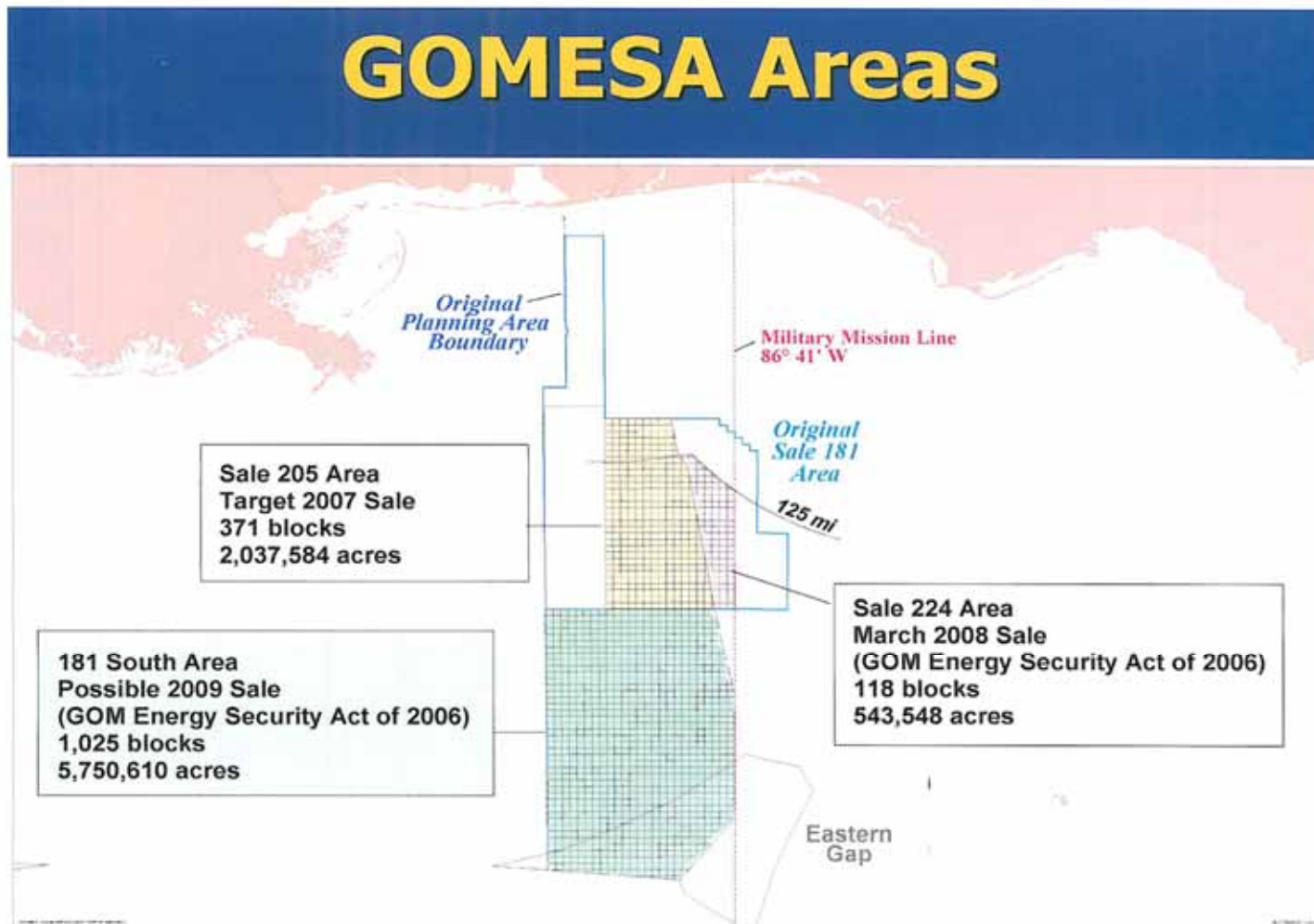


Gulf Regional Report

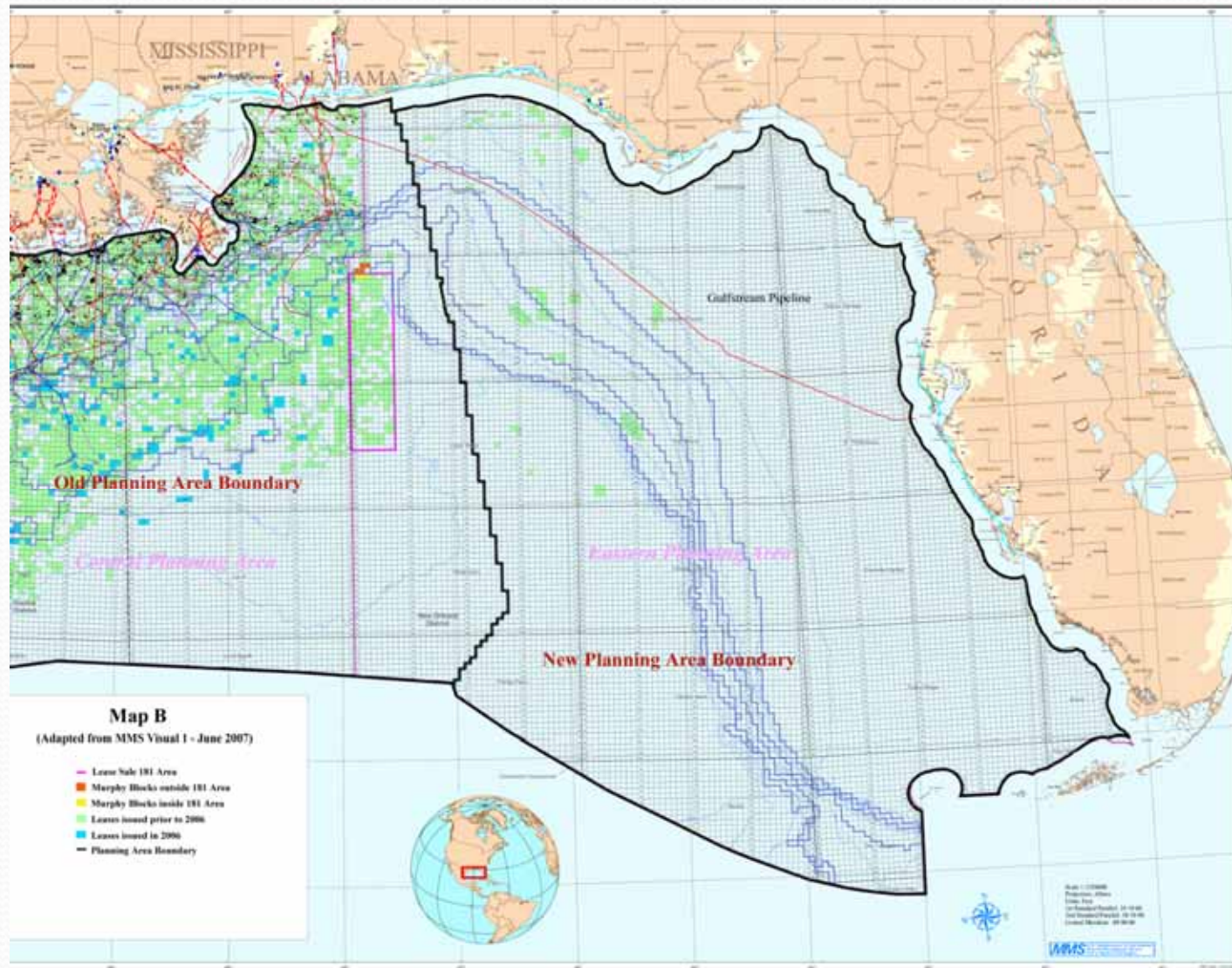
International Submerged Lands
Management Conference
Traverse City, Michigan
October 29, 2008

Drilling Off the Florida Gulf Coast

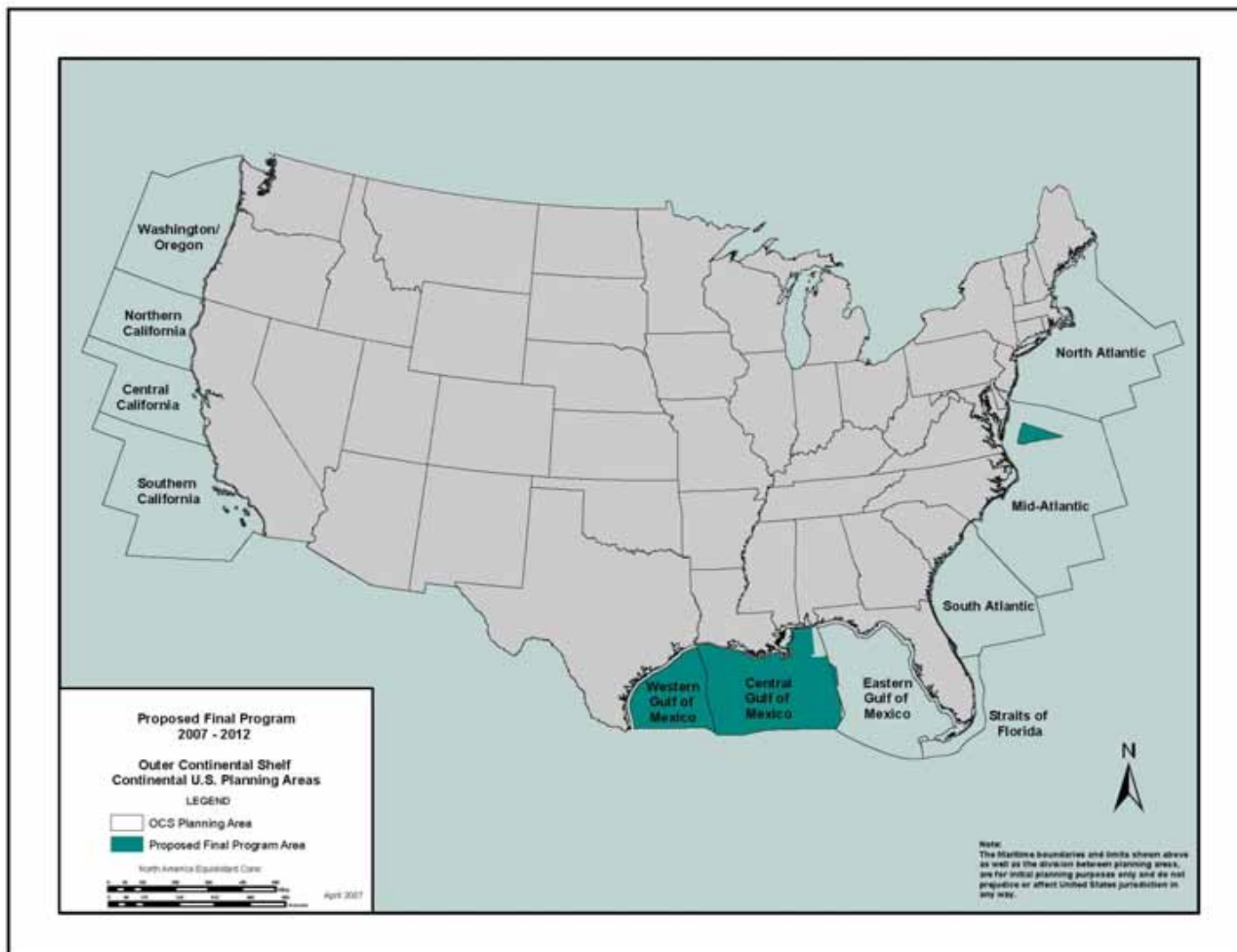
GOMESA Areas



Drilling Off the Florida Gulf Coast



Drilling Off the Florida Gulf Coast



The Courts Protect Public's Right to Beach Access



The Courts Protect Public's Right to Beach Access

- Walton County, et al. v. Stop the Beach Renourishment, Sept. 29, 2008.
- 1st District Court of Appeal certified the following question to be of great public importance:

The Courts Protect Public's Right to Beach Access

- Has Part I of Chapter 161, Florida Statutes (2005), referred to as the Beach and Shore Preservation Act, been unconstitutionally applied so as to deprive the members of Stop the Beach Renourishment, Inc. of their riparian rights without just compensation for the property taken, so that the exception provided in Florida Administrative Code Rule 18-21.004(3), exempting satisfactory evidence of sufficient upland interest if the activities do not unreasonably infringe on riparian rights, does not apply?

The Courts Protect Public's Right to Beach Access

- The Florida Supreme Court rephrased as:
- On its face, does the Beach and Shore Preservation Act unconstitutionally deprive upland owners of littoral rights without just compensation?
- Answer: No.

The Courts Protect Public's Right to Beach Access

161.191 Vesting of title to lands.--

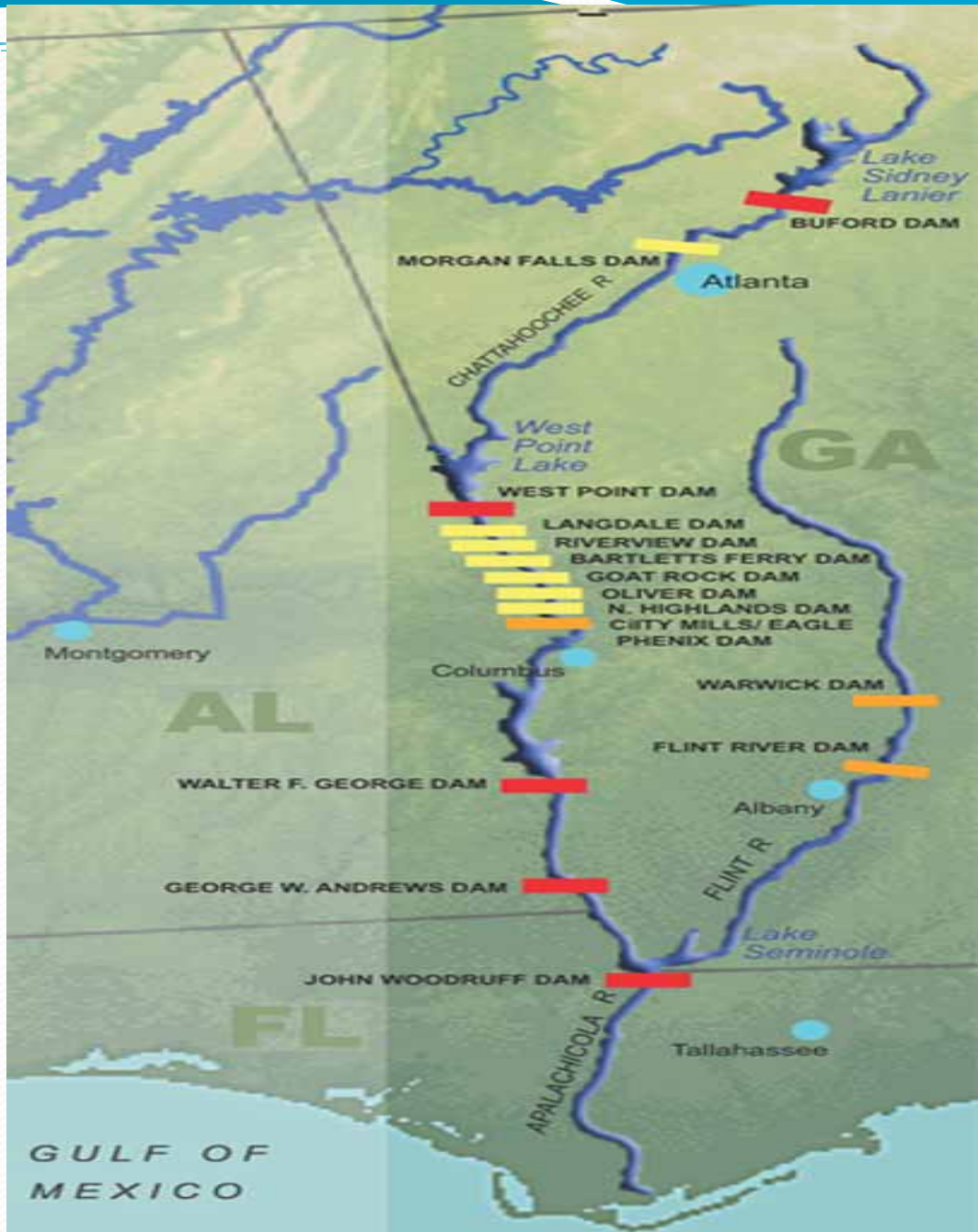
- (1) Upon the filing of a copy of the board of trustees' resolution and the recording of the survey showing the location of the erosion control line and the area of beach to be protected as provided in s. 161.81, title to all lands seaward of the erosion control line shall be deemed to be vested in the state by right of its sovereignty, and title to all lands landward of such line shall be vested in the riparian upland owners whose lands either abut the erosion control line or would have abutted the line if it had been located directly on the line of mean high water on the date the board of trustees' survey was recorded.
- (2) Once the erosion control line along any segment of the shoreline has been established in accordance with the provisions of ss. 161.141-161.211, the common law shall no longer operate to increase or decrease the proportions of any upland property lying landward of such line, either by accretion or erosion or by any other natural or artificial process, except as provided in s. 161.211 (2) and (3). However, the state shall not extend, or permit to be extended through artificial means, that portion of the protected beach lying seaward of the erosion control line beyond the limits set forth in the survey recorded by the board of trustees unless the state first obtains the written consent of all riparian upland owners whose view or access to the water's edge would be altered or impaired.

The Courts Protect Public's Right to Beach Access

161.201 Preservation of common-law rights.--Any upland owner or lessee who by operation of ss. 161.141-161.211 ceases to be a holder of title to the mean high-water line shall, nonetheless, continue to be entitled to all common-law riparian rights except as otherwise provided in s. 161.191(2), including but not limited to rights of ingress, egress, view, boating, bathing, and fishing. In addition the state shall not allow any structure to be erected upon lands created, either naturally or artificially, seaward of any erosion control line fixed in accordance with the provisions of ss. 161.141-161.211, except such structures required for the prevention of erosion. Neither shall such use be permitted by the state as may be injurious to the person, business, or property of the upland owner or lessee; and the several municipalities, counties and special districts are authorized and directed to enforce this provision through the exercise of their respective police powers.

Apalachicola-Chattahoochee-Flint River Basin Water Dispute

- Florida, Georgia, Alabama and the U.S. Army Corps of Engineers have been engaged in litigation for 18 years over sharing the waters within the basin. The disputes have focused primarily on the Corps' operation of its four Chattahoochee River dams. The largest is Buford Dam, which forms Lake Lanier located north of Atlanta. Lake Lanier accounts for over 60 percent of the water storage in the ACF Basin.





GULF OF MEXICO ALLIANCE

Texas
Louisiana
Mississippi
Alabama
Florida

- Six identified priority issues:
- water quality for healthy beaches and shellfish beds;
- wetland and coastal conservation and restoration;
- coastal community resilience;
- environmental education;
- identification and characterization of Gulf habitats;
- and reduction of nutrient inputs.