

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

<b>Meeting Date:</b>	July 8, 2025	(X) Consent	( ) Regular
		( ) Workshop	( ) Public Hearing
<b>Department:</b>	<u>Environmental Resources Management</u>		

**I. EXECUTIVE BRIEF**

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

**A) approve** a Certification of Lands granting the Department of the Army (DA) a right of entry upon lands which Palm Beach County owns or controls, for the purpose of rehabilitating the Delray Beach Segment of the Palm Beach County Shore Protection Project (Project); and

**B) delegate authority** to the County Administrator, or designee, to sign all future Certification of Lands for County-sponsored Segments of the federally-authorized Palm Beach County Shore Protection Project, subject to the review and approval of the Office of the County Attorney.

**Summary:** Hurricane Nicole made landfall in Florida on November 10, 2022, causing significant beach erosion in Delray Beach. The Board of County Commissioners (BCC) approved a Cooperation Agreement (R2025-0650) (Agreement) with the DA for rehabilitation of the Project, wherein the County agreed to provide all lands, easements and rights-of-way necessary for construction, operation, and maintenance of the Project. Pursuant to the Agreement, the DA requests that the County execute the Certification of Lands, which grants the DA an irrevocable right to enter County-owned or controlled lands identified on the Delray Beach FY25 Lands Map Request for staging, access, and construction, and provides certifications regarding the use and limitations of those lands. The City of Delray Beach (City), a Project partner, intends to separately provide right of entry to the DA for City-owned or controlled lands. **There is no cost to the County associated with this item. District 4 (SS)**

**Background and Justification:** The County is the local sponsor of the Delray Beach, Jupiter-Carlin, and Ocean Ridge Segments of the federally-authorized Palm Beach County Shore Protection Project. Federally-authorized projects are eligible for fixed federal cost-share during regular maintenance intervals, and 100% federal cost-share following significant storm-related damages. The upcoming Project includes a combination of Hurricane Nicole-related rehabilitation and additional locally-funded sand placement. In order to avoid delays in the bid process and the associated risk of increased costs, the DA requires that the County provide the executed Certification of Lands by no later than August 6, 2025.

**Attachments:**

- 1. Certification of Lands
- 2. FDEP Consolidated Joint Coastal Permit and SSLA (Permit No. 0303553-011-JM)

<b>Recommended by:</b>	<b>Deborah Drum</b> <small>Digitally signed by Deborah Drum DN: cn=Deborah Drum, o=Palm Beach County, ou=ERM, email=DDrum@pbc.gov</small>	<b>6-26-2025</b>
	<b>Department Director</b>	<b>Date</b>
<b>Approved by:</b>	<b>Patrick Rutter</b> <small>Digitally signed by Patrick Rutter DN: cn=Patrick Rutter, o=Palm Beach County, ou=ERM, email=PRutter@pbc.gov</small>	<b>Jun 26, 2025</b>
	<b>Deputy County Administrator</b>	<b>Date</b>

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2025	2026	2027	2028	2029
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 _____ No _____				
Does this item include the use of federal funds?	Yes _____ No _____				
Does this item include the use of state funds?	Yes _____ No _____				


Budget Account No.:

Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_ Program \_\_\_\_\_

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

There is no fiscal impact associated with this item.

### C. Department Fiscal Review:

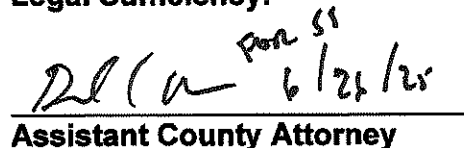
  
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## III. REVIEW COMMENTS

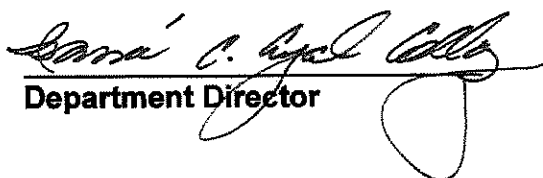
### A. OFMB Fiscal and /or Contract Dev. and Control Comments:

 6/24/25  
OFMB  6/26/25  
Contract Development & Control

### B. Legal Sufficiency:

 6/26/25  
Assistant County Attorney

### C. Other Department Review: Facilities Development and Operations

  
Department Director

## **CERTIFICATION OF LANDS**

**Project Name:** Rehabilitation of the Delray Beach Segment of the Palm Beach County  
Florida Shore Protection Project

**Segment:** Delray Beach

Palm Beach County, as Project Sponsor of the Delray Beach Segment of the Palm Beach County Shore Protection Project authorized by Public Law (87-874) under Local Cooperation Agreement Dated September 23, 1992, does hereby certify that the below described lands are dedicated to the Delray Beach Segment of the Palm Beach County Shore Protection Project and shall not be conveyed, transferred, or otherwise altered or encumbered without express written consent of the Department of the Army acting by and through the Assistant Secretary of the Army for Civil Works or his designated representative.

Palm Beach County does certify that it has the below described interests in the lands depicted on the attached map at the time of execution of this Certificate and that these recited interests will not be impaired during the life of the Project except as written consent is given as provided above. Palm Beach County also certifies that all persons and business that have been displaced by acquisition of below lands have been relocated in full compliance with Public Law 91-646, as amended and that the other provisions of Public Law 91-646, as amended, have been complied with.

Palm Beach County does hereby grant to the Department of the Army an irrevocable right to enter for purposes of construction, inspection and, if necessary, for the purpose of completing, operating, repairing, maintaining, replacing, or rehabilitating the Project upon lands which Palm Beach County owns or controls for the Project.

Palm Beach County hereby certifies that it has at least the following minimum interest in the lands depicted on the attached map and as identified thereon:

1. Palm Beach County owns, and the City of Delray Beach is a Lessee, for Parcel Numbers 12434616220300020 (Anchor Park), 12434621150000010 (Atlantic Dunes Parking Lot), and 12434621000040090 (Atlantic Dunes Park); the City of Delray Beach's attached letter confirms that the City supports and agrees with the County's execution of this Certification of Lands for the purposes of the Project.
2. Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization (Permit Number 0303553-011-JM).

It is also Palm Beach County's understanding that the City of Delray Beach intends to separately grant a right of entry to the Department of the Army for purposes of construction, inspection and, if necessary, for the purpose of completing, operating, repairing, maintaining, replacing, or rehabilitating the Project upon lands which the City of Delray Beach owns or controls for the Project, to include Parcel Numbers 12434621000010010 and 12434609040050033.

Palm Beach County

Dated:

By: \_\_\_\_\_  
Maria G. Marino, Mayor  
Board of County Commissioners

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: *for*                       
Scott A. Stone  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

By: **Deborah Drum**  Digitally signed by Deborah Drum  
DN: cn=Deborah Drum, o=Palm Beach County, ou=Enterprise, ou=ERM, ou=Users, cn=Deborah  
Drum, email=DDrum@pbc.gov  
Reason: I am approving this document  
Date: 2025.06.21 17:20:14-0400  
Text PDF Editor Version: 12.1.0 **6-25-2025**  
Deborah Drum, Director  
Department of Environmental  
Resources Management

## ATTORNEY'S CERTIFICATE OF AUTHORITY

I, Scott A. Stone, Assistant County Attorney for Palm Beach County, certify that Palm Beach County has authority to grant the above Right of Entry; that said Right of Entry is executed by the proper duly authorized officer; and that the Right of Entry is in sufficient form to grant the authorization therein stated.

WITNESS my signature as Assistant County Attorney for Palm Beach County, this 26 day of June, 2025.

BY:



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for Scott A. Stone  
Assistant County Attorney for  
Palm Beach County



**VIA EMAIL**

June 24, 2025

Deborah Drum

Director, Department of Environmental Resources Management

2400 North Jog Road, 4<sup>th</sup> Floor

West Palm Beach, FL 33411

Subject: Delray Beach Flood Control and Coastal Emergencies (FCCE) Project, USACE Certification of Lands

Dear Ms. Drum,

The City of Delray Beach supports County execution of the USACE's Certification of Lands required for federal bidding and contracting of the pending Delray Beach FCCE Project. The City, as Lessee and operator of Palm Beach County Parcel #'s 12434616220300020 (Anchor Park), 12434621150000010 (Atlantic Dunes Parking Lot), and 12434621000040090 (Atlantic Dunes Park), agrees with the County's Certification of these lands for the purposes of the subject Project.

Sincerely,

A handwritten signature in black ink that reads "Missie Barletto". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

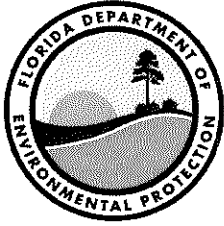
Missie Barletto

Director of Public Works

City of Delray Beach

**SERVICE • PERFORMANCE • INTEGRITY • RESPONSIBLE • INNOVATIVE • TEAMWORK**





# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Alexis A. Lambert**  
Secretary

June 12, 2025

City of Delray Beach  
Attn: Cynthia Buisson,, P.E.  
434 South Swinton Ave  
Delray Beach, FL 33444  
FuentesC@mydelraybeach.com

**And**

Palm Beach County  
Attn: Deborah Drum, Director  
2300 North Jog Road  
West Palm Beach, FL 33411  
ddrum@pbc.gov

**c/o**

Coastal Protection Engineering  
Attn: Stacy Buck  
5301 N. Federal Highway, Suite 335  
Boca Raton, FL 33487  
sbuck@coastalprotecitoneng.com

Permit Modification No. 0303553-013-JN  
Permit No. 0303553-011-JM, Palm Beach County  
Delray Beach Nourishment

Dear Ms. Buisson, and Ms. Buck:

Your request to modify Permit No. 0303553-011-JM was received on June 10, 2025, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to authorize the addition of Palm Beach County as a Co-Permittee.

## **Background**

The Delray Beach Project is located in Palm Beach County, along the southeastern coast of Florida. It was initially restored in July 1973, under Department Permit DBS-72-24, with the

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**Joint Coastal Permit  
Delray Beach Nourishment  
Permit No. 0303553-013-JN  
Page 2 of 6**

placement of 1,634,500 cubic yards of sand. Delray Beach was subsequently nourished in 1978 and 1984, under Permit Nos. DBS 75-10 and DBS 75-10M1. These projects involved the placement of 701,300, and 1,311,000 cubic yards of sand, respectively. The third nourishment of Delray Beach took place between November and December 1992, placing 1,188,000 cubic yards of sand over a distance of 1.7 miles, between R-180 and R-188A (under Coastal Construction Permit **DBS890242** and Wetland Resource Permit No. **501662809**). The fourth nourishment event occurred in March 2002, and placed 1,230,000 cubic yards of sand over 1.9 miles of beach, between R-179 and R-188A, under Joint Coastal Permit No. **0178582-001-JC**.

In 2005, approximately 250,000 cubic yards of material was placed by the U.S. Army Corps of Engineers (Corps) to repair damages from the active 2004 hurricane season, under Permit Modification No. **0178582-003-EM**.

On January 27, 2012, the Department issued Permit No. **0303553-001-JC** to continue beach nourishments along 1.9 miles of beach fronting the City of Delray Beach, Florida, using two offshore borrow areas, Borrow Areas I and II, that run parallel to the beach and vary in width from 1,000 feet to 425 feet. The Department also granted Variance No. **0303553-002-BV** to temporarily establish an expanded mixing zone extending up to 1000 meters alongshore and 300 meters offshore.

On June 11, 2012, the Department issued Permit Modification No. **0303553-003-JN** to correct an inadvertent error to Specific Condition 11, requiring sea turtle monitoring.

On March 4, 2013, the Department issued Permit Modification No. **0303553-005-JN** to authorize the Permittee to stockpile beach compatible sand from the approved offshore borrow area and truck the sand to an additional placement area, located between R-176 and R-177, for dune enhancement.

On May 9, 2013, the Permittee requested a modification (File No. **0303553-006-JN**) to revise the turbidity monitoring protocol. After a cursory review of the request, the Department notified the Permittee that a modification could not be authorized as requested. On June 21, 2013 the application was withdrawn.

On August 2, 2013, the Department issued Permit Modification No. **0303553-007-JN** to expand the authorized construction template for the placement of beach compatible material. The expanded area was a previously authorized placement area located between R-175+300 feet and R-179.

On August 22, 2013, the Department issued Permit Modification No. **0303553-008-JN** to authorize a possible expansion of the turbidity mixing zone from 1,000 meters to 2,000 meters under specified conditions. Variance No. **0303553-009-BV** was issued simultaneously to account for the potential expansion of the mixing zone.

**Joint Coastal Permit  
Delray Beach Nourishment  
Permit No. 0303553-013-JN  
Page 3 of 6**

On May 12, 2021 the Department issued Permit Modification No. **0303553-010-JM** to authorize the periodic nourishment of beach along approximately 2.8 miles of the Delray Beach shoreline, using sand from an additional two offshore borrow areas.

On March 28, 2024 the Department issued Permit Modification No. **0303553-011-JM** to authorize the nourishment of 3.0 miles of beach fronting the City of Delray Beach, from Department Monument R-175+33- and R-190+200.

For additional background, please see the ***JOINT COASTAL PERMIT, AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS*** for Permit No. **0303553-011-JM** at the following website:

[https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=20.234053.1\]&\[profile=Permitting\\_Authorization\]](https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=20.234053.1]&[profile=Permitting_Authorization])

On March 25, 2025 the Department issued Permit Modification No. **0303553-012-JN** to revise the Delray Beach Borrow Area Submerged Aquatic Vegetation (SAV) Monitoring Plan.

**Staff Assessment and Justification**

***Palm Beach County as Co-Permittee***

Department staff have reviewed and approved the proposal to add Palm Beach County as Co-Permittee. For Flood Control and Coastal Emergency Shore Protection (FCCE) projects, constructed by the Corps, Palm Beach County functions as the local sponsor on the federal permit associated with the Delray Beach Nourishment Project. To ensure consistency, the City of Delray has requested the County to be designated as a Co-Permittee on the state permit. Therefore, by way of this modification, the Department will add the County as a Co-Permittee to the project.

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting marine turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the **permit is hereby modified** as stated above. By copy of this letter, we are notifying all necessary parties of the modification.

This letter of approval does not alter the **January 27, 2027** expiration date or the Specific Conditions of the permit. This letter must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), as provided below. The

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procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

## **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.

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](mailto: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.

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**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 **14** 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 **14** days of publication of the notice or within **14** 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](mailto: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.

**FLAWAC Review**

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

**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.

If you have any questions regarding this matter, please contact Rachel Grundl by email at [Rachel.Grundl@FloridaDEP.gov](mailto:Rachel.Grundl@FloridaDEP.gov) or by telephone at (850) 245-7594.

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.  
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Sean Green  
Environmental Manager  
Beaches, Inlets and Ports Program  
Office of Resilience and Coastal Protection

CERTIFICATE OF SERVICE

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

cc: Greg Garis, RCP	Application-SP@usace.army.mil
BIPP	MarineTurtle@myFWC.com
CE Review	ConservationPlanningServices@myFWC.com
Beaches_Funding	ImperiledSpecies@myFWC.com
JCPCompliance	

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>06/12/2025</u>
Clerk	Date