

**BOARD OF COMMISSIONERS
MEETING AGENDA
February 18, 2012**

PRELIMINARY AGENDA

FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Board Meeting

9:00 a.m., Friday, February 18, 2012

**SpringHill Suites
2000 N.W. Courtyard Circle
Port St. Lucie, St. Lucie County, Florida.**

Item 1. Call to Order.

Chairman Bray will call the meeting to order.

Item 2. Pledge of Allegiance.

Treasurer Kavanagh will lead the pledge of allegiance to the United States of America.

Item 3. Roll Call.

Secretary Freeman will call the roll.

Item 4. Consent Agenda.

The consent agenda items are presented for approval. Commissioners may remove any items from this agenda that they have questions on or would like the Committee to discuss in depth. Any items removed would then be included in the regular agenda in an order assigned by the Chair.

(agenda follows colored page)

RECOMMEND Approval of the Consent Agenda.

Item 5. Additions or Deletions.

Any additions or deletions to the meeting agenda will be announced. Additionally, Commissioners can request that Committee items, that would not normally be reviewed and approved by the full Board, be added to the agenda.

RECOMMEND Approval of a final agenda.

Item 6. Board Meeting Minutes.

The Minutes of the following meetings are presented for approval:

- January 13, 2012 Finance and Budget Committee Mtg. (see back up pages 7 - 13)
- January 13, 2012 Board Meeting (see back up pages 14 - 48)
- January 13, 2012 Land Acq. & Mgmt. Committee Mtg. (see back up pages 49 - 54)

RECOMMEND Approval of the minutes as presented.

Item 7. Public Comments.

The public is invited to provide comments on issues that are not on today's agenda.

Item 8. Comments from the U.S. Army Corps of Engineers.

A representative of the Corps will address the Board and provide updates on ICW projects.

(see back up pages 55 - 57)

Item 9. Staff Report on St. Lucie County Area Projects.

Staff will present a report on St. Lucie County area projects by the District.

(see back up pages 58 - 69)

**Item 10. City of Riviera Beach Request for a Cost Modification to their Municipal
Marina Reconstruction Waterways Assistance Project, Palm Beach County.**

The City of Riviera Beach has submitted a request for a major cost modification to their municipal marina reconstruction assistance project agreement. This modification is based upon the final actual costs for the Phase I project elements and is in compliance with the Assistance Program rules.

(see back up pages 70 - 72)

RECOMMEND Approval of the cost estimate modification request to Project Agreement
No. PB-RB-09-141, Municipal Marina Remediation – Phase I.

Item 11. Martin County Request for a Cost Modification to their Manatee Pocket Dredging Waterways Assistance Project.

Martin County has requested an amendment to the cost estimate for the final phase of the Manatee Pocket Dredging Project. The project came in under cost and the county would like to allocate some funding to the long term monitoring of the project as required by the permits.

(see back up pages 73 - 74)

RECOMMEND Approval of the cost estimate modification request to Project Agreement No. MA-10-63, Manatee Pocket Dredging Project.

Item 12. License Agreement Amendment No.1 with Broward County for Dania Cut Off Canal Deepening Project, Broward County.

License Agreement Amendment No. 1 with Broward County for use of their spoil site at Port Everglades needs to be amended to provide for a lower bond and to allow the management of dredged materials in the site from adjacent marine facilities.

(see back up pages 75 - 83)

RECOMMEND Approval of License Agreement Amendment No. 1 with Broward County.

Item 13. Dania Cut Off Canal Deepening Project Change Order with Lucas Marine Acquisition Corp., Broward County.

The District has achieved the permit modifications to discharge effluent from the Port Dredged Material Management Area for the Dania Cut Off Canal Project. The conditions of these permits will require additional water management and water sampling activities by the contractor. A scope of services and cost for these additional services has been requested from the contractor and will be distributed at the meeting.

RECOMMEND Approval of Change Order No.1 with Lucas Marine Acquisition Corporation, LLC for the Dania Cut Off Canal Deeping Project.

Item 14. Waterway Cleanup Program Rule Modifications.

The Board requested that staff look at modifications to the District's Waterway Cleanup Program Rules to address several concerns. Staff has prepared a memorandum of the proposed modifications for Board review. Staff recommends that any rule changes be made during the regular rule amendment cycle in August and we will bring back specific rule language at that time.

(see back up pages 84 - 87)

Item 15. Hillsboro Lighthouse Resolution, Broward County.

The U.S. Coast Guard has requested comments concerning potential changes to the operations of the Hillsboro Lighthouse because of potential affects to sea turtle hatchlings. Commissioner Chappell requested that staff draft a resolution for submission to the U.S. Coast Guard supporting the continued operations of the Hillsboro Lighthouse.

(see back up pages 88 - 98)

RECOMMEND Approval of Resolution No. 2012-02 regarding the Hillsboro Lighthouse.

Item 16. St. Augustine Blessing of the Fleet, St. Johns County.

The St. Augustine Yacht Club has submitted a request for funding assistance with their annual blessing of the fleet.

(see back up pages 99 - 102)

Item 17. Public Relations Committee Report.

The Public Relations Committee will present their recommendations from their committee meeting to the full Board for approval.

(see Public Relations Committee agenda)

RECOMMEND Approval of the recommendations from the Public Relations Committee.

Item 18. Travel Reimbursement Voucher Modification.

Staff proposes a modification to the travel reimbursement voucher to provide a 90 day limit to the submission of travel reimbursement vouchers.

(see back up pages 103 - 104)

RECOMMEND Approval of the proposed modification to the District's travel reimbursement voucher.

Item 19. Executive Director's Delegation of Authority Modification.

Staff proposes a modification to the Executive Director's Delegation of Authority to clarify that the executive Director has the authority to authorize travel and make decisions about the most economical method of travel.

(see back up pages 105 - 116)

RECOMMEND Approval of the proposed modification to the Executive Director's Delegation of Authority.

Item 20. Finance and Budget Committee Report.

The Finance and Budget Committee will present their recommendations from their committee meeting to the full Board for approval.

(see Finance and Budget Committee agenda)

RECOMMEND Approval of the recommendations from the Finance and Budget Committee.

Item 21. Washington DC. Report.

Jim Davenport of Alcalde and Fay, the District's Washington DC government relations firm, has submitted a status report on their activities on the District's federal issues. Staff has also prepared our FY 2013 Federal appropriations request for Board review and approval.

(see back up pages 117 - 126)

RECOMMEND Approval of the FY 2013 Federal appropriations request.

Item 22. Tallahassee Report.

Jon Moyle of Keefe, Anchors, Gordon & Moyle, the District's Tallahassee government relations firm, has submitted a status report on their activities on the District's state issues. The Governor's Executive Order for his office's review of special districts is in the back up for Board review.

(see back up pages 127 - 136)

Item 23. Additional Staff Comments and Additional Agenda Items.

- A. FY 2012-2013 Assistance Program (see back up pages 137 - 190)
- B. Economic Study Update (see back up pages 191 - 199)
- C. Changing the April Board Meeting Location

Item 24. Additional Commissioners Comments.

Item 25. Adjournment.

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT
Finance and Budget Committee Meeting
8:11 a.m., Friday, January 13, 2012
Hilton St. Augustine Historic Bayfront Hotel
32 Avenida Menendez
St. Augustine, St. Johns County, Florida**

ITEM 1. Call to Order.

Chair Kavanagh called the meeting to order at 8:11 a.m.

ITEM 2. Roll Call.

Assistant Executive Director Mark Crosley called the roll and Chair Kavanagh, Commissioner Chappell, Commissioner Colee, Commissioner Freeman, and Commissioner Sansom were present. Mr. Crosley stated that a quorum was present.

ITEM 3. Financial Statements for October of 2011.

Mr. Roach presented the financial statements for November and asked for questions.

Commissioner Colee asked about an expenditure for T Shirts. Mr. Roach stated that, as a sponsor of the multi-agency Spoil Island Clean Up program, the District has agreed to purchase the volunteer T shirts. He noted that volunteers for this program are at an all-time high. Mr. Crosley stated that staff purchases these T shirts every other year.

Commissioner Chappell made a motion to recommend to the full Board approval of the financial statements for October of 2011. The motion was seconded by

Commissioner Colee. Chair Kavanagh asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 4. Financial Statements for November 2011.

Mr. Roach presented the financial statements for November and distributed an updated page 23. He noted that that staff is receiving bids for CD rates. He asked for questions and there were none.

Commissioner Freeman made a motion to recommend to the full Board approval of the financial statements for November 2011. The motion was seconded by Commissioner Chappell. Chair Kavanagh asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 5. November 2011 Expenditure and Project Status Reports.

Chair Kavanagh presented the District's Expenditure and Project Status Report for November of 2011. She asked for questions and there were none.

ITEM 6. FY 2011-2012 Budget Amendment No. 1.

Mr. Roach presented budget amendment no. 1 for the FY 2011-2012 budget. He stated that this amendment adjusts the carry forward funds to reflect what was actually expended in FY 2010-2011.

Mr. Roach stated that the Fernandina Beach Boat Ramp project will not be moving forward and therefore the budget amendment was modified to read \$5,274,202.00. He stated that we will come back with a Budget Amendment no. 2 to reallocate funding for several grant projects that billed under budget and other grant funding changes.

Commissioner Freeman asked about other assistance projects that may not move forward. Mr. Crosley stated that there a few projects that may not successfully move forward because of financial issues.

Commissioner Sansom made a motion to recommend to the full Board approval of FY 2011-2012 Budget Amendment No. 1. The motion was seconded by Commissioner Colee. Chair Kavanagh asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 7. Auditor's Engagement Letter for the FY 2010-2011 Audit.

Mr. Roach stated that the District's current audit firm, Berger, Toombs, Elam, Gaines & Frank, has submitted an engagement letter for the FY 2010-2011 financial audit with a proposed cost of \$28,000.00 which is the same as last year. He stated that if the engagement letter is approved, this will be the third year that Berger et al. will have performed our audit. He noted that the Board has generally agreed to change audit firms every five years.

Mr. Roach noted that if the Board does not approve the engagement letter, the Auditor Selection Committee will advertise a Request for Qualifications for a new audit firm.

Commissioner Colee made a motion to recommend to the full Board approval of a recommendation to the full Board to accept the Engagement Letter from Berger, Toombs, Elam, Gaines & Frank for the FY 2010-2011 audit. The motion was seconded by Commissioner Chappell. Chair Kavanagh asked for discussion.

Commissioner Sansom suggested selecting a new auditor because one of the newspaper articles questioned the District travel voucher process by allowing delayed

travel expense reimbursement. He stated that the auditor should have commented on late travel vouchers.

Commissioner Colee stated that several years ago, this auditor did bring up procedural questions in regards to the way the District handled expense reports. He stated that as a result of that the Board made changes to the District's travel voucher submissions that included a voucher submittal deadline. He noted that he is in favor of retaining the current audit firm.

Mr. Roach stated that the newspaper article addressed five years of travel vouchers and that the submission issues were four years ago. He stated that the District now requires that all travel reimbursement reports must be submitted quarterly.

Commissioner Sansom stated that clearly he missed that information.

Chair Kavanagh asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 8. Delegation of Authority Report.

Chair Kavanagh referred to the Executive Director's Delegation of Authority actions and stated that 12 actions were taken from, November 8, 2011 through November 28, 2011. She asked for questions.

Commissioner Freeman asked if assistance program project agreements and extensions were previously approved by the board. Mr. Roach stated yes.

Commissioner Blow asked about the purchase of a mobile storage container. Mr. Roach stated that staff has started to purchase these storage units for each site and they will be used to store weir boards, valve handles, and other items specific to the site.

ITEM 9. Additional Agenda Items or Staff Comments.

Chair Kavanagh asked if there were any additional staff comments or agenda items.

Mr. Roach stated that on today's Board meeting agenda, we will be talking about a License Agreement with Broward County regarding a dredged material management area for the Dania Cut-Off Canal Deepening project. He stated that the agreement includes a requirement that the District provide a bond to Broward County. He stated that staff has been going back and forth with our insurance company about the bond cost and collateral. He stated that because the bond cost is \$25,000.00 plus a collateral pledge, staff is proposing that the District post the bond by using funds currently budgeted for Phase II of the project. He stated that the Dania Cut Off Canal Deepening Project will proceed first and Phase II of the project will be the deepening of the Intracoastal Waterway (ICW). He stated that as we move forward on the project, we will have an opportunity to amend the License Agreement and lower the bond or require that the contractor add the County to its performance bond. He stated that this bond is to cover cleanup in the event that the dredge material contaminates the site. He stated that the District has completed extensive testing of the dredged material and does not feel that the material is contaminated. He stated that these funds would be placed into an interest bearing account with Broward County. He stated that staff would like approval for a \$7 million bond, but we feel that the actual cost will be \$2.5 million.

Commissioner Freeman asked how sure are we that the funds would be returned in time for Phase II of the project. Mr. Roach stated that Phase I of the project will take approximately one year and Phase II won't start until it is completed.

Commissioner Sansom stated that he is uncomfortable pledging Phase II of the project funds just to save \$25,000.00. Mr. Roach stated that \$25,000.00 is the cost of the bond, but in addition other collateral, such as property has to be pledged. Commissioner Sansom asked if there are funds available to pledge. Mr. Roach suggested pledging land acquisition funds.

Commissioner Freeman asked if this is a new requirement. Mr. Roach answered no and stated that the requirement was in the License Agreement that the Board approved. He stated that this bond is required because we are using someone else's property, which the District usually does not do, and the County has concerns because this is an industrial area. He stated that staff initially felt that the bond would be covered by the contractor.

Commissioner Chappell asked how we would differentiate between the County's maintenance dredging material and the material being dredged by the District for the deepening dredging project. Mr. Roach stated that is a good question and obviously, there will have to be some segregation or sampling done at the site.

Commissioner Blow stated that he does not see the benefit to Broward County or the District to have a bonding company. He suggested providing a letter of credit to the County.

Commissioner Bray stated that if the contractor is required to provide a bond that cost would be passed onto the District.

Chair Kavanagh stated that this item will come before the full Board and she asked if this committee would like to make a recommendation to the Board.

Commissioner Sansom made a motion to recommend to the full Board approval of using Land Acquisition funds to post the bond to Broward County for the Dania Cut Off Canal Deepening Project. The motion was seconded by Commissioner Chappell. Chair Kavanagh asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 10. Additional Commissioners Comments.

Chair Kavanagh asked if there were any additional Commissioner comments.

Commissioner Colee made a motion that the committee develops a travel expense reimbursement policy document. The motion was seconded by Commissioner Chappell. Chair Kavanagh asked for any additional discussion, hearing none a vote was taken and the motion passed.

Commissioner Sansom referred to Item 14 on the Board agenda, Waterway Clean Up Program Rules and asked about expanding the item to include Consent Agenda Item 2, Keep Brevard Beautiful. Mr. Roach suggested placing the Item on the Board agenda.

ITEM 11. Adjournment.

Chair Kavanagh stated that hearing no further business the meeting was adjourned at 8:55 a.m.

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT
Board of Commissioners Meeting
9:10 a.m., Friday, January 13, 2012
Hilton St. Augustine Historic Bayfront Hotel
32 Avenida Menendez
St. Augustine, St. Johns County, Florida**

ITEM 1. Call to Order.

Chair Bray called the meeting to order at 9:10 a.m.

ITEM 2. Pledge of Allegiance.

Commissioner Blow led the pledge of allegiance to the flag of the United States of America.

ITEM 3. Roll Call.

Secretary Freeman called the roll and Chair Bray, Vice-Chair Colee, Treasurer Kavanagh, Commissioner Barkett, Commissioner Blow, Commissioner Bowman, Commissioner Chappell, Commissioner Crowley, Commissioner Cuzzo, Commissioner Nets, and Commissioner Sansom were present. Secretary Freeman stated that a quorum was present.

ITEM 4. Consent Agenda.

Chair Bray asked if there were any comments or questions regarding the Consent Agenda.

Commissioner Sansom stated that he would like delete from the Consent Agenda; Item 2, Keep Brevard Beautiful Waterway Cleanup Request, Brevard County.

Vice-Chair Colee made a motion to approve the Consent Agenda as amended. The motion was seconded by Commissioner Sansom. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 5. Additions or Deletions.

Mr. Roach stated that he would like to add to the agenda as Item 15A, Keep Brevard Beautiful Waterway Cleanup Request, Brevard County.

Vice-Chair Colee made a motion to approve the final agenda as amended. The motion was seconded by Commissioner Barkett. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 6. Board Meeting Minutes.

Chair Bray asked if there were any comments or questions regarding the Board meeting minutes. There were none.

Secretary Freeman made a motion to approve the November 18, 2011 Finance and Budget Committee minutes as presented. The motion was seconded by Commissioner Chappell. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

Commissioner Blow made a motion to approve the November 18, 2011 Board Meeting minutes as presented. The motion was seconded by Commissioner Barkett. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 7. Public Comments.

Chair Bray asked if there were any public comments on issues that are not on today's agenda. There were none.

ITEM 8. Staff Report on St. Johns County Area Projects.

Mr. Roach stated that Phase I of the Dredged Material Management Plan (DMMP) for the Intracoastal Waterway in St. Johns County was completed in 1989. He stated that Phase II of the DMMP was completed in 1992 and all major land acquisition was completed in 1995.

Mr. Roach stated that the 50 year dredging projection is 4.3 million cubic yards and the storage projection is 9.3 million cubic yards of material.

Mr. Roach noted that the Matanzas Inlet is the only unmanaged east coast inlet located in the State of Florida. He stated that Maintenance Dredging in Reach V in the vicinity of the Matanzas Inlet is 67% of the County's dredging volume, occurs every 2.7 years, and this reach is the highest shoaling reach of the entire waterway.

Mr. Roach stated that to date, two of the four upland Dredged Material Management Areas in the County have been fully constructed. He stated that the other two sites are in Phase I development. He stated that in 2011, Dredging Reach V near Matanzas Inlet was maintenance dredged of 220,000 cubic yards with placement on southern area of Summerhaven Beach. He stated that Dredging Reach III in the vicinity of St. Augustine Inlet at Vilano will be dredged in 2012 with the material being placed on the beach at Anastasia State Park.

Mr. Roach stated that the St. Johns County Waterways Economic Study was completed in 2005 and was updated in 2011. He stated that it found that there were 155 waterway related businesses in the County employing 1,090 people, with salaries of \$41.3 million per year, with \$7.7 million in taxes generated, and a total economic impact of \$180.9 million. He stated that property values are increased by up to \$726 million by

the presence of the Intracoastal Waterway (ICW). He stated that if the waterway was no longer dredged and maintained, we would lose 726 jobs, \$22.6 million in wages, \$4.6 million in taxes, and \$124.9 Million in economic impact.

Mr. Roach stated that since 1986, the District has provided \$4.2 million in Waterways Assistance Program funding to 47 projects in the County having a total constructed public infrastructure value of \$15.4 million. He stated that the District has also helped build or repair every salt water boat ramp in the County.

Mr. Roach stated that since 1986, the District has participated in multiple waterway related projects with funding assistance of approximately \$789,101.00. He asked for questions.

Commissioner Blow stated that the Department of Homeland Security has based their small boat training center in St. Johns County. He stated that this center will train 40 students every two months for the U. S. Customs, Immigration, Border Patrol, and the VA.

ITEM 9. Comments from the U.S. Army Corps of Engineers.

Mr. Michael Presley and Mr. Coraggio Maglio for the U.S. Army Corps of Engineers introduced themselves and stated that they were here today to present the Corps project report.

Mr. Presley stated that the Dredged Material Management Area (DMMA) IR-2 dike construction project is 95% complete and the total project is approximately 82% complete. He stated that the most critical remaining projects are the road stabilization and the water control structure. He stated that additionally, we need to complete the grading of the Australian Pines area. He stated that additional funding is needed to

complete these projects. He stated that this project will take approximately 120 more days.

Mr. Presley stated that maintenance dredging in the entrance channel of the St. Augustine Inlet and associated ICW Cuts SJ 28 and SJ29A will remove approximately 260,000 cubic yards of material.

Mr. Presley stated that the Corps met with FP&L in Melbourne in December regarding the re-location of the FP&L power line that crosses the Federal channel in the project area. He stated that FP&L is working on the compliance process to obtain their funding and permitting to remove and relocate this power line. He stated that once FP&L meets with the Department of Environmental Protection (DEP), all parties will have a better idea of the schedule.

Mr. Presley stated that the St. Johns Shore Protection project contract is ready for advertisement. He stated that this project is located in the same area as the St. Augustine Inlet project and we do not want both contractors working at the same time.

Commissioner Blow referred to the beach nourishment project that includes the Vilano project and asked if it will start in four or five months. Mr. Presley answered yes, and stated that project should have started in 30 days, but has been postponed.

Commissioner Blow asked if Marinex, the contractor, will be subject to the turtle season. Mr. Presley stated that he would have to get back to the Commissioner on that. Commissioner Blow stated that even though the District is allowed to place sand on the beach during turtle season, he would like to note that there are some folks that are very dedicated to that issue and he would like avoid possible problems. He stated that we may need to do a public outreach event to convey to the public, that in the event that we have

to place sand on the beach during turtle season, that we will do everything properly. Mr. Presley recommended that the District coordinate that with Mrs. Trulock.

Mr. Crosley stated that there is a possibility of getting the channel dredging bid advertised before Marinex demobilizes from the renourishment project.

Commissioner Blow stated that the U. S. Coast Guard would like to meet with the Corps and the contractor before the start of the renourishment project to discuss the relocation of the navigation aids within the inlet. Mr. Presley asked for a contact name. Commissioner Blow answered Commander Holmes.

Commissioner Netts asked about temporary impact to navigation when FP&L relocates the power line. Mr. Presley stated that there will be no impact during the power line installation.

Mr. Presley stated that the Corps should have the permit for the ICW Sawpit maintenance dredging project in March of 2012. He stated that this project will remove 200,000 cubic yards of material will be placed on the beach at Amelia Island.

Mr. Presley stated that letters have been sent to three Palm Valley dock owners, who are the worst violators, in September and there was no response. He stated that a second letter will be sent in within 60 days notifying the dock owners that if they do not comply, the Corps will take action.

Mr. Presley stated that regulatory has recently received a lot of request for permits for utility crossings. He stated that this could be because there are a lot of Department of Transportation projects in the works and they may be moving utility lines. He stated that previous regulations required that utility lines be buried six feet below channel depth and the new requirements will require that utilities be buried 14 feet below project depth.

Commissioner Sansom asked how these new lines would be identified. Mr. Presley stated that the Corps will be requiring tracer wires and better as-built surveys.

Mr. Roach presented Amendment No. 2 for the IR-2 construction project. He stated that this includes the award of Option B, funding for two water control structures, road stabilization, plus funding for grading of the exotic removal area, and installation of additional drainage structures to add to the perimeter ditch for a total amount of \$142,070.00.

Commissioner Blow made a motion to approve Amendment No. 2 to Work Order No. 31-2010-03. The motion was seconded by Commissioner Barkett. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 10. Water Access Desktop Tool Presentation.

Mr. Roach introduced Mr. Kevin Sharbaugh, who has developed a desktop tool that will prioritize water access facilities.

Mr. Kevin Sharbaugh stated that during the inflated housing market many marina and public waterway access facilities were being sold to developers. He stated that we were assigned with the task to identify and assign value to the various remaining public waterway access points. He stated that as a result, we developed a Maritime Infrastructure tool that would identify and assign a value to these structures. He stated that this tool assigns value to the different components that provide public waterway access. He stated that this tool will work with boat ramps, marinas, mooring fields, haul out facilities, dry storage facilities, commercial docks, and anchorage marinas. He stated that this tool uses over 50 different support components.

Mr. Sharbaugh stated that for example, the way the tool will assign value to a boat ramp facility is to identify the diversity of support of infrastructure located near that boat ramp and determine the location of the nearest boat ramp. He stated that the further the next boat ramp facility is, the more value the existing facility is assigned. He stated that the tool also recognizes the value of these facilities to different user groups.

Mr. Sharbaugh stated that in addition to the value tool, we developed a Google Earth file that breaks down each County into sub-folders for boat ramps, marinas, etc.

Commissioner Netts stated that this tool could be used when working on Maritime Master Plans. He asked how he could access the tool. He stated that this tool will be available through Elizabeth Salanis at the Department of Economic Opportunity under the Division of Community Planning. He stated that also, the FMI data base tool will be available on their web site. He demonstrated how to use the tool and web site.

Commissioner Sansom stated that assigning a risk assessment to each site would be useful as well.

Commissioner Bowman stated that this is a great tool. He questioned how it would be kept updated. Mr. Sharbaugh stated that a periodic assessment of the information should be done and indicated that perhaps each community could perform that assessment.

ITEM 11. Indian River County Dredging Reach I Request for Qualifications for Geotechnical Services.

Mr. Roach stated that staff advertised a Request for Qualifications (RFQ) for geotechnical services for the sampling and analysis of sediment from Dredging Reach 1 of Indian River County. He noted that this sampling is being conducted in response to the concerns of some citizens in the Sebastian area. He stated that the District last

performed some limited sediment sampling in this area in 1997 and therefore, it is prudent to perform additional sampling to assure the Sebastian residents that the dredged materials are not contaminated. He stated that the scope of the RFQ was general on purpose so that staff could work with the selected firm to develop three alternative sampling and analysis plans for the Board's review.

Mr. Roach noted that a five person review committee was formed to evaluate the five firms that responded to the RFQ and that American Vibracore was the highest rated firm.

Commissioner Netts made a motion for approval of (1) the rating and evaluation list and (2) staff and the highest rated consultant to develop three alternative scopes of services and negotiate costs for presentation to the Board. The motion was seconded by Commissioner Chappell. Chair Bray asked for discussion.

Commissioner Sansom referred to the options and asked what the County Commissioners expected. Mr. Roach stated that the County Commission felt the because of environmental concerns by their residents, the District should perform additional testing to provide updated information regarding the material. Commission Sansom suggested contacting the Chairman of the County Commission and ask specifically what they expect.

Commissioner Barkett stated that because of the negative public perception about the 1997 data, the County Commission requested that the material be analyzed at this time. He stated that they did not express specific details or how many samples should be taken.

Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 12. Additional Permitting Services for the Dania Cut Off Canal Deepening Project, Broward County.

Mr. Roach stated that during the award of the Dania Cut Off Canal Deepening Project it was determined that the dredged material management site that we leased from Port Everglades would not allow percolation of dredge water into the ground. He stated that this is required because the environmental permits do not currently allow a discharge of dredge water from the site.

Mr. Roach stated that additional permitting services have been required to modify the permits to allow a discharge of dredge water back into the canal. He stated that the permit modification requests have been submitted and agency approvals are expected within 30 days.

Commissioner Chappell made a motion to approve the amendment of Work Order 10-03 with Taylor Engineering to provide additional permitting and engineering services for the Dania Cut Off Canal Deepening Project in the amount of \$21,893.00. The motion was seconded by Commissioner Blow. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 13. Indemnity and Payment Bond to Broward County.

Mr. Roach stated that the District entered into a License Agreement with Broward County for a dredged material management area for the Dania Cut Off Canal Deepening Project. He stated that the license requires that the District provide a \$7 million Indemnity and Payment Bond to the County to cover the cost of removing all dredged materials, repairing the site, and the removal of any hazardous materials that we may

place on the property. He stated that staff has negotiated with the County to reduce the bond to \$2.5 million.

Mr. Roach stated that staff has been working with our insurance carrier on this issue and they are indicating that this bond will cost in excess of \$25,000 and will require a pledge of collateral, such as land.

Mr. Roach stated that staff suggested that it would be more cost efficient to provide a cash bond of funds currently set-aside for Phase II of this project, the deepening of the ICW. He stated during discussion of this item at today's Finance and Budget Committee meeting and the committee recommended that this pledge be funded from the District's land acquisition budget.

Commissioner Netts asked about the circumstances that would determine that this \$2.5 million would be spent. Mr. Roach stated that the material would have to contaminate the site.

Commissioner Chappell made a motion to approve the provision of a cash bond up to \$7 million to Broward County to satisfy the Indemnity and Payment Bond requirements of Section 6.2.1 of our License Agreement. The motion was seconded by Commissioner Barkett. Chair Bray asked for discussion.

Secretary Freeman asked if this would only apply after the contractor has exhausted all of his resources. Mr. Roach answered no and stated that a pocket of unforeseen contamination would not be the fault of the contractor. He stated that the contractor is not posting a bond for any unforeseen change in conditions or material contamination. He stated that the material has been tested and we do not expect any problems.

Commissioner Barkett asked what would prevent the County from saying, well your Board approved up to a \$7 million bond and that is what we want. Mr. Roach stated that is not what discussions have been about for the past week. He stated that the County originally suggested \$7 million because that is the contract value. He stated that after discussion, they understand that the bond is only to cover material contamination, removal, and site repair.

Commissioner Chappell amended the motion to approve a cash bond up to \$2.5 million to Broward County, with the funds coming from the District's Land Acquisition budget. The amended motion was seconded by Commissioner Barkett.

Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

Commissioner Chappell asked if the contract requires the contractor to perform periodic testing of the material as it is dredged. Mr. Roach stated that we are sampling the DMMA before we use it and after project completion. He stated that periodic water sampling will be performed and it would show contamination.

Commissioner Netts asked about the procedure in the event that a pocket of contaminated material were discovered. Mr. Roach stated that precautions would have to be taken to keep the material from percolating into the site. He stated that at the end of the day all of this material is going to a land fill. He. He stated that samples have been taken from various areas, so we could sample other areas as the project progresses.

ITEM 14. Waterway Clean Up Program Rules.

Mr. Roach stated that the Waterway Clean Up Program Rules allow the Board to approve "a maximum of one clean-up program per waterway, per year within a County".

He stated that this language was primarily inserted for the five counties where we had previously sponsored a clean-up of the ICW and the St. Johns River.

Mr. Roach stated that the District has been contacted by communities in Broward County that would like to initiate a second clean-up in the County and essentially divide the County into a “north and south waterway”. He stated that this would be in lieu of requesting clean-up funding for the six or more eligible waterways that they have in the County.

Vice-Chair Colee asked if this change would allow Broward County to come to us for double the amount of waterway cleanup funding. Mr. Roach stated that staff would not allow an expansion of the program to fund more than two waterway cleanups per County. He stated that any additional requests would come before the Board for discussion.

Vice-Chair Colee noted that this is not changing the rule, but it could set a precedent.

Mr. Crosley stated that the District re-visits the rule every August. He stated that he would like to suggest that the District set a waterway cleanup up budget for each County. He stated that would require a rule modification. He stated that staff could administer funding from the set budget. Vice-Chair Colee asked if this would be similar to the spoil island program. Mr. Crosley answered yes and the derelict vessel program.

Vice-Chair Colee stated that he does not favor changing a rule for one specific County.

Commissioner Chappell stated that in Broward County there are multiple waterways that participate in waterway cleanup activities. He stated that while the

marine industry has done a great job to try to encompass all those waterways, the majority of the volunteers and funding have focused on the southern part of the County. He stated that today, the northern part of the County has requested funding and help with their cleanup activities. He stated that the reason for this request is because the Marine Industries cannot do it all themselves.

Chair Blow asked how the different entities vie for the funding. Mr. Crosley stated that it could be done on a first come, first serve basis.

Mr. Crosley stated that other counties have multiple waterway cleanups; for example, Martin County has one with Keep Martin Beautiful and one with the Marine Industries. He stated that, if staff knows how the Commissioners want to move forward, we can work with these groups to successfully administer the program.

Commissioner Sansom stated that at some point, the Board defined the number of eligible waterways in each County. He stated that we should determine a set amount of funding for waterway cleanups for each County based on the number of eligible waterways.

Commissioner Blow stated that perhaps one of the criteria should be to determine population density, because trash is generated by people; the more people, the more trash.

Commissioner Barkett stated that this is becoming way too complicated for something as simple as a waterway cleanup program. He stated that he feels a dollar limit per County is sufficient.

Attorney Breton stated that the term waterway includes every creek or bay and is too expansive. He suggested that during the rule changes, we should develop a definition

of “waterway” as applied to this program. He stated that additionally, we should cap the funding amount at so much per County.

Commissioner Netts asked how we expanded our role beyond the ICW. Mr. Roach stated that the legislature required the District to develop a waterway assistance program for the waterways within our District. He stated that many of those projects involved facilities on the St. Johns River, so we already had a presence in that area. He stated that we received a request for assistance for a waterway cleanup on the St. Johns River and the program grew from there.

Commissioner Sansom noted that the legislature has recharged the District with additional duties over the years. He stated that because the legislature determined that all of the property owners within the District’s east coast counties were paying into our activity, they thought the program should expand beyond the actual ICW.

Vice-Chair Colee stated that we need to clarify the rule to determine; what we will fund, how much money the District should put into these waterway cleanups, and if we are treating each County fairly.

Commissioner Crowley stated that he agrees. He stated that we should bring the program back for discussion and review, separate from this request.

Commissioner Chappell stated that the Marine Industries and the City of Pompano Beach are working to coordinate waterway cleanups. He stated that he is hopeful that this item could be approved today. He suggested that we review the program at a later date.

Commissioner Chappell made a motion to approve funding up to \$20,000.00 for two waterway cleanups for 2012 for Broward County. The motion was seconded by

Commissioner Bowman. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 15. Broward County Waterway Cleanup Project.

Mr. Roach stated that the Marine Industries Association of South Florida has requested funding assistance for their 35th Annual Waterway Cleanup. He stated that the District has assisted this cleanup for many years and the request is in compliance with the program rules.

Commissioner Barkett made a motion to designate the first \$10,000.00 of \$20,000.00 in designated Waterway Cleanup funding to Broward County and approve the request from the Marine Industries Association of South Florida for funding assistance for their 35th Annual Waterway Cleanup. The motion was seconded by Secretary Freeman. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 15A. Keep Brevard Beautiful Waterway Cleanup Request, Brevard County.

Commissioner Sansom referred to a request from Keep Brevard Beautiful that is requesting funding for four cleanup events. He stated that this agency does a wonderful job, but he feels that Brevard County knows that they can apply for up to \$20,000.00 for cleanup events and therefore they do. He stated that several of these cleanup events are generic in nature and the District should not be the entity that funds those events. He stated that he would like to request the full project cost of the March Trash Bash including all in kind costs. He stated that he would like a listing of all entities that financially participate in these cleanup events.

Commissioner Sansom made a motion to approve funding in the amount of \$10,000.00 for the St. Johns River Cleanup. The motion was seconded by Commissioner Barkett. Chair Bray asked for discussion.

Secretary Freeman stated that hopefully by the time they come back to us for the follow up funding, we will have reviewed and revised our program rules.

Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

Vice-Chair Colee asked whether these two discussions, did we in fact deputize a procedure to review these rules. Mr. Roach stated that we will be bringing this back for discussion. Chair Bray suggested bringing this back before August.

Vice-Chair Colee suggested that in kind, means value provided other than cash. He would like a form requesting that information about the full budget and all funding partners.

ITEM 16. Taylor Engineering Hourly Rate Adjustment.

Mr. Roach stated that the District's agreement with Taylor Engineering allows the rates for services to be adjusted annually by mutual agreement. He stated that the District Engineer has submitted a request to revise the hourly rates that are charged for the various personnel that work on our projects.

Dr. Taylor stated that it has been a tough year financially for Taylor Engineering. He stated that for 2012 he is proposing an average 0.7% increase for all staff and a 0.8% adjustment for technical and professional staff. He stated that over that last two years, he has had a staff reduction of forty people. He stated that this request is in line with

industry standards and that he feels that the proposed increase is reasonable. He stated that he respectfully asks that the Board consider this request. He asked for questions.

Commissioner Chappell asked about the Vice President, Senior Advisor, and Director tasks. Dr. Taylor stated that we have a new President, Jim Marino. He stated that Mr. Marino has an advanced degree in coastal engineering, retired after 20 years with the U. S. Army Corps of Engineers, and has worked 10 years in private practice in Florida. He stated that Mr. Marino has done a great job providing the leadership the company needs.

Dr. Taylor stated that there are four Vice Presidents; Laura Rosenbaum, Terry Hall, Steve Schropp, and Rajesh Srinivas who all perform management services.

Treasurer Kavanagh asked the responsibilities of the Technical Editor. Dr. Taylor stated that there are two Technical Editors and they proof and review all reports to make sure the product is readable by a layman.

Commissioner Blow noted that Dr. Taylor does not bill the District for all of the time that he spends on District work. He stated that Dr. Taylor and his staff attend District Board meetings at no cost to the District.

Vice-Chair Sansom stated that he feels that this board would have no problem paying the Taylor Engineering staff for their board meeting services.

Commissioner Sansom asked why Taylor Engineering charges the District a fee of ten-percent on work that is sub-contracted out. Dr. Taylor stated that charge covers the work that Taylor Engineering does to administer and review the sub-contactors work. He stated that additionally, Taylor Engineering takes on a liability when using sub-contractors.

Commissioner Cuzzo stated that coordination of sub-contractors is a losing proposition and a ten-percent fee is very fair and reasonable.

Commissioner Blow stated that it is his experience that ten-percent is not a lot of money to charge for sub- contractor contract administration.

Dr. Taylor stated that for the year 2011, Taylor Engineering administrated approximately \$100,000.00 in sub-contracts for the District. He stated that the administrative charge for all those sub-contractors and services was \$10,000.00.

Vice-Chair Colee asked the type of work Taylor Engineering performs relative to the sub-contractors. Dr. Taylor stated that they perform the initial site visit with potential sub-contractors to discuss the project and expectations, hires the sub-contractor, negotiates and develops a contract, reviews the scope of work, coordinates scheduling, checks their work, identifies and resolves problems as they arise, meets and discusses the project with FIND staff, reviews and pays invoices. He stated that additionally, sometimes a job will just not go well and it takes extensive oversight to work out the problems. He noted that additionally, there is liability to Taylor Engineering when using a sub-contractor.

Vice-Chair Colee made a motion to approve the rate adjustments requested by Taylor Engineering for 2012. The motion was seconded by Commissioner Crowley. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed. Commissioner Sansom opposed the motion.

ITEM 17. Scripps Treasure Coast Media Articles.

Mr. Roach read the following statement: “Commissioners, as you are aware, Scripps Media performed a nine month comprehensive review of the District, our

programs, and our meetings. During that review, staff provided them with almost 10,000 pages of documents, five years of travel records for the staff and commissioners, gave several recorded interviews, and answered many e-mail questions from approximately 12 or more Scripps employees. I believe that Scripps will agree that the District staff was more than cooperative. The District has nothing to hide and we are very proud of what we do and the way we do it.

We have included in the backup materials for this item all of the articles that ran in their newspaper, the online comments, our letter to the editor, the three Scripps editorials and a few letters to the editors from their readers that were published. I know many of you have also reviewed the website that they created for this series of stories.

I have been personally involved in several reviews of the District by the Florida legislature and I always seek to gain a perspective of how outside parties view the District and our activities. I have spent some time reviewing the Scripps newspaper articles, the website, and the editorials. The bottom line from this exhaustive inquiry by Scripps is that they found that no laws, rules or policies were broken. That said, here are a few items that they criticized where their outside perspective was not what I expected.

They viewed our Community Outreach Events as not much more than cocktail parties for a select group. Scripps reporters, as outside observers, were obviously not privy to the discussions that ensue at these events between District representatives and the members of the local community regarding waterway issues. To ensure that the outreach purpose and function of these events is clearly evident to outside observers, staff plans to include more displays and handouts at future events. We will also try to ensure more members of the community are aware of our event by placing the invitation on our

home page as well as changing our legal notice to a general display notice in the local newspaper. I would note that this will cost a little more money.

Scripps also was of the opinion that our hotels appeared to be too extravagant. While I understand the point they were making, careful consideration of our meeting requirements, along with our schedule of visiting locations in the off season, and our negotiation of low room rates leads to a different conclusion. In fact, the data shows that our average room rate in 2011 was \$121, down from \$126 in 2010. Staff will continue to shop for hotels that provide the services that we need for our meetings at the best rates, while keeping in mind the image certain hotels may convey to outside observers.

Scripps also noted that the District should be more transparent with our future projects. Staff will continue to be proactive in this regard with our on-site signage, published project updates and reports, and the Community Outreach Events. We may also use a variation of the Florida Department of Transportation Information meeting process to facilitate more direct communication with the local community. I would note again that this will likely incur additional costs.

While this media review has taken time away from our normal activities, staff is pleased to have actively participated and provided all of the information requested in a timely manner. The resulting stories showcased the District's many positive programs and projects and clearly show that the District's contributions far outweigh our costs." He presented all of the newspaper articles and asked for discussion.

Commissioner Blow stated that approximately 100 people attended last evening's Community Outreach Event. He stated that time was spent discussing local projects that the District helped fund. He stated that the feedback that he received from the

participants was that they enjoyed the discussion. He stated that he personally spent many hours preparing for that event.

Mr. Roach stated that Governor Scott has spent the last several months traveling the state discussing special taxing districts and the amount of money they spend. He stated that the Governor issued an Executive Order yesterday to have his policy staff review all 1,600 special districts. He stated that this review will include how the money is collected and spent, as well as how each district governs their affairs. He noted that FIND will be one of those district's reviewed. He stated that staff looks forward to that review and he noted that this District has been reviewed by Tallahassee several times and staff looks forward to them understanding the value of FIND.

Commissioner Bowman stated that this is probably a good time for the District to review its procedures and policies. He asked if staff has developed recommendations on items that should be considered for change. Mr. Roach stated that he mentioned several items in his statement, such as our hotel selection and the way we advertise and execute our Community Outreach events. He stated that the Finance and Budget Committee discussed issues regarding the District's travel reimbursement procedure. He stated beyond that, most of the other criticisms were just picking on things within the huge volume of information that they collected covering five years. He stated that for example, after they reviewed travel records over a five year period, which involved thousands of financial transactions, they did not find any of them to be in error, but they picked on the expenses they felt were extravagant. He stated that in his opinion, it was a matter of their view versus the agency's view.

Commissioner Sansom stated that he feels that the District staff has made an excellent start and have identified some procedures and processes that should be expanded upon. He stated that the newspapers review did not identify anything that has been done improperly. He stated that it did identify items that, because of a difference of opinion, could be done differently.

Commissioner Sansom stated that this District handles money pretty darn tight and this review will bring to light the immense impact special districts have on Florida citizens and the economy. He stated that during the past several weeks he has had conversations with various legislators. He acknowledged that while they feel that FIND is doing a good job, there is no organization that with analysis and review couldn't improve their processes.

Commissioner Sansom suggested developing a committee to work with staff to improve our process and procedures. He suggested that we look at the way the Department of Transportation handles their projects.

Vice-Chair Colee stated that he respectfully does not agree with his colleague. He stated that he does not feel that this calls for a blue ribbon committee to review the policies and procedures of this agency. He stated that at every Board meeting we extensively talk about the way this District does business and the way that business is perceived. He stated that the equity that we try to achieve for all our constituents within our twelve county district is always considered.

Vice-Chair Colee stated that it is unfortunate that the timing of these articles happened when our meetings were held in hotel rooms and not, as has been done in the past, held in facilities that the District helped with funding. He stated that District funded

facilities provide us with the opportunity to see the results of the actions that we have taken and talk to the people involved in those projects. He stated that we should always be aware how other people view the District. He stated that for example, two years ago we reviewed and made changes to our expense and travel reporting. He suggested that the District continue to do the job that we were appointed to do, that we deal with things as they come up, and that includes to always be looking for ways to do our job better and serve the public.

Commissioner Blow stated that of all the government entities that he works with, he feels that FIND is very efficient. He stated that he is proud and honored to serve as a Commissioner on this Board. He noted that the only way this could be done cheaper would be for Commissioners to drive our cars to the District office, hold our meeting there, because that way staff would not have to travel. He noted that one of the problems with that would be that the public would not be able to attend an outreach event in their County and each commissioner would not have the ability to review and see local issues. He stated that if he did not have the ability to travel to Fort Lauderdale to review and see the importance of the yachting industry to the local area, he would not understand the full economic impact of that industry. He asked if we should ask the Governor to look at us first.

Commissioner Netts stated that, as an old school teacher, when grading the first essays, you grade against a standard that you have in your mind, then as you get toward the bottom of the pile, you grade the remaining essays against the ones you just read. He stated that this District does not exist of our own, we were created by the Legislature, our charge was changed several times by the Legislature, and we operate at the pleasure of

the Legislature. He stated that he welcomes them to review the District and make any changes that they feel are necessary and appropriate. He stated that whatever that is, that is what the District will do, and he is comfortable with that. He stated that our staff and commissioner costs per our budget are very, very low.

Commissioner Sansom suggested that we do not get defensive. He stated that we just need to see where improvements can be made before the Governor's review.

Chair Bray stated that he will work with staff on the issue.

ITEM 18. Washington D.C. Report.

Mr. Roach stated that on December 17, 2011, Congress passed the 2012 budget. He stated that the bill provided \$5 billion to the Army Corps of Engineers, an increase of \$145 million above fiscal year 2011. He stated that budget includes \$30 million for Inland Waterways and \$55 million for Navigation Maintenance. He stated that both of the line items provide an opportunity for the District to obtain Intracoastal Waterway funding. He stated that the Corps has been directed to provide a list of expenditures related to the line items by the first week of February to the Congressional Committees. He noted that seven of FIND's Congressmen requested this funding. He stated that the District will also be sending a letter to the Corps for ICW funding and we should have a response within the next 30 to 60 days.

Mr. Roach stated that he discussed with our Washington representative a FIND visit. He noted that the week of March 5th was suggested. He asked Commissioners interested in participating, to let him know. He asked for questions and there were none.

ITEM 19. Finance and Budget Committee Report.

Treasurer Kavanagh stated that the District's Finance and Budget Committee met before today's Board meeting and the committee reviewed and recommends approval of the October 2011 financial information.

Commissioner Netts made a motion to approve the financial statements for October, 2011. The motion was seconded by Commissioner Blow. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

Treasurer Kavanagh stated that the Finance and Budget Committee reviewed and recommends approval of the November 2011 financial information.

Commissioner Netts made a motion to approve the financial statements for November, 2011. The motion was seconded by Commissioner Blow. Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed.

Treasurer Kavanagh stated that the committee reviewed and recommends approval of Budget Resolution No. 2012-1 to the FY 2011-2012 budget. She stated that this amendment will adjust the carry over estimates to what actually was expended and unexpended, adjusts the account balances due to variances in carry over funding and includes decreased interest revenue.

Mr. Roach noted that the resolution was modified to delete the Fernandina Beach Boat Ramp project in the amount of \$100,000.00.

Treasurer Kavanagh made a motion to approve Resolution No. 2012-01 for FY 2011-2012 Budget Amendment No. 1. The motion was seconded by Commissioner Sansom. Chair Bray asked for any additional discussion, hearing none a vote was taken and the motion passed.

Chair Kavanagh stated that the committee reviewed and recommends approval of accepting the engagement letter from the District's current auditor for the District's FY 2010-2011 financial audit.

Chair Bray stated that the District usually changes audit firms every five years and he noted that this will be their third audit of the District's financial records.

Vice-Chair Colee made a motion to accept the engagement letter from the District's current auditor for the District's FY 2010-2011 financial audit. The motion was seconded by Commissioner Blow. Chair Bray asked for discussion.

Vice-Chair Colee noted that the auditing firm does not propose a fee increase for this year.

Chair Bray asked for any additional discussion, hearing none a vote was taken and the motion passed.

Chair Kavanagh stated that the committee recommends approval of the development of a policy regarding the District's travel expense reimbursement policy.

Vice-Chair Colee stated that he would like to expand on this subject. He stated that this is an item that we look at all the time. He stated that this request was generated by the December T. C. Palm editorial relative to the way the District reimburses expenses. He stated that while we have a procedure, we do not have a formal policy document relative to the entire expense reimbursement procedure. He stated that this policy should address when reports should be turned in and if employees who use company credit cards should list those expenses on their report. He questioned if the District's auditors should make suggestions as to this policy.

Vice-Chair Colee made a motion to approve the development of a travel policy and expense reimbursement document. The motion was seconded by Secretary Freeman. Chair Bray asked for any additional discussion, hearing none a vote was taken and the motion passed.

Secretary Freeman asked if staff is going to start working on this policy. Mr. Roach answered yes.

ITEM 20. Continuing Education Support Request by Staff Member, Mark Tamblyn.

Mr. Roach noted that Mark Tamblyn's request for continuing education support for an MBA Program at Florida Atlantic University was reviewed and approved by the Personnel Committee at their July meeting for submission to the full Board. He stated that the Personnel Committee approved tuition reimbursement of ½ the state tuition cost subject to Mr. Tamblyn receiving a B grade for each class and remaining employed by the District for four years after graduation. He stated that Mr. Tamblyn has agreed to those terms.

Vice-Chair Colee stated that the State guidelines of which the District's operates under, allow this program. He noted that the limitations that have been placed on this request are within the guidelines of that program. He stated that the District is fully authorized to do this.

Commissioner Blow asked how it would work if for example Mr. Tamblyn leaves the District's employment within that four year period. Vice-Chair Colee stated that in business it would be deducted from vacation time and his final paycheck. Mr. Roach stated that the District would ask for payment of disbursed tuition, failing that, take legal action.

Secretary Freeman stated that when she participated in a similar program, she was not reimbursed her tuition costs until she completed the work, a semester at a time. Mr. Roach stated that he would have to complete the courses with a minimum of a B grade and we would verify that with his grade report.

Attorney Breton suggested that Mr. Tamblyn enter into an agreement with the District. He stated that the agreement should include the terms of reimbursement, grade requirement, means to pay back the District if he does not complete the program, and his extended employment.

Commissioner Crowley made a motion to approve Mark Tamblyn's request for reimbursement of ½ of the tuition costs for an MBA Program at FAU, subject to the execution of an Agreement to include a requirement of a "B" grade in each class, reimbursement, means to pay District if he does not complete the program, and continued employment at the District for four years after graduation. The motion was seconded by Commissioner Bowman. Chair Bray asked for discussion.

Commissioner Blow stated that this issue has been difficult for him because he realizes that Mr. Tamblyn has been with the District for 13 years. He stated that his problem is that this is not his money and he is thinking about the current environment of state funding shortages. He stated that he does not see the benefit to the District of this employee receiving an MBA. He stated that he does admire Mr. Tamblyn for wanting to better himself but, that he cannot and will not vote in favor of this item.

Commissioner Sansom stated that he is supportive of Commissioner Blow's concerns and asked if there are any non-cash ways that we can support Mr. Tamblyn. He asked when he would attend classes. Mr. Roach answered on the weekend.

Secretary Freeman stated that initially she was not supportive of this request because she is looking for some nexus within the course work that could demonstrate value to his job duties.

Commissioner Barkett stated that Mr. Tamblyn is an long term employee who has the initiative to and would like to work towards obtaining an MBA that would allow him to advance within the District

Commissioner Crowley stated that this is a state policy that is currently in place for all state employees, we are only being asked to implement the request. He stated that this is an entitlement to all state employees. He stated that the state policy allows for full tuition reimbursement with a C average, and actually we have beat him up by only offering ½ tuition reimbursement and a B average. He stated that to him this makes sense and he is comfortable supporting this request.

Commissioner Blow stated that the law allows for tuition reimbursement for work related courses and an executive MBA does not seem to match. He asked what Mr. Tamblyn's graduate degree is in. Mr. Roach stated biology. Commissioner Blow stated that he would consider a work related course that would be in engineering or construction administration. He stated that the other problem is in relation to a promotion opportunity and he noted that there are people looking for work with MBA's that would be happy to take his position.

Commissioner Crowley stated that he respects Commissioner Blow's comments. He stated that in Mr. Tamblyn's memo to staff he states that he has spoken to FAU's faculty to change some of the program electives to a balance of construction or environmental electives and that has satisfied some of the Board's curriculum concerns.

He stated that when this was discussed in July, we asked if this could be focused toward construction or environmental. He stated that Mr. Tamblyn has complied with what this Board asked him to do. Mr. Roach stated that during discussions with Mr. Tamblyn he was under the impression that FAU may not allow the substitute courses.

Commissioner Crowley stated that that way an MBA works is you take a certain level of core courses during the first year such as marketing, accounting, and finance. He stated that then, the second year you have wide latitude to choose what electives you want as long as they have a business foundation. He stated that seems like that is what Mr. Tamblyn has been able to do.

Vice-Chair Colee stated that it either is or it isn't. He stated that his memo to staff is a commitment on his part. He stated that this should become part of his contract with the District.

Commissioner Crowley added to his motion to include specific course work requirements to Mr. Tamblyn's education contract. The addition to the motion was seconded by Commissioner Bowman.

Chair Bray asked for any further discussion, hearing none, a vote was taken and the motion passed. Secretary Freeman, Treasurer Kavanagh, Commissioner Sansom, and Commissioner Blow voted against the motion.

ITEM 21. Additional Staff Comments and Additional Agenda Items.

Chair Bray asked if there were any additional staff comments or agenda items.

Mr. Crosley referred to a newly distributed Attachment C, Project Priority list for our assistance program. He stated that during the last rule change, additional project categories were added to the rule, which are: Item 13, Maritime Management Planning;

and Item 16, Environmental Restoration Enhancement Mitigation. He stated that he failed to add the associated points to those categories on the project priority list and therefore he wrote the proposed point number in by hand.

Vice-Chair Colee made a motion to approve the point value as assigned to Items 13 and 16 of the Project Priority list. The motion was seconded by Commissioner Blow. Chair Bray asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 22. Additional Commissioners Comments.

Chair Bray asked if there were any additional staff comments or agenda items.

Commissioner Crowley stated that he has been extended an opportunity to participate in the Externship program administered through the University of Florida, Law School. He stated that it is a program that he did when he was in law school. He stated that the program works with students by having them placed to work with government agencies for a summer or a semester to gain work experience. He stated that a student would pay the University of Florida tuition to work with him on FIND related issues. He stated sometimes the student will get course work credit for doing that work. He stated that the student is not paid for their work and would be required to work a set amount of hours.

Commissioner Crowley stated that Miami-Dade County will be moving forward with their Maritime Master Plan this year and this student could work on that project. He stated that he would like to be involved in that process, but he is not sure that he will have the time to be as involved as he would like. He stated that several other projects that the student could work on would include the development of Virginia Key, the Port of Miami

dredging project, and other FIND projects. He stated that all of these students are in the University of Florida Environmental Law Program, which means they are taking extra course work specific to their interest in environmental law. He stated that these opportunities benefit the student by providing him with a good understanding of environmental law and the District would benefit from his/her activities. He stated that this student would attend several Board meetings and could assist Attorney Breton with research assignments as well.

Commissioner Bowman stated that this is a great program and inquired if the Board needed to vote on it. Mr. Roach answered no and stated that this is an informational presentation.

Chair Bray asked if there is any cost to the District. Commissioner Crowley stated that there is no anticipated cost associated with this.

Commissioner Chappell stated that he received an e-mail yesterday from the U. S. Fish and Wildlife Service who have decided to review the lighthouses in the State of Florida to determine if the lights should be shut down in an effort to protect sea turtles. He stated that they have chosen the Hillsboro Inlet Light as one of the first ones for review. He stated that he has contacted his County Commission and we are setting a meeting with Congressman West to review this matter. He stated that the U. S. Coast Guard will be receiving the comments, which are due by April 20th and he will provide that contact information to staff.

Vice-Chair Colee stated that one year ago his appointment to this Board ended, pending re-approval by the governor. He stated that he is not sure if there are other

Commissioners who have not been re-appointed yet, but he would like to ask staff to contact the Governor's office about this.

Commissioner Netts stated that he was contacted by former Commissioner Cathy Vogel who was contacted by the Florida Fish and Wildlife Conservation Commission (FWC) to provide comment regarding a proposed slow/idle speed zone located 300 feet north and south of the high bridge in Volusia County. He stated that Ms. Vogel inquired whether FIND has a position on this proposal.

Mr. Roach stated that staff reviewed the proposal and sent comments to Secretary Freeman. He stated that the proposal seems to be in compliance with the Board's policy on boating speed zones on the ICW. He stated that staff will continue to monitor the FWC as they move forward with it. He stated that the FWC will present this to their board in late January to initiate formal rule making.

Commissioner Netts stated that just for informational purposes, he has been asking the FWC to put a slow speed zone at the Hammock Dunes Bridge, which has two adjacent marinas, and the FWC feels that is not an essential area for a slow speed zone.

Commissioner Sansom stated that he would like to commend Commissioner Blow and staff for the additional information and activities added to last evening's Community Outreach Event. He stated that it has improved the value of these events.

Commissioner Crowley stated that in December of 2011, the City of Miami Beach held a world wide contemporary art fair, called Art Basal. He stated that wealthy people from all over the world purchase art from this fair. He stated that what is relative to FIND is that there was a 400 foot mega yacht docked in the FEC slip and he noted it is

the first yacht to use the bollards and the newly built bulk head installed by the District's Assistance Program project.

ITEM 23. Adjournment.

Chair Bray stated that hearing no further business the meeting was adjourned at 12:58 p.m.

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT
Land Acquisition & Management Committee Meeting
1:05 p.m., Friday, January 13, 2012
32 Avenida Menendez
St. Augustine, St Johns County, Florida**

ITEM 1. Call to Order.

Chair Crowley called the meeting to order at 1:05 p.m.

ITEM 2. Roll Call.

Assistant Executive Director Mark Crosley called the roll and Chair Crowley, Commissioner Barkett, Commissioner Blow, Commissioner Chappell, and Commissioner Bowman were present. Mr. Crosley stated that a quorum was present.

ITEM 3. Additions or Deletions.

Chair Crowley asked if there were any additions or deletions to the meeting agenda.

Mr. Roach stated that he would like to add to the agenda: Item 5A, Agreement with Lucas Marine Acquisition Company, LLC for the Offloading of Material from DMMA M-5, Martin County.

Commissioner Blow made a motion to approve the final agenda as amended. Commissioner Chappell seconded the motion. Chair Crowley asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 4. MSA 727B-Alsdorf Park Improvements Feasibility Study, Broward County.

Mr. Roach stated that the District owns MSA 727B and leases the property to the City of Pompano Beach for use as a boat ramp/park known as Alsdorf Park. He stated that the District has designated MSA 727B as a Long Term Transfer Site for the management of maintenance dredge materials from Dredging Reach 2 of the ICW in Broward County. He stated that this reach has a minimal 50 year dredging requirement of 5,421 cyds.

Mr. Roach stated that Alsdorf Park is one of the busiest salt water boat ramps in Broward County. He stated that the City and the County commissioned a feasibility study to improve water access at the site. He stated that the study recommends two alternatives which increase the number of boat ramp lanes, the number and size of the trailer parking spaces, and adds a staging dock for boats to increase ramp efficiency.

Mr. Roach stated that pursuant to the District's lease with the City, any alterations to the property have to be approved by the District. He stated that staff is not opposed to these proposed changes but recommends that any additional trailer parking spaces, which are proposed in our future materials management area, not be paved so that any future impact to them from our operations is less costly to repair.

Commissioner Chappell stated that he has filed Form 8B on this item and will not be voting on this item.

Chair Crowley stated that he was contacted by a group named The Blue Water Initiative. He stated that this group is located in Broward County and is working to remove old tires that were used to build reefs from the ocean. He stated that the group is looking for a staging area to off load these tires for transfer to a dumpster for eventual

transfer to the dump. He stated that this site was identified as a possible transfer facility. He stated that they have looked at other sites, but this site is the best suitable for the location they will be working. He stated that the group would require use of the site for several months.

Mr. Roach stated that the group should go to the City of Pompano and request use of the site, and then the City will contact the District.

Commissioner Blow made a motion to approve the Alsdorf Park Improvements Feasibility Study Alternatives 1 and 2 subject to any new parking areas not being paved. Commissioner Barkett seconded the motion. Chair Crowley asked for any additional discussion, hearing none a vote was taken and the motion passed. Commissioner Chappell did not vote for this item.

ITEM 5. DMMA BV-24 Exchange with Brevard County.

Mr. Roach stated that since 1998 the District has been working with Brevard County and the Nature Conservancy to exchange all or a portion DMMA BV-24 to the county for a portion of their land to the south. He stated that the District's property is home to three scrub jay families and is located within the Valkaria Scrub Jay Refugia which is one of the largest concentrations of scrub jays in Florida. He stated that the County would like to protect these jays by exchanging some of their lands which were previously altered.

Mr. Roach stated that the District has approved this exchange several times but it has not proceeded because third party lands were needed in the exchange. He stated that this last exchange proposal eliminates the third party lands and only involves the District and the County. He stated that three new alternatives were laid out by the District's

engineers and staff recommends Alternative Three which provides us with the site capacity that we need but only protects two scrub jay families.

Commissioner Blow asked about the property south of the District's easement. Mr. Roach stated that property is privately owned.

Commissioner Blow asked if the easement was for access and the pipeline. Mr. Roach answered yes.

Commissioner Barkett asked if this request is for an exchange of land with the actual terms of the exchange to be worked out later. Mr. Roach answered yes and stated that we are still working on the exact amount of acreage. He noted that the exchange will be based on a dollar for dollar value or an acre for an acre and that he supports the acre for acre exchange. He stated that the final agreement will be brought back to the committee for approval.

Commissioner Barkett made a motion to approve an exchange of lands with Brevard County in accordance with Alternative Three, subject to the District's due diligence, and a final agreement being approved and executed. Commissioner Chappell seconded the motion. Chair Crowley asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 5A. Agreement with Lucas Marine Acquisition Company, LLC for the Offloading of Material from DMMA M-5, Martin County.

Mr. Roach stated that the District staff became aware of the need for sand for the City of Ft. Pierce Marina Waterfront Protection Project, which will create islands to protect the marina. He stated that staff notified the project plan holders of the availability of dredged material from DMMA M-5 for use for this project. He stated that this site is currently at capacity and the District is planning to offload the dredged materials to the

beach in 2013 in association with the next Crossroads maintenance dredging event. He stated that the projected cost to remove 289,000 cubic yards of material from the site is approximately \$20 per cubic yard.

Mr. Roach stated that Lucas Marine was the only company that expressed an interest in the materials and has been awarded the contract by the City. He stated that they need 119,000 cubic yards of material for the project. He stated that this project will save the District approximately \$2.4 million and free up capacity for at least two more dredging events before offloading is required. He stated that this project will also provide a beneficial reuse of dredged material for a public waterway project that will protect millions of dollars of public waterway infrastructure from future storm damage.

Commissioner Barkett complimented staff for developing this opportunity and making the resource available for this project.

Commissioner Bowman asked about potential legal liability regarding the possibility of contamination. Mr. Roach stated that the written agreement includes that the material will be taken as is. He stated that this is beach quality sand that has already been analyzed and approved for beach placement.

Chair Crowley stated that he would urge staff to think about protecting the District because, no good deed goes unpunished.

Commissioner Blow made a motion to approve the preliminary agreement with Lucas Marine Acquisition Company for the offloading of approximately 119,000 cubic yards of dredged material from DMMA M-5, for staff to work with Lucas to develop the agreement, and include an indemnification provision. Commissioner Barkett seconded

the motion. Chair Crowley asked for any additional discussion, hearing none a vote was taken and the motion passed.

ITEM 6. Additional Staff Comments and Additional Agenda Items.

Chair Crowley asked if there were any additional staff comments or agenda items.

There were none.

ITEM 7. Commissioners Comments.

Chair Crowley asked if there were any additional Commissioner comments.

There were none.

ITEM 8. Adjournment.

Chair Crowley stated that hearing no further business the meeting was adjourned at 1:29 p.m.



**US Army Corps
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Jacksonville District

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
February 18, 2012**



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WORK ACTIVITIES IN FY 12:

1. DMMA: IR-2 (Indian River County)
2. IWW: St. Augustine (St. Johns County)
3. IWW: Sawpit (Nassau County)



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Jacksonville District

IWW STATUS UPDATE FIND Board of Commissioners Meeting February 18, 2012



AIWW = Atlantic Intracoastal Waterway Norfolk to St. Johns
IWW = Intracoastal Waterway Jacksonville to Miami (12' and 10' projects)
DMMA = Dredge Material Management Area

1. WORK ACTIVITY: DMMA IR-2 (Indian River County)

CONTRACT AMOUNT: \$2,806,601.00

DESCRIPTION OF WORK: IR-2 is located in Indian River County 1.6 miles north of Wabasso between U.S. Highway 1 and Indian River Lagoon. IR-2 is a 180 acre site. IR-2 services Reach 1 of the IWW. Reach 1 extends from a point 0.45 north of the Brevard/Indian River County line southward 8.09 miles to the Wabasso Bridge. IR-2 will have a capacity of 428,000 cyds. IR-2 will be used for the Sebastian area (Indian River Reach 1) dredging in 2012/2013.

SCHEDULE:

Receipt of ERP/Surface Water Mgmt Permit:	21 July 2010A
Contract Advertisement Initiated:	21 Sept 2010A
Bids Received:	28 Oct 2010A
Contract Award:	30 Dec 2010A
NTP Issued:	17 Feb 2011 A
Construction:	18 Feb 2011A – 9 June 2012

FIND WORK ORDER: Work Order was approved by the FIND Board in June 2010.

NAME OF CONTRACTOR: Contract was awarded to BC Peabody Construction Services on 30 Dec 2010.

STATUS: The Contractor has placed rip rap for the stone buttress on the east side of the project. All pilings have been driven for the structure and #57 stone and backfill is in place at the outfall pipes. The request for proposal to the Contractor for credit for leaving suitable material on the site was rescinded and the Contractor has been directed to remove all unsuitable material from the excess material stockpile (only good material will be left on site per the contract). The Contractor has placed riprap on a portion of the perimeter ditch and plans to continue placement southward. The Contractor has placed riprap and covered riprap with topsoil on a portion of the dike as well. Additional planting of grass over topsoil is scheduled for the week of 13 February 2012. There have been no accidents on the site.



Dredged Material Management
Area IR-2 Construction

Print #120119101
Date: 01/19/12
Lat/Lon: 27.779263 -80.444266
Aerial Photography, Inc. 054 568-0484



US Army Corps
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Jacksonville District

IWW STATUS UPDATE FIND Board of Commissioners Meeting February 18, 2012



3. WORK ACTIVITY: IWW: St. Augustine (St. Johns County)

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Maintenance dredging in the entrance channel of the St. Augustine Inlet and associated Intracoastal Waterway (Cuts SJ-28 to SJ-30). Approximately 260,000 CY of material will be removed, down to 16-ft required depth in the entrance channel and 12-ft required depth plus 2-ft allowable over depth in the IWW. Dredge material will be placed on the beach south of the St. Augustine Inlet between monuments R-132 to R-152. Unsuitable beach quality material will be placed in the near shore between monuments R-142 to R-148. For the 2010 event, dune repair and sea oat planting/sand fence installation will be done north of monument R-131, as requested by Anastasia State Park.

SCHEDULE:

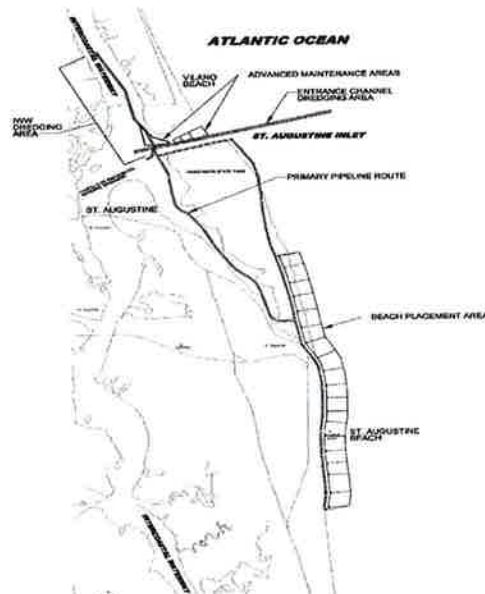
Date we expect DEP permit:	22 Sept 2010A
Contract Advertisement Initiated:	1 May 2012 (tentative)
Bid Opening:	30 May 2012
Contract Award:	27 June 2012
NTP Issued:	26 July 2012
Dredging Complete:	20 Nov 2012

FIND WORK ORDER: Work order was approved by the FIND Board in April 2011.

NAME OF CONTRACTOR: TBD

STATUS: There is a FP&L power line that crosses the Federal channel in an area that has not been dredged in many years (northern reach). FP&L will be removing the existing cable from the location of the dredging. FP&L will later apply for permits to install a new directional bore to replace the existing subaqueous cable that is removed. FP&L will ensure the directional bore is installed per the new ACOE required depth of 14 ft. minimum below the authorized depth. (12' Federal channel).

FP&L submitted the application to DEP for removal of this line on 23 Jan 2012. DEP has 30 days to respond if they have any questions after which they have 90 days to issue the permit. In the application, FP&L requested DEP expedite the permit due to the upcoming dredging project.





**US Army Corps
of Engineers**
Jacksonville District

IWW STATUS UPDATE **FIND Board of Commissioners Meeting** **February 18, 2012**



3. WORK ACTIVITY: IWW: Sawpit (Nassau County)

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: The effort for Sawpit includes maintenance dredging from Cuts 7 to 27C. Based on a recent hydro survey from February 2010, Cuts 7 thru 11 have approximately 150K cy of material that would go upland to DMMA DU-2 and Cuts 24 thru 27C have approximately 200K cy of beach quality material that would be placed on Amelia Island. The beach template lies between FDEP monuments R-73 to R-79.

SCHEDULE:

Submit WQC permit application to DEP:	29 June 2011A
Pre Application Meeting	2 Aug 2011A
Date we expect DEP permit/NEPA:	27 March 2012
Contract Advertisement Initiated:	TBD
Bid Opening:	TBD
Contract Award:	TBD
NTP Issued:	TBD
Dredging Complete:	TBD

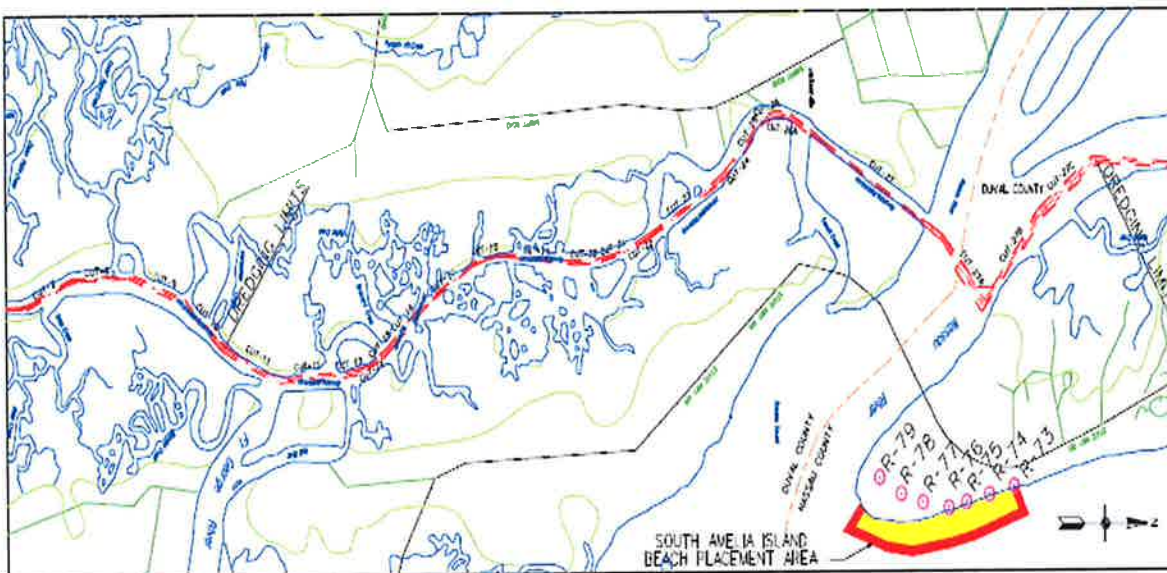
FIND WORK ORDER: Work Order was approved by the FIND Board in Feb 2011 for contributed funds to complete the permit application package.

NAME OF CONTRACTOR: TBD

STATUS: Corps is putting together an estimate for preparation of the plans and specifications for this effort. Beach placement only for this next event.

Estimated Timeline:

30 day review period after 11/1/11A
Notice of completion issued by DEP 12/14/11 A
90 day review/draft period
Notice of Intent/Draft Permit issued 3/13/12
14 day publication period
Final Permit 3/27/12





ST. LUCIE COUNTY PROJECT STATUS UPDATE

February 2012

Dredged Material Management Plan.

Phase I of the Dredged Material Management Plan for the Intracoastal Waterway in St. Lucie County was completed in 1997. Phase II of the DMMP was completed in 2001 and all major land acquisition was completed in 1999. See attached maps.

The 50 year dredging projection is 29,201 cyds. and the storage projection is 62,782 cyds, the second lowest of the District counties. Dredging Reach I will be dredged in 2010 because of problems being experienced by the Harbor Branch research ships.

DMMA SL-2, which will serve Reach I, has been constructed and DMMA M-8 has been fenced.

Waterway Dredging

In 2012, a small shoal in Reach I will be dredged.

Waterways Economic Study

The St. Lucie County Waterways Economic Study was completed in 2001 and updated in 2011. The studies found that there were 125 waterway related businesses in the county employing 1,184 people, with salaries of \$45 million and a total economic impact of \$186 million. Approximately \$8.3 million in tax revenue was generated by waterway activities. Property values were determined to be increased by \$155 to \$188 million by the presence of the ICW channel. There are 13,100 registered vessels in the county.

Waterways Assistance Program

Since 1986, the District has provided \$5.4 million in Waterways Assistance Program funding to 53 projects in the County having a total constructed value of \$18.6 million. The County, the City of Ft. Pierce, Port St. Lucie, the Ft. Pierce Utilities Authority and the St. Lucie County Port and Airport Authority have participated in the program. See attached listing.

Notable projects funded include: the Ft. Pierce Municipal Marina; public boat ramps at St. Lucie Inlet State Park, South and North Causeways, Ft. Pierce Marina, and Jaycee Park, and; shoreline stabilization in downtown, the north and south causeways, and River Park Marina.

FIND



ST. LUCIE COUNTY PROJECT STATUS UPDATE

February 2012

Cooperative Assistance Program

The District's Cooperative Assistance Program has providing funding assistance for the following projects with elements in St. Lucie County: Taylor Creek Dredging and restoration; Florida Clean Marina Program; Florida Clean Vessel Act Program; Florida Marine Patrol Officer Funding; the Indian River Lagoon Boaters Guide; and the Indian River Lagoon Spoil Island Management Plan. The District's funding assistance for the St. Lucie County portion of these projects was approximately \$613,000.

Interlocal Agreements

Through Interlocal Agreements the District has providing funding assistance in the amount of \$667,000 for the following projects or project with elements in St. Lucie County: Taylor Creek Dredging and restoration; Florida Clean Marina Program; Florida Clean Vessel Act Program, and; the M-8 Shoreline Stabilization Project.

In addition, the District will be providing 119,000 cyds. of sand for the construction of the Ft. Pierce Waterfront Protection Project. This project will protect the downtown waterfront and allow the rebuilding of a majority of the Ft. Pierce Municipal Marina which was destroyed by the hurricanes of 2004.

Public Information Program

The District currently prints and distributes the following brochures with specific information about St. Lucie County Waterways: the Economic Impact of St. Lucie County Waterways; St. Lucie County Spoil Islands; St. Lucie County Manatee and Boating Safety Zones; ICW Channel Conditions; and the ICW Moveable Bridge Guide.

FIND



ST. LUCIE COUNTY PROJECT STATUS UPDATE

February 2012

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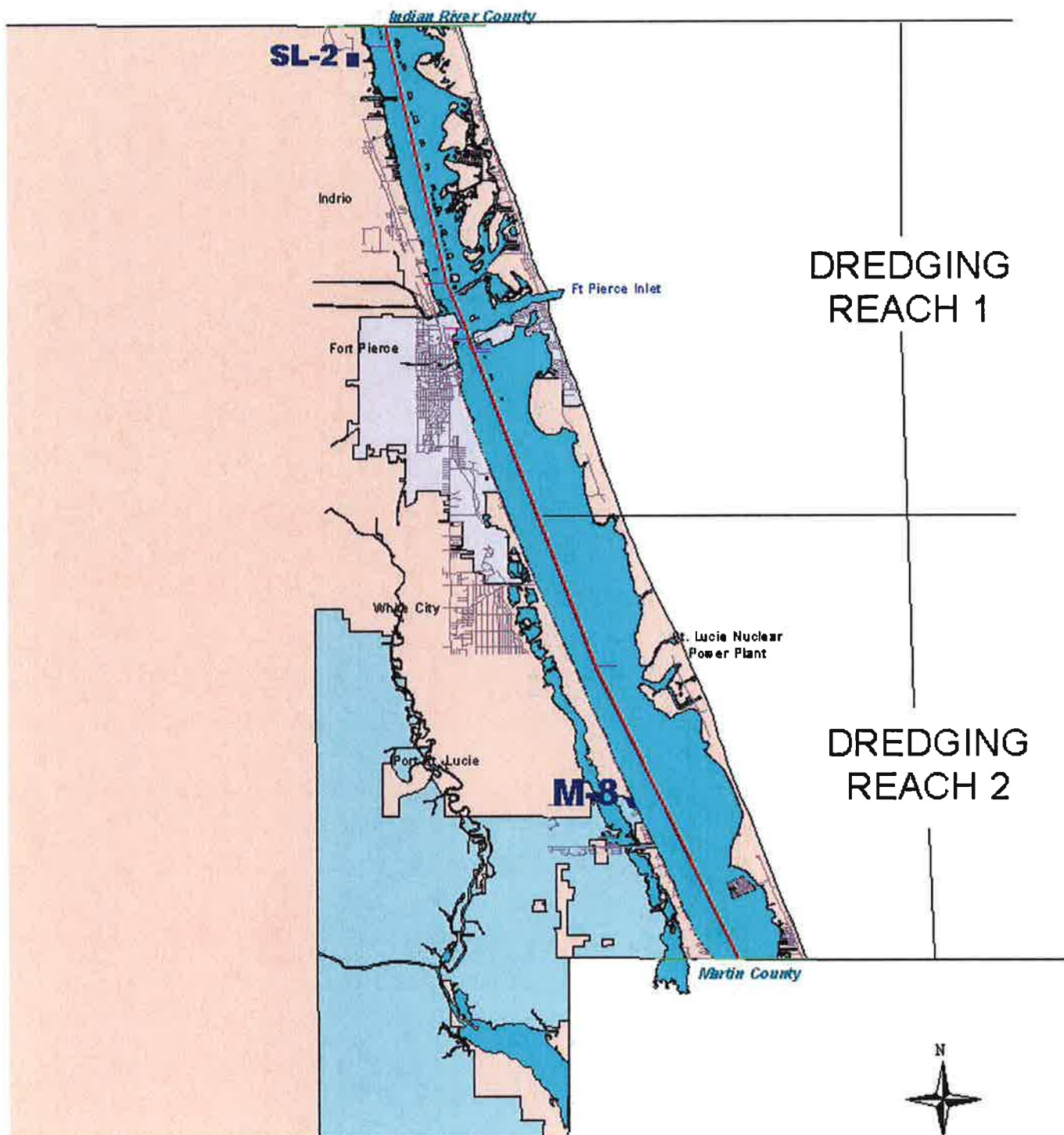
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FIND

LONG RANGE DREDGED MATERIAL MANAGEMENT PLAN FOR THE INTRACOASTAL WATERWAY IN ST. LUCIE COUNTY



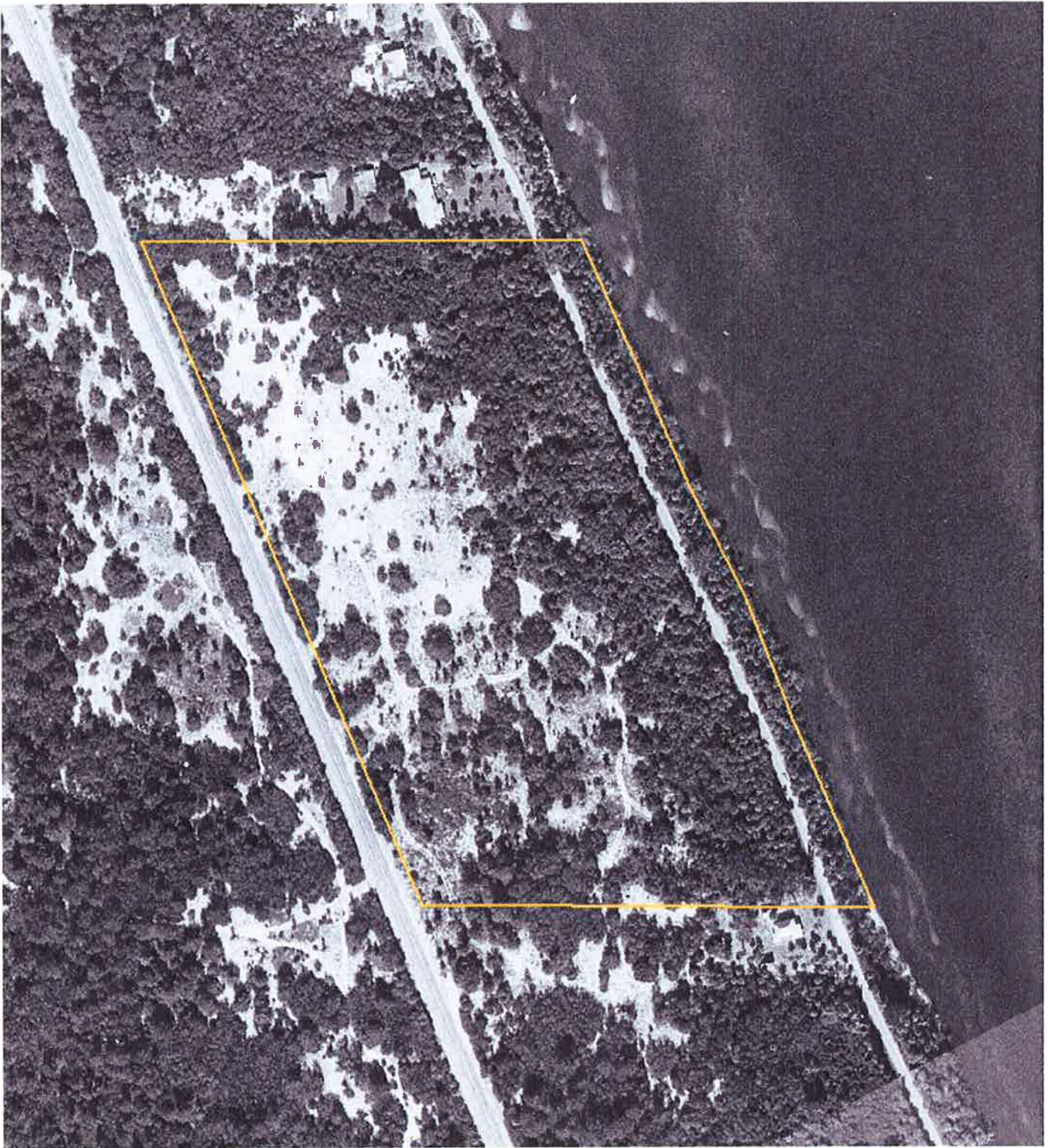
DMMA SL-2







-  FIND Easement
-  FIND Owned
-  Channel
-  ICW Right-of-Way



DMMA M-8



-  FIND Easement
-  FIND Owned
-  Channel
-  ICW Right-of-Way



ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

Page 64



Purpose

To update economic benefits in St. Lucie County of marine-related activities on the District Waterways, as previously estimated in *An Economic Analysis of the District's Waterways in St. Lucie County*, June 2001, and to provide the general public and Federal, State, and local officials with a clear understanding of the importance of maintaining the waterways.

Scenarios Evaluated

1. Current Existing Conditions
2. Cessation of Waterways Maintenance
3. Increase in Waterways Maintenance
4. Estimated impact of the 2007-2009 U.S. economic recession



ECONOMIC IMPACTS

Current Existing Impacts

- \$186.0 million in business volume
- \$45.0 million in personal income
- 1,184 jobs
- \$8.3 million in tax revenue

Impacts of Cessation of Waterways Maintenance

- Decrease of \$90.3 million in business volume
- Decrease of \$23.7 million in personal income
- Decrease of 69 jobs
- Decrease of \$3.8 million in tax revenue

Impacts of an Increase in Waterways Maintenance

- Increase of \$19.55 million in business volume
- Increase of \$4.77 million in personal income
- Increase of 133 jobs
- Increase of \$0.9 million in tax revenue

Impact of the 2007-2009 U.S. Economic Recession

- Decrease of \$284.4 million in business volume
- Decrease of \$69.8 million in personal income
- Decrease of 1,815 jobs
- Decrease of \$10.9 million in tax revenue

Economic Benefits as of April 2011

ST. LUCIE COUNTY



ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

Page 65

ST. LUCIE COUNTY

The Intracoastal Waterway

The Atlantic Intracoastal Waterway (AICW) is a 1,391-mile channel between Trenton, New Jersey, and Miami, Florida. The Waterway along Florida's eastern seaboard is 406 miles long and follows coastal rivers and lagoons past numerous tourism-oriented communities. The channel is authorized to a depth of 12 feet from Nassau County to Fort Pierce, and a 10 foot depth south through Miami-Dade County. Boating activities on the waterways contribute to the existence of numerous marine-related businesses such as marinas and boatyards and have stimulated development of residential properties on the Waterways.

The Navigation District

The Florida Inland Navigation District, created in 1927, is the local sponsor for the AICW in Florida. In cooperation with the Jacksonville District of the U.S. Army Corps of Engineers, the Navigation District is responsible for maintenance of the AICW in Florida. To maintain navigation, the waterways need to be periodically dredged due to shoaling from currents, upland soil erosion, and the movement of offshore sands through the ocean inlets. Maintenance dredging is projected to cost approximately \$12 to \$16 million annually during the next 50 years, of which 50 percent of the costs are expected to be borne by property owners within the Navigation District's jurisdiction.

The Navigation District also partners with other governments to provide waterway access and improvement facilities for our mutual constituents. These projects include public boat ramps, marinas, side channels, parks, fishing piers, boardwalks, navigation aids, derelict vessel removal, shoreline stabilization, and waterway cleanups.

Source of Data Used in This Analysis

The economic benefits of the Waterways were estimated in June 2001 in *An Economic Analysis of the District's Waterways in St. Lucie County*.

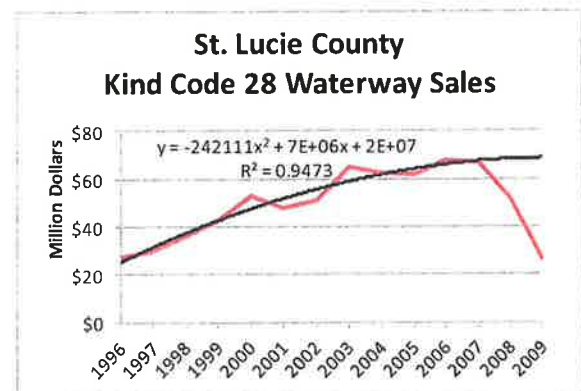
Updating of Previously Estimated Benefits

The benefits presented in this analysis were estimated by updating the direct marine-business

impacts in the original analysis to current values using the change in gross sales reported by boat dealers to the Florida Department of Revenue (FDOR). The updated direct impacts were used in conjunction with an IMPLAN input/output model to estimate total economic benefits.

Estimating the Impact of the Recession

The impact of the recession was estimated by determining the trend in gross sales of boat dealers over the 20-year period prior to the onset of the recession. This trend was used to estimate the theoretical gross sales if sales had continued to increase at the rates previously experienced. The red line in the figure below illustrates reported actual gross sales of boat dealers and the black line illustrates the trend of those sales. From 2007 to 2009 gross boat dealer sales in St. Lucie County decreased by 60 percent; if the recession had not occurred, it is estimated that gross sales from 2007 to 2009 would have increased by six percent.



Annual Boater Spending on Gas, Food, and Drinks at Non-Marine-Related Establishments

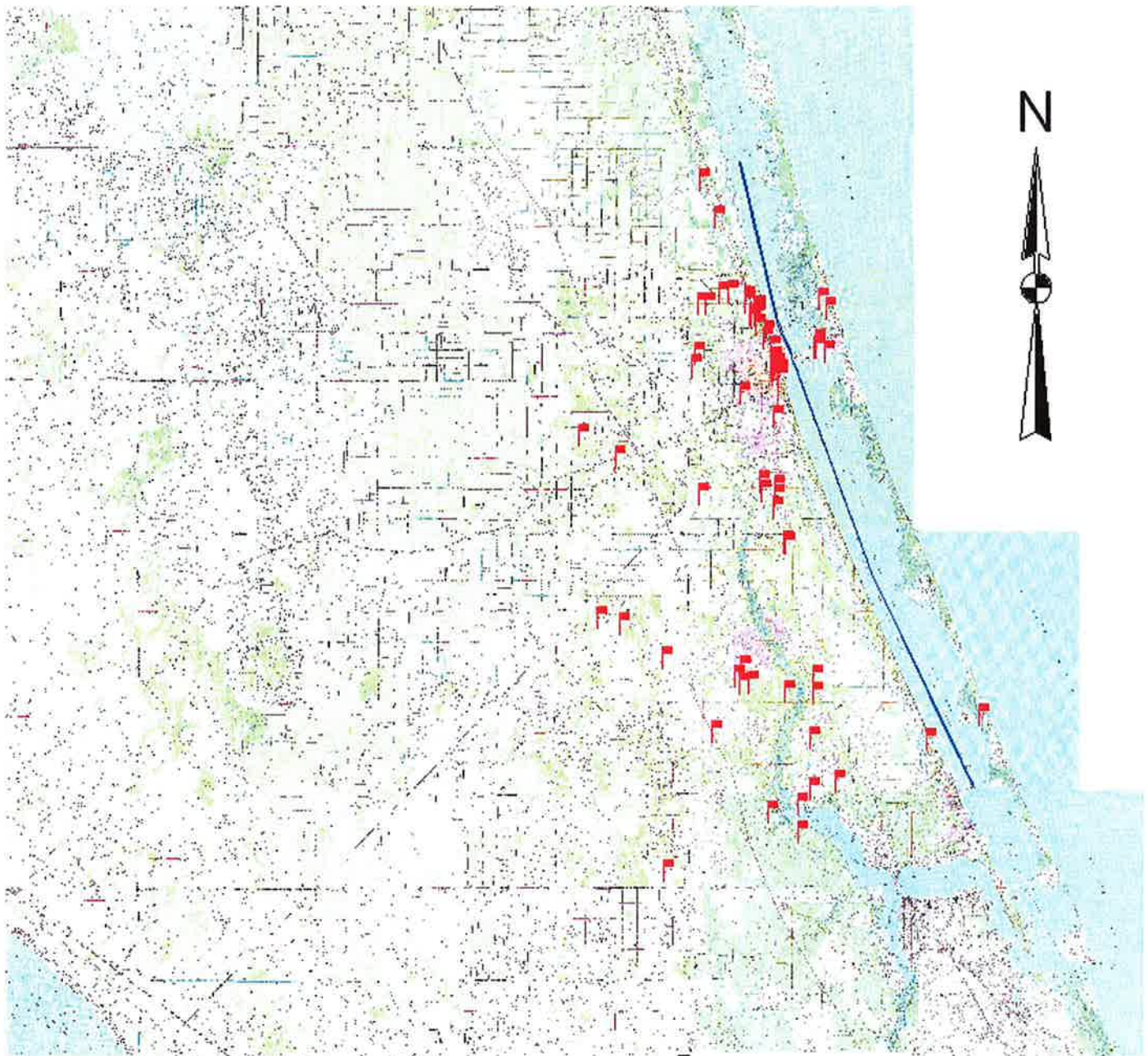
- Current existing conditions: \$12.8 million
- Cessation of maintenance: \$10.7 million
- Increased maintenance: \$12.8 million
- Assuming no recession: \$18.2 million

Vessel Draft Restrictions Assumed for Each Scenario

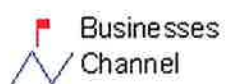
- Current existing conditions: 6.5 feet MLW
- Cessation of maintenance: 3 feet MLW
- Increased maintenance: 10 feet MLW
- Assuming no recession: 6.5 feet MLW

LOCATION MAP

WATERWAY RELATED BUSINESSES IN ST. LUCIE COUNTY



Map Legend



**ST LUCIE COUNTY
WATERWAYS ASSISTANCE PROGRAMS
1986-2012**

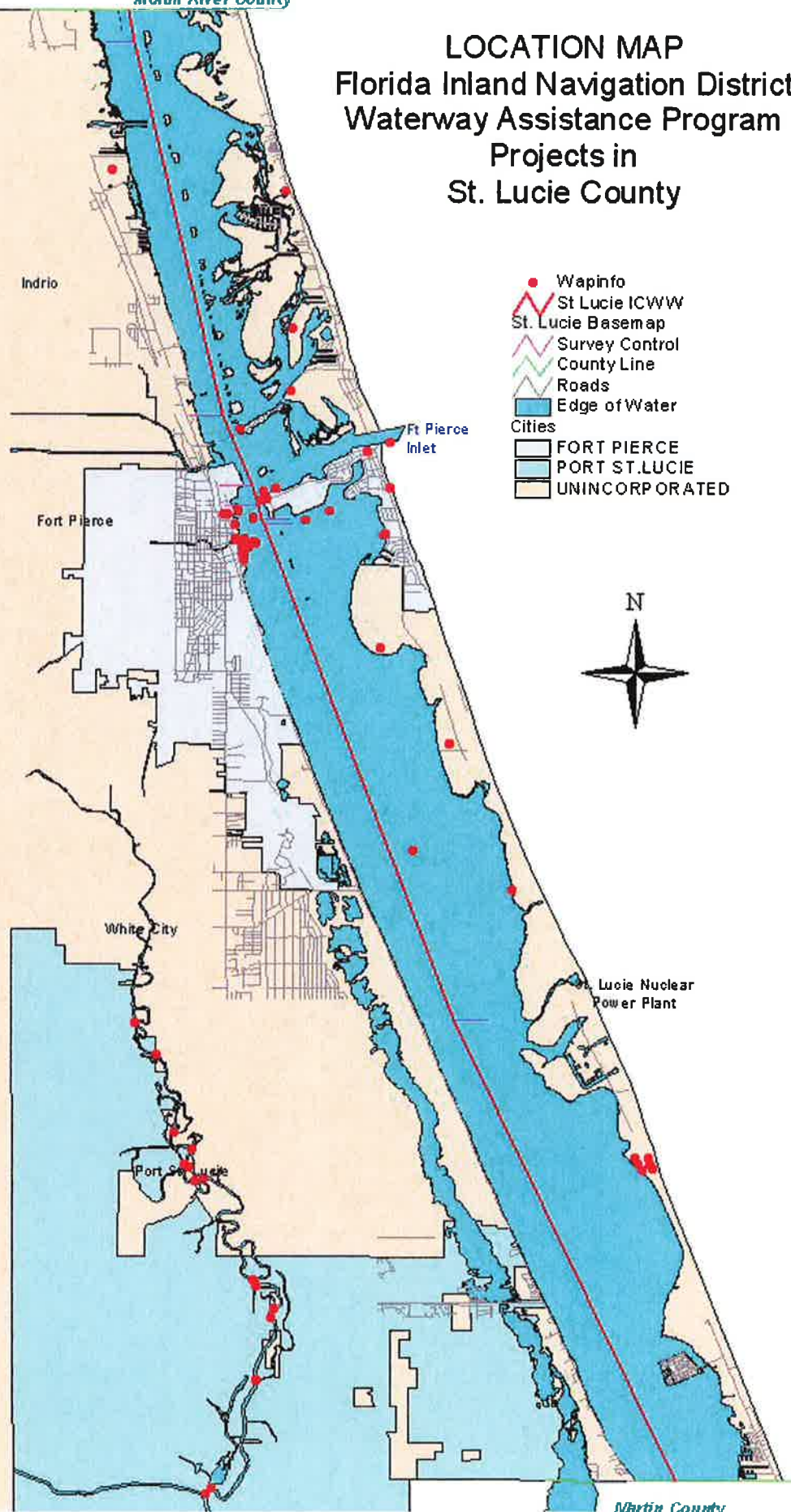
Project Name	Project Number	Project Sponsor	Grant Amount	Total Cost
Ft. Pierce Inlet Boat Launch	SL-00-29	St. Lucie County	\$251,986.00	\$875,900.00
Shoreline Stabilization At South Causeway Island	SL-01-30	St. Lucie County	\$224,668.00	\$500,000.00
Law Enforcement Patrol & Rescue Vessel	SL-01-31	St. Lucie County	\$29,335.00	\$77,088.00
Vitolo Park/ Middle Cove - Public/ A.D.A. Access	SL-02-32	St. Lucie County	\$50,000.00	\$108,716.00
Blind Creek Public Access Improvements	SL-03-34	St. Lucie County	\$50,000.00	\$107,150.00
Shoreline Stabilization Project - North Causeway Island	SL-03-35	St. Lucie County	\$100,000.00	\$200,000.00
Wildcat Cove Preserve/ Observation Pier	SL-04-36	St. Lucie County	\$22,500.00	\$45,000.00
Indrio Blueway Preserve	SL-05-38	St. Lucie County	\$20,000.00	\$40,000.00
Ocean Bay Preserve Improvements	SL-05-39	St. Lucie County	\$25,000.00	\$50,000.00
Queens Island Preserve	SL-05-40	St. Lucie County	\$35,000.00	\$70,000.00
River Park Marina	SL-05-41	St. Lucie County	\$32,500.00	\$65,000.00
River Park Marina	SL-06-44	St. Lucie County	\$122,000.00	\$244,000.00
South Causeway Park Shoreline Restoration	SL-06-45	St. Lucie County	\$258,300.00	\$516,600.00
Stan Blum Boat Ramp Restrooms - Phase I	SL-08-48	St. Lucie County	\$18,000.00	\$36,000.00
Little Mud Creek Boat Ramp & Kayak Launch	SL-09-49	St. Lucie County	\$40,000.00	\$113,800.00
Stan Blum Boat Ramp Restrooms - Phase II	SL-09-50	St. Lucie County	\$99,113.00	\$198,226.00
South Causeway Island Boat Docks	SL-87-2	St. Lucie County	\$105,000.00	\$210,000.00
4-H Sea Grant Environmental Education	SL-91-7	St. Lucie County	\$14,000.00	\$14,000.00
South Beach Causeway Boat Ramp Maintenance Project	SL-92-8	St. Lucie County	\$65,975.00	\$99,875.00
Boat Ramp Parking Improvement	SL-94-13	St. Lucie County	\$145,000.00	\$375,000.00
Fort Pierce Harbor Mitigation	SL-94-14	St. Lucie County	\$170,000.00	\$1,262,100.00
Fort Pierce Harbor Navigation Improvements	SL-95-15	St. Lucie County	\$168,079.00	\$1,262,100.00
South Causeway Island Improvement - Phase I I	SL-95-18	St. Lucie County	\$16,000.00	\$32,000.00
Inlet Spur Jetty	SL-97-22	St. Lucie County	\$220,000.00	\$782,000.00
Fort Pierce Shore Protection Project	SL-97-23	St. Lucie County	\$36,245.00	\$2,950,000.00
Law Enforcement Patrol & Rescue Vessel	SL-98-26	St. Lucie County	\$32,063.00	\$70,248.00
Fort Pierce City Marina North Channel	SL-FP-03-33	City Of Fort Pierce	\$94,481.00	\$206,445.00
Fort Pierce City Marina - North Access Channel Dredging	SL-FP-05-37ER	City Of Fort Pierce	\$318,000.00	\$991,437.16
City Of Marina Dredging Of Internal Basin	SL-FP-06-42	City Of Fort Pierce	\$18,000.00	\$36,000.00
City Marina Fuel Tank Replacement	SL-FP-06-43	City Of Fort Pierce	\$205,000.00	\$517,000.00
Veteran's Memorial Park (Withdrawn)	SL-FP-07-46	City Of Fort Pierce	\$285,000.00	\$570,000.00
Repair and Expansion of City Marina	SL-FP-1	City of Fort Pierce	\$100,000.00	\$2,023,660.00
Marine Law Enforcement & Boating Safety Program	SL-FP-10-51	Fort Pierce Police Departn	\$30,000.00	\$70,085.00
Public Fishing Pier Cleaning Station @ City Marina	SL-FP-11-53	City Of Fort Pierce	\$16,420.00	\$32,840.00
Repair And Expansion Of City Marina - Phase I I	SL-FP-87-3	City of Fort Pierce	\$93,000.00	\$186,000.00
Melody Lane Seawall/Public Recreation Area	SL-FP-88-4	City of Fort Pierce	\$125,000.00	\$410,000.00

**ST LUCIE COUNTY
WATERWAYS ASSISTANCE PROGRAMS
1986-2012**

Melody Lane Seawall Restoration	SL-FP-89-5	City of Fort Pierce	\$130,000.00	\$325,000.00
Melody Lane Public Recreation Area	SL-FP-90-6	City of Fort Pierce	\$55,000.00	\$110,000.00
Manatee Observation & Education Center - Phase I	SL-FP-93-10	City Of Fort Pierce	\$199,150.00	\$256,900.00
Dredging Of Entrance Channel To Marina/ Boat Launches	SL-FP-93-9	City Of Fort Pierce	\$70,000.00	\$72,800.00
Jaycee Park Boat Ramps Reconstruction - Phase I	SL-FP-94-12	City Of Fort Pierce	\$7,500.00	\$15,000.00
Jaycee Park Boat Ramps Reconstruction	SL-FP-95-16	City Of Fort Pierce	\$50,000.00	\$100,000.00
Design Of Lagoon Life - A Touch Screen Kiosk Exhibit	SL-FP-95-17	Ft. Pierce Utilities Authority	\$33,291.00	\$41,891.00
Manatee Observation & Education Center	SL-FP-96-19	City Of Fort Pierce	\$153,453.00	\$153,453.00
City Marina Entrance Channel Dredging	SL-FP-96-20	City Of Fort Pierce	\$70,000.00	\$70,500.00
City Marina Access Channel Dredging	SL-FP-97-21	City Of Fort Pierce	\$84,926.25	\$94,362.50
Indian River Memorial Park Riverwalk	SL-FP-98-24	City Of Fort Pierce	\$204,505.00	\$409,010.00
Fisherman's Wharf Fishing & Viewing Piers	SL-FP-98-25	City Of Fort Pierce	\$54,448.00	\$231,520.00
Library Square Park	SL-FP-99-27	City Of Fort Pierce	\$122,486.00	\$245,814.00
Marina Dockmaster/ Ship Store (Cancelled)	SL-FP-99-28	City Of Fort Pierce	\$104,375.00	\$224,250.00
Riverwalk Boardwalk Reconstruction	SL-PSL-07-47	City Of Port St. Lucie	\$396,125.00	\$856,000.00
North Fork St. Lucie River Channel Marker Replacement	SL-PSL-10-52	City Of Port St. Lucie	\$7,500.00	\$15,000.00
Waterway Improvement Project	SL-PSL-93-11	City Of Port St. Lucie	\$8,250.00	\$11,000.00
TOTALS			\$5,386,674.25	\$18,580,770.66

Indian River County

LOCATION MAP Florida Inland Navigation District Waterway Assistance Program Projects in St. Lucie County



JH SPRAGUE CONSULTING L.L.C
10918 Larch CT Palm Beach Gardens FL, 33418
Phone 561-723-5418 — sprague.miaf@me.com

TO: Mark Crosley
Assistant Executive Director
Florida Inland Navigation District
1314 Marcinski Rd
Jupiter, fl 33477

DATE: January 26, 2012

RE: PB RB-09-141
Dear Mr. Crosley,

As you know I have submitted to you a revised FIND engineering grant category sheet on behalf of the City of Riviera Beach. Several categories are new as well as some deleted plus amounts revised based on the Riviera Beach Marina project changes require approval from your Commission under your rules.

This letter is to serve as a notice of request for appearance at the February 18th meeting to request those modifications to take place. In addition I would also like to update your commission of our final permitted design.

Originally when this grant was applied for, the master developer for the city was running the marina project along with the proposed upland development and had their engineer do the FIND engineering grant application in behalf of the city. Subsequently the city decided to take over the marina project from the master developer. In addition there was a period time that the southern portion of the marina was under an agreement with a sub developer to construct a Mega-Yacht facility that greatly reduced the size of the marina. Permits for the reduced marina size were obtained from DEP and the USACE for a reduced city marina design based on the Mega-Yacht project. This Mega-Yacht project has now shifted to another location allowing the city to replace the marina utilizing the original area, and expanding eastward.

- 1) The city obtained additional grants so the marina could be replaced rather than repaired in a phased approach.
- 2) The city through the CCNA process hired Sea Diversified as the coastal engineer for the project to focus on the marina rather than the upland development and the marina.
- 3) With this shift in focus the engineer with direction from the Marina Director and the Marina consultant undertook a work process to insure that the replacement marina was of the quality to insure that it will serve the public in the years to come, as well as be designed for modern sized vessels taking into consideration tide, wind and storm conditions.
- 4) As an example of additional studies that have taken place to insure that the city obtains a first class marina to serve the public was a wave energy study that was undertaken because of the marina location and possible hurricane events to insure that the design of the new floating docks were built to withstand a storm event.
- 5) A new design was developed and submitted to DEP and USFWS for permits that have been issued.
- 6) In addition the city applied for an eastward expansion of it's deed of dedication to allow slips further east. This recovered slips lost due to sea grass avoidance in the new design as well as larger wider slips.
- 6) Phase 1 of the seawall has been completed.
- 7) Dock specifications were completed and the docks were put out in the form of a RFP. We are finalizing the contract for presentation to the council for purchase of the docks in February 2012.
- 8) Bid specifications for a contractor to install the docks is awaiting specifications from the selected dock manufacturer as to piling placement, quantity and sizing as to length and diameter. Contractor bid is expected to go out latter February or early March.
- 9) This phase of construction using FIND grant money # PB-RB-10-150 and PB-RB-11-158 is still on schedule for completion September 30,2012

Sincerely,

John H Sprague
Marina Consultant, City of Riviera Beach
JH Sprague Consulting LLC
10918 Larch CT, Palm Beach Gardens, Fl 33418

**FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM
PROJECT COST ESTIMATES**

Project Number: PB-RB-09-141

Project Title: Municipal Marina Remediation - Phase I

Version A

Applicant: City of Riviera Beach

Prepared: 12/19/11

Project Elements	No.	Estimated Cost	Applicant Cost	FIND Cost
Site Plan	1	\$ 55,000.00	\$ 27,500.00	\$ 27,500.00
<i>Marina Conceptual Plan - Operations Plan (2-c&d)</i>		\$ 80,000.00	\$ 40,000.00	\$ 40,000.00
Topographic & Bathymetric Survey	2	\$ 49,000.00	\$ 24,500.00	\$ 24,500.00
<i>Topographic & Bathymetric and Utility Survey (1-a,b&e)</i>		\$ 50,000.00	\$ 25,000.00	\$ 25,000.00
Geotechnical	3	\$ 30,000.00	\$ 15,000.00	\$ 15,000.00
<i>Geotechnical & Bulkhead Inspection (1-d&f)</i>		\$ 35,000.00	\$ 17,500.00	\$ 17,500.00
SAV Survey	4	\$ 39,500.00	\$ 19,750.00	\$ 19,750.00
<i>SAV Survey, Wave and Current Study (1-c&g)</i>		\$ 55,000.00	\$ 27,500.00	\$ 27,500.00
Environmental Audit - Phase I	5	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00
<i>Submerged Utility Investigation (1-h)</i>		\$ 20,000.00	\$ 10,000.00	\$ 10,000.00
Dredge and Disposal Plan	6	\$ 17,000.00	\$ 8,500.00	\$ 8,500.00
<i>Dredge and Disposal Plan (4-b)</i>		\$ 5,000.00	\$ 2,500.00	\$ 2,500.00
Bulkhead Design	7	\$ 25,000.00	\$ 12,500.00	\$ 12,500.00
<i>Bulkhead Design (4-c)</i>		\$ 40,000.00	\$ 20,000.00	\$ 20,000.00
Stormwater Master Plan & Pollution Prevention	8	\$ 90,000.00	\$ 45,000.00	\$ 45,000.00
<i>Marina Parking and Drainage (5-b)</i>		\$ 35,000.00	\$ 17,500.00	\$ 17,500.00
Utilities Master Plan and Design	9	\$ 55,000.00	\$ 27,500.00	\$ 27,500.00
<i>Utilities Master Plan, Upland Marina Support (2-a&b)</i>		\$ 20,000.00	\$ 10,000.00	\$ 10,000.00
Paving, Grading & Drainage, Electric & Lighting	10	\$ 75,000.00	\$ 37,500.00	\$ 37,500.00
<i>Water, Sewer, Lift Station and Electric (5-c,d&f), (4-h)</i>		\$ 85,000.00	\$ 42,500.00	\$ 42,500.00
Hardscape Design and Demolition Plan	11	\$ 85,000.00	\$ 42,500.00	\$ 42,500.00
<i>Promenade, Lighting and Demolition (5-a&e), (4-a&g)</i>		\$ 55,000.00	\$ 27,500.00	\$ 27,500.00
Dock Layout, Fueling System & Drystack Foundation	12	\$ 40,000.00	\$ 20,000.00	\$ 20,000.00
<i>Dock, Breakwater and Fuel (4-d&e)</i>		\$ 105,000.00	\$ 52,500.00	\$ 52,500.00
Fire Suppression Design & Drystack Building Design	13	\$ 16,500.00	\$ 8,250.00	\$ 8,250.00
<i>Fire System (4-f)</i>		\$ 15,000.00	\$ 7,500.00	\$ 7,500.00
ERP Permitting	14	\$ 293,500.00	\$ 146,750.00	\$ 146,750.00
<i>Permitting, Inspections, Project Management (3), (6-c), (8)</i>		\$ 310,000.00	\$ 155,000.00	\$ 155,000.00
Construction Documents	15	\$ 46,500.00	\$ 23,250.00	\$ 23,250.00
<i>Engineering Certifications (6-d)</i>		\$ 25,000.00	\$ 12,500.00	\$ 12,500.00
Bid Documents & Bid Award	16	\$ 23,000.00	\$ 11,500.00	\$ 11,500.00
<i>Bid Documents & Award Process (6-a&b)</i>		\$ 15,000.00	\$ 7,500.00	\$ 7,500.00
Totals		\$ 950,000.00	\$ 475,000.00	\$ 475,000.00
New Totals		\$ 950,000.00	\$ 475,000.00	\$ 475,000.00



DOUG SMITH
Commissioner, District 1

Edward Fielding
Commissioner, District 2

PATRICK HAYES
Commissioner, District 3

SARAH HEARD
Commissioner, District 4

EDWARD CIAMPI
Commissioner, District 5

TARYN KRYZDA
County Administrator

STEPHEN FRY
County Attorney

MARTIN COUNTY
BOARD OF COUNTY COMMISSIONERS
2401 S.E. MONTEREY ROAD • STUART, FL 34996

REC'D *K. D. R.*

JAN²³ 2012

FLORIDA INLAND
NAVIGATION DISTRICT

January 23, 2012

Telephone: 772-288-5795

Fax: 772-288-5955

Email: jmeinard@martin.fl.us

Mark Crosley
Florida Inland Navigation District
1314 Marcinski Road
Jupiter, FL 33477-9498

RE: MA-10-63 Manatee Pocket Grant

Dear Mr. Crosley,

Per the above local agreement executed on November 2, 2010, Martin County respectfully requests an amendment to Exhibit "A" the project cost estimate and a time extension from September 01, 2012 to September 01, 2013.

The project is going smoothly and has resulted in a reduction in the cost of construction and related activities. This will leave unspent funds in the Manatee Pocket Grant referenced above. Martin County requests that the FIND Board consider allocating some of these unspent funds to cover monitoring activities contained in the FDEP permit. The total cost of the monitoring effort is \$169,240. The County requests grant funds be reallocated to cover 50% of this cost - \$84,620.00. Martin County will pay the balance of monitoring costs.

The current project schedule anticipates the completion of this segment of the project by September 01, 2013.

If you have any questions or concerns pertaining to this request, please feel free to contact me by phone at 772-288-5429 or email at kfitzpat@martin.fl.us.

Sincerely,

Kathy FitzPatrick, P.E.
Coastal Engineer

Cc: Lisandra Bonet, Financial Analyst MCB OCC
Diane Moore, Financial Analyst MCB OCC

TELEPHONE
772-288-5400

WEB ADDRESS
<http://www.martin.fl.us>

eng2012L130.doc

"REVISED"
ATTACHMENT E-5

**FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM**

PROJECT COST ESTIMATE
(See Rule Section 66B-1.005 & 1.008 for eligibility and funding ratios)

PROJECT TITLE: Manatee Pocket Channel Dredging

APPLICANT: Martin County

Project Elements <i>(Please list the MAJOR project elements and provide a general cost break out for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity Estimated Cost (Number and/or Footage)	Applicant's Cost	FIND Cost
<u>FY 10-11 Cost Projection</u>			
Engineering,	\$ 400,000	\$ 400,000	
Construction and related activities	\$ 12,900,000	\$12,700,000	\$ 115,380.00
Monitoring			\$ 84,620.00
FY 10-11 Grant Request			\$ 200,000

****Totals =** **\$ \$13,300,000** **\$ 13,100,000** **\$ 200,000**

FIRST AMENDMENT TO THE LICENSE AGREEMENT

Between

BROWARD COUNTY,

and

FLORIDA INLAND NAVIGATION DISTRICT

for

The Temporary Placement of Dredged Material

at

PORT EVERGLADES

IN BROWARD COUNTY, FLORIDA

FIRST AMENDMENT TO THE LICENSE AGREEMENT

This First Amendment to License Agreement by and between:

BROWARD COUNTY,

a political subdivision of the state of Florida
hereinafter referred to as
"COUNTY", through its Board of County Commissioners,

and

FLORIDA INLAND NAVIGATION DISTRICT,

an independent political subdivision of the state of Florida
hereinafter referred to as "LICENSEE"

for

The Temporary Placement of Dredged Material

at

PORT EVERGLADES

IN BROWARD COUNTY, FLORIDA

WITNESSETH:

WHEREAS, COUNTY and LICENSEE (the "Parties") entered into a License Agreement executed by COUNTY on August 10, 2010 ("Agreement"), allowing LICENSEE to utilize the COUNTY's Premises for the temporary placement of Dredged Material exclusively from the Dania Cut-Off Canal ("DCC") and Port Berths 31/32.

WHEREAS, The Parties now desire to amend the Agreement to also allow the temporary placement of Dredged Materials from contiguous basins adjacent to the DCC Project Area, and modify the Indemnity and Payment requirement in Section 6.2.1 to allow LICENSEE to furnish alternative forms of security; and

WHEREAS, the Parties desire to have the Port Berths 31/32 dredging begin on or after April 1, 2012 (end of manatee season); and

WHEREAS, The Parties desire to cooperate with each other regarding two (2) existing easements for submerged property owned by the United States Government and located within Port Everglades for future use by the Port Everglades Department identified as MSA 781 and MSA 783; and

WHEREAS, the Agreement requires that amendments are to be set forth in writing and signed by both Parties;

NOW THEREFORE, in consideration of the mutual terms and conditions, promises, payments and covenants and other good and valuable consideration the receipt and legal sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Article 2, entitled "DEFINITIONS AND IDENTIFICATIONS," is amended to read as follows:

Contiguous Basins – shall mean the submerged lands adjacent to the DCC Project Area.

Dredged Material – Shall mean only material excavated or dredged from waters of the DCC Project Area, Port Berths 31/32 and Contiguous Basins. The additional volume of material from the contiguous basins shall not exceed 20,000 cubic yards.

2. Article 3, entitled "GRANT/RELOCATION BY LICENSEE," is amended to read as follows:

GRANT/ RELOCATION BY LICENSEE

COUNTY hereby grants to LICENSEE the privilege and non-exclusive right to temporarily place Dredged Material on the Premises owned by COUNTY within the Port and more particularly described on Exhibit "B" attached hereto and made a part hereof, subject to the terms and conditions herein. The Parties acknowledge that there will be joint use of the Premises for placement of Dredged Material by LICENSEE and COUNTY for the DCC Project Area, Port Berths 31/21 and Contiguous Basins. COUNTY agrees that it will not unreasonably interfere with the rights and uses granted to LICENSEE hereunder. COUNTY shall not be liable for any costs associated with or resulting from LICENSEE's failure to comply with the terms of this Agreement. Should it become necessary to relocate LICENSEE's Operations for reasons determined by COUNTY, federal, state, or local agencies having jurisdiction over the Licensee's Operations or at the request of LICENSEE, all expenses of deactivation, and/or relocation of the LICENSEE's Operations, including costs for associated environmental remediation, shall be borne by LICENSEE. LICENSEE may exercise any administrative, judicial, or appellate rights available to it to challenge the determination by a federal, state, or local agency that the Licensee's Operations be relocated.

3. Article 6, entitled "USE OF PREMISES, PLANS DAMAGE TO PREMISES," is amended to read as follows:

6.2.1 DREDGING PLAN: LICENSEE shall submit a dredging plan to COUNTY for its approval prior to or simultaneously with LICENSEE's 30 day written notice to COUNTY that LICENSEE intends to begin site preparation on the Premises. This plan will include the following information: (a) a copy of all permits issued for the Licensee's Operations, (b) a timeline for Licensee's Operations, (c) an estimate of the dredging volume, (d) a pre-dredging topographic survey of the Confined Disposal Facility, hereinafter referred to as "CDF", (e) pre-dredging certification performed by a recognized and qualified independent third party satisfactory to the COUNTY, that no "Hazardous Substances", "Hazardous Waste", or other contaminants are present on the Premises above levels, which would exceed allowable levels set forth in the Environmental Laws referenced in Article 9 of this Agreement or the Soil Cleanup Target Levels (Direct Exposure-industrial) set forth in Chapter 62-777, F.A.C., and laboratory results of the testing of the proposed Dredged Material for the eight (8) metals outlined in the Resource Conservation & Recovery Act ("RCRA") as amended, petroleum products, pesticides, and polychlorinated biphenols (PCBs)(commonly measured with chlorinated pesticides).~~LICENSEE will also provide an Indemnity and Payment bond in the amount of seven (7) million dollars (\$7,000,000.00) to COUNTY sufficient to cover the cost of the removal of the Dredged Material and any "Hazardous Substances" to be placed on the Premises any repairs to the Premises caused by LICENSEE.~~LICENSEE shall not place any Dredged Materials on the Premises until the COUNTY has approved the dredging plan.

6.3 LICENSEE shall cause its Contractor to furnish a Performance Bond in an amount equal to One Hundred Percent (100%) of the total project contract amount awarded by LICENSEE to its Contractor, naming COUNTY and LICENSEE as co-obligees guaranteeing to COUNTY and LICENSEE the removal of the Dredged Material to be placed on the Premises and completion of any repairs to the Premises required to be made as a result of or caused by any act or omission of LICENSEE's Contractor. The Bond shall be with a surety company which is qualified pursuant to 6.3.1 of this Agreement.

a) The Bond shall continue in effect for one (1) year after Final Completion and acceptance of the work or an additional bond shall be conditioned that LICENSEE's Contractor will, upon notification by COUNTY, correct any defective or faulty work and make all required repairs within one (1) year after Final Completion of the required work.

b) Pursuant to the requirements of Section 255.05(1)(a), Florida Statutes, as may be amended from time to time, LICENSEE shall ensure that the bond referenced above shall be recorded in the public records of Broward County and provide COUNTY with evidence of such recording.

c) Alternate Form of Security:In lieu of a Performance Bond, LICENSEE's Contractor may furnish alternate forms of security which may be in the form of cash, money order, certified check, cashier's check or irrevocable letter of credit. Such alternate forms of security shall be subject to the approval of COUNTY and for same purpose and shall be subject to the same conditions as those applicable above and shall be held by COUNTY for one (1) year after Final Completion and acceptance of the work.

d) In addition to the Performance Bond, LICENSEE shall provide COUNTY with security in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00), which may be in the form of cash, certified check, performance bond, or irrevocable letter of credit in a form approved by COUNTY, which guarantees performance of the removal and disposal of any "Hazardous Substances" placed on the Premises. If LICENSEE furnishes cash, such cash shall be invested with the State Board of Administration Florida Prime, with interest payable to the party entitled to the security.

6.3.1 Qualification of Surety:

a) All Bonds must be executed by a surety company of recognized standing, authorized to do business in the State of Florida as surety, having a resident agent in the State of Florida and having been in business with a record of successful continuous operation for at least five (5) years.

b) The surety company shall hold a current certificate of authority as acceptable surety on federal bonds in accordance with United States Department of Treasury Circular 570, Current Revisions. If the amount of the Bond exceeds the underwriting limitation set forth in the circular, in order to qualify, the net retention of the surety company shall not exceed the underwriting limitation in the circular, and the excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, revised September 1, 1978 (31 CFR Section 223.10, Section 223.11. Further, the surety company shall provide COUNTY with evidence satisfactory to COUNTY, that such excess risk has been protected in an acceptable manner.

c) The COUNTY will accept a Bond from a company in accordance with the requirements set forth below, provided, however, that if any surety company appears on the watch list that is published quarterly by Intercom of the Office of the Florida Insurance Commissioner, the COUNTY shall review and either accept or reject the surety company based on the financial information available to the COUNTY. A surety company that is rejected by the COUNTY may be substituted by the LICENSEE's Contractor with a surety company acceptable to the COUNTY. The following sets forth, in general, the acceptable parameters for bonds:

<u>Amount of Bond</u>	<u>Policy- holder's Ratings</u>	<u>Size Category</u>
\$ 500,001 to \$ 1,000,000	A-	Class I
\$ 1,000,001 to \$ 2,000,000	A-	Class II
\$ 2,000,001 to \$ 5,000,000	A	Class III
\$ 5,000,001 to \$ 10,000,000	A	Class IV
\$ 10,000,001 to \$ 25,000,000	A	Class V
\$ 25,000,001 to \$ 50,000,000	A	Class VI
\$ 50,000,001 or more	A	Class VII

6.34 LICENSEE shall cause the repair of any damage or injury to the Premises or otherwise caused by its exercise of the privileges granted in this Agreement, including all roadways, buildings and structures, promptly restoring the same to the condition at least equal to that existing immediately prior to such damage or injury, at no cost whatsoever to COUNTY. The obligation of the LICENSEE in this respect shall survive Licensee's Operations and shall be applicable to further damage which results from settlement of earth or other cover materials or otherwise unless such damage is caused by others.

6.45 Except as otherwise provided herein, all brush, trimmings and other growth cut by LICENSEE and all earth and other material removed by LICENSEE shall be removed and disposed of by LICENSEE at its own cost and expense and at no cost or expense whatsoever to COUNTY.

6.56 COUNTY shall have the right, at any time during the term of this Agreement, to install, develop or re-develop utilities, cables, roads, parking areas, pavements, piers, docks, deep water slip areas, railroad tracks, or other Port related infrastructure under, over, and within the Premises covered by this Agreement. COUNTY and LICENSEE shall take such steps as are necessary in order to not unreasonably interfere with Licensee's Operations. If relocation of Licensee's Operations is necessary as determined by COUNTY, LICENSEE shall completely remove such operations and restore the Premises to grade level, all at the sole cost and expense of LICENSEE. A notice in writing of its intention to install and/or develop such improvements shall be given by COUNTY to LICENSEE sixty (60) days before same shall be made. Any required changes, relocation, or removal of Licensee's Operations as necessary shall be made by LICENSEE within said time period stated above. COUNTY shall provide LICENSEE adequate alternative licenses that will enable LICENSEE to relocate its operations as before the required relocation or removal. During any removal or relocation of Licensee's Operations, both LICENSEE and COUNTY will ensure that each other's operations shall not be unreasonably interrupted. LICENSEE is aware that the Port Master Plan, as currently written, envisions the development of new and re-development of existing roads and other infrastructure, which would require relocation or removal of Licensee's Operations at LICENSEE's expense.

4. Article 15, entitled "COVENANTS OF PARTIES," is amended to read as follows:

15.6 ~~If~~ The COUNTY elects to accept the Four Hundred Thirty Four Thousand Four Hundred Dollars (\$434,400.00) bid submitted by the contractor selected by LICENSEE for the alternative dredge bid for Berths 31/32, therefore Port Everglades shall:

15.7 ~~If COUNTY elects to accept the bid submitted by the contractor selected by LICENSEE, LICENSEE agrees that the dredging for Berth 31/32 will begin on or after April 1, 2012 (end of manatee season) and shall be continuously worked to completion.~~ The LICENSEE agrees to modify any permits required for their dredging project to include this additional dredging.

5. Article 23, entitled "MISCELLANEOUS," is amended to read as follows:

23.8 MSA 781 & MSA 783. When LICENSEE resolves its long term Dredged Material management needs elsewhere in Broward County, LICENSEE agrees to cooperate and assist COUNTY with the release of two (2) existing easements identified as MSA 781 and MSA 783 for submerged property owned by the United States Government and located within Port Everglades. Further, LICENSEE will cooperate and assist with COUNTY's efforts to obtain ownership of such properties. Until such time as these releases are finalized, LICENSEE agrees not to object to any potential impacts caused or created by future use by the COUNTY or United States Government.

6. Except as modified herein, all remaining terms and conditions of the Agreement shall remain in full force and effect.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties have made and executed this First Amendment to License Agreement on the respective dates under each signature: BROWARD COUNTY signing by and through its Board of County Commissioners, signing by and through its Mayor or Vice Mayor, authorized to execute same, by Board action on the ____ day of _____, 2012, and FLORIDA INLAND NAVIGATION DISTRICT, signing by and through its representative, duly authorized to execute same.

COUNTY

BROWARD COUNTY, by and through
by and through its BOARD OF COUNTY
COMMISSIONERS

By _____
Mayor

____ day of _____, 2012.

Approved as to Insurance
Requirements by
RISK MANAGEMENT DIVISION

Approved as to form by
Office of County Attorney
Broward County, Florida
JONI ARMSTRONG COFFEY, County Attorney
1850 Eller Drive, Suite 502
Fort Lauderdale, Florida 33316
Telephone: (954) 523-3404
Telecopier: (954) 523-2613

By _____

By: _____
Hollie N. Hawn(__/__/12)
Assistant County Attorney

By: _____
Noel M. Pfeffer (__/__/12)
Deputy County Attorney

LICENSEE

WITNESSES:

FLORIDA INLAND NAVIGATION DISTRICT

By _____

By _____

(Print Name)

(Name & Title)

By _____

_____ day of _____, 20____

(Print Name)



FLORIDA INLAND NAVIGATION DISTRICT

TO: All FIND Commissioners,
FROM: David Roach / Mark Crosley
DATE: January 31, 2012
SUBJECT: Proposed Waterway Cleanup Rule Changes

COMMISSIONERS

S. NORMAN BRAY
CHAIR
NASSAU COUNTY

DONN R. COLEE, JR.
VICE-CHAIR
PALM BEACH COUNTY

GAIL KAVANAGH
TREASURER
ST. LUCIE COUNTY

NANCY J. FREEMAN
SECRETARY
VOLUSIA COUNTY

BRUCE D. BARKETT
INDIAN RIVER COUNTY

J. CARL BLOW
ST. JOHNS COUNTY

AARON L. BOWMAN
DUVAL COUNTY

E. TYLER CHAPPELL
BROWARD COUNTY

T. SPENCER CROWLEY, III
MIAMI-DADE COUNTY

DONALD J. CUOZZO
MARTIN COUNTY

JONATHAN S. NETTS
FLAGLER COUNTY

JERRY H. SANSOM
BREVARD COUNTY

DAVID K. ROACH
EXECUTIVE DIRECTOR

MARK T. CROSLEY
ASSISTANT EXECUTIVE DIRECTOR

At our last meeting on January 13, 2012, the Board discussed potential amendments to the Waterway Cleanup Assistance Program rules and forms. The potential amendments discussed included; revise the definition of eligible waterways for the cleanup program, set a county limit on funding, establish a maximum number of eligible cleanups per county, and require a more detailed listing of all funding, including in-kind services, and expenses for cleanup programs.

Based upon that discussion staff is providing the following ideas for Board discussion. A full copy of the existing rule is attached.

- 1) **Definition of eligible waterways** – As discussed, now that the Waterway Cleanup Program is part of the Waterways Assistance Program every natural navigable waterway within a county is eligible for a cleanup program. This potentially makes each waterway eligible for its own cleanup program funding, clearly not what the Board had in mind. Staff recommends that the WAP definition of eligible waterways be used for the cleanup program but that the funding and number of cleanup programs be limited as discussed below.
- 2) **Set a county limit on funding** – The current cleanup program is basically devised to provide \$5,000-\$10,000 to clean up the ICW and connecting waterways. For counties that have a second major

waterway separate from the ICW, like the St. Johns River, that waterway is also eligible for up to \$10,000 in funding. So staff was under the impression that the Board had essentially approved up to \$20,000 per county in cleanup assistance.

Currently, the first \$5,000 in assistance provided by the District does not require a match. This was done to encourage every county to start a waterway cleanup program and that has been accomplished. The second \$5,000 in assistance provided by the District requires a cash match as well as additional areas or waterways being cleaned up. This extra funding was primarily allocated for those large cleanups that were expanding.

To this point we have not spent much more than \$100,000 per year for all 12 counties. This average amount of less than \$10,000 per county reflects that most counties cannot come up with the \$5,000 in match funds for the second \$5,000 in District funding assistance.

To set a funding limit, staff recommends the following:

- A) That we establish a maximum amount available per county, per year, on a first come, first served basis. This is similar to how we conduct our other Small-Scale Programs (Derelict Vessel and Spoil Island). Staff recommendation would be a maximum of \$20,000 per county/per year. Staff would not recommend less than \$10,000 per county/per year.
- B) That the District's first \$5,000 in assistance has to go to the cleanup of the ICW and no match is required.
- C) That all funds over the initial \$5,000 be matched on a 50:50 basis.

- 3) **Establish a maximum number of eligible cleanups per county.** – Currently the rule allows for one cleanup per waterway per year with the first \$5,000 in assistance funding. Additional assistance funding can be provided for additional cleanup programs or the expansion of the first cleanup. Staff recommends allowing up to four cleanup programs in a county per year. This would allow for the ICW and up to 3 other waterways to be cleaned separately for a maximum of \$5,000 each. The 3 other waterways would be subject to providing matching funds. This will probably limit these requests to the large scale ongoing cleanups like the St. Johns River.

Alternatively, a county could spend their entire \$20,000 allocation on the ICW, or a county-wide cleanup program, but they would have to provide \$15,000 in match funds. Examples of this alternative would be the Baynaza cleanup in Miami-Dade County or the 2 yearly cleanups of all the waterways in Palm Beach County.

- 4) **Require a more detailed listing of all funding, including in-kind services, and expenses.** – Commissioners expressed a desire to see all of the expenses and in-kind services that are being provided from other partners for these cleanup events. Staff recommends changing the application procedure in the rule to require that information.
- 5) **Staff also recommends that the rule be revised so that assistance funding is only available for a cleanup “event”, i.e. no continuous cleanup programs.** St. Johns County is the only county that has had a continuous cleanup program and it has not consistently operated. It does not match up well with our program rules as they need funding primarily for operational expenses that are hard to attribute to specific cleanup areas. A specific cleanup event is easier for staff to monitor and manage and keeps away from issues regarding ongoing operations and staffing costs.

(Current rule):

66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

- (1) **Application Procedure:** Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.
- (2) **Availability:** The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of items (8) through (10), below.
- (3) **Applicant Eligibility:** The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.
- (4) **Funding:** District funding shall be limited to \$5,000.00 per waterway, per county, except for the provisions of items (8) through (10), below.
- (5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.
- (6) **Funding Eligibility:** The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.
- (7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

- (8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.
- (9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.
- (10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 3-7-11

FLORIDA INLAND NAVIGATION DISTRICT

RESOLUTION NO. 2012-02

A RESOLUTION OF THE BOARD OF THE FLORIDA INLAND NAVIGATION DISTRICT SUPPORTING THE CONTINUATION OF THE HILLSBORO LIGHT AS A SAFE NAVIGATION AID FOR THE DISTRICT'S MARINERS.

WHEREAS, the Florida Inland Navigation District ("FIND"), pursuant to s.374.976, F.S., has a statutory responsibility to alleviate problems associated with its waterways such as navigation safety for its mariners and constituents, and;

WHEREAS, FIND, pursuant to s.374.976, F.S., is empowered to aid, cooperate with, and assist in planning and carrying out public navigation safety projects to the benefit of our constituents and mariners, and;

WHEREAS, pursuant to s.374.976, F.S., FIND has assisted several lighthouses within the FIND district to maintain their continuing significant service as navigation aids for the benefit of our constituents and mariners, and

WHEREAS, the Hillsboro Lighthouse is a significant navigation aid to vessels and mariners in the local waters of the District and Broward County including the Atlantic Ocean, and

WHEREAS, the U.S. Coast Guard has requested an informal consultation on the Hillsboro Lighthouse's affect on sea turtle hatching based upon a letter claiming a negative affect by SeaTurtleOversightProtection.org, and;

WHEREAS, as part of this informal consultation the U.S. Coast Guard is accepting comments on potential changes to the operation of the Hillsboro Lighthouse, including the ceasing of its operation, from the general public and affected parties, and;

WHEREAS, FIND supports efforts to protect, preserve and enhance the sea turtle population and its habitat, without compromising the public safety and welfare of mariners;

WHEREAS, FIND has reviewed the letter from SeaTurtleOversightProtection.org and finds that the Statement of Concern is without any specific facts to justify changes to the Hillsboro Lighthouse operations, and;

WHEREAS, based upon its considerable experience managing Florida waterways, FIND believes that there is no factual basis to change the operations of the Hillsboro Lighthouse in any manner that may lessen safety for mariners in the waterway area served by the Hillsboro Lighthouse;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE FLORIDA INLAND NAVIGATION DISTRICT:

Section 1. The foregoing recitals are true and correct and are hereby incorporated into this resolution.

Section 2. FIND hereby recommends to the United States Coast Guard and the U.S. Fish and Wildlife Service that no changes be made to the operation of the Hillsboro Lighthouse that may lessen the public safety and welfare of mariners without a full collection and analysis of scientific facts regarding the Hillsboro Lighthouses' affect on sea turtle hatching and the affect of any recommended changes to the Hillsboro Lighthouse operations on mariner safety.

Section 3. FIND recommends that the Hillsboro Lighthouse continue its current operations until such facts and analysis have been made, and it is concluded that any changes to the operation of the lighthouse will not lessen the public safety and welfare of mariners.

Section 4. That this resolution be sent to the U.S. Coast Guard and the U.S. Fish and Wildlife Service.

PASSED AND ADOPTED THIS 18th DAY OF FEBRUARY, 2012 A.D.

FLORIDA INLAND NAVIGATION DISTRICT
BY ITS BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

SECRETARY

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Seventh Coast Guard District

909 SE First Avenue, Suite 406
Miami, FL 33131
Staff Symbol: dpw
Phone: (305) 415-6748
Fax: (305) 415-6757

08 November 2011

U.S. Fish and Wildlife Service
South Florida Ecological Services Office
1339 20th Street, Vero Beach, FL, 32960
Attn: Jeffrey Howe

Dear Mr. Howe:

In accordance with the requirements of Section 7(a)(2) of the Endangered Species Act ("ESA"), we are initiating informal consultation regarding the Coast Guard's operation of the Hillsboro Lighthouse in Hillsboro Beach, Florida (the "Proposed Action").

The Coast Guard received a letter dated October 30, 2011 from SeaTurtleOversightProtection.org expressing concerns over the impact of Hillsboro Light on nesting sea turtles. The letter alleges the light causes disorientation for hatchlings.

Hillsboro Light began operations in 1907 and currently operates continuously, year round, displaying two white flashes every 20 seconds (Fl (2)W 20s). The 1000 watt light is elevated 136ft above the ground and can be seen for 28 nautical miles.

The Coast Guard has determined that the Action may affect, but is not likely to adversely affect species and habitat protected under the ESA. The following species have been identified as species and habitat protected under the ESA that may be located in the vicinity of the proposed Action.

- Hawksbill Sea Turtle
- Kemp's Ridley Sea Turtle
- Leatherback Sea Turtle
- Loggerhead Sea Turtle

Thank you for your assistance with this matter. Should you have any questions, please contact LTJG Andrew Haley at 305.415.6748.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Embres".

J. B. EMBRES
Chief, Waterways Management Section
Waterways Management Branch
Seventh Coast Guard District



**Sea
Turtle
Oversight
Protection.org**

*975 Hillsboro Mile
Hillsboro Beach, Florida 33062
Phone & Fax: (954) 781-7356
SeaFront@Comcast.net*

January 6, 2012

Re: Federal Activity Code 04EF2000-2012-CPA-0054

TO:

Florida Fish & Wildlife Commission, Robbin
Trindell, Ph.D. Biological Administrator:

Robbin.Trindell@myfwc.com

NOAA Fisheries Service, Audra Livergood,
Habitat Restoration Specialist:

audra.Livergood@NOAA.gov

U.S. Coast Guard, Anthony Powell, Commander:

Anthony.P.Powell@uscg.mil

U.S. Fish & Wildlife Service, Jeffrey Howe,
Fish & Wildlife Biologist:

Jeffrey_Howe@fws.gov

STATEMENT OF CONCERN FOR ENDANGERED SPECIES

Sea Turtle Oversight Protection.org (STOP) files this Memorandum of supporting facts to aid in the decision-making process of mitigating damage that may have occurred at the Hillsboro Lighthouse.

FWC Permit MTP-11-192 authorizes several dozen STOP volunteers to salvage disoriented marine turtle hatchlings, survey the beach by foot, recover disoriented hatchlings, transport them to a darker beach, document the disorienting event, coordinate with Broward County and supply an annual report of activities.

As an affected party, we hereby offer a factual brief assembled from the scientific community and geared most closely to the Hillsboro Lighthouse. The effect of this powerful light on marine sea turtles was most pronounced in the closing months of the most recent turtle season when Hillsboro's beach was dark.

FACTS

A study by Dr. Nicholas Mrosovsky, 1978 reveals these most relevant quotes:

1. ...between a flashing and a continuous light, hatchling green sea turtles... were not influenced much by...flashing light unless it entailed a considerable reduction of illumination averaged over time.
2. ...artificial lights do affect sea-finding orientation....
3. ...flashing light was preferred less than was the continuous light;
4. ...proportion of on-time made a considerable difference....
5. ...a stimulus that was only on for a quarter of the time could be made as attractive as one that was on continuously.
6. A flashing light is probably less preferred because it cuts down the total amount of light reaching the animal....
7. If the intensity of the light is increased, even if it is off for three-quarters of the time, it can be made as attractive as uninterrupted illumination.

DISCUSSION

The Hillsboro Lighthouse casts an extremely bright light onto the beach—1,000 watts. So it violates point 2. Turtles are not influenced *much* by the flashing vs. continuous but we ought to be comparing flashing vs. *dark* because lights affect sea-finding. Points 3 and 6 prove flashing is better than continuous only because the *difference* was the intent of the study. And 7 asserts if you make a flashing light sufficiently powerful, it can equate to continuous.

Between July 31st and Sept 23, 2011, hatchlings left tracks in the sand indicating their preference for going south towards the lighthouse and some died in the process. South Hillsboro was finally dark at night except for the continuous glow of the Lens Room 132 feet high. The 28-mile cone-shaped beam reflecting off the sea mist and the 12-second direct flash were additional distractions to any eyes on the beach. Portions of the rotating light are continuously visible. From the camera

and eyes of a turtle, no other lights were visible save the distant stars and vessels at sea. Pompano glow was obscured at the locations of the misorientations and disorientations at this time.

The Salmon papers: *Artificial Night Lighting and Sea Turtles*, and *Do Embedded Roadway Lights Protect Sea Turtles?* claim the following beach lighting facts as they might relate to the lighthouse. Then *Out of the arena and into the real world: A new method for investigating loggerhead (Caretta caretta) hatchling orientations* by Sheena Feist articulates a few more facts.

FACTS

- a. Hatchlings instantaneously scan 180° wide areas close to the horizon, then crawl away from scans that contain elevated, darker locations (the light absorbing dune and its covering vegetation behind the beach) and toward scans with lower, flatter and, typically, brighter locations (the light-reflecting view, seaward).
- b. Blair Witherington, showed that absence of artificial lighting was important. He used portable generators to illuminate a portion of two prime nesting sites every few days: Melbourne Beach in Florida, where loggerheads nested, and Tortuguero in Costa Rica, a location favoured by green turtles. When the lights were on, nesting activity declined nearly to zero; when they were off, the females returned.
- c. Light quality was also important. 'White' light (containing both short and long wavelengths) repelled the turtles, while yellow light (composed of a single long wavelength, visible to the turtles) did not.
- d. At locations in Florida where beaches are exposed to lower levels of artificial lighting, nesting still occurs, though in lower numbers. Thus, the repelling effect is 'dose dependent'.
- e. Now, in what must represent only 'seconds' in a long marine turtle history, coastal lighting has become an important intruding variable that is likely to compromise site selection based upon cues with 'proven' survival value. ...turtles leave evidence that they crawled for

hours on circuitous paths ('disorientation'), or on direct paths away from the ocean and toward lighting ('misorientation'). In Florida, thousands of these hatchlings die annually from exhaustion, encounters with terrestrial predators, entanglement in dune vegetation, dehydration after sunrise, or even crushing by cars as turtles traverse coastal roadways.

- f. ...directional cues are received but they represent 'misinformation', which directs organisms toward goals that promote death rather than survival.
- g. Many night migrating birds (that fly en route, by the thousands, into lighted towers, lighthouses, or other illuminated structures) and countless nocturnal insects (that similarly aggregate at lights) are injured or killed annually.
- h. The influence of lighting on turtle orientation varies with level of background illumination.
- i. Exposure to street lighting disrupts hatchling orientation.
- j. Generally, any light visible at the beach can potentially affect hatchling orientation (Witherington and Martin 1996).

These excerpts are from Sheena Feist in her 2011 paper.

- i. ...sea turtles exhibit phototactic orientation, and therefore, adjust their movements in response to light.
- ii. ... artificial lighting is perhaps most detrimental to the seafinding process.
- iii. In the presence of unnatural light sources, hatchlings and mother sea turtles alike become disoriented and traverse continuously on land rather than seaward (Salmon, 2006).
- iv. For a species of conservation concern, like the loggerhead, light pollution is a serious threat.

- v. ...impacts of artificial lighting can be mitigated by adhering to a few simple guidelines: Keep them low, keep them long, keep them shielded.
- vi. ... we propose that the darker the beach, the more attractive a single source of artificial lighting will be.

DISCUSSION

Most of the above findings appear to bear fruit in several Disorientation Reports on file with FWC where the crawling evidence is lighthouse-specific. We therefore offer a list of suggestions to mitigate the attractive nuisance portion of our antique lighthouse and keep it burning. There is popular sentiment to maintain a working lighthouse as a historical artifact but no grounds were discovered requiring an aid to navigation on dry land.

Lastly as affirmative defenses,

- 1) A Biological Opinion in support of the existing Hillsboro Lighthouse should exist but cannot be found.
- 2) A waiver to light trespass on private beachfront property could also not be found.
- 3) Shining a light onto private property within the Town of Hillsboro Beach violates its local lighting ordinance during turtle season.
- 4) Arguments for an operating any Aid to Navigation should be grounded by an ongoing verifiable need.
- 5) Innocent baby hatchling turtles that are endangered, threatened, exhausted and eaten by predators for the past 105 years need protection from the Hillsboro Lighthouse which should do no harm to protected wildlife.

In conclusion, adjustments to the light will be one less obstacle for hatchlings to overcome.

Lights Out,
SeaTurtleOversightProtection.org

John Carlson
Research Analyst



LEAVE THE LIGHTHOUSE BURNING

But minimize the hazard to wildlife. Here are some suggestions:

1. Change the 1000-watt tungsten halogen (bright white) to high or preferably low pressure sodium¹ (yellowish tinge) more animal friendly color.
2. Reduce the lumen output since the first 59 years of lighthouse service was deemed satisfactory for navigation using several 250-watt lamps or less.
3. Mask that portion of the lens room by rotating the metal shield blocking condominium bedrooms already in place so that portion of light visible from the sand is cut off.
4. Install a frosted Plexiglas panel or filter curtain to dim the beam only over the nesting beaches and only during turtle season.²
5. Shield the bottom half pane of glass in the light enclosure such that stray light visible to the beach is eliminated. It should not be necessary to shield a 120 to 160 degree arc facing east.
6. Shield the bottom of the clamshell double lens so the lamp is not visible to the ground directly below and about 100-feet from the supporting structure pursuant to instructions detailed to Lieutenant Jeff Brooks of the Seventh Coast Guard District by scientist Kirt Rusenko, Ph.D. on August 19, 2011.
7. Change the speed or direction of rotation so it is more suitable to sea turtle nesting.
8. Paint the ceiling and all structural elements in the lens room nonreflecting black.
9. Tinted glass or film with a visible light transmittance value of forty-five (45) percent or less could be applied to all glass windows and doors within line of sight of dry land.
10. A SeaTurtleOversightProtection.org permit holder agrees to partner with the Coast Guard to conduct an ad hoc live turtle study to substantiate effectiveness of any of the above measures which may include a supervised arena assay.

One or more recommendations can be implemented inexpensively and financing may be available.

¹ LPS is monochromatic and has no color rendition, has large size, special disposal required, most efficacious using lumens per watt, max 33,000 lumens, and shorter lamp lifetimes (18,000 hours vs. 24,000 hours with high-pressure sodium).

² Christian B. Luginbuhl, U.S. Naval Observatory Flagstaff Station, PO Box 1149, Flagstaff AZ 86002
cluginbuhl@nobs.navy.mil Version 1.2, 28 April 2004

Hatchling sea turtles emerging at night from their subterranean nests travel toward the brightest, most open horizon. Under natural nighttime conditions, this will lead them toward the sea. If artificial lighting is visible, the turtles may head instead toward the light, leading to increased mortality from a variety of causes. Research has shown that light rich in blue and green wavelengths has the strongest effect in this regard, while light of yellow or red wavelengths, particularly low-pressure sodium, has little or no effect. The links below lead to literature documenting these effects.

-
- U.S. Fish and Wildlife Service's letter concerning lighting at Cape Canaveral Air Force Station and Patrick Air Force Base (2000). [Excerpt](#) (HTML, 3 KB); [Letter](#) (PDF, 1 MB).
 - Witherington, B.E. and R.E. Martin, "Understanding, Assessing, and Resolving Light Pollution Problems on Sea Turtle Nesting Beaches," Florida Marine Research Institute, Technical Report TR-2, 1996. [Excerpt](#) (HTML, 3 KB); [Report](#) (PDF, 2.2MB).
 - Recent Results on Hatchling Orientation Responses to Light Wavelengths and Intensities (1989), Dickerson, D.D. and D.A. Nelson, Proceedings of the Ninth Annual Workshop on Sea Turtle Conservation and Biology, NOAA Technical Memorandum NMFS-SEFC-232, page 41. [Abstract](#) (HTML, 4 KB); [Proceedings](#) (PDF, 20 MB).



St. Augustine Yacht Club, Inc.

442 Ocean Vista Avenue, St. Augustine, Florida 32080
Tel (904) 824-9725 • Fax (904) 824-7744

February 2, 2012

Mr. J. Carl Blow, St. Johns County Commissioner
Florida Inland Navigation District
100 Santa Monica Avenue
St. Augustine, FL 32080

RE: Sponsorship - St Augustine's Annual Blessing of the Fleet

Dear Mr. Blow:

The St Augustine Yacht Club hosts the Blessing of the Fleet that is held in the Atlantic Intracoastal Waterway in the St Augustine Harbor in April. We manage this event on behalf of the City of St. Augustine, who considers it a traditional community event based on the annual blessing of the commercial shrimp boat fleet that once occupied our port. Since 1946 the Blessing of the Fleet has been part of the rich maritime heritage of St. Augustine. The event is popular with both the local boating community, who decorate their boats and participate in the event, as well as the thousands of people who watch from the City of St Augustine sea wall and the Bridge of Lions.

We receive funding assistance for this event from the St Johns County Tourist Development Council. This year, due to the current recession, the financial commitment from the TDC is strained. Therefore we would like to request that FIND consider becoming a financial sponsor for this event. We respectfully request \$500.00 for this year's event. Please note that we will acknowledge the FIND contribution during the event to both the participating boaters and to the public watching the event from the shore. We will also include the FIND logo on all advertisements and announcements concerning this event.

Thank you for your considering this request and thank you for maintaining the AICW in St. Johns County. Please give me a call at 904-687-5145 if you have any questions.

Sincerely,

Daniel E. Floryan
Commodore

Florida's Oldest Yacht Club, founded in 1873



St. Augustine Yacht Club, Inc.

442 Ocean Vista Avenue, St. Augustine, Florida 32080
Tel (904) 824-9725 • Fax (904) 824-7744

Greetings from the St. Augustine Yacht Club.

It is time again for the annual Blessing of the Fleet, part of our rich maritime heritage in St. Augustine (since 1946). On Palm Sunday, April 17, Very Reverend Thomas S. Willis, Pastor of the Cathedral-Basilica of St. Augustine will offer the traditional blessing from the docks of the St. Augustine City Marina to all who pass before him.

This flyer announces this event and gives important information on the Rules of Procedure for participants. Please help us get this information to those you know in our historic waterfront community who might like to participate in this annual event. If you need any additional information, please call this Events Waterfront Host, The St. Augustine Yacht Club at 904-824-9725 or visit www.sayc2000.com (Blessing of the Fleet) for additional details.

We hope to see you at the *Blessing of the Fleet* on April 17, 2011.

Barbara Dolan
Commodore

CALL FOR VESSELS

St. Augustine's Blessing of the Fleet

NOON - PALM SUNDAY - APRIL 17, 2011 - MATANZAS BAY

Vessels, both pleasure and commercial craft are invited to participate in the ancient and traditional Blessing of the Fleet on Matanzas Bay in St. Augustine, Florida.

The festive tradition has its roots in the hopes of those who went to sea for a bountiful shrimp season when St. Augustine's harbor was filled with fleets of commercial trawlers. Today the tradition continues as those who fish, both commercially and for sport, seek blessings on their vessels for an abundant catch and all those who take to the waterways who seek safety upon the water and a safe return home.

THE BLESSING

*May the peace and blessing of the Almighty God the Father, the Son and the Holy Spirit
descend upon these ships and upon all who shall be in them and remain forever.*
(Offered by the Clergy of the Cathedral Basilica of St. Augustine.)

RULES OF PROCEDURE

- All boats must be powered.
- Boats will assemble in organized groups no later than 12:00 p.m. (Noon) in the Matanzas River south of the Bridge of Lions. Boats not affiliated with clubs or organizations should join a group of boats, anchor and wait for radio instructions.
- Boats equipped with a marine VHF radio will monitor Channel 68 and wait for instructions. There must be no transmissions on this channel except in the case of an emergency. Boats without radios will stand by boats so equipped to receive verbal information from those skippers.
- The Blessing of the Fleet will be led by an official vessel followed by (a) trawlers and commercial fishing craft, (b) all other craft.
- Boat speed should be set to maintain a close and safe distance from other boats.
- Boats will proceed north toward the Bridge of Lions, then make a wide turn to port to pass directly abreast the end of the Municipal Marina. No wake rules must be observed during the pass by the Municipal Marina.
- After passing the Municipal Marina, boats will continue south. No boat is permitted to go north or through the Bridge of Lions until the completion of the entire ceremony.
- FWC traffic control boats will be in the area and will assist if requested.

Remember, this is a solemn occasion, so please

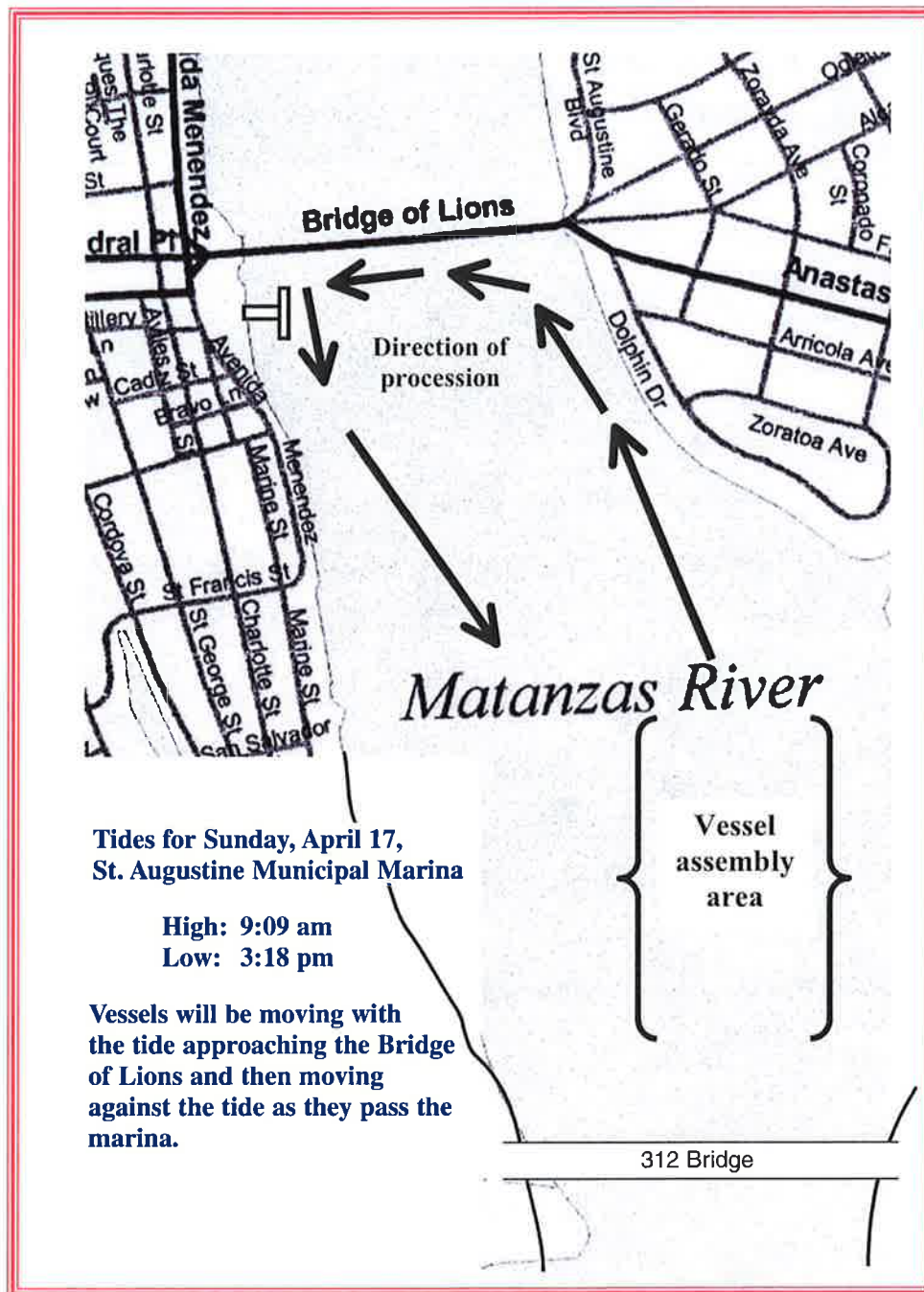
- Avoid loud engine noise, music, raised voices or unseemly conduct.
- Beverage containers must be out of sight and trash must not be thrown into the water.
- While passing the Municipal Marina and receiving the Blessing, men should remove hats and all on board should wear shirts or suitable coverings.

For additional information please call The St. Augustine Yacht Club at 904-824-9725 or visit www.sayc2000.com

This event is permitted and regulated by the U.S. Coast Guard. No reservations or entry forms or fees are required. Boaters participate at their own risk and no liability is assumed by the hosting organization or governmental agency.



442 Ocean Vista Avenue, St. Augustine, Florida 32080



**St Augustine Yacht Club
2012 Blessing of the Fleet
Budget**

Income

Tourist Development Council	\$ 900.00
In-kind/Cash	\$ 980.00
	\$ 1,880.00

Expenses

Brochures	\$ 490.00
PA System	\$ 212.00
Mailing Expense	\$ 60.00
Signage	\$ 138.00
Refreshments for Operations and Public Safety Personnel	\$ 280.00
Buoy Markers	\$ 100.00
City Marina Dockage (Committee Boat)	\$ 100.00
Committee Boat	\$ 150.00
FWC Patrol	\$ 250.00
Coast Guard Auxiliary	\$ 100.00
	\$ 1,880.00

Net	\$ -
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DIRECTIONS FOR COMPLETING A TRAVEL REIMBURSEMENT VOUCHER

1. Enter travel for each day on a separate line.
2. Enter the purpose of the trip.
3. Enter the hour of departure and return for each trip. This information is necessary to determine eligibility for meal reimbursement.
4. Determine the Class of travel:
 - Class A travel is overnight travel lasting more than 24 hours. The travel day is from midnight to midnight regardless of when you leave. You are entitled to the per diem rate for each day of travel or actual lodging costs plus meals at the rates noted below.
 - Class B travel is overnight travel lasting less than 24 hours. The travel day begins when you leave. You are entitled to the per diem rate for each day of travel or actual lodging costs plus meals at the rates noted below.
 - Class C travel is a day trip with no overnight stay. You are only entitled to be reimbursed for meals and incidentals.
5. Enter the expenses for the travel class you are claiming using the rates below. Note that total meals cannot exceed the maximum total meal rate listed below for the location. Contact staff for the per diem rate if you are going to use that method for Class A or B travel.

To be able to receive reimbursement for an individual meal, travel has to occur as follows.

Breakfast – Travel must originate before 6am and extend past 8am.

Lunch – Travel must originate before 12 noon and extend beyond 2pm.

Dinner – Travel must originate before 6pm and extend beyond 8pm.

Individual meal rates – Breakfast \$15.00 Lunch \$16.00 Dinner \$40 – Total cost of daily meals cannot exceed the maximum total meal rates below.

County Max Total Meal Rate

Nassau/Duval	\$51
St. Johns	\$56
Flagler*	\$46
Volusia	\$51
Brevard	\$51
Indian River	\$51
St. Lucie*	\$46
Martin	\$51
Palm Beach	\$71
Broward	\$71
Miami-Dade	\$66

6. Enter any lodging costs less any personal expenses.
7. Enter the actual mileage driven or the map mileage for the trip (like from Yahoo Maps). Check with staff on the latest IRS mileage rate.
8. Enter any actual incidentals such as taxi fare, tips, road tolls, parking fees or communication expense. Tips for meals are included in the cost of the meal. Tips for taxis cannot exceed 15% of the fare. Tip for valet parking is \$1.00 per occasion. A tip for bellhops is \$1.00 per bag with a maximum of \$5.00.
9. All vouchers for reimbursement of travel expenses must be completed and submitted within 90 days of travel.

EXHIBIT "A"

FLORIDA INLAND NAVIGATION DISTRICT BOARD OF COMMISSIONERS DELEGATIONS OF AUTHORITY TO THE EXECUTIVE DIRECTOR

Agreements

Execute Agreements for projects approved by the Board such as but not limited to the following:

- 1) Assistance Program Agreements
- 2) Assistance Program Agreement Modifications
- 3) Construction, Engineering, or Environmental Services Agreements

Leases

Execute lease agreements on District properties for the following uses:

- 1) Storage of equipment or construction material/supplies
- 2) Placing 1,000 cyds. or less of dredged material on the site in accordance with the District's standard use agreement
- 3) Removing 20,000 cyds. or less of dredged material from a site for public purposes
- 4) Leases approved by the Board or the Land Acquisition and Management Committee.
- 5) Leases with minor non-substantive amendments that have been reviewed and approved by the District's general counsel and which have been previously approved by the Board or the Land Acquisition and Management Committee.

Financial Issues

- 1) Approve expenditures of \$3,000.00 or less for administration purposes
- 2) Approve expenditures of \$10,000.00 or less for land acquisition and management services
- 3) Execute financial reports to the State that have been approved by the Board or that provide financial information from a Board-approved financial audit
- 4) Execute resolutions for the purchase of certificates of deposit with state approved and qualified banks and institutions.

Bids

- 1) Reject bids for projects where there was only one bidder and/or the bid(s) was 25% above the construction estimate
- 2) Award bids of \$10,000.00 or less

Permit Issues

- 1) Sign permit applications for Board-approved construction projects on District properties
- 2) Issue Letters of No Objection to permitting agencies when neighboring projects affect District properties

Travel

- 1) Authorize travel and make decisions about the most economical method of travel in accordance with s.112.061, F.S. for staff and commissioners.

Other

Execute the following:

- 1) Emergency contracts of \$20,000.00 or less
- 2) Contracts of all types meeting the above referenced dollar thresholds
- 3) Equipment leases
- 4) Approve contract change orders totaling up to ten (10) per cent of the initially executed contract value with the concurrence of the Chair
- 5) Approve change orders exceeding ten (10) per cent of the initially executed contract value but not more than 20% of the initially executed contract value if there is a finding by the Engineer, the District's Executive Director and the District's Chair that a delay in approving the change order will result in significant negative financial, environmental, or health safety and welfare impacts that could be avoided by a prompt approval

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.--

(1) LEGISLATIVE INTENT.--To prevent inequities, conflicts, inconsistencies, and lapses in the numerous laws regulating or attempting to regulate travel expenses of public officers, employees, and authorized persons in the state, it is the intent of the Legislature:

(a) To establish standard travel reimbursement rates, procedures, and limitations, with certain justifiable exceptions and exemptions, applicable to all public officers, employees, and authorized persons whose travel is authorized and paid by a public agency.

(b) To preserve the standardization established by this law:

1. The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

2. The provisions of any special or local law, present or future, shall prevail over any conflicting provisions in this section, but only to the extent of the conflict.

(2) DEFINITIONS.--For the purposes of this section, the following words shall have the meanings indicated:

(a) Agency or public agency--Any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law.

(b) Agency head or head of the agency--The highest policymaking authority of a public agency, as herein defined.

(c) Officer or public officer--An individual who in the performance of his or her official duties is vested by law with sovereign powers of government and who is either elected by the people, or commissioned by the Governor and has jurisdiction extending throughout the state, or any person lawfully serving instead of either of the foregoing two classes of individuals as initial designee or successor.

(d) Employee or public employee--An individual, whether commissioned or not, other than an officer or authorized person as defined herein, who is filling a regular or full-time authorized position and is responsible to an agency head.

(e) Authorized person--

1. A person other than a public officer or employee as defined herein, whether elected or commissioned or not, who is authorized by an agency head to incur travel expenses in the performance of official duties.

2. A person who is called upon by an agency to contribute time and services as consultant or adviser.

3. A person who is a candidate for an executive or professional position.

(f) Traveler--A public officer, public employee, or authorized person, when performing authorized travel.

(g) Travel expense, traveling expenses, necessary expenses while traveling, actual expenses while traveling, or words of similar nature--The usual ordinary and incidental expenditures necessarily incurred by a traveler.

(h) Common carrier--Train, bus, commercial airline operating scheduled flights, or rental cars of an established rental car firm.

(i) Travel day--A period of 24 hours consisting of four quarters of 6 hours each.

(j) Travel period--A period of time between the time of departure and time of return.

(k) Class A travel--Continuous travel of 24 hours or more away from official headquarters.

(l) Class B travel--Continuous travel of less than 24 hours which involves overnight absence from official headquarters.

(m) Class C travel--Travel for short or day trips where the traveler is not away from his or her official headquarters overnight.

(n) Foreign travel--Travel outside the United States.

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.--

(a) All travel must be authorized and approved by the head of the agency, or his or her designated representative, from whose funds the traveler is paid. The head of the agency shall not authorize or approve such a request unless it is accompanied by a signed statement by the traveler's supervisor stating that such travel is on the official business of the state and also stating the purpose of such travel.

(b) Travel expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed by this section.

(c) Travel by public officers or employees serving temporarily in behalf of another agency or partly in behalf of more than one agency at the same time, or authorized persons who are called upon to contribute time and services as consultants or advisers, may be authorized by the agency head. Complete explanation and justification must be shown on the travel expense voucher or attached thereto.

(d) Travel expenses of public employees for the sole purpose of taking merit system or other job placement examinations, written or oral, shall not be allowed under any circumstances, except that upon prior written approval of the agency head or his or her designee, candidates for executive or professional positions may be allowed travel expenses pursuant to this section.

(e) Travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering, or supporting the implementation, organization, direction, coordination, or administration of, activities related to or involving travel to a terrorist state shall not be allowed under any circumstances. For purposes of this section, "terrorist state" is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

(f) The agency head, or a designated representative, may pay by advancement or reimbursement, or a combination thereof, the costs of per diem of travelers for foreign travel at the current rates as specified in the federal publication "Standardized Regulations (Government Civilians, Foreign Areas)" and incidental expenses as provided in this section.

(g) A traveler who becomes sick or injured while away from his or her official headquarters and is therefore unable to perform the official business of the agency may continue to receive subsistence as provided in subsection (6) during this period of illness or injury until such time as he or she is able to perform the official business of the agency or returns to his or her official headquarters, whichever is earlier. Such subsistence may be paid when approved by the agency head or his or her designee.

(h) The State Surgeon General or a designee may authorize travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health. The Department of Health may establish rates lower than the rate provided in this section for these travel expenses.

(4) OFFICIAL HEADQUARTERS.--The official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located except that:

(a) The official headquarters of a person located in the field shall be the city or town nearest to the area where the majority of the person's work is performed, or such other city, town, or area as may be designated by the agency head provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

(b) When any state employee is stationed in any city or town for a period of over 30 continuous workdays, such city or town shall be deemed to be the employee's official headquarters, and he or she shall not be allowed per diem or subsistence, as provided in this section, after the said period of 30 continuous workdays has elapsed, unless this period of time is extended by the express approval of the agency head or his or her designee.

(c) A traveler may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, but any time lost from regular duties shall be taken as annual leave and authorized in the usual manner. The traveler shall not be reimbursed for travel expenses in excess of the established rate for per diem allowable had he or she remained at his or her assigned post. However, when a traveler has been temporarily assigned away from his or her official headquarters for an approved period extending beyond 30 days, he or she shall be entitled to reimbursement for travel expenses at the established rate of one round trip for each 30-day period actually taken to his or her home in addition to pay and allowances otherwise provided.

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class B travel shall begin at the same time as the travel period. For Class A and Class B travel, the traveler shall be reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within the travel period. Class A and Class B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

(b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

1. Breakfast--When travel begins before 6 a.m. and extends beyond 8 a.m.
2. Lunch--When travel begins before 12 noon and extends beyond 2 p.m.
3. Dinner--When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The Chief Financial Officer shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Eighty dollars per diem; or
2. If actual expenses exceed \$80, the amounts permitted in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast \$6

2. Lunch \$11

3. Dinner \$19

(c) No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(7) TRANSPORTATION.--

(a) All travel must be by a usually traveled route. In case a person travels by an indirect route for his or her own convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The agency head or his or her designee shall designate the most economical method of travel for each trip, keeping in mind the following conditions:

1. The nature of the business.

2. The most efficient and economical means of travel (considering time of the traveler, impact on the productivity of the traveler, cost of transportation, and per diem or subsistence required). When it is more efficient and economical to either the traveler or the agency head, jet service offered by any airline, whether on state contract or not, may be used when the cost is within an approved threshold determined by the agency head or his or her designee.

3. The number of persons making the trip and the amount of equipment or material to be transported.

(b) The Department of Financial Services may provide any form it deems necessary to cover travel requests for traveling on official business and when paid by the state.

(c) Transportation by common carrier when traveling on official business and paid for personally by the traveler, shall be substantiated by a receipt therefor. Federal tax shall not be reimbursable to the traveler unless the state and other public agencies are also required by federal law to pay such tax. In the event transportation other than the most economical class as approved by the agency head is provided by a common carrier on a flight check or credit card, the charges in excess of the most economical class shall be refunded by the traveler to the agency charged with the transportation provided in this manner.

(d)1. The use of privately owned vehicles for official travel in lieu of publicly owned vehicles or common carriers may be authorized by the agency head or his or her designee. Whenever travel is by privately owned vehicle:

a. A traveler shall be entitled to a mileage allowance at a rate of 44.5 cents per mile; or

b. A traveler shall be entitled to the common carrier fare for such travel if determined by the agency head to be more economical.

2. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business

and reimbursement is made pursuant to this paragraph, except as provided in subsection (8).

3. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed on the basis of the current map of the Department of Transportation. Vicinity mileage necessary for the conduct of official business is allowable but must be shown as a separate item on the expense voucher.

(e) Transportation by chartered vehicles when traveling on official business may be authorized by the agency head when necessary or where it is to the advantage of the agency, provided the cost of such transportation does not exceed the cost of transportation by privately owned vehicle pursuant to paragraph (d).

(f) The agency head or his or her designee may grant monthly allowances in fixed amounts for use of privately owned automobiles on official business in lieu of the mileage rate provided in paragraph (d). Allowances granted pursuant to this paragraph shall be reasonable, taking into account the customary use of the automobile, the roads customarily traveled, and whether any of the expenses incident to the operation, maintenance, and ownership of the automobile are paid from funds of the agency or other public funds. Such allowance may be changed at any time, and shall be made on the basis of a signed statement of the traveler, filed before the allowance is granted or changed, and at least annually thereafter. The statement shall show the places and distances for an average typical month's travel on official business, and the amount that would be allowed under the approved rate per mile for the travel shown in the statement, if payment had been made pursuant to paragraph (d).

(g) No contract may be entered into between a public officer or employee, or any other person, and a public agency, in which a depreciation allowance is used in computing the amount due by the agency to the individual for the use of a privately owned vehicle on official business; provided, any such existing contract shall not be impaired.

(h) No traveler shall be allowed either mileage or transportation expense when gratuitously transported by another person or when transported by another traveler who is entitled to mileage or transportation expense. However, a traveler on a private aircraft shall be reimbursed the actual amount charged and paid for the fare for such transportation up to the cost of a commercial airline ticket for the same flight, even though the owner or pilot of such aircraft is also entitled to transportation expense for the same flight under this subsection.

(8) OTHER EXPENSES.--

(a) The following incidental travel expenses of the traveler may be reimbursed:

1. Taxi fare.
2. Ferry fares; and bridge, road, and tunnel tolls.
3. Storage or parking fees.
4. Communication expense.

5. Convention registration fee while attending a convention or conference which will serve a direct public purpose with relation to the public agency served by the person attending such meetings. A traveler may be reimbursed the actual and necessary fees for attending events which are not included in a basic registration fee that directly enhance the public purpose of the participation of the agency in the conference. Such expenses may include, but not be limited to, banquets and other meal functions. It shall be the responsibility of the traveler to substantiate that the charges were proper and necessary. However, any meals or lodging included in the registration fee will be deducted in accordance with the allowances provided in subsection (6).

(b) Other expenses which are not specifically authorized by this section may be approved by the Department of Financial Services pursuant to rules adopted by it. Expenses approved pursuant to this paragraph shall be reported by the Department of Financial Services to the Auditor General annually.

(9) RULES.--

(a) The Department of Financial Services shall adopt such rules, including, but not limited to, the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, and prescribe such forms as are necessary to effectuate the purposes of this section. The department may also adopt rules prescribing the proper disposition and use of promotional items and rebates offered by common carriers and other entities in connection with travel at public expense; however, before adopting such rules, the department shall consult with the appropriation committees of the Legislature.

(b) Each state agency shall adopt such additional specific rules and specific criteria to be used by it to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, not in conflict with the rules of the Department of Financial Services or with the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions, as may be necessary to effectuate the purposes of this section.

(10) FRAUDULENT CLAIMS.--Claims submitted pursuant to this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter; and any person who willfully makes and subscribes any such claim which he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under the provisions of this section of a claim which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever shall receive an allowance or reimbursement by means of a false claim shall be civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

(11) TRAVEL AUTHORIZATION AND VOUCHER FORMS.--

(a) *Authorization forms.*--The Department of Financial Services shall furnish a uniform travel authorization request form which shall be used by all state officers, employees, and authorized persons when requesting approval for the performance of travel to a convention or conference. The form shall include, but not be limited to, provision for the name of each traveler, purpose of travel, period of travel, estimated cost to the state, and a statement of benefits accruing to the state by virtue of such travel. A copy of the program or agenda of the convention or conference, itemizing registration fees and any meals or lodging included in the registration fee, shall be attached to, and filed with, the copy of the travel authorization request form on file with the agency. The form shall be signed by the traveler and by the traveler's supervisor stating that the travel is to be incurred in connection with official business of the state. The head of the agency or his or her designated representative shall not authorize or approve such request in the absence of the appropriate signatures. A copy of the travel authorization form shall be attached to, and become a part of, the support of the agency's copy of the travel voucher.

(b) *Voucher forms.*--

1. The Department of Financial Services shall furnish a uniform travel voucher form which shall be used by all state officers, employees, and authorized persons when submitting travel expense statements for approval and payment. No travel expense statement shall be approved for payment by the Chief Financial Officer unless made on the form prescribed and furnished by the department. The travel voucher form shall provide for, among other things, the purpose of the official travel and a certification or affirmation, to be signed by the traveler, indicating the truth and correctness of the claim in every material matter, that the travel expenses were actually incurred by the traveler as necessary in the performance of official duties, that per diem claimed has been appropriately reduced for any meals or lodging included in the convention or conference registration fees claimed by the traveler, and that the voucher conforms in every respect with the requirements of this section. The original copy of the executed uniform travel authorization request form shall be attached to the uniform travel voucher on file with the respective agency.

2. Statements for travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health shall be on forms approved by the Department of Financial Services.

(12) *ADVANCEMENTS.*--Notwithstanding any of the foregoing restrictions and limitations, an agency head or his or her designee may make, or authorize the making of, advances to cover anticipated costs of travel to travelers. Such advancements may include the costs of subsistence and travel of any person transported in the care or custody of the traveler in the performance of his or her duties.

(13) *DIRECT PAYMENT OF EXPENSES BY AGENCY.*--Whenever an agency requires an employee to incur either Class A or Class B travel on emergency notice to the traveler, such traveler may request the agency to pay his or her expenses for meals and lodging directly to the vendor, and the agency may pay the vendor the actual expenses for meals and lodging during the travel period, limited to an amount not to exceed that authorized pursuant to this section. In emergency situations, the agency head or his or her designee may authorize an increase in the amount paid for a specific meal, provided that the total daily cost of meals does not exceed the total amount authorized for meals each day. The agency head or his or her designee may also grant prior approval for a state agency to make direct payments of travel expenses in other situations that result in cost savings to the state, and such cost savings shall be documented in the voucher submitted to the Chief

Financial Officer for the direct payment of travel expenses. The provisions of this subsection shall not be deemed to apply to any legislator or to any employee of the Legislature.

(14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING ORGANIZATIONS.--

(a) The following entities may establish rates that vary from the per diem rate provided in paragraph (6)(a), the subsistence rates provided in paragraph (6)(b), or the mileage rate provided in paragraph (7)(d) if those rates are not less than the statutorily established rates that are in effect for the 2005-2006 fiscal year:

1. The governing body of a county by the enactment of an ordinance or resolution;
2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;
3. The governing body of a district school board by the adoption of rules;
4. The governing body of a special district, as defined in s. 189.403(1), except those special districts that are subject to s. 166.021(10), by the enactment of a resolution; or
5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

(b) Rates established pursuant to paragraph (a) must apply uniformly to all travel by the county, county constitutional officer and entity governed by that officer, district school board, special district, or metropolitan planning organization.

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, special districts, and metropolitan planning organizations, other than those subject to s. 166.021(10), remain subject to the requirements of this section.

(15) CLASS C TRAVEL.--Moneys appropriated from the State Treasury may not be used to pay per diem or subsistence related to Class C travel.

(16) SUPREME COURT JUSTICES.--Notwithstanding any provision of this section to the contrary, the Chief Justice of the Supreme Court is authorized to reimburse justices of the Supreme Court for travel expenses, including travel, per diem, and subsistence allowances, associated with travel to Tallahassee on official business for the state from the county in which the justice resides for no more than 36 trips per justice, provided that reimbursement may not be made for travel to Tallahassee if the justice resides within 50 miles of the headquarters of the Supreme Court. This subsection expires July 1, 2009.

History.--ss. 1, 3, ch. 22830, 1945; ss. 1, 2, 3, ch. 23892, 1947; ss. 1, 3, ch. 25040, 1949; ss. 1, 3, ch. 26910, 1951; s. 1, ch. 28303, 1953; s. 1, ch. 29628, 1955; s. 1, ch. 57-230; s. 1, ch. 61-183; s. 1, ch. 61-43; s. 1, ch. 63-5; s. 1, ch. 63-192; s. 1, ch. 63-122; s. 1, ch. 63-400; ss. 2, 3, ch. 67-371; ss. 1, 2, ch. 67-2206; s. 1, ch. 69-193; s. 1, ch. 69-381; ss. 12, 23, 31, 35, ch. 69-106; s. 65, ch. 71-136; s. 1, ch. 72-213; s. 1, ch. 72-217; s. 1, ch. 72-324; s. 26, ch. 72-404; s. 1, ch. 73-169; s. 1, ch. 74-15; s. 1, ch. 74-246; s. 1, ch. 74-365; ss. 1, 2, ch. 75-33; s. 1, ch. 76-166; s. 2, ch. 76-208; ss. 1, 2, ch. 76-250; s. 1, ch. 77-174; s. 1, ch. 77-231; ss. 1, 2, ch. 77-437; s. 2, ch. 78-95; s. 51, ch. 79-190; s. 1, ch. 79-205; s. 1, ch. 79-303; s. 1, ch. 79-412; ss. 1, 2, ch. 81-207; ss. 1, 2, ch. 83-307; s. 1, ch. 85-140; s. 1, ch. 87-407; s. 4, ch. 88-235; s. 12, ch. 89-291; s. 18, ch. 91-45; s. 1, ch. 94-139; s. 1403, ch. 95-147; s. 26, ch. 95-312; s. 5, ch. 96-

310; s. 43, ch. 96-399; s. 23, ch. 98-136; s. 9, ch. 99-8; s. 7, ch. 99-155; s. 16, ch. 99-399; ss. 48, 53, ch. 2001-254; ss. 46, 79, ch. 2002-402; s. 2, ch. 2003-125; s. 123, ch. 2003-261; s. 49, ch. 2003-399; s. 5, ch. 2004-5; s. 32, ch. 2004-269; s. 23, ch. 2005-71; s. 12, ch. 2006-1; s. 6, ch. 2006-18; ss. 14, 53, ch. 2006-26; s. 1, ch. 2006-41; s. 3, ch. 2006-54; s. 2, ch. 2007-196; s. 6, ch. 2008-6; s. 13, ch. 2008-153.

February 3, 2012

MEMORANDUM

TO: David Roach, Executive Director
Mark Crosley, Assistant Executive Director

FROM: Jim Davenport

SUBJECT: Federal Legislative Update

MAINTENANCE DREDGING FUNDING FOR 2012

As you know, the Fiscal Year (FY) 2012 Energy and Water Appropriations Bill included \$30 million for Inland Waterways and \$55 million for Navigation Maintenance. These two funding sources provide the Florida Inland Navigation District with an opportunity to obtain maintenance dredging funding for the Atlantic Intracoastal Waterway (AIWW) and Intracoastal Waterway (IWW) in the absence of FY 2012 congressionally directed appropriations (i.e. earmarks).

On December 20, 2011, at our request, Representatives Alcee Hastings, Allen West, Debbie Wasserman Schultz, Bill Posey, Ted Deutch and Corrine Brown sent a letter to Army Corps of Engineers Secretary Jo-Ellen Darcy requesting \$4.87 million for the AIWW and IWW. Representative Ileana Ros-Lehtinen sent a similar letter of support on December 21, 2011.

Senator Nelson sent a letter to Secretary Darcy on January 13, 2012 stating:

Inland waterways and access channels must be maintained and dredged to ensure the navigation safety of ships carrying cargo and passengers, and channels must be deepened and widened to support regional and national economic demands. I ask that you support our efforts to maintain navigable waterways and plan for future maritime traffic by including Florida's ports and waterways in your FY12 Work Plan.

Concurrent with our efforts to obtain congressional support for FIND's projects, we also contacted several Corps of Engineers officials, both at the Jacksonville District Office and Corps Headquarters in Washington, DC, and asked them to

consider and support the AIWW/IWW funding request. The following were contacted:

- Jeffrey McKee, Coastal Navigation Program Manager, HQ – He said “The projects will be considered, along with other needs across the nation.”
- Stacey Brown, Civil Deputy Chief for the South Atlantic Division, HQ – received the project information and letters from Members of Congress, but did not respond specifically about the project.
- Tim Murphy, Senior Project Manager, Jacksonville – indicated that the Jacksonville Corps requested funding for the AIWW/IWW projects.
- Shelley Trulock, Project Manager, Jacksonville – submitted the AIWW/IWW funding requests to Corps HQ.

It is our understanding that the Corps FY 2012 Work Plan, which will include a list of projects that the Corps will execute through September 30, 2012, will be released as early as February 7th.

We will contact you as soon as we hear further.

MAINTENANCE DREDGING FUNDING FOR 2013

In regard to securing funding for the AIWW/IWW for FY 2013, our strategy will be similar to last year’s strategy. Basically, we will work to obtain a set-aside in the FY 2013 Energy and Water Appropriations Bill for shallow draft/low commercial use inland waterways. Possibly, we can narrow the “Inland Waterway” language that was included in the FY 12 bill.

During your trip to Washington on March 6th and 7th, we plan to visit with FIND’s congressional delegation, the House and Senate Energy and Water Appropriations Subcommittee staff, and the Corps of Engineers to discuss AIWW/IWW projects.

We will send you meeting updates throughout February and look forward to seeing you next month.

Please contact us with any questions.



United States Senate
WASHINGTON, DC 20510-0905

January 13, 2012

BILL NELSON
FLORIDA

Jo-Ellen Darcy
Assistant Secretary of the Army for Civil Works
Corps of Engineers Headquarters
441 G. Street, NW
Washington, DC 20314-1000

Assistant Secretary Darcy:

As the Army Corps of Engineers prepares its Fiscal Year 2012 (FY12) Work Plan, I request your serious consideration of Florida's many water resources and infrastructure projects. Maintenance dredging, beach renourishment, feasibility studies and other operations performed by the Corps are critical to Florida's economy, ecosystems and communities.

Florida's ports and waterways are vital to the efficient movement of goods and people. Inland waterways and access channels must be maintained and dredged to ensure the navigational safety of ships carrying cargo and passengers, and channels must be deepened and widened to support regional and national economic demands. I ask that you support our efforts to maintain navigable waterways and plan for future maritime traffic by including Florida's ports and waterways in your FY12 Work Plan.

Florida's communities rely on the Army Corps of Engineers to protect our coastal and aquatic ecosystems through restoration and preservation activities. Without beach renourishment, Section 219 Environmental Infrastructure funding and flood protection work, our communities are at risk to coastal erosion, flooding, contaminated drinking water, diminished tourism, and threats to endangered wildlife. It is critically important the Corps continue its work in Florida to ensure that our ecosystems can support current and future generations.

Thank you for your serious consideration of Florida's ports, waterways, beaches, environmental infrastructure and ecosystems.

Sincerely,

A handwritten signature in black ink that reads "Bill Nelson". The signature is written in a cursive, flowing style.

MAINTENANCE DREDGING OF THE ATLANTIC INTRACOASTAL WATERWAY PROJECT, DREDGING REACHS 1 AND 3 OF NASSAU/DUVAL COUNTIES, FLORIDA

ISSUE: In 2013, maintenance dredging of Dredging Reaches 1 and 3 of the Atlantic Intracoastal Waterway in Nassau and Duval Counties is required and is anticipated to cost \$5.6 million. Current shoaling, to as shallow as 5.5 feet, is causing navigation problems for commercial and larger recreational vessels. Specifically, the fuel barge that transports jet fuel from Jacksonville, Florida to the Navy Air Station in Beaufort, South Carolina on a weekly basis is having transit problems in this waterways area because of shoaling turning a one day trip into a 3 day trip. The local sponsor of the project, the Florida Inland Navigation District, is willing to provide 50% of the funding for maintenance dredging along with the lands required for the project. **Congress is requested to provide the other 50% funding share, \$2.82 million, for this necessary project.**

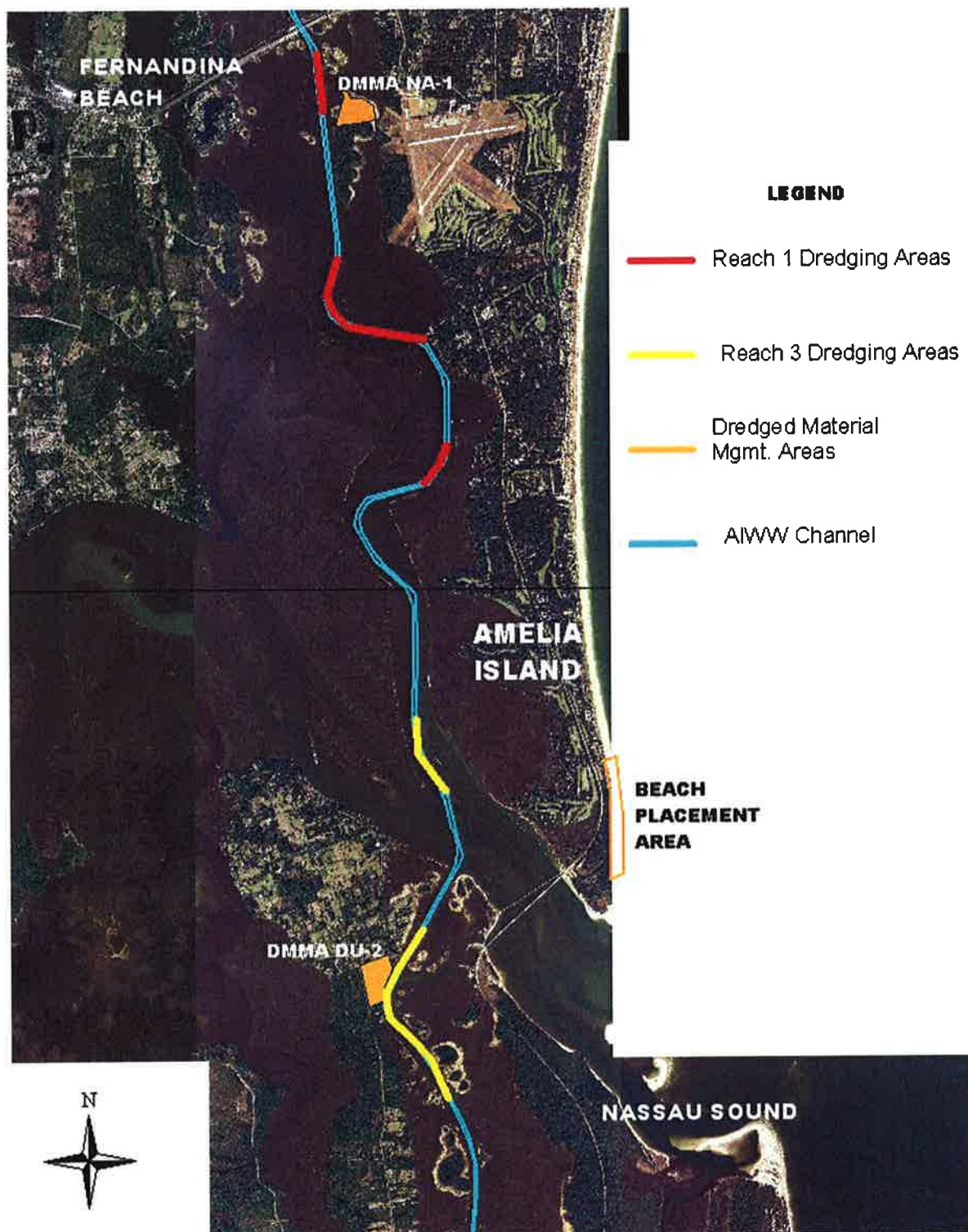
BACKGROUND: Operation and maintenance of the Atlantic Intracoastal Waterway in Florida is a Federal responsibility. The local sponsor is required to provide the lands for dredged material management. Inadequate funding creates a maintenance back log decreasing the reliability and safety of the waterway for use by commercial and recreational vessels.

OTHER ISSUES: The local sponsor has provided the lands for the project.

BENEFITS: The Atlantic Intracoastal Waterway in Florida annually: transports over 184,000 tons of commercial cargo; provides \$1.3 billion in economic output which includes \$300 million in personal wages and 6,504 jobs, generates \$48.6 million in taxes and increases property values by \$250 million. Studies have shown that the economic output would be reduced by \$147 million and 935 jobs would be lost if the waterway is not properly maintained.

PROJECT MAP: See next page.

ATLANTIC INTRACOASTAL WATERWAY PROJECT



MAINTENANCE DREDGING OF THE INTRACOASTAL WATERWAY PROJECT IN FLORIDA

ISSUE: In 2013, maintenance dredging of two areas of the Intracoastal Waterway in Florida is required to maintain its safe navigability. These projects are projected to cost \$4.1 million. Shoaling has been documented by hydrographic surveys and areas of the waterway are as shallow as 6 feet. The local sponsor of the project, the Florida Inland Navigation District, is willing to provide 50% of the funding for maintenance dredging along with the lands required for the project. **Congress is requested to provide the other 50% funding share, \$2.05 million, for these necessary projects.**

BACKGROUND: Operation and maintenance of the Intracoastal Waterway in Florida is a Federal responsibility. The local sponsor is required to provide the lands for dredged material management. Inadequate funding creates a maintenance back log decreasing the reliability and safety of the waterway for use by commercial and recreational vessels.

OTHER ISSUES: The local sponsor has provided the lands for the project.

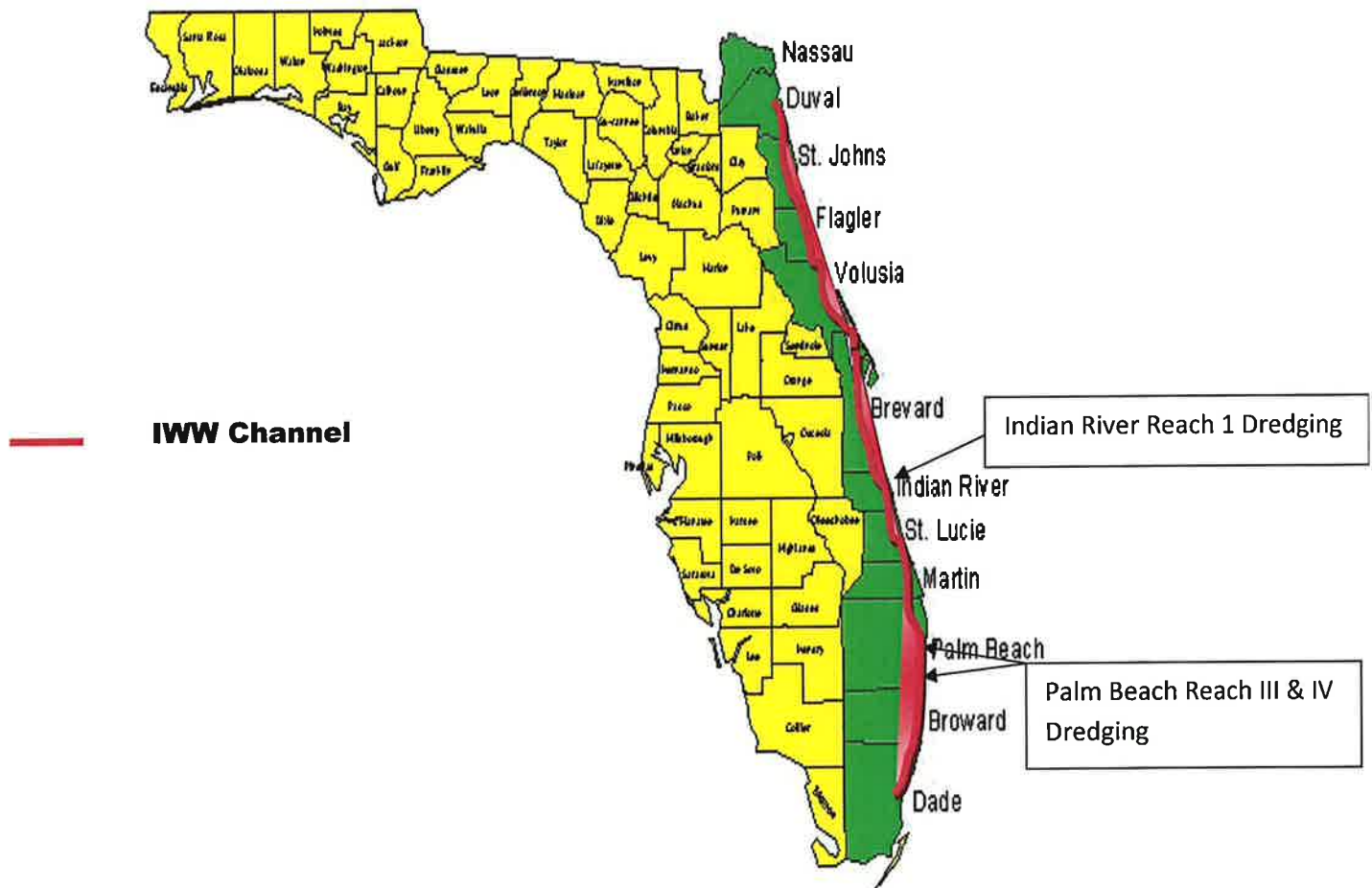
BENEFITS: The Intracoastal Waterway in Florida annually: transports over 1.7 million tons of commercial cargo and over 500,000 recreational vessels; provides \$11.9 billion in economic output which includes \$3 billion in personal wages and 66,631 jobs, generates \$540 million in tax revenues and increases property values by \$19.4 billion. Studies have shown that these benefits would be reduced by 45% if the waterway is not properly maintained.

PROJECT MAP: See next page.

LOCATION MAP

FY 2013 APPROPRIATIONS REQUEST

INTRACOASTAL WATERWAY PROJECTS



MAINTENANCE DREDGING OKEECHOBEE WATERWAY PROJECT, FLORIDA

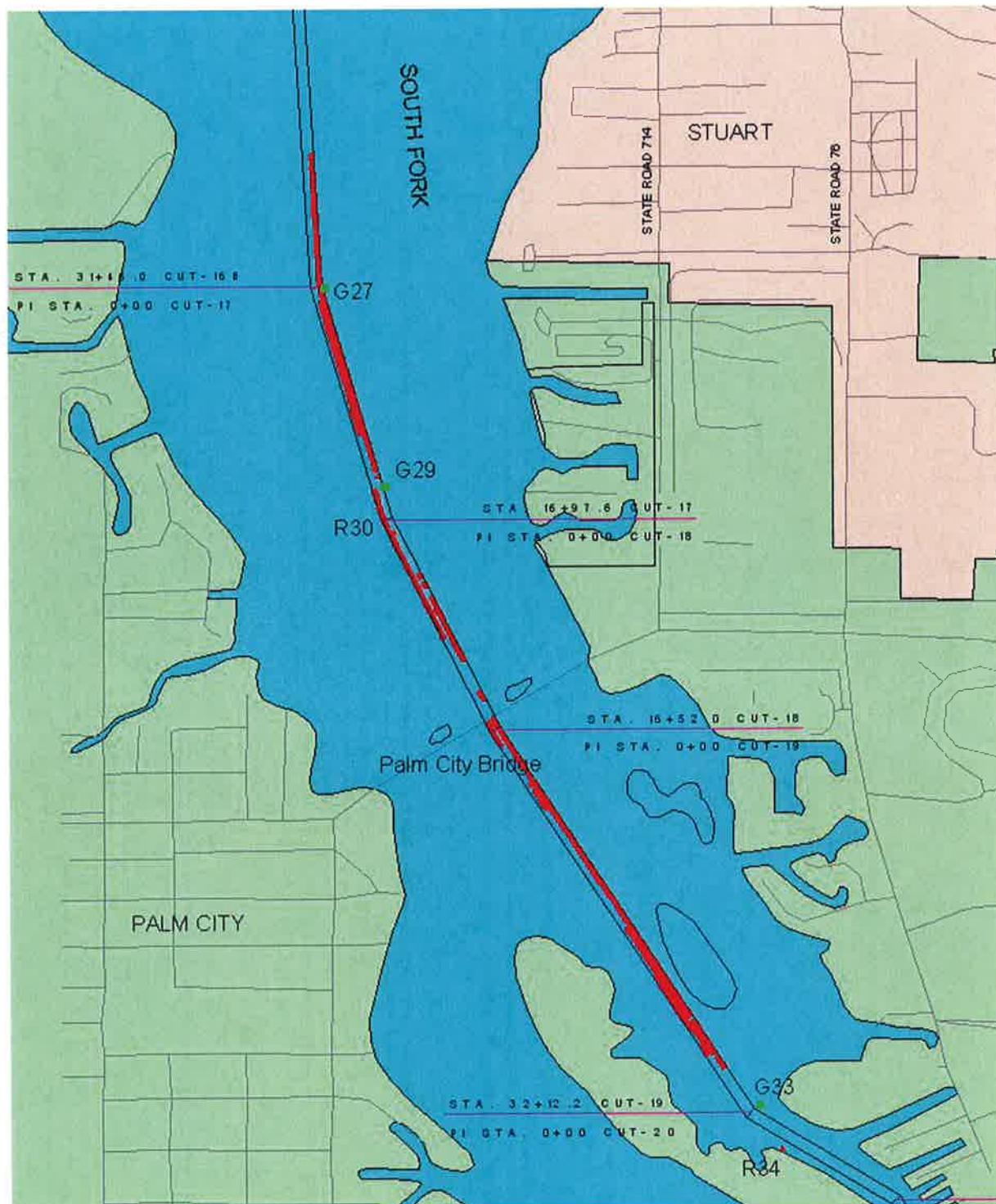
ISSUE: In 2013, maintenance dredging of Reach IV of the Okeechobee Waterway in Martin County is necessary to maintain its safe navigability. This project is projected to cost \$1.6 million. Shoaling has been documented by hydrographic surveys and areas of the waterway are as shallow as 5 feet, causing navigation problems for all size classes of commercial and recreational vessels on the waterway. The local sponsor of the navigation portion of the project, the Florida Inland Navigation District, is willing to provide the lands required for the project and 50% of the project costs. **Congress is requested to provide \$800,000 in funding for this necessary project.**

BACKGROUND: Operation and maintenance of the Okeechobee Waterway in Florida is a Federal responsibility. The local sponsor is required to provide the lands for dredged material management. The navigation channel has not been maintained for many years.

BENEFITS: The Okeechobee Waterway in Florida annually: transports approximately 700,000 tons of commercial cargo, has recreation visitation by 6.6 million people and a National Economic Development (NED) value of over \$55 million. The Corps of Engineers has estimated the average annual National Economic Development impact to navigation and recreation through the loss of operation and maintenance activities to be \$22.7 million.

PROJECT MAP: See the next page.


LOCATION MAP

Okeechobee Waterway Dredging
Reach IV Shoaling Areas



MEMORANDUM

TO: Dave Roach, Executive Director
Florida Inland Navigation District

FROM: Jon C. Moyle, Jr. 

DATE: February 6, 2012

RE: Update of Florida Legislative Activity and Bills of Interest

In addition to the verbal updates and discussions we have had during the 2012 legislative session, I wanted to report to you on the status of a number of general issues that are shaping the 2012 session, then discuss specifically issues of particular interest to the Florida Inland Navigation District ("FIND"). I have also attached a list of bills that are currently being monitored for FIND.

GENERAL OVERVIEW

The 2012 legislative session started January 10, 2012, and is scheduled to end on March 9, 2012. The session started two months earlier than most legislative sessions due to reapportionment. Specifically, the Florida constitution requires the legislature to meet early and reapportion the state's legislative and congressional districts every ten years following a census. Thus, the two legislative matters that the Florida constitution requires the legislature to address this session are reapportionment and the state budget for the 2012-13 fiscal year.

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Tallahassee, Florida 32301

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Dave Roach
February 6, 2012
Page 2

Reapportionment has progressed fairly well. The House last week acted on proposed districts for the house, state senate and congressional districts. The Senate has already passed its plan of the Senate districts, and will likely adopt the House redistricting plan. Many expect that the plans will be challenged and judicial review will ensue shortly.

The House has taken the lead on the state budget. Last week, the House Appropriations Committee passed its proposed budget. It is expected that the full House of Representatives will act on its budget this week. The Senate initially suggested that the budget be addressed in a special legislative session, closer to the start of the fiscal year, July 1, 2012, when updated revenue estimates were in hand. However, the Governor and the House signaled a desire to get the budget done now, and not come back for a special session, especially when many members will be running for re-election. It now appears that the Senate will begin work on their budget in earnest this week, and not insist on addressing the budget in a special session. The Senate budget committees are expecting to receive spending allocations from the Senate President this week. After both chambers pass their respective budgets, the stage will be set for budget negotiations to take place between the House and Senate to resolve their spending differences.

Two other issues that have attracted a lot of attention this legislative session and warrant a brief mention are efforts to privatize a number of state prisons in South Florida and a move to authorize a handful of destination resort casinos in Florida. Both of these legislative matters have generated a lot of controversy. Last week, the resort casino bill was effectively killed in a House committee. The prison privatization effort was debated last week on the Senate floor. It

Dave Roach
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Page 3

appears there may not be enough votes to pass the measure in the Senate and further consideration of it was delayed.

BILLS AND ISSUES OF INTEREST TO FIND

We are monitoring and looking for possible amendments that would address issues related to special districts in general, and specific issues resulting from the Indian River Lagoon spoil site issue. (Oftentimes, amendments surface late in the legislative process, and can be tacked onto bills that have already gone through the committee process while the bill is being considered by the full House or Senate. This approach avoids the committee process, and is a way to change a law without having to file a separate bill.)

We are also monitoring an issue regarding the St. Johns River ferry. Representative Janet Adkins (R-Fernandina Beach) is working to ensure that a ferry operation continues to operate on the St. Johns River in her district, and is looking for ways to address an operational budget deficit associated with the ferry operation. She will be having a stakeholder meeting in Tallahassee on February 7, 2012 that I will attend.

Additionally, as previously reported to you, Governor Scott has tasked his Office of Planning and Budgeting ("OPB") to undertake a review of all special districts in the state. The Governor's staff is asking a series of questions of all special districts, will be reviewing the special districts and issuing a report. The Governor issued an executive order that outlines the special district review process. This process will likely take some time, and is not linked to legislative action. We will continue to monitor the gubernatorial special district review process.

Dave Roach
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Page 4

A number of bills addressing special districts have been filed. Of particular note, Senate Bill 192 filed by Senator Mike Bennett (R-Bradenton) and House Bill 107 filed by Representative Matt Caldwell (R-Ft. Myers) address the merger of certain dependent special districts and clarify that the dissolution procedures for independent special districts, like FIND, must include a referendum. These two bills, which are companion bills, are moving through the process and being closely watched. The legislation was filed at the request of the Association of Special Districts and does not harm existing independent special districts, though amendments are being watched closely. Additionally, as detailed on the attached tracking list, a number of bills addressing ad valorem taxation and providing for certain exemptions have been filed and are moving through the process. The Governor is seeking to increase the amount of tangible personal property that is exempt from taxation. Legislation increasing the exemption for tangible personal property, which would have an impact on ad valorem revenues, has been filed and heard in committee. A proposed constitutional amendment which would remove the \$25,000 exemption limit for tangible personal property has also been filed in both the House and Senate. Bills to increase the exemption to \$50,000 for tangible personal property are moving through the process. (See House Bills 1003 and 1005 and Senate Bills 1062 and 1064). Finally, we are tracking a number of environmental bills, some of which are efforts to achieve regulatory reform of certain state permitting programs. These bills are also reflected in the attached bill tracking list.

Dave Roach
February 6, 2012
Page 5

I hope this information, and the attached bill tracking report, is useful. If you have any questions or need further information, please let me know. Additionally, if there are any particular legislative issues that we need to discuss further now that the session has reached its half way point, please let me know.

Attachment: 2011 FIND Bill Tracking List

FIND 2-6-12

Sorted by Bill Number

HB 0013**Relating to Sovereignty Submerged Lands**

Frishe

Sovereignty Submerged Lands: Provides for lease of sovereignty submerged lands for private residential single-family docks & piers, private residential multifamily docks & piers, & private residential multislip docks; provides for term of lease & lease fees; provides for inspection of such docks, piers, & related structures by DEP; clarifies authority of Board of Trustees of the Internal Improvement Trust Fund & DEP to impose additional fees & requirements; provides appropriation. Effective Date: July 1, 2012

SB 0088**Relating to Sovereignty Submerged Lands**

Latvala

Sovereignty Submerged Lands; Providing for the lease of sovereignty submerged lands for private residential single-family docks and piers, private residential multifamily docks and piers, and private residential multislip docks; providing for the term of the lease and lease fees; providing for inspection of such docks, piers, and related structures by the Department of Environmental Protection; clarifying the authority of the Board of Trustees of the Internal Improvement Trust Fund and the department to impose additional fees and requirements, etc. APPROPRIATION: \$1,000,000 EFFECTIVE DATE: July 1, 2012

HB 0107**Relating to Special Districts**

Caldwell

Special Districts: Revises provisions relating to merger & dissolution procedures for special districts; provides for certain merger & dissolution procedures to include referenda; provides that such provisions preempt certain special acts; provides for local governments to assume indebtedness of, & receive title to property owned by, special districts under certain circumstances; deletes provision relating to conditions under which merger of independent special districts or dependent fire control districts with other special districts is effective & conditions under which merged district is authorized to increase ad valorem taxes; revises criteria by which special districts are declared inactive by governing body. Effective Date: July 1, 2012

SB 0192**Relating to Special Districts**

Bennett

Special Districts; Revising provisions relating to merger and dissolution procedures for special districts; requiring the merger or dissolution of dependent special districts created by a special act to be effectuated by the Legislature; providing for the merger or dissolution of inactive special districts by special act without referenda; requiring involuntary dissolution procedures for independent special districts to include referenda; providing for the merger of certain independent special districts by the Legislature; providing procedures and requirements for the voluntary merger of contiguous independent special districts; revising criteria by which special districts are declared inactive by a governing body, etc. EFFECTIVE DATE: July 1, 2012

HB 0373**Relating to Environmental Permits**

Glorioso

Environmental Permits: Provides for entity created by special act, local ordinance, or interlocal agreement of county or municipality to receive certain reduced or waived permit processing fees for projects that serve public purpose; requires DEP to initiate rulemaking to adopt general permits for stormwater management systems serving airport activities; authorizes municipalities & counties to adopt stormwater adaptive management plans & obtain conceptual permits for urban redevelopment projects; provides requirements for establishment of such permits by water management districts in consultation with DEP; provides that certain urban redevelopment projects qualify for noticed general permit. Effective Date: July 1, 2012

HB 0503**Relating to Environmental Regulation**

Patronis

Environmental Regulation: Creates, amends, & revises numerous provisions relating to: development, construction, operating, & building permits; permit application requirements & procedures, including waivers, variances, & revocation; local government comprehensive plans & plan amendments; programmatic general permits & regional general permits; permits for projects relating to stormwater management systems, coastal construction, dredge & fill activities, intermodal logistics centers & commercial & industrial development; sanitary program surveys of certain water systems; innocent victim petroleum storage system restoration, ambient air quality & water quality standards, & solid waste disposal; sale of unblended gasoline for certain uses; exemption from payment to authorizing agencies for use of certain extensions. Effective Date: July 1, 2012

SB 0602**Relating to Stormwater Management Permits**

Storms

Stormwater Management Permits; Allowing an entity created by special act, local ordinance, or interlocal agreement of a county or municipality to receive certain reduced or waived permit processing fees; requiring that the Department of Environmental Protection initiate rulemaking to adopt a general permit for stormwater management systems serving airside activities at airports; authorizing certain municipalities and counties to adopt stormwater adaptive management plans

and obtain conceptual permits for urban redevelopment projects; providing requirements for establishment of such permits by water management districts in consultation with the Department of Environmental Protection; providing that provisions may not conflict with existing federally delegated pollution reduction programs, etc. Effective Date: July 1, 2012

- HB 0691 Relating to Beach Management** Frishe
Beach Management: Specifies that adequacy of design & construction for projects is supported by certain evidence; authorizes DEP to issue permits for incidental take authorization; requires department to adopt & amend rules involving excavation & placement of sediment, guidelines, & permit streamlining; provides permit life for certain joint coastal permits; requires DEP to justify items listed in certain requests; provides legislative intent with regard to permitting for periodic maintenance of certain beach nourishment projects & inlet management activities; requires DEP to maintain certain project information on its website & notify Governor & Legislature of certain changes; provides permit exemption for specified exploratory activities. Effective Date: July 1, 2012
- SB 0716 Relating to Environmental Regulation** Bennett
Environmental Regulation; Prohibiting a county from requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions; requiring that the Department of Environmental Protection review an application for certain permits under the Beach and Shore Preservation Act and request additional information within a specified time; requiring that certain counties or municipalities apply by a specified date to the department or water management district for authority to require certain permits; providing for issuance of general permits for the construction, alteration, and maintenance of certain surface water management systems without the action of the department or a water management district; revising the deadline for completion of the installation of fuel tank upgrades to secondary containment systems for specified properties, etc. EFFECTIVE DATE: July 1, 2012
- SB 0758 Relating to Beach Management** Jones (D)
Beach Management; Specifying that demonstration to the Department of Environmental Protection of the adequacy of a project's design and construction is supported by certain evidence; authorizing the department to issue permits for an incidental take authorization under certain circumstances; providing a permit exemption for certain specified exploratory activities relating to beach restoration and nourishment projects and inlet management activities, etc. Effective Date: July 1, 2012
- SB 0994 Relating to Federal Environmental Permitting** Dean
Federal Environmental Permitting; Repealing provisions directing the Department of Environmental Protection to file specified reports with the Speaker of the House of Representatives and the President of the Senate and to coordinate with the Florida Congressional Delegation on certain matters, etc. EFFECTIVE DATE: July 1, 2012
- HB 1139 Relating to Canaveral Port District, Brevard County** Goodson
Canaveral Port District, Brevard County: Updates & revises district charter; includes specified types of land within the port; provides for conveying & acquiring certain lands; increases time of certain leases; revises award of group insurance; provides for electronic notice; provides term limits for commissioners; revises requirements for filling of vacancies & holding meetings; provides for authority to apply for certain grants; repeals reimbursement provisions; provides for annual audits; provides applicability to general law; repeals prior special acts, to conform. Effective Date: upon becoming a law
- SB 1354 Relating to Environmental Resource Permitting** Detert
Environmental Resource Permitting; Requiring the Department of Environmental Protection, in coordination with the water management districts, to adopt statewide environmental resource permitting rules for activities relating to the management and storage of surface waters; preserving an exemption from causes of action under the "Bert J. Harris, Jr., Private Property Rights Protection Act"; requiring counties, municipalities, and delegated local programs to amend ordinances and regulations within a specified timeframe to conform with the rules; providing a presumption of compliance for specified design, construction, operation, and maintenance of certain stormwater management systems; providing exemptions for specified stormwater management systems and permitted activities, etc. Effective Date: July 1, 2012
- SB 1362 Relating to Ordinary High-water Mark for Navigable, Nontidal Waterbodies** Hays
Ordinary High-water Mark for Navigable, Nontidal Waterbodies; Providing criteria for determining the location of the ordinary high-water mark for navigable, nontidal waterbodies, etc. Effective Date: July 1, 2012
- SB 1614 Relating to Kings Bay** Dean

Kings Bay; Urging Congress to direct the United States Fish and Wildlife Service to reconsider the proposed rule to designate Kings Bay as a manatee refuge and in lieu of the rule partner with the state and local governments in seeking joint long-term solutions to manatee protection, etc.

- SB 1740** **Relating to Additional Homestead Tax Exemption** Garcia (R)
 Additional Homestead Tax Exemption; Proposing an amendment to the State Constitution to authorize the Legislature, by general law, to allow counties and municipalities to grant an additional homestead tax exemption not exceeding the assessed value of the property to an owner who has maintained permanent residency on the property for a specified duration, who has attained age 65, and whose household income does not exceed a specified amount, etc.
- HB 4123** **Relating to Federal Environmental Permitting** Burgin
 Federal Environmental Permitting; Repeals provisions directing DEP to file specified reports with Speaker of the House of Representatives & President of the Senate & to coordinate with Florida Congressional Delegation on certain matters. Effective Date: July 1, 2012
- HB 7001** **Relating to Formation of Local Governments** Diaz
 Formation of Local Governments; Deletes definitions; revises deadline for submission of feasibility study of proposed incorporation of municipality; revises requirement for content of study. Effective Date: July 1, 2012
- SB 7002** **Relating to Laws Requiring Counties or Municipalities to Spend Funds/Limiting Ability to Raise Revenue or Receive State Tax Revenue** Community Affairs
 Laws Requiring Counties or Municipalities to Spend Funds/Limiting Ability to Raise Revenue or Receive State Tax Revenue; Defining the term "insignificant fiscal impact"; requiring that certain criteria be used in determining whether a law has an insignificant fiscal impact on counties and municipalities, etc. EFFECTIVE DATE: July 1, 2012
- SB 7184** **Relating to Environmental Rules** Environmental Preservation and Conservation
 Environmental Rules; Providing that certain rules adopted by the Environmental Regulation Commission are legislatively ratified; providing applicability, etc. Effective Date: upon becoming a law

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STATE OF FLORIDA

OFFICE OF THE GOVERNOR

Executive Order Number 12-10

(Review of Special Districts)

WHEREAS, the Governor is committed to ensuring that all units of government are run in an efficient, transparent, and fiscally accountable manner in order to make certain that taxpayer dollars are being expended cost-effectively; and

WHEREAS, special districts are local units of special purpose government, within limited geographical areas, which are utilized to manage, own, operate, construct, maintain, and finance basic capital infrastructure, facilities, and services; and

WHEREAS, according to the Official List of Special Districts maintained by the Florida Department of Economic Opportunity, there are a total of 1,634 special districts, of which 16 are inactive; and

WHEREAS, of the total number of special districts in Florida, 1,006 are independent special districts and 628 are dependent special districts; and

WHEREAS, special districts have a substantial impact on the lives of every Florida citizen as every parcel of land in Florida is covered by at least one special district; and

WHEREAS, active special districts reported \$15.5 billion in revenues during the 2009 fiscal year and therefore such districts have a significant impact on the Florida economy; and

WHEREAS, special districts have the statutory authority to raise revenue through vehicles such as the issuance of bonds and the levy and collection of ad valorem and non-ad valorem taxes, fees, and assessments; and

WHEREAS, special districts are statutorily subject to limited state oversight through requirements to submit information such as annual budgets, annual financial reports, and special facilities reports to various state agencies; and

WHEREAS, the Governor has been made aware that some special districts have been delinquent in submitting the required information to state agencies, and thus are circumventing state oversight of their activities and preventing the transparency of their operations to the public; and

WHEREAS, due to the immense impact that special districts have on Florida citizens and on the Florida economy, the Governor believes that special districts should operate in a transparent manner and be fiscally accountable in order to safeguard the public interest; and

WHEREAS, as a result of the foregoing, the Governor has determined that it is appropriate and necessary to conduct a deliberate and thorough review of all special districts in the State of Florida in order to determine whether such districts are: serving a legitimate public purpose; governed efficiently; levying taxes, fees, and assessments appropriately; being held accountable to the taxpayers whose lives they directly impact; operating in a transparent manner; and prudently spending taxpayer dollars.

NOW, THEREFORE, I, RICK SCOTT, Governor of the State of Florida, by the powers vested in me by the Constitution and the laws of the State of Florida, do hereby issue the following Executive Order, effective immediately:

Section 1. I hereby direct the Office of Policy and Budget in the Executive Office of the Governor to conduct a deliberate and thorough examination of special districts in the State of Florida, and to make recommendations on the role of special districts in the State, with a special focus on increasing efficiency, fiscal accountability, and the transparency of operations to the public. The Office of Policy and Budget will:

- A. Examine the method of creation and the legislative intent behind the creation of each special district, including an evaluation of whether the special district continues to function for the purpose for which it was created.
- B. Examine the governance structure of each special district, including the method of appointment and tenure of the governing members.
- C. Examine the functions and activities of each special district to determine if a special district is the most efficient and appropriate method of governance.
- D. Examine the annual budgets of each special district in order to determine the appropriateness of the budgeted expenditures.
- E. Examine the special districts' levy of ad valorem and non-ad valorem taxes, fees, and assessments to determine if they are at an appropriate level.
- F. Examine the special districts' policies regarding organizational structure, personnel, salaries and benefits, operating capital outlay, and related expenses in order to recommend more efficient and uniform policies among all special districts.
- G. Examine the required disclosures for properties within the jurisdiction of a special district to taxpayers who purchase property within such special district.
- H. Examine whether there is a periodic procedure for evaluating the continued need, ongoing accountability, and efficacy of each special district.
- I. Examine the level of oversight of special districts, including whether special districts are complying with their reporting requirements, and determining whether the present level of oversight is sufficient.

Section 2. The Office of Policy and Budget shall submit to the Governor detailed reports setting forth its findings and recommendations, including any recommendations for legislative action. Each report shall detail which districts have been reviewed and the total number of remaining districts to be reviewed. At the completion of the Office of Policy and Budget's review of all special districts, the Office shall submit a final, comprehensive report detailing its findings and its recommendations as to how to improve special districts' efficiency, fiscal accountability, and transparency of operations.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 11th day of January, 2012.


GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
2012 JAN 12 AM 10:02
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FLORIDA INLAND NAVIGATION DISTRICT



To: Local Governments
 From: Mark Crosley, Assistant Executive Director
 Subject: 2012 Waterways Assistance Program
 Date: January 09, 2012

COMMISSIONERS

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 CHAIR
 NASSAU COUNTY

DONN R. COLEE, JR.
 VICE-CHAIR
 PALM BEACH COUNTY

GAIL KAVANAGH
 TREASURER
 ST. LUCIE COUNTY

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DAVID K. ROACH
 EXECUTIVE DIRECTOR

MARK T. CROSLLEY
 ASSISTANT EXECUTIVE
 DIRECTOR

Attached is an application package for the District's 2012 Waterways Assistance Program. Through this program over the past 23 years, the District has provided a total of over \$142 million in funding assistance to local governments within our District to perform waterways improvement projects. Project types eligible for funding include public navigation, public waterway access facilities, public recreation, inlet management, beach renourishment, environmental education and boating safety projects directly related to the waterways. The District has some limited grant eligibility for land acquisition which includes opportunities for waterway access. Generally, ineligible costs include project maintenance, landscaping, in-house staff and reoccurring fees. Please see the program rules for more details on project eligibility. The funding level of this year's program will be determined in July based upon the availability of funding to the District and the quality and number of applications received.

Applications are due **in the District office by 4:30 PM, April 02, 2012.** Your **application must be discussed with your local FIND Commissioner prior to March 02, 2012.** The application must be initialed by the Commissioner prior to submission to the District office on April 02, 2012. Please see the application package for the complete program schedule and the name and address of your Commissioner.

Please provide 2 copies of your application. **One printed copy and one electronic copy.** Only the requested information should be submitted. **Do not submit "extra" information, dividers or binders** as your application will be "repackaged" for Commission review and evaluation. It is VERY important that the application forms remain in the same 8.5 x 11", paginated format, and the forms must be presented in the order listed on the application checklist. *Applications that do not follow the program directions, rules, or the application format may be rejected.*

Please review the application checklist and be sure you can provide all of the required items. If you cannot provide ALL of the items on the application checklist, please contact staff immediately for advice on the potential resolution of a required item. Any application failing to include the required application items (with the exception of environmental resource permits & exemptions) will be eliminated from consideration on June 01, 2012. There is no waiver or exception available for this deadline. Solving questions or problems prior to the preparation and submission of your application will save us both time and effort and result in a more successful application.

FY 2012
WATERWAYS ASSISTANCE
PROGRAM
APPLICATION PACKAGE

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FY 2012
WATERWAYS ASSISTANCE PROGRAM APPLICATION

ATTACHMENT A	PROGRAM SCHEDULE
ATTACHMENT B	COMMISSIONERS LISTING
ATTACHMENT C	PROJECT PRIORITY LIST
ATTACHMENT D	PROGRAM RULES
ATTACHMENT E	PROGRAM APPLICATION/TIPS SHEET (2 PAGES)
E-1.	APPLICANT INFORMATION/PROJECT SUMMARY
E-2.	APPLICATION CHECK LIST (2 PAGES)
E-3.	PROJECT INFORMATION
E-4.	EVALUATION AND RATING FORM (20 PAGES)
E-5.	COST ESTIMATE FORM
E-6.	RESOLUTION (2 PAGES)
E-7.	ATTORNEYS CERTIFICATION OF TITLE
E-8.	PROJECT TIMELINE
E-9.	REQUIRED MAPS

ATTACHMENT A
FY 2012
WATERWAYS ASSISTANCE PROGRAM
SCHEDULE

January 2012 Availability of application packages.

Prior to March 02 Applicants schedule review of proposed projects with local FIND Commissioner, required before submission to the District office.

April 02, 2012	Application due in District office by 4:30 PM (No Exceptions)
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June 01, 2012 Application requirements must be completed or application will be eliminated from further consideration.

June 15 & 16, 2012 Applicants make a 10-minute presentation of application to FIND Board. Meeting held in Brevard County.

July 13, 2012 FIND Board reviews additional requested information and the Commissioners will complete the Application's Rating & Evaluation Form. Board makes final funding decisions on remaining eligible applications (subject to budget process).

Last week of Sept. A date will be scheduled for Final TRIM Hearing. All remaining permits due. *(Note: Meeting date subject to change)*

Late September Funded applicants execute project agreement.

October 01, 2012 Project funds become available, project initiates, timeline begins.

ATTACHMENT B
BOARD OF COMMISSIONERS – FIND

<p style="text-align: center;">NASSAU COUNTY</p> <p>Mr. Norman Bray 63 Sea Marsh Road Amelia Island, FL 32034 Ph# (904) 261-4060 njbray@comcast.net</p>	<p style="text-align: center;">DUVAL COUNTY</p> <p>Mr. Aaron Bowman c/o BAE Systems Southeast Shipyards 8500 Heckscher Driver Jacksonville, FL 32226-2435 Ph# (904) 251-1678 aaron.bowman2@baesystems.com</p>
<p style="text-align: center;">ST. JOHNS COUNTY</p> <p>Mr. Carl Blow 100 Santa Monica Avenue St. Augustine, FL 32080-5417 Ph# (904) 710-2655 john.carl.blow@gmail.com</p>	<p style="text-align: center;">FLAGLER COUNTY</p> <p>Mr. Jon Netts 17 Flintstone Court Palm Coast, FL 32137 Ph# (386) 445-2121 jnetts@ci.palm-coast.fl.us</p>
<p style="text-align: center;">VOLUSIA COUNTY</p> <p>Mrs. Nancy Freeman P.O. Box 567 Edgewater, FL 32132-0567 Ph # (386) 334-4384 cudas67@aol.com</p>	<p style="text-align: center;">BREVARD COUNTY</p> <p>Mr. Jerry H. Sansom P.O. Box 98 Cocoa, FL 32923 Ph# (321) 777-8130 jerryhsansom@aol.com</p>
<p style="text-align: center;">INDIAN RIVER COUNTY</p> <p>Mr. Bruce Barkett 756 Beachland Blvd. Vero Beach, FL 32963 Ph# (772) 231-4343 bbarkett@verolaw.com</p>	<p style="text-align: center;">ST. LUCIE COUNTY</p> <p>Ms. Gail Kavanagh 6560 S. Federal Highway Port St. Lucie, FL 34952-9031 Ph# (772) 370-5494 gailfind@gmail.com</p>
<p style="text-align: center;">MARTIN COUNTY</p> <p>Mr. Donald J. Cuozzo Cuozzo Design Group 819 SW Federal Highway, Suite 106 Stuart, FL 34994 Ph # (772) 485-1600 dcuozzo@cdgplan.com</p>	<p style="text-align: center;">PALM BEACH COUNTY</p> <p>Mr. Donn Colee 4168 Hyacinth Circle South Palm Beach Gardens, FL 33410 Ph# (561) 379-5600 donncolee@gmail.com</p>
<p style="text-align: center;">BROWARD COUNTY</p> <p>Mr. Tyler Chappell The Chappell Group – Vice President 714 East McNab Road Pompano Beach, FL 33060 Ph # (954) 782-1908 ext. 300 tyler@thechappellgroup.com</p>	<p style="text-align: center;">MIAMI-DADE COUNTY</p> <p>Mr. Spencer Crowley, III C/o Akerman Senterfitt One Southeast Third Ave. 25th Floor Miami, FL 33131-1714 Ph# (305) 982-5549 spencer.crowley@akerman.com</p>

ATTACHMENT C
2012 ASSISTANCE PROGRAM PROJECT PRIORITY LIST

<u>PRIORITY</u>	PROJECT CATEGORY	MAX POINTS AVAILABLE (Question #1)	Highest Potential Score
1.	Public navigation channel dredging.	8	50
2.	Public navigation aids & markers.	8	50
3.	Inlet management projects that are a benefit to public navigation in the District.	7	49
4.	Public shoreline stabilization directly benefiting the District's waterway channels.	7	49
5.	Acquisition and development of publicly owned spoil disposal sites & public commercial/industrial waterway access	6	48
6.	Waterway signs & buoys for safety, regulation or information.	6	48
7.	Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;	5	47
8.	Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;	5	47
9.	Derelict vessel removal	4	46
10.	Waterway related environmental education programs & facilities	4	46
11.	Public fishing & viewing piers	3	45
12.	Public waterfront parks and boardwalks and associated improvements	3	45
13.	Maritime Management Planning	3	45
14.	Waterway boating safety programs & equipment	2	44
15.	Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project	2	44
16.	Environmental restoration, enhancement or mitigation projects	2	44
17.	Other waterway related projects.	1	43

NOTE: Projects qualifying for Emergency Re-Construction status may have an additional 3 points available to the potential score.

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CHAPTER 66B-2 — WATERWAYS ASSISTANCE PROGRAM (2012)

66B-2.001	Purpose.
66B-2.002	Forms.
66B-2.003	Definitions.
66B-2.004	Policy.
66B-2.005	Funds Allocation.
66B-2.006	Application Process.
66B-2.0061	Disaster Relief Applications.
66B-2.007	Application Form. (Repealed)
66B-2.008	Project Eligibility.
66B-2.009	Project Administration.
66B-2.010	Project Agreement. (Repealed)
66B-2.011	Reimbursement.
66B-2.012	Accountability.
66B-2.013	Acknowledgement.
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects.
66B-2.015	Small-Scale Derelict Vessel Removal Projects.
66B-2.016	Waterways Cleanup Events.

66B-2.001 - Purpose.

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.001.

66B-2.002 - Forms.

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.002.

66B-2.003 - Definitions.

The basic terms utilized in this rule are defined as follows:

(1) "APPLICANT" means an eligible governmental agency submitting an application through this program.

(2) "APPLICATION" means a project proposal with the required documentation.

(3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.

(4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the

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nourishment, renourishment or restoration of a beach.

(5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.

(6) "DISTRICT" means the Florida Inland Navigation District (FIND).

(7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat

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mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(28) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(29) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(30) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08.

66B-2.004 - Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, maritime management plans, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, inlet channel maintenance, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds

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to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the

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project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, _ _ -12

66B-2.005 - Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (a thru f) Waterways Assistance Program Application Evaluation and Rating Worksheet (effective date 4-24-06); and 93-25 and 93-25 (a, b and c) Waterways Assistance Program Navigation Districts Application Evaluation and Rating Worksheet (effective date 4-24-06), hereby incorporated by reference and available from the District office.

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(7), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(8) and Rule 66B-2.008, F.A.C., and small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be

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approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more public accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public

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navigation channels.

All other public navigation projects or project elements must have a minimum of one facility open to the public and will only qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, __ - __-12.

66B-2.006 - Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and 93-22a, Project Information – Navigation Related Districts (effective date 4-24-06) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program from navigation related districts shall be made on FIND Form Number 93-22 (effective date 4-24-06), hereby incorporated by reference and available from the District office, and shall include a detailed cost estimate submitted on FIND Form No. 90-25. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development

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project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application Evaluation and Rating Worksheets No. 91-25 (a thru f) for Waterways Assistance Program applications, and 93-25 (a, b and c) Waterways Assistance Program Navigation Related Districts applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06).

(10) Funding Determination: The Board will hold a funding allocation meeting at which time

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the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08.

66B-2.0061 - Disaster Relief Applications.

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.

66B-2.008 — Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation

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structures, navigation dredging, or a navigation project; and

16. Environmental restoration, enhancement or mitigation projects and

17. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Project maintenance and maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels;
10. Operational items such as fuel, oil, etc.

11. Office space that is not incidental and necessary to the operation of the main eligible public building; and

12. Conceptual project planning, including: cost-benefit analysis, public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project;
- d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting vessels are eligible for a maximum of \$60,000 in initial District funding.

Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that

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owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) The District shall participate in one plan per County. Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp & ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.

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4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.
8. Economic conditions affecting the boating community and boating facilities.
9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

3) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to assign the mitigation credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, ___-___-12.

66B-2.009 — Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted

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to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report", dated 7-30-02, hereby incorporated by reference and available at the District office.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02.

66B-2.011 - Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the

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project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

- (a) The percentage total of project funding that the Board has agreed to fund, or
- (b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02. __-__-11

66B-2.012 - Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program

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funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.012, Amended 7-30-02

66B-2.013 - Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.

66B-2.014 - Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses

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such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 7-30-02, Amended 4-24-06.

66B-2.015 - Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$20,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 4-24-06, Amended 4-15-07, 3-25-08.

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66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

- (1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.
- (2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of items (8) through (10), below.
- (3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.
- (4) Funding: District funding shall be limited to \$5,000.00 per waterway, per county, except for the provisions of items (8) through (10), below.
- (5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.
- (6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.
- (7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

- (8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.
- (9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.
- (10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New — -11

FY 2012

WATERWAYS ASSISTANCE

PROGRAM

APPLICATION PACKAGE

THE FOLLOWING FORMS, IN ADDITION TO THE
REQUIREMENTS OF ITEMS 10 THROUGH 14 OF THE
APPLICATION CHECKLIST, CONSTITUTE YOUR FORMAL
APPLICATION.

SUBMIT THE APPLICATION INFORMATION IN THE ORDER
LISTED ON THE CHECKLIST.

**ONE ORIGINAL AND ONE ELECTRONIC COPY OF YOUR
APPLICATION IS REQUIRED.**

ATTACHMENT E - APPLICANT TIPS SHEET

(Mistakes Common to the application process and how to avoid them)

Scheduling – The new application is available by the 2nd week of January each year, and District funding is available AFTER October 1st of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 2nd of April; Property Control – 1st of June, Permits – 3rd week of September. *(Staff suggestion: Beging to secure property control and permits PRIOR to applying for funding.)*

Property Control Verification – Please have your attorney complete and sign the form in the application verifying applicant property control. Support documentation is not necessary. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. *(Staff suggestion: Resolve this requirement outside the application "window".)*

Project Costs Eligibility – Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item's eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant's match. Make sure you have delineated your required minimum cost-share on the project cost estimate. *(Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline. Do not include applicant project management in your cost estimate).*

Cost-Share – Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. You may desire to have the District pay for some items and the applicant pay for others, or various percentages of each, etc. This may allow for a stronger application and easier accounting. *(Staff suggestion: Concentrate the District's cost-share funding into those items most related to the waterway.)*

Pre-Agreement Expenses - Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1st to be considered as pre-agreement expenses. The Board's past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible, or limit them to a small percentage of the project. Note, that pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only ½ of the original District funding. *(Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1st. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1st is eligible as project expenses (i.e. \$50,000). Then only ½ of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).*

Submitted Materials & June Presentation – Each year ambitious applicants submit a myriad of information with their application. The Board must review and evaluate every application and each year we receive about 70 applications for consideration. The final product for the Commissioner's review is two 8-1/2" x 11" spiral-bound notebooks containing the essential information for the application. If the submitted material will not fit in these bound notebooks, it is discarded. NOTE; also make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation. *(Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation! Don't create unnecessary work for yourself!)*

ELECTRONIC SUBMISSIONS - Submit your electronic file in Word or PDF format on a CD, DVD or flash drive only (no internet submissions). Make sure to label your disc with the applicant and project title (handwritten is fine). Where feasible, you may combine multiple files from the same grant into one larger file on the disc (i.e. scan the entire document as a PDF etc.). Note however, each grant application must be a separate electronic file, but you may combine multiple grants from the same applicant on to one disc or drive.

ATTACHMENT E-2.
APPLICATION CHECKLIST 2012
 (To be completed by the Applicant)

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

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

Two (2) copies of your application are required. One original and one electronic copy.

All information (except maps) is required to be on 8 1/2" x 11" paper.

Maps and drawings may be on 8 1/2" x 14" paper and folded to 8 1/2" x 11" so that they may be included to hole punch and bound by staff.

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

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

- | | | | |
|---|-------|-------|--|
| 9. Project Timeline – E-8 (Form No. 96-10, 1 page) | _____ | _____ | |
| 10. County Location Map | _____ | _____ | |
| 11. City Location Map (if applicable) | _____ | _____ | |
| 12. Project Boundary Map | _____ | _____ | |
| 13. Clear & Detailed Site Development Map | _____ | _____ | |
| 14. Copies of all Required Permits
(Required of development projects only) | _____ | _____ | |

The undersigned, as applicant, acknowledges that Items 1 through 13 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, April 02, 2012. By June 01, 2012 my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 14 is due to the District no later than the final TRIM Hearing in September 2012. If the information in Item 14 is not submitted to the District office by the District's final TRIM hearing in September 2012, I am aware that my application will be removed from any further funding consideration by the District.

APPLICANT: _____ APP. TITLE: _____

**** SIGNATURE - APPLICANT'S LIAISON ****

 DATE

FIND OFFICE USE ONLY

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

ATTACHMENT E-3 - PROJECT INFORMATION 2012

APPLICANT: _____ APPLICATION TITLE: _____

Total Project Cost: \$ _____ FIND Funding Requested: \$ _____ % of total cost: _____

Amount and Source of Applicants Matching Funds: _____

Other (non-FIND) Assistance applied for (name of program and amount) _____

Ownership of Project Site (check one): Own: _____ Leased: _____ Other: _____

If leased or other, please describe lease or terms and conditions: _____

Once completed, will this project be insured against damage? _____ Explain: _____

Has the District previously provided assistance funding to this project or site? : _____

If yes, please list: _____

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

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

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

Please list all Environmental Resource Permits required for this project:

<u>Agency</u>	<u>Yes/ No N/A</u>	<u>Date Applied For</u>	<u>Date Received</u>
WMD	_____	_____	_____
DEP	_____	_____	_____
ACOE	_____	_____	_____
COUNTY/CITY	_____	_____	_____

ATTACHMENT E-4

WATERWAYS ASSISTANCE PROGRAM

APPLICATION EVALUATION AND RATING WORKSHEET 2012

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

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

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

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

APPLICATION TITLE: _____

APPLICANT: _____

CATEGORY & RATING POINTS AVAILABLE	RATING POINTS	EVALUATION CRITERIA
_____	_____	_____

1) PRIORITY LIST:

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

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

(For reviewer only)

Max. Available Score _____

Range of Score (0 to ____ points)

2) WATERWAY RELATIONSHIP:

- a) Explain how the project directly relates to the ICW and the mission of the Navigation District.
- b) How does the project benefit public navigation or access to the ICW or adjoining waterways?

(For reviewer only)
(0-6 points)

3) PUBLIC USAGE & BENEFITS:

- a) How is the public usage of this project clearly identified and quantified?
- b) Discuss the regional and local public benefits and access that will be provided by the project.
- c) Estimate the amount of total public use.
- d) Can residents from other counties of the District reasonably use the project? Explain.

(For reviewer only)
(0-8 points)

4) TIMELINESS

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

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

(For reviewer only)
(0-3 points)

5) COSTS & EFFICIENCY:

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

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

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

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

(For reviewer only)
(0-6 points)

6) PROJECT VIABILITY:

- a) **Does the project fill a specific need in the community or is it consistent with an existing maritime management plan?**

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

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

(For reviewer only)
(0-7 points)

SUB-TOTAL _____

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

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

**CATEGORY
& RATING
POINTS
AVAILABLE**

**RATING
POINTS**

EVALUATION CRITERIA

7) PERMITTING:

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

- b) If the project is a Phase I project, list the tasks scheduled to obtain the necessary permits and engineering work. Please provide a general cost estimate for the future Phase II work.

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

(For reviewer only)
(0-4 points)

8) PROJECT DESIGN:

- a) **Has the design work been completed? If this is a Phase I project, has a preliminary design been developed?**
- b) **Are there unique beneficial aspects to the proposed design that enhance public usage or access, decrease environmental impacts, improve water quality or reduce costs?**

(For reviewer only)
(0-2 points)

9) CONSTRUCTION TECHNIQUES:

- a) **Briefly explain the construction techniques to be utilized for this project.**
- b) **How are the construction techniques utilized appropriate for the project site?**
- c) **Identify any unusual construction techniques that may increase or decrease the costs of the project.**

(For reviewer only)
(0-3 points)

10) CONSTRUCTION MATERIALS:

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

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

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

(For reviewer only)
(0-3 points)

RATING POINT
TOTAL _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 16 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25A
(Effective Date: 3-21-01, revised 4-24-06)

ATTACHMENT E-4B

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION EVALUATION AND RATING WORKSHEET**

ENVIRONMENTAL EDUCATION PROJECTS

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN
ENVIRONMENTAL EDUCATION PROJECT

**CATEGORY
& RATING
POINTS
AVAILABLE**

**RATING
POINTS**

EVALUATION CRITERIA

7) THOROUGHNESS:

- a) Who is the primary target audience or user group for the project and how were they identified?

- b) How have the needs of the target audience been evaluated and met?

- c) How many people will the program serve on an annual basis? What will be the measurable results?

(For reviewer only)
(0-5 points)

8) DELIVERABLES:

- a) Describe the materials and project deliverables to be produced by this project.

- b) Is there a clear and effective plan of dissemination of the materials produced through the project?

(For reviewer only)
(0-2 points)

9) EXPERIENCE & QUALIFICATIONS:

- a) Please briefly describe the qualifications of the program administrator(s), including prior experience, and areas of expertise.

- b) How is the program manager sufficiently capable and qualified to conduct the proposed project successfully?

- c) What previous projects of this nature have been completed by the program manager?

(For reviewer only)
(0-3 points)

10) PROJECT GOALS:

a) What are the long-term goals of this project as it relates to the ICW?

(For reviewer only)
(0-2 points)

RATING POINT
TOTAL _____

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

Form No. 91-25B
(Effective Date: 3-21-01, Revised 4-24-06)

ATTACHMENT E-4C
WATERWAYS ASSISTANCE PROGRAM
APPLICATION EVALUATION AND RATING WORKSHEET
LAW ENFORCEMENT & BOATING SAFETY PROJECTS

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A LAW
ENFORCEMENT OR BOATING SAFETY PROJECT

CATEGORY & RATING POINTS AVAILABLE	RATING POINTS	EVALUATION CRITERIA
---	--------------------------	----------------------------

7) VIABILITY:

a) Describe how project will address particular public health, safety, or welfare issues of the Navigation District's Waterways.

b) Does the project provide significant benefits or enhancements to the District's Waterways?

(For reviewer only)
(0-3 points)

8) EXPERIENCE & QUALIFICATIONS:

- a) List the personnel tasked with the implementation of this project, their qualifications, previous training and experience.

- b) Have the personnel participated in or received state marine law enforcement training?

(For reviewer only)
(0-4 points)

9) DELIVERABLES:

- a) Describe the anticipated, long-term measurable results of implementing this project?

- b) How will the project continue to be funded?

- c) Does the project demonstrate a long-term, measurable result that fulfills a particular community need?

For reviewer only)
(0-2 points)

10) EDUCATION:

- a) What are the educational benefits (if any) of this proposed project?
- b) How does the project or program provide effective public boating education?

(For reviewer only)
(0-3 points)

**RATING POINT
TOTAL** _____

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

ATTACHMENT E-4D
WATERWAYS ASSISTANCE PROGRAM
APPLICATION EVALUATION AND RATING WORKSHEET
INLET MANAGEMENT and PUBLIC NAVIGATION PROJECTS

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN INLET
MANAGEMENT or PUBLIC NAVIGATION PROJECT

**CATEGORY
& RATING
POINTS
AVAILABLE**

**RATING
POINTS**

EVALUATION CRITERIA

7) WATERWAY RELATIONSHIP:

- a) How does the project directly benefit the Atlantic Intracoastal Waterway (AICW)?

- b) Briefly discuss any methods or activities that will address long-term sedimentation problems.

- c) Will the project inhibit sediment inflow into, or reduce the dredging frequency of the AICW?

(For reviewer only)
(0-5 points)

8) PUBLIC ACCESS:

- a) Will the project enhance public access to the waterways? Describe in brief detail.

(For reviewer only)
(0-3 points)

9) BENEFICIAL PROJECT ELEMENTS:

- a) Are there additional economic benefits to be realized by implementing this project?
- b) Briefly spell out any water quality, environmental or habitat benefits to be realized by this project.

(For reviewer only)
(0-2 points)

10) PROJECT FUNDING:

- a) **List the additional funding sources for this project. What is the status of these funding sources?**
- b) **Explain the funding mechanism for the long-term maintenance of the project.**

(For reviewer only)
(0-2 points)

RATING POINT
TOTAL _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 16 points. A score of 35 points or more is required to be considered for funding.)

ATTACHMENT E-4E
WATERWAYS ASSISTANCE PROGRAM
APPLICATION EVALUATION AND RATING WORKSHEET
BEACH RENOURISHMENT PROJECTS

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A BEACH
RENOURISHMENT PROJECT

**CATEGORY
& RATING
POINTS
AVAILABLE**

**RATING
POINTS**

EVALUATION CRITERIA

7) WATERWAY RELATIONSHIP:

- a) Describe how the District and other navigation interests will benefit from the implementation of this project.

(For reviewer only)
(0-4 points)

8) VIABILITY:

- a) Is the project site defined as critically eroded by a statewide beach management plan?
- b) Cite the quantifiable rate of erosion in this area.
- c) Is the project an important component of an overall beach management effort?

(For reviewer only)
(0-4 points)

9) PUBLIC BENEFITS:

- a) Are there quantifiable public benefits demonstrated by the project?
- b) Is there adequate public access to the project area?

(For reviewer only)
(0-2 points)

10) PROJECT FUNDING:

- a) Describe any assistance funding from other sources.

- b) Clarify the availability of long-term funding for this project.

(For reviewer only)
(0-2 points)

RATING POINT
TOTAL _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 16 points. A score of 35 points or more is required to be considered for funding.)

ATTACHMENT E-4F
EMERGENCY RE-CONSTRUCTION
WATERWAYS ASSISTANCE PROGRAM
APPLICATION EVALUATION AND RATING WORKSHEET

RECONSTRUCTION AND RESTORATION OF A WATERWAY PROJECT

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A WATERWAY PROJECT THAT WAS DAMAGED BY A NATURAL DISASTER AS DECLARED BY A STATE OF EMERGENCY UNDER CHAPTER 252, FLORIDA STATUTES. DO NOT UTILIZE THIS FORM UNLESS YOUR PROJECT MEETS THIS SPECIFIC CRITERION.

CATEGORY & RATING POINTS AVAILABLE	RATING POINTS	EVALUATION CRITERIA
---	------------------	---------------------

11 (Extra) STORM DAMAGE EVALUATION:

- a) Is this project a previously funded FIND grant project?

- b) Detail the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair.

(For reviewer only)
(0-3 points)

ATTACHMENT E-5

FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM 2012

PROJECT COST ESTIMATE

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

PROJECT TITLE: _____

APPLICANT: _____

Project Elements <i>(Please list the MAJOR project elements and provide a general cost break out for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity Estimated Cost (Number and/or Footage)	Applicant's Cost	FIND Cost

**** TOTALS =** \$ _____ \$ _____ \$ _____

**ATTACHMENT E-6
RESOLUTION FOR ASSISTANCE 2012
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE _____ is interested in carrying out the
(Name of Agency)
following described project for the enjoyment of the citizenry of _____
and the State of Florida:

Project Title _____

Total Estimated Cost \$ _____

Brief Description of Project:

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

NOW THEREFORE, be it resolved by the _____
(Name of Agency)
that the project described above be authorized,

AND, be it further resolved that said _____
(Name of Agency)
make application to the Florida Inland Navigation District in the amount of _____% of the
actual cost of the project in behalf of said _____
(Name of Agency)

AND, be it further resolved by the _____
(Name of Agency)
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said _____

_____ for public use.
(Name of Agency)

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

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

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

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the _____ at a legal meeting held on this _____ day of _____ 20_____.

Attest

Signature

Title

Title

ATTACHMENT E-7

ATTORNEYS CERTIFICATION OF TITLE 2012
(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE (City or County) ATTORNEY
(Address)

_____, 20_____

TO WHOM IT MAY CONCERN:

I, _____, am the Attorney for the (City or County), Florida. I hereby state that I have examined a copy of a (deed, lease, management agreement, etc.) from _____ to the (City or County) dated _____ conveying _____ (type of interest, ie. Fee simple, easement, 25 year lease, etc.) in the following described property:

(Brief Legal Description of Property)

I have also examined a document showing that this property is listed on the tax rolls as belonging to the (City or County). Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "(Name of Property as Referenced in the WAP application)".

I certify that the (City or County) does in fact _____ (own, lease, etc.) this property for _____ years.

Very truly yours,

(Name)
(City or County) Attorney

ATTACHMENT E-8

WATERWAYS ASSISTANCE PROGRAM 2012

PROJECT TIMELINE

Project Title: _____

Applicant: _____

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

NOTE: All funded activities must begin AFTER October 1st
(or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses)



December 2011

Executive Summary Report

UPDATE OF THE ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

Prepared by



Gulf Engineers & Consultants
Baton Rouge, Louisiana

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

The purpose of this analysis is to estimate the economic benefits of marine-related activities on the Florida Inland Navigation District's (the District) Waterways on the District, the State, and each of the 12 counties within the District's boundaries. The economic benefits of the Waterways were previously estimated in a series of documents titled *Economic Analysis of the District's Waterways*. Each document in the series detailed the estimated economic benefits generated by the Waterways in one of the 12 counties within the District's boundaries. This analysis updates the county level economic benefits of the Waterways to current values using industry accepted methods and uses the updated county level data to estimate the benefits at the District level and the State level. For the purpose of this report, the District's waterways include the Intracoastal Waterway and all waterways that are physically connected to them. The expected impacts to the District, the State, and each of the District's 12 counties under four scenarios were evaluated: (1) current conditions (which takes the recent recession into account); (2) assuming a cessation of maintenance (resulting in vessel draft restrictions of three feet MLW); (3) assuming a higher state of maintenance (which would result in the full implementation of the District's Dredge Material Management Plan and vessel draft restrictions of 10 to 12 feet MLW); and (4) assuming the 2007-2009 U.S. economic recession did not occur.

ECONOMIC BENEFIT OF THE WATERWAYS

The economic benefits presented in this report for marine-related businesses, excluding firms involved in commercial fishing in Miami-Dade County, and boater related purchases at non-marine-related firms were updated using primary data as presented in the series of original analyses. The economic benefits of commercial fishing in Miami-Dade County were based on the analysis presented in the *Biscayne Bay Economic Study*, conducted for the South Florida Water Management District in 2005 and updated using data presented in that report.

The data presented in the series of reports outlining the direct benefit of marine-related businesses in each county were updated to current values using the estimated increase in gross sales reported to the Florida Department of Revenue (FDOR) for businesses classified as *Motorboats, Yachts, Marine Parts, Accessories, and Boat Dealers*. Port operations are influenced less by local marine-related sales and more by macro-economic factors within the

region served by the port. For this reason, the direct impact of port operations was updated to current values based on the change in all gross sales for the State of Florida. These updated direct benefits were input into the IMPLAN input/output model to estimate total economic benefits.

A randomly generated sample of 6,000 boat owners residing in the 12 counties within the District and the 13 counties that border the District were sent a survey in order to estimate Waterways use and spending patterns that were needed to update the benefit of the purchase of non-marine-related items by boaters using the Waterways. The survey findings were used in conjunction with the IMPLAN input/output model to estimate the total economic benefits of non-marine-related boater purchases.

The benefits of commercial fishing in Miami-Dade County, which were previously estimated for the *Biscayne Bay Economic Study*, were updated using the same methodology used to estimate port operations in the other counties.

Current Economic Benefits

Current economic benefits for the State, the District, and each of the 12 counties within the District are presented in Table ES-1. Current total economic benefits to the State resulting from all waterway activities are estimated at \$11.862 billion in business volume, \$3.023 billion in personal income, 66,843 jobs, and \$540.3 million in tax revenues. District level benefits are estimated at \$11.20 billion in business volume, \$2.848 billion in personal income, 62,625 jobs, and \$507.4 million in tax revenues. The State-wide benefits include \$661.4 million in business volume, \$175.3 million in personal income, 4,218 jobs, and \$32.9 million in tax revenues in excess of the District-wide benefits, and the District-wide benefits include \$835.1 million in business volume, \$472.8 million in personal income, 9,081 jobs, and \$36.6 million in tax revenues in excess of the summation of the benefits of the 12 counties within the District. This is due to the fact that Input-Output multipliers are typically larger when more economic activity is incorporated into the local transactions matrix. The more that imports are internalized, the larger the calculated multipliers become. In other words, larger study areas, or larger economies, such as multiple county areas or a state, would be expected to generate a greater percent of the goods purchased within its borders (a smaller portion of their purchases would be imported), thereby

generating greater total benefits than a single county study area. Therefore, when the direct business benefits generated in all 12 counties are applied to the State-level or District-level models, the benefits would be expected to be greater than the sum of benefits from the 12 counties. In addition, the State-wide benefits include non-marine-related purchases by boaters using the Waterways that reside outside of the District.

Table ES-1. Summary of Total Economic Benefits of the Waterways in the State

Geographic Area	Business Sales	Personal Income	Employment (Jobs)	Tax Revenues (Millions of Dollars)
	(Millions of Dollars)			
State	\$11,861.85	\$3,023.21	66,843	\$540.35
District	\$11,200.42	\$2,847.93	62,625	\$507.40
Twelve County Total	\$10,365.33	\$2,375.15	53,543	\$470.81
Nassau County	\$47.57	\$10.79	335	\$2.47
Duval County	\$1,285.13	\$300.17	6,169	\$46.11
St. Johns County	\$180.87	\$41.33	1,090	\$7.74
Flagler County	\$215.87	\$47.78	1,226	\$6.14
Volusia County	\$235.43	\$53.36	1,466	\$11.16
Brevard County	\$580.23	\$122.26	3,652	\$21.52
Indian River County	\$44.11	\$10.12	242	\$2.78
St. Lucie County	\$186.03	\$45.60	1,184	\$8.27
Martin County	\$639.87	\$156.47	3,750	\$28.02
Palm Beach County	\$1,259.88	\$297.50	5,879	\$53.32
Broward County	\$4,481.42	\$995.48	21,455	\$229.24
Miami-Dade County	\$1,208.94	\$294.31	7,094	\$54.03

Economic Benefit Assuming a Cessation of Maintenance

If the Waterways were not maintained, and as a result vessel drafts were restricted to three feet MLW, the total economic benefits to the State would be \$6.507 billion in business volume, \$1.624 billion in personal income, 34,892 jobs, and \$293.3 million in tax revenues. The benefits generated at the District level would be \$6.066 billion in business volume, \$1.509 billion in personal income, 32,134 jobs, and \$270.5 million in tax revenues under this maintenance scenario.

Economic Benefit Assuming a Higher State of Maintenance

If vessel draft restrictions on the waterway were increased to 10 to 12 feet MLW, through the implementation of the District's Dredge Material Management Plan, the total benefit to the State would be expected to be \$13.157 billion in business volume, \$3.369 billion in personal income, 74,679 jobs, and \$601.3 million in tax revenues. The benefits generated in the District under this maintenance scenario are estimated at \$12.453 billion in business volume, \$3.181 billion in personal income, 70,151 jobs, and \$566.6 million in tax revenues.

The Impact of 2007-2009 Recession

It is estimated that if the 2007-2009 U.S. economic recession had not occurred, direct economic impacts of the Waterways (total sales by marine-related businesses) would have generated total economic benefits to the State of \$20.569 billion in business volume, \$5.264 billion in personal income, 117,320 jobs, and \$931.4 million in tax revenues. District-wide benefits would have been \$19.478 billion in business volume, \$4.973 billion in personal income, 110,333 jobs, and \$877.5 million in tax revenues.

As presented in Table ES-2, the recession resulted in a decrease of \$8.707 billion in business volume, \$2.241 billion in personal income, 50,478 jobs, and \$391.1 million in tax revenues at the State level, and \$8.278 billion in business volume, \$2.125 billion in personal income, 47,708 jobs, and \$370.1 million in tax revenues at the District level.

Due to anomalies in FDOR reported gross sales data, the impact of the 2007-2009 U.S. economic recession on three of the counties, St. Johns, Flagler, and Indian River, could not be quantified.

**Table ES-2. Summary of the Estimated Decrease in 2010 Economic Benefits
Resulting from the 2007-2009 Recession**

Geographic Area	Business Sales	Personal Income	Employment (Jobs)	Tax Revenues (Millions of Dollars)
	(Millions of Dollars)			
State	\$8,707.48	\$2,241.35	50,478	\$391.06
District	\$8,278.12	\$2,125.14	47,708	\$370.10
Twelve County Total	\$7,574.95	\$1,709.06	40,601	\$244.25
Nassau County	\$24.55	\$5.52	200	\$1.27
Duval County	\$957.40	\$210.70	5,066	\$31.24
St. Johns County	N/A	N/A	N/A	N/A
Flagler County	N/A	N/A	N/A	N/A
Volusia County	\$115.36	\$26.22	720	\$5.59
Brevard County	\$935.50	\$197.01	5,936	\$31.67
Indian River County	N/A	N/A	N/A	N/A
St. Lucie County	\$284.39	\$69.75	1,814	\$10.97
Martin County	\$443.06	\$108.32	2,601	\$18.82
Palm Beach County	\$779.96	\$182.02	3,789	\$31.67
Broward County	\$3,061.18	\$668.47	14,669	\$70.40
Miami-Dade County	\$973.55	\$241.05	5,805	\$42.63

ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

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Purpose

To estimate the economic benefits of marine-related activities on the Florida Inland Navigation District's (the District) Waterways on the economies of the District, the State, and each of the 12 counties within the District's boundaries.

Four Scenarios Evaluated

1. Current Existing Conditions
2. Cessation of Waterways Maintenance
3. Increase in Waterways Maintenance
4. Estimated Impact of the 2007-2009 U.S. economic recession

Summary

The District's Waterways generate a significant annual economic benefit to the economies of each county, the District, and the State. The Waterways currently generate an estimated annual state-wide benefit of \$11.86 billion in

business volume, \$3.02 billion in personal income, 66,843 jobs, and \$540.4 million in tax revenue. The significance of the Waterways is further illustrated by the estimated impact of the 2007-2009 U.S. economic recession, which results in a annual state-wide decrease of \$8.7 billion in business volume, \$2.24 billion in personal income, 50,478 jobs, and \$391.1 million in tax revenues.



Summary of Current Existing Annual Economic Benefits of the Waterways

Geographic Area	Business Sales	Personal Income	Employment (Jobs)	Tax Revenues
State	\$11,861,848,763	\$3,023,212,471	66,631	\$540,348,552
District	\$11,200,417,243	\$2,847,932,856	62,418	\$507,403,643
Twelve County Total	\$10,365,332,297	\$2,375,153,544	53,345	\$470,806,664
Nassau County	\$47,569,476	\$10,786,032	335	\$2,472,264
Duval County	\$1,285,125,492	\$300,165,262	6,169	\$46,111,078
St. Johns County	\$180,872,613	\$41,328,573	1,090	\$7,735,793
Flagler County	\$215,865,678	\$47,783,951	1,226	\$6,142,065
Volusia County	\$235,425,591	\$53,356,328	1,466	\$11,156,990
Brevard County	\$580,225,997	\$122,259,149	3,652	\$21,523,560
Indian River County	\$44,106,574	\$10,119,472	242	\$2,783,884
St. Lucie County	\$186,028,084	\$45,602,021	1,184	\$8,274,002
Martin County	\$639,865,260	\$156,472,752	3,750	\$28,019,175
Palm Beach County	\$1,259,883,476	\$297,496,284	5,879	\$53,319,047
Broward County	\$4,481,421,422	\$995,475,846	21,455	\$229,237,447
Miami-Dade County	\$1,208,942,634	\$294,307,874	6,896	\$54,031,360

Economic Benefits as of April 2011

SUMMARY OF BENEFITS



ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

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Total Annual State-wide Benefits, By Scenario

Current Existing Conditions:

- \$11.86 billion in business volume
- \$3.02 billion in personal income
- 66,843 jobs
- \$540.4 million in tax revenues

Cessation of Maintenance Scenario:

- \$6.51 billion in business volume
- \$1.62 billion in personal income
- 34,892 jobs
- \$293.3 million in tax revenues

Higher State of Waterway Maintenance Scenario:

- \$13.16 billion in business volume
- \$3.37 billion in personal income
- 74,679 jobs
- \$601.3 million in tax revenues

Assuming the U.S. recession did not occur:

- \$20.57 billion in business volume
- \$5.27 billion in personal income
- 117,320 jobs
- \$931.4 billion in tax revenues

This Economic Analysis

In 2011, the Navigation District completed this analysis of the economic benefits of the coastal waterways on the economies of the District, the State, and the 12 counties within the District's boundaries. Sales and purchases by marine-related businesses and purchases by boaters of trip supplies such as gas and food were identified. These purchases were evaluated to determine how they multiply throughout the county's economy in terms of sales, wages, and jobs.

This analysis determined the current economic impact of the waterways, assuming the channel is maintained at a depth of 6.5 feet. The analysis also examined the impacts of abandoning maintenance dredging, at which point the channel depth would be limited to 3 feet, and the impact of increased dredging, at which point the channel would be 10 feet deep.

The Navigation District

The Florida Inland Navigation District was created in 1927 as the local sponsor for the Atlantic Intracoastal Waterway (AICW) project in Florida. The Navigation District, in cooperation with the Jacksonville District of the U.S. Army Corps of Engineers, is responsible for maintenance of the AICW from Nassau County in the north through Miami-Dade County in the south. Boating activities on these heavily utilized waterways contribute to the existence of a large number of marine-related businesses such as marinas and boatyards and have stimulated development of residential properties on the AICW and connecting channels.

The waterways need to be periodically maintained through dredging because they are subject to shoaling from currents, upland soil erosion, and the movement of offshore sands through the ocean inlets. Maintenance dredging of the AICW is projected to cost approximately \$12 to \$16 million annually during the next 50 years. At least 50 percent of this amount is expected to be provided by property owners in the coastal counties under the Navigation District's jurisdiction. The general public and Federal, State, and local officials need a clear understanding of why expenditures of this magnitude are a wise economic investment.

The Navigation District also partners with other governments to provide waterway access and improvement facilities for our mutual constituents. These projects include public boat ramps, marinas, side channels, parks, fishing piers, boardwalks, navigation aids, derelict vessel removal, shoreline stabilization, and waterway cleanups.

The Intracoastal Waterway

The Atlantic Intracoastal Waterway is a 1,391-mile channel between Trenton, New Jersey, and Miami, Florida. The Intracoastal Waterway along Florida's eastern seaboard is 406 miles long and follows coastal rivers and lagoons past numerous tourism-oriented communities. The channel is authorized to a depth of 12 feet from the Georgia-Florida border to Fort Pierce, and a 10 foot depth south through Miami-Dade County.