

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	December 21, 2021	(X) Consent	() Regular
		() Workshop	() Public Hearing

Department: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Work Order No. 0512-01 to the Palm Beach County (PBC) Dune and Beach Restoration Annual Construction Contract (Federalized), Project No. 2021ERM01 (R2021-0511) with Eastman Aggregate Enterprises, LLC (Eastman) at a cost not to exceed \$1,960,862.80 providing for dune restoration services for the Singer Island Dune Restoration Project (Project) for a term of 60 days.

Summary: On April 20, 2021, the Board of County Commissioners approved the Contract (R2021-0512) with Eastman, a PBC company. Work Order No. 0512-01 will authorize the construction of the beach dune at the Project. The Project is partially funded by Florida Department of Environmental Protection (FDEP) Grant No. 22PB4 (\$717,200) and a cost sharing agreement with the City of Riviera Beach (\$392,172). The State and Federal agreements prohibit local geographical preferences in construction procurements involving federal funds, so the County's Office of Equal Business Opportunity Program, Local Preference, Glades Local Preference, Glades Resident Incentive, and Apprentice Incentive could not be included in this competitive solicitation. **The cost to the County is \$851,490 from the PBC Beach Improvement Fund.** District 1 (YBH)

Background and Justification: The Project is located at Singer Island in Riviera Beach and will restore approximately 1.3 miles of eroded dunes. Construction consists of the placement of sand to restore the dune profile and subsequent planting of native dune vegetation to stabilize the sand. Since 2001, twelve dune restoration projects have been completed within the Project area, providing for recreation, habitat, and storm protection.

Attachments:

1. Work Order No. 0512-01 with Attachments 1 - 4
 2. Project Map
-

Recommended by:		<u>11-24-2021</u>
	JOB ybh Department Director	Date

Approved by:		<u>12/13/21</u>
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Capital Expenditures	\$ <u>1,960,863</u>	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$ <u>1,109,373</u>)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$ <u>851,490</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? (Match) Yes X No _____

Does this item include the use of federal funds? Yes X No _____

Budget Account No.: Fund 3652 Department 381 Units M037 Object 4630

B. Recommended Sources of Funds/Summary of Fiscal Impact

Work Order # 0512-01

FDEP R2021-1439 (22PB4) \$ 717,200

City of Riviera Beach \$ 392,173

PBC Beach Improvement Fund \$ 851,490

\$ 1,960,863

C. Department Fiscal Review: *S. Neary*

III. REVIEW COMMENTS

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

Lisa Minter 11/29/21
OFMB 11/24/21 *for review*
J. S. Jaworski 12/9/21
Contract Development and Control
12-9-21 *Tu*

B. Legal Sufficiency:

M. B. Hendon 12/10/21
Assistant County Attorney

C. Other Department Review:

Department Director

WORK ORDER
ANNUAL CONTRACT (FEDERALIZED)

PROJECT NAME: Palm Beach County Dune and Beach Restoration Annual Contract (Federalized)

PROJECT NO.: 2021ERM01

CONTRACT RESOL. NO.: R2021-0512

DEPARTMENT: Environmental Resources Management (ERM)

WORK ORDER ERM PROJECT MANAGER: Kevin Lasagna

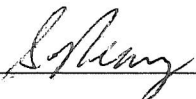
WORK ORDER PROJECT NAME: Singer Island Dune Restoration

WORK ORDER PROJECT LOCATION: Singer Island Dune Restoration Project is located in Singer Island, Florida, 420 feet north of Department of Environmental Protection's reference monument R-61 through approximately 160 feet north of reference monument R-67. The project address is 4100-5540 North Ocean Drive, Riviera Beach, FL 33404. Latitude: 26° 48' 16.2" N; Longitude: 80° 01' 59.8" W.

WORK ORDER NO.: 0512-01

COMM. DISTRICT NO.: 1

BUDGET LINE ITEM: 3652-381-M037-4630-S015-CSII-011

[Fiscal approval of Budget Availability:  11/17/21]

TO: EASTMAN AGGREGATE ENTERPRISES, LLC
3705 Bellevue Avenue
Lake Worth, FL 33461

SCOPE OF WORK: In accordance with the terms of your Contract dated April 20, 2021, with Palm Beach County, a Political Subdivision of the State of Florida, you are directed to perform the following work:

Furnish all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary for the construction of the Singer Island Dune Restoration Project. Work consists of the purchase, transport, and placement of sand per the direction of Plan-Sheets (Attachment 2) dated October 29, 2021, which are incorporated by reference herein.

The above work shall be performed between FDEP Reference monuments R-61 and R-67, in accordance with the Contract, including the Federal Requirements in the Supplemental General Conditions, and, these attachments, which are incorporated herein, including FDEP Permit No. PB-1389 (Attachment 3) and Plan-Sheets (Attachment 2) dated October 29, 2021.

The total amount of this Work Order, at the contract prices, shall not exceed \$1,960,862.80, as identified in the attached Work Order Bid Schedule (Attachment 1) dated November 4, 2021.

The Work shall be Substantially Complete within sixty (60) calendar days after the Commencement Date. This time includes three (3) calendar days for Inclement Weather. No operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest after February 28, 2022. The Commencement Date and the deadline for Substantial Completion shall be provided by the County in the Notice to Proceed.

The Liquidated Damages assessed for completion after Substantial Completion or Final Completion is: \$750.00/day.

Progress Payment Retainage shall be held in the amount of 5% of the Total Complete.

The Contractor shall name the following as additional insured: Palm Beach County.

The permitted hours for construction work during the months of December through March are from 7 am. to 5 pm., Monday through Friday.

This Work is funded in part or in whole by: FDEP Beach Management Funding Assistance Program Grant No. 22PB4 and City of Riviera Beach cost sharing agreement.

E-Verify requirements do apply. Federal Requirements listed in the Contract do apply.

Except as modified herein, all other provisions of the Contract, dated April 20, 2021, shall remain in full force and effect.

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ATTEST:
JOSEPH ABRUZZO
CLERK & COMPTROLLER

FOR: PALM BEACH COUNTY, FLORIDA,
a Political Subdivision of the State of
Florida, By and Through Its
BOARD OF COUNTY COMMISSIONERS

Deputy Clerk

BY: _____, Mayor

DATE: _____

(Seal)

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

APPROVED AS TO
TERMS AND CONDITIONS:

Assistant County Attorney



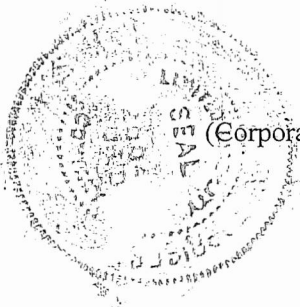
Deborah Drum, Director
Dept. of Environmental Resources Mgmt.

CONTRACTOR AFFIDAVIT AND RECEIPT OF WORK ORDER:

Having carefully examined the Work Order documents, including its attachments and Plans, for the above-referenced Project, as well as the premises and conditions affecting the Work, and confirming that the site(s) was/were visited, as required, by

Bernard Eastman on 11/8/2021
(Name of Person) (Date)

the undersigned hereby declares that we have carefully and to our full satisfaction examined the Work Order documents, and that we have made a full examination of the locations of the proposed Work and the source of supply of materials. Please indicate your receipt of this Work Order by signing and returning two originals.



(Corporate Seal)

BY:  _____

Bernard D. Eastman
Name

President
Title

Eastman Aggregate Enterprises, LLC
Contractor Name

Attachments: Work Order Bid Schedule (Attachment 1)
Plans (Attachment 2)
Permit (Attachment 3)
Contract History (Attachment 4)

c: Clerk Finance
ERM FSS

EASTMAN AGGREGATE ENTERPRISES, LLC
3705 BELLEVUE AVENUE
LAKE WORTH, FL 33461

ATTACHMENT 1
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DEPT. OF ENVIRONMENTAL RESOURCES MGMT.
2300 NORTH JOG ROAD, 4TH FLOOR
WEST PALM BEACH, FL 33411

DATE: 11/4/2021

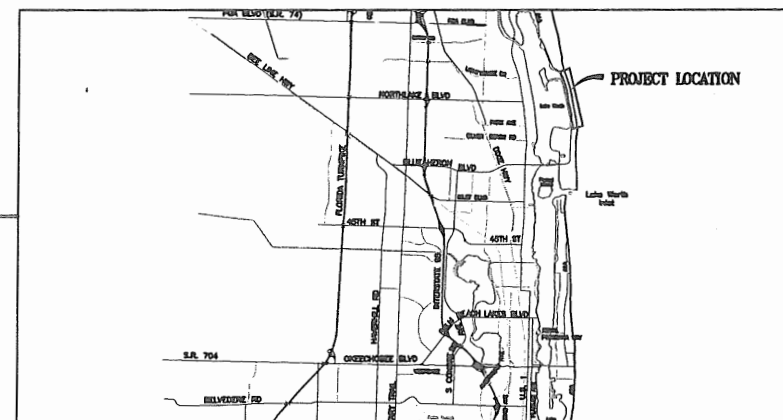
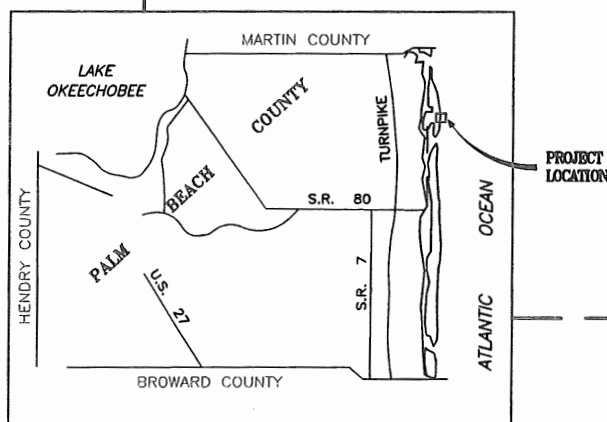
PBC DUNE AND BEACH RESTORATION ANNUAL CONTRACT (FEDERALIZED) PROJECT NO. 2021ERM01

WORK ORDER #0512-1 BID SCHEDULE
SINGER ISLAND DUNE RESTORATION PROJECT

Total haul route mileage (Stewart Materials): 67.3

JOB AS OUTLINED BELOW		QTY	UNITS	ITEM	PRICE
ZONE 1					
1	SUPPLY SAND	11,500.00	TON	15.80	181,700.00
2	TRANSPORT AND DELIVERY - FILL (FIRST TON MILE)	11,500.00	TON-MILE	1.75	20,125.00
3	TRANSPORT AND DELIVERY - FILL (ADDITIONAL TON MILE)	762,450.00	TON-MILE	0.27	205,861.50
6	BEACH PLACE AND GRADE (<1000' FROM ACCESS)	11,500.00	TON	3.25	37,375.00
TOTAL \$					445,061.50
ZONE 2A					
1	SUPPLY SAND	8,500.00	TON	15.80	134,300.00
2	TRANSPORT AND DELIVERY - FILL (FIRST TON MILE)	8,500.00	TON-MILE	1.75	14,875.00
3	TRANSPORT AND DELIVERY - FILL (ADDITIONAL TON MILE)	563,550.00	TON-MILE	0.27	152,158.50
6	BEACH PLACE AND GRADE (<1000' FROM ACCESS)	8,500.00	TON	3.25	27,625.00
TOTAL \$					328,958.50
ZONE 2B					
1	SUPPLY SAND	7,500.00	TON	15.80	118,500.00
2	TRANSPORT AND DELIVERY - FILL (FIRST TON MILE)	7,500.00	TON-MILE	1.75	13,125.00
3	TRANSPORT AND DELIVERY - FILL (ADDITIONAL TON MILE)	497,250.00	TON-MILE	0.27	134,257.50
7	BEACH PLACE AND GRADE (1000' - 2000' FROM ACCESS)	7,500.00	TON	4.89	36,675.00
TOTAL \$					302,557.50
ZONE 3					
1	SUPPLY SAND	8,500.00	TON	15.80	134,300.00
2	TRANSPORT AND DELIVERY - FILL (FIRST TON MILE)	8,500.00	TON-MILE	1.75	14,875.00
3	TRANSPORT AND DELIVERY - FILL (ADDITIONAL TON MILE)	563,550.00	TON-MILE	0.27	152,158.50
8	BEACH PLACE AND GRADE (2000' - 3000' FROM ACCESS)	8,500.00	TON	5.20	44,200.00
TOTAL \$					345,533.50
ZONE 4					
1	SUPPLY SAND	11,800.00	TON	15.80	186,440.00
2	TRANSPORT AND DELIVERY - FILL (FIRST TON MILE)	11,800.00	TON-MILE	1.75	20,650.00
3	TRANSPORT AND DELIVERY - FILL (ADDITIONAL TON MILE)	782,340.00	TON-MILE	0.27	211,231.80
6	BEACH PLACE AND GRADE (<1000' FROM ACCESS)	11,800.00	TON	3.25	38,350.00
TOTAL \$					456,671.80
BASE BID ITEMS					
10	SITE PREPARATION & RESTORATION	3.00	CONSTRUCTION		
11	SUPPLY, DELIVERY AND INSTALLATION OF SOD	2,100.00	ACCESS	5000.00	15,000.00
15	DEBRIS REMOVAL	25.00	SY	8.00	16,800.00
16	MAINTENANCE OF VEHICULAR AND PEDESTRIAN TRAFFIC	1.00	TON	120.00	3,000.00
17	CERTIFIED SAND QUALITY TESTING	60	WORK ORDER	3000.00	3,000.00
			SAMPLING EVENT	478.00	28,680.00
TOTAL \$					66,480.00
ALTERNATE BID ITEMS					
6A	PRE-/POST-CONSTRUCTION SURVEY	12	TRANSECT	1,300.00	15,600.00
TOTAL \$					15,600.00
TOTAL PRICE					\$1,960,862.80

SINGER ISLAND DUNE RESTORATION



LOCATOR MAP

C1.0	COVER SHEET
C1.1	GENERAL NOTES
C2.0	PLAN VIEW
C2.1	PLAN VIEW DETAIL
C2.2	PLAN VIEW DETAIL
C2.3	PLAN VIEW DETAIL
C2.4	PLAN VIEW DETAIL
C2.5	PLAN VIEW DETAIL
C2.6	PLAN VIEW DETAIL
C3.0	CROSS SECTIONS R-61, R-61.5
C3.1	CROSS SECTIONS R-62.5, R-63
C3.2	CROSS SECTIONS R-63.5, R-64
C3.3	CROSS SECTIONS R-64.5, R-65
C3.4	CROSS SECTIONS R-65.5, R-66

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
22300 NORTH JOG ROAD, 4th FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 233-2400



Scale: AS NOTED
Drawn By: IA
Date: 10/29/21

SINGER ISLAND DUNE RESTORATION COVER SHEET

Project:
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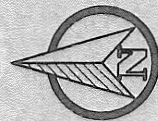
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ATTACHMENT 2
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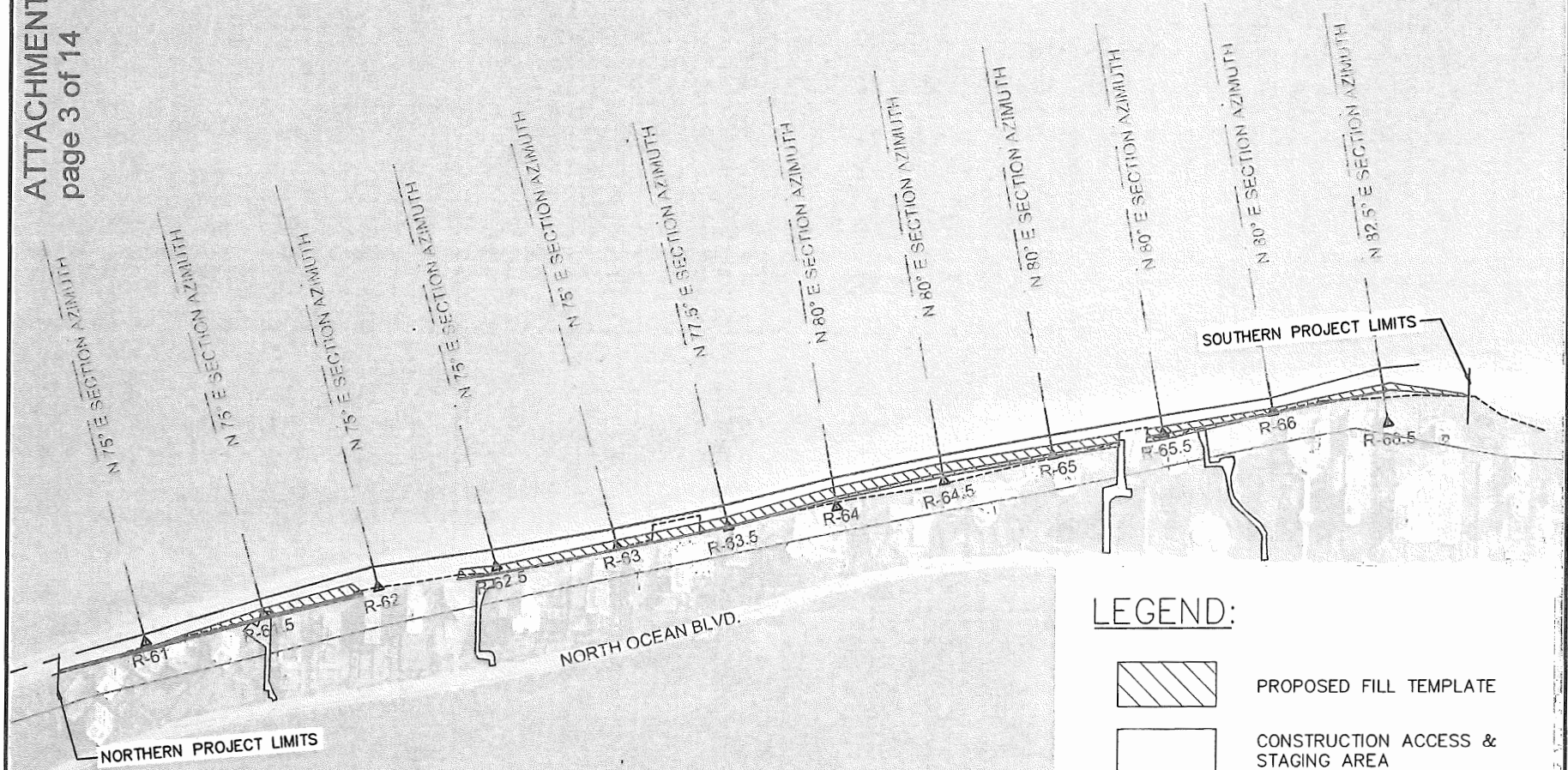
GENERAL NOTES:

1. COORDINATES ARE REFERENCED TO THE NORTH AMERICA DATUM OF 1983, FLORIDA STATE PLANE, ZONE 0901, TRANSVERSE MERCATOR PROJECTION IN THE U.S. SURVEY FOOT UNIT OF MEASUREMENT.
2. ELEVATIONS ARE IN FEET RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM, 1988 (NAVD88).
3. AERIAL PHOTOGRAPHY WAS OBTAINED FROM PALM BEACH COUNTY INFORMATION SYSTEMS SERVICES (ISS) AND IS SHOWN FOR GRAPHIC PURPOSES ONLY, LATEST COUNTYWIDE AERIALS (2020) WERE FLOWN 1/26/2020 TO 2/27/2020.
4. SURVEY DATA COLLECTED BY TERRAQUATIC INC. JULY 2021.
5. MEAN HIGH WATER (MHW) DEFINED AT +0.46 FEET, NAVD 88 PER THE EROSION CONTROL SURVEY PERFORMED BY BETSY LINDSAY, INC (CERTIFIED FEBRUARY 11, 2010).
6. PROPOSED FILL TEMPLATE SHALL BE CONSTRUCTED SEAWARD OF EXISTING VEGETATION. THE LANDWARD TOE OF THE FILL TEMPLATE MAY BE ADJUSTED AT THE TIME OF CONSTRUCTION.
7. PROPOSED FILL TEMPLATE SHALL BE CONSTRUCTED A MINIMUM OF 33 FEET LANDWARD OF MHW. THE CONTRACTOR SHALL SHIFT THE SEAWARD DUNE CREST AND TOE OF FILL LANDWARD AS NEEDED TO MAINTAIN THE OFFSET BASED ON THE BEACH CONDITIONS AT THE TIME OF CONSTRUCTION AND TO MAINTAIN A FILL SLOPE OF 1V: 3H.
8. DUNE CREST ELEVATION TRANSITIONS FROM +19.0 FT. NAVD88 TO +16.0 FT. NAVD88 BETWEEN R-MONUMENT 65.5 AND 66.
9. PROPOSED FILL MATERIAL SHALL MEET THE SPECIFICATIONS/CRITERIA OF SUBSECTION 62B-33.005(7),FAC
10. PROPOSED DUNE PLANTING TO BE INSTALLED BY OTHERS. PLANTING SHALL BE INSTALLED ON THE CONSTRUCTED DUNE FILL BETWEEN THE LANDWARD TOE OF FILL AND UP TO 15 FEET SEAWARD OF THE DUNE CREST. PLANTINGS SHALL CONSIST OF SEA OATS AND DIVERSITY SPECIES.


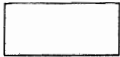





MONUMENT PROFILE CONTROL				
MONUMENT NAME	NORTHING FEET NAD83/90	EASTING FEET NAD83/90	AZIMUTH	ELEVATION FEET NAVD88
R-61	902409.26	970836.434	75°	16.25
R-61.5	901853.05	970968.78	75°	N/A
R-62	901296.83	971101.116	75°	20.71
R-62.5	900723.29	971200.27	75°	N/A
R-63	900149.75	971299.408	75°	18.29
R-63.5	899617.86	971394.46	77.5°	N/A
R-64	899085.96	971489.496	80°	18.8
R-64.5	898571.65	971613.18	80°	N/A
R-65	898057.34	971736.862	80°	21.31
R-65.5	897519.85	971839.55	80°	N/A
R-66	896982.35	971942.227	80°	14.01
R-66.5	896435.54	971889.51	82.5°	N/A



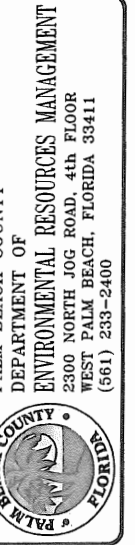
ATTACHMENT 2
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LEGEND:

-  PROPOSED FILL TEMPLATE
-  CONSTRUCTION ACCESS & STAGING AREA
-  R-62 FDEP RANGE MONUMENT
-  R-AZIMUTH
-  COASTAL CONSTRUCTION CONTROL LINE
-  WESTERN LIMITS EASEMENT PREMISES
-  MHW (+0.46' NAVD 88 CONTOUR)

AERIAL PHOTOGRAPHS DATED 2020



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Date: 10/29/21

SINGER ISLAND
DUNE RESTORATION

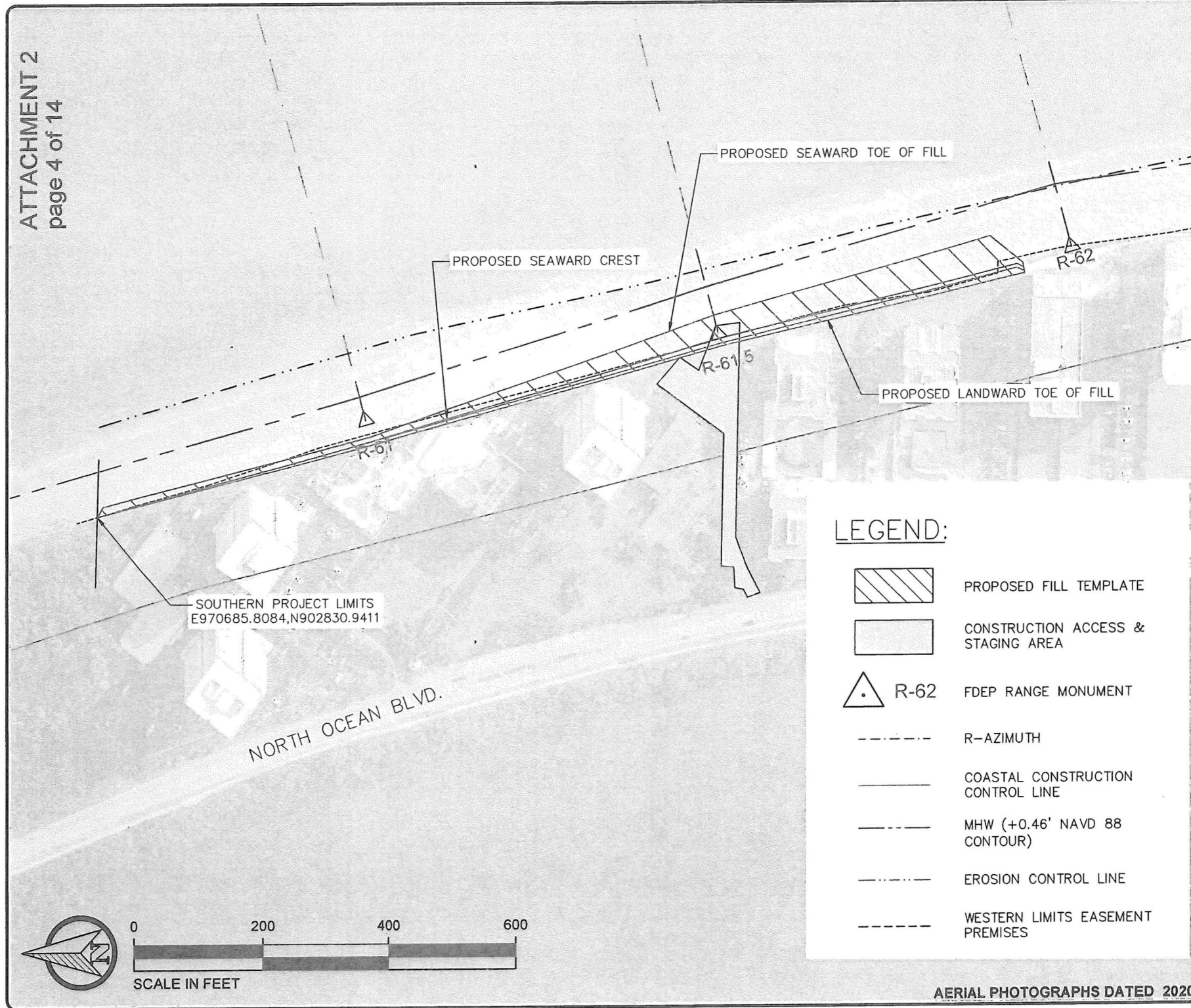
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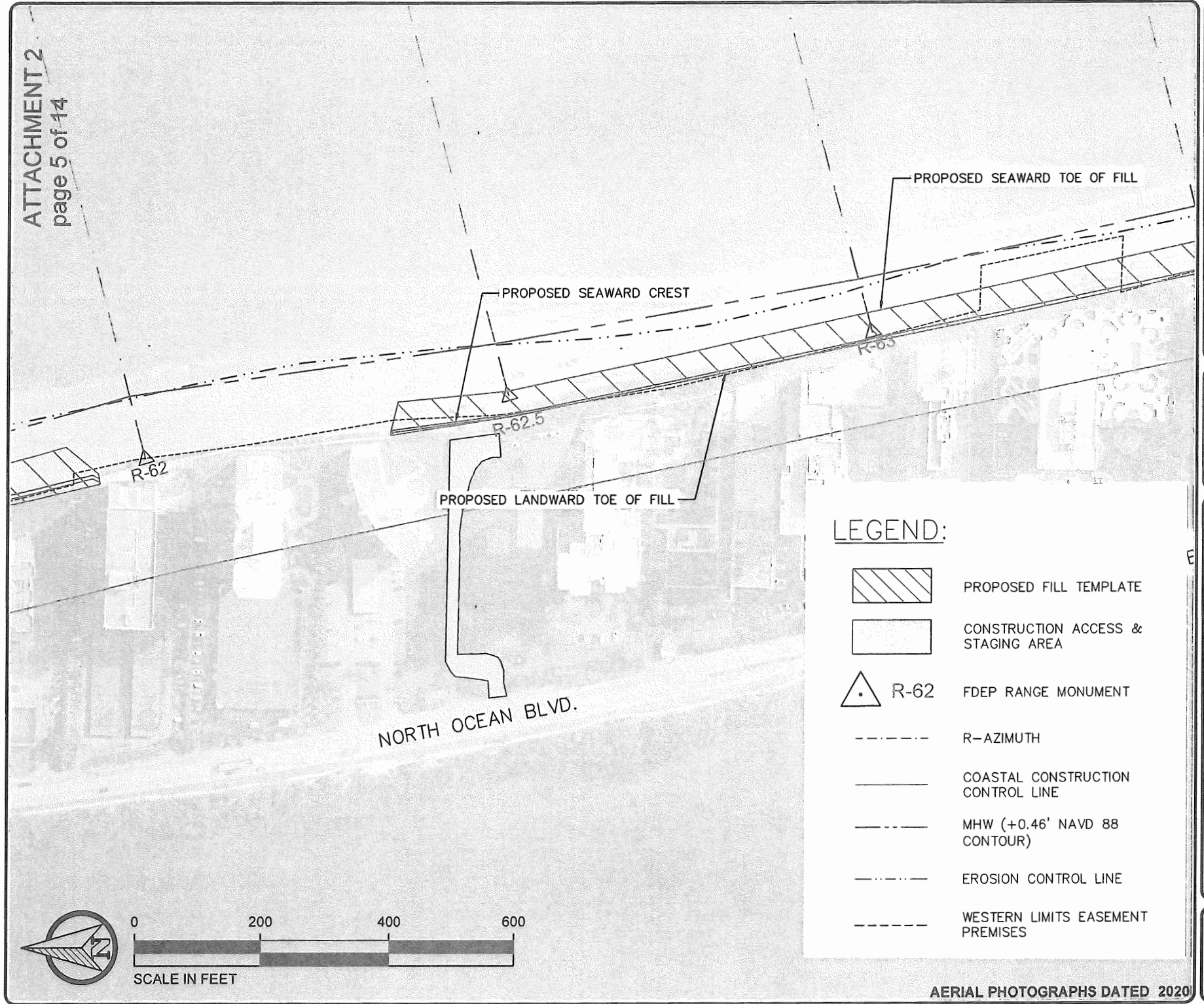
ATTACHMENT 2
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 PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2300 NORTH JOG ROAD, 4th FLOOR WEST PALM BEACH, FLORIDA 33411 (561) 233-2400	Scale: AS NOTED	IA
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2300 NORTH JOG ROAD, 4th FLOOR
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SINGER ISLAND
DUNE RESTORATION

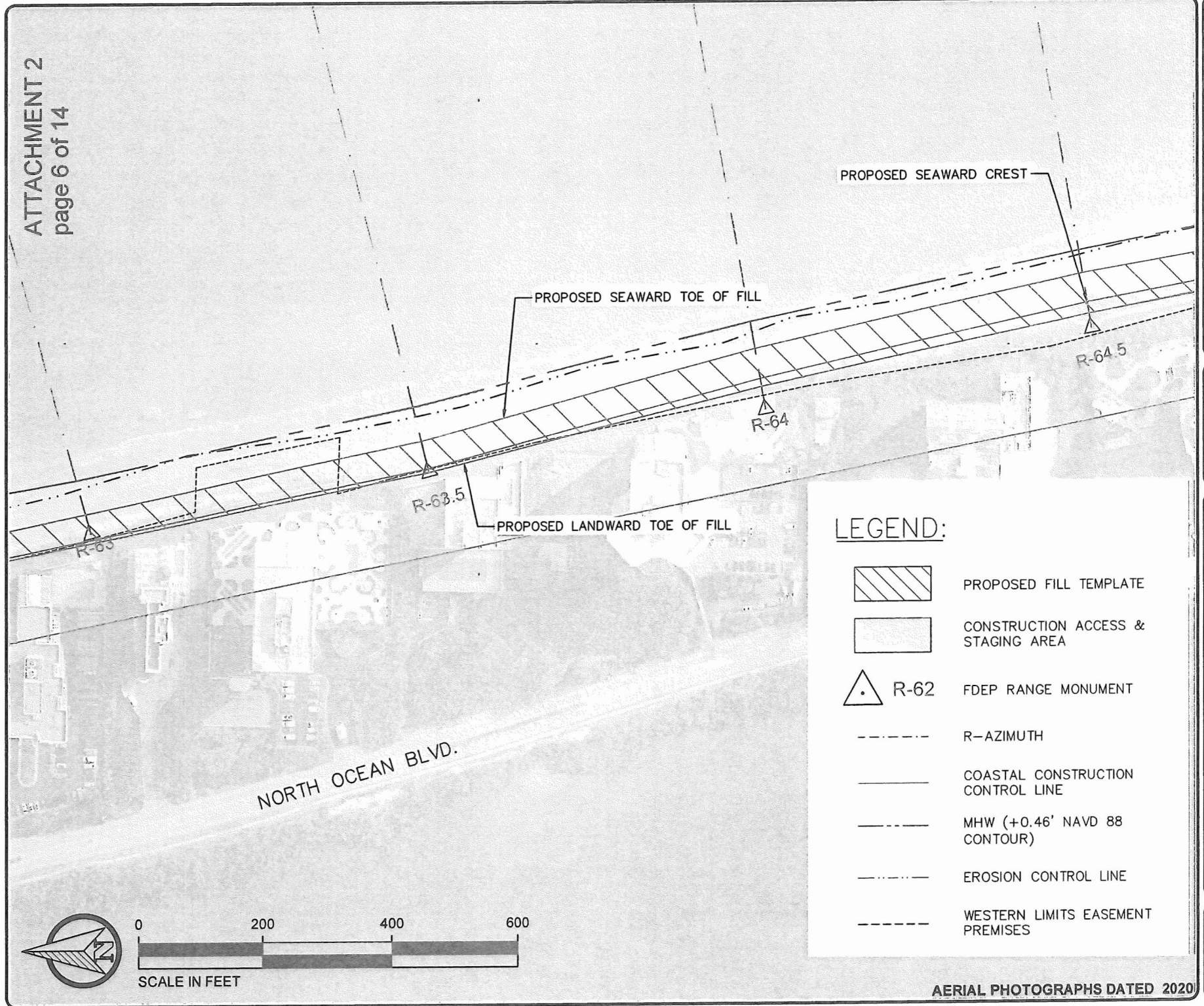
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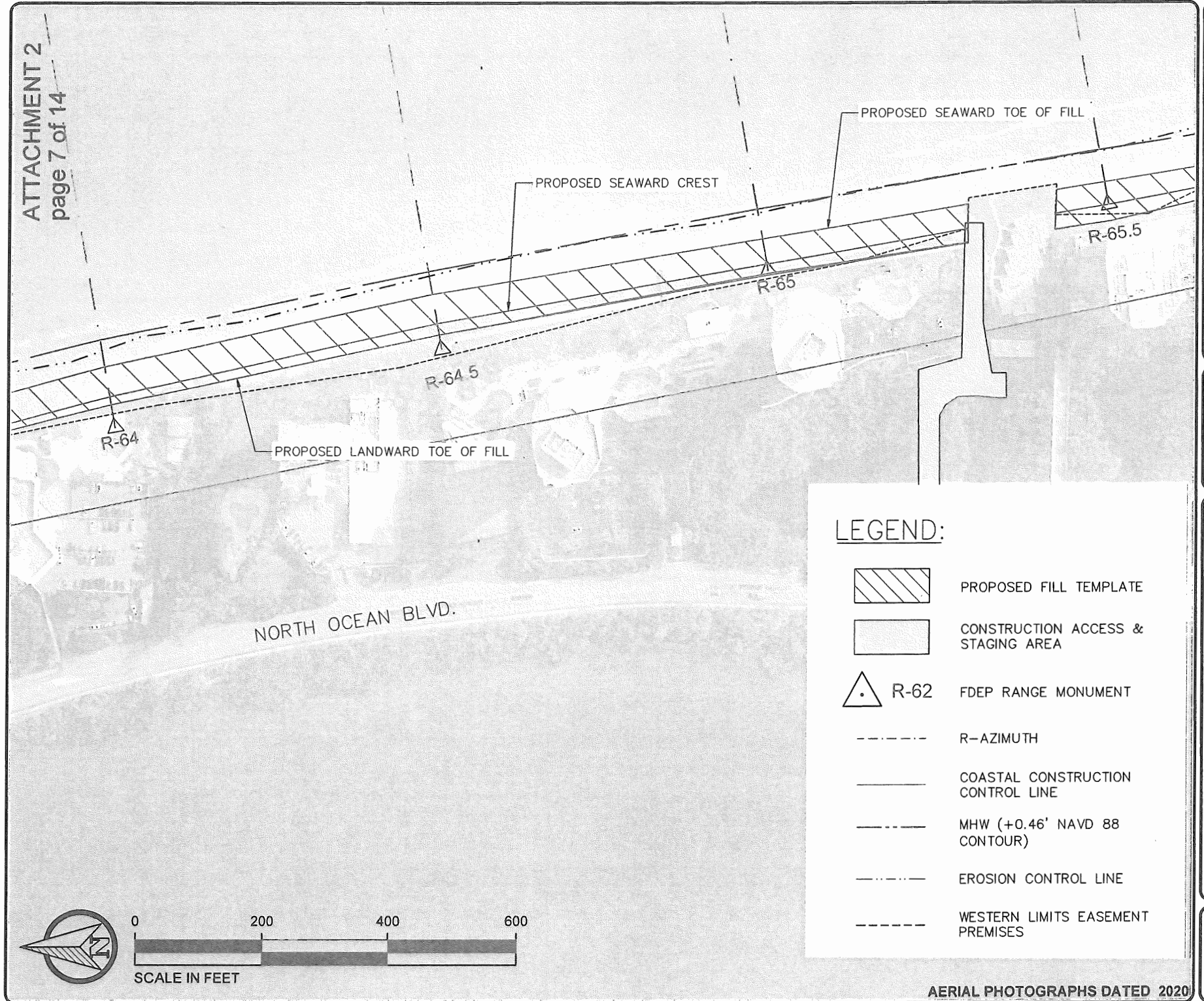
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SINGER ISLAND
DUNE RESTORATION

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PALM BEACH COUNTY
FLORIDA

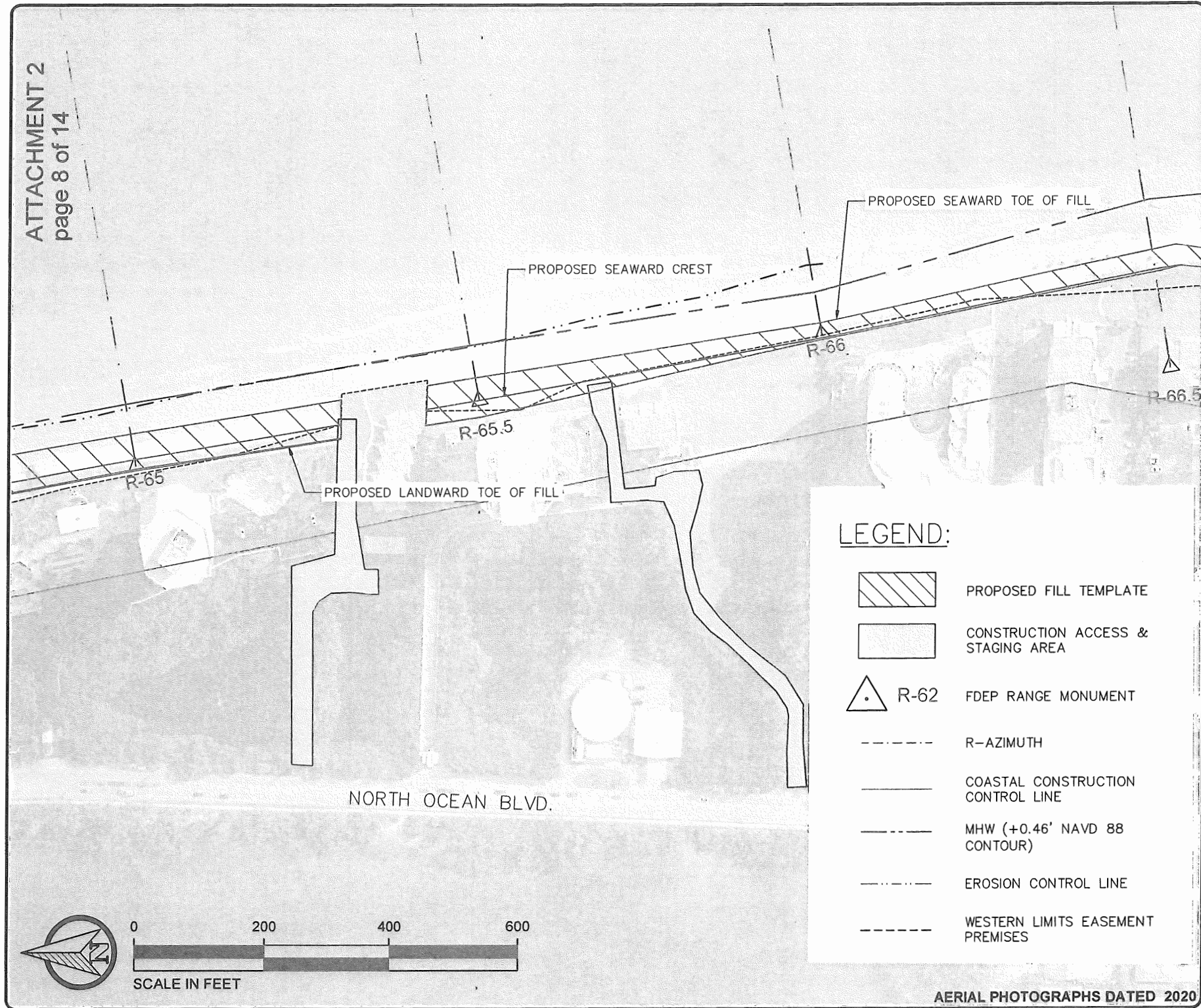
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Date: 10/29/21

Project: SINGER ISLAND
DUNE RESTORATION

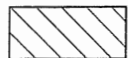







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LEGEND:

-  PROPOSED FILL TEMPLATE
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DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
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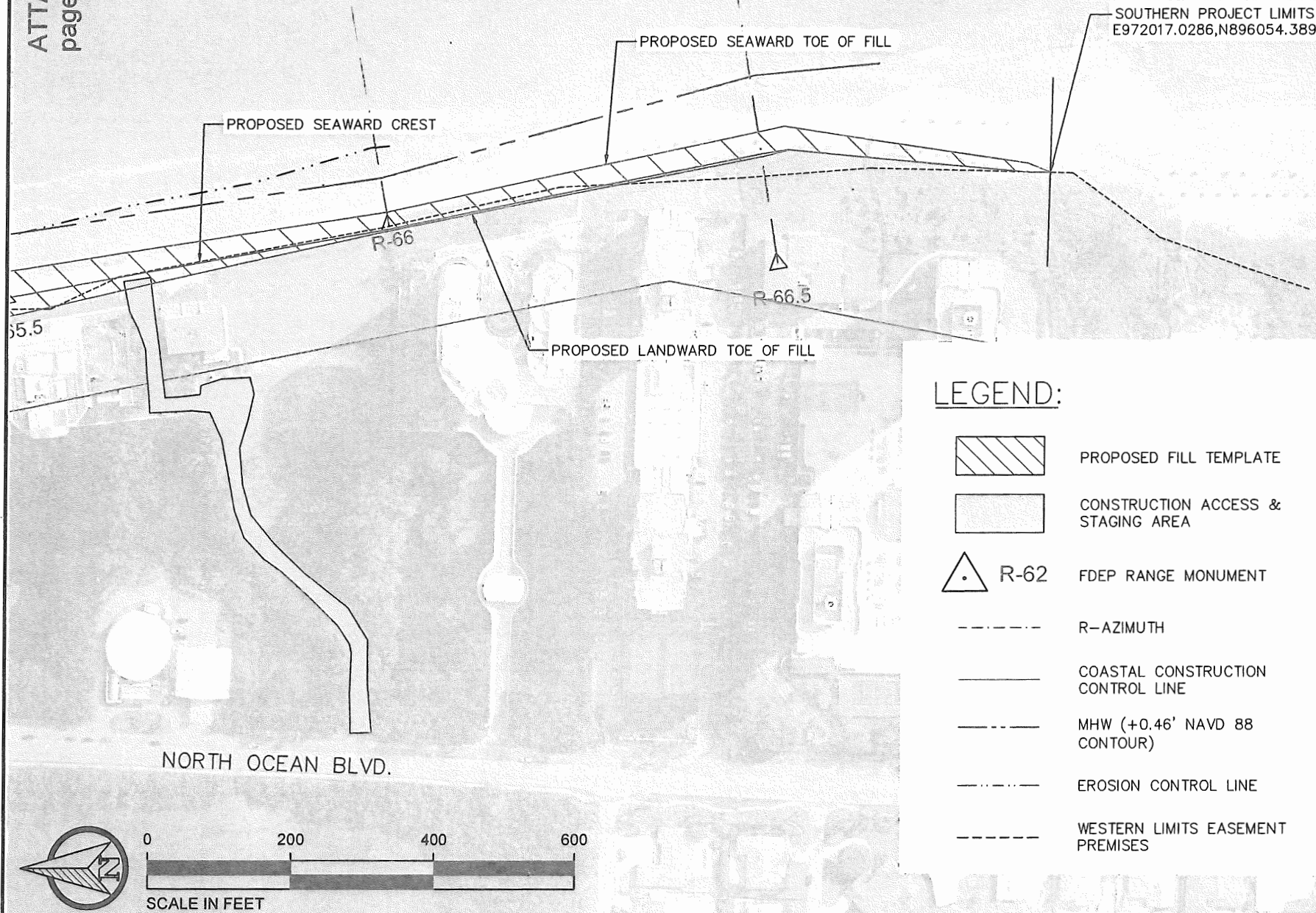
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Date: 10/29/21

Project: SINGER ISLAND
DUNE RESTORATION

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

**PALM BEACH COUNTY
FLORIDA**

Scale: AS NOTED
Drawn By: IA
Date: 10/29/21

Project: SINGER ISLAND
DUNE RESTORATION

Sheet: C2.6

AERIAL PHOTOGRAPHS DATED 2020

ATTACHMENT 2
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LEGEND:



PROPOSED DUNE FILL



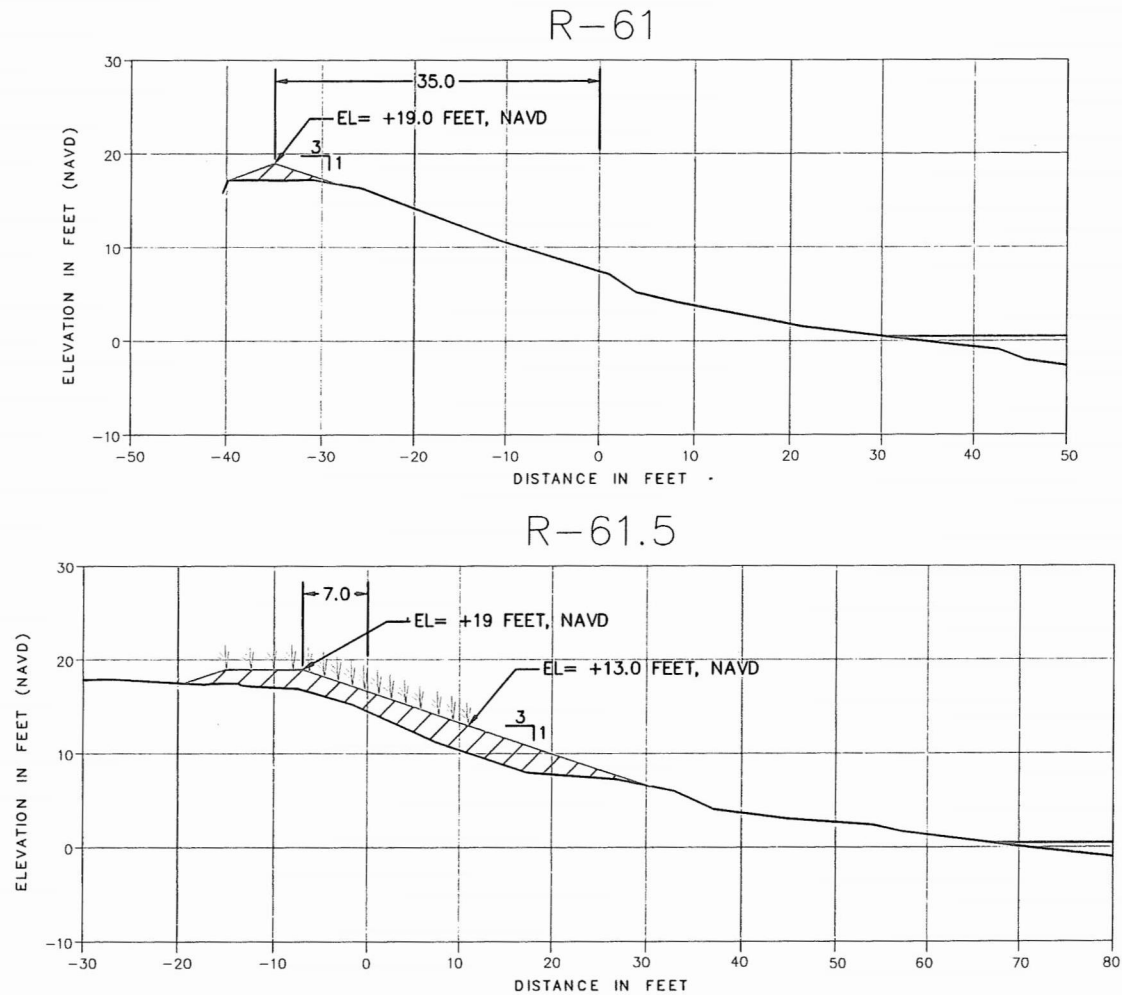
BEACH PROFILE (JULY 2021)




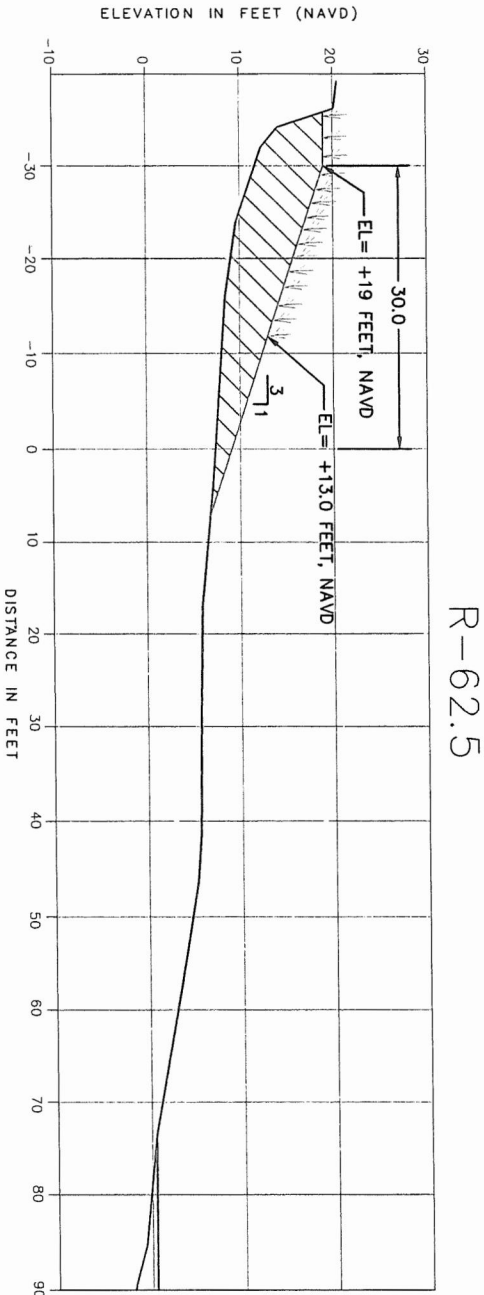
MEAN HIGH WATER (EL=0.46' NAVD)



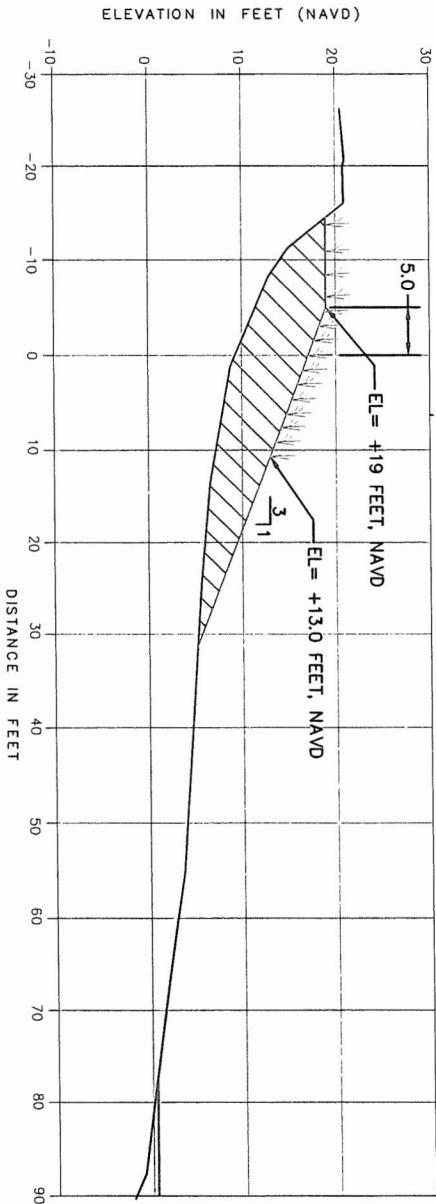
PROPOSED DUNE PLANTING (BY OTHERS)



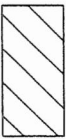
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Drawn By:	10/29/21	
Date:	10/29/21	
 PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2300 NORTH JOG ROAD, 4th FLOOR WEST PALM BEACH, FLORIDA 33411 (561) 233-2400		



R-63



LEGEND:



PROPOSED DUNE FILL



BEACH PROFILE (JULY 2021)



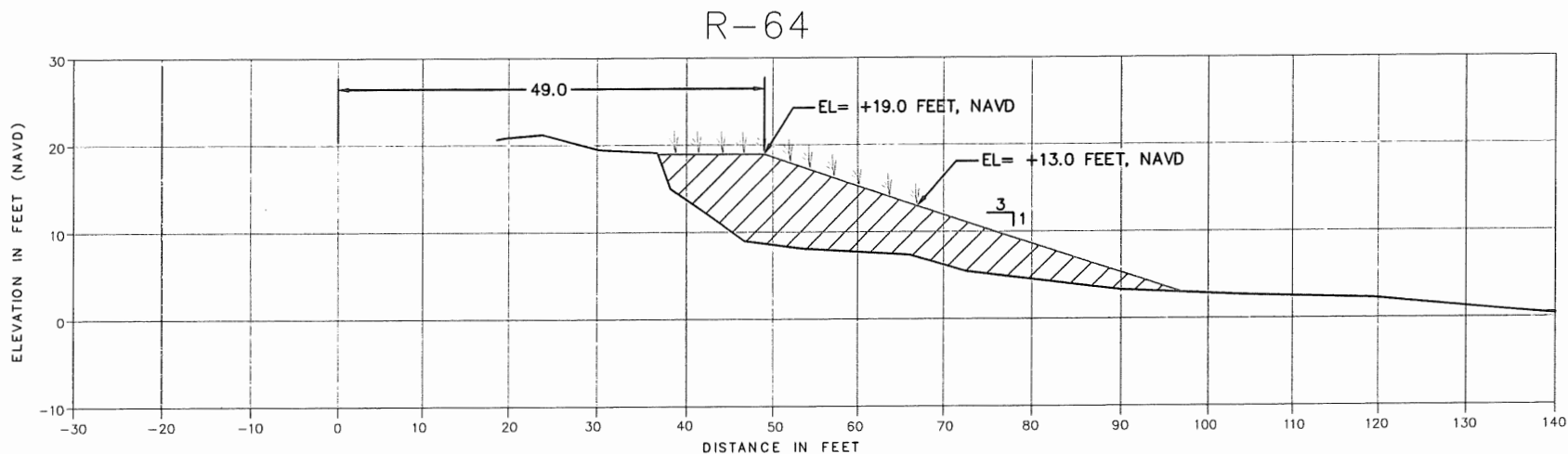
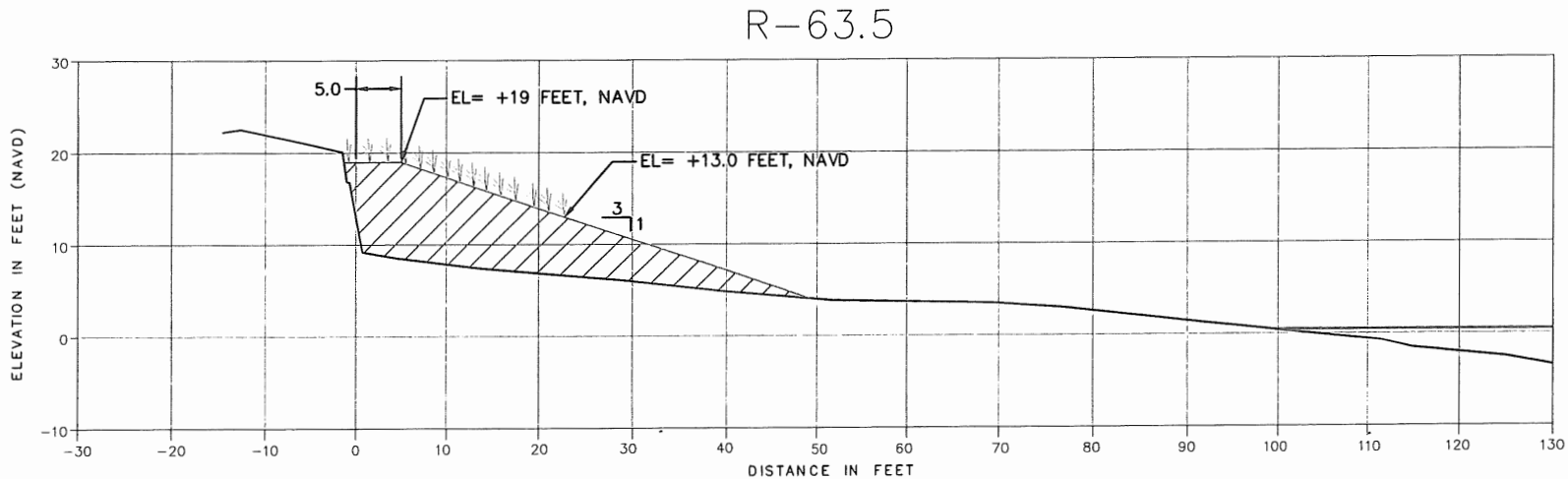
MEAN HIGH WATER (EL=0.46' NAVD)



PROPOSED DUNE PLANTING (BY OTHERS)



ATTACHMENT 2
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LEGEND:



PROPOSED DUNE FILL



BEACH PROFILE (JULY 2021)



MEAN HIGH WATER (EL=0.46' NAVD)



PROPOSED DUNE PLANTING (BY OTHERS)

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



Scale: AS NOTED
Drawn By: IA
Date: 10/29/21

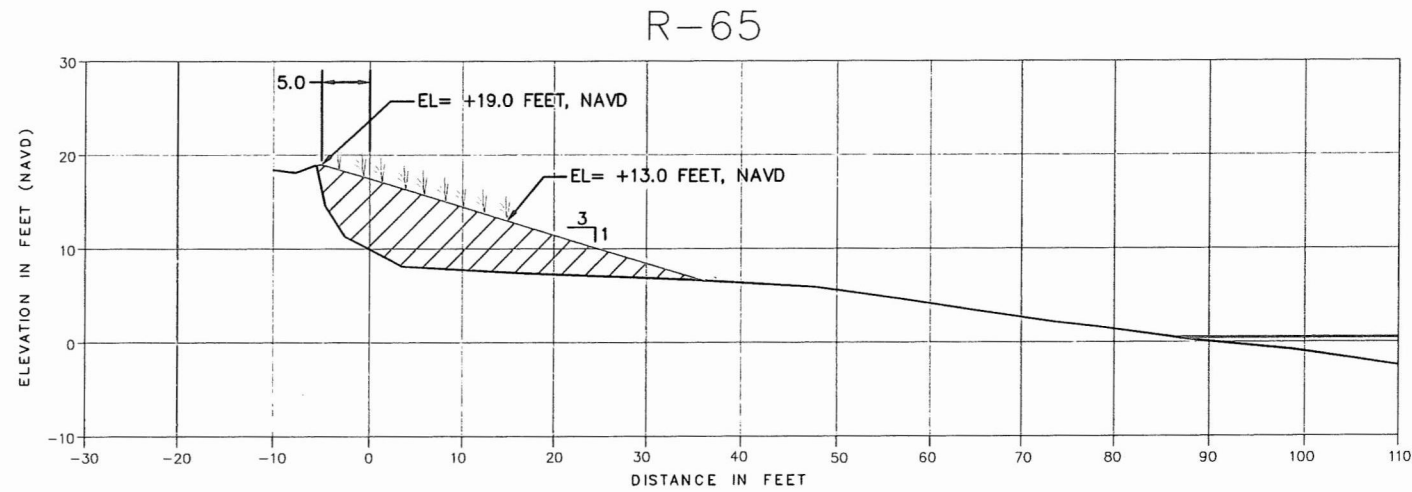
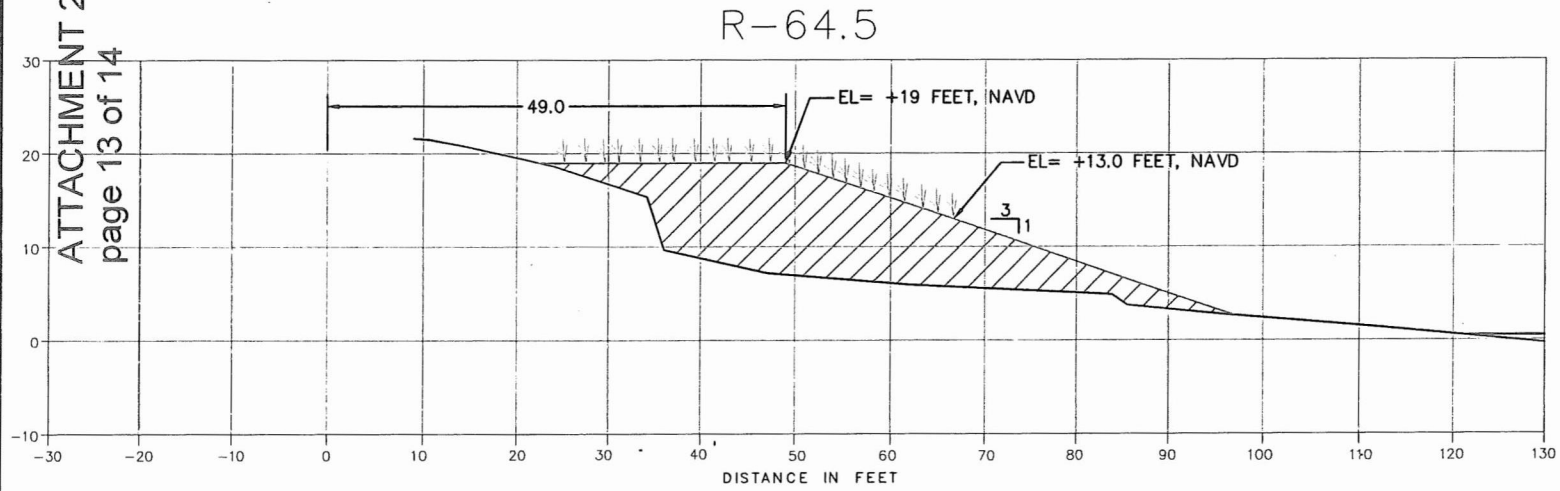
SINGER ISLAND
DUNE RESTORATION
CROSS SECTION

Project:

Sheet:

C3.2

ATTACHMENT 2
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LEGEND:



PROPOSED DUNE FILL



BEACH PROFILE (JULY 2021)



MEAN HIGH WATER (EL=0.46' NAVD)



PROPOSED DUNE PLANTING (BY OTHERS)

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



Scale: AS NOTED
Drawn By: IA
Date: 10/29/21

Project: SINGER ISLAND
DUNE RESTORATION
Sheet: CROSS SECTION

Sheet: C3.3

LEGEND:



PROPOSED DUNE FILL



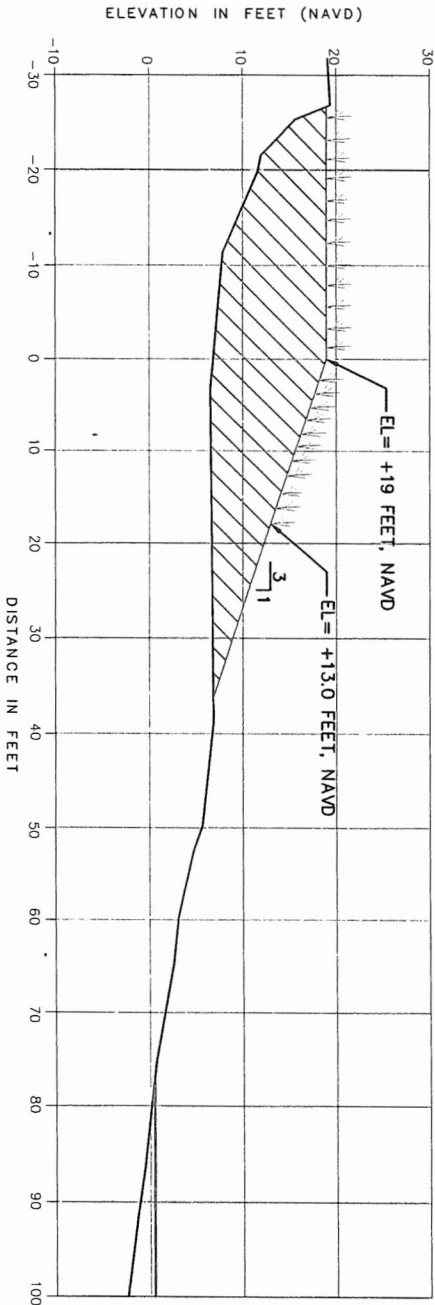
BEACH PROFILE (JULY 2021)



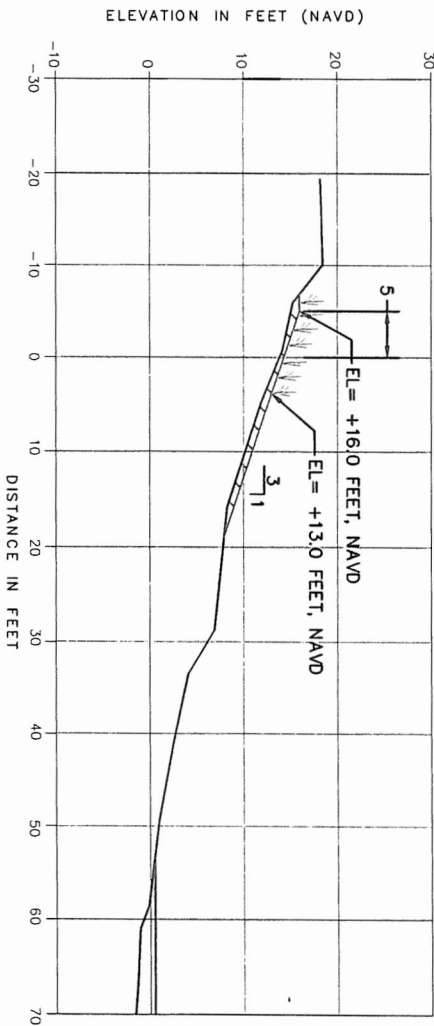
MEAN HIGH WATER (EL=0.46' NAVD)



PROPOSED DUNE PLANTING (BY OTHERS)



R-65.5



R-66



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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Resilience and Coastal Protection
Coastal Construction Control Line Program
2600 Blair Stone Road - Mail Station 3522
Tallahassee, Florida 32399-2400
(850) 245-2094

PERMIT NUMBER: PB-1389

PERMITTEE

Palm Beach County
c/o Deborah Drum
2300 North Jog Road
West Palm Beach, Florida 33411

NOTICE TO PROCEED AND PERMIT FOR CONSTRUCTION OR OTHER ACTIVITIES
PURSUANT TO SECTION 161.053, FLORIDA STATUTES

FINDINGS OF FACT: An application for authorization to conduct the activities seaward of the coastal construction control line that are indicated in the project description, was filed by the applicant/permittee named herein on August 12, 2021 and was determined to be complete pursuant to rule on September 28, 2021.

CONCLUSIONS OF LAW: After considering the merits of the proposal and any written objections from affected persons, the Department finds that upon compliance with the permit conditions, the activities indicated in the project description of this permit are of such a nature that they will result in no significant adverse impacts to the beach/dune areas or to adjacent properties; that the work is not expected to adversely impact nesting sea turtles, their hatchlings, or their habitat; and that the work is expendable in nature and/or is appropriately designed in accordance with Section 62B-33.005, Florida Administrative Code. Based on the foregoing considerations, the Department approves the application; and authorizes construction and/or activities at the location indicated below in strict accordance with the project description, the approved plans (if any) and the General Permit Conditions which are attached and are by this reference incorporated herein, and any additional conditions shown below, pursuant to Section 161.053(4), Florida Statutes.

EXPIRATION DATE: October 8, 2022

LOCATION: Between approximately 460 feet north of R-61, and 185 feet north of R-67, in Palm Beach County. County. Project address: 5540 to 4100 North Ocean Drive, Riviera Beach.

PROJECT DESCRIPTION:

The applicant/permittee is authorized to place approximately 37,400 cubic yards of beach quality sand in the beach and dune system as part of a dune restoration project. The permittee is also authorized to plant a variety of dune plants, as depicted in the approved plans.

SPECIAL PERMIT CONDITIONS:

1. Prior to commencement of construction activity authorized by this permit, a preconstruction conference shall be held at the site among the contractor, the owner or authorized agent, and a staff representative of the Department to establish an understanding among the parties as to the items specified in the special and general conditions of the permit. The proposed locations of the structures shall be staked out for the conference. **Contact David Kieckbusch at (561) 681-6646 to schedule a conference.**

PERMITTEE: Palm Beach County
PERMIT NUMBER: PB-1389
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2. All fill material shall be obtained from a source landward of the control line and shall be consistent with the criteria specified in Rule 62B-33.005(7), Florida Administrative Code, and shall consist of sand which is similar to that already on the site in both grain size and coloration. This fill material shall be free of construction debris, rocks, or other foreign matter. A sample of the sand shall be provided to the staff representative of the Department during the preconstruction conference for approval.
3. Fill from the Steward Mine in Ft. Pierce, will be placed in accordance with the following:
 - 3.1. Washing and handling the source material to match the beach compatible sediment quality equal to the sample provided to the Department on August 31, 2021.
 - 3.2. All fill material placed seaward of the control line shall consist of sand that is of beach compatible quartz, carbonate, or other sediment similar in composition to the native beach sand, with a particle size distribution ranging between 0.062mm (4.0 phi) and 4.76mm (-2.25 phi) (classified as sand by either the Unified Soils or the Wentworth classification). Fill material shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material present on the beach berm seaward of the project site. Fill material shall not result in cementation of the beach and shall not contain:
 - 3.2.1. Greater than five percent by weight of silt, clay or colloids passing the #230-sieve (4.0phi);
 - 3.2.2. Greater than five percent by weight of fine gravel retained on the #4-seive (-2.25phi);
 - 3.2.3. Coarse gravel, cobbles or material retained on the three-quarter inch sieve in a percentage or size greater than found on the native beach; or,
 - 3.2.4. Construction debris, metal, vegetation, organic soil, rocks, clay, toxic material or other foreign matter.
 - 3.3. Three benchmark samples, each approximately 1/4 pound of beach quality sand material from the steward Mine approved by the Department for dune placement, shall be available for inspection at the preconstruction conference and retained for permit compliance: one by the Department's field representative, one by the permittee and one retained on site by the contractor.
4. All sand material shall be placed landward of the mean high water line.
5. The removal of existing native beach/dune vegetation is not authorized.
6. The construction site(s) shall be accessed from the existing and established access points.
7. Prior to any sand placement, all exposed concrete and metal debris shall be removed from the beach to the extent practicable. Debris removal activities shall proceed during daylight hours only and must not commence until completion of the marine turtle survey each day.
8. Material placed on the beach (after blending) may not have a Munsell color value less than 6, or chroma greater than 1; there me variations in the hue.

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PERMIT NUMBER: PB-1389
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9. All material must be blended if there is a noticeable color difference between the existing beach and newly placed excavated material.
10. No additional activities are authorized under this permit.
11. No operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest during marine turtle nesting season. The marine turtle nesting season is March 1 through October 31.
12. If work is proposed to begin on November 1, daily early morning surveys should be conducted starting September 1. All nests documented in the project area shall be marked and left in place. Such nests will be marked and the actual location of the clutch determined. A circle with a radius of three (3) feet, centered at the clutch shall be marked by stake and survey tape or string.
13. All activities shall be confined to daylight hours and avoid marked marine turtle nests including those that may be on the beach before and after marine turtle nesting season dates. Any impacts to nests that may have inadvertently occurred during the authorized activity shall be reported to the Florida Fish and Wildlife Conservation Commission at MarineTurtle@myfwc.com.
14. Escarpment *Surveys*. Visual surveys for escarpments along the project area shall be made immediately after completion of the sand placement project prior to March 1 for three (3) subsequent years if sand from the project area still remains on the beach.
 - 14.1. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of at least 100 feet shall be leveled and the beach profile shall be reconfigured to minimize scarp formation by March 1. Any escarpment removal shall be reported by location.
 - 14.2. The permittee shall contact FWC immediately if subsequent reformation of escarpments occurs during the nesting and hatching season, and the escarpments interfere with sea turtle nesting or exceed 18 inches in height for a distance of 100 feet. The FWC would then determine the appropriate action to be taken. If it is determined that escarpment leveling is required during the nesting or hatching season, the FWC shall provide a brief written authorization that describes the methods to be used to reduce the likelihood of impacting existing nests. An annual summary of escarpment surveys and actions taken shall be submitted electronically to marineturtle@myfwc.com along with the annual summary as described below.
15. Post-construction Conditions, Monitoring and Reporting.
 - 15.1. Marine Turtles: Reports on all sea turtle nesting activity shall be provided for the initial sea turtle nesting season (March 1 through September 30) and for up to two additional nesting seasons as follows:
 - 15.2. For the initial nesting season and following years, the number and type of emergences (nests or false crawls) shall be reported per species if nesting success for any species on the nourished beach is less than 40%.
 - 15.3. Reproductive success shall be reported per species in accordance with Table 1 below. Reproductive success shall be reported for all loggerhead, Kemp's ridley, green and leatherback nests.

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- 15.4. Monitoring of nesting activity in the seasons following construction shall include daily surveys and any additional measures authorized by the FWC. Summaries shall include all crawl activity, nesting success rates, hatching success of all relocated nests, hatching success of a representative sampling of nests left in place (if any) by species, project name and applicable project permit numbers and dates of construction.
- 15.5. Lighting Surveys. Two lighting surveys shall be conducted of all artificial lighting visible from the nourished berm. The first survey shall be conducted between May 1 and May 15 the first nesting season following construction, and a second survey between July 15 and August 1. The survey shall be conducted by the Permittee and shall include a landward view from the seaward most extent of the new beach profile. The survey shall follow standard techniques for such a survey and include number and type of visible lights, location of lights and photo documentation. For each visible light source, the Permittee shall document that the property owner(s) have been notified of the problem light with recommendations for correcting the light. Recommendations shall be in accordance with the local lighting restrictions. A report summarizing all lights visible shall be submitted to FWC Imperiled Species Management Section at marineturtle@myfwc.com and copied to JCPCompliance@dep.state.fl.us by the 1st of the month following survey. A summary report documenting what corrective actions have been taken shall also be submitted by December 15 of that year. After the annual report is completed, a meeting shall be set up with the Permittee, county or municipality and the FWC to discuss the survey report, as well as any documented sea turtle disorientations in or adjacent to the project area.
16. Dune Vegetation Planting. Planting of dune vegetation is authorized to occur during the sea turtle nesting season (March 1 through October 31) under the following conditions. For more information on sea turtle conservation, contact the Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (FWC) at 850/922-4330.
 - 16.1. The Permittee shall ensure that the project area and access sites are surveyed for sea turtle nesting activity. All nest surveys, nest relocations, screening or caging activities etc. shall be conducted only by persons with prior experience and training in these activities and is duly authorized to conduct such activities through a valid permit issued by FWC pursuant to Florida Administrative Code 68E-1. For information regarding whether the project beach is surveyed by qualified personnel, contact FWC at 561/575-5407.
 - 16.2. Sea turtle nest surveys shall be initiated at the beginning of the nesting season or 65 days prior to installation of plants (whichever is later). Surveys shall continue until completion of the project or through September 15 (whichever is earliest). Surveys shall be conducted throughout the project area and all beach access sites.
 - 16.3. Any nests deposited in an area not requiring relocation for conservation purposes (as determined by the FWC authorized marine turtle permit holder) shall be left in situ. The marine turtle permit holder shall install an on-beach marker at any nest site and a secondary marker located at a point as far landward as possible to ensure that future location of the nest will be possible should the on-beach marker be lost. A series of stakes and survey ribbon or string shall be installed to establish an area of 3 feet radius surrounding the nest. No planting or other activity shall occur within this area nor shall any activity occur that might cause indirect impacts within this area. Nest sites shall be inspected daily to ensure nest markers have not been removed.

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- 16.4. The use of heavy equipment (including trucks) is not authorized seaward of the dune crest or armoring structure. A lightweight (ATV style) vehicle, with tire pressures of 10 p.s.i. or less may operate on the beach.
- 16.5. Any vegetation planting and removal or placement of irrigation materials shall be conducted with hand labor and tools; irrigation material shall only be in place outside marine turtle nesting season. Given the density of nesting on this beach, hand watering only shall be allowed during marine turtle nesting season.
- 16.6. All activity shall be confined to daylight hours and shall not occur prior to the completion of all necessary sea turtle surveys and conservation activities within the project area. Nighttime storage of equipment or materials shall be off the beach (i.e., landward of the dune crest, existing seawalls or bulkheads).
- 16.7. In the event a nest is disturbed or uncovered during planting activity, the Permittee shall cease all work and immediately contact the person(s) responsible for sea turtle conservation measures within the project area. If a nest(s) cannot be safely avoided during construction, all activity within the affected project area shall be delayed until complete hatching and emergence of the nest.
- 16.8. Existing native dune vegetation shall be disturbed only to the minimum extent necessary. Only native salt tolerant plant species are authorized to be installed.
17. Prior to completion of construction activities authorized by this permit, the permittee shall plant a mix of a minimum of three native salt-tolerant species to restore the frontal dune and any disturbed areas seaward of the authorized structures. Dune restoration plantings shall consist of salt-tolerant species indigenous to the native plant communities existing on or near the site or with other native species approved by the Department. Sod composed of non-native grasses is not authorized seaward of a major structure or decks. Plantings in other areas of the project site shall not include invasive nuisance plant species such as listed in the Florida Exotic Pest Plant Council's List of Category I and II Invasive Species.

GENERAL PERMIT CONDITIONS:

(1) The following general permit conditions shall apply, unless waived by the Department or modified by the permit:

(a) The permittee shall carry out the construction or activity for which the permit was granted in accordance with the plans and specifications that were approved by the Department as part of the permit. Deviations therefrom, without written approval from the Department, shall be grounds for suspension of the work and revocation of the permit pursuant to section 120.60(7), F.S., and shall result in assessment of civil fines or issuance of an order to alter or remove the unauthorized work, or both. No other construction or activities shall be conducted. No modifications to project size, location, or structural design are authorized without prior written approval from the Department. A copy of the notice to proceed shall be conspicuously displayed at the project site. Approved plans shall be made available for inspection by a Department representative.

(b) The permittee shall conduct the construction or activity authorized under the permit using extreme care to prevent any adverse impacts to the beach and dune system, marine turtles, their nests and habitat, or adjacent property and structures.

PERMITTEE: Palm Beach County
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(c) The permittee shall allow any duly identified and authorized member of the Department to enter upon the premises associated with the project authorized by the permit for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department until all construction or activities authorized or required in the permit have been completed and all project performance reports, certifications, or other documents are received by the Department and determined to be consistent with the permit and approved plans.

(d) The permittee shall hold and save the State of Florida, the Department, and its officers and employees harmless from any damage, no matter how occasioned and no matter what the amount, to persons or property that might result from the construction or activity authorized under the permit and from any and all claims and judgments resulting from such damage.

(e) The permittee shall allow the Department to use all records, notes, monitoring data, and other information relating to construction or any activity under the permit, which are submitted, for any purpose necessary except where such use is otherwise specifically forbidden by law.

(f) Construction traffic shall not occur and building materials shall not be stored on vegetated areas seaward of the control line unless specifically authorized by the permit. If the Department determines that this requirement is not being met, positive control measures, such as temporary fencing, designated access roads, adjustment of construction sequence, or other requirements, shall be provided by the permittee at the direction of the Department. Temporary construction fencing shall not be sited within marine turtle nesting habitats.

(g) The permittee shall not disturb existing beach and dune topography and vegetation except as expressly authorized in the permit. Before the project is considered complete, any disturbed topography or vegetation shall be restored as prescribed in the permit with suitable fill material or revegetated with appropriate beach and dune vegetation. When required for mitigation, dune vegetation will be considered successfully established if within 180 days of planting, a minimum of 80 percent of the planting units survive, a minimum of 80 percent of the planted area is covered with native species and the vegetation is continuous without gaps along the shoreline.

(h) All fill material placed seaward of the CCCL shall meet the requirements of subsection 62B-33.005(7), F.A.C. All such fill material shall be free of construction debris, rocks, clay, or other foreign matter; and shall be obtained from a source landward of the CCCL.

(i) If surplus sand fill results from any approved excavation seaward of the control line, such material shall be distributed seaward of the control line on the site, as directed by the Department, unless otherwise specifically authorized by the permit. Sand fill placed seaward of the frontal dune, bluff or coastal armoring in marine turtle nesting habitat shall be configured such that it does not interfere with marine turtle nesting.

(j) Any native salt-tolerant vegetation destroyed during construction shall be replaced with plants of the same species or, by authorization of the Department, with other native salt-tolerant vegetation suitable for beach and dune stabilization. Unless otherwise specifically authorized by the Department, all plants installed in beach and coastal areas – whether to replace vegetation displaced, damaged, or destroyed during construction or otherwise – shall be of species indigenous to Florida beaches and dunes, such as sea oats, sea grape, saw palmetto, panic grass, saltmeadow hay cordgrass, seashore saltgrass, and railroad vine, and grown from stock indigenous to the region in which the project is located.

(k) All topographic restoration and revegetation work is subject to approval by the Department, and the status of restoration shall be reported as part of the final certification of the actual work performed.

(l) If not specifically authorized elsewhere in the permit, no operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure during the marine turtle nesting season. The marine turtle nesting season is May 1 through October 31 in all counties except Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward counties where leatherback turtle nesting occurs during the period of March 1 through October 31.

(m) If not specifically authorized elsewhere in the permit, no temporary lighting of the construction area is authorized at any time during the marine turtle nesting season and no additional permanent exterior lighting is authorized.

PERMITTEE: Palm Beach County
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(n) All non-opaque walls, balcony railings, deck railings, windows and doors visible from any point on the beach must be tinted to a transmittance value (light transmission from inside to outside) of 45 percent or less through the use of tinted glass or window film.

(o) The permit has been issued to a specified property owner and is not valid for any other person unless formally transferred. An applicant requesting transfer of the permit shall sign the permit transfer agreement form, agreeing to comply with all terms and conditions of the permit, and return it to the Department. The transfer request shall be provided on the form entitled "Permit Transfer Agreement" – DEP Form 73-103 (Revised 1/04), which is hereby adopted and incorporated by reference. No work shall proceed under the permit until the new owner has received a copy of the transfer agreement approved by the Department. A copy of the transfer agreement shall be displayed on the construction site along with the permit. An expired permit shall not be transferred. Copies of the "Permit Transfer Agreement" form are available at the following website: <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms>.

(p) The permittee shall immediately inform the Department of any change of mailing address of the permittee and any authorized agent until all requirements of the permit are met.

(q) For permits involving habitable major structures, all construction on the permitted structure shall stop when the foundation pilings have been installed. At that time the foundation location form shall be submitted to and accepted by the Department prior to proceeding with further vertical construction above the foundation. The form shall be signed by a professional surveyor, licensed pursuant to chapter 472, F.S., and shall be based upon such surveys performed in accordance with chapter 472, F.S., as are necessary to determine the actual configuration and dimensioned relationship of the installed pilings to the control line. The information shall be provided to the Department using the form entitled "Foundation Location Certification" – DEP Form 73-114B (Revised 9/05), which is hereby adopted and incorporated by reference. Phasing of foundation certifications is acceptable. The Department shall notify the permittee of approval or rejection of the form within seven (7) working days after staff receipt of the form. All survey information upon which the form is based shall be made available to the Department upon request. Permits for repairs or additions to existing structures with nonconforming foundations are exempt from this condition.

(r) For permits involving major structures and exterior lighting on major structures, the permittee shall provide the Department with a report by a registered professional within 30 days following completion of the work. For permits involving armoring or other rigid coastal structures, the permittee shall provide the Department with a report by an engineer licensed in the State of Florida within 30 days following completion of the work. The report shall state that all locations specified by the permit have been verified and that other construction and activities authorized by the permit, including exterior lighting, have been performed in compliance with the plans and project description approved as a part of the permit and all conditions of the permit; or shall describe any deviations from the approved plans, project description, or permit conditions, and any work not performed. Such report shall not relieve the permittee of the provisions of paragraph 62B-33.0155(1)(a), F.A.C. If none of the permitted work is performed, the permittee shall inform the Department in writing no later than 30 days following expiration of the permit. The report shall be provided on the form entitled "Final Certification" DEP Form 73-115B (Revised 9/05), which is hereby adopted and incorporated by reference. Copies of the "Final Certification" form are available at the following website: <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms>.

(s) Authorization for construction of armoring or other rigid coastal structures is based on an engineering review and assessment of the design and anticipated performance and impact of the structure as a complete unit. Construction of any less than the complete structure as approved by the Department is not authorized and shall result in the assessment of an administrative fine and the issuance of an order to remove the partially constructed structure. Modifications to the project size, location, or structural design shall be authorized by the Department in accordance with rule 62B-33.013, F.A.C.

PERMITTEE: Palm Beach County
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- (2) The permittee shall not commence any excavation, construction, or other physical activity on or encroaching on the sovereignty land of Florida seaward of the mean high water line or, if established, the erosion control line until the permittee has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.
- (3) The permittee shall obtain any applicable licenses or permits required by Federal, state, county, or municipal law.
- (4) This permit does not authorize trespass onto other property.
- (5) In the event of a conflict between a general permit condition and a special permit condition, the special permit condition shall prevail.
- (6) Copies of any forms referenced above can be obtained by contacting the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400, at <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms> or by telephoning (850)245-8336.

Approved plans are incorporated into this permit by reference.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

PERMITTEE: Palm Beach County
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The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Nathan Bonanno, Permit Manager
Coastal Construction Control Line Program
Office of Resilience and Coastal Protection

PERMITTEE: Palm Beach County
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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Kevin Lasagna, Agent klasagna@pbcgov.org
Deborah Drum, Palm Beach County Environmental Resource Mgmt. Director ddrum@pbcgov.org
David Kieckbusch, CCCL Field Inspector david.kiecibusch@floridadep.gov

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

<u>Jacob Koerner</u>	<u>10/8/2021</u>
Clerk	Date

CONTRACT HISTORY
Palm Beach County Dune and Beach Restoration Annual Contract (Federalized)
Project Number 2021ERM01
Eastman Aggregate Enterprises, LLC (Contractor B)

Contract R2021-0512 dated April 20, 2021 for initial 2 year Term, expires on April 19, 2023 for \$10,836,647.00.
Contract Not To Exceed: \$10,836,647.00

Work Order Summary:

WORK ORDER NUMBER	TOTAL AMOUNT	ACTUAL* TOTAL AMOUNT	WORK ORDER DESCRIPTION	APPROVED BY / DATE	COMMENCE- MENT DATE
0512-01	\$1,960,862.80		Singer Island Dune Restoration	BCC	

Total: \$1,960,862.80

Contract Balance: \$8,875,784.20
Report Date: 11/9/2021

* Actual amount expended for completed Work Orders and approved for closeout by Contract Review Committee.

