

**BOARD OF COMMISSIONERS  
MEETING AGENDA  
April 14, 2012**

# **PRELIMINARY AGENDA**

## **FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Board Meeting**

**9:00 a.m., Saturday, April 14, 2012**

**The Hilton Garden Inn  
55 Town Center Boulevard  
Palm Coast, Flagler County, Florida.**

### **Item 1.      Call to Order.**

Chairman Bray will call the meeting to order.

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### **Item 2.      Pledge of Allegiance.**

Commissioner Netts will lead the pledge of allegiance to the United States of America.

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### **Item 3.      Roll Call.**

Secretary Freeman will call the roll.

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### **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.

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### **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.

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**Item 6.        Board Meeting Minutes.**

The Minutes of the following meetings are presented for approval:

- March 16, 2012 Personnel Committee Mtg. (see back up pages 5 - 8)
- March 16, 2012 Finance and Budget Committee Mtg. (see back up pages 9 - 11)
- March 16, 2012 Board Meeting (see back up pages 12 - 33)
- March 16, 2012 Land Acq. & Mgmt. Committee Mtg. (see back up pages 34 - 43)

RECOMMEND        Approval of the minutes as presented.

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**Item 7.        Public Comments.**

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

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

A representative of the Corps will address the Board on waterway projects.

(see back up pages 68 - 71)

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**Item 9.        Staff Report on Flagler County Area Projects.**

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

(see back up pages 44 - 55)

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**Item 10.      Third Party Dredging Agreement in Association with the Dania Cutoff Canal Deepening Project, Broward County.**

The economic success of the Dania Cutoff Canal Deepening Project will occur when the marine facilities on the canal that are capable of working on the vessels needing the additional depth deepen their facilities and entrance channels. To date staff has been working with 4 of the 6 marine facility owners to “piggyback” their deepening work onto our dredging contract. It is anticipated that our contractor would perform this additional dredging at the end of our work.

We have modified our License agreement with Port Everglades to allow the 3<sup>rd</sup> party dredge materials to be managed at the Port DMMA. The next step in the process is to finalize a dredging agreement between the District and the marine facilities. This is required because we control the DMMA and the Port will not allow its use otherwise. The 3<sup>rd</sup> party dredging would then become a change order to our contract with the dredging contractor and the District Engineer would perform the construction administration of the work. The marine facilities will have to acquire their own permits and provide test results of their dredge materials showing that they do not have any constituents exceeding contamination standards.

Once a final agreement is negotiated with a marine facility it will come back to the Board for final approval.

(see back up pages 56 - 61)

RECOMMEND      Approval of the base 3<sup>rd</sup> party dredging agreement in association with the Dania Cutoff Canal Deepening Project.

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**Item 11.      Resolution Regarding Modifications to the Executive Director’s Delegation of Authority.**

At the last two Board meetings the Board has approved modifications to the Executive Director’s Delegation of Authority to (1) authorize the designation of fund balance categories for the financial statements, and (2) authorize travel and make decisions about the most economical method of travel in accordance with s.112.061, F.S. A resolution needs to be adopted formalizing these modifications to the Delegation of Authority.

(see back up pages 62 - 66)

RECOMMEND      Approval of Resolution No. 2012-02.

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**Item 12.      FY 2012-13 Assistance Program Applications.**

The FY 2012-13 Assistance Applications were received on April 2nd. The application listings for each program are in the back up materials. Staff is currently reviewing the applications for technical sufficiency in preparation for the June presentations.

(see back up pages 72 - 74)

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**Item 13.      Washington DC Status Report.**

The District's Washington DC legal counsel has submitted a status report on our issues before Congress and the Administration.

(see back up pages 66 - 67)

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**Item 14.      Personnel Committee Report.**

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

(see back up pages 101 - 135)

RECOMMEND      Approval of the recommendations from the Personnel Committee.

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**Item 15.      Finance and Budget Committee Report.**

The District's Finance and Budget Committee met prior to the Board meeting and will provide their recommendations concerning items on their agenda.

(see Finance and Budget Committee Agenda Package)

RECOMMEND      Approval of the recommendations of the District's Finance and Budget Committee.

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**Item 16.**      **Additional Staff Comments and Additional Agenda Items.**

**A.      Election of Officers.**

The annual election of officers will be held at the May meeting.  
Commissioners who are interested in serving as an officer next year  
should contact staff who will pass along your name to the Nomination  
Committee.

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**Item 17.**      **Additional Commissioners Comments.**

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**Item 18.**      **Adjournment.**

**MINUTES OF THE  
FLORIDA INLAND NAVIGATION DISTRICT**

**Personnel Committee Meeting**

**8:41 a.m., Friday, March 16, 2012**

**Pirates Cove Resort and Marina**

**4307 S.E. Bayview Street**

**Port Salerno, Martin County, Florida**

**ITEM 1.      Call to Order.**

Chair Netts called the meeting to order at 8:41 a.m.

**ITEM 2.      Roll Call.**

Assistant Executive Director Mark Crosley called the roll and Chair Netts, Commissioner Colee, and Commissioner Crowley were present. Mr. Crosley stated that there was a quorum. Commissioner Cuzzo arrived to the meeting at 8:46 a.m.

**ITEM 3.      Additions or Deletions.**

Chair Netts asked if there were any additions or deletions to the meeting agenda. Mr. Roach stated that there were none.

Commissioner Colee made a motion to approve the final agenda as presented. Commissioner Crowley seconded the motion. Chair Netts asked for any further discussion, hearing none, a vote was taken and the motion passed.

**ITEM 4.      Executive Director Notice of Retirement.**

Mr. Roach stated that he would like to announce that he will be retiring from the District on September 7, 2013. He stated that he is recommending Mr. Mark Crosley as

his replacement as the Executive Director for the District. He stated that the District should hire a replacement for Mr. Crosley.

Mr. Roach stated that if this is approved, we will discuss at the April meeting the position description and proposed salary for the new Assistant Director. He suggested that we advertise the position in May, screen the applications, and present 20 or 30 applications to the Board in June. He stated that in July the Board can review the applications to identify the top candidates to be interviewed at the September meeting. He suggested that the new Assistant Director should start working at the District in October. He stated that this schedule would give the new Assistant Director the opportunity to go through the entire grant experience.

Chair Netts recommended that, when the committee reviews the position description, we also discuss the applicant screening criteria. He asked for discussion.

Commissioner Crowley asked if staff has a position description already drafted. Mr. Roach stated that we have the current position description. He stated that the committee will look at the Executive Director and the Assistant Executive Director's position descriptions to see if either needs some tweaking. Commissioner Crowley asked if that would be done next month. Mr. Roach answered yes.

Commissioner Crowley asked how this job opportunity should be advertised. Mr. Roach stated that the opportunity should be advertised in the newspapers within the District, placed on the District's web site, and any other venue that Commissioners may suggest.

Commissioner Cuozzo stated that this is a well thought out transition plan and he commended staff for developing it.



Commissioner Colee asked about the legal procedures for filling vacancies within a state agency like the District. He asked if the District is required to post a vacancy for the Executive Director position or is a logical transition plan allowed. Attorney Breton stated that because we are a special taxing District and not part of the Executive Branch he does not feel that we have to advertise the position, but he would look into the law.

Chair Netts noted that we have asked Attorney Breton for an opinion on the promotion of Mr. Crosley. He stated that he recommends that the criteria for the Assistant position be a requirement that the candidates have three to seven years' experience in a similar position.

Commissioner Crowley made a motion to approve the Executive Director's Transition Timeline Plan as presented. Commissioner Colee seconded the motion. Chair Netts asked for any further discussion, hearing none, a vote was taken and the motion passed.

**ITEM 5. Executive Director Bonus Review.**

Mr. Roach stated that in September, the Committee and Board reviewed and approved bonuses up to 2% for District staff and that he respectfully requests consideration of a similar bonus.

Commissioner Crowley stated that he reviewed the Commissioner's evaluation comments and that they are all positive. He stated that Mr. Roach does a great job and we are lucky to have him at the District. He made a motion to approve a 2% salary bonus for the Executive Director, David Roach. Commissioner Colee seconded the motion. Chair Netts asked for discussion.

Commissioner Cuozzo stated that he agrees and noted that we took an important step this year in regards to staff's raises by creating a program to reward staff for their yearly performance above their actual job duties and not longevity with the District.

Commissioner Blow stated that he is not on this committee, but that he would like to note that we have had a very busy year and he supports this 2% bonus based on the workload and the results from that activity.

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

**ITEM 6. Additional Agenda Items or Staff Comments.**

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

Mr. Roach thanked the Committee and stated that it has been his pleasure to serve the District. He stated that he is hopeful for a good transition and noted that he has told Mr. Crosley that this is his audition, that he should not consider this a wrap, and that he has eighteen months to make sure he earns the job. Chair Netts stated absolutely.

**ITEM 7. Additional Commissioners Comments.**

Chair Netts asked if there were any additional Commissioner comments. There were none.

**ITEM 8. Adjournment.**

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

**MINUTES OF THE  
FLORIDA INLAND NAVIGATION DISTRICT**

**Finance and Budget Committee Meeting**

**8:57 a.m., Friday, March 16, 2012**

**Pirates Cove Resort and Marina**

**4307 S.E. Bayview Street**

**Port Salerno, Martin County, Florida**

**ITEM 1.      Call to Order.**

Chair Kavanagh called the meeting to order at 8:57 a.m.

**ITEM 2.      Roll Call.**

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

**ITEM 3.      Financial Statements for January of 2012.**

Chair Kavanagh presented the financial statements for January and asked for questions.

Commissioner Colee referred to a travel and per diem reimbursement in the amount of \$489.91 and noted that he thought it was for the month of January only. He asked staff to correct the expense statement.

Chair Kavanagh asked about the amount of funding in the District's checking account. Mr. Scambler stated that account was closed out in March and the funds were separated into checking and Money Market accounts.

Mr. Roach noted that BB&T offers the highest Money Market rates and Bank United currently has the highest CD rates.

Commissioner Colee made a motion to recommend to the full Board approval of the financial statements for January of 2012. 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 4.      January 2012 Expenditure Report.**

Chair Kavanagh presented the expenditure reports for January, asked for questions and there were none.

**ITEM 5.      Delegation of Authority Report.**

Chair Kavanagh referred to the Executive Director's Delegation of Authority actions and stated that three actions were taken from February 6, 2012 through March 1, 2012. She asked for questions. There were none.

**ITEM 6.      GASB 54 Implementation.**

Mr. Roach stated that the Government Accounting Standards Board (GASB) Statement No. 54 regarding Fund Balance Reporting and Governmental Fund Type Definitions was issued in February 2009 and is required to be implemented with our ongoing financial audit. He stated that this GASB statement requires the District to designate our fund balance in the defined categories of non-spendable, restricted, committed, assigned, or unassigned. He noted that previously the District just used two categories; reserved or unreserved. He stated that the purpose of this change is to provide uniform fund balance classifications for governmental units to follow in audited financial statements.

Mr. Roach stated that the District's fund balance designations will be made in accordance with the approved budget designations. He stated that our auditor has suggested that the Board could delegate the actual assignment of fund balance classifications to the Executive Director. He asked for questions.

Commissioner Netts stated that his city made these changes last year. He noted that it really does not change anything, it provides clarity and consistency in government reporting.

Commissioner Colee made a motion to recommend to the full Board approval for a modification to the Executive Director's Delegation of Authority to allow him to assign fund balance designations for the financial statements. 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 7. Additional Agenda Items or Staff Comments.**

Chair Kavanagh asked if there were any additional staff comments or agenda items. There were none.

**ITEM 8. Additional Commissioners Comments.**

Chair Kavanagh asked if there were any additional Commissioner comments. There were none.

**ITEM 9. Adjournment.**

Chair Kavanagh stated that hearing no further business the meeting was adjourned at 9:08 a.m.

**MINUTES OF THE  
FLORIDA INLAND NAVIGATION DISTRICT**

**Board of Commissioners Board Meeting**

**9:12 a.m., Friday, March 16, 2012**

**Pirates Cove Resort and Marina**

**4307 S.E. Bayview Street**

**Port Salerno, Martin County, Florida**

**ITEM 1.      Call to Order.**

Chair Bray called the meeting to order at 9:12 a.m.

**ITEM 2.      Pledge of Allegiance.**

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

**ITEM 3.      Roll Call.**

Mr. Mark Crosley called the roll and Chair Bray, Vice-Chair Colee, Treasurer Kavanagh, Commissioner Barkett, Commissioner Blow, Commissioner Chappell, Commissioner Cuzzo, Commissioner Crowley, Commissioner Netts, and Commissioner Sansom were present. Mr. Crosley stated that a quorum was present.

**ITEM 4.      Consent Agenda.**

Chair Bray asked if there were any comments or questions regarding the Consent Agenda. There were none.

Vice-Chair Colee made a motion to approve the Consent Agenda as presented. 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 5.**      **Additions or Deletions.**

Commissioner Blow stated that he would like to add to the agenda: Item 11A, St. Augustine Blessings of the Fleet Sponsorship Request.

Mr. Roach stated that he would like to add to the agenda; Item 17A, Additional Permitting Services for the Intracoastal Waterway Deepening Project in Palm Beach County.

Mr. Crosley distributed updated back up information for agenda Item 11, Brevard County Waterway Cleanup Requests.

Commissioner Barkett made a motion to approve the final agenda as amended. The motion was seconded by Commissioner Cuzzo. 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.

Commissioner Sansom referred to the Board meeting minutes and noted that the day should read Saturday.

Commissioner Netts made a motion to approve the February 18, 2012 Finance and Budget Committee, Board Meeting, and Land Acquisition & Management Committee minutes as presented. 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 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. Comments from the U.S. Army Corps of Engineers.**

The U. S. Army Corps of Engineers did not make a presentation.

**ITEM 9. Martin County Status Report.**

Mr. Roach stated that Phase I of the Dredged Material Management Plan for the 21 miles of Intracoastal Waterway in Martin County was completed in 1993. He stated that Phase II of the DMMP was also completed in 1993 and all major land acquisition was completed in 2001.

Mr. Roach stated that the 50 year dredging projection for the IWW is 1.4 million cubic yards and the storage projection is 2.7 million cubic yards. He stated that Maintenance Dredging in Reach II in the Crossroads area is 85% of the dredging volume and occurs every three years. He stated that this section should be dredged in 2012 and 2013.

Mr. Roach stated that the District is also the local sponsor for navigation of the 97 miles of Okeechobee Waterway in Martin County. He stated that Phase I of the Dredged Material Management Plan for the Okeechobee Waterway from the Crossroads to the St. Lucie Lock was completed in 1998 and from the St. Lucie Lock to the western Martin County line was completed in 2007. He stated that Phase II of the DMMP from the Crossroads to the St. Lucie Lock was completed in 2001 and the Phase II Plan from the Lock to the Western County Line was completed in 2009.



Mr. Roach stated that the 50 year dredging projection is 1.5 million cubic yards and the storage projection is three million cubic yards.

Mr. Roach stated that acquisition of four Dredged Material Management Areas to serve the section of the OWW from the Crossroads to the St. Lucie Lock was completed in 2006. He stated that acquisition of two sites to serve the section of the OWW from the St. Lucie Lock to the western Martin County line is ongoing; LT-4A is complete and LT-13 is undergoing Phase II analyses prior to acquisition.

Mr. Roach stated that to date, one of the seven upland Dredged Material Management Areas in the county has been fully constructed. He stated that Sites MSA 524B and MSA 504 were cleared in 2010. He stated that Site O-7 has been permitted for construction, final design is underway, with construction to initiate in 2012. He stated that the other sites are in various phases of pre-construction, environmental permitting, engineering, or design. He stated that M-5 will be partially offloaded this year by Lucas Marine for the Ft. Pierce Waterfront Protection Project.

Mr. Roach stated that dredging of the Crossroads Area of the ICW and OWW was completed in 2010 and will probably be required again in late 2013. He stated that Reach IV of the OWW will be dredged in 2013 and 2014.

Mr. Roach stated that the Martin County Waterways Economic Study was completed in 2000 and updated in 2011. He stated that the update found that since the recession the economic output of waterway related businesses in the county has decreased by \$443.1 million, employment decrease by 2,601 jobs, and \$18.8 million in waterway related tax revenue was lost. He stated that the current economic output of waterway related businesses is \$639.9 million, with 3,750 jobs, wages of \$156.5 million and \$28

million in tax revenues. He stated that property values were determined to be increased by \$588 million by the presence of the ICW channel. He stated that the study shows that these economic benefits would be reduced by over half if maintenance dredging of the waterways in the county ceased.

Mr. Roach stated that since 1986, the District has provided \$6.9 million in Waterways Assistance Program funding to 66 projects in the County having a total constructed value of \$53.3 million. He stated that the County, the County Sheriff's Office, the City of Stuart and the Town of Jupiter Island have participated in the program.

Mr. Roach stated that the Manatee Pocket Dredging project was recently completed and this area is a historical working waterfront.

Mr. Roach stated that the District's Cooperative Assistance Program has providing funding assistance for 26 state and regional agency projects with elements in Martin County:

Commissioner Blow referred to District Sites MSA 524B and MSA 504B/E and asked if the sites have been cleared. Mr. Roach stated yes. Commissioner Blow asked when the sites will be constructed. Mr. Roach stated that those sites are not on the District's five year construction plan at this time. Commissioner Blow asked if at some point they will be constructed. Mr. Roach answered yes.

**ITEM 10. Highbridge Speed Zone, Volusia County.**

Mr. Roach introduced Mr. Shaun Davis, for the Florida Fish and Wildlife Conservation Commission (FWC), to make a presentation regarding their proposed Boating Safety Zone at the Highbridge area in northern Volusia County.

Mr. Davis stated that the FWC Commissioners have reviewed the proposed rule and approved it for rule making. He stated that a public meeting was held at the Ormond Beach City Hall on December of 2011 and there was no objection to this proposed safety zone. He stated that the item was posted on the FWC's web site and some electronic comments were received that were supportive.

Mr. Davis stated that as you travel the Intracoastal Waterway (ICW) going south towards Highbridge Road, which is a low bridge, there is a District funded public boat ramp that is not located in a designated boating safety zone. He stated that the boat ramp is not protected and boaters launching their boat are affected by boat wakes. He noted that this proposed safety zone will cover 300 feet north of Highbridge Bridge fender system and 300 feet south of the center line of the Highbridge boat ramp. He stated that this zone will provide safer conditions to boaters launching at the boat ramp as well as boaters transiting through the bridge which creates a partial blind spot. Mr. Davis stated that the FWC, by law, needs input from the District to determine if there are any objections to the proposed rule. He stated that he would appreciate a letter from the District stating that the District has no objection to the new safety zone.

Commissioner Barkett inquired whether the zone boundary is determined by a meets and bounds description or just where the sign is located. Mr. Davis stated that we use a geographic reference such as 300 feet north of the bridge fender, something that the average boater can look at and understand.

Commissioner Netts stated that he totally supports the establishment of this boating safety zone. He stated that boaters traveling south bound under the bridge cannot see the boat ramp until they are at the boat ramp.

Commissioner Cuozzo asked the height of the Highbridge. Commissioner Netts stated that at high tide there is eight feet of clearance and at low tide you may have twelve to fifteen feet of clearance.

Commissioner Cuozzo asked if there have been many reported boating accidents in this area. Mr. Davis answered yes and stated that boaters have run into the bridge with their towers. He stated that the FWC believes that the launching boaters don't report problems they incur when launching.

Commissioner Netts stated that another problem is that large boats wait for the bridge to open and then thinking that they are doing the bridge operator a favor, they travel through the area quickly throwing wakes into the boat ramp facility. He stated that he has seen boaters at this ramp thrown off their trailer or boat from these wakes. He stated that it seems that these boaters are not aware that they can file a complaint with the FWC.

Commissioner Crowley made a motion to approve a letter of no objection to FWC for the Highbridge Boating Safety Zone. 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 11.     Brevard County Waterway Cleanup Requests.**

Mr. Crosley stated that this item was pulled from a previous agenda and staff has provided a revised request to the Board for consideration. He asked for questions.

Vice-Chair Colee asked for a project summary. Mr. Crosley stated that, because the waterway cleanup program has grown, it was discussed that there may be a need to review the program rules. He stated that the revised rules will be presented to the Board

for approval in August. He stated that Commissioner Sansom requested to see the entire cleanup budget for the Brevard requests.

Commissioner Crowley asked if the District allows the applicant to use in-kind services as a funding match. Mr. Crosley answered yes. Commissioner Crowley asked if it is valued by manpower or supplies. Mr. Crosley stated that most participants use funding collected from other project participants.

Vice-Chair Colee stated that when we are writing the policy we should make it very clear what in-kind services can be used for their match. He noted that he would like to see that in-kind time is not valued. Commissioner Sansom suggested that we do not allow volunteer time to be used and that in-kind services should only be something that someone paid something for.

Commissioner Crowley stated that he does not feel that volunteer time should be used for in-kind services. He suggested that we find a way to calculate county staff time as in-kind services.

Commissioner Netts made a motion to approve the 2012 Waterway Cleanup request from Keep Brevard Beautiful. 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 11A. St. Augustine Blessings of the Fleet Sponsorship Request.**

Commissioner Blow stated that he would like Board direction regarding the St. Augustine Yacht Club's request for funding sponsorship in the amount of \$500.00 for their annual Blessing of the Fleet. He stated that Blessings of the Fleet has traditionally been part of the maritime history of fishing villages including St Augustine. He stated

that the District does sponsor holiday parades, but we have never sponsored a Blessing of the Fleet.

Attorney Breton stated that the District cannot financially participate in this event. He stated that it is against the Florida Constitution, which states that no revenue of the state or any political subdivision shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination, or in any aid of any sectarian institution. He stated that this is flatly prohibited.

Commissioner Barkett asked about the District's sponsorship of holiday boat parades. Mr. Roach stated that the District provides a sponsorship of about \$500.00 each through the Delegation of Authority. He noted that the boat parades are viewed by thousands of people along the waterway.

Commissioner Netts stated that he feels that District funding of any kind of parade is outside the District's mission and he is opposed to it.

**ITEM 12.     New Copy Machine.**

Mr. Roach stated that the District's current black and white copy machine is seven years old, has produced almost one million copies, and currently cannot produce multiple copies because parts cannot be obtained to fix the sorter. He stated that staff has obtained quotes from three vendors for a new black and white copier. He noted that staff prefers the Toshiba 455se that produces 45 copies per minute and stated that this is the same type we have now, just the new version.

Commissioner Netts made a motion to approve the purchase of a Toshiba 445se. copy machine. The motion was seconded by Vice-Chair Colee. Chair Bray asked for discussion.

Commissioner Sansom asked if the District will receive a trade in credit for the old copy machine. Mr. Roach stated that he does not see that in these proposals. He noted that the last time we purchased a copy machine they wanted to charge the District for removal of the machine so with Board approval we donated the machine to another marine related agency. He stated that staff will again try to donate the machine.

Commissioner Blow asked if the proposed copy machine is big enough to handle the District's workload. Mr. Roach answered yes and reviewed the machine's features.

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

**ITEM 13. Washington D.C. Status Report.**

Mr. Roach stated that District staff and commissioners were in Washington D. C. on March 6<sup>th</sup> and 7<sup>th</sup> to discuss the District's federal priorities with the Congressional Delegation and legislative staff that represent Florida's Atlantic Intracoastal Waterway, the Intracoastal Waterway, and Okeechobee Waterway. He stated that during the two day visit, we attended over eighteen meetings, and we met with a lot of Congressional members on this trip. He stated that the members were all very supportive of the Intracoastal Waterway project, wanted to support our request, and were disappointed about the earmark ban. He stated that the members are recognizing the important projects that this earmark ban effects.

Commissioner Blow stated that our elected representatives are constrained because of this ban on earmarks. He noted that he got the impression that they were pretty sympathetic to the District's situation. He stated that Commissioner Sansom was an asset in Washington because he knows so many people.

Mr. Roach noted that we had a great team in Washington. He stated that Commissioner Sansom knows a lot of the representatives from their time in the State House and Senate. He stated that Commissioner Blow had a great picture of airplanes being loaded on a barge in St. Augustine and traveling the Intracoastal Waterway to the Port of Jacksonville. He noted that these airplanes were valued at \$160 million. He stated that because of Commissioner Bowman's work at BAE Systems Southeast Shipyards, he was able to discuss that their shipyard was built to service navy vessels and his shipyard currently has one navy vessel and four super yachts in his yard. He stated that each one of those mega yachts is having more work done, dollar wise, than the navy vessel. He stated all of these stories showed the representatives that the Intracoastal Waterway is about more than recreational boats.

Commissioner Sansom stated that in a general conversation with the Mayor of Marathon, the Corps told him that without funding for the Intracoastal Waterway it will stop functioning in about four years. He suggested that the Atlantic Intracoastal Waterway Association get with the Corps and see what they can do about this lack of funding. Mr. Roach stated that the Corps is aware that going forward they are not going to be receiving funding for projects like the Intracoastal Waterway. Commissioner Sansom stated that this disturbs him that the Corps does not see value in the Intracoastal Waterway. Mr. Roach stated that the Corps is an Administration agency and when the budget is written, the Corps supports that budget.

Commissioner Blow stated that the Corps blogs discuss their nationwide projects and he noted that they are doing all kinds of projects. He stated that in the big scheme of things the Intracoastal Waterway is not a high priority. He stated that the marine industry



in Florida should be more aggressive in Washington and point out the economic benefit of maintaining the Intracoastal Waterway.

Commissioner Crowley asked if there would be benefit to changing public policy on the calculation of the value of the Intracoastal Waterway to push the Administration and the Corps to change their position. He stated that they need to deemphasize the value of commercial tonnage and more fairly emphasize recreational use. He stated that this is a big issue for the District, the viability of the Intracoastal Waterway, and the continuance of the marine industry in the State of Florida.

Mr. Roach stated that this was discussed with Congressman West and he suggested instead of only identifying commercial tonnage we add "or value." He stated that way you can look at the value of cargo being transported. He noted that other waterways such as the Great Lakes are touting on this value concept as well. He stated that the Corps is currently collecting commercial tonnage data, but collecting value data is much more complex and difficult. He noted that the Corps will not rely on District information because other local sponsors may not have the funding to produce that kind of data and then it might not be consistent. He stated that the Corps would have to step up big time to begin looking at the economics.

Commissioner Crowley stated that just because it is hard to obtain the data, does not mean it is not the right public policy. He stated that the District may have to work with the Corps on how they collect the data so it is consistent. He stated that the University of Florida's Conservation Clinic is very interested in this issue and we may be able to have their law students complete a clinic and put together a paper that could serve as a foundation for some type of initiative.

Dr. Taylor stated that he feels that this is an excellent idea. He stated that in addition to working with Congress and our elected officials we should contact the Army's Coastal Engineers Research Board (CERB) which was created by Congress in the 1960s. He noted that by law, the Chair of that Board is the sitting Chief of Works for all of the U. S. Army Corps and by custom, the sitting Commanding General of the South Atlantic Division, which is the District's division is also a member. He stated that during his six year tenure as a member of this Board, we branched out into policy issues and this was one of them. He stated that the CERB will be holding a public meeting in Florida during the next year and the District could get on the agenda and make our pitch. He stated that the District would be talking to the General who is in charge of all the civil works projects for the government and one of his deputies who handles our District. He stated that this would be a great opportunity for the District, that he will help in any way he can, and he will look into getting the District on the agenda.

Commissioner Sansom asked how the cargo data is collected. Mr. Roach stated that it is self-reporting by the carriers. Commissioner Sansom suggested that we request that the manifest value be added to that reporting.

Commissioner Barkett stated that what he is hearing is that we are going to make an attempt to compare the value of our cargo with the value of the tonnage cargo. He stated that it is not the value of the cargo that is important itself, it is the economic benefit of the waterway to the community. He stated that he feels that we should talk more about the added value a working waterway adds to our communities.

Commissioner Sansom stated that we should look at other metrics and calculate those metrics. He stated that we just need to point out that it is not the 1830's anymore and the waterways only value are not just for natural resource extraction and movement.

Commissioner Sansom noted that mega yacht owners spend an average of twenty percent of their purchase value each year for crew, maintenance, and expendables. He stated that boating itself has economic value. He stated that we need to make the people that evaluate waterways recognize that yachting is part of the economic value generated by that waterway.

Vice-Chair Colee stated that the Legislative Committee should meet and discuss this issue. He suggested that they define some of these issues so the full Board can look at them for debate.

Commissioner Crowley suggested that staff work with Jim Davenport and Dr. Taylor to develop an initial strategy in the form of a report for a Legislative Committee agenda item.

Commissioner Netts stated that he would like staff to work with Dr. Taylor to get the District on the CERB agenda. He stated that will be the most effective place for the District to present this strategy. He stated that the meeting is a year away and that gives us one year to work on our plan.

Dr. Taylor stated that the staff at Dawson Associates in Alexandria, Virginia includes people like Major General Reilly, the former Chief of Civil Works for the Army. He stated that this firm works on policy issues and perhaps the District should consider retaining this firm to work with us on this issue.

Commissioner Sansom stated that this might be the right time to consider retaining a firm that specializes in this type of strategy. He stated that we may not have to retain this firm for more than a year.

Chair Bray asked if the District's waterway economic studies have all been updated. Mr. Roach answered yes.

Mr. Roach noted that staff has been working on a double strategy, first to change the Administration's thoughts on funding the waterway and that has not worked out; second, staff has worked to educate the Congressional delegation about the waterway and that is why they will add it to the earmarks. He stated that he is hopeful that the current earmark ban will change after the next election.

Vice-Chair Colee stated that he agrees, we have made some in-roads, but unfortunately those in-roads are not going to be enough. He stated that until there is acknowledgement of the economic value that the District's waterways provide, we will not receive funding for the waterways. He stated that this will require more action than we have taken in the past. He stated that we should look for partners in this battle.

Commissioner Sansom stated that this District needs to determine what is going to work best for us and move forward with that plan. He stated that other groups can join us, but we must not let them dilute our plan.

Commissioner Crowley stated that we have discussed framing some waterway pictures for distribution to our delegates. He suggested we look into that again.

Commissioner Blow stated that while we were in the waiting rooms of our delegates, we looked at what types of items were displayed on their walls. He noted that aerial photographs of their District were hanging on the walls.

Commissioner Sansom noted that government officials like awards and plaques showing that they have done something important.

Chair Bray thanked the staff and Commissioners for taking their time to travel to Washington D. C. and talk to our representatives.

**ITEM 14. Tallahassee Report.**

Mr. Roach stated that the State Legislature finished their regular 2012 session and now they are meeting again in a special session. He stated that the Senate did not take up the reappointments for Commissioners Crowley and Bowman. He stated that at the same time, the reappointments for Treasurer Kavanagh and Commissioner Sansom went over to the Senate but did not make it in time for the required Committee meeting. He stated that because these appointments and re-appointments were not taken up, those four Commissioners along with at least 382 other appointees around the state now need to be reappointed by the Governor within the next 45 days or they will cease to serve.

Mr. Roach noted that there was an environmental regulatory streamlining bill that passed and this should streamline some of the Florida Department of Environmental Protection activities.

Mr. Roach noted that a bill regarding the government bidding process will require the District to have an announced public meeting to open bids. He stated that this can be handled by staff and the Commissioners will not be required to attend this public meeting.

Commissioner Sansom stated that the Competitive Cooperative Negotiations Act (CCNA) laws were changed, allowing the District to negotiate for professional services.

Commissioner Blow stated that legislation passed to expedite the permitting process for deep water ports.

**ITEM 15.     Personnel Committee Report.**

Chair Netts stated that the District's Personnel Committee met prior to the Board meeting and received notice of the Executive Director's plan for retirement. He stated that we discussed a proposed transition plan which would make Mark Crosley the next Executive Director and a search for his replacement will commence. He stated that the plan will maintain the integrity and continuity of the organization and that the committee reviewed and recommends approval of the transition plan.

Commissioner Netts made a motion to approve the recommendations of the District's Personnel Committee to accept the Executive Director's retirement transition plan. The motion was seconded by Commissioner Chappell. Chair Bray asked for discussion.

Vice-Chair Colee noted that the committee requested that Attorney Breton review the plan to make sure that there are no statutory limitations on filling a vacant position.

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

Chair Netts stated that the committee reviewed and recommends approval of a 2% bonus for the Executive Director.

Commissioner Netts made a motion to approve the recommendations of the District's Personnel Committee to provide a 2% bonus to the Executive Director. The motion was seconded by Commissioner Crowley. Chair Bray asked for discussion.

Commissioner Blow noted that we have had a very busy year and he supports this 2% bonus based on the workload and the results from that activity.

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

**ITEM 16. 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 January 2012 financial information.

Treasurer Kavanagh made a motion to approve the financial statements for January 2012. The motion was seconded by Commissioner Netts. Chair Bray asked for any additional discussion, hearing none a vote was taken and the motion passed.

Treasurer Kavanagh stated that the committee reviewed and recommends approval of a delegation to the Executive Director to implement the Government Accounting Standards Board (GASB) Statement No. 54.

Chair Bray stated that this will not change the way we do business. He stated that the purpose of this change is to provide uniform fund balance classifications for governmental units to follow in audited financial statements.

Treasurer Kavanagh made a motion to approve the modification to the Executive Director's Delegation of Authority to allow him to assign fund balance designations for the financial statements. The motion was seconded by Commissioner Netts. Chair Bray asked for any additional discussion, hearing none a vote was taken and the motion passed.

**ITEM 17A. Additional Permitting Services for the Intracoastal Waterway Deepening Project in Palm Beach County.**

Mr. Roach stated that the Board previously approved a work order with the District Engineer for the permitting of the Intracoastal Waterway Deepening Project in Palm Beach County. He stated that, after a pre-application meeting with the regulatory agencies, it was determined that additional work needed to be undertaken for the mitigation area and endangered species consultation. He stated that the District Engineer has provided a scope of services and fee quote for this extra work.

Commissioner Netts made a motion to approve the additional permitting services in the amount of \$9,968.00 with Taylor Engineering for the Intracoastal Waterway Deepening Project in Palm Beach County. 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 17. Additional Staff Comments and Additional Agenda Items.**

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

Mr. Crosley thanked the Board for the new copy machine. He also thanked the Board for approving the transition plan.

**ITEM 18. Additional Commissioners Comments.**

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

Commissioner Chappell stated that 28 tons of garbage was removed last weekend from the waterways in Broward County. He stated that this was a great event that was tied to the City of Fort Lauderdale's St. Patrick's Day parade.



Commissioner Chappell stated that the City of Fort Lauderdale is having some regulatory problems with the piggy back dredging of the Intracoastal Waterway involving the Las Olas Hall of Fame and Bahia Mar Marinas. He stated that he has spoken with the Marine Industries and their lobbyist Brian Ballard to see if we can do some seagrass mitigation off site within the county. He noted that the seagrass mitigation costs exceed the dredging costs and may cost millions of dollars. He stated that the city may come to the District to see if any of our property could be used to perform this mitigation.

Commissioner Sansom suggested looking at the recently passed mitigation bill by Representative Pilon to see if there is anything in that bill that would help in this effort.

Commissioner Chappell asked if the District's kiosk will be ready for the May meeting. Mr. Roach answered yes.

Commissioner Chappell noted that Broward County has appointed him to the Hillsboro Inlet District Commission.

Vice-Chair Colee invited everyone to attend the Palm Beach County International Boat show which runs from Thursday, March 22<sup>nd</sup> through Sunday, March 25<sup>th</sup>. He stated that the event will be held in downtown West Palm Beach along the waterfront. He noted that the District participated in the waterfront dock project where the event will be held.

Commissioner Crowley stated that he presented a District check in the amount of \$93,000.00 at a Miami-Dade County marina dedication. He stated that the ceremony provided good public relations and media coverage for the District.

Commissioner Crowley stated that after the dedication ceremony a member of the Marine Trawler Owner's Association (MTOA) spoke with him and praised the District

for the maintenance of the waterways. He stated that the MTOA is a group of boat owners that traverse the Intracoastal Waterway. He stated that the members are from all over the country. He stated that their next meeting will be held in Fernandina Beach, April 17<sup>th</sup> through April 19<sup>th</sup>. He noted that there is a waterway user consistency above and beyond the Marine Industry.

Mr. Roach stated that these boaters are the RV's of the waterway. He noted that Mr. Crosley made a presentation to this group last year when they were in Stuart.

Treasurer Kavanagh asked if the Stuart Sailfish Regatta has received all their permits. Commissioner Cuzzo stated that he is pretty sure that they have.

Treasurer Kavanagh stated that she will be retiring from the Treasure Coast Builders Association and she would like to invite everyone to the retirement party that will be held on Thursday, March 29<sup>th</sup> at 5:30 p.m. at the Pelican Yacht Club.

Vice-Chair Colee stated that District attendance at the MTOA is a cultivation event and outreach opportunity to use the District's kiosk.

Commissioner Blow stated that St. Augustine and Martin County have been selected for the Florida Fish and Wildlife Conservation Commission (FWC) pilot mooring project. He stated that the FWC has requested a letter commenting on the program. He stated that he has reviewed the ordinance and does not find any issues with it. He stated that he would like to comment to the FWC on behalf of the District with Board approval. Commissioner Cuzzo stated that he has reviewed the ordinance and he does not have any issues with it and would be happy for Commissioner Blow to write the letter.

Commissioner Cuzzo made a motion approving Commissioner Blow reviewing the proposed ordinance and sending a comment letter to the FWC regarding the Pilot Mooring Project Ordinance. 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 19.     Adjournment.**

Chair Bray stated that hearing no further business the meeting was adjourned at 11:16 a.m.

**MINUTES OF THE**  
**FLORIDA INLAND NAVIGATION DISTRICT**  
**Land Acquisition & Management Committee Meeting**  
**11:21 a.m., Friday, March 16, 2012**  
**Pirates Cove Resort and Marina**  
**4307 S.E. Bayview Street,**  
**Port Salerno, Martin County, Florida**

**ITEM 1.**      **Call to Order.**

Chair Crowley called the meeting to order at 11:21 a.m.

**ITEM 2.**      **Roll Call.**

Assistant Executive Director Mark Crosley called the roll and Chair Crowley, Commissioner Barkett, Commissioner Blow, and Commissioner Chappell, 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 8A, DMMA LT-4A, Agreement to Grant Easement to FP&L, Palm Beach County.

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

**ITEM 4.      Anastasia State Park Use Agreement, St. Johns County.**

Mr. Roach stated that the committee previously approved a Use Agreement with the Board of Trustees of the Internal Improvement Trust Fund to utilize the beach at Anastasia State Park as a beach placement area for beach quality materials maintenance dredged from the ICW in the vicinity of St. Augustine. He stated that, because of a project delay, the Use Agreement has expired and the State has provided a new Use Agreement with some minor changes.

Commissioner Blow stated that he would like to point out that the agreement requires that prior to the start of any work that the grantee will have the site surveyed between the frontal dune and Salt Run to document the existing grade and vegetation. He stated that the agreement is mostly for Anastasia State Park. He stated that he is pointing this out because this pipeline runs along Salt Run and the City wrote a letter to the Corps requesting pre and post surveys of Salt Run, including in the location of the booster barges. He stated that this is because in the past we have had some pipeline failures that released material into Salt Run. He noted that the City is serious about the issue of no discharge into Salt Run and if there is a discharge that the contractor takes care of the problem.

Commissioner Barkett stated that this agreement is for the temporary placement of pipelines, equipment, and the placement of dredged material. He asked if the dredged material is to remain in place. Commissioner Blow answered yes.

Commissioner Blow made a motion to approve the revised Use Agreement No. 0391 for the use of lands at Anastasia State Park for beach placement. Commissioner

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

**ITEM 5. DMMA O-23 Interlocal Agreement Extension, Martin County.**

Mr. Roach stated that the committee previously approved an Interlocal Agreement with Martin County to allow them to use DMMA O-23 as a Temporary Debris Storage and Reduction Site in case of a hurricane. He stated that the five year agreement has expired and that the county has requested an extension. He stated that staff proposes a one year extension of the agreement at no cost.

Chair Crowley asked, when the District leases sites like this, do we go through a procurement or competitive process for highest and best use. Mr. Roach answered no, and stated that we are responding to a request from a local government. Attorney Breton stated that this is a public purpose lease. Mr. Roach stated that this is not being leased to a private contractor. Chair Crowley requested that staff review 125.35 F.S.

Commissioner Blow asked if Martin County has developed the road. Mr. Roach answered yes.

Commissioner Bray questioned that the agreement reads that the site can only be used in case of a hurricane. Mr. Roach answered yes.

Commissioner Chappell made a motion to approve Agreement Amendment No. 1 to Interlocal Agreement No. ICW-MA-06-05 with Martin County. Commissioner Blow seconded the motion. Chair Crowley asked for any additional discussion, hearing none a vote was taken and the motion passed.

**ITEM 6. Sawfish Island Interlocal Agreement, Palm Beach County.**

Mr. Roach stated that the District owns two small islands in northern Palm Beach County known as the Sawfish Bay islands. He stated that the islands were previously used for dredged material placement but are too small for continued dredged material management purposes. He stated that the island to the south of Sawfish Bay Island is called Fullerton Island and is owned by the Town of Jupiter. He stated that Palm Beach County has been looking at these islands for restoration and public access. He stated that Fullerton Island will have six boat docks, plus an environmental restoration.

Mr. Roach stated that Palm Beach County approached staff about removing the spoil material from the sawfish Islands and restoring the area for environmental, public recreational and mitigation purposes. He stated that the District would receive 2.86 acres of seagrass mitigation credits and the internal basins would be able to be accessed by kayakers. He stated that additionally, the spoil material will be used for fill of a deep hole in North Palm Beach and the District will receive mitigation credits for that project as well.

Chair Crowley asked if the District will be spending any money on this project. Mr. Roach answered \$1.3 million. Chair Crowley asked what the County will be paying for. Mr. Roach stated that County is not providing funding for this project but that they will develop and perform the project specifications, design, and project management. He stated that this is a capital improvement project similar to the recently completed Juno Dunes project. He noted that the island project will not have any recreational improvements.

Commissioner Chappell asked why this should not be a 50/50 assistance project. Mr. Roach stated that this is District land and we are receiving all the mitigation credits. Commissioner Chappell asked if the District has any specified use for these mitigation credits. Mr. Roach answered no and stated that we are banking the credits for future dredging projects. He stated that, over the course of maintaining this section of the waterway, the use of those credits will be required.

Commissioner Chappell asked if there are existing mitigation credits available to the District right now. Mr. Roach stated that in Palm Beach County we own 75% of the mitigation credits for the Snook Islands project and 2.28 acres of seagrass creation credits for the Juno Dunes project. He stated that the recently approved Lake Wyman Park project will provide an additional 2+ acres of seagrass mitigation credits that the District will own.

Commissioner Chappell asked if we will be using any of the banked seagrass mitigation credits. Mr. Roach stated that we will be using some of the seagrass mitigation credits when we complete the Intracoastal Waterway deepening project. He stated that project will impact seven acres of seagrass.

Commissioner Colee stated that he likes the idea of returning this island to public access. He stated that this District has funded considerable improvements to the Burt Reynolds Boat Ramp Park and it is located near this island. He stated that this is a thriving recreational boating area with kayaking and paddle boarding activity. He stated that this project will provide the public with a safe waterway destination.

Commissioner Blow noted that Fullerton Island is owned by the Town of Jupiter and the County is going to develop that island and he asked if there will be seagrass



mitigation involved in that project. Mr. Roach answered yes and stated that as Commissioner Colee stated, he recently reviewed their potential grant application and staff is studying the parceling of seagrass mitigation credits to determine if we approve their presentation.

Commissioner Blow suggested that we should tie the development of Sawfish Bay to the development of Fullerton Island so one does not move forward without the other. Mr. Roach stated that is the intent of the county and the way they have presented the project.

Commissioner Blow referred to the proposed agreement with the county and questioned the wording "the county shall manage and maintain the island as necessary, and shall attempt to minimize management costs to the District". He questioned why that language is necessary if the county will be responsible for maintaining the island. Mr. Roach stated that this agreement is structured to be in effect during the required ten year post project monitoring period. Commissioner Blow asked if we are committing to unknown costs. Mr. Roach stated that we are looking at an estimate, but that this project will not become some huge management activity.

Commissioner Bray asked if the District will be paying \$80,000.00 up front or every year for this post project monitoring. Mr. Roach stated that the county will submit a bill for work performed for the District to pay.

Commissioner Blow asked about the clause in the agreement stating that "the parties shall jointly determine the future of the project should any unforeseen events or activities, either natural or human-caused, severely limit or eliminate the natural resource values present on Sawfish Island." He stated that his question is, shouldn't the District

have the say in any changes or delays to this project. Mr. Roach noted that the agreement states that changes would be jointly determined, and if this Board does not want it to happen, it will not happen.

Chair Crowley stated that this agreement does not make sense. He stated that he loves this project and he is not debating the project's merit. He stated that this project would be a great amenity, but this agreement calls for the District to pay \$1.3 million into a spoil island restoration project without specific knowledge if these mitigation credits will be needed by the District. He stated that he does not get this in terms of a policy decision by this Board, how are we deciding to spend this \$1.3 million without any funding participation by the local government and without any specific designation or need for the potential mitigation credits.

Commissioner Chappell stated that he agrees and he would not vote in favor of this item.

Mr. Roach stated that the benefit of banking mitigation credits is that when you need the credits and they are in place, the risk factor is reduced and you provide less mitigation.

Commissioner Chappell suggested that this item be deferred to the next agenda. He asked staff to provide additional information regarding the need for mitigation credits and what is already available to the District. He noted that seagrass mitigation can be performed for less than \$1.3 million for 2.86 acres.

Commissioner Barkett stated that what he is hearing is that mitigation can be performed at a lesser cost per acre than this project, but if the mitigation is done in

advance you do not have to perform as much mitigation because you do not have to prove that your mitigation works.

Commissioner Barkett made a motion to table approving the Interlocal Agreement with Palm Beach County for the Sawfish Bay Island Project to the April meeting allowing staff to bring back additional information. Commissioner Chappell seconded the motion. Chair Crowley asked for any additional discussion, hearing none a vote was taken and the motion passed.

**ITEM 7.      Terzouli Dock License Amendment, Martin County.**

Mr. Roach stated that the District previously approved a License to Mr. Terzouli to locate a dock on District owned property within the right of way of the ICW. He stated that Mr. Terzouli would now like to locate a fence and landscaping on District property. He stated that staff is of the opinion that this request should be approved as these are non-permanent uses that are routinely approved for non-District owned right of way lands by the Corps.

Commissioner Blow asked if the dock has been built. Mr. Roach answered yes.

Commissioner Barkett asked if Mr. Terzouli's entire back yard is District property. Mr. Roach answered yes.

Commissioner Sansom asked if Mr. Terzouli decides to sell his property, how would the prospective buyer know that the backyard is not owned by Mr. Terzouli. Commissioner Barkett stated that the deed would show the legal description.

Commissioner Blow asked if we should record this License Agreement. Attorney Breton stated that this agreement is in the format of an item that is normally recorded. He

stated that if the agreement was recorded then the amendment would also be recorded. He stated that he is not sure if this particular agreement has been recorded.

Commissioner Chappell made a motion to approve a modification to the Dock License for Mr. Terzouli to include fencing and landscaping subject to approval by the Corps Real Estate Division. Commissioner Sansom seconded the motion. Chair Crowley asked for any additional discussion, hearing none a vote was taken and the motion passed.

**ITEM 8A. DMMA LT-4A, Agreement to Grant Easement to FP&L, Palm Beach County.**

Mr. Roach stated that the District owns DMMA LT-4A which is currently encumbered with platted roads. He stated that the District and our legal counsel have been working with our neighbors to have these platted roads abandoned by Palm Beach County. He stated that the County requires all adjacent property owners to submit a Letter of No Objection to the abandonment. He stated that FP&L has a transmission line next to our property and the road abandonment areas and that they are willing to provide the Letter of No Objection but want an agreement that we and our neighbors will provide them with easements over the roads within their existing transmission line easement. He stated that this FP&L easement will not be any additional encumbrance on our property than exists right now.

Commissioner Blow asked if we don't agree to this request can we move forward with our road abandonment. Attorney Breton stated that if we do not agree, he cannot even file a petition with the county.

Commissioner Barkett made a motion for approval of (1) the Agreement to Grant Easement with FP&L on DMMA LT-4A, and (2) authorization for the Executive Director

to sign the Agreement, the easements, and the abandonment petition. Commissioner Chappell seconded the motion. Chair Crowley asked for any additional discussion, hearing none a vote was taken and the motion passed.

**ITEM 8. Additional Staff Comments and Additional Agenda Items.**

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

There were none.

**ITEM 9. Commissioners Comments.**

Chair Crowley asked if there were any additional Commissioner comments.

There were none.

**ITEM 10. Adjournment.**

Chair Crowley stated that hearing no further business the meeting was adjourned at 12:05 p.m.



## FLAGLER COUNTY PROJECT STATUS UPDATE

April 2012

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### **Dredged Material Management Plan.**

Phase I of the Dredged Material Management Plan for the Intracoastal Waterway in Flagler County was completed in 1993. Phase II of the DMMP was completed in 1994 and all major land acquisition was completed in 1996. See attached maps.

The 50 year dredging projection for the 20 miles of channel in Flagler County is 926,905 cyds. and the storage projection is 1,992,846.

Phase I construction has been implemented for all three upland sites. Stabilization of the shoreline of DMMA FL-8 has been completed along with the installation of a pedestrian pathway along the shoreline that connects an existing waterfront walkway to a newly constructed City of Palm Coast park.

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### **Waterway Dredging**

Routine maintenance dredging of the Intracoastal Waterway in the vicinity of the Matanzas Inlet and in Cut F-2 was completed in September of 2011. The material was placed on the beach in Summerhaven.

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### **Waterways Economic Study**

The Flagler County Waterways Economic Study was completed in 2002 and updated in 2011. The updated study found that the waterway related businesses in the county employ 1,226 people, with salaries of \$47.8 million and a total economic impact of \$216 million. Property values were determined to be increased by \$163 to \$185 million by the presence of the ICW channel. There are approximately 3,737 registered vessels in the county. See attached map.

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**FIND**



## FLAGLER COUNTY PROJECT STATUS UPDATE

April 2012

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### **Waterways Assistance Program**

Since 1986, the District has provided \$1.5 million in Waterways Assistance Program funding to 19 projects in the County having a total constructed value of \$3 million. The County, the City of Flagler Beach, and the City of Palm Coast have participated in the program. See attached listing.

Notable projects funded include: Bings Landing, Moody, Grand Haven South and North Park boat ramps as well as Flagship Harbor Preserve.

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### **Cooperative Assistance Program**

The District's Cooperative Assistance Program has providing funding assistance to 23 projects with elements in Flagler County. Notable projects include: Florida Marine Patrol Officer Funding; Manatee Acoustic Warming System; FWC Officer Equipment Funding and, Environmental Education Exhibits at Gamble Rogers State Park. The District's funding assistance for the Flagler County portion of these projects was approximately \$492,100.

### **Interlocal Agreement Program**

The District's Interlocal Agreement Program (which is a sub-set of the WAP and CAP programs) has provided funding assistance to two projects. The District's funding assistance for the Flagler County portion of these projects was approximately \$25,000.

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### **Public Information Program**

The District currently prints and distributes the following brochures with specific information about Flagler County Waterways: the Economic Impact of Flagler County Waterways.

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### **Waterway Clean Up Program**

The District has partnered with the City of Palm Coast on four waterway cleanup projects in Flagler County, totaling \$20,000 in District assistance.

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**FIND**



## FLAGLER COUNTY PROJECT STATUS UPDATE

April 2012

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### **Small Scale Derelict Vessel Removal Program**

No vessels have been removed yet in Flagler County through the small scale derelict vessel removal program.

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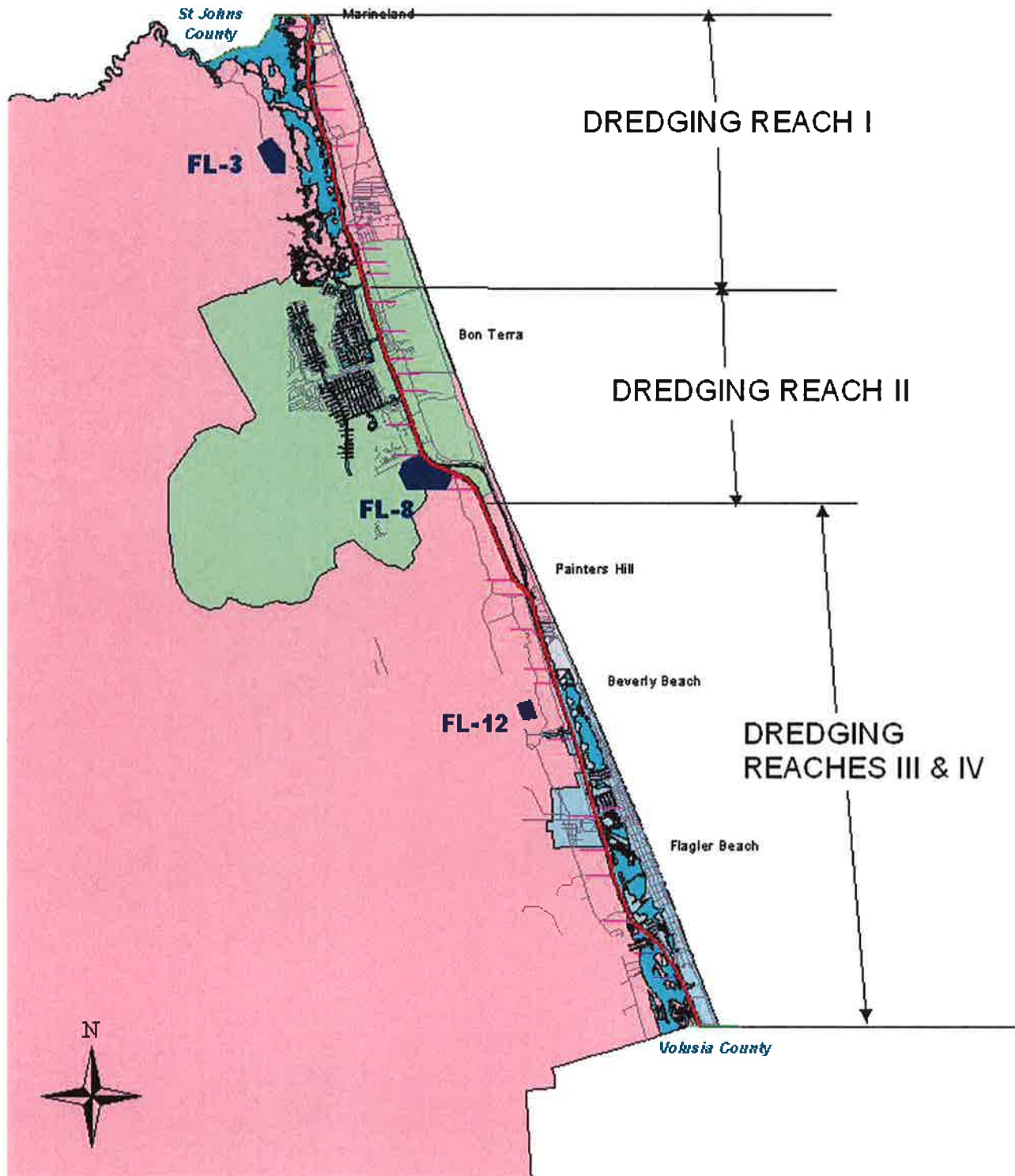
### **Small Scale Spoil Island Enhancement and Restoration Program**

No spoil island enhancement or restoration projects have been funded yet in Flagler County.

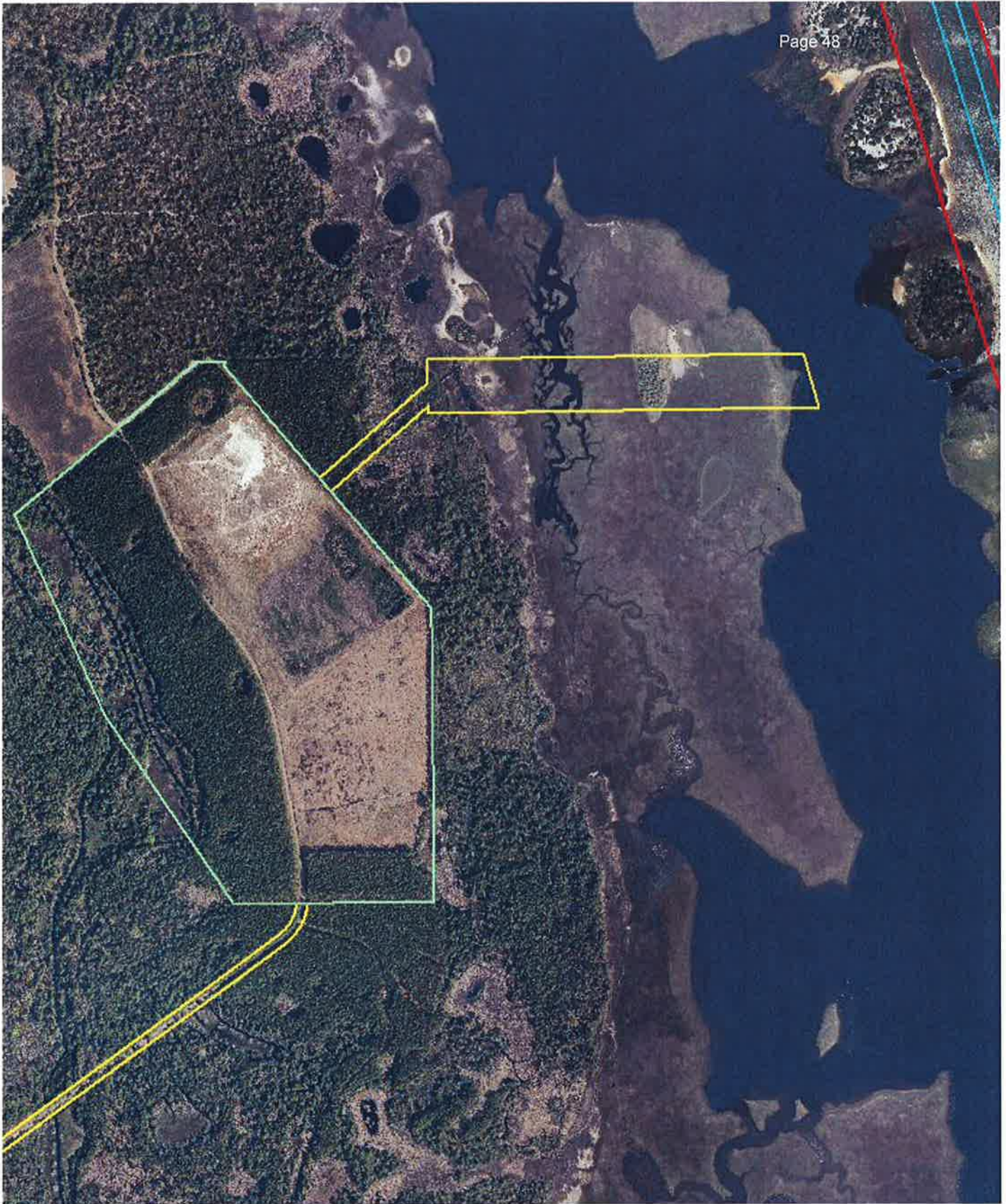
**FIND**







# INTRACOASTAL WATERWAY DREDGING REACHED AND DREDGED MATERIAL MANAGEMENT AREAS IN FLAGLER COUNTY







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

# DREDGED MATERIAL MANAGEMENT AREA FL-3











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

# DREDGED MATERIAL MANAGEMENT AREA FL-8







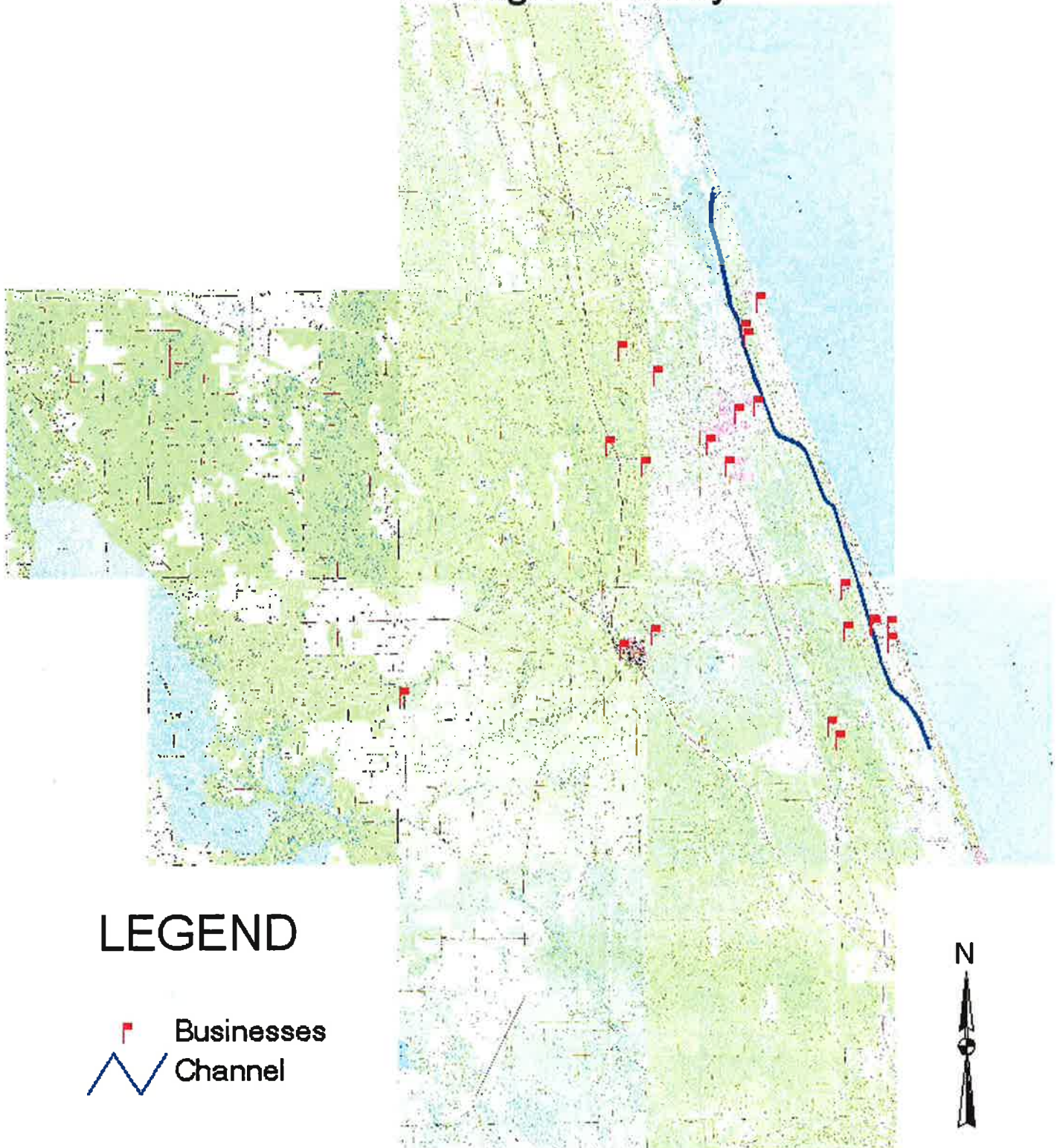
-  Channel
-  ICW Right-of-Way
-  FIND Owned
-  FIND Easement

# DREDGED MATERIAL MANAGEMENT AREA FL-12





Location Map  
**Waterway Related Businesses  
in Flagler County**



# ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

Page 5



## Purpose

To update economic benefits in Flagler County of marine-related activities on the District Waterways, as previously estimated in *An Economic Analysis of the District's Waterways in Flagler County*, February 2003, 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



## ECONOMIC IMPACTS

### Current Existing Impacts

- \$215.9 million in business volume
- \$47.8 million in personal income
- 1,226 jobs
- \$6.1 million in tax revenue

### Impacts of Cessation of Waterways Maintenance

- Decrease of \$25.6 million in business volume
- Decrease of \$5.9 million in personal income
- Decrease of 204 jobs
- Decrease of \$1.4 million in tax revenue

### Impacts of an Increase in Waterways Maintenance

- Increase of \$12.4 million in business volume
- Increase of \$3 million in personal income
- Increase of 122 jobs
- Increase of \$0.8 million in tax revenue

Due to anomalies in Florida Department of Revenue reported gross sales data, the impact of the 2007-2009 U.S. Economic Recession on the Flagler County economy could not be estimated.

FLAGLER COUNTY

## Economic Benefits as of April 2011





# ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

Page 53

## FLAGLER 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 February 2003 in *An Economic Analysis of the District's Waterways in Flagler County*.

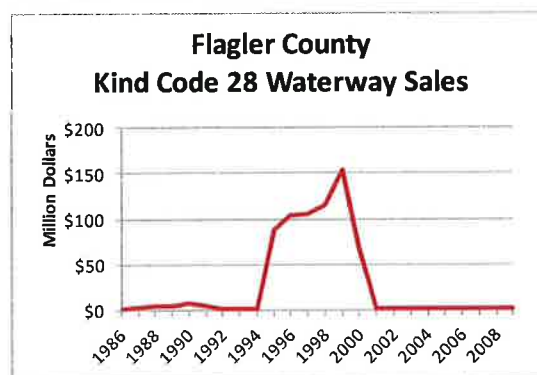
### Updating of Previously Estimated Benefits

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 methodology for estimating the impact of the recession was based on the trend in gross sales of boat dealers established 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. However, anomalies in the FDOR reported gross sales data for Flagler County prevented the development of an estimate of the recession. As illustrate in the graph below, Flagler County FDOR reported gross sales data for boat dealers fluctuated widely from \$0.75 million in 1986 to \$154.4 million in 1999 to \$0.6 million in 2001, with values fluctuating between \$0.6 million to \$1.5 million since 2001. As a result, the impact of the recession on the Flagler County economy could not be estimated.



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

- Current existing conditions: \$4.9 million
- Cessation of maintenance: \$3.9 million
- Increased maintenance: \$4.9 million

### Vessel Draft Restrictions Assumed for Each Scenario

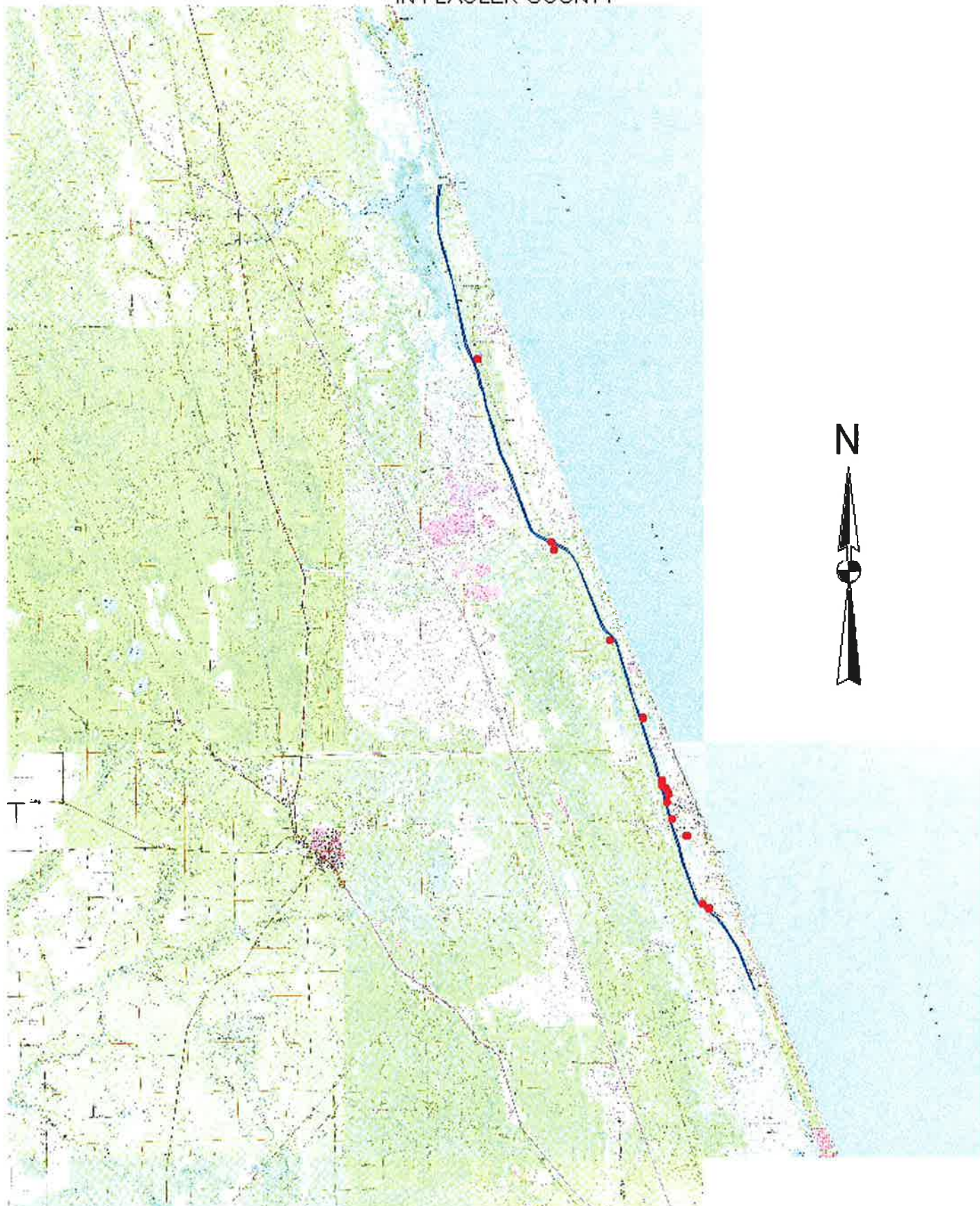
- Current existing conditions: 6.5 feet MLW
- Cessation of maintenance: 3 feet MLW
- Increased maintenance: 12 feet MLW

FLORIDA INLAND NAVIGATION DISTRICT  
WATERWAYS ASSISTANCE PROGRAM PROJECTS  
IN FLAGLER COUNTY  
1986-2012

Project Name	Project Number	Project Sponsor	Grant Amount	Total Cost
Bing's Landing Park Addition Improvements - Phase I	FL-07-13	Flagler County	\$25,000.00	\$105,000.00
Bing's Landing Addition County Park	FL-09-15	Flagler County	\$80,310.00	\$160,620.00
Bing's Landing Dredging	FL-09-16	Flagler County	\$93,750.00	\$187,500.00
Moody Boat Ramp	FL-1	Flagler County	\$40,000.00	\$80,000.00
East Bridge Park Dev. (Transferred to Moody Boat Ramp)	FL-88-2	Flagler County	\$38,000.00	\$160,000.00
Bings Landing Park Development	FL-90-3	Flagler County	\$66,000.00	\$132,000.00
Flagship Harbor Preserve - Phase I	FL-93-4	Flagler County	\$71,996.00	\$135,479.00
Flagship Harbor Preserve - Phase II	FL-96-5	Flagler County	\$52,468.00	\$104,936.00
Grand Haven South Park - Phase I	FL-98-7	Flagler County	\$72,743.97	\$235,075.37
Flagler County Sheriff's Office Marine Unit	FL-99-8	Flagler County	\$55,500.00	\$74,000.00
Public Navigation Channel Dredging - Phase II	FL-FB-00-9	City Of Flagler Beach	\$75,000.00	\$150,000.00
Public Navigation Dredging - II	FL-FB-01-10	City Of Flagler Beach	\$90,000.00	\$109,500.00
Smith's Creek Shoreline Stabilization	FL-FB-02-11	City Of Flagler Beach	\$17,200.00	\$30,000.00
Public Navigation Channel Dredging - Phase I (Expired)	FL-FB-97-6	City Of Flagler Beach	\$8,910.00	\$9,900.00
Marineland Marina	FL-ML-10-19	Town Of Marineland	\$202,160.00	\$404,320.00
North Park	FL-PC-05-12	City Of Palm Coast	\$130,810.00	\$261,620.00
Waterfront Park - Phase II	FL-PC-08-14	City Of Palm Coast	\$296,750.00	\$653,500.00
Long's Landing Estuary - Phase I	FL-PC-09-17	City Of Palm Coast	\$75,000.00	\$150,000.00
			<b>\$1,491,597.97</b>	<b>\$3,143,450.37</b>



LOCATION MAP  
WATERWAYS ASSISTANCE PROGRAM PROJECTS  
IN FLAGLER COUNTY







Map Legend

DMMA

Dredging Area

Potential 3<sup>rd</sup>  
Party Facilities



## DANIA CUTOFF CANAL DEEPENING PROJECT

## DREDGING AGREEMENT

THIS AGREEMENT ("Agreement") is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2012 ("Effective Date") between \_\_\_\_\_, a \_\_\_\_\_ organized and existing under the laws of the State of \_\_\_\_\_ ("Owner") and FLORIDA INLAND NAVIGATION DISTRICT, an independent special taxing district of the State of Florida ("District").

## RECITALS

Whereas, District has entered into a contract with Lucas Marine Acquisition Company, LLC ("Contractor") for the dredging of the Dania Cutoff Canal (the "Dredging Contract"); and

Whereas, District has entered into a contract with Taylor Engineering, Inc. ("Engineer") to provide construction administration services (the "Engineering Contract"); and

Whereas, District has entered into a license agreement (the "License") with Broward County ("County") to use a portion of the Port Everglades property as a temporary dredged material management area ("DMMA") for materials dredged from the Dania Cutoff Canal; and

Whereas, the License also allows the District to use the DMMA for handling dredged materials removed from third party projects along the Dania Cutoff Canal, subject to the County's review and approval of the analysis of said dredged materials; and

Whereas, the District is willing to cooperate with third parties who own boatyards and marinas along the Dania Cutoff Canal who desire to dredge their facilities in conjunction with the Dredging Contract; and

Whereas, Owner is the owner of real property located adjacent to the Dania Cutoff Canal and more particularly described on Exhibit "A" ("Owner's Property"); and

Whereas, Owner desires to have his marine facilities dredged in conjunction with the District's Dredging Contract ("Owner's Project").

NOW, THEREFORE, Owner and District, in consideration of the premises, the sum of Ten Dollars (\$10.00), and other good and valuable consideration, hereby agree as follows:

1. Incorporation of Recitals. The foregoing recitals are true, correct and incorporated into this Agreement by reference.
2. Request for Dredging Services. Owner shall initially submit a letter to the District requesting inclusion in the Dredging Contract. The letter shall include, at the minimum: (a) the estimated volume of material to be dredged; (b) a location map of the area to be dredged at a scale acceptable to the District; (c) plans and specifications for Owner's Project; (d) true, correct and complete copies of all environmental permits required for the Owner's Project, including, without limitation, the U.S. Army Corps of Engineers,



Florida Department of Environmental Protection and Broward County Development and Environmental Regulation Division; and (e) a certified copy of the sediment analysis report according to the parameters in Attachment 1.

3. District Responsibilities. Upon receipt of a complete letter request, the District shall: (a) obtain a written fee quote from the Contractor and provide a copy to the Owner; (b) obtain approval from the County to use the DMMA to handle Owner's dredged materials; and (c) obtain a written fee quote from the Engineer to provide construction administration of the work on Owner's Project and provide a copy to the Owner.
4. Owner's Review and Approval. Upon receipt of the information in Section 3, Owner shall have fifteen (15) days to submit a letter notifying District that Owner accepts the price quotes and agrees to have the District add Owner's Project to the Dredging Contract and the Engineering Contract. The Owner shall initial and attach copies of the fee quotes to the letter. Simultaneously with the submittal of the letter, Owner shall deliver to the District by certified check or wire transfer a sum equal to fifty percent (50%) of the total fee quotes from the Contractor and the Engineer (the "Initial Deposit"). Owner shall also submit security for the payment of the balance of the total fee quotes in a form acceptable to District, which may include a cash bond, escrow account, or irrevocable standby letter of credit. Failure to so notify the District and submit the Initial Deposit and security will result in the termination of this Agreement.
5. Actions upon Owner's Acceptance. Upon Owner's compliance with Section 4, the District shall issue a change order to the Dredging Contract and the Engineering Contract to add Owner's Project. The District shall invoice the Owner at the end of Owner's Project and Owner shall pay the District in full within thirty (30) days of receipt of the invoice. If such payment is not timely received, the District shall have the right, but not the obligation, to proceed against the security provided by Owner. Owner shall receive a reduction in price in the event that the actual volume of dredged material is substantially less than stated in the estimate provided by Owner.
6. Modifications. Should modifications be necessary to Owner's Project resulting from changes in the scope of Owner's Project or unanticipated conditions, including, but not limited to, removal of a greater volume of material than stated in the estimate provided by Owner, discovery of contaminated material not documented in the sediment analysis report provided by Owner, removal of foreign materials not documented in Owner's request, or discovery of utility lines in the Owner's project area, the District will notify Owner and work with the Owner and the Contractor to devise an agreed upon modified scope of work and cost estimate. Upon Owner's approval of the modification the District shall, upon Owner's compliance with Section 4, shall issue change orders to the Dredging Contract and the Engineering Contract to add Owner's Modified Project.
7. DMMA Protection from Contamination. The District is contractually liable to the County to protect the DMMA from contamination and to cleanup any contamination that may unintentionally occur. Therefore, the DMMA will be cleaned out of all dredged materials prior to use for the Owner's Project and the floor of the DMMA will be tested

for contamination. This test will serve as the baseline to compare a similar test after the Owner's dredged material has been placed in the DMMA and then removed. Results of both tests will be provided to Owner and the cost of the final test will be included in the price quote obtained in Section 4. Any contamination of the DMMA caused by Owner's dredged materials will be cleaned up by the District or the County at Owner's expense.

8. Indemnification. Owner agrees to indemnify and hold harmless the District, its commissioners, officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Owner and persons employed or utilized by the Owner. Owner shall indemnify and hold harmless the District, its commissioners, officers, employees, engineers and contractors from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, due to or arising from damage to structures in the vicinity of Owner's project, except to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Contractor or persons employed by the Contractor.
9. Notices. Notices required or permitted to be given pursuant to the terms of this Agreement will be delivered in person or by facsimile transmission, (provided the original notice is delivered in person or by mail or delivery service as set forth herein) or sent by certified mail, return receipt requested, postage prepaid, by recognized contract carrier providing signed receipt for delivery, and will be deemed delivered upon receipt or refusal of delivery. Notices will be delivered at the following addresses, subject to the right of any party to change the address at which it is to receive notice by written notice to the other party:

To District:

Florida Inland Navigation District  
 1314 Marcinski Road  
 Jupiter, Florida 33477-9498  
 Attn: Executive Director  
 Telephone: (561) 627-3386  
 Facsimile: (561) 624-6480

To Owner:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attention: \_\_\_\_\_  
 Phone: ( ) \_\_\_\_\_  
 Fax: ( ) \_\_\_\_\_

10. Integration and Severability. This Agreement and the attachments hereto set forth the entire understanding of District and Owner with the respect to the matters which are the subject of this Agreement, superseding and/or incorporating all prior or contemporaneous

oral or written agreements, and may be changed, modified, or amended only by an instrument in writing executed by the party against whom the enforcement of any such change, modification or amendment is sought.

11. Successors and Assigns. This Agreement will inure to the benefit of and be binding upon, and is intended solely for the benefit of, the parties hereto, and their respective heirs, personal representatives, successors, and assigns; and no third party will have any rights, privileges or other beneficial interests herein or hereunder. Notwithstanding the foregoing, Owner will not assign this Agreement without the prior written consent of District, which consent may be withheld in District's sole and absolute discretion.
12. Governing Law. This Agreement is governed by and will be construed in accordance with the laws of the State of Florida, and in the event of any litigation concerning the terms of this Agreement, proper venue thereof will be in Palm Beach County.
13. Invalid Provisions. In the event any term or provision of this Agreement is held illegal, unenforceable or inoperative as a matter of law, the remaining terms and provisions will not be affected thereby, but will be valid and remain in force and effect, provided that the inoperative provisions are not essential to the interpretation or performance of this Agreement in accordance with the clear intent of the parties.
14. Counterparts. This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which will constitute the same instrument; and delivery of signatures transmitted by facsimile will be sufficient to bind the signing party.
15. No Waiver of Default. No waiver by a party of any breach of this Agreement or of any warranty or representation hereunder by the other party will be deemed to be a waiver of any other breach by such other party (whether preceding or succeeding and whether or not of the same or similar nature), and no acceptance of payment or performance by a party after any breach by the other party will be deemed to be a waiver of any breach of this Agreement or of any representation or warranty hereunder by such other party, whether or not the first party knows of such breach at the time it accepts such payment or performance. No failure or delay by a party to exercise any right it may have by reason of the default of the other party will operate as a waiver of default or modification of this Agreement or will prevent the exercise of any right by the first party while the other party continues so to be in default.
16. Jury Waiver. IN ANY CIVIL ACTION, COUNTERCLAIM OR PROCEEDING, WHETHER AT LAW OR IN EQUITY, WHICH ARISES OUT OF, CONCERNS, OR RELATES TO THIS AGREEMENT, AND ANY AND ALL TRANSACTIONS CONTEMPLATED HEREUNDER, THE PERFORMANCE HEREOF, OR THE RELATIONSHIP CREATED HEREBY, WHETHER SOUNDING IN CONTRACT, TORT, STRICT LIABILITY OR OTHERWISE, TRIAL WILL BE TO A COURT OF COMPETENT JURISDICTION AND NOT TO A JURY. EACH PARTY HEREBY IRREVOCABLY WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY.

ANY PARTY MAY FILE AN ORIGINAL COUNTERPART OR A COPY OF THIS AGREEMENT WITH ANY COURT AS WRITTEN EVIDENCE OF THE CONSENT OF THE PARTIES HERETO OF THE WAIVER OF THEIR RIGHT TO TRIAL BY JURY. NEITHER PARTY HAS MADE OR RELIED UPON ANY ORAL REPRESENTATIONS TO OR BY ANY OTHER PARTY REGARDING THE ENFORCEABILITY OF THIS PROVISION. EACH PARTY HAS READ AND UNDERSTANDS THE EFFECT OF THIS JURY WAIVER PROVISION.

17. Time; Effective Date. Time is of the essence with respect to the payment of moneys and the performance of each and every obligation set forth in this Agreement. "Effective Date" means the first date upon which this Agreement has been executed by both District and Owner as set forth in the first grammatical paragraph of this Agreement.
18. Performance Subject to Appropriations. District's obligations hereunder are subject to appropriations by its Governing Board.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the date first above written.

"District"  
FLORIDA INLAND NAVIGATION  
DISTRICT

By: \_\_\_\_\_  
Norman Bray, Chair

Approved as to Form and  
Legal Sufficiency

\_\_\_\_\_  
Attorney for Florida Inland  
Navigation District

"Owner"  
\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**RESOLUTION NO. 2012-02**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF FLORIDA INLAND NAVIGATION DISTRICT, DELEGATING  
CERTAIN AUTHORITIES TO THE EXECUTIVE DIRECTOR  
(OR, IN HIS/HER ABSENCE, THE ASSISTANT EXECUTIVE DIRECTOR)**

**WHEREAS**, the Board of Commissioners of the Florida Inland Navigation District (the "Board") is the administrative and policy making body of the Florida Inland Navigation District (the "District") pursuant to s.374.983 and 374.984, F.S.; and

**WHEREAS**, the Board has determined that the delegation of certain routine administrative functions to the District's Executive Director will facilitate more effective and efficient administrative operations.

**NOW, THEREFORE**, be it resolved by the Board of Commissioners of the Florida Inland Navigation District:

Section 1. The Board hereby delegates certain routine administrative functions to the District's Executive Director as described in the attached revised Exhibit "A" (the "Delegation").

Section 2. The Executive Director will report to the Board monthly on the Delegations that he/she approves.

Section 3. In the event that the Executive Director is on vacation or is otherwise absent from the office for a period of five (5) or more consecutive business days, the administrative functions described in the attached Exhibit "A" are delegated by the Board to the Assistant Executive Director until the earlier of: the return of the Executive Director or the Board taking further action.

Section 4. This Delegation will be reviewed annually by the Board in conjunction with the development and approval of the annual District budget.

Section 5. This Resolution shall become effective upon adoption.

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Upon motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, the Board approved the Resolution as follows:

S. Norman Bray  
Aaron Bowman  
J. Carl Blow  
Jon Netts  
Nancy Freeman  
Jerry H. Sansom  
Bruce Barkett  
Gail Kavanagh  
Donald J. Cuzzo  
Donn R. Colee, Jr.  
Tyler Chappell  
Spencer T. Crowley

The Chair thereupon declared the resolution duly passed and adopted this 14 day of April, 2012.

**FLORIDA INLAND NAVIGATION  
DISTRICT**

By: \_\_\_\_\_  
Norman S. Bray, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Peter Breton  
Attorney for Florida Inland  
Navigation District

## **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-substantative 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.
- 5) Authorize the designation of fund balance categories for the financial statements.

#### **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

April 2, 2012

**MEMORANDUM**

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

**FROM:** Jim Davenport

**SUBJECT:** Federal Legislative Update

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We appreciate you taking the time to come to Washington, DC on March 6<sup>th</sup> – 8<sup>th</sup> to discuss the Florida Inland Navigation District's maintenance dredging priorities for Fiscal Year (FY) 2013.

As you know, our goal in 2012 will be to increase funding for the Navigation Maintenance and Inland Waterways accounts, so that FIND can seek funding for the Intracoastal Waterway (IWW), Atlantic Intracoastal Waterway (AIWW) and Okeechobee Waterway (OWW) in the U.S. Army Corps of Engineers (USACE) FY 2013 Work Plan. We are seeking \$100 million for Navigation Maintenance and \$100 million for Inland Waterways, which is much higher than the \$85 million allocated across both accounts in FY 2012.

During your trip, we met with USACE staff, several members of Congress, congressional staff and the committee staff for the House and Senate Energy and Water Appropriations Subcommittees to advocate for Navigation Maintenance and Inland Waterways funding. Overall, we received a positive reaction from members and staff that represent FIND's congressional delegation. In addition, committee staff are receptive to including funding for Inland Waterways and Navigation Maintenance, but the more difficult task will be obtaining a higher amount of funding for those USACE categories.

After your trip, we followed up with the congressional staff for members of Congress representing FIND, and asked that they request funding from the House and Senate Energy and Water Subcommittees. In addition, per Mark Crosley's request, we arranged a conference call with Mark and Brad Pickle, Executive Director for the Atlantic Intracoastal Waterway Association, to advise

Mr. Pickle of our recent efforts and recommend that he make similar efforts on behalf of the AIWW.

We will continue to apprise you of our work. Please contact us with any questions.



**US Army Corps  
of Engineers** ®  
Jacksonville District

**IWW STATUS UPDATE  
FIND Board of Commissioners Meeting  
April 14, 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)



**US Army Corps  
of Engineers**  
Jacksonville District

## IWW STATUS UPDATE FIND Board of Commissioners Meeting April 14, 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 continues to work toward the June completion date. All remaining work associated with completion of the project will be paid for out of the "mini pot" funding received at the Corps (estimated \$180,000 for remaining modifications). There have been no accidents on the site.



Dredged Material Management  
Area IR-2 Construction

Print #120110101  
Date: 05/10/12  
Lat/Lon: 27.779253 -80.444266  
Aerial Photography, Inc. 954.968.0484



**US Army Corps  
of Engineers**  
Jacksonville District

## IWW STATUS UPDATE FIND Board of Commissioners Meeting April 14, 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-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.

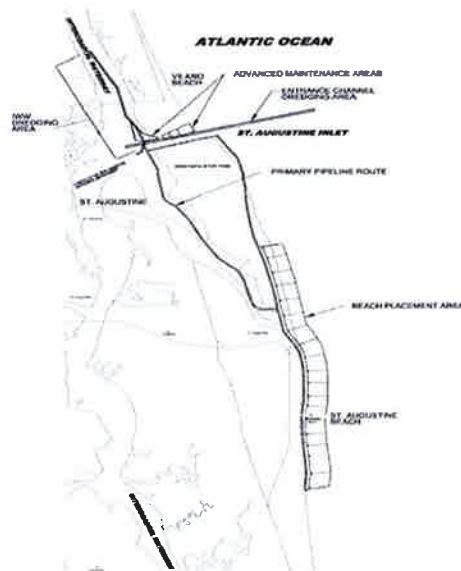
#### SCHEDULE:

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:** The FP&L power line that crossed the Federal channel has been removed as of 23 March 2012. Advertisement date is tentatively set for 1 May 2012, however, the progress on the St. Johns County Shore Protection Project is running behind schedule so project managers for both efforts will coordinate and revise the schedule if need be. Funds are on hand at the Corps. Final information needed prior to advertisement are the signed Use Agreement (between FIND and DEP) and the Lands Certification. The Use Agreement was signed at the March Board Meeting and was forwarded back over to DEP by FIND staff. Beach quality material will be placed on Anastasia State Park.







**US Army Corps  
of Engineers**  
Jacksonville District

## IWW STATUS UPDATE FIND Board of Commissioners Meeting April 14, 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:

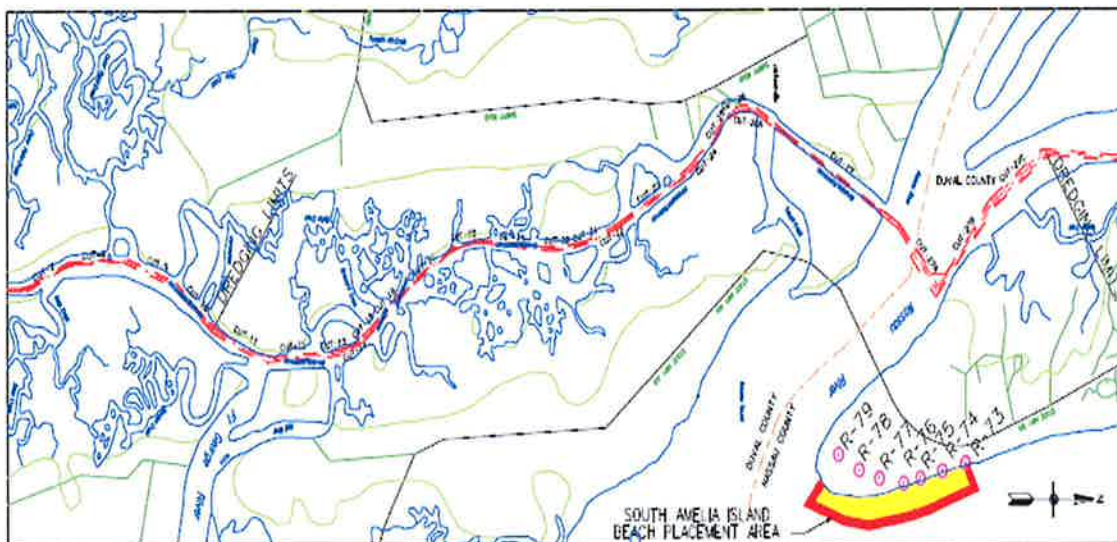
Submit WQC permit application to DEP:	29 June 2011A
Pre Application Meeting	2 Aug 2011A
Date we expect DEP permit/NEPA:	6 May 2012
Contract Advertisement Initiated:	TBD
Bid Opening:	TBD
Contract Award:	TBD
NTP Issued:	TBD
Dredging Complete:	TBD

**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:** A conference call was held on 27 March 2012 to discuss inclusion of diamond back terrapin conditions within the draft permit received from DEP. By Friday 6 April 2012, comments to the draft permit will be sent back to DEP by the Corps. Corps staff is currently researching to determine if these restrictions are supported in the NOAA coastal management program. If not, the Corps will request that these be completely removed. If the species is included within the program, the Corps will coordinate with DEP to ensure minimization of impacts to the upcoming dredging event. The diamond back terrapin is not a listed species.

\$150,000 in funding received in the "mini pot" funding was transferred from the IWW Jax to Miami project over to the AIWW Sawpit project for completion of plans and specifications and all associated surveys. Scheduled initiation of P&S is mid April 2012.



# FY 2012-2013 COOPERATIVE ASSISTANCE PROGRAM APPLICATIONS

APPLICANT	PROJECT TITLE	TOTAL PROJECT COST	ASSISTANCE REQUESTED
FDEP - Office of Sustainable Initiatives	Florida Clean Marina Program	300,000	150,000
FDEP - Office of Sustainable Initiatives	Florida Clean Vessel Act Program	300,000	150,000
SJRWMD	Eau Gallie Rive Muck Dredging - Phase I	300,000	150,000
<b>TOTALS - 3 APPLICATIONS</b>		<b>900,000</b>	<b>450,000</b>

# 2012-2013 WATERWAYS ASSISTANCE PROGRAM APPLICATIONS

A	B	C	D	E	F
COUNTY	SPONSOR	PROJECT TITLE	TOTAL COST	ASSISTANCE REQUESTED	POTENTIAL ASSISTANCE AVAILABLE
1					
2					
3					
4	NASSAU	Dredging of Fernandina Beach Harbor Marina Basin - Phase B	426,500	180,000	
5					
6		COUNTY TOTAL	426,500	180,000	174,735
7					
8	DUVAL	Marsh Preserves, Launch, Fishing & Access Improvements, PH I	34,000	17,000	
9		Gefen Kayak Launch - Phase I	90,000	45,000	
10		Jacksonville Zoo Dredge - Phase II	1,018,050	509,025	
11		Mayport Boat Ramp Docks - Phase II	803,350	401,675	
12		Pottsborg Creek Dredge - Phase I	250,000	125,000	
13					
14		COUNTY TOTAL	2,195,400	1,097,700	1,345,300
15					
16	ST. JOHNS	Dredging of Salt Run Channel	280,000	210,000	
17		Dredging of San Sebastian River Channel	420,000	210,000	
18		Barge Navigation Channel Restoration Dredging - PH B	420,000	210,000	
19		Vilano Beach Boat Ramp Dredging Project	80,000	40,000	
20					
21		COUNTY TOTAL	1,200,000	670,000	458,430
22					
23	FLAGLER	Accessibility Improvements at Bing's Landing	175,000	87,500	
24		Bing's Landing Restroom & Basin Dock	231,800	106,900	
25		Eyes On Navigation	64,420	32,210	
26					
27		COUNTY TOTAL	471,220	226,610	175,755
28					
29	VOLUSIA	Swoope Site Boat Ramp, Parking, Restroom, Dredge PH-II	1,000,000	500,000	
30		Mariner's Cover Boat Ramp Expansion - Phase II	80,000	40,000	
31					
32		COUNTY TOTAL	1,080,000	540,000	644,090
33					
34	BREVARD	Griffis Landing at Blue Crab Cove - Phase II	608,482	304,241	
35		Dereitcl Vessel Removal 2012	45,700	22,850	
36		Kelly Park East Floating Dock	162,500	71,500	
37		Lee Werner Park Dredging & Seawall Extension	223,500	111,750	
38		Horse Creek Non-Motorized Boat Launch & Dredge - Phase I	60,000	30,000	
39		Melbourne Harbor Channel Dredge - Phase I	80,000	60,000	
40		Bayfront Waterfront	785,000	190,559	
41					
42		COUNTY TOTAL	1,965,182	790,900	661,755
43					
44	INDIAN RIVER	Lagoon Greenway - Phase B-2	312,000	156,000	
45		Oslo Public Boat Ramp Parking & Dredging	900,000	437,500	
46					
47		COUNTY TOTAL	1,212,000	593,500	349,165
48					
49	ST. LUCIE	Dredge Mouth of Moores Creek Adjacent to City Marina	102,060	47,726	
50		Public Fishing Pier & Fish Cleaning Station on Melody Lane	502,365	242,332	
51					
52		COUNTY TOTAL	604,425	290,058	386,335
53					

# 2012-2013 WATERWAYS ASSISTANCE PROGRAM APPLICATIONS

A	B	C	D	E	F
COUNTY	SPONSOR	PROJECT TITLE	TOTAL COST	ASSISTANCE REQUESTED	POTENTIAL ASSISTANCE AVAILABLE
1					
2					
3					
54	Martin County	Jensen Beach Managed Mooring Field	1,004,140	502,070	
55					
56					
57		COUNTY TOTAL	1,004,140	502,070	446,750
58	PALM BEACH				
59	City of Belle Glade	Restore of Boardwalk, Nav. & Dockage, N. Marina Basin - PH I	58,000	29,000	
60	City of Boca Raton	Boca Raton Inlet Dredging Equipment	218,000	109,050	
61	City of Lantana	Law Enforcement Boating Safety Program	60,000	30,000	
62	Town of Jupiter	Jupiter Riverwalk & Public Docks @ Jupiter Inlet Marina	1,792,744	888,887	
63	Village of North Palm Beach	Anchorage Park - Phase II	400,000	200,000	
64	Palm Beach County	Burt Reynolds Park - West Side Design - Phase I	100,000	50,000	
65	Palm Beach County	Fullerton Island Restoration Project	3,677,004	1,266,355	
66	Palm Beach County	JILONA Shoreline Stabilization & Restoration	3,038,282	579,790	
67	Palm Beach County	South Lake Worth Inlet - Sand Trap & Boat Channel Dredging	1,965,239	263,080	
68	Town of Palm Beach	Town of Palm Beach Waterway - Phase I	80,000	40,000	
69	City of Riviera Beach	Bicentennial Park Improvements - Phase I	150,000	75,000	
70	City of Riviera Beach	Municipal Marina Construction - Phase B	3,000,000	1,500,000	
71	City of West Palm Beach	Currie Park Fishing Piers Improvement Project	788,000	394,000	
72	City of West Palm Beach	Currie Park Boat Access Improvement Project - Phase I	50,000	25,000	
73					
74		COUNTY TOTAL	15,377,269	5,450,162	3,282,530
75	BROWARD				
76	City of Dania Beach	Municipal Marina Renovation Project - Phase II	5,000,000	2,500,000	
77	City of Deerfield Beach	1701 Riverview Road Property Acquisition	2,212,500	553,125	
78	City of Ft. Lauderdale	SE 15th Street Boat Ramp & Marine Complex Development	2,491,320	980,988	
79	City of Hallandale Beach	Hallandale Beach City Marina	991,543	347,040	
80	City of Hollywood	Waterway Master Plan	15,000	75,000	
81	City of Pompano Beach	Alsdorf Park Improvements - Phase I	183,514	91,575	
82					
83		COUNTY TOTAL	10,893,877	4,547,728	3,347,135
84	MIAMI-DADE				
85	Bal Harbor Village	Sand Bypass at Baker's Haulover Inlet - Phase I	400,000	50,000	
86	City of Miami	Fern Isle/PBA Park Shoreline Stabilization - Phase I	125,000	62,500	
87	City of Miami	Little River Waterfront Park Acquisition - Phase B	735,000	183,750	
88	City of Miami	Manatee Bend Park Seawall Improv. & Kayak Launch - PH I	77,000	38,500	
89	City of Miami	Marine Stadium Marina Seawall Replacement - Phase II	1,600,000	800,000	
90	City of Miami	Pallot Park Shoreline Stabilization - Phase I	60,000	30,000	
91	City of Miami	Seybold Canal & Wagner Creek Dredge & Enviro Clean-up PH B	1,400,000	700,000	
92	City of Miami	Spoil Island E Floating Dock Restoration Project - Phase II	115,000	57,500	
93	City of Miami Beach	South Pointe Pier Construction - Phase II	4,243,550	986,000	
94	Miami-Dade County	Miami River Greenways Riverwalk	1,134,297	500,000	
95	Miami-Dade County	Pelican Harbor Marina Improvements	2,758,000	1,200,000	
96	Miami-Dade County	Vizcaya NE Garden Area Public Shoreline Stabilization - Phase II	268,000	134,000	
97	City of North Bay Village	Baywalk Plaza Area - Phase I	100,500	50,250	
98	City of North Bay Village	Vogel Park Improvements	295,335	147,667	
99					
100		COUNTY TOTAL	13,311,682	4,940,167	4,959,450
101					
102		TOTALS =	49,741,695	19,828,895	16,231,430
103		61 PROJECTS			