

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: September 19, 2023 Consent Regular
 Workshop Public Hearing

Department: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Amendment No.1 (Amendment) to Florida Department of Environmental Protection (FDEP) Project Agreement Number LPA0238 (Agreement), for the Sawfish Island Restoration Project (Project), to extend the Project completion date from March 31, 2023 to March 31, 2025.

Summary: On October 19, 2021, the Board of County Commissioners (BCC) approved the Agreement (R2021-1542) with FDEP. Delegated authority to sign all future time extensions, task assignments, certifications, and other forms associated with this Contract was approved at that time. This Amendment extends the Project completion date to allow for more time for the contractor to complete the Project. In accordance with PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file agenda item. **There is no cost to the County.** District 1 (SF)

Background and Justification: The FDEP Grant Agreement through the Loxahatchee River Preservation Initiative (LRPI) provides for 25% of the total construction costs (\$370,185.30).The remaining 75% of the costs will be covered by County funds, (28%), and the Florida Inland Navigation District Grant, (47%), No. PB-20-211 (R2021-0361). The project will provide enhancement of both water quality and wetland habitat function within the Loxahatchee River-Lake Worth Creek Aquatic Preserve, that is an essential habitat for fish and migratory bird species.

Attachments:

1. FDEP Agreement No. LPA0238, Amendment No. 1
 2. Delegation of Authority
-

Recommended by: *Michael S. ...* 8/31/23
Department Director **Date**

Approved by: *[Signature]* 9/5/23
Assistant County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

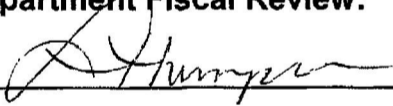
Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u> 0 </u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?		Yes <u> X </u>		No _____	
Does this item include the use of federal funds?		Yes _____		No <u> X </u>	

Budget Account No.:

Fund 1232 Department 380 Unit 3308 Object 3401 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:
There is no fiscal impact associated with this item.

C. Department Fiscal Review:



III. REVIEW COMMENTS

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

<p><u></u> 8/23/23 OFMB MO 8/23 MF 8/23/2023 MF 8/23</p>	<p><u></u> 8/30/23 Contract Development & Control MF 8/30/23</p>
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B. Legal Sufficiency:


 Assistant County Attorney

C. Other Department Review:

 Department Director

**AMENDMENT NO. 1
TO AGREEMENT NO. LPA0238
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
PALM BEACH COUNTY**

This Amendment to Agreement No. LPA0238 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and Palm Beach County (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Sawfish Island Restoration Project (Project), effective October 29, 2021; and,

WHEREAS, the Grantee has requested an extension of the Agreement due to supply chain issues; and,

WHEREAS, the parties have agreed to amend the Agreement as set forth herein.

NOW THEREFORE, the parties agree as follows:

1. Section 3. of the Standard Grant Agreement is hereby revised to change the Date of Expiration to March 31, 2025. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
2. Attachment 3-1, Revised Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-2, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3-1 shall hereinafter refer to Attachment 3-2, Revised Grant Work Plan.
3. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

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The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

PALM BEACH COUNTY

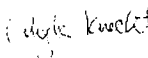
By: 
Authorized Signature

Deborah Drum, Department Director
Environmental Resources Management
Print Name and Title

Date: 3-13-2023

Approved as to form and legal sufficiency
by:
/s/ Shannon Fox, Assistant County Attorney

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By:  Digitally signed by Angela Knecht
Date: 2023.03.15 20:44:01 -04'00'
Secretary or Designee

Angela Knecht, Division Director
Print Name and Title

Date: _____

Sarah Louissaint Digitally signed by Sarah
Louissaint
Date: 2023.03.14 07:31:51 -04'00'
Sarah Louissaint, DEP Grant Manager

Gabby Vega-
Molnar Digitally signed by Gabby Vega-
Molnar
Date: 2023.03.15 10:05:53 -04'00'
Gabby VegaMolnar, DEP QC Reviewer

List of attachments/exhibits included as part of this Amendment:

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description</u>
Attachment	3-2	Revised Grant Work Plan

**ATTACHMENT 3-2
REVISED GRANT WORK PLAN**

PROJECT TITLE: Sawfish Island Restoration Project

PROJECT LOCATION: The Project will be located in the City of Jupiter within Palm Beach County; Lat/Long (26.94376, -80.08997) and (26.94266, -80.08954). See Figures 1 and 2 for a location map and site plan.

PROJECT BACKGROUND: Previously dredged material placed on wetland resources has destroyed wetland habitat, impacted wetland function and increased erosion. Impacted wetlands were colonized by exotic vegetation and resulted in loss of wetland habitat, increased shoreline erosion and sedimentation. By restoring the wetland functions of Sawfish Island in Palm Beach County (Grantee), this system will provide coastal resiliency within the Loxahatchee River-Lake Worth Creek Aquatic Preserve to endure disturbances such as severe weather and climate change.

PROJECT DESCRIPTION: The Sawfish Island Restoration Project will remove exotic vegetation and dredged spoil materials to improve water quality and wetland habitat functions within the Sawfish Bay Watershed. Removing the exotic vegetation will improve the functionality of the wetlands and allow them to store and filter more water, which will help attenuate storm water surges to the Loxahatchee River while improving the quality of the surrounding surface waters. The project will improve water quality within the Loxahatchee River by reducing the erosion caused by the fallen non-native trees on the island. Restoring mangrove function will reduce sedimentation by providing wetland filtration and absorption of boat wakes. The native trees and shrubs of Sawfish Island are unique to southeast Florida and play an important part in protecting the Loxahatchee River Shoreline.

The project will enhance and restore a total of 9.27 acres of island habitat along the Loxahatchee River through vegetation removal and excavation of exotic impacted uplands. The spoil material on the island will be scraped down to wetland elevations and used for beneficial re-use to create additional mangrove and seagrass habitat at Tarpon Cove, a permitted restoration site in the Lake Worth Lagoon. Beneficial re-use of excavated material will provide cost savings by the reduction of costly hauling and disposal of spoil material to offsite uplands. This Project includes scraping down 18,000 cy⁹ of spoil material to create mangrove and potential seagrass habitat. Using excavation equipment, such as a long stick excavator and front-end loader the spoil material will be mounded onto a surge pile then placed onto a conveyor system and loaded onto barges which will then transport the material off-site to the Tarpon Cove. The excavation work will take place on the upland portion of the island behind a spoil plug and turbidity curtains to ensure there will be negligible turbidity. The material will then be off loaded into the dredged hole using a long stick excavator to the desired project wetland elevations.

The Grantee does not anticipate that the funding under this Agreement will result in a fully completed project, so this Agreement will cover a portion of the work. The DEP grant Funding will provide 25% of the total construction costs. The remaining 75% of the costs will be covered by local funds and the FIND grant.

TASKS: All documentation should be submitted electronically unless otherwise indicated.

Task 1: Muck Dredging and Spoil Management

Deliverables: The Grantee will dredge approximately 18,000 cubic yards of muck sediments from the Loxahatchee River -Lake Worth Creek Aquatic Preserve in accordance with the construction contract documents.

Documentation: The Grantee will submit: 1) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; and 2) a signed statement from a Florida Licensed Professional Engineer indicating construction has been completed in accordance with the construction contract documents, as applicable.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

PROJECT TIMELINE & BUDGET DETAIL:

The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Muck Dredging and Spoil Management	Contractual Services	\$370,185.30	07/01/2021	09/30/2024
Total:			\$370,185.30		

Note that, per Section 8.h. of Attachment 1 in the Agreement, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the Department if the Legislature reduces or eliminates appropriations. Extending the contract end date carries the risk that funds for this project may become unavailable in the future. This should be a consideration for the Grantee with this and future requests for extension.

Figure 1: Location Map

T:\leerengser\Chip\Sawfish\Sawfish Cover Sheet.dwg

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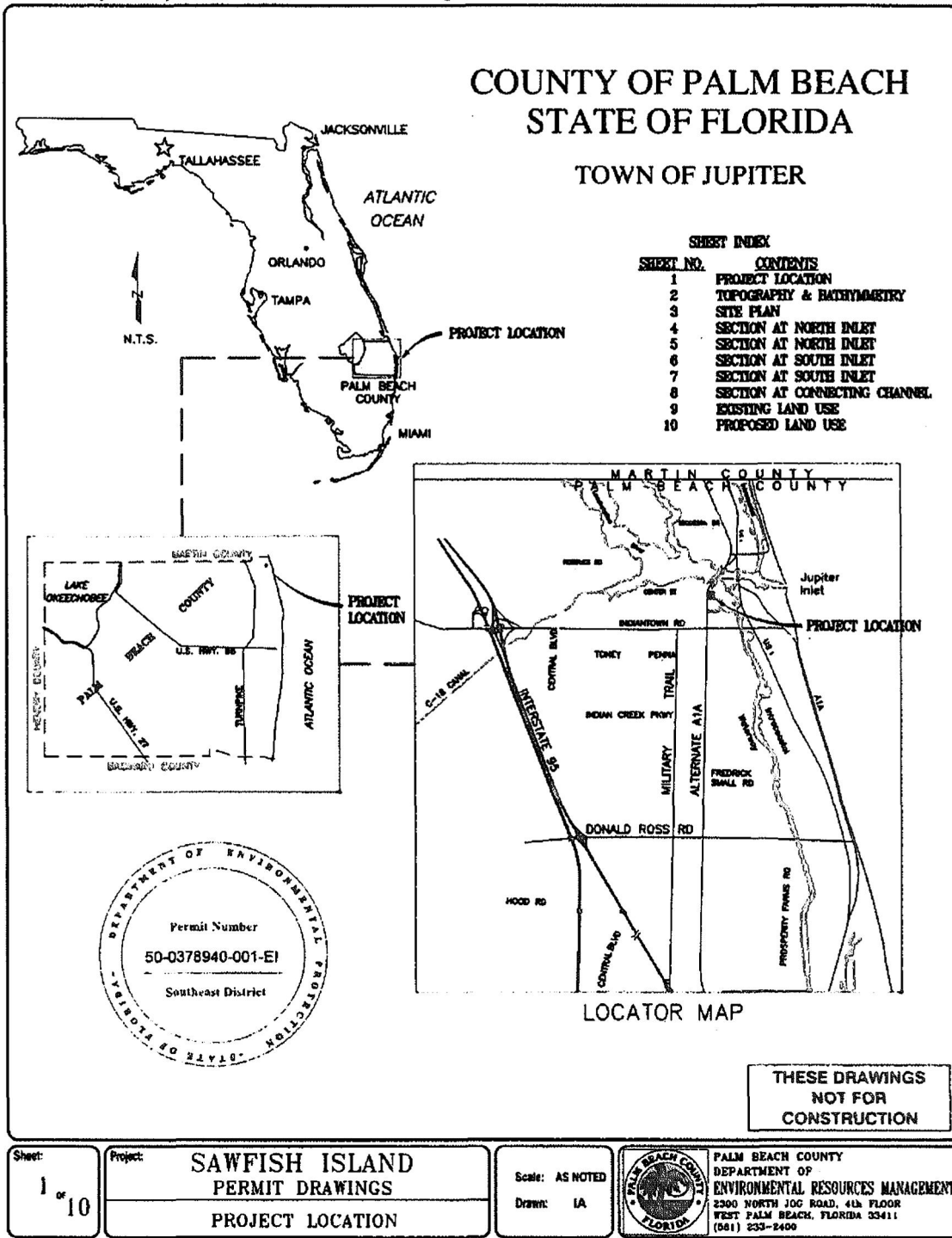
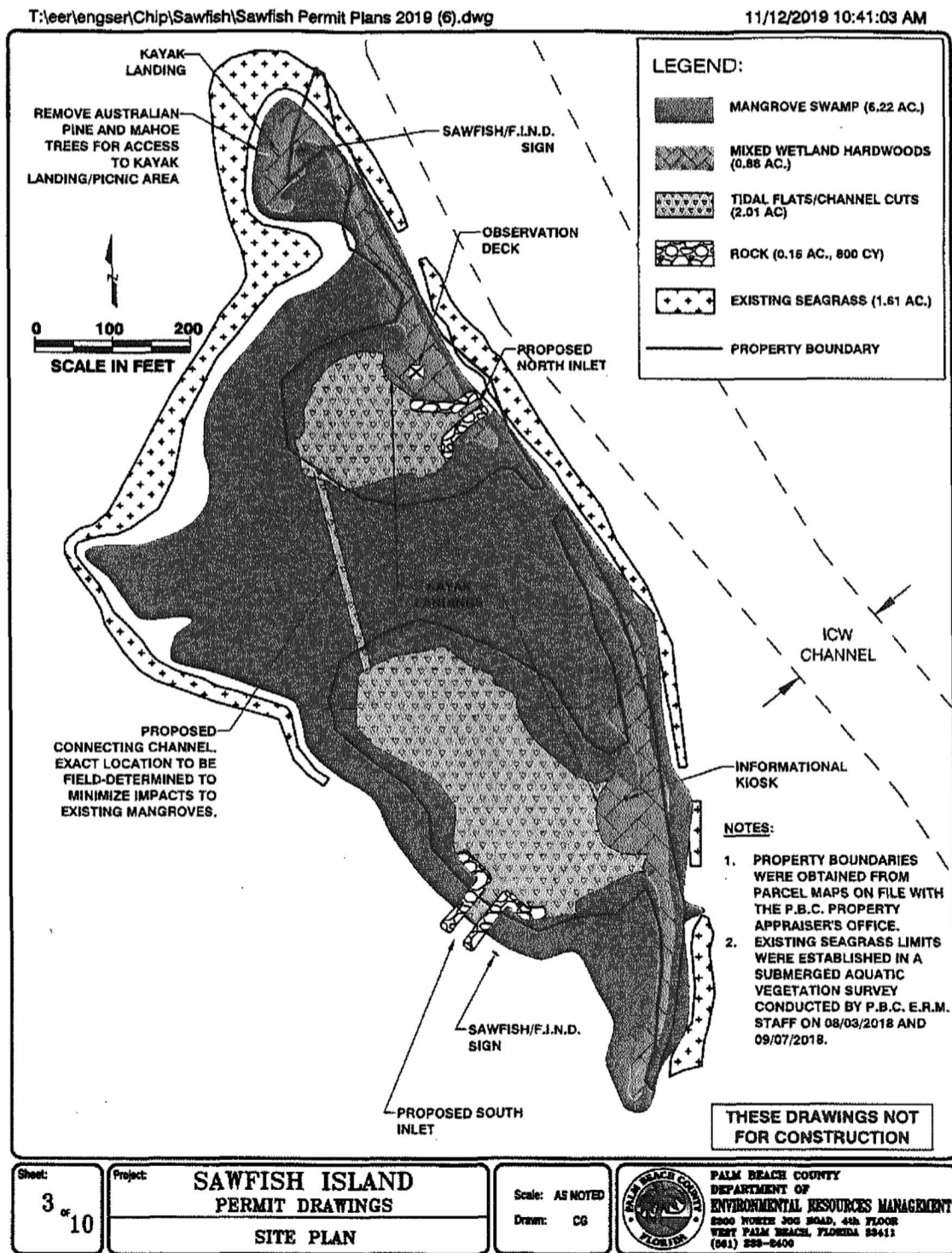


Figure 2: Site Plan





INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management

DATE: November 29, 2021

TO: Verdenia C. Baker
 County Administrator

THROUGH: Patrick Rutter *PWR*
 Assistant County Administrator

FROM: Deborah Drum, Director *DD 11-30-21*
 Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:
 A State of Florida Department of Environmental Protection (FDEP) Standard Grant Agreement No. LPA0238 (Agreement), through the Loxahatchee River Preservation Initiative, for an amount not to exceed \$370,185.30 to restore Sawfish Island along the Loxahatchee River, commencing upon execution and expiring March 31, 2023.

On October 19, 2021, agenda item 3L-2 (R2021-1542), the Board of County Commissioners approved the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with the Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement.

This memorandum is my request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM), to sign all future time extensions, task assignments, certifications, and other forms associated with this Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the 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: *VBaker* DATE: 12/7/21
 Verdenia C. Baker, County Administrator

DD:kf
 Attachment