

Beach project gets go

Judge denies bid to halt widening

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FORT LAUDERDALE — A federal judge on Friday denied a request from a coalition of environmentalists to stop a controversial \$5.6 million beach-widening project in Boca Raton.

U.S. District Judge Norman C. Roettger's ruling also makes moot the suit for a permanent injunction filed April 30 against the city and the U.S. Army Corps of Engineers, which approved the project.

Roettger said attorneys for environmentalists, who said the project would bury a marine habitat and hinder the area's turtle nesting, failed to show adequate reasons for stopping the it.

The current rate of beach erosion would make a delay in the renourishment project a disservice to the public, the judge said, because turtle nests already are being relocated for protection and artificial reefs are in place to replace the natural one.

"Alas for plaintiff," Roettger's 33-page ruling said. "Not only have they failed to carry all . . . prerequisites in the order for a preliminary injunction to issue, but this court finds that they have failed to carry any of them. Therefore plaintiffs' motion for preliminary injunction must be denied."

Attorneys for the environmentalists will decide early next week if they will file an emergency appeal, said attorney Kenneth W. Lipman, who volunteered to help the environmentalists.

"We just lost a little bit more of the natural beauty of our environment," said Stuart Schulman, who runs on the beach daily and is a member of several of the 12 environmental groups that filed suit. "But that's the history of our city, giving way to developers.

"They take it away bit by bit," Schulman said. "A lot of people who live there enjoy the beach the way it is."

The ruling allows the city to widen a 1.45-mile stretch of beach along Spanish River Park by 100 feet. The project is expected to take 33 working days and should begin within two weeks, said Al Malefatto, a private attorney who represented the city.

"We gave the notice to proceed to the contractor last Friday," Malefatto said. "It was a calculated risk, but we couldn't afford to wait much longer. We were confident. We felt

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we had a strong case."

The city said it wants to dredge sand from offshore and haul it onto the beach not only to halt erosion, but to provide storm protection for coastal roads and buildings. Taxes raised by the Boca Beach Taxing District, which encompasses all of Boca Raton and some outlying areas, and federal and state grants will pay the cost of the renourishment.

A coalition of 12 environmental groups, including the Florida chapter of the Sierra Club, the American Littoral Society and the Florida Audubon Society, filed suit April 30 in an attempt to block the plan.

Dumping the estimated 980,000 cubic yards of sand onto the beach would bury a natural reef about 100 yards offshore that has attracted large numbers of tropical fish and made snorkeling one of the area's largest attractions.

Environmentalists also said the additional, compacted sand would bury turtle nests.

As part of the state permitting process, the city has agreed to scour the area for turtle nests during the project and relocate them in safer areas. The city already has placed small artificial reefs farther offshore, and divers have said they are attracting fish.

Roettger visited the beach May 31, nearly a week after he heard the city and environmentalists argue the issue.

"We did our best to try to stop this waste of taxpayer money that's going to be blown away with the first storm," Lipman said. "But we are greatly impressed with the care and deliberation the judge took in making his decision."