

A Short History of Stump Pass

On the Line

By **Capt Ron Blago**,
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One of my least favorite jobs is to write letters, and as Chairman of the Charlotte County Marine Advisory Board, I was asked to write a letter to the Charlotte Legislative Delegation. The delegation is made up of all the Federal and State elected lawmakers that represent Charlotte County. The MAC members wanted me to let these people know how disappointed they are with the delay in the maintenance dredging of Stump Pass.

As my friends have reminded me many times; I told everyone that the dredging would be finished in Nov 09. Well, I was wrong. This thing has dragged on for over two years now and no one can tell me when the project will begin.

Stump Pass has been around since at least 1900. It's moved north and south over the years, but there has always been a pass connecting Lemon Bay to the Gulf of Mexico. The modern era of Stump Pass begins in 1980 when the pass was dredged for the first time. In all the State documents you see that they always refer to the 1980 alignment.

The pass stayed stable for a few years and then started to fill in and migrate to the south and became a problem for boaters for at least 10 years. During that period the State took over management of the property on the north side of the pass. That property formally known as Port Charlotte Beach State Recreation Area, was deeded in 1971 to the State by the General Development Corp. The State renamed the place Stump Pass Beach State Park, and took over active management of the property in 1997. That's when things started turning bad for the Pass.

Because the pass kept moving south the new park produced a 1,600 ft. sand bar which extended right through the 1980 alignment where Stump Pass traditionally had been. The State immediately declared their new land a bird sanctuary.

The battle lines were quickly drawn between the bird folks and the boaters. Around that same time (July 1, 1999) The Florida Fish and Wildlife Commission was formed which took over some of the responsibilities of the

Florida DEP, including management of protected species (manatees, shore birds etc.) The FWC, being more boater friendly, helped Charlotte County gain approval to dredge Stump Pass back to the 1980 alignment, right through the bird sanctuary. Charlotte County also received a special 10-year permit that allowed them to do an additional three "channel maintenance" dredges during that period. This permit expires on March 5, 2013.

Stump Pass was returned to the 1980 alignment in March 2003; But there was a little problem. Right before the project was to begin, the State found a nest of a *Wilson's Plover* a protected species. The State required that the project be moved slightly to the north. This will turn out to be a very unfortunate event. The next maintenance dredging was done in 2006 and everything looked fine; so fine in fact that the county had put off the last maintenance dredging until 2012.

Around the same time the State put in a series of sand filled "GEO TUBES" to try to stop beach erosion at their state park. The tubes helped put four acres of sand on their beach; but unfortunately the State pulled the plug on the experiment early and removed the tubes. Those four acres of new sand moved right in to Stump Pass and that's where we are now.

Charlotte County applied to start that last maintenance dredging in 2009. Everything was set to go: after all we had done this twice before with no problems.

This is where that *Wilson's Plover* nest comes back to bite us in the butt. The State said, remember when you moved the project slightly to the north to accommodate that birds nest. When you did that, technically, you moved out of the 1980 alignment so now you are not doing a "channel maintenance" project, your doing a "channel restoration" project and of course that will require a new modification to the permit.

That was back in November. Most county officials thought that we could work this out and still get the pass dredged during the winter. A deal was made with the State to put 141,860 cubic yards of sand, dredged from Stump Pass back on the beach to the north



In April 2003 this was the state of the alignment dredging. Before the dredging, boats had to make their way down the sandsprits and through the curved and changing shallows.

(where the geo tubes used to be) and we had our permit.

But while Charlotte County was getting bids for the job they were notified by the Army Corps of Engineers that because we changed the State permit they would have to take another look at the project. The clock ran out, and by the time the ACE approval came in it was turtle nesting season. We applied for an exemption (which is normally granted) but last month the US Fish and Wildlife Service issued an opinion that the project

would be a danger to sea turtles.

I have put off the letter to the legislative delegation for 90 days now with the hope that we would get all the permitting worked out, but now I realize that it will never be worked out. What I want to tell the delegation is that we want Stump Pass to remain open, we are willing to pay our fair share to keep it open but the permitting system is too complicated – too long – and too expensive. If we don't get some help here the boaters are going to wind up high, dry and broke.

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Supreme Court Rejects Florida Beach Owners' Claim

The Supreme Court rejected a property rights claim from some disgruntled owners of beachfront in Destin Florida, upholding instead the state's authority to pump new sand onto an eroded shoreline without paying compensation. In something of surprise, all the justices, with one abstention, ruled for the state, concluding that under Florida law, the state owns the sand it has added to the beaches. Justices ruled that Florida law trumps property rights in a case in which the state added sand to an eroding beach. **This ruling could discourage property rights claims from being filed in Gulf Coast states in response to the oil spill.**