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## Condos win battle over obstructed views

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One of the last remaining sand dunes on [Fort Lauderdale](#) beach has been destroyed.

Despite objections from environmental activists, a judge allowed the Mayan Beach Club and Ocean Lane Villas to destroy the dune after residents complained it was blocking their view of the ocean.

After a lengthy legal battle, a state judge ruled that removal of the sand mound on Fort Lauderdale's southern beach would not constitute a "take" of marine sea turtles and that a permit should be issued for removal.

"It was disappointing because we felt the ruling of the judge and processing of the evidence was more political and catered to coastal companies," said Richard Whitecloud, founder and director of the turtle rescue organization Sea Turtle Oversight Protection, which filed an exception to the ruling in an effort to save the dune.

Activists warned that the sand dune helped to protect against erosion and also served as a habitat for nesting sea turtles, but their efforts fell short.

"The disappointing part is the judge's interpretation of what is and isn't empirical science," Whitecloud said.

Attorney Alessandra Stivelman of the law firm Eisinger, Brown, Lewis, Frankel & Chaiet P.A. said the circumstances of

obstructed-view cases vary, making it difficult to predict how the ruling could impact future beach property issues.

Because the dune is a nesting habitat for turtles, the Florida Department of Environmental Protection called on both associations to prove that the environmental impact would not be significant. The associations were required to wait until after turtle nesting season ended.

"If another condo association had the exact same issue, they're still going to have to go through the procedural hurdles," Stivelman said.

As Fort Lauderdale continues to deal with beach erosion just north of Sunrise Boulevard and A1A, Whitecloud said sand dunes that provide vegetation are the city's best bet to prevent more erosion. He said dune restoration should be part of any beach renourishment project.

Whitecloud cited the beach along the Galt Ocean Mile in Fort Lauderdale, which has a number of high-rise condominiums just north of Oakland Park Boulevard and A1A, as a beach area that has seen significant erosion since [Hurricane Sandy](#) struck.

"Hopefully Hurricane Sandy provides a wake-up call and is a red flag for coastal communities that the ocean is going to continue to eat away at the beach," he said. "Dune restoration can help prevent that."