these issues. I hope this response helps answer your questions regarding the Service's involvement in this issue.

Thanks,

Annie

Annie Dziergowski

Deputy Field Supervisor

U.S. Fish and Wildlife Service

North Florida Ecological Services Office

[7915 Baymeadows Way, Suite 200](#)[Jacksonville, FL 32256](#)[Office: 904-731-3089](#)

FAX: 904.731.3045

www.fws.gov/northflorida

2 attachments**20080808_ltr_FWS_PAFB_Privization of Housing Areas.pdf**



United States Department of the Interior

FISH AND WILDLIFE SERVICE

6620 Southpoint Drive, South
Suite 310

Jacksonville, Florida 32216-0912

IN REPLY REFER TO:

41910-2006-F-0413

March 27, 2006

Robin L. Sutherland
Chief, Environmental Planning
1201 Edward H. White II Street, MS 7100
Patrick AFB, Florida 32925-3299

FWS Log Number: 41910-2006-F-0413

Dear Ms. Sutherland:

Thank you for the continued efforts of the Air Force to protect our federally listed species. We appreciate your willingness to work cooperatively with the U.S. Fish and Wildlife Service (Service) to address the lighting requirements at the South Patrick Housing Project previously owned by Patrick Air Force Base (PAFB).

Prior to January 2001, the 45th Space Wing (SW) managed exterior lighting in accordance with a Biological Opinion (BO) dated 2 May, 2000. The design and use of exterior lighting was addressed in this BO. On 12 January, 2001, the Service received a re-initiation of consultation letter from the Air Force proposing to privatize the South Patrick Housing Project. It was determined that this action "may affect" listed endangered and threatened sea turtles caused by disorientations from exterior lighting. The Service provided deed restriction text on 3 July, 2001 and 3 and 24 June, 2003 in response to the consultation letter.

On 24 June, 2003, the Service received a fax from Dale Hawkins, a representative of the 45th SW requesting concurrence with revised deed restriction exterior lighting provisions. The Service concurred with the declaration of land use restrictive covenants and use agreement for the South Patrick Housing Project.

On 16 February, 2006, the Service received an email from Patricia Oulette inquiring about installing high pressure sodium street lights at a new housing development at Pelican Coast in Satellite Beach, Florida formerly the South Patrick Housing Project. The email stated that Florida Fish and Wildlife Conservation Commission (FFWCC) reviewed their plans and provided them with a letter with their recommendations. On 9 March, 2006, the Service received the plans for Pelican Coast in Satellite Beach, Florida from Roger Sevigny of Allen Engineering.

The Service recognizes the constraints of the previous deed restrictions with regard to the new development. The Service also concurs with the FFWCC's recommendations for exterior lighting at Pelican Coast and provides specific exterior lighting requirements to be included in the deed. The following requirements must be included in the deed restrictions in perpetuity to act as the previously signed deed. Lighting on this property will be available for inspection and enforced throughout the property.

1. Street lighting on the property within 1,000 feet of the West side of State Road (SR) A1A will be accomplished using full cut-off fixtures with low pressure sodium lamping and a pole height no higher than 20 feet.
2. Street lighting on the property beyond 1,000 feet of the West side of SR A1A may be accomplished using high pressure sodium lamping; however, full cut-off fixtures and a pole height no higher than 20 feet will be required.
3. From March 1 through October 31 each year, exterior lights at all ball fields will be turned off by 9pm each night and may not be turned on again until after sunrise.
4. At no time should metal halide or mercury vapor lamps be installed on this property. No up-lighting is permitted anywhere on the property.
5. Exterior fixtures mounted to homes should follow the basic "downlights only" rule to direct light downward where needed for safety and security and to ensure no up-lighting and unnecessary lateral light spread.
6. The Service should be contacted to conduct a lighting survey following completion of the proposed project to ensure no light sources or reflected lighting is visible from anywhere on the beach. If any lights are subsequently determined to cause sea turtle disorientations, please contact the Service and/or FFWCC to discuss further options for correcting this problem.

Thank you for the opportunity to protect our federally listed species. If you have any questions, please contact Ann Marie Lauritsen in our St. Petersburg branch office at (727)570-5400 ext. 233 or at 9720 Executive Center Drive, Suite 101, St. Petersburg, Florida 33702.

Sincerely yours,



 David L. Hankla
Field Supervisor

Cc: Dean Gallagher- FFWCC

From: Jorandby, Abigail F.
Sent: Thursday, July 18, 2019 4:41 PM
To: Donner, Mary Ellen <MaryEllen.Donner@brevardfl.gov>
Cc: Lane, Terry A <Terry.Lane@brevardfl.gov>; Wojciechowski, Larry <Larry.Wojciechowski@brevardfl.gov>
Subject: Hightower Beach Park

Good Afternoon,

I have reviewed Resolution 2012-061, the corresponding Interlocal Agreement and the County Deed date March 20, 2012 in relation to Hightower Beach Park (hereinafter the "Property"). Pursuant to these documents, the County deeded the property to the City of Satellite Beach with the restrictive covenant that the property "be used solely as a public beach park and for purposes providing public recreational use and related activities." From the Resolution and Interlocal Agreement, it is clear that the parties desired to use, operate, maintain and improve the Property to provide public recreational use and public related activities.

In fact, the County Deed contains the restrictive covenant that in the event the Property "is not used or ceases to be used for the stated purpose and under the stated conditions, then all right, title and interest in the Property" shall revert to the County and the County shall have the right to reenter and repossess the Property.

It is my understanding that the proposed cross-over landing (elevated pedestrian walkway) would extend from a proposed neighboring hotel to Hightower Beach Park and that the cross-over landing (elevated pedestrian walkway) would have restricted access.

I would deem this to be contrary to the restrictive covenant of the County Deed in that the Property is intended to be used solely as a public beach park and free access must be granted to the public.

A restricted access cross-over landing (elevated pedestrian walkway) would violate the intent of the Resolution 2012-061, the corresponding Interlocal Agreement and the restrictive covenant contained in the County Deed date March 20, 2012.

Please let me know if you have any additional questions.