



June 14, 2024

The Honorable Michael Connor  
Assistant Secretary of the Army – Civil Works  
U.S. Department of the Army  
108 Army Pentagon  
Washington, D.C. 20310-0108

Dear Assistant Secretary Connor:

We write to you in our capacities as the leaders of agencies tasked with spearheading Florida’s unified initiatives in preparedness for, response to, and recovery from hurricanes and other natural disasters.

Since the mid-twentieth century, Florida has been a haven for Americans seeking a sunnier place to raise a family, start a business, or spend their retirement. Florida is a low-lying coastal state prone to hurricanes and severe weather. This is not a new issue but rather a critical fact of Florida’s geography and topography. Therefore, it is essential to strengthen and fortify our beaches, infrastructure, and homes to ensure thriving communities and maintain our state’s economic competitiveness.

Beach and dune renourishment projects are a major part of this work along iconic stretches of Florida’s coastline. These projects aim to protect infrastructure to better withstand coastal storms while also providing critical habitat for rare and endangered species found nowhere else. Thanks to the leadership of Governor DeSantis, Florida has invested more than \$600 million in state funding for beach nourishment since 2019, providing even more financial resources to strengthen Florida’s coastal communities. These actions in tandem with the state’s \$1.2 billion investments in Resilient Florida projects are effectively reducing the impacts of flooding and storm surge, especially as Florida continues to experience robust economic growth, a booming population, and record visitation, despite significant challenges wrought by federally-induced inflation.

At present, there are 33 federal Hurricane and Coastal Storm Damage Risk Reduction projects with beach and shore protection activities authorized by Congress, managed by the U.S Army Corps of Engineers (USACE), and cost-shared with state and local support. The USACE emphasizes the positive impact of investing in beach renourishment, noting reductions in long-term federal spending and consumer insurance costs.<sup>1</sup>

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<sup>1</sup> [Beach nourishment projects work | U.S. Army Corps of Engineers](#)

Unfortunately, these critical projects on which Floridians rely are now at risk due to “changes in interpretation” of USACE easement policy. These changes, which are not in line with federal statute and clear congressional intent, undermine and invalidate many previously approved projects. Despite the so-called easement “anomalies” cited by the USACE, these projects were lawfully constructed and are overdue for maintenance to meet their designed flood protection profile.

By halting this work, the lawyers burrowed within the Civil Works program are shifting very real, life-threatening flood risk onto Floridians to reduce the USACE’s own self-interested perceptions of “policy risk.” Furthermore, continuing to administratively deny project construction and maintenance as authorized and funded by Congress, including under Flood Control and Coastal Emergencies disaster authorities, goes against the USACE's mission and responsibilities and seems to prioritize the decisions of an unelected and unresponsive bureaucracy over the powers outlined in Article I of the Constitution.

In response to this new, unjust application of the USACE’s easement policies, Florida’s congressional delegation is working to quickly advance a narrowly tailored legislative solution within the Water Resources Development Act (WRDA) to ensure the agency fulfills its obligations under previously signed and executed project construction agreements. As this legislative solution simply restores the terms by which the listed projects have previously been constructed and maintained. Importantly, it would not affect the implementation of any other projects, either currently or in the future.

We would like to express our gratitude for your previous efforts to understand our concerns. We now seek your personal intervention to counter any potential obstruction from the USACE’s bureaucratic machine in preventing the adoption of this crucial provision during forthcoming congressional deliberations.

Until this critical issue is appropriately resolved, Florida is poised to seek accountability from the USACE for the resultant loss of life and property in areas where the protective features of these federally-authorized projects have eroded due to bureaucratic inefficiencies and dereliction of duty.

Sincerely,



Wesley R. Brooks, Ph.D.  
Chief Resilience Officer  
Florida Statewide Office  
of Resilience



Shawn Hamilton  
Secretary  
Florida Department of  
Environmental Protection



Jared W. Perdue, P.E.  
Secretary  
Florida Department of  
Transportation



Kevin Guthrie  
Executive Director  
Division of Emergency  
Management



J. Alex Kelly  
Secretary  
Florida Department of  
Commerce



Michael Yaworsky  
Insurance Commissioner  
Florida Office of  
Insurance Regulation



COL Roger A. Young  
Executive Director  
Florida Fish and Wildlife  
Conservation Commission



Melanie S. Griffin, Esq.  
Secretary  
Florida Department of Business  
and Professional Regulation

cc: LTG Scott A. Spellmon, Commanding General and Chief of Engineers  
BG Daniel Hibner, Commanding General, South Atlantic Division  
COL James L. Booth, Commander, Jacksonville District  
COL Jeremy J. Chapman, Commander, Mobile District

Enclosure

SEC. XXX. HURRICANE AND COASTAL STORM DAMAGE RISK REDUCTION  
PROJECT IMPLEMENTATION.

(a) In General.—Notwithstanding any requirement of the Secretary for a project described in subsection (b) to comply with the memorandum of the Corps of Engineers entitled “Standard Estates – Perpetual Beach Nourishment and Perpetual Restrictive Dune Easement” and dated August 4, 1995, the Secretary shall carry out each project described in that subsection, for the remaining term of the construction agreement for the project, in a manner consistent with the previously completed initial construction and periodic nourishments of the project, including by carrying out, at full Federal expense when authorized by law, emergency response work to prepare for flood, hurricane, and other natural disasters and to support emergency operations, repairs, and other activities under section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)).

(b) Projects Described.—A project referred to in subsection (a) is any of the following:

1. Brevard County, Canaveral Harbor, Florida - Mid Reach (expires 2066)
2. Brevard County, Canaveral Harbor, Florida - North Reach (expires 2050)
3. Brevard County, Canaveral Harbor, Florida - South Reach (expires 2051)
4. Broward County, Florida - Segment II (expires 2032)
5. Broward County, Florida - Segment III (expires 2038)
6. Dade County, Florida - Main Segment (expires 2037)
7. Dade County, Florida - Sunny Isles Segment (expires 2036)
8. Duval County, Florida (expires 2040)
9. Fort Pierce Beach, Florida (expires 2032)
10. Lee County - Captiva (expires 2038)
11. Lee County - Gasparilla (expires 2056)
12. Manatee County (expires 2042)
13. Martin County (expires 2045)
14. Nassau County, Florida (expires 2058)
15. Palm Beach County, Florida - Jupiter/Carlin Segment (expires 2045)
16. Palm Beach County, Florida - Delray Segment (expires 2035)
17. Palm Beach County, Florida - Mid Town (expires 2069)
18. Palm Beach County, Florida - North Boca (expires 2038)
19. Palm Beach County, Florida - Ocean Ridge (expires 2047)
20. Pinellas County, Florida - Long Key (expires 2030)
21. Pinellas County, Florida - Sand Key Segment (expires 2043)
22. Pinellas County, Florida - Treasure Island (expires 2031)
23. Sarasota, Lido Key, Florida (expires 2070)
24. Sarasota County, Florida - Venice Beach (expires 2044)
25. St. Johns County, Florida - St. Augustine Beach (expires 2052)
26. St. Johns County, Florida - Vilano Segment (expires 2070)
27. St. Lucie County, Florida - Hutchinson Island (expires 2071)