

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: **December 2, 2008**

Consent
 Ordinance

Regular
 Public Hearing

Department: **Parks and Recreation**

Submitted By: **Parks and Recreation Department**

Submitted For: **Parks and Recreation Department**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: **A) ratify** the signature of the Chairperson on a Florida Coastal Partnership Initiative grant application submitted to the Florida Department of Environmental Protection on October 15, 2008, requesting \$50,000 for development of the newly acquired Zeke's Marina property to be matched with \$50,000 from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond; **B) authorize** the County Administrator or his designee to execute the grant funding Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and **C) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with Florida Department of Environmental Protection for this project.

Summary: The Florida Coastal Partnership Initiative makes federal funds from the National Oceanic and Atmospheric Administration (NOAA) available to local governments for the protection and effective management of Florida's coastal resources. The grant is administered by the Florida Department of Environmental Protection (FDEP). If awarded, the grant funds will be used at Zeke's Marina to clear exotic vegetation, plant native vegetation, install picnic shelters, provide picnic tables, grills, a bike rack, and to construct a 12' multi-purpose path. The grant requires a \$50,000 match which will come from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond. District 1 (DW)

Background and Justification: On June 9, 2008, Palm Beach County acquired Zeke's Marina to expand the western boundary of DuBois Park using funding from a Florida Communities Trust (FCT) grant and the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond. The FCT grant required the County to outline the development and future use of the subject property. The proposed project includes clearing of exotic vegetation, planting native vegetation, installation of picnic shelters, picnic tables, grills, a bike rack, and construction of a 12' multi-purpose path. If the grant is awarded, the construction will begin in June 2009 and will be completed by June 2010.

Attachments:

1. Grant Application
2. Location Map

Recommended by: _____

Department Director

Date

11/10/08

Approved by: _____

Assistant County Administrator

Date

11/27/08

Florida Coastal Partnership Initiative Grant 2009-2010

Title: Zeke's Marina Upland Restoration and Development

Initiative Category: Remarkable Coastal Places

Applicant: Palm Beach County Board of County Commissioners

Official Contact: Dennis Eshleman, Director
Palm Beach County Parks & Recreation Department
2700 6TH Avenue South, Lake Worth, FL 33461
(Phone) 561-966-6614 (Fax) 561-963-6747
Deshelma@pbcgov.com

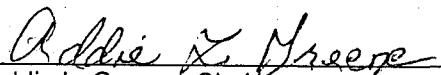
Project Manager: Jean Matthews, Senior Planner
Palm Beach County Parks & Recreation Department
2700 6th Avenue South, Lake Worth, FL 33461
(Phone) 561-966-6652 (Fax) 561-963-6747
Jmatthew@pbcgov.com

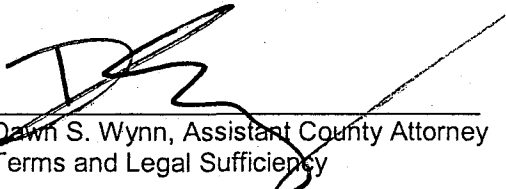
"By signing this title page, the undersigned certifies that:

- a. This application is in all respects fair and submitted in good faith without collusion or fraud;
- b. If selected through this application process, the recipient will work in good faith and in partnership with the Florida Coastal Management Program to manage its subgrant in a timely and accurate manner;
- c. Any funds awarded as a result of this application process will not be used to supplant or replace any state or local funds;
- d. Any funds awarded as a result of this application process will not be used as matching funds to apply for or receive other federal funds;
- e. No federal funds will be used as match for funds awarded as a result of this application process;
- f. The applicant local government's adopted comprehensive plan has been found to be in compliance with Chapter 163, Part II, F.S.;
- g. The applicant has conducted preliminary consultation with appropriate federal, state, regional and local regulatory agencies regarding any construction proposed in the application and the agencies did not identify any apparent conflicts with applicable permit requirements;
- h. The property on which construction activities will take place is owned or leased by the applicant or the applicant holds a sufficient easement; and
- i. The undersigned has full authority to bind the applicant."

The project will require a permit to remove invasive exotic vegetation from Palm Beach County. Preliminary verbal consultation was conducted with Robert Kraus, Senior Site Planner with Environmental Resource Management on Monday, September 22, 2008. No federal, state or regional permits are required.

It was also confirmed that the proposed project, in concept, does not present any apparent conflicts with federal, state, or local permit requirements and that similar projects have been permitted in the recent past on coastal properties in Palm Beach County. No reasons (permitting or non-permitting) have been identified that might prevent completion of the project within the grant year.


Addie L. Greene, Chairperson
Palm Beach County Board of County Commissioner


Dawn S. Wynn, Assistant County Attorney
Terms and Legal Sufficiency

Zeke's Marina Restoration and Development Work Plan

Project Need

Zeke's Marina is a unique waterfront property located on the Jupiter Inlet and has scenic views of the Atlantic Ocean and the historic Jupiter Lighthouse. This property was part of the DuBois pioneer homestead and is significant in the history of Palm Beach County, the site is home to the oldest structure in the County a pineapple packing house. The property is located at the southern end of the Indian River Lagoon one of the nation's most biologically diverse estuaries in an area where manatees and snook are often seen.

Palm Beach County's population is projected to increase over the next decade, and at the same time existing marinas and working waterfronts are being converted to high density residential housing. The combination of these factors will continue to adversely impacted the amount of waterfront property available for public recreation.

In June 2008, the County acquired Zeke's Marina, a 1.175-acre waterfront property, using funding from a Florida Communities Trust Grant and Palm Beach County's 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond.

This property was formerly used as a marina and small engine repair shop. Once the restoration and development is complete, the property will be used for passive resource based recreation and incorporated into the County's adjacent DuBois Park.

Project Location

The Project Site was acquired in 2008 with assistance from an FCT Grant and is officially known as the Susan DuBois Kindt Estate or, by Town of Jupiter locals, as "Zeke's Marina." This waterfront property is located in northern Palm Beach County, approximately two miles south of the Palm Beach/Martin county line. The Project Site is situated on the south side of the Jupiter Inlet within walking distance of the Atlantic Ocean. It is also the eastern terminus of the Loxahatchee River, a federally Designated Wild and Scenic River.

The County's 18-acre DuBois Park and 46-acre Jupiter Beach Park are located directly east of the Project Site and feature frontage on the Jupiter Inlet, a tidal creek, and the Atlantic Ocean. Combined with the Project Site these properties contain approximately 65 acres.

Project Description

The Project Site is heavily covered in exotic vegetation, and the proposed project includes the removal of the exotic vegetation and replanting using salt tolerant native landscape plants including a 1/3 acre native buffer along the western edge of the site. The primary planting pallet will include Live oak, Gumbo limbo, Pigeon plum, silver saw palmetto, sea lavender, cabbage palm, seagrape, green buttonwood, and cocoplum. Sea lavender is an endangered shrub species that has exceptional landscape qualities and will be used to accent massing of shrubs on the site. Passive use areas will enjoy enhanced canopy through the planting of tropical hardwood hammock tree species.

The County will construct a 12' wide paved multi-purpose path through the Project Site that will connect with the Jupiter Riverwalk. When all segments of the Riverwalk are complete it will link marinas, restaurants, natural areas, museums, and the Loxahatchee River to the Project Site and the County's DuBois Park and Jupiter Beach Park located on the Atlantic Ocean.

Additional improvements include the installation of picnic facilities including several picnic shelters and tables to allow for small group or family picnics on the Project Site. Bike racks and trash receptacles will be placed in close proximity for the convenience of picnickers.

Improvements to the property outside the scope of this grant application will be constructed as part of the DuBois Park Marina project and will include renovation of the existing boat ramp to accommodate launching of non-motorized vessels, construction of a water taxi landing site and day use docks.

This restoration and development project is an appropriate way to provide for the needs of park patrons in Palm Beach County and to preserve the natural environment because:

- Exotic vegetation removal and replanting with native vegetation will provide habitat for coastal species,
- Multi-purpose path on the Project site will link the Jupiter Riverwalk to DuBois Park home to the historic DuBois Pioneer Home (on the National Register of Historic Places) and to Jupiter Beach Park located on the Atlantic Ocean;
- Picnic facilities will provide park patrons an opportunity to relax and enjoy the beautiful views of the water and the historic Jupiter Lighthouse. A site plan is attached.

The Zeke's Marina Upland Restoration and Development project will be completed within one year of the County's execution of the grant agreement, if the grant is approved. A County vegetation removal permit is required and should be issued within one month of the grant agreement being fully executed.

Tasks	Outcomes	Deliverables	Timeline
Provide plans & specifications to County approved annual contractors	Contractors selected, work to be supervised by the County Parks & Recreation Department's Construction Coordinator	Price agreements, Budget availability Statement	Month 1-2
Construction	Exotic vegetation removal, planting of native vegetation, paved multi-purpose path constructed and picnic facilities installed	Photos of construction process and finished project.	Months 3-12
Grant Administration	Grant close out	Quarterly reports, grant final report	Months 3, 6, 9, 12

Initiative Category

This project is submitted under the Remarkable Coastal Places initiative category. This grant application, if funded, will assist Palm Beach County in the restoration of Zeke's Marina, a beautiful and unique waterfront property located on the Jupiter Inlet with a view of the Atlantic Ocean and the historic Jupiter Lighthouse.

The Project Site is critical to the unique diversity of Florida and has distinctive natural, cultural, historical and recreational features. The Project Site was part of the larger DuBois pioneer homestead property, which is listed on the National Register of Historic Places.

Natural Features

The Project Site is on the Jupiter Inlet and is the southernmost point for both the Indian River Lagoon and the Loxahatchee River. The Indian River Lagoon is considered to be one of the most biologically diverse estuaries in the nation. The Project Site's 136' wide shoreline is partially covered with fringe mangroves and abuts a small lagoon which provides habitat for a wide diversity of bird and marine life including manatees, sea turtles, snook, grouper, tarpon, snapper, jack and other tropical fish, as well as pelicans, osprey, gulls, egrets, herons, anhinga, and cormorant.

History and Cultural Features

Harry DuBois first came to the Jupiter area from New Jersey in the 1880's and purchased 20 acres of property along the Intracoastal Waterway, where he grew pineapples and built a pineapple packing house.

In 1892, Harry DuBois purchased 18 acres of land on the Jupiter Inlet, which included the Project Site. The DuBois' were a pioneering family and undertook many tasks to make a living over the decades, including running a fernery, growing bananas, practicing apiculture (bee keeping for honey production), and operating and maintaining a fish camp, marina and restaurant.

During the mid 1890's, Harry moved the old pineapple packing house by barge from his farm down the Loxahatchee River to the DuBois pioneer homestead. According to ethnohistoric references and local historians, the pineapple packing house is thought to be the oldest wood structure in the County. This structure will be renovated for reuse as an educational kiosk, and will include information on this historic structure, the federally designated DuBois Pioneer Home, the remnants of Indian shell middens, the Celestial Railroad, and flora and fauna in the area.

Recreation

The Project Site will accommodate resource based park uses such as wildlife observation, saltwater fishing, walking, biking, non-motorized boat launching, and picnicking. The site will also allow pedestrian access to the historic DuBois Pioneer House and fishing on the DuBois and Jupiter Beach Park jetties. The tour boat/water taxi landing and day use docks will accommodate visitors arriving by water.

Project Benefit

The Zeke's Marina project enhances coastal resources and provides public access to the waterfront. In 1996 the Florida Department of Community Affairs established criteria for a viable waterfront revitalization project. Included on DCA's list are the following public benefits which are all furthered by this project:

- Protects Florida's coastal resources.
- Improves or enhances public access (either physical or visual) to the waterfront
- Promotes excellence in design
- Supports and furthers the goals and policies of the local comprehensive plan
- Supported with appropriate land development regulations
- Makes a visible improvement to the waterfront

This project has significant value to the community because it is preserving historic and cultural resources, provides habitat for wildlife and promotes tourism resulting in an economic benefit for the community. There is wide community support for this project including the Marine Industries Association of Palm Beach County, West Palm Beach Fishing Club, and the Palm Beach County Board of County Commissioners, District Commissioner – Karen T. Marcus. In addition the site plan has been discussed with several neighbors and they support the proposed improvements.

Local Comprehensive Plan

The Palm Beach County, Comprehensive Plan's Coastal Management Element addresses the need for the responsible use and management of coastal resources related to development activities, protection of human life, the limitation of public expenditures in areas subject to natural disaster and protection of wildlife and natural habitat.

The County recently acquired Zeke's Marina, which was formerly used as a small engine repair shop, and plans on converting the property to a passive resource based waterfront park. This project furthers Goal 1 and Objectives 1.1, 1.4, and 1.5 of the Coastal Management Element of the Comprehensive Plan.

GOAL 1 Environmental Resource Management

It is the **GOAL** of Palm Beach County to preserve, protect, and enhance coastal resources, and to discourage development activities that would damage or destroy coastal resources.

OBJECTIVE 1.1 Protection and Enhancement of Coastal and Estuarine Environmental Quality "Palm Beach County shall continue to maintain and develop programs, and seek funding to expand its efforts necessary to protect, preserve and enhance coastal and estuarine wetlands, living marine resources, coastal barriers, and wildlife habitat."

Policy 1.1-d: "The County shall protect selected estuarine and coastal habitats by the acquisition of coastal and wetland properties (or properties adjacent to such habitats) and managing the properties for the purpose of preservation and/or environmental enhancement." Exotic vegetation will be removed and the property planted with native species to create additional habitat and environmental enhancement.

OBJECTIVE 1.4 Water Dependent Uses The County shall give preference to water dependent uses and shall prohibit, to the extent allowed in the Unified Land Development Code, activities that degrade the natural functions and values of wetlands."

Policy 1.4b: The County shall provide for more recreational access to the beach where such activities associated with the use minimizes the impact on beaches and dunes." Zeke's Marina located on the Jupiter Inlet is adjacent to DuBois Park and Jupiter Beach Park and will provide additional public access to the Atlantic Ocean.

OBJECTIVE 1.5: Protection of Commercial and Recreational Marine Waterfronts "Palm Beach County shall implement strategies to protect working commercial land and recreational marine waterfronts by pursuing the following actions":

5. "Investing directly in recreational and commercial working waterfront preservation, either through purchase of property or purchase of the development rights to the property;
6. Encouraging the Parks and Recreation Department to purchase waterfront lands, where feasible, to establish public marinas and related facilities;
10. Securing pedestrian access to waterfronts and enhancing existing waterfront parks to develop public marinas where feasible." Plans for the property include a multi-purpose path, scenic overlook, water taxi landing site and day use docks.

State Program Support

The Zeke's Marina Restoration and Development project builds on participation in the following state programs.

Local Mitigation Strategy (LMS)

The Project Site is located on the Jupiter Inlet, and is only 1,600 feet west of the Atlantic Ocean. It is located in an area susceptible to storm surge and has been identified among the highest flood mitigation priorities of the Local Mitigation Strategy of Palm Beach County as reflected in Section 2 and Appendices C & F of the Unified LMS plan.

Florida Forever Program

In 2006, the Florida Department of Community Affairs approved a Florida Communities Trust Grant (Project Number 06-041-FF6) to help fund the acquisition of the Project Site. The acquisition was completed in June 2008.

Designated Waters

The Project Site is located on the Indian River Lagoon and in 1991 the Indian River Lagoon became a part of the U.S. Environmental Protection Agency's National Estuary Program (NEP). The Indian River Lagoon is considered the most biologically diverse estuary in North America, and straddles 156 miles of Florida's east coast, from Ponce Inlet in Volusia County, south to Jupiter Inlet in Palm Beach County. The seller of the Project Site originally wanted to build high density multi-family residential housing with limited pervious area, but the County purchased the property in order to expand the western boundary of DuBois Park and prevent high density development.

The proposed project will benefit the Indian River Lagoon in several ways. Removing the exotic vegetation and replanting with native vegetation will provide habitat restoration, stabilize the soil, and reduce sediment flow and turbidity.

The Project Site will feature an educational kiosk to educate and inform residents and visitors about the fragile balance of the ecosystem and actions they can adopt to lessen their personal impacts including reducing pointless personal pollution.

In addition, the Project Site is located at the eastern terminus of the Loxahatchee River, a federally designated Wild and Scenic River, and is located adjacent to the Jensen Beach to Jupiter Inlet Aquatic Preserve.

Surface Water Improvement and Management program (SWIM)

In 1987, the Florida Legislature created the Surface Water Improvement and Management program (SWIM) as one mechanism to address nonpoint pollution sources. The state's five water management districts are responsible for the SWIM Program. On the Florida Department of Environmental Protection website (<http://www.dep.state.fl.us/water/watersheds/swim.htm>) the Indian River Lagoon is listed as a tier II water body for the South Florida Water Management District, Surface Water Improvement and Management (SWIM) Program. Litter and illegal dumping are a cause of non-point source pollution because contaminants in stormwater runoff degrade near shore water quality. The Palm Beach County Parks and Recreation Department will remove litter and illegal dumping on a daily basis and will reinforce the dangers of littering and illegal dumping on the environment to the public.

Florida State Park System

Jonathan Dickenson State Park is located approximately three miles north of the Project Site. Jonathan Dickenson State Park is heavily used by canoe and kayakers, cyclists and pedestrians. The Florida East Coast Greenway connects the Project Site and Jonathan Dickinson State Park providing a safe route for cyclists and pedestrians.

Both the Project Site and Jonathan Dickenson are accessible by water have canoe and kayak launching facilities, and visitors can paddle between the parks for exercise and recreation. The close proximity of the two parks and the accessibility by both the proposed greenway and the water are ideal for park patrons to spillover during peak times.

Tasks	Budget	
	FCMP Funds	Matching Funds
Clear exotic vegetation	\$4,000	\$4,000
Plant native vegetation	20,200	20,200
Picnic shelters, picnic tables, grills, bike rack	19,200	19,200
12' multi-purpose path	9,600	9,600
Totals	\$50,000	\$50,000
Total Project Cost	\$100,000	

Construction:

1 picnic shelter 10' x 16' with 2 tables = \$25,000

5 picnic tables @ \$2,000 each = \$10,000

4 grills @ \$600 each = \$2,400

1 bike rack = \$1,000

550' linear feet of 12' wide multi-purpose path @ \$35 L.F. = \$19,200



Zeke's Marina located on the Jupiter Inlet, part of a historic pioneer homestead



Pineapple packing house – oldest structure in Palm Beach County

Section 306A Project Checklist

Florida Coastal Management Program (FCMP) subgrant applicants must complete a Section 306A Project Checklist for each Coastal Zone Management Act (CZMA) section 306A project and submit it to the FCMP as part of the subgrant application process. A complete and signed checklist, title document or any other required information are necessary for ultimate project approval by the FCMP and NOAA.

Project Title: Zeke's Marina Upland Restoration and Development

Project Applicant: Palm Beach County Board of County Commissioners

Total Project Cost: \$100,000 FCMP Funds: \$50,000 Match Funds: \$50,000

I ATTEST TO THE FOLLOWING: (1) THE STATEMENTS MADE AND OTHER INFORMATION PROVIDED IN THIS CHECKLIST ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE; (2) THE PROJECT DESCRIBED IN THIS CHECKLIST IS CONSISTENT WITH CZMA SECTION 306A AND SECTION 306A GUIDANCE; (3) THE APPLICANT HAS PROVIDED OR WILL PROVIDE TO THE FCMP THE DOCUMENTS IDENTIFIED IN THIS CHECKLIST; AND (4) I UNDERSTAND THE CONSEQUENCES, AS DESCRIBED IN SECTION 306A GUIDANCE, IF THE PROJECT DESCRIBED IN THIS CHECKLIST DOES NOT COMPLY WITH CZMA SECTION 306A AND THE SECTION 306A GUIDANCE.

Addie L. Greene
Signature of Person Authorized by the Recipient
Agency to Submit Project Proposal

10/10/08
Date

Name of Signatory (please print or type): Commissioner Addie L. Greene, Chairperson

Title: Chairperson, Palm Beach County Board of County Commissioners

Address: 2700 6th Avenue South, Lake Worth, FL 33461

Phone Number: 561-966-6614

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY [Signature]
County Attorney

(The 306A Checklist begins numbering with Item 6 to conform to numbering on certification and checklist which the FCMP must provide to NOAA.)

6. Project Description: (briefly describe the project and project location)

On June 9, 2008, Palm Beach County acquired Zeke's Marina a 1.175-acre waterfront property located on the Jupiter Inlet located adjacent to DuBois Park in northern Palm Beach County. The County will be completing restoration work and development of this site in order to incorporate it seamlessly into DuBois Park.

Palm Beach County is applying for a Coastal Partnership Initiative Grant to help fund the cost of the exotic vegetation removal, replanting with native vegetation, installing a multi-purpose path, picnic facilities, park benches and bike racks.

7. Public Benefit:

a. This project is on public land or on publicly controlled easement and is for public benefit. The project does not improve private property and is not for private or commercial gain. Yes No

If the answer to 7.a. is No, the project is not eligible for section 306A funding.

b. The facility will be open to the general public. Yes No
 N/A

c. If the answer to 7.b. is No, the project is not eligible for section 306A funding, unless access to the facility will be limited for one or more of the following reasons (if 7.c. applies, please briefly explain in 6. Project description).

N/A Public Safety Resource Protection
 School Outings Scientific Research Other

d. The applicant needs a deed, lease or easement to conduct the activity.
 Yes No Property is in public ownership

e. If the answer to 7.d. is Yes, what is the life of the document (provide duration, i.e., years, or specify if in perpetuity). N/A

f. The document in 7.d. contains a reversionary clause. Yes No
If Yes, attach the reversionary clause to this checklist.

g. The applicant will contract with a non-profit organization to complete part or all of this project. Yes No

If Yes, the name of the non-profit is: _____

8. Title Opinion, Certificate, and Appraisal: If the proposed project involves acquisition or construction, then the appropriate documents in 8a. and 8b. below must be provided to the FCMP for approval before any work can commence.

a. A title opinion, certificate, or affidavit showing that the property for the proposed project is publicly owned or leased in perpetuity or for the expected life of the project (at least 20 years) is attached. Yes
 No N/A

b. If purchasing an interest in land, the state has obtained an independent appraisal pursuant to Section 306A Guidance. _____ Yes _____ No X N/A

9. **Site Location Map:** The applicant has submitted a site location map.
X Yes _____ No _____ N/A

10. **Site Plan:** The applicant has submitted a site plan. X Yes _____ No
N/A
Site plan must be provided to FCMP for approval before FCMP funds can be expended.

11. **State Historic Preservation Officer's (SHPO) Clearance and National Historic Preservation Act:** The applicant has submitted the SHPO clearance. _____ Yes X No. If No, the applicant certifies, by signing this checklist, that the applicant is seeking SHPO clearance and that work will not begin and land will not be purchased until SHPO clearance is received by the applicant and submitted to the FCMP.

The project will affect properties listed in the National Register of Historic Places or is otherwise protected by section 106 of the National Historic Preservation Act. _____ Yes X No

12. **National Flood Insurance Program:**

a. The project is located in a designated floodway or "V" zone on a National Flood Insurance Program Floodway Map. _____ Yes X No (If No, go to 13)

b. A coastal local government proposing a section 306A project which includes the acquisition for construction or actual construction in special flood hazard areas shown on an FIA map is participating in the Flood Insurance Program. X Yes _____ No

If the answer to 12b is No, the project is not eligible for section 306A funding.

13. **Coastal Barriers Resource Act:** The project is located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act. _____ Yes
X No

If the answer to 13. is Yes, attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

14. **Endangered Species Act:** The proposed project may adversely affect threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) as defined by the Endangered Species Act. _____ Yes X No

If the answer to 14. is Yes, attach a description of the adverse effects (minor and significant effects), the species or habitat affected, and any coordination between the state and the USFWS or NMFS. NOAA will not approve a project that USFWS or NMFS has determined will significantly affect threatened or endangered species or critical habitat.

15. **National Environmental Policy Act:**

a. The proposed project may significantly affect the human environment.
_____ Yes X No

b. The proposed project involves unresolved conflicts concerning alternative

uses of available resources. _____ Yes No

c. This action would have significant adverse effects on public health and safety. _____ Yes No

d. This action will have highly controversial environmental effects. _____ Yes No

e. This action will have highly uncertain environmental effects or involve unique or unknown environmental impacts. _____ Yes No

f. The project will have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources. _____ Yes No

g. The project will have insignificant effects when performed separately, but will have significant cumulative effects. _____ Yes No

If the answer to any one subpart of 15. is Yes, then an Environmental Assessment (EA) may be required. If Yes, attach a description of the resource(s) affected and the nature and scope of the effects. If Yes, provide additional information stating why the applicant believes an EA or an EIS is not required. CPD may require additional environmental information in cases where project impacts are not clearly described or where probable impacts require an EA or EIS.

16. **Coastal Nonpoint Pollution Control Program:** The project will use best management practices in conformance with the Coastal Nonpoint Pollution Control Program. Yes _____ No _____ N/A

17. **Handicapped accessibility:** The proposed project is handicapped accessible. Yes _____ No _____ N/A

If the answer to 17. is No, attach to this checklist an explanation as to how the project meets the handicapped accessibility requirements in the Section 306A Guidance. If the project does not meet the handicapped accessibility requirements the project will not be approved.

18. **User fees:** The public will be charged a user fee for the proposed project. _____ Yes No _____ N/A

If the answer to 18. is Yes, please attach a description of the user fee which includes: how much, differential fees (if any), the need for the fees, and proposed use of the revenue.

19. **Environmental Justice.** The project will have disproportionately high and adverse human health or environmental effects on minority or low income populations. _____ Yes No

If the answer to 19. is Yes the project will not be approved.

20. **State, Local and Tribal Laws.** The project is consistent with state, local and tribal laws to protect the environment. Yes _____ No

If the answer to 20. is No the project will not be approved.

21. **Required permits:** Please list local, state, tribal or federal permits required for this project and the status of the permits. If the permits have not been obtained, then the applicant certifies, by signing this checklist, that the applicant is seeking the required local, state and federal permits

and that work will not begin and land will not be purchased until the permits have been issued and received by the applicant and submitted to and received by the FCMP.

A vegetative removal permit from Palm Beach County's Environmental Resource Management Department (ERM) will be required. The permit should be issued within 30 days of the permit application being submitted. Based on verbal discussions with ERM there should be no problems or delays in issuing this permit.

OMB Control # 0648-0119, expires 01/31/2008. OCRM requires this information in order to adequately assess the eligibility of proposed CZMA section 306A projects. Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to John King, Chief, Coastal Programs Division, OCRM, 1305 East-West Hwy., 11th Floor, Silver Spring, Maryland 20910. This reporting is required under and is authorized under 16 U.S.C. § 1455a. Information submitted will be treated as public records. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.



**Department of Public Safety
Division of Emergency Management**

20 South Military Trail
West Palm Beach, FL 33415
(561) 712-6400
FAX: (561) 712-6468
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

printed on recycled paper

September 30, 2008
007-PLN-08L

Jean Matthews, Senior Planner
Palm Beach County Parks & Recreation Department
2700 6th Avenue South
Lake Worth, FL 33461

Dear Ms. Matthews:

This letter is in response to your inquiry regarding the proposed purchase of property at 18055-18069 Dubois Road, Jupiter for use as public open space.

Our records indicate the subject property, by virtue of its susceptibility to storm surge, is in the Plan A evacuation area for hurricane events. Mitigation of such properties is among the highest flood mitigation priorities of the Local Mitigation Strategy of Palm Beach County as reflected in Section 2 and Appendices C & F of the Unified LMS Plan. Acquisition of properties in Plan A evacuation areas for purposes of preserving open space is a preferred mitigation strategy promoted and supported by the LMS and is a strategy endorsed and pursued by the Flood Mitigation Technical Advisory Committee.

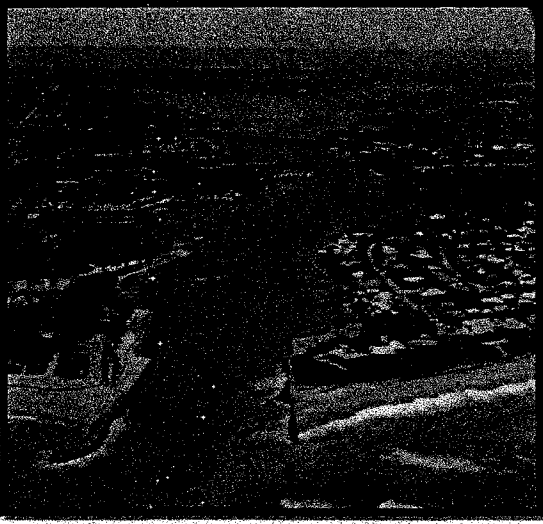
Acquisition of the above property would most certainly further the objectives of Palm Beach County's Unified LMS and is actively supported by the LMS Steering Committee. We encourage approval of the proposed acquisition project because of its obvious life and property protection benefits.

I hope this letter is helpful in assisting the funding of this project. If I can be of further assistance feel free to contact me at (561) 712-6325.

Sincerely,

Sheridan L. Truesdale, Senior Mitigation Planner
Palm Beach County LMS Coordinator

Zeke's Marina Upland Restoration and Development



Zeke's Marina is located on left side next to peninsula



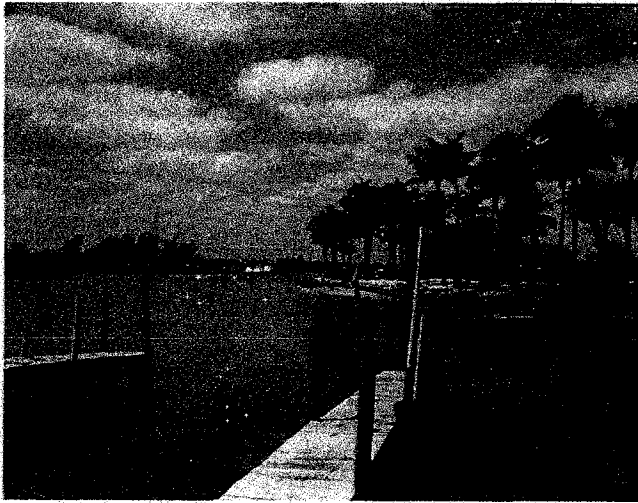
Zeke's Marina and Small engine repair shop



View of historic Jupiter Lighthouse from Project Site



DuBois Pioneer Home-National Register of Historic Places

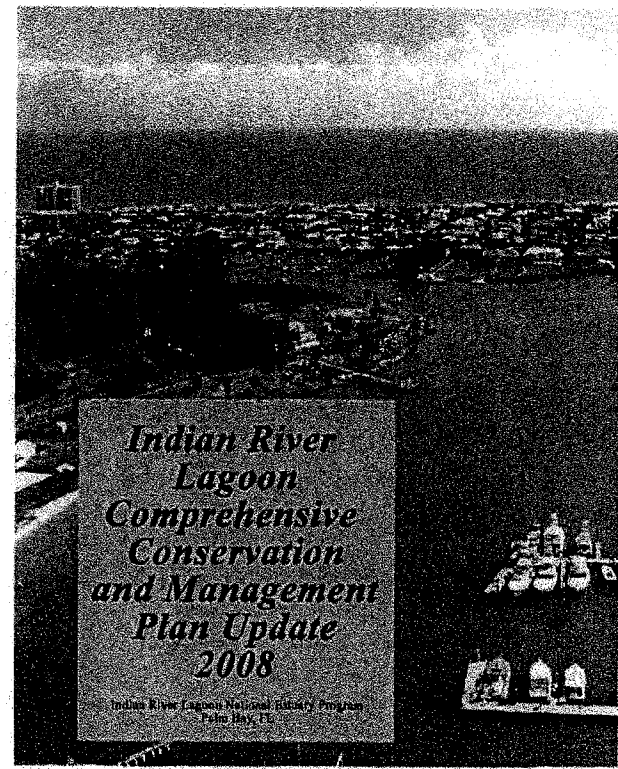
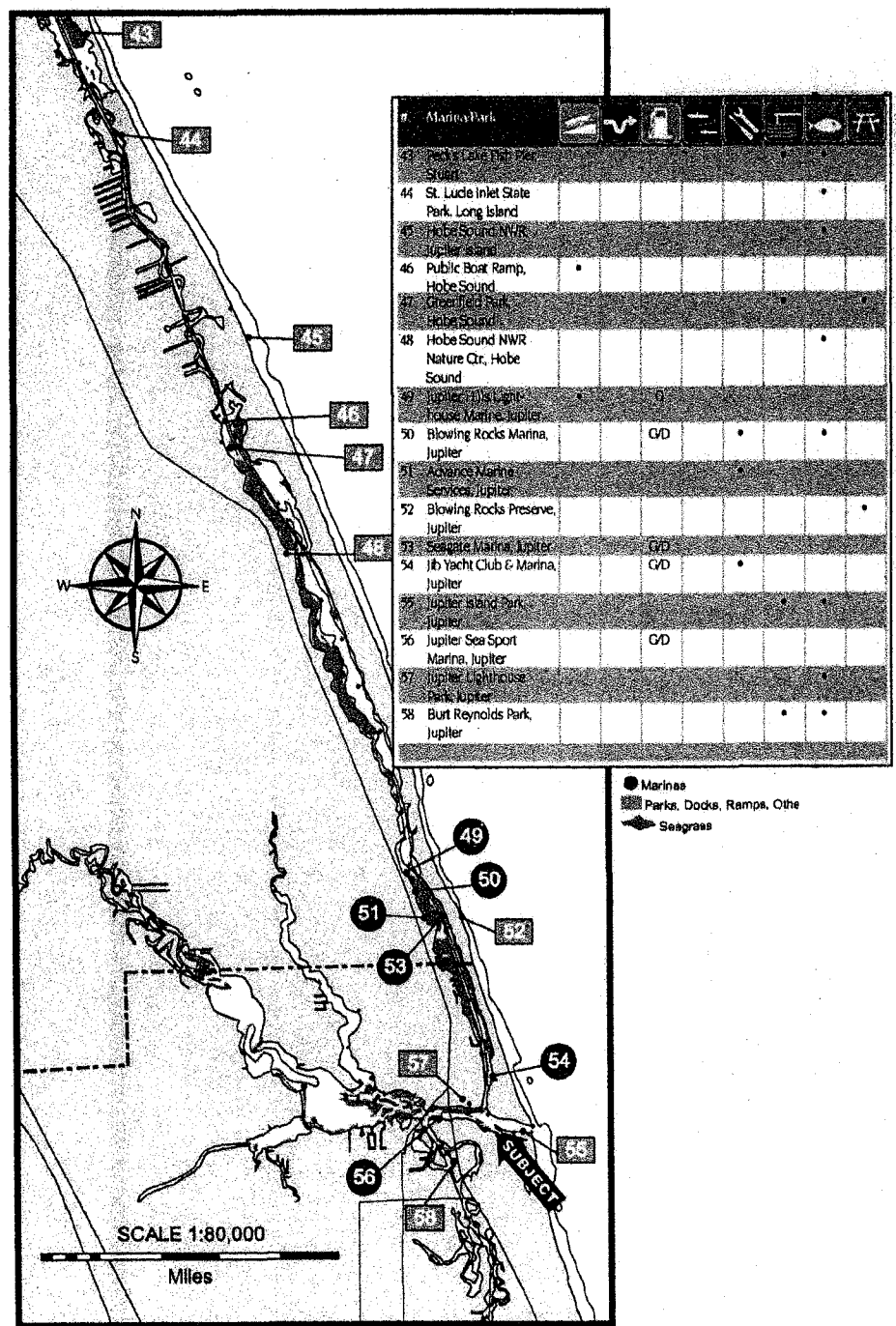


View from Project Site



View of adjacent DuBois and Jupiter Beach Parks

Marinas, Parks, Seagrass Coverage and Spoil Islands



PROJECT SITE IS LOCATED ON THE INDIAN RIVER LAGOON WHICH IS A NATIONAL ESTUARY PROGRAM AND SWIM PRIORITY WATERBODY.

Swim Priority Waterbodies
 South Florida Water Management District
 (Revised January 2003)

Tier 2
 Florida Bay
 Indian River Lagoon
 Lake Worth Lagoon
 Naples/Gordon River
 Rookery Bay/Marco

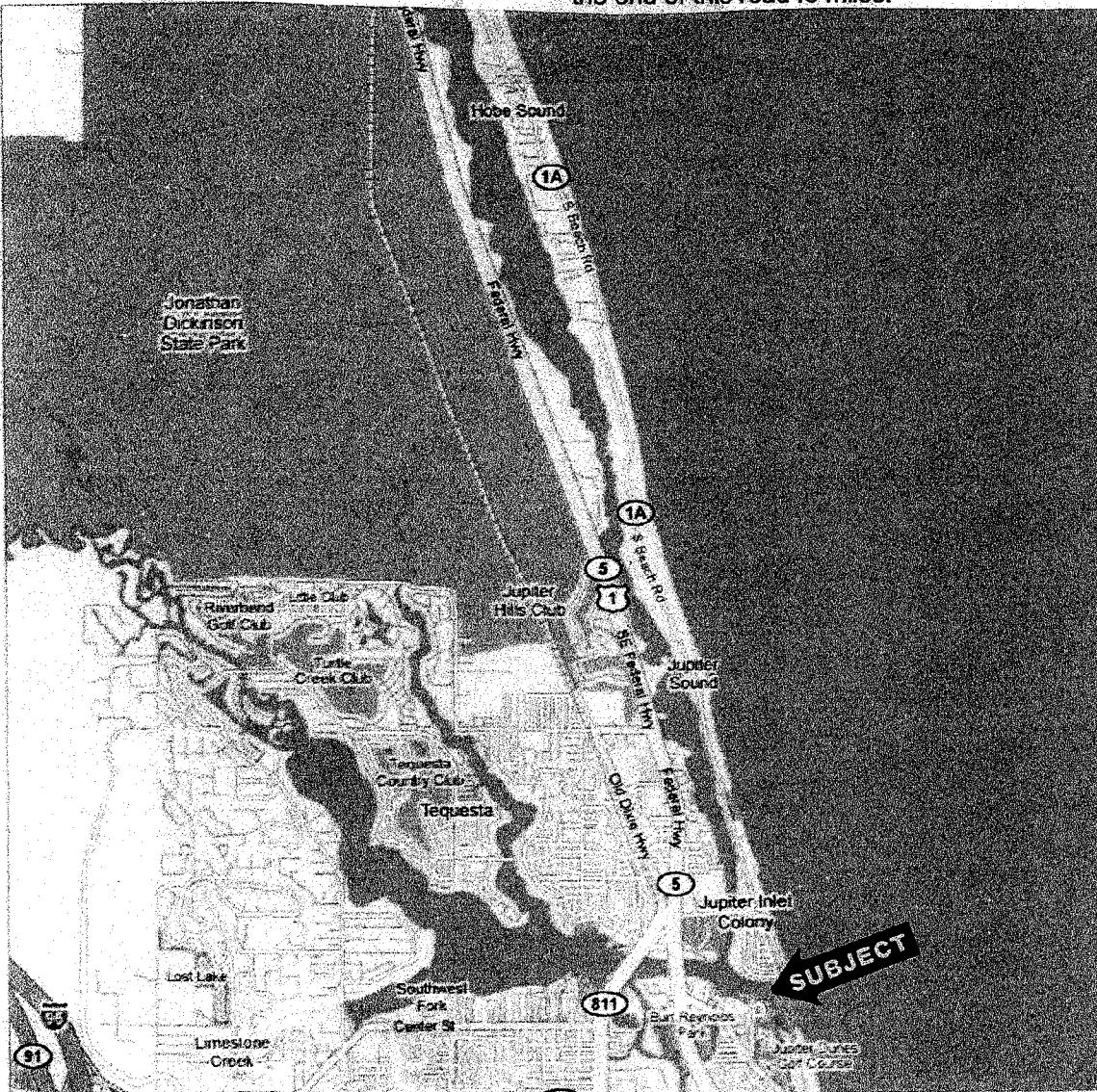
DuBois Park & Zeke's Marina
19075 DuBois Road
Jupiter, FL 33477

Geographic Area

Zeke's Marina and DuBois Park are located in northern Palm Beach County on the Jupiter Inlet. The project site is located south of the Jupiter Inlet, west of the Atlantic Ocean, north of Indiantown Road and east of Alternate A1A.

Driving Directions

I-95 to Indiantown Road, head east on Indiantown road 4.9 miles, to A1A/Ocean Blvd. take a left (north) .4 miles, take a right (east) on Jupiter Beach Road, take an immediate left (north) on DuBois Road, property is located on the end of this road .3 miles.



Florida Forever Program

Project Site purchased w/ FCT funding
Number; 06-041-FF6
Property closed on June 9, 2008
OR Book 22720 OR Page 0802

Florida State Park System

Renovation of Zeke's Marina Project
benefits Jonathan Dickinson State Park
located 3 miles north

