

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

## AGENDA ITEM SUMMARY

**Meeting Date:** May 19, 2009 (X) Consent ( ) Regular  
( ) Workshop ( ) Public Hearing

Department

**Submitted By:** Environmental Resources Management  
**Submitted For:** Environmental Resources Management

## I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to:

**A) adopt** Resolution for Assistance through Florida Inland Navigation District (FIND) Waterways Assistance Program authorizing submission of a grant application requesting \$824,600 to cover a portion of the costs associated with construction of the South Cove Restoration Project located in the Lake Worth Lagoon and the City of West Palm Beach;

**B) authorize** the County Administrator or his designee to sign the project agreements, all future time extensions, task assignments, certifications and other forms associated with the project agreement, and necessary minor agreements that do not change the scope of work or terms and conditions of the agreements if any or all the grants are approved; and

**C) authorize** the Director of the Department of Environmental Resources Management to serve as Liaison Agent with FIND for this projects.

**Summary:** The County will be submitting a grant proposal which will reimburse the County \$824,600, (31.5%) of the South Cove Restoration project which is currently approved to go forward. If successful in receiving funding, the grant will potentially reduce the County's match requirements from other funding sources depending on the results of the construction bid. The deadline for spending the grant is September, 2012. District 4 (SF)

**Background and Justification:** On December 18, 2007 (R2007-2279) and December 16, 2008 (R2008-2327), the Board approved contracts with Florida Department of Environmental Protection's Lake Worth Lagoon Partnership Program that included \$600,000 and \$415,000 for the South Cove Restoration Project. County matching funds for the grants is a combination of Vessel Registration Fee Dollars, Manatee Funds, and in-kind services. If successful, the FIND grant will potentially reduce County costs for the South Cove Restoration Project. Construction of the project is anticipated to begin in fall of 2009. A Budget Amendment and the executed grant will be submitted to the BCC after it has been approved.

**Attachments:**

1. Resolution --- FIND Waterways Assistance Program
2. FIND Waterways Assistance Program Grant Application

**Recommended by:**

Department Director

Date \_\_\_\_\_

**Approved by:**

## County Administrator

Date \_\_\_\_\_

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<del>_____</del>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

\* Upon grant award a budget amendment will be prepared to recognize the revenues. County match funds may be adjusted at a later time depending on the construction bid outcome.

### C. Department Fiscal Review:

*[Signature]*

## III. REVIEW COMMENTS

### A. OFMB Fiscal and /or Contract Dev. and Control Comments:

<i>[Signature]</i> 5-5-09 OFMB <i>[Signature]</i> SN 4/21/09 CN 4/23/09	<i>[Signature]</i> 5/6/09 Contract Development and Control
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### B. Legal Sufficiency:

*[Signature]* 5-8-09  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

Attachment 1

**ATTACHMENT E-6  
RESOLUTION FOR ASSISTANCE  
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE Palm Beach County Board of County Commissioners is interested in carrying out the following described project for the enjoyment of the citizenry of Palm Beach County and the State of Florida:

Project Title: South Cove Restoration and Boardwalk

Total Estimated Cost \$2,621,400

Brief Description of Project:

The South Cove Restoration project will construct intertidal mangrove and spartina islands on State Submerged Lands that lie to the west of the Intracoastal Waterway (ICW) channel within the Lake Worth Lagoon (LWL). Components of the project will include recreational and environmental educational opportunities to visitors and residents of Downtown West Palm Beach, will improve boating safety by reducing boat wake energy, and will restore the natural estuarine resources of the lagoon. A 556-foot elevated boardwalk and observation platform will allow visitors a closer view of estuarine tidal flats, oyster reefs, seagrass beds, intertidal mangrove and spartina islands. Kiosk, signage, and educational material will provide information about the site. The islands and oyster reefs will provide protection to the existing seagrass beds in the project vicinity by reducing boat wake and wave energy, producing safer navigable water with the ICW.

The proposed project involves the filling of an existing deep dredge hole to cap muck sediments and create three (3) mangrove/spartina islands totaling 1.7 acres as well as create 3.50 acres of potential seagrass habitat. The project also includes placing limestone boulders to create 1.7 acres of potential oyster reef along the eastward extent of existing seagrasses that are located adjacent to the seawall. The third element of the project includes the construction of four (4) mangrove planters and one (1) spartina planter adjacent to the Flagler Drive seawall providing additional 0.31 acres of mangroves and spartina habitat creating greenspace along an existing vertical bulkhead seawall.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Palm Beach County Board of County Commissioners that the project described above be authorized,

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AND, be it further resolved that said Palm Beach County Board of County Commissioners make application to the Florida Inland Navigation District in the amount of 31.5% of the actual cost of the project in behalf of said Palm Beach County Board of County Commissioners

AND, be it further resolved by the Palm Beach County Board of County Commissioners that it certifies to the following:

Section 1:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.
3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Palm Beach County Board of County Commissioners for public use.
4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Palm Beach Board of County Commissioners at a legal meeting held on this 19<sup>th</sup> day of May 2009.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Commissioner John F. Koons,  
Chairman Palm Beach County  
Board of County Commissioners

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Section 2:

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved  
its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon  
being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	_____
Commissioner Burt Aaronson, Vice Chair	_____
Commissioner Karen T. Marcus	_____
Commissioner Shelly Vanna	_____
Commissioner Steven L. Abrams	_____
Commissioner Jess R. Santamaria	_____
Commissioner Addie L. Greene	_____

The Chairperson thereupon declared the Resolution duly passed and adopted this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

By \_\_\_\_\_  
Assistant County Attorney

By \_\_\_\_\_  
Deputy Clerk

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**FLORIDA INLAND NAVIGATION DISTRICT  
2009-2010 Waterways Assistance Program**

**South Cove Restoration and Boardwalk**



**Submitted by  
Palm Beach County Department of  
Environmental Resources Management  
April 01, 2009**



ATTACHMENT E-1

**WATERWAYS ASSISTANCE PROGRAM  
PROJECT APPLICATION  
APPLICANT INFORMATION – PROJECT SUMMARY**

Applicant: Palm Beach County Board of County Commissioners

Department: Department of Environmental Resources Management

Project Title: South Cove Restoration and Boardwalk

Project Director: Richard E. Walesky Title: Director, Palm Beach County Environmental Resources Mgmt

Project Liaison Agent (if different from above): Eric Anderson Liaison Agent Title: Environmental Analyst

Address: 2300 North Jog Road, 4<sup>th</sup> Floor City: West Palm Beach State: FL Zip Code: 33411-2743

Telephone: (561) 233-2400 Fax: (561) 233-2414

Email: rwalesky@co.palm-beach.fl.us and / or eanderson1@co.palm-beach.fl.us

\*\*\*\*\* I hereby certify that the information provided in this application is true and accurate.\*\*\*\*\*

SIGNATURE: Richard E. Walesky

DATE: 3/26/09

**PROJECT SUMMARY NARRATIVE (Please summarize the project in 2 paragraphs or less.)**

The South Cove Restoration project is located north of the Royal Park Bridge adjacent to Flagler Drive in the City of West Palm Beach and immediately west of the Intracoastal Waterway (ICW) channel. Components of the project will include recreational and environmental educational opportunities to visitors and residents of Downtown West Palm Beach, will improve boating safety by reducing boat wake energy, and will restore the natural estuarine resources of the lagoon. A 556-foot elevated boardwalk and observation platform will allow visitors a closer view of estuarine tidal flats, oyster reefs, seagrass beds, intertidal mangrove and spartina islands. Kiosk and educational material will provide information about the sites. The islands and oyster reefs will provide protection to the existing seagrass beds in the project vicinity by reducing boat wake and wave energy, producing safer navigable waters within the ICW.

The South Cove Restoration project will provide critical shallow water habitat for fisheries and wildlife that have been lost due to extensive dredging, filling and seawall construction in the LWL. The project involves the filling of an existing deep dredge hole to cap muck sediments and create three (3) mangrove/spartina islands totaling 1.7 acres as well as create 3.5 acres of seagrass habitat. The project also includes placing limestone boulders to create 1.7 acres of oyster reef habitat along the eastward extent of existing seagrasses. The oyster reef will prevent scouring and loss of seagrass, reduce boat wake in the area, and provide suitable substrate for oyster recruitment. In addition to the mangrove islands, the project will include four (4) mangrove planters and one (1) spartina planter adjacent to the Flagler Drive seawall. These planters will provide an additional 0.3 acres of greenspace along an existing vertical bulkhead seawall.

Form No. 90-22

New 12/17/90, Rev.07-30-02, 08-28-06

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**ATTACHMENT E-2.**  
**APPLICATION CHECKLIST**  
(To be completed by the Applicant)

**This checklist and the other items listed below in items 1 through 14 constitute your application. The required information shall be submitted in the order listed.**

**Any additional information submitted by the applicant is subject to being removed from the package by District staff prior to presentation to the District Board because of reproduction and space considerations.**

**Two (2) copies of your application are required.**

**All information is required to be on 8 1/2" x 11" paper.**

**Maps and drawings may be on 8 1/2" x 14" paper and folded to 8 1/2" x 11" so that they may be folded out after being hole punched and bound in a book.**

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 01) <b>(NOTE: For District Commissioner initials ONLY!)</b> <b>(District Commissioner must initial the yes line on this checklist for the application to be accepted for processing)</b>	_____	_____
2. Applicant Info/Project Summary – E-1 (Form No. 90-22, 1 page) (Form must be completed and signed)	<u>X</u>	_____
3. Application Checklist – E-2 (Form No. 90-26, 2 pages) (Form must be signed and dated)	<u>X</u>	_____
4. Project Information – E-3 (Form No. 90-22a, 1 page)	<u>X</u>	_____
5. Project Evaluation and Rating – E-4(+) (Form No. 91-25) (Form must be completed, proper attachment included) (No signatures required)	<u>X</u>	_____
6. Project Cost Estimate – E-5 (Form No. 90-25, 1 page) (Must be on District form)	<u>X</u>	_____
7. Official Resolution Form – E-6 (Form No. 90-21, 2 pages) (Resolution must be in District format and include items 1-6)	<u>X</u>	_____
8. Attorney's Certification (Land Ownership) – E-7 (Must be on or follow format of Form No. 94-26, legal descriptions alone are not acceptable)	<u>X</u>	_____

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**ATTACHMENT E-2 (Continued)**  
**APPLICATION CHECKLIST**  
 (To be completed by the Applicant)

- |   |          |              |
|---|----------|--------------|
| 9. Project Timeline – E-8 (Form 96-10, 1 page)                                | <u>X</u> | _____        |
| 10. County Location Map   | <u>X</u> | _____        |
| 11. City Location Map (if applicable)   | _____    | <u>X-N/A</u> |
| 12. Project Boundary Map  | <u>X</u> | _____        |
| 13. Site Development Map  | <u>X</u> | _____        |
| 14. Copies of all Required Permits<br>(Required of development projects only) | _____    | <u>X-N/A</u> |

The undersigned, as applicant, acknowledges that Items 1 through 13 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, April 01, 2009. By June 01, 2009 my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 14 is due to the District no later than the final TRIM Hearing in September 2009. If the information in Item 14 is not submitted to the District office by the District's final TRIM hearing in September 2009, I am aware that my application will be removed from any further funding consideration by the District.

APPLICANT: Palm Beach County Board of County Commissioners

APP. TITLE: Richard E. Walesky, Director, Palm Beach County Environmental Resources Mgmt.

Richard E. Walesky  
 SIGNATURE - APPLICANT'S LIAISON

3/26/09  
 DATE

FIND OFFICE USE ONLY	
Date Received:	
Local FIND Commissioner Review:	
All Required Supporting Documents:	
Applicant Eligibility:	
Project Eligibility:	
Compliance with Rule 66B-2 F.A.C.:	
Eligibility of Project Cost:	

**ATTACHMENT E-3**  
**PROJECT INFORMATION**

Total Project Cost: \$2,621,400 FIND Funding Requested: \$824,600 % of total cost: 31.5%

Amount and Source of Applicants Matching Funds: \$781,800 - Palm Beach County Environmental Enhancement / Manatee Funds; \$1,015,000 - FDEP Lake Worth Lagoon Partnership Grant Program

Other (non-FIND) Assistance applied for (name of program and amount): N/A

Ownership of Project Site (check one): Own: \_\_\_\_\_ Leased: \_\_\_\_\_ Other: State of Florida Submerged Lands

If leased or other, please describe lessor terms and conditions:

Palm Beach County has a pending Consent of Use Permit from FDEP for the construction of the project. FDEP issued the Notice of Intent on August 12, 2008. The City of West Palm Beach has completed Attachment E-7 the Certificate of Title form.

Once completed, will this project be insured? Yes Explain: The County will maintain the natural components of the project. The County anticipates an agreement with the City of West Palm Beach for the City to maintain the boardwalk.

Has the District previously provided assistance funding to this project or site? : No If yes, please list: N/A

What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable):

There is currently a vertical seawall along Flagler Drive that currently provides no public access to the Lake Worth Lagoon or the Intracoastal Waterway.

How many additional ramps, slips, parking spaces or other public access features will be added by the completion of this project? (as applicable):

This project will provide a 556ft elevated boardwalk and one 16ft by 16ft kiosk platform and one 16ft by 16ft observation platform. The boardwalk will provide educational opportunities with the incorporation of kiosks and educational signage.

If there are fees charged for the use of this project, please denote. How do these fees compare with fees from similar public & private facilities in the area? Please provide documentation.

There will be no charge for the use of the boardwalk / observation deck.

**Please list all Environmental Resource Permits Required for this project:**

<u>Agency</u>	<u>Yes/ No N/A</u>	<u>Date Applied For</u>	<u>Date Received</u>
WMD	<u>No</u>	<u>N/A</u>	<u>N/A</u>
DEP	<u>Yes</u>	<u>10/29/07</u>	<u>Pending</u>
ACOE	<u>Yes</u>	<u>10/29/07</u>	<u>Pending</u>
COUNTY/CITY	<u>No</u>	<u>N/A</u>	<u>N/A</u>

Form No. 90-22a (New 10-14-92, Rev. 04-24-06, 4-15-07)

ATTACHMENT E-4

WATERWAYS ASSISTANCE PROGRAM  
APPLICATION EVALUATION AND RATING WORKSHEET

The applicant is to complete this worksheet by entering the project title, applicant name and answers to the applicable questions. **\*\*Do not answer with more than three sentences.\*\***

All applicants must answer a total of ten questions. All applicants will complete Attachment E-4 of the worksheet, which includes questions 1 through 6.

Each applicant will then complete **one and only one sub-Attachment** (E-4 A, B, C, D or E, questions 7-10) according to the applicant's project type in reference to Attachment B. The applicant should determine their project type (if the project incorporates more than one project type) by determining which project type is dominant in terms of project cost.

**All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.**

APPLICATION TITLE: South Cove Restoration and Enhancement Project

APPLICANT: Palm Beach County Board of County Commissioners

CATEGORY & RATING POINTS AVAILABLE	RATING POINTS	EVALUATION CRITERIA
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1) PRIORITY LIST:

- a) List the priority list category of this project from Attachment C in the application. (The application may only be of one type based upon the predominant cost of the project elements.)

**Waterway Related Environmental Education Programs & Facilities**

- b) Explain how the project fits this priority category.

The facility will provide an increase in both recreational and environmental educational opportunities to visitors and residents of downtown West Palm Beach. The project will incorporate kiosks and educational signage along a 556ft elevated boardwalk with one 16ft by 16ft kiosk platform attached to a 16ft x 16ft observation platform to allow greater viewing of the LWL waterfront and project area. The South Cove restoration project will provide local schools and universities a "living classroom" to observe various estuarine habitats at one location.

(For reviewer only)

Max. Available Score \_\_\_\_\_

Range of Score (0 to \_\_\_\_\_ points)

## **2) WATERWAY RELATIONSHIP:**

- a) Explain how the project directly relates to the ICW and the mission of the Navigation District.**

This project is adjacent to and directly west of the ICW, in an urban area of the LWL, that currently experiences high speed boat traffic generating boat wakes that reflect off the vertical bulkhead seawall. This project will fill a large anoxic dredge hole, cap muck sediments and bring up elevations to a height that will support seagrass growth at the same time creating critical shallow water habitat, intertidal mangrove and spartina islands, and oyster reef habitat all reducing boat wake energy in the area. This facility will also offer visitors and residents of West Palm Beach both recreational and educational opportunities, informational signs about the ICW, LWL and the project will posted on kiosks on the boardwalk.

- b) How does the project benefit public navigation or access to the ICW or adjoining waterways?**

The project will greatly improve safe boating navigation in the ICW with the creation of the intertidal islands and oyster reef which will reduce boat wake energy in an area that currently has a vertical bulkhead seawall. The project area will be utilized by fisherman in small boats, provide a safe boating area for kayaks and canoes, and provide pedestrians access for waterfront viewing of the lagoon.

*(For reviewer only)*  
*(0-6 points)*

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### **3) PUBLIC USAGE & BENEFITS:**

**a) How is the public usage of this project clearly identified and quantified?**

The project has been designed with the intent of restoring a highly urbanized area of the lagoon that receives high visitor traffic due to its proximity to downtown West Palm Beach. This project will also create public awareness about the natural resources within the LWL, and allow all residents and visitors to Palm Beach County to enjoy the waterfront project through the access of a boardwalk and observation deck that will provide greater public knowledge and access to the lagoon. The project will act as a "living classroom" that will showcase the various estuarine habitats of the lagoon at the same time providing an improved recreational area to fish, canoe, kayak, or enjoy the waterfront.

**b) Discuss the regional local public benefits and access to be provided by the project.**

The LWL is heavily urbanized estuarine system that has lost over 70% of its natural resources over the past 50 years. This project will restore a critical shallow water habitat, improve water quality, and provide both educational and recreational opportunities to downtown West Palm Beach's waterfront.

**c) Estimate the amount of total public use.**

The South Cove Restoration Project is located in downtown West Palm Beach along Flagler Drive, just north of Royal Palm Bridge south of the Meyer Amphitheater. This area is used for many public events and festivals throughout the year, such as SunFest Music and Art Festival, Palm Beach Boat Show, Fourth on Flagler, Marathon of the Palm Beaches; these events attract tens of thousands of participants annually. This project will be the Palm Beach County's most visible estuarine restoration project both by water and land due to the proximity to West Palm's downtown area, the restoration area and boardwalk is expected to be used daily by both Palm Beach County residents and visitors.

**d) Can residents from other counties of the District reasonably use the project? Explain.**

This facility will be able to be used and enjoyed by all residents and visitors to the area.

*(For reviewer only)*  
*(0-8 points)*

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#### 4) TIMELINESS

- a) Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-8.

FDEP and ACOE permits applied for in October 2007.  
FDEP issued Notice of Intent to issue permit on August 12, 2008.  
ACOE issued Notice of Intent to issue permit on August 29, 2008.  
Construction scheduled to begin January 2010.  
Expected project completion October 2010.

- b) Briefly explain any unique aspects of this project that could influence the project timeline.

Currently the FDEP Environmental Resource Permit has been challenged and is scheduled for a Chapter 120 Florida Statutes Administrative Hearing; June 15 -19, 2009.

*(For reviewer only)*  
*(0-3 points)*

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#### 5) COSTS & EFFICIENCY:

- a) List any additional funding sources and the status and amount of the corresponding funding that will be utilized to complete this project.

In addition to the requested funding to FIND for \$824,600 Palm Beach County has secured: \$1,015,000 from FDEP Lake Worth Lagoon Partnership Grant Program and \$781,800 from Palm Beach County Environmental Enhancement / Manatee Protection Program Funds.

- b) Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.

The bid for this project has yet to be awarded to a contractor, so estimates are based on recently completed projects and current costs. Additional sand / fill may need to be purchased if materials of opportunity are not utilized.

- c) Describe any methods to be utilized to increase the cost efficiency of this project.

To decrease the cost of the project Palm Beach County may utilize fill material from the Palm Harbor Marina expansion project to create the intertidal islands. We will also explore additional options to utilize spoil material generated from other construction projects including Juno Dunes NA, site MSA 614B.

- d) If there are any fees associated with the use of this facility, please detail. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.

There will be no fees associated with facility; this facility will be free to the public.

*(For reviewer only)*  
*(0-6 points)*

**6) PROJECT VIABILITY:**

**a) Does the project fill a specific need in the community?**

This project will provide important recreational and educational opportunities along the LWL waterfront for all residents and visitors of downtown West Palm Beach, providing a "living classroom" for the students of local schools. The intertidal islands and oyster reefs will not only provide improve habitat for the wildlife of the LWL but provide needed wake attrition for boater traveling along the ICW. The recruitment of oysters along with the capping of the muck sediments in the existing hole will improve water quality conditions within the project area

**b) Clearly demonstrate how the project will continue to be maintained after District funding is completed.**

Palm Beach County and The City of West Palm Beach may execute an Interlocal Agreement for Palm Beach County to construct and monitor the natural resources associated with the project, and the City of West Palm Beach to provide the required maintenance and security associated with the boardwalk and observation deck in perpetuity.

**c) Will the program result in significant and lasting benefits? Please describe any environmental benefits associated with this project.**

This project will create and improve an important estuarine habitat in an urban portion of the lagoon by filling in a deep anoxic dredge hole that will cap muck sediments that are currently resuspended in the water column with wind and wave generating activities, improving water quality in this area. The enhanced habitat will recruit a variety of wildlife from juvenile fish, invertebrates, oysters, wading birds, and provide habitat for manatees. This project will create critical shallow water habitat that has been lost due to extensive dredging, filling, and seawall construction activities over the past 50 years within the lagoon.

*(For reviewer only)*  
*(0-7 points)*

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SUB-TOTAL \_\_\_\_\_

FIND FORM NO. 91-25  
(Effective Date: 3-21-01, Revised 4-24-06)



**ATTACHMENT E-4A**  
**WATERWAYS ASSISTANCE PROGRAM**  
**APPLICATION EVALUATION AND RATING WORKSHEET**  
**DEVELOPMENT & CONSTRUCTION PROJECTS**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A  
DEVELOPMENT OR CONSTRUCTION PROJECT BUT IS NOT AN INLET  
MANAGEMENT OR BEACH RENOURISHMENT PROJECT.

CATEGORY & RATING POINTS AVAILABLE	RATING POINTS	EVALUATION CRITERIA
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**7) PERMITTING:**

- a) Have all required environmental permits been applied for? If permits are NOT required, explain why not.

Environmental Permit applications have been submitted to both FDEP and ACOE for construction of this environmental restoration and elevated boardwalk on October 29, 2007. FDEP issued the Notice of Intent to issue permit on August 12, 2008. ACOE issued Notice of Intent to issue permit on August 29, 2008. However due to a challenge to the FDEP permit, neither permit has been issued until the permit is presented to a hearing officer in an upcoming Chapter 120 Florida Statutes Administrative Hearing which is scheduled for June 15, 2009.

- b) If the project is a Phase I project, list the tasks scheduled to obtain the necessary permits and engineering work.

Not a phase 1 project.

- c) Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.

Currently the FDEP Environmental Resource Permit has been challenged and is scheduled for a Chapter 120 Florida Statutes Administrative Hearing; June 15 -19, 2009.

(For reviewer only)  
(0-4 points)

## 8) PROJECT DESIGN:

- a) **Has the design work been completed? If this is a Phase I project, has a preliminary design been developed?**

The project design and surveys associated with the South Cove Restoration and Boardwalk project have been completed. Project is ready for construction.

- b) **Are there unique beneficial aspects to the proposed design that enhance public usage or access, decrease environmental impacts, improve water quality or reduce costs?**

The boardwalk has been designed to showcase the various estuarine habitats of the lagoon. The project has been designed to enhance the current resources of the area; by capping the muck sediments, creating the seagrass, intertidal, and oyster habitat, all which will provide important shallow water habitat and improve the water quality of the area. The County will explore options to utilize spoil material generated from other construction projects that may significantly reduce the cost of the project; including Palm Harbor Marina expansion, Juno Dunes NA, site MSA 614B, or any other projects that may be able to supply sand.

*(For reviewer only)*  
*(0-2 points)*

## 9) CONSTRUCTION TECHNIQUES:

- a) **Briefly explain the construction techniques to be utilized for this project.**

The dredge holes will be filled using mechanical methods with a clam shell excavator placing the sand from a barge. The construction of the intertidal islands, planters and boardwalk will be constructed using both land-based and water-based techniques using shallow draft barge-mounted equipment. Local volunteers will be used to plant all the mangroves and spartina on the intertidal islands and seawall planters.

- b) **How are the construction techniques utilized appropriate for the project site?**

Land-based construction and shallow draft barge use will minimize environmental impacts. The simplified design will reduce construction costs.

- c) **Identify any unusual construction techniques that may increase or decrease the costs of the project.**

The South Cove Restoration project is utilizing dredge material from the Palm Harbor Marina expansion project. We will also explore additional options to utilize spoil material generated from construction of Juno Dunes NA, site MSA 614B to reduce the cost of sand.

*(For reviewer only)*  
*(0-3 points)*

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**10) CONSTRUCTION MATERIALS:**

- a) **List the materials to be utilized for this project. What is the design life of the proposed materials?**

Building material will include: Native LWL sand, limestone boulders, bedding stone, geotextile material, timberguard wood or concrete pilings, sustainably farmed Ipe (Brazilian hardwood), stainless steel hardware. Planting materials will include native red mangrove seedlings, and spartina cordgrass. The design life of the wood and concrete structures will be 30+ years, the rock and habitat is expected to last indefinitely.

- b) **Describe any recyclable material to be utilized. How does the recyclable material (if any) compare to other available material?**

No recyclable material is proposed for the construction of this project.

- c) **Identify any unique construction materials that may significantly alter the project costs.**

The availability of Ipe wood could alter the costs of the boardwalk and observation deck. The availability of sand for this project could also alter the final project costs.

*(For reviewer only)*  
*(0-3 points)*

---

**RATING POINT  
TOTAL** \_\_\_\_\_

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 0 points. A score of 35 points or more is required to be considered for funding.)

**ATTACHMENT E-5**

**FLORIDA INLAND NAVIGATION DISTRICT  
ASSISTANCE PROGRAM**

**PROJECT COST ESTIMATE**

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

**PROJECT TITLE:** South Cove Restoration and Boardwalk

**APPLICANT:** Palm Beach County Board of County Commissioners

<b>Project Elements</b> <i>(Please list the MAJOR project elements and provide a general cost break out for each one. For Phase I Projects, please list the major elements and products expected)</i>	<b>Quantity Estimated Cost (Number and/or Footage)</b>	<b>Total Costs</b>	<b>Applicant's Cost</b>	<b>FIND Cost</b>
Limestone Boulders	10,358 tons @ \$100 a ton	\$1,035,800	\$685,800	\$350,000
Additional Sand / Fill	44,000 cy @ \$20 a cy	\$880,000	\$880,000	\$0
Construction of a 556' boardwalk (10' wide) and additional 16' platform with kiosk totaling 572 lin. ft	572 lin. ft @\$750/lin. ft	\$429,000	\$0	\$429,000
Construction of observation deck (16ft x 16ft)	(256 lin. ft.) @\$600/lin.ft.	\$25,600	\$0	\$25,600
Kiosk and signage	N/A	\$20,000	\$0	\$20,000
Red Mangrove seedlings	10,000 seedlings @\$2.50 per plant	\$25,000	\$25,000	\$0
Spartina Cordgrass	3,000 plugs @\$2.00 per plant	\$6,000	\$6,000	\$0

<b>Totals That Qualifies for FIND Funding =</b>	<b><u>\$2,421,400</u></b>	<b><u>\$1,596,800</u></b>	<b><u>\$824,600</u></b>
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<b>Design, Permitting, Engineering &amp; Construction Management</b>	<b><u>\$200,000</u></b>	<b><u>\$200,000</u></b>	<b><u>\$0</u></b>
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<b>Total Project Costs =</b>	<b><u>\$2,621,400</u></b>	<b><u>\$1,796,800</u></b>	<b><u>\$824,600</u></b>
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**ATTACHMENT E-6  
RESOLUTION FOR ASSISTANCE  
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE Palm Beach County Board of County Commissioners is interested in carrying out the following described project for the enjoyment of the citizenry of Palm Beach County and the State of Florida:

Project Title: South Cove Restoration and Boardwalk

Total Estimated Cost \$2,621,400

Brief Description of Project:

The South Cove Restoration project will construct intertidal mangrove and spartina islands on State Submerged Lands that lie to the west of the Intracoastal Waterway (ICW) channel within the Lake Worth Lagoon (LWL). Components of the project will include recreational and environmental educational opportunities to visitors and residents of Downtown West Palm Beach, will improve boating safety by reducing boat wake energy, and will restore the natural estuarine resources of the lagoon. A 556-foot elevated boardwalk and observation platform will allow visitors a closer view of estuarine tidal flats, oyster reefs, seagrass beds, intertidal mangrove and spartina islands. Kiosk, signage, and educational material will provide information about the site. The islands and oyster reefs will provide protection to the existing seagrass beds in the project vicinity by reducing boat wake and wave energy, producing safer navigable water with the ICW.

The proposed project involves the filling of an existing deep dredge hole to cap muck sediments and create three (3) mangrove/spartina islands totaling 1.7 acres as well as create 3.50 acres of potential seagrass habitat. The project also includes placing limestone boulders to create 1.7 acres of potential oyster reef along the eastward extent of existing seagrasses that are located adjacent to the seawall. The third element of the project includes the construction of four (4) mangrove planters and one (1) spartina planter adjacent to the Flagler Drive seawall providing additional 0.31 acres of mangroves and spartina habitat creating greenspace along an existing vertical bulkhead seawall.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Palm Beach County Board of County Commissioners that the project described above be authorized,

AND, be it further resolved that said Palm Beach County Board of County Commissioners make application to the Florida Inland Navigation District in the amount of 31.5% of the

actual cost of the project in behalf of said Palm Beach County Board of County Commissioners

AND, be it further resolved by the Palm Beach County Board of County Commissioners that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.

2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

Form No. 90-21 (Effective date 12-17-90, Rev. 10-14-92)

(1)

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Palm Beach County Board of County Commissioners for public use.

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

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This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Palm Beach Board of County Commissioners at a legal meeting held on this 5<sup>th</sup> day of May 2009.

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Attest

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Signature

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Title

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Chairperson, Palm Beach County  
Board of County Commissioners



*"The Capital City of the Palm Beaches"*

**OFFICE OF THE CITY ATTORNEY**

401 Clematis Street - 5th floor  
P.O. Box 3366 (33402)  
West Palm Beach, Florida 33401

Tel: 561/ 822-1350  
Fax: 561/ 822-1373

**ATTACHMENT E-7**

**ATTORNEYS CERTIFICATION OF TITLE**  
(See Rule 66B-2.006(4) & 2.008(2) FAC)

March 20, 2009

**TO WHOM IT MAY CONCERN:**

I, Suzanne Payson, am an Assistant City Attorney for the City of West Palm Beach, Florida. I hereby state that I have examined a copy of the Dedication by the Trustees of the Internal Improvement Fund of the State of Florida to the City of West Palm Beach dated August 1, 1966 dedicating the property described in Exhibit "A" attached hereto to the City for road right-of-way and parkway purposes.

I have also examined documents showing that this property is not listed on the tax rolls as belonging in private ownership. Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "South Cove Natural Area and Boardwalk" adjacent to Flagler Road Right-of-Way.

I certify that the City of West Palm Beach does in fact control this property in accordance with the Dedication by the state.

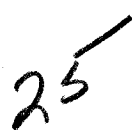
Very truly yours,

Suzanne H. Payson  
Assistant City Attorney

SP/jh

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TRUSTEES OF THE INTERNAL IMPROVEMENT FUND  
OF THE STATE OF FLORIDA

DEDICATION

NO. 24314 (1841-50)

KNOW ALL MEN BY THESE PRESENTS: That the Trustees of the Internal Improvement Fund of the State of Florida, in pursuance of application by the CITY OF WEST PALM BEACH, a municipal corporation of the State of Florida, by Resolution No. 47-66 adopted May 16, 1966, for dedication of the lands hereinafter described for road right of way and parkway purposes, approved by said Trustees on July 26, 1966, have dedicated, and by these presents do hereby dedicate the following described lands in Palm Beach County, Florida, to-wit:

A parcel of submerged land in Lake Worth in Section 22, Township 43 South, Range 43 East, City of West Palm Beach, Palm Beach County, Florida, more particularly described as follows:

From the point of intersection of the center line of Fern Street, West Palm Beach Original Townsite, according to the plat thereof recorded in Plat Book 1, Page 2, Public Records of Palm Beach County, Florida, with the center line of Olive Avenue, as shown on said plat, run South 88° 03' 48" East along the center line of said Fern Street and its easterly extension, a distance of 477.89 feet, more or less, to a point in the City of West Palm Beach Bulkhead Line established by Ordinance No. 838-63, September 23, 1963, and the Point of Beginning of the tract of land hereinafter described; thence Easterly along the same course, a distance of 132.40 feet; thence South 13° 05' 06" West a distance of 82.59 feet; thence South 7° 28' 44" West a distance of 389.73 feet to the beginning of a curve concave to the East, having a radius of 583.61 feet and a central angle of 34° 04' 30"; thence Southerly along the arc of said curve a distance of 347.09 feet to the end of said curve and the beginning of a curve concave to the Northeast having a radius of 554.10 feet and a central angle of 55° 15' 44"; thence Southerly and Southeasterly along the arc of said curve, a distance of 534.43 feet to the end of said curve; thence South 43° 19' 24" East, a distance of 642.36 feet, more or less, to an angle point in said City of West Palm Beach Bulkhead Line, as said angle point is shown on Sheet No. 5 of the Map of said City of West Palm Beach, Florida, 1963 Bulkhead Line and recorded in Plat Book 27, Page 231 to 239, inclusive, and located on Royal Park Bridge; thence North 81° 11' 20" West, a distance of 120 feet, more or less, to the face of an existing concrete bulkhead; thence Northerly, Northwesterly, Northerly, Westerly and Northwesterly along the face of said concrete bulkhead and along the

High Water line along the shore of Lake Worth to a point in a line which bears North  $3^{\circ} 04' 24''$  East from the point of intersections of the southerly right of way line of Trinity Place (formerly Benton Street) and the westerly right of way line of Chase Avenue (formerly Chase Street), as said right of way lines are shown on the plat of PHILLIPS POINT, recorded in Plat Book 1, Page 52, to the point of intersection of the easterly extension of the northerly line of the "PRIVATE ROAD" as shown on the plat of "PILICAN LODGE" recorded in Plat Book 16, Page 21 with said City of West Palm Beach Bulthead line; thence North  $3^{\circ} 04' 24''$  East along said line, a distance of 119.65 feet, more or less, to said point in the City of West Palm Beach Bulthead line and being a point in the arc of a curve concave to the East and having a radius of 1,100 feet; thence northerly along the arc of said curve and through an angle of  $24^{\circ} 37' 07''$ , a distance of 472.64 feet to the end of said curve; thence North  $7^{\circ} 28' 44''$  East along said Bulthead line and tangent to said curve, a distance of 396.10 feet; thence North  $13^{\circ} 05' 06''$  East, a distance of 63.79 feet, more or less, to the point of beginning; containing 6.50 acres, more or less.

The above described lands shall be used for road right of way and parkway purposes only, under the supervision and management of the CITY OF WEST PALM BEACH, FLORIDA, subject to the following provisions:

In the event the said City of West Palm Beach shall (1) use said lands for other than road right of way and parkway purposes, or (2) for a period of five consecutive years shall fail and neglect to maintain and use the same for said purposes, the dedication hereby made shall at the option of said Trustees be subject to termination upon sixty days notice in writing by the Trustees to said City.

IN TESTIMONY WHEREOF, the said Trustees of the Internal Improvement Fund of the State of Florida have hereunto subscribed their names and have caused the official seal of said Trustees to be hereunto affixed, in the City of Tallahassee, Florida, on this 1st day of August, A. D. 1956.

(SEAL)  
Trustees Internal Improvement Fund

Charles B. Bunn  
Clerk

Charles B. Bunn  
Comptroller

Paul F. Smith  
Treasurer

Paul F. Smith  
Attorney General

Paul F. Smith  
Commissioner of Agriculture

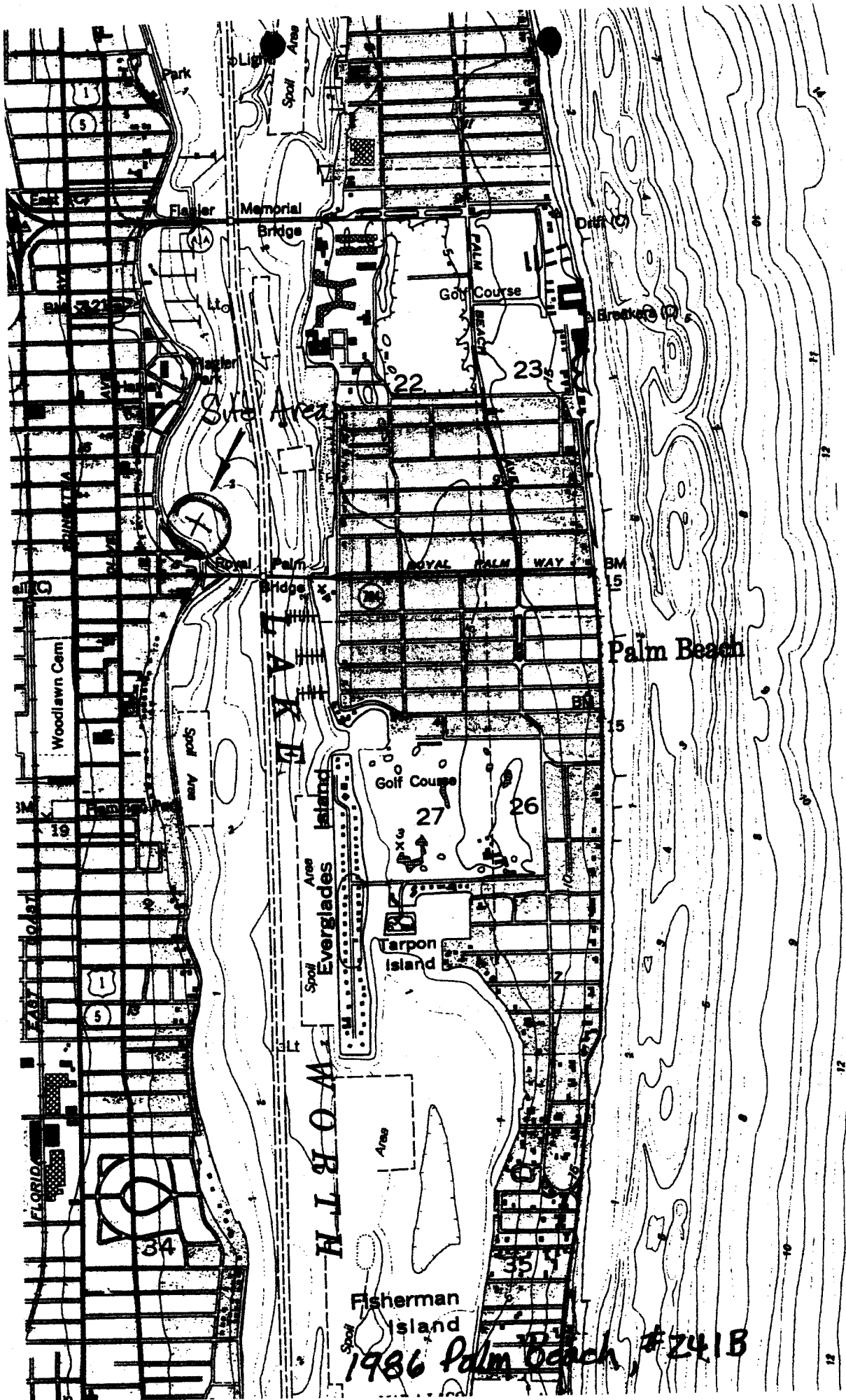
As and Constituting the Trustees  
of the Internal Improvement Fund  
of the State of Florida.

24314 (1841-50)

NOTE:

The attached instrument is executed in the name of the Trustees of the Internal Improvement Fund, by a majority of its members. Signature of all members could not be secured by reason of absence from the United States of the member whose signature is not inscribed. Reference is made to "27 So. 2nd 524", Watson v. Caldwell in which the Supreme Court held that a majority of the Trustees may legally act for the entire Board.

Director *Robert C. Parker*  
Trustees of the Internal Improvement Fund











SUBMERGED LAND AREA to be dedicated to the City of West Palm Beach Acres, more or less

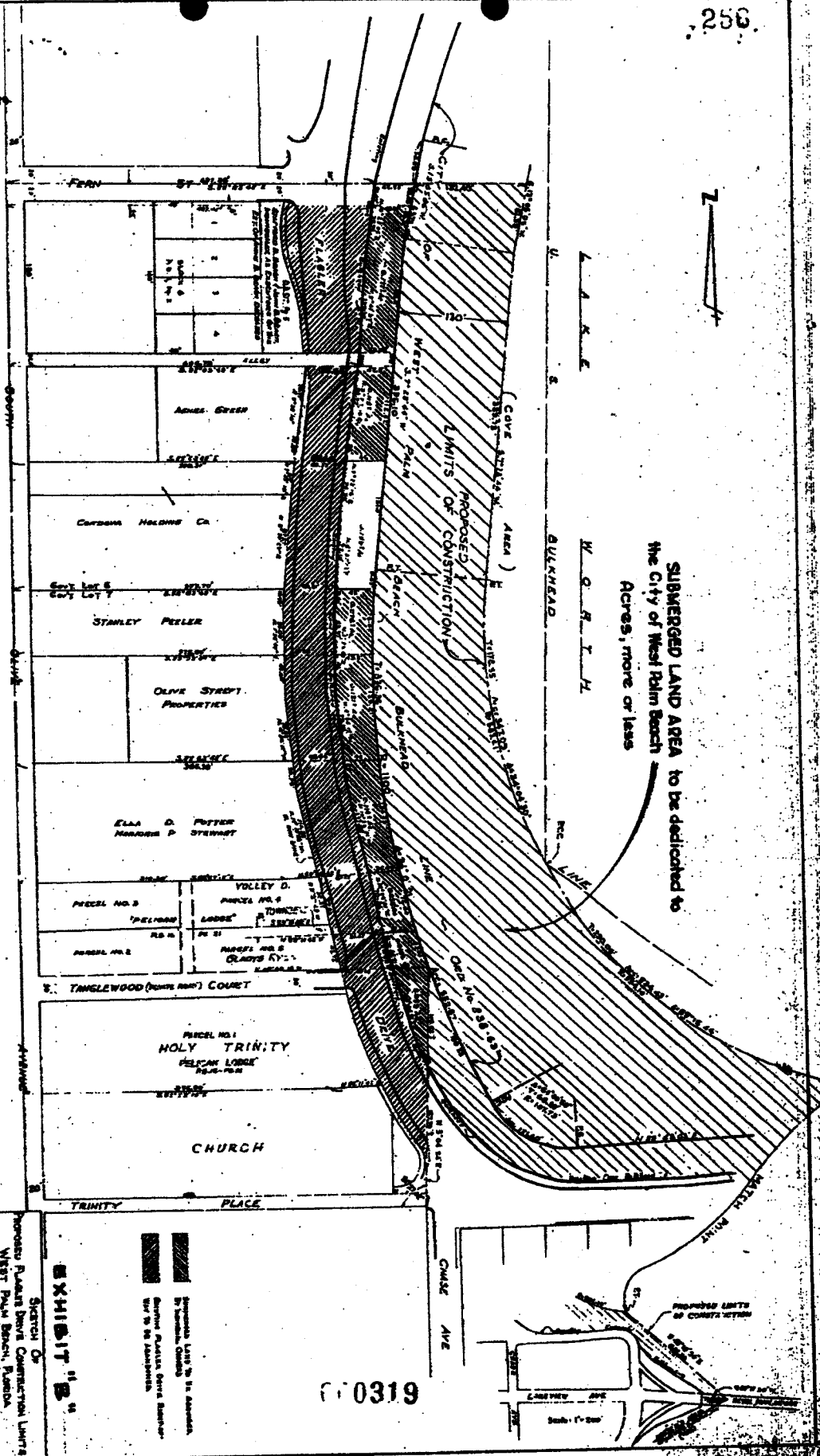


EXHIBIT "B"

Sketch of Proposed Platted Drive Construction Limits West Palm Beach, Florida For Dec. 4, 1950. Construction Limits

FILED	CLERK	DATE	TIME
1950	12	15	10:00
1950	12	15	10:00
1950	12	15	10:00
1950	12	15	10:00
1950	12	15	10:00
1950	12	15	10:00
1950	12	15	10:00
1950	12	15	10:00
1950	12	15	10:00
1950	12	15	10:00

00319

**ATTACHMENT E-8**  
**WATERWAYS ASSISTANCE PROGRAM**  
**PROJECT TIMELINE**

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including completion dates, as applicable, for; permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

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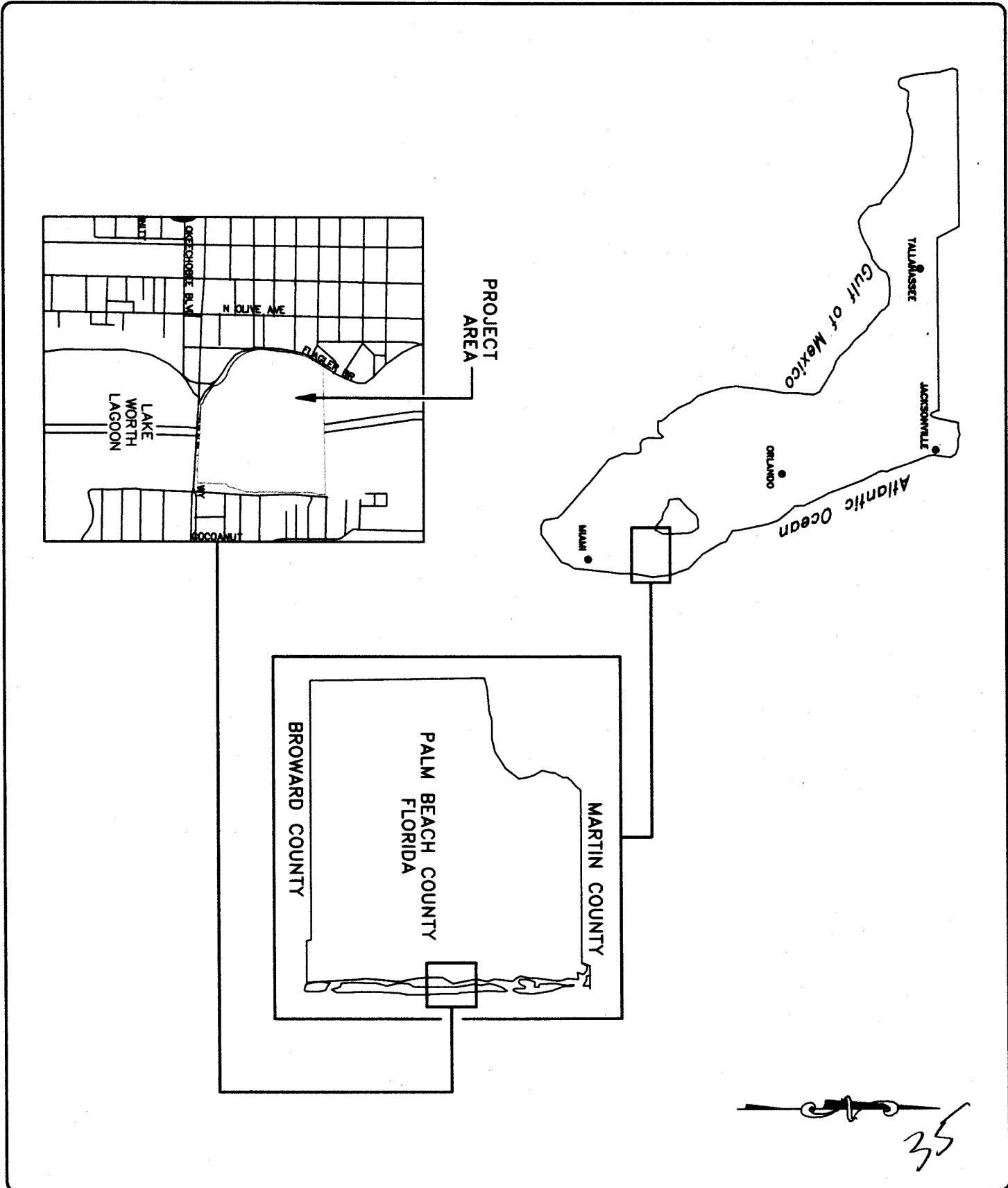
State permitting (FDEP) submitted application: October 29, 2007

- Received Notice of Intent to issue permit on August 12, 2008
- Permit pending June 2009 120 Hearing

Federal permitting (ACOE) submitted Nationwide permit application: October 29, 2007

- Received Notice of Intent to issue permit on August 29, 2008
- Permit pending June 2009 120 Hearing

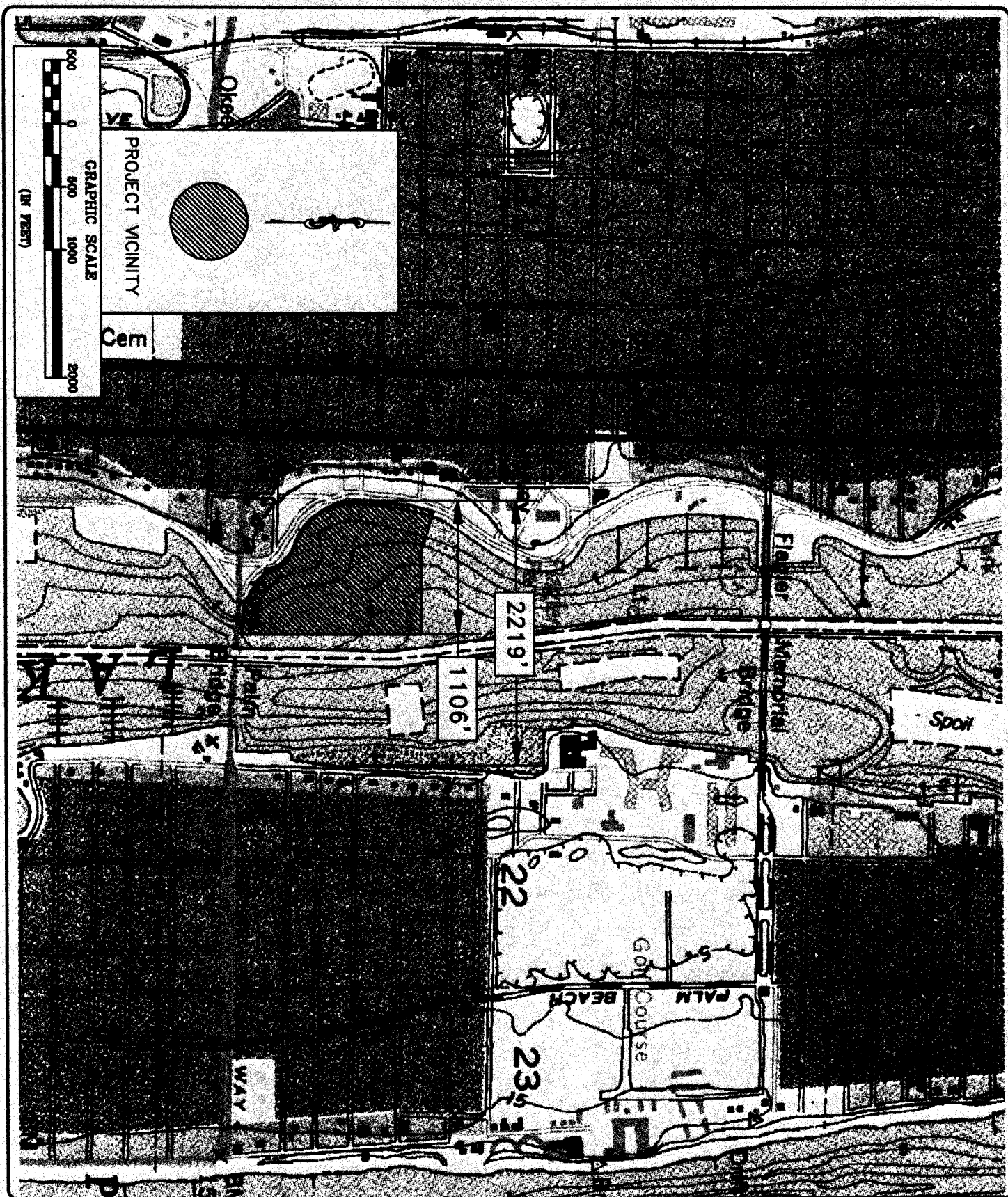
Components	Anticipated Date of Completion in Months	
	2009	2010
	A M J J A S O N D	J F M A M J J A S O N
Design	A M J	
Permitting	A M J J A S	
Surveys	A M	
Engineering	A M J J A S O	
Contractor Procurement	J A S O N D	
Mobilization		J F M
Fill site to elevation		F M A M J
Rock placement		J J
Boardwalk construction		J A
Planting		S
Demobilization		O



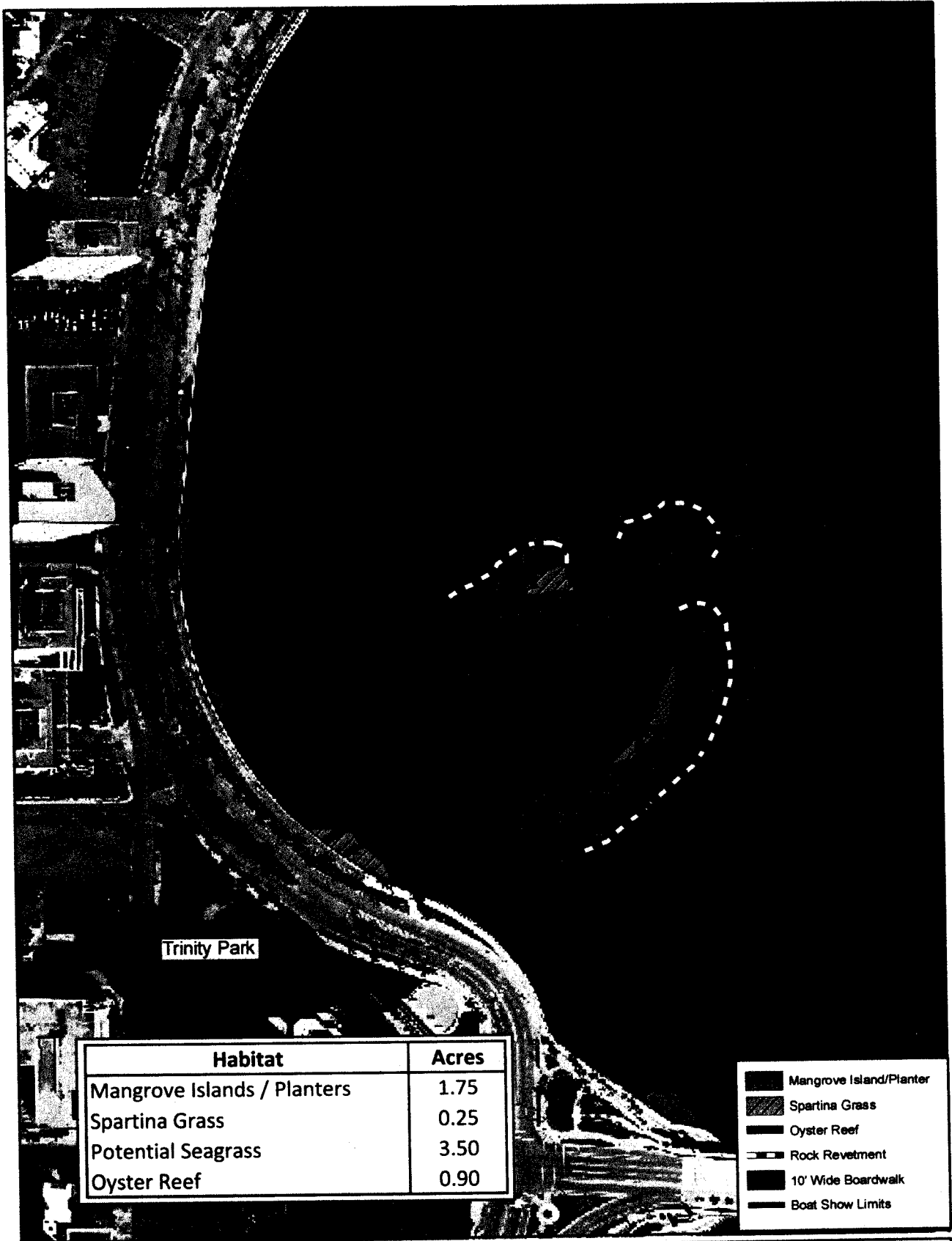
35

Sheet <b>1</b> of 11	Project <b>SOUTH COVE RESTORATION</b>	SEAL	Scale: AS NOTED Approved: CT Drawn: MKE Checked: EA Date: 01/20/2008 Field Book No:	Revision:	By:	Date:
	<b>LOCATION MAP</b>		Date:	By:	Date:	

**PALM BEACH COUNTY**  
 DEPARTMENT OF  
**ENVIRONMENTAL RESOURCES MANAGEMENT**  
 2300 NORTH JOG ROAD, 4th FLOOR  
 WEST PALM BEACH, FLORIDA 33411  
 (561) 233-2400



Scale 2" = 11'	Project <b>SOUTH COVE RESTORATION</b>	SEAL	Revision AS PER PDEP REQUEST	By HME	Date 1/1/00		<b>PALM BEACH COUNTY</b> DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2300 NORTH JOG ROAD, 4th FLOOR WEST PALM BEACH, FLORIDA 33411 (561) 233-2400
	Project Vicinity <b>PROJECT VICINITY</b>		Scale AS NOTED	Approved CT	Checked HME		



**Attachment A: Plan View  
South Cove Natural Area**

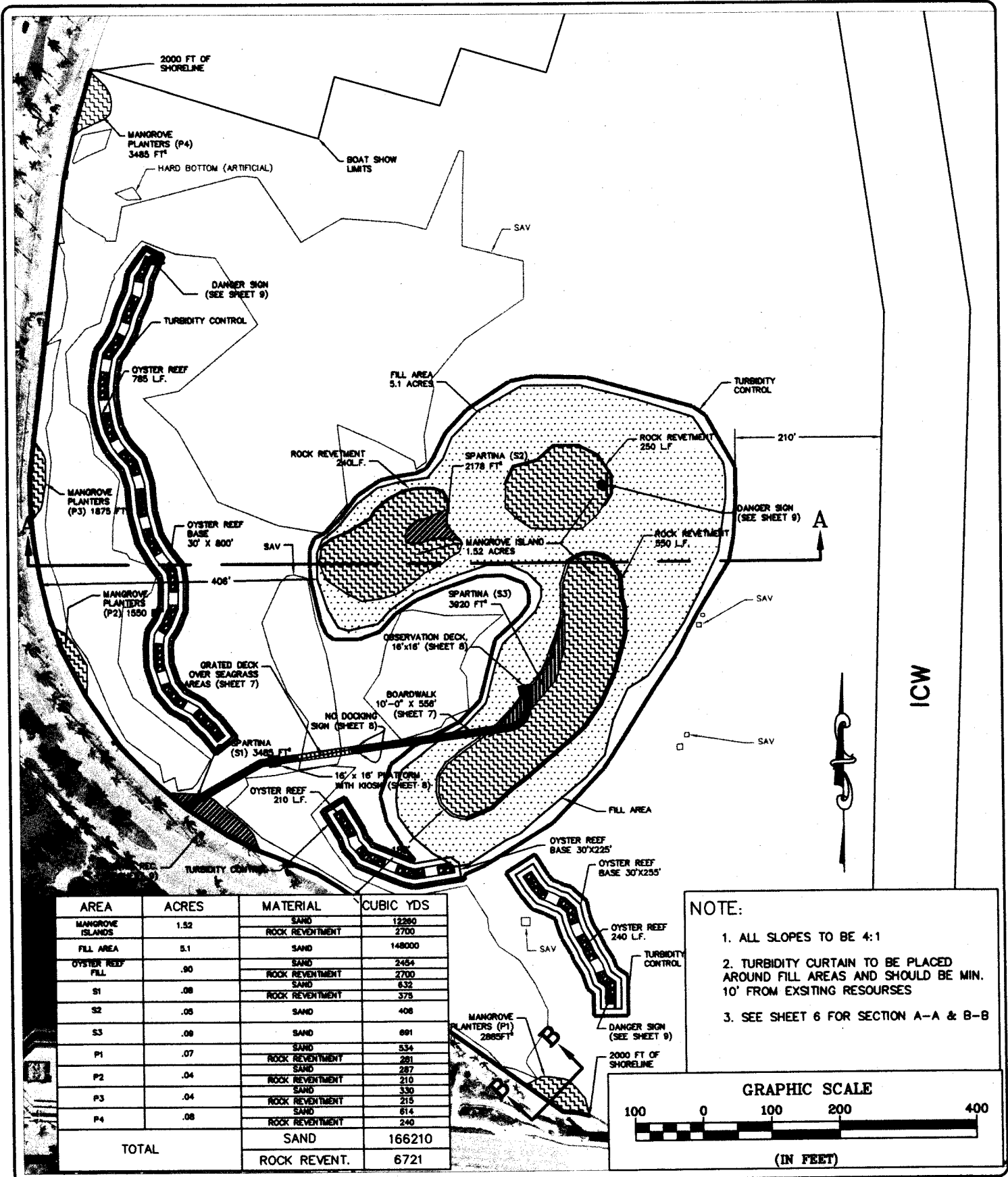
Palm Beach County  
Department of Environmental Resources Management  
2300 N. Jog Road, 4th Floor  
West Palm Beach, FL 33411



0 100 200 400 Feet

June 2008

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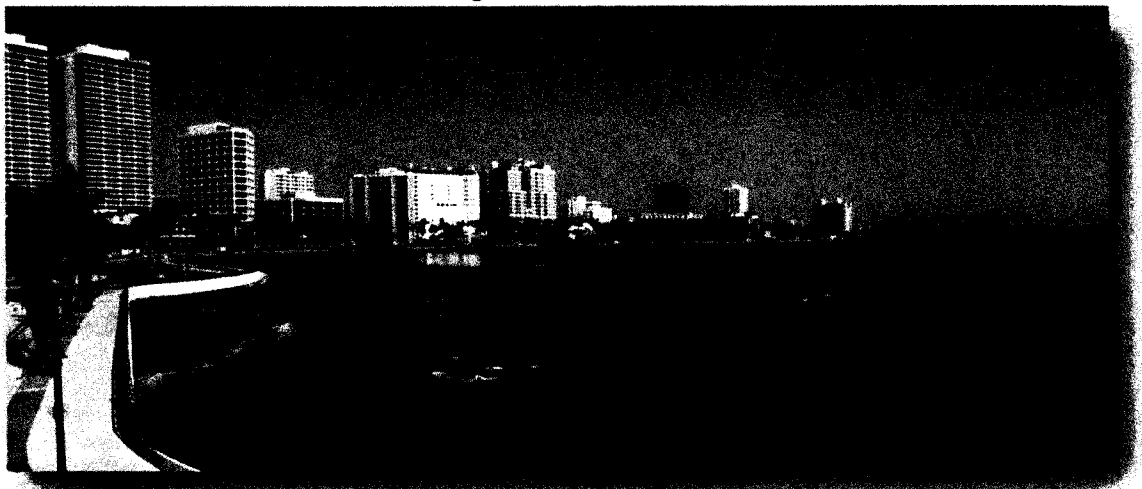




# South Cove Natural Area

## A Lake Worth Lagoon Restoration Project

Artist's Rendering of South Cove Natural Area



### Lake Worth Lagoon

- Largest estuary in Palm Beach County.
- 20 miles long, stretching from North Palm Beach to Ocean Ridge.
- Separated from the ocean by Singer Island and Palm Beach Island.
- Two permanent, man-made inlets.

### Project Location

- The project is located within the City of West Palm Beach, west of the Intracoastal Waterway and north of Royal Park Bridge, adjacent to Flagler Drive.

### The Problem

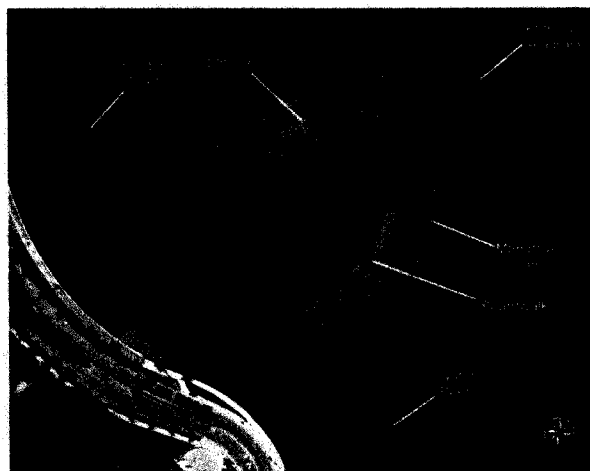
- Dredging and filling along the edge of the Lagoon left deep holes. Over time, they accumulate sediments, become devoid of oxygen, and provide little habitat value.

### The Solution

- Create shallow water mangrove and seagrass habitats.

### Benefits

- Increased nursery areas and habitat for fisheries, benthic organisms, and wildlife.
- Improved water quality.
- A popular site for environmental education, recreation, and ecotourism.



Location: Downtown West Palm Beach



Artist's Rendering of Boardwalk

### Project Overview

- The South Cove Natural Area is designated as a high-priority restoration project in the Lake Worth Lagoon Management Plan. This project will provide critical shallow water habitat and improve water quality.
- Fill anoxic (lacking-oxygen) dredge holes with 175,000 cubic yards of fill to create three intertidal mangrove/spartina islands.
- Create 2 acres of mangrove and spartina habitat, 3.5 acres of potential seagrass habitat, and 0.9 acres of oyster reef.
- Construct a 556-foot elevated boardwalk, 16' x 16' observation deck and educational kiosk for public use.

### Project Partners

Palm Beach County, City of West Palm Beach and Florida Department of Environmental Protection.



Palm Beach County Board of County Commissioners  
Department of Environmental Resources Management  
2300 North Jog Road - Fourth Floor, West Palm Beach, FL 33411  
Phone: 561-233-2400 <http://www.co.palm-beach.fl.us/erm/>

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