

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 12, 2016

(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 receive and file: Amendment No. 1 to Agreement No. 15PB3 with the Florida Department of Environmental Protection (DEP) for the Ocean Ridge Beach Nourishment Project (R2015-0792) providing for an extension in term through July 1, 2018, and deleting Attachment A in its entirety and replacing it with Attachment A-1 which extends the due dates of Task 4.1 Deliverables "B" and "C" to June 1, 2018.

**Summary:** On June 23, 2015, the Board of County Commissioners approved Agreement No. 15PB3 with the DEP for the Ocean Ridge Beach Nourishment Project. Delegation of authority to sign the Amendment was approved at that time. There is no change in the Agreement amount. District 4 (AH)

**Background and Justification:** On June 23, 2015, the Board of County Commissioners approved DEP Agreement No. 15PB3 which provides for reimbursement to the County of up to \$751,300 for groin field modification, beach construction, and a portion of the permit-required monitoring of the Ocean Ridge project.

**Attachments:**

- 1. Amendment No.1 to DEP Agreement No. 15PB3
- 2. Delegation of Authority Memo

Recommended by: 

Department Director

6/21/16  
Date

Approved by: for 

Deputy County Administrator

7/7/16  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>\$</b> _____	_____	_____	_____	_____
<b># ADDITIONAL FTE</b>					
<b>POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
<b>Is Item Included in Current Budget?</b>		<b>Yes</b> _____		<b>No</b> _____	
<b>Budget Account No.:</b>	<b>Fund</b> _____	<b>Department</b> _____	<b>Unit</b> _____	<b>Object</b> _____	
	<b>Program</b> _____				

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
No Fiscal Impact

**C. Department Fiscal Review:**

ew: *S. Neary*

### III. REVIEW COMMENTS

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

John W. C. 6/29/16  
OFMB ET 6/24 6/27 6/27 6/27 6/27  
Contract Development and Control  
Legal Sufficiency: 7/16/16

**B. Legal Sufficiency:**

Anne Delgent 7/7/16  
Assistant County Attorney

**C. Other Department Review:**

**Department Director**

## ATTACHMENT 1

### **AGREEMENT No: 15PB3 AMENDMENT NO. 1**

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER RESTORATION ASSISTANCE  
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM  
STATE OF FLORIDA  
GRANT AGREEMENT FOR  
OCEAN RIDGE BEACH NOURISHMENT PROJECT**

THIS AGREEMENT, entered into on the 29<sup>TH</sup> day of July, 2015, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT"), whose address is 3900 Commonwealth Boulevard, MS 3601, Tallahassee, Florida 32399, and the **PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS**, a local government (hereinafter referred to as the "LOCAL SPONSOR"), whose address is 2300 North Jog Road, 4<sup>th</sup> Floor, West Palm Beach, Florida 33411, is hereby amended.

WHEREAS, the LOCAL SPONSOR has requested and the DEPARTMENT has agreed to extend the expiration date of this agreement to allow for additional time required for the successful completion of scopes of work.

NOW, THEREFORE, in consideration of the mutual benefits to be derived here from, the DEPARTMENT and the LOCAL SPONSOR do hereby agree as follows:

- Paragraph 2, sentence one is hereby deleted in its entirety and replaced with the following:

This Agreement shall begin on the last date executed and end on July 1, 2018.

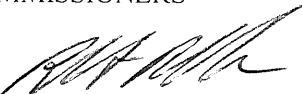
Attachment A, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment A-1, Revised Grant Work Plan, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment A, Grant Work Plan shall hereinafter refer to Attachment A-1, Revised Grant Work.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the undersigned have signed and executed this Agreement on the respective dates under their signatures:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS


By:   
Title: Robert Robbins, Director  
Environmental Resources Management

Robert Robbins, Director  
Print Name and Title

Date: May 23, 2016

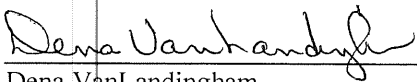
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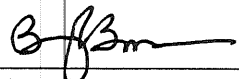
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:   
Department of Environmental Protection  
Secretary or designee

Trina Vrethauer  
Print Designee Name and Title

Date: 5/25/16

  
Dena VanLandingham  
Program Grant Administrator

  
Rob Buda  
DEP Project Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Anne Helgand  
By: Assistant County Attorney

\*If someone other than the Environmental Resources Management signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County/City must accompany the Agreement.

List of Attachments/Exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-1	Revised Grant Work Plan (3 pages)

**ATTACHMENT A-1  
REVISED GRANT WORK PLAN**

**Project Title:** Ocean Ridge Beach Nourishment Project.

**Project Location:** FDEP reference Monuments R151 to R159 in Palm Beach County.

**Project Background:** The PROJECT consists of restoration and nourishment of 1.4 miles of beach using sand from an offshore borrow area. The initial restoration was completed in 1998 and included the construction of eight T-head groins and two acres of mitigation reef. The first nourishment was completed in 2005 with sand placement along 1.1 miles of beach. Additional hardbottom impacts were mitigated in 2010 with the construction of 2.25 acres of artificial reef. The second nourishment was completed in 2014 with sand placement along 1.1 miles of beach.

The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable DEPARTMENT permits and the eligible project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standards and technical specifications contained in the DEPARTMENT'S Monitoring Standards for Beach Erosion Control Projects (2014) and Processing Plan and Geographic Information System Guidelines, unless otherwise specified in the approved Scope of Work (herein after referred to as SOW) for an eligible PROJECT item. This plan may be found at <http://www.dep.state.fl.us/beaches/publications/pdf/PhysicalMonitoringStandards.pdf>. One (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the DEPARTMENT, unless otherwise specified.

The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

TABLE 1  
Estimated Eligible Project Cost

Task #	Eligible Project Tasks	State Cost Share (%)	Federal Estimated Project Costs	DEP	Local	Total
<b>3.0</b>	<b>Construction</b>					
3.1	Beach Nourishment (2014)	50.00%		\$667,320.50	\$667,320.50	<b>\$1,334,641.00</b>
3.2	Groin Field Modification	50.00%		\$7,962.62	\$7,962.62	<b>\$15,925.24</b>
	Subtotal			\$675,283.12	\$675,283.12	<b>\$1,350,566.24</b>
<b>4.0</b>	<b>Monitoring</b>					
4.1	Biological Monitoring	50.00%		\$76,016.88	\$76,016.88	<b>\$152,033.76</b>
	<b>TOTAL PROJECT COSTS</b>			<b>\$751,300.00</b>	<b>\$751,300.00</b>	<b>\$1,502,600.00</b>

Changes in PROJECT costs that increase or decrease the total funding amount shall require a formal amendment to the Agreement.

**Project Description:**

The deliverables listed below are to be completed and approved by the DEPARTMENT by the due date listed.

### 3.0 Construction

Work performed and costs associated with the placement of fill material and/or the construction of erosion control structures within the project area. Eligible costs may include mobilization, demobilization, construction observation or inspection services, beach fill, tilling and scarp removal, erosion control structures, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all permits issued by the Department.

**Performance Standard:** Work products (Deliverables) must meet acceptance standards of the engineer, building code inspector, Joint Coastal Permit (JCP), or a combination of these, as required, to assure all project-related construction is completed to desired specifications.

#### 3.1 Beach Nourishment (2014)

Per conditions of Joint Coastal Permit No. 0311339-001-JC, the task includes the completion of dredging and beach placement activities, including final dressing and tilling on the beach berm and dune, repairs to construction accesses, after-dredge surveys and demobilization of equipment from all work areas. This task is a continuation of the work under the Federal Flood Control and Coastal Emergency (FCCE) repair project to address impacts sustained during Hurricane Sandy. A representative selection of post-project digital photos of beach berm, dune areas, and construction access repairs is requested. Documentation must be provided in electronic format (.doc or .pdf for documents and JPEG, TIFF, or BMP for image files).

**Deliverable A:** Certification of substantial completion of 2014 construction by a professional engineer verifying the date of completion of construction and pay volumes for the beach nourishment.

**Total Cost:** \$1,334,641.00 (**DEPARTMENT Cost:** \$667,320.50). Task is 100% complete.

#### 3.2 Groin Field Modification

Construction consists of removing the top layer of granite armor stone from the stems of groins 4 through 8. This modification will lower the crest elevation by approximately two feet to an elevation between +0.45 feet to +2.45 feet North American Vertical Datum (NAVD88). The heads of the T-head groins shall not be modified. Approximately 600 tons of armor stone shall be removed from the stems of the five groins. Task includes stem modifications and management costs associated with the removal of rock. The project is authorized under Joint Coastal Permit No. 0311339-001-JC. Documentation must be provided in electronic format (.doc or .pdf).

**Deliverable A:** Certification of completion by a professional engineer verifying the date of completion of groin modifications, date of survey of the modified groins and final stem elevations.

**Total Cost:** \$15,925.24 (**DEPARTMENT Cost:** \$7,962.62). Task is 100% complete.

### 4.0 Monitoring

A monitoring program conducted in accordance with the requirements specified in any and all permits issued by the Department and the US Army Corps of Engineers (USACE). A monitoring plan must be submitted and approved in writing by the Department prior to the initiation of monitoring activities. The plan shall be developed in a manner that will coordinate the monitoring activities with the Department's Regional Coastal Monitoring Program.

**Performance standard:** All deliverables, reports, and monitoring results will be circulated to the Department for review and comment. When comments are received from the Department affirming that the deliverable is acceptable, payment will be authorized.

#### 4.1 Biological Monitoring

Proposals were provided for the 2014 and 2015 marine turtle monitoring program as required under Joint Coastal Permit No. 0311339-001-JC. Monitoring is being conducted for marine turtle nesting activity per Florida Fish and Wildlife Conservation Commission (FFWCC) requirements including daily nesting surveys, escarpment monitoring, caging, relocation, and reporting of marine turtle and shorebird nesting surveys as specified in the permit. All data is submitted to FWC in an annual spreadsheet report on nesting activity. Lighting surveys are conducted nightly and reports of noncompliant lighting are provided by the marine turtle contractor to the LOCAL SPONSOR during the turtle nesting season. Compliance enforcement is the responsibility of the LOCAL SPONSOR. The monitoring contractor will report escarpment formations to the LOCAL SPONSOR that exceed the overall height and length dimensions as defined in the permit.

Upon completion of the nesting surveys, the FFWCC required data submittals will be transmitted to FFWCC per the conditions of the permit. The LOCAL SPONSOR is responsible for providing documentation that the data was transmitted to FFWCC within the required timeframe of the permit. The notice shall be a copy of the letter or email sent to FFWCC with the name of the sender, the name of the recipient, the date of transmission, and the correspondence documenting submittal of the data. Documentation must be provided in electronic format (.doc or .pdf).

**Deliverable A:** Documentation of transmittal notice to FFWCC with the 2014 marine turtle nesting and shorebird monitoring surveys in FFWCC approved format.

**Total Cost:** \$63,399.62 (**DEPARTMENT Cost:** \$31,699.81). Task is 100% complete.

**Deliverable B:** Documentation of transmittal notice to FFWCC with the 2015 marine turtle nesting and shorebird monitoring surveys in FFWCC approved format.

**Total Cost:** \$65,307.04 (**DEPARTMENT Cost:** \$32,653.52).

**Due Date:** June 1, 2018.

Proposals were provided for immediate post construction biological (hardbottom) monitoring as required under Joint Coastal Permit No. 0311339-001-JC. The monitoring will be conducted per the approved Biological Monitoring Plan and associated permit conditions. Tasks include the completion of two immediate post construction surveys, including the submittal of all raw digital video records of transects to the JCP Compliance Officer (Specific Cond. #3). A letter report will be prepared summarizing the results of the two surveys in addition to a final report comparing preconstruction and construction phase surveys. Documentation must be provided in electronic format (.doc or .pdf).

The total eligible cost for completion of this task is \$25,097.20 (DEPARTMENT Cost: \$12,548.60). The costs given below are a partial reimbursement due to a funding shortfall. The remaining eligible amount may be requested in a future agreement if funds become available.

**Deliverable C:** Immediate post construction 2014 biological monitoring surveys and final report with documentation of transmittal to JCP Compliance.

**Total Cost:** \$23,327.10 (**DEPARTMENT Cost:** \$11,663.55).

**Due Date:** June 1, 2018.

**NOTE:** The deliverable due dates established in this Grant Work Plan (GWP) indicate the time by which a deliverable is received and approved for cost sharing. The dates do not necessarily correspond with permit required due dates. The Local Sponsor must meet the terms of the permit for compliance. All Tasks are Contractual Services.

ATTACHMENT 2




**INTEROFFICE MEMORANDUM**  
**Palm Beach County**  
**Environmental Resources Management**

JUL 06 2015

**DATE:** June 30, 2015

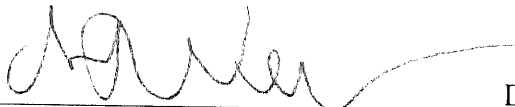
**TO:** Robert Weisman  
County Administrator

**FROM:**  Robert Robbins, Director  
Environmental Resources Management

**SUBJECT:** REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:  
**Grant Agreement No. 15PB3 with the Florida Department of**  
**Environmental Protection (FDEP) Ocean Ridge Beach**  
**Nourishment Project**

On June 23, 2015 agenda item 3L1 (R2015-0792) the County Commission approved the County Administrator or his designee to sign all future time extensions and any other forms associated with this Agreement that do not significantly change the scope of work, terms or conditions.

This memorandum is my formal request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign documents associated with this Agreement. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

**APPROVED:**   
Robert Weisman, County Administrator

**DATE:** 7/6/15

RR:mc  
Attachment

**RECEIVED**  
JUL 08 2015  
ENVIRONMENTAL RESOURCES MANAGEMENT