



PHOTO BY TERRY POMMIETT

Jen Eldridge

Jen Eldridge lends hand to Florida legal battle

By MARGARET CARROLL-BERGMAN
INDEPENDENT EDITOR

A Nantucket attorney helped to change the way the Florida Department of Environmental Protection permits beach nourishment projects.

Jennifer Eldridge was one of the attorneys who represented the Surf Rider Foundation, Snook Foundation and three individuals who filed suit against the Florida Department of Environmental Protection for issuing a permit to the Town of Palm Beach, Florida for its proposed beach nourishment Reach 8 project.

Last week, Judge R.E. Meale denied the Town of Palm Beach a permit for the Reach 8 project because of the potential harm to the environment.

"The decision changes the way cases are challenged and permits are issued," said Eldridge. "It's the first time in a court of law where a permit was denied on potential environmental impact."

Eldridge said the decision had special meaning for Nantucket since the engineers for the Reach 8 project, Coastal Planning and Engineering of Boca Raton, Fla., were the same engineers hired by the 'Sconset Beach Preservation Fund to design its beach fill project along the 'Sconset Bluff.

The Reach 8 project was 40 percent the size of the proposed SBPF project, with 700,000 cubic yards of sand being dredged off shore and deposited on a 1.8 mile stretch of beach. SBPF was seeking to dredge 1.8 million cubic yards of sand from the western edge of Bass Rip Shoal and deposit it along a three mile stretch of beach from Sankaty Light to Codfish Park.

Eldridge had worked as a litigator in Florida before moving to Nantucket and met Martha Collins, who is now an environmental lawyer in Florida and the chief counsel for the Surf Rider Foundation's lawsuit against Palm Beach.

After last April's election when voters overwhelming defeated the non-binding ballot question asking whether town-owned land should be included in the

SBPF project, Collins asked Eldridge to work on the case.

"The people of Nantucket should feel proud," said Eldridge. "It (the judge's decision) validates the ballot vote."

In the 277 page decision, Judge Meale found that GENESIS (Generalized Model for Simulating Shoreline Change), the model CP & E used to predict the success of the beach fill project, was a failure.

GENESIS is also the model that CP & E planned to use for the SBPF project and is used all over the country for the design of beach nourishment projects, said Eldridge.

"The purpose of this process is to run a calibrated model in a setting for which real-world data are available – and to see how well the calibrated model does in 'predicting' these natural processes," wrote Judge Meale. "This verification effort was an irredeemable failure. But CP & E proceeded with the calibrated model as though the verification process had been successfully completed."

Judge Meale also wrote that CP & E's relying on GENESIS was an "embarrassment" and "that its predicted limits of long shore transport were worthless."

SBPF pulled its Notice of Intent from the Nantucket Conservation Commission last May for its \$23 million beach nourishment project. Without an Order of Conditions from the ConCom, the 'Sconset beach fill project cannot go forward.

SBPF's executive director Cheryl Bartlett said last May that the group might regroup and return with a scaled back project.

"It's also important for Nantucket since SBPF will come back and will try again," added Eldridge. "It's not about class warfare and it is not rooted in some emotional aversion to change. We now have a court of law that said these projects harm the environment and are bad science."

Judge Meale's ruling is an order of recommendation to the Secretary of the Florida Department of Environmental Protection, Michael Sole, who will now have 45 days to issue the final order. ■

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