

John D. Morgan · Jocelyn Evans

Participatory Mapping of Territoriality Across Florida's Beaches

 Beach Closed: 1am - 5am

NO DOGS ON BEACH
FLA. SEC. 6-40

Leave No Trace - Treasure Island Code, §58-51



Springer

Participatory Mapping of Territoriality Across Florida's Beaches

John D. Morgan • Jocelyn Evans

Participatory Mapping of Territoriality Across Florida's Beaches

 Springer

John D. Morgan
Earth and Environmental Sciences
University of West Florida
Pensacola, FL, USA

Jocelyn Evans
College of Arts, Social Sciences and
Humanities
University of West Florida
Pensacola, FL, USA

ISBN 978-3-030-97314-8 ISBN 978-3-030-97315-5 (eBook)
<https://doi.org/10.1007/978-3-030-97315-5>

© Springer Nature Switzerland AG 2022

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, expressed or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Springer imprint is published by the registered company Springer Nature Switzerland AG
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Preface

The Florida beaches of the mid-1700s were very much the habitat of native populations. This early influence is still revealed in the place's names along the coast, such as Okeechobee, Pahokee, and Loxahatchee (Kleinberg 2021). The beach as a place of recreation and amenity is a reasonably recent phenomenon in history. French historian Alain Corbin (1994) describes the early European view of the beach as an unknowable place and feared by most. It wasn't until approximately the mid-eighteenth century that European elites began to see the beach as a place of leisure, recreation, and even health maintenance (e.g., fresh air and sea bathing). This chapter will take readers through the beach as a place of leisure and residence as it grew in societal form and function. Those who reside within the coastal zone benefit from geographically specific amenities such as aesthetic views, moderated weather (e.g., temperature-moderating breezes), and increased access to recreational opportunities. These benefits are referred to as ecosystem services defined by the Millennium Ecosystem Assessment (2005) and include tangible and intangible amenities. Whether for the aesthetic view, the moderated weather patterns, or other amenities, those who can afford to live on or near the coast increasingly choose to do so. With less than 25% of the land area, coastal communities are home to more than 52% of the US population (US Commission on Ocean Policy 2004), and these numbers are increasing. Increased competition for oceanfront real estate has led to territorial tensions and has resulted in high-dollar litigation. These cases, which span across private-on-private, public-on-private, and private-on-public, reflect an underlying tension at the shoreline for access and proximity to coastal amenities.

The National Oceanic and Atmospheric Administration (NOAA) and United States Census Bureau report that as of the 2010 census, 39% of the US population is directly on the shoreline. That number is increasing (NOAA 2013). With an increasingly developed shoreline, the question of "*Who owns the beaches?*" becomes more relevant and pressing. In their answer to this question, Kaufman and Pilkey (1983) describe a nuanced legal and physical geographic landscape that changes over time. Sometimes these changes are gradual, and other times they are driven by sudden and dangerous weather events (e.g., tropical storms). In

addressing territorial claims, coastal law often favors two distinct parties: private landowners and the public.

The *overall objective* is to utilize the lens of legal geography, critical and qualitative GIS to understand better how the developed shoreline is territorialized, as described by Sack (1986) and others. Territorial tension is continually playing out along developed shorelines with spatial nuances specific to the boundary delineations, physical geography, and demand/preference for access to coastal amenities. Territorial tension manifests as land use conflict and occasionally results in litigation and represents an underlying and ongoing concern for key stakeholders concerning the quality of life (e.g., recreational access) and property values on and near the beach.

Topics relevant to the subject of this book have been studied from the lens of land use and spatially informed economics. Existing work explores how we value shorelines and beach amenities, termed ecosystem services (Oh et al. 2010). Some projects survey public perception of beaches and their usage (Leatherman 1997; Oh et al. 2010). Other works provides a methodology to reveal potential land use conflict (Carr and Zwick 2007) and how people value shoreline property. Most of these works rely on revealed preferences as a proxy for potential conflict, suitability modeling in the case of Carr and Zwick (2007), and analysis of shoreline real estate records in Hindsley et al. (2013). However, to our knowledge, *no significant work examines land use conflict along the developed shoreline through the perspective of the users of that space at a sizeable cartographic scale (small area/individual experience)*.

The subject matter of private property rights and contestation of beach access is happening across coastal communities throughout the country. This book approaches the complex topic of territoriality on Florida's beaches from multiple perspectives but related methods involving time geography, a public space index, participatory mapping/cartography, and transboundary viewsheds. These methods involve participants interacting with, perceiving, and ultimately representing feelings about a place. One method captures the experience of traversing the terrain from parking to the shoreline to appreciate beach accessibility fully. Another captures the quality of public spaces at the beach in terms of inclusiveness, comfort, safety, pleasurability, and meaningful activities. And a final method considers the impact of development on transboundary viewsheds—or lines of sight.

This book offers a theoretical and practical exploration of the beach as space and places unique disciplinary lenses (political science and geography). If we accept that what one possesses, one has a claim to, becoming property as described by Rose (1985), then how that possession is enforced, socially, makes all the difference in defining what constitutes territoriality. Political and legal geographers address the historical and theoretical ways in which the idea of possession has been distributed over space (territoriality). To quote political geographer Gerald Webster (2006), "*Territoriality suggests human action in the acquisition, delimitation, and defense of geographic spaces.*"

We propose an incredible value of geographic focus to understand the role of political systems, ideological climates, local culture (and diverse cultures

throughout the state territory), environmental history and challenges, etc., in shaping territoriality. We go broad and deep in this project—but narrow in that we are limiting the work to a single state (Florida). Further, both our fieldwork and discussion address the entire coast of the state of Florida. Morgan and his colleagues have carried out various studies and applied various methods to study the developing coast of Florida. From these efforts, we can compare the different regions of the State (e.g., Florida panhandle vs. South Florida) in terms of local beach culture and economics to unpack the topic of tension between beach property and access using firsthand accounts in many cases.

Author Prelude 1: Revelations from a Childhood Spent Along Florida’s Atlantic Beaches

Growing up in the 1980s, in Ormond Beach, FL, two blocks from the stretch of “The World’s Most Famous Beach,” I took for granted that I could walk down any cross street and get to the beach at nearly any time of day. On this strip of shorefront land between State Road A1A fronting the Atlantic Ocean along the boundary of Daytona Beach, FL, I first began to consider the idea of ownership of the beach juxtaposed to a publicly accessible shoreline. I recognized even then the nuanced ways individuals and groups accessed and used the coastline of beachfront property. Depending on year and season, those sharing this space included leather-clad tattooed bikers, sunburned NASCAR race fans, and rambunctious spring breakers participating in a time-honored tradition of spending a few short days enjoying unbridled beachfront fun. Further, the Daytona area (in Volusia County and included New Smyrna and Ormond Beach) provided a beach day trip to Orlando, the more sprawling and populated city further inland.

In Daytona Beach, in the early 1980s, one could simply place a lounge chair on the sand and stay there for days without question. However, Daytona famously permitted motorists to drive vehicles on the beach, so those who chose to sleep on the beach did need to keep their wits about them. Eventually, this unfettered vehicular beach access to the 23 miles of hard-packed sands would face the beach access tolls. I remember the first pay-to-access tolls implemented with their small attendant staffed buildings and thinking it marked a significant change to my childhood’s beach culture. I could still walk to the beach, but I could see that the tolls would limit access for many as both financial and temporal constraints were now in place that wasn’t there previously (Fig. 1). An *Orlando Sentinel* article around this time reporting on this historic occasion said, “...*the is the first time Florida was to define beach access and guarantee the public’s right to use the beach, transferred control of the beaches from municipalities to the county (Benedick, 1988).*” This new policy was by a Volusia County resident authorizing tolls a couple of years earlier, in 1986.

Having just been laid off from a consulting technology gig at the Bank of America and flush with what I considered enough cash to take my time in seeking new



Fig. 1 Tollbooth at Granada Boulevard beach access point (Ormond Beach Florida)

employment, I found myself with a lot of time on my hands. After sending out my daily batch of IT resumes for the day, I would make my daily trek from Jacksonville’s southside to a stretch of the beach there (namely Jacksonville Beach and Ponte Vedra). It was during this time that I pondered a distinctly unique feature of the beachfront urban geography of the Jacksonville beach landscape. Specifically, when I would try to get to a stretch of the beach called Ponte Vedra Beach (just south of Jacksonville and North of St. Augustine),

I would drive along the beachfront for miles from Jacksonville Beach to St. Augustine. But in most cases, if I wanted to get to the beach, I had to park on the

other side of a busy road. Getting to the beach involved an extraordinary effort as there were only occasional breaks of narrow access between large stately beachfront homes. In comparing this to the relatively open Jacksonville beach just to the north, I sensed something in the landscape that I would eventually refer to as a “territorial tension.” The realization of this territorial tension came for specific urban markers of territoriality for sure. While driving along the 40-miles stretch of Ponte Vedra Blvd to locate parking on the opposite side of the beach’s road, you were literally upon a sand bluff looking down at the shoreline. You technically should be able to see the waves of the Atlantic lapping at its sandy shores. However, beachfront mansions with what I estimated to be carefully curated gardening block the drivers’ views. At the breaks between homes where one might be able to catch a glimpse of the beach, there were view blockages by vegetation and plants at the walkway’s narrow strips, which are technically public easements to this carefully guarded shoreline. After experiencing this for months, I walked along the beach on the relatively open Jacksonville Beach and considered protected Ponte Vedra Beach. I thought deeply about the nuanced way in which territoriality reveals itself through choices made in urban geography.

A couple of years later, while attending Florida State University to complete doctoral work in geography, I studied a case that went all the way to the Supreme Court addressing the topic and spatial nuance of beach access. In this case, The Surfrider Foundation won a lawsuit (2006) that featured contention around blocked beach access at specific points in Ponte Vedra, Florida. In this case, the number of perpendicular beach access sites was found to be adequate, but a lack of nearby parking spots severely limited the ability to use the sites. Further, the case revealed that some beachfront homeowners had been planting non-native vegetation to block access and view to the beach from the public.

In Tallahassee, near the bend of the Florida Panhandle, I experienced a distinctly different beachfront. The “forgotten coast,” as this stretch of Florida coastline is called, stretches along the northern portion of the Gulf of Mexico and remains relatively undeveloped compared to the rest of the Florida Shoreline. When I would try to escape the summer heat of the further inland Tallahassee, I found a natural shoreline where pine trees, instead of beachfront hotels or mansions, stretch along the beach. To quote Texas songwriter, James McMurtry, this stretch of beach that runs from Mexico Beach to Apalachicola to St. Teresa “...is about the only Florida beach highway where you will see signs warning of bear crossings.” This beach was natural and wild but also inaccessible for some of the same (lack of parking) different reasons (lack of maintenance).

– John D. Morgan (Co-author)

Author Prelude 2: A Picture of the Dunes in Destin in the Late 1960s

The Florida Panhandle is fondly referred to as the Redneck Riviera. It is perhaps best known for college students' crowding the beaches of Panama City or the week-end of Memorial Day when the LGBTQIA+ community packs Pensacola's beaches. But the sugary white sands of the Emerald Coast are significant for other reasons. This part of the state has played a seminal role in public beach access legal contestation over the last decade. Though Tristan de Luna landed with his Spaniard fleet in the bay of Pensacola in the mid-sixteenth century, establishing the territory as the first multi-year settlement in the New World, this section of the Florida coastline was one of the last to embrace a tourism economy. Residents in the region mainly identify as politically and socially conservative and embrace southern culture and folkways.

My father's father played an essential role in the community of Fort Walton Beach, FL, in the mid-to-late twentieth century. He owned the most popular barbecue restaurant in town. With pork always in the pit and meringue pies on display in the dessert case, he held court every day of the week except Sundays. Ministers and masons, young families, and older couples could all be found sitting in the restaurant's booths, enjoying crinkle-cut fries and homemade biscuits and cornbread. This was the heart of the community, not the beach. Neighboring Destin had a few hotels, but just a 5-minute drive down Highway 98 would take you through the resort footprint to pristine dunes the size of small mountains. One would have to park on the side of the road and trek with coolers, chairs, towels, and an umbrella through the hot sand, watching out for broken glass and prickly stickers to access the beach. On the other side of the dunes, you might leave your shoes as markers for later to locate the approximate parking spot for your car. And then you would trudge through the squeaky sand at least a hundred yards to the salty, shimmering, crystal-clear water's edge.

This was the beach of my childhood. Growing up in this part of Florida looked like sledding down the dunes in the middle of winter, searching the dunes for treasure during the Billy Bowlegs Pirate Festival, and driving by all the single-story pastel cinder block houses decorated with dolphins and flamingos on the way to and from the beach. My father nearly bought waterfront property when partners in his firm invested in it. Back in the 1970s, it was difficult to imagine that Highway 98 would be a continuous strip of outdoor shopping malls and chain restaurants catering to salt, sand, and the sea. But some individuals did invest in private property along the coast. My father very easily could have been one of the property owners bringing suit against Walton County over the meaning, scope, and legality of customary use of coastline by the general public and private vendors.

Today's beach is a precious commodity, a demand good, limited in size and shrinking annually due to rising waters associated with climate change. The battles we see throughout the state over the public's right to access this natural resource to the detriment or inconvenience of private homeowners are fundamental. They have

philosophical roots in the meaning of property. They speak to core American values (sometimes in conflict) concerning individual liberty and privacy. And they involve a critical fight of interests, pitting homeowners against retailers and public interest groups against private developers.

– Jocelyn Evans (Co-author)

The Organization of the Book

Chapter 1: On the Tension

This book focuses on perceived methods of measuring territorial tension across Florida's beaches and the implications of these claims for both proximal property owners and the general public. After briefly examining the meaning of territorial tension and considering the historical evolution of this tension in the state of Florida, we turn to two very different views of legal geography. This paves the way for three chapters applying unique methodologies to capture the nuance of beach accessibility: considering time geography, mapping transboundary viewsheds, and measuring the quality of public space.

Chapter 2: Essentialist View

This chapter considers the legal geography that shapes shorelines across Florida. Following Bennett and Layard (2015), we start with the idea that legal geography investigates the co-constitutive relationship of people, place, and law. However, in our case, we are specifically addressing the people who live along and visit Florida beaches and the laws that inform/influence their activities. Specifically, we focus on historical and recent legislation in the state that has involved the beach and public access. Additionally, this chapter describes key cartographic terminology vis-a-vis delineated boundaries relevant to Florida's beaches both as a private and public space. In so doing, it captures the essentialist view of territorial tension on the beach.

Chapter 3: Social Constructivist View

This chapter contrasts the essentialist view with a social constructivist view. The book provides a theoretical foundation for considering the different territorial tensions over Florida's beaches with both perspectives outlined. This chapter explores nuances around public/private space by extension. We frame the discussion with an overview of the social context of the law, we situate coastal geography as a socially constructed space, and we differentiate between the collectivist and individualistic orientations toward the property. This provides a solid foundation for exploring spatial dimensions of the commons in a beach setting and supports a polyrational understanding of coastal geography.

Chapter 4: Time Geography

Inland residents must commute to the beach and therefore face specific constraints tied to the transportation network (e.g., stuck in beach traffic on bridges). However, once at the beach itself, a new set of accessibility constraints are revealed, such as