

PRESS-REGISTER

Federal judge OKs settlement in Dauphin Island erosion suit

Wednesday, November 25, 2009

By **KATHERINE SAYRE**
Staff Reporter

A federal judge approved a settlement Tuesday in the nearly decade-old lawsuit over Dauphin Island erosion. The settlement grants property owners \$1.5 million for rebuilding beaches.

The Dauphin Island Property Owners Association filed suit against the federal government in 2000, blaming chronic erosion and land loss on the U.S. Army Corps of Engineers' dredging of the Mobile Ship Channel.

U.S. Court of Federal Claims Judge Bohdan Futey approved the settlement, requiring the federal government to pay \$1.44 million and Alabama's government to pay another \$60,000.

In exchange, property owners release the federal and state governments from any past or future claims of damage to their property from the dredging, according to court records.

The lawsuit claimed that sand flowing naturally eastward on the waves was trapped in the channel and prevented from replenishing the barrier island.

"We're pleased to finally resolve this longstanding issue," Andrew Ames, a spokesman for the U.S. Department of Justice, said in a written statement.

According to the settlement, the payment will be applied to a beach restoration project — a feasibility study, engineering or the placement of sand on the beaches.

Bruce Jones, president of the Property Owners Association, said island leaders now need to rally political support for funding of further restoration efforts, "so we can restore Dauphin Island as an effective barrier island."

"The shoreline is so fragile and there's just nothing to stop the wave action and the erosion," Jones said.

About \$200,000 from the settlement will pay for attorneys' fees, according to court records.

Along the Gulf of Mexico side of the island, hundreds of feet of beach in some areas has eroded away in recent decades.

Barrier islands naturally grow, change shape and move with the currents, but the lawsuit claimed that dredging of the channel caused land loss.

Dauphin Island Mayor Jeff Collier said the pending litigation over the years has prevented island leaders from working with federal agencies to restore the beaches.

"I'm glad it's over," Collier said.

During a hearing in September, some property owners objected to the agreement, claiming it didn't adequately compensate them for erosion damage.

Others were concerned that under the settlement, the dredging could expand by another 10 feet in depth and 100 feet in width, according to court records.

"Even if the channel was dredged to the congressionally authorized limits, there may be little impact to the shoreline," the ruling states.

"Plaintiffs will receive a substantial amount of money that will allow them to finance a study that will hopefully result in a successful beach replenishment project," the ruling says.

The settlement also requires that dredged sand continue to be dumped in areas deemed beneficial to the island.