

ADDITIONAL AGENDA ITEMS

FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Meeting

9:00 a.m., Friday, July 18, 2014

Hampton Inn & Suites
19 S. Second St., Fernandina Beach, 32034
Nassau County, Florida.

**Item 23A. Additional Permitting Coordination, Intracoastal Waterway (IWW)
Deepening Project in the Vicinity of Peanut Island, Palm Beach County.**

The District has been working with Taylor Engineering to design, permit and construct a deepening project for the Intracoastal Waterway (IWW) west of Peanut Island (north of the Port of Palm Beach). This effort has been labor intensive and time consuming since the project has numerous submerged aquatic resources and is considered a “new” project by the permit reviewers. Specifically, the U.S. Army Corps of Engineers (USACE) permitting process has been delayed, lengthy and exhaustive.

With the permit review nearing completion, additional funding is needed to ensure thorough and continued coordination with the review agencies. Staff has received the scope of work and fee quote from Taylor Engineering and recommend approval.

(Please see attached backup pages 87 - 94)

RECOMMEND: Approval of a scope of work and fee quote from Taylor Engineering in the amount of \$30,585.00 for additional permitting coordination for the IWW Deepening Project in the Vicinity of Peanut Island, Palm Beach County.

Item 23B. Gopher Tortoise Relocation Proposal for Dredge Material Management Area (DMMA) FL-3, Flagler County.

The District and Taylor Engineering are preparing to develop DMMA FL-3. As part of the required permitting for the site, a consultant was hired to perform a gopher tortoise survey of the property. A preliminary survey in December of 2012 found a few potential burrows. The most recent survey has identified up to 122 individual burrows. Each burrow will need to be investigated and any live tortoise will need to be relocated prior to site construction.

Since the bids for FL-3 have been received, the gopher tortoise work needs to be accomplished as soon as possible. A scope of work and fee quote from Environmental Services, Inc. has been requested. This is the firm that has been working on this issue at this location. The proposal is a not to exceed proposal.

(Please see attached backup pages 95 - 101)

RECOMMEND: Approval of a scope of work and fee quote from Environmental Services, Inc. in the amount of \$123,700.00 for required gopher tortoise relocation services at DMMA FL-3, Flagler County.



TAYLOR ENGINEERING, INC.

Delivering Leading-Edge Solutions

June 30, 2014

Mr. Mark Crosley
 Executive Director
 Florida Inland Navigation District (FIND)
 1314 Marcinski Road
 Jupiter, FL 33477

RE: Supplementary Permitting Funding Request
 FDEP File No. 50-0294306-002 & USACE Application No. SAJ-2012-01719 (SP-SLR)
 Intracoastal Waterway Deepening Project in the Vicinity of the Port of Palm Beach
 Palm Beach County, Florida

Mr. Crosley:

I have enclosed a Scope of Work (Attachment A) and Cost Proposal (Attachment B) to provide continued professional permitting and engineering services in support of the above-referenced project. While we secured the Florida Department of Environmental Protection (FDEP) permit on January 21, 2014, we continue coordination with the U.S. Army Corps of Engineers (USACE). A May 22, 2014 meeting between FIND, USACE, U.S. Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), Rybovich, and Taylor Engineering outlined several steps before the USACE considered the application complete. The attached Scope of Work details our approach to respond to those outstanding items (as outlined in the meeting minutes [Attachment C]) for which FIND is responsible.

Please note that our original Scope of Work (FIND Work Order No. 11-07, dated November 4, 2011, \$86,054.00) and subsequent amendments (FIND Work Order No. 11-07, Amendment No. 1, \$9,968.00 and 13-08, \$44,042.00 dated April 27, 2012 and August 1, 2013) covered tasks for preliminary design, permitting, and project coordination; however, our level of effort during the permit review process exceeded what was originally budgeted. Specifically, we did not foresee the three-fold change in USACE permit reviewers, joint in-person coordination meetings to discuss previously agreed upon design and environmental impact information, nor expect the extended review process. Attachment D provides a tabular summary of the permitting timeline and associated milestones to date.

Given this information and nearing expected completion of the extended USACE permit process, the total cost-plus maximum fee to address Tasks 1 – 4 totals \$30,585.00. Thank you for this opportunity to serve the FIND. We look forward to continuing our work on this project. Please contact Ms. Lori Brownell, P.E. or me if you have questions about this proposal.

Sincerely,

John F. Adams, P.E.
 Senior Advisor

Enclosures (4)

ATTACHMENT A

**SCOPE OF WORK
SUPPLEMENTARY PERMITTING FUNDING REQUEST
FDEP FILE NO. 50-0294306-002 & USACE APPLICATION NO. SAJ-2012-01719 (SP-SLR)
INTRACOASTAL WATERWAY DEEPENING PROJECT IN THE VICINITY OF THE PORT
OF PALM BEACH; PALM BEACH COUNTY, FLORIDA**

The following table itemizes the action items and responsible party summarized from the U.S. Army Corps of Engineers (USACE) May 22, 2014 meeting minutes (Attachment C).

ITEM NO.	ACTION ITEM	RESPONSIBLE PARTY
1	Provide updated seagrass survey information from Palm Beach County	USACE
2	Update cumulative impact analysis with updated seagrass survey information from Palm Beach County	FIND/Taylor Engineering
3	Meet with National Marine Fisheries Service (NMFS) Protected Resources Division (PRD), NMFS Habitat Resources Division (HRD) and U.S. Environmental Protection Agency (EPA) to review and finalize UMAM scores	USACE
4	Address each of the 12 mitigation plan components	FIND/Taylor Engineering
5	Provide updated cumulative impact analysis (No. 2) and approved mitigation plan (No. 4) to EPA, NMFS-PRD, NMFS-HRD, and U.S. Fish and Wildlife Service (USFWS)	USACE
6	Resolve navigation concerns and provide special conditions, if necessary, for review	USACE
7	Request that EPA, NMFS-PRD, and NMFS-HRD lift project objections, if appropriate	USACE
8	Receive Biological Opinions from USFWS and NMFS-PRD (Protected Resources Division)	USACE, FIND/Taylor Engineering
9	Revise permit application such that Palm Beach County and FIND be co-applicants on both the Snook Island and ICWW Palm Beach Deepening projects	FIND
10	Provide regulation citation to FIND requiring co-applicants.	USACE

As summarized, the Florida Inland Navigation District (FIND) and, in part, Taylor Engineering are responsible for providing additional information on Items No. 2, 4, 8, and 9. With exception of Item No. 9, which requires FIND coordination with Palm Beach County, the following Scope of Work details our approach to respond these first three items. Finally, we have also included a fourth task that includes the potential for any other additional items that the USACE may require to support the NEPA consultation process.

TASK 1 CUMULATIVE IMPACT ANALYSIS

Taylor Engineering originally supplied the USACE with a cumulative impact analysis for the proposed project on October 5, 2012. At our most recent meeting, the USACE indicated that it requires a more thorough analysis of each individual property adjacent to the proposed deepening project and not solely those properties currently seeking (i.e., Rybovich, City of Riviera Beach) to expand their connection to the deepened Intracoastal Waterway (ICWW). Given the recently updated Palm Beach County seagrass survey data (March 2014), the USACE has requested that we provide an updated cumulative impact analysis.

ATTACHMENT A

TASK 2 MITIGATION PLAN

Taylor Engineering originally supplied the USACE with a mitigation credits analysis and plan on August 23, 2013. Since then, the USACE has verbally indicated that it requires additional information for the plan portion of our submittal. Once we receive written and specific feedback, we will address the concerns forthright.

TASK 3 BIOLOGICAL OPINION

This task includes coordination time to review and respond to additional questions generated during development of the Biological Opinions (BOs) and, as necessary, respond to draft BO language provided by the EPA and NMFS-PRD.

TASK 4 CONTINUED COORDINATION AND RESPONSE TO ADDITIONAL RAI REQUESTS

The single most important activity during the permitting process is establishment and maintenance of a clear line of communication between the applicant and the participating agencies. To that end, Taylor Engineering will continue to actively coordinate with local, state, and federal agency staff during the application process. These agencies include, among others, the FDEP, USACE, Palm Beach County, USFWS, and NMFS. We will keep the other entities in the process aware of inconsistencies between agency positions / documents as they arise and perform other necessary coordination and document revisions necessary to maintain consistency between the state and federal permit applications and other environmental documentation. We will assist FIND in satisfactory resolution of environmental issues that arise during the review period. After reviewing the above-noted items, the USACE may respond with additional RAI requests or require additional meetings. Taylor Engineering will provide all RAI responses to the FIND for review before submittal to the USACE. For this task, we have estimated a cost-plus maximum fee of \$15,000.00.

ATTACHMENT B

**TAYLOR ENGINEERING, INC.
COST SUMMARY BY TASK**

**P2014-099: SUPPLEMENTARY PERMITTING FUND REQUEST: ICWW DEEPENING PROJECT
IN THE VICINITY OF THE PORT OF PALM BEACH; PALM BEACH COUNTY, FLORIDA**

TASK 1: CUMULATIVE IMPACT ANALYSIS

<i>Labor</i>	Hours	Cost (\$)	Task Totals
Senior Advisor	4.0	740.00	
Director	20.0	3,100.00	
Editor	1.0	99.00	
Senior Technical Support	16.0	1,648.00	
Administrative	3.0	156.00	
Total Man-Hours	44.0		
Labor Cost			5,743.00
<i>Total Task 1</i>			\$ 5,743.00

TASK 2: MITIGATION PLAN

<i>Labor</i>	Hours	Cost (\$)	Task Totals
Director	4.0	620.00	
Senior Professional	12.0	1,620.00	
Administrative	1.0	52.00	
Total Man-Hours	17.0		
Labor Cost			2,292.00
<i>Total Task 2</i>			\$ 2,292.00

TASK 3: BIOLOGICAL OPINION

<i>Labor</i>	Hours	Cost (\$)	Task Totals
Director	20.0	3,100.00	
Senior Professional	32.0	4,320.00	
Administrative	3.0	156.00	
Total Man-Hours	55.0		
Labor Cost			7,576.00
<i>Total Task 3</i>			\$ 7,576.00

TASK 4: CONTINUED COORDINATION AND RESPONSE TO ADDITIONAL RAI REQUESTS

<i>Labor</i>	Hours	Cost (\$)	Task Totals
Vice President	4.0	740.00	
Senior Advisor	12.0	2,220.00	
Director	30.0	4,650.00	
Senior Professional	32.0	4,320.00	
Senior Technical Support	24.0	2,472.00	
Administrative	11.0	572.00	
Total Man-Hours	113.0		
Labor Cost			14,974.00
<i>Total Task 4</i>			\$ 14,974.00

Project Total \$ 30,585.00

22 May 2014

FIND Meeting Minutes

Proposal: Dredge 3,555 linear feet (ft) of Intracoastal Waterway (ICW) to -15 ft MLW with -2 ft overdredge. Dredging would commence southwest of Peanut Island and continue north 3,555 linear ft. 100-foot wide channel with 3H:1V side slopes would be dredged within the 125-foot wide existing ICW channel.

Safety Concerns: The Corps, Engineering Division described their concerns with FIND's proposal to construct a 100-foot wide channel given the size of the design vessel provided by Rybovich Marine. Based on the specifications of the targeted vessel, the LIMITLESS, the Corps' shallow draft navigation guidance criteria would recommend a minimum channel width of 123 feet while its deep draft guidance would recommend a minimum channel width of 133 feet. Both criteria are presented since the draft of the LIMITLESS (14.4 feet) and the design depth of the deepened ICW channel (15 feet) straddle the USACE's definition of shallow-draft and deep-draft navigation. Since the proposed 100-foot wide channel did not meet the minimum recommended channel widths, Engineering Division recommended a ship stimulation at STAR (in Ft. Lauderdale) to verify that the design vessel could navigate safely. The ship simulation would take an estimated 3 months to complete and cost between \$60,000-70,000. FIND was not agreeable to this, stating that ship simulations are only needed for port operations and that the ICW, in their opinion, is outside the confines of the Port of Palm Beach. FIND also stated that its purpose for the ICW deepening was, in general, to accommodate larger, deeper draft vessels and that it was Rybovich, and not FIND, that had specified the LIMITLESS as the design vessel. Because of schedule, cost and environmental impacts considerations, FIND understandably is not interested in re-designing to a wider channel and instead asked for the Corps' opinion on the maximum size vessel that would be able to safely utilize the deeper 100-foot wide channel.

Additional protective measures and practices were discussed to ensure public and vessel safety is achieved. Vessel Operators are currently required to call "Channel 13" to notify boaters of their route (referred to as a security warning). The revised channel would be charted by NOAA and new channel markers would be installed. EPA suggested a boat act as a lead vessel (similar to when wide loads are transported on a highway), but FIND stated the stretch of ICW deepening is relatively short and has a straight line of sight. Both the Corps and FIND stated that any of the required and relevant safety measures and practices should be documented as a condition of the USACE's issued Section 404 permit.

Rybovich noted that their vessels (one from the front and the other from behind) would, in fact, tow the entering vessel into and out of their facility.

FIND stated that the vessels using the Rybovich marinas will be towed so the simulation would not be accurate. Also, Rybovich currently has the LIMITLESS at their WPB marina. Rybovich has been bringing deep-draft vessels in their marina for years and has not had any incidents with safety. Rybovich stated that they would be liable if damages occur as the vessels are being operated under their direction. Rybovich also

ATTACHMENT C

22 May 2014

has a protocol where the vessels call in advance, then Rybovich brings the vessels to the southern facility. The improvements to the north of the Port would be much safer than current operations as the southern channel is not marked.

The Corps recommended that internal discussions would need to occur on how best to move forward. The Corps Engineering Division will also consult with the Palm Beach Harbor pilots in hopes of obtaining their feedback on the navigability of vessels such as the LIMITLESS within the 100-foot wide, deepened reach of the ICW. Since the proposed transit route for the super-mega yacht class of vessels being towed from Rybovich WPB Marina northward to the Rybovich Riviera repair facility will cross through the Port of Palm Beach, Engineering Division will seek to obtain further clarification on whether the pilots will be required aboard the towed vessel.

Cumulative Impact Analysis: FIND also agreed to update the cumulative impact analysis with the Lake Worth Lagoon seagrass survey conducted by Coastal Eco-Group (under contract to Palm Beach County). The Corps would request the digital files from Rybovich and provide to FIND for an updated cumulative impact analysis assessment that included the potential based on reasonable accessibility and current land use for all 19 adjacent facilities to expand their operation.

UMAM Scores/Mitigation Plan: The Corps is scheduling a meeting with EPA and NMFS next week to go over UMAMs for the Sugar Sands and Snook Island, and set up the credit release mechanism for Snook Island.

On 20 May, the Corps gave EPA and NMFS letters and supporting documentation as they requested in their 3a/3b letters, but recognized that the UMAMs and cumulative impact analysis is pending.

Next Steps:

1. Corps provides FIND with digital files of PB County's updated seagrass survey of Lake Worth Lagoon
2. FIND provides updated cumulative impact analysis
3. Corps meets with EPA and NMFS to finalize UMAMs
4. Each of the 12 Components of Mitigation plan must be addressed
5. Once finalized, the Corps will provide cumulative impact analysis and approved mitigation plan to EPA, NMFS HCD, NMFS PRD, and USFWS
6. Corps addresses navigation concern
7. Corps requests if EPA and NMFS would lift objections, if appropriate
8. Receive BOs from USFWS and NMFS, PRD
9. PB County and FIND will need to be co-permittees on both SI and FIND/ICW permits
10. Corps to provide citation for co-permittees in regulation or rule

ATTACHMENT C

22 May 2014

Meeting Attendees

Name	Organization	Email address
Mike Crosley	FIND	mcrosley@aicw.org
Lori Brownell	Taylor Engineering	lbrownell@taylorengeering.com
David Stites	Taylor Engineering	dstites@taylorengeering.com
Chris Ellis	Taylor Engineering	cellis@taylorengeering.com
Carlos Vidueira	Rybovich	cvidueira@rybovich.com
Alisa Zarbo	Corps, Regulatory Division	Alisa.A.Zarbo@usace.army.mil
Russ Weeks	Corps, Engineering Division	Russell.Weeks@usace.army.mil
Philip Sylvester	Corps, Engineering Division	Philip.T.Sylvester@usace.army.mil
Ron Miedema	EPA	Miedema.Ron@epa.gov
Pace Wilber	NMFS, HCD	Pace.Wilber@noaa.gov
Kay Davy	NMFS, PRD	Kay.Davy@noaa.gov

ATTACHMENT D

**SCOPE OF WORK
SUPPLEMENTARY PERMITTING FUNDING REQUEST
FDEP FILE NO. 50-0294306-002 & USACE APPLICATION NO. SAJ-2012-01719 (SP-SLR)
INTRACOASTAL WATERWAY DEEPENING PROJECT IN THE VICINITY OF THE PORT
OF PALM BEACH; PALM BEACH COUNTY, FLORIDA**

PERMITTING TIMELINE

DATE	MILESTONE	NOTES
JANUARY 2012	Joint Pre-Application Meeting	FDEP, USACE attendance
JUNE 2012	Submitted Permit Application & Section 408	
JULY 2012	FDEP RAI No. 1 Received	Between November 2012 and November 2013, FIND received 5 informal RAI requests.
AUGUST 2012	USACE RAI No. 1 Received	USACE Permit Reviewer No. 1: Eric Reusch. RAI items primarily concerned with cumulative impact.
OCTOBER 2012	USACE RAI No. 1 Response Provided	
MARCH 2013	Public Notice Issued	
APRIL 2013	Section 408 Approval Received	USACE Permit Reviewer No. 2: Samantha Rice
JUNE 2013	USACE RAI No. 2 Received, Post-Public Notice RAI	
AUGUST 2013	USACE RAI No. 2 Response Provided	
OCTOBER 2013	USACE RAI No. 3 Received	
NOVEMBER 2013	USACE RAI No. 3 Response Provided	
DECEMBER 2013	Joint meeting with Congresswoman Frankel and USACE, FIND, and Rybovich	
JANUARY 2014	FDEP Permit Received	USACE Permit Reviewer No. 3: Alisa Zarbo
MARCH 2014	Joint meeting with FIND, USACE, EPA, NMFS, Rybovich	
APRIL 2014	Draft NMFS, EFH Letter received	
MAY 2014	Joint meeting with FIND, USACE, EPA, NMFS, Rybovich	

ENVIRONMENTAL SERVICES, INC.
 124 N. Nova Road, PMB 129
 Ormond Beach, FL 32174

Phone 386-566-2733 * Fax 866-633-5688

www.environmentalservicesinc.com

16 July 2014

Florida Inland Navigation District
 c/o Mr. Chris Ellis
 Taylor Engineering, Inc.
 10151 Deerwood Park Boulevard
 Building 300, Suite 300
 Jacksonville, Florida 32256

**RE: FIND Site FL-3 Gopher Tortoises Additional Services (EJ12344.02)
 Flagler County, Florida**

Dear Mr. Ellis:

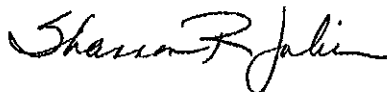
Thank you for contacting Environmental Services, Inc. (ESI). Pursuant to our recent conversation, ESI is pleased to enclose the attached proposal for additional services in response to recent site findings of more tortoises than previously expected. Please note under our Terms section at the end of the proposal that, as the client, you assure ESI that we have permission to work on the property being evaluated and that you will advise us regarding the proper procedures for accessing the property.

If the attached meets your requirements, please approve by signing and returning the enclosed document to us by mail to the address above, by fax (866-633-5688) or via email (sjulien@esinc.cc). We are prepared to proceed upon receipt of the signed contract. We look forward to working with you.

Please contact me should you have any questions. Thank you for selecting ESI to assist with your environmental consulting needs.

Sincerely yours,

ENVIRONMENTAL SERVICES, INC.



Shannon R. Julien
 Vice President

SRJ/smc/EJ12344.01.proposalrevisedJuly.doc
 S:pf071514f

ENVIRONMENTAL SERVICES, INC.

**PROPOSAL FOR ADDITIONAL SERVICES
ESI PROJECT NO. EJ12344.02**

The following Contract for Services is an agreement between Environmental Services, Inc., (ESI) and the Florida Inland Navigation District, (Client) with the terms specified herein. Client agrees that the company/individual signing this agreement has the ability to compensate ESI for the work described herein whether or not the proposed project materializes. ESI agrees to perform the following tasks for the associated fee.

Project Name: FIND Site FL-3 GTs
Project Location: Flagler County, Florida

SCOPE OF SERVICES

FEE

Task 1. Gopher Tortoise Survey (100 percent habitat surveyed)

Covered Under
Previous
Contract

ESI will identify and map potential gopher tortoise habitat based on aerial photographs, soils maps, NWI maps, and other in-house resources. ESI will then conduct a pedestrian survey covering 100 percent of the habitat pursuant to the methodologies of the Florida Fish and Wildlife Conservation Commission (FWC) to determine the extent of the on-site gopher tortoise population. Each burrow along the transect shall be identified, marked with flagging tape, and characterized as Potentially Occupied or Abandoned. The location of each burrow will be recorded using GPS. All survey activities will be supervised by an Authorized Gopher Tortoise Agent pursuant to FWC regulations. To effectively locate all potentially occupied gopher tortoise burrows and to subsequently remove the tortoises, this 100 percent survey should be conducted within 90 days of anticipated capture of the gopher tortoises for relocation.

Following the field review, ESI will prepare a map of our findings overlaid on a recent 2012 color aerial photograph.

Note: The survey must be current within 90 days of relocation otherwise a second survey is required by FWC prior to start of relocation. Please note authorization from FWC is required 24 hours prior to initiating the relocation.

Task 2. Gopher Tortoise Conservation Permit

\$2,000.00
(additional for
change in permit
type)

ESI will prepare and submit an application for a gopher tortoise conservation permit from FWC. The application will be completed by an Authorized Gopher Tortoise Agent.

ENVIRONMENTAL SERVICES, INC.

The fee for this task does not include the cost of physically relocating gopher tortoises, any recipient site fees, or FWC mitigation fees. Please note that current FWC mitigation fees are dependent upon relocation permit type. FWC will require payment of these fees based upon the estimated number of gopher tortoises on-site. Subsequent to the physical relocation, FWC will either reimburse you for overpayment or you may be required to pay additional mitigation fees depending upon the actual number of tortoises found during the relocation.*

**If the tortoises are relocated to a long-term protected area, such as a permitted recipient site, the FWC mitigation fee is \$200.00 for the first group of 10 burrows (up to five gopher tortoises) and \$300.00 for each additional tortoise.*

Task 3. Gopher Tortoise Recipient Site Coordination **\$250.00**

ESI will coordinate with gopher tortoise recipient site managers to determine the costs and availability of recipient sites that are appropriate for this project. ESI will coordinate with the selected recipient site manager to obtain the required information for the permit application submittal and to ensure that the site will be reserved for the project.

After the relocation permit is secured, ESI will coordinate with all parties regarding the physical relocation process. This coordination task is necessary to ensure that the relocation proceeds within the time frames associated with the permit and takes into account negative weather conditions that may require additional coordination time.

Task 4. FWC Field Review **\$1,000.00**

If FWC requests to conduct a site inspection to conduct a review of the burrow survey, ESI will accompany FWC staff during the inspection.

Task 5. FWC Conservation Fee **\$21,200.00**
estimate

This is the conservation fee due to FWC.

Task 6. Gopher Tortoise Relocation **\$19,000.00**
estimate

ESI will relocate the on-site gopher tortoises to a designated off-site relocation area. This amount assumes two trained ESI personnel, including one Authorized Gopher Tortoise Agent and one Authorized Assistant to the Agent*, working to assist with

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and oversee the excavation of 8 to 12 burrows per day, as well as the daily transfer of the tortoises to the recipient site.

Pursuant to FWC regulations, tortoises shall only be relocated when the low temperature at the recipient site is forecasted by the National Weather Service to be greater than or equal to 50 degrees Fahrenheit for three consecutive days after release (including the day of the relocation). Additionally, an approved site development plan or proof of local government approval (e.g., preliminary or final subdivision plat, or master planned unit development approval; Development of Regional Impact (DRI) development order; or authorization to commence clearing, grading, or construction activities) for the proposed development activity must be obtained prior to commencement of the gopher tortoise relocation.

**Please note FWC requires an Authorized Agent to be on-site at all times while mechanical excavation is being performed. An Authorized Agent is also required to transport the captured gopher tortoises to the recipient site.*

Task 7. Backhoe Operator Fee \$20,000.00
estimate
(15 days)

ESI will subcontract a backhoe operator with gopher tortoise relocation experience. The cost for the backhoe operator is estimated at \$1,300.00 per day.

The number of days will be dependent upon the actual number of gopher tortoise burrows that need to be excavated and based upon actual cost of backhoe operator.

Task 8. Recipient Site Acceptance Fee \$800.00 per
gopher tortoise
(\$60,000.00
estimate based
on 75 expected
tortoises)

This is the per tortoise fee that is charged by the gopher tortoise recipient site for the actual acceptance of the gopher tortoise(s). This fee should include all associated recipient site costs, including receiving the tortoises, digging starter burrows, habitat management, and fencing. ESI will provide a separate proposal after the recipient site has been chosen.

If the chosen recipient site does not individually label the tortoises or excavate starter burrows, ESI will need to complete the above-referenced tasks pursuant to the conditions described in the permit. Any additional work associated with this task will be charged under our consultation task, pursuant to your written approval.

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Estimated total subject to change based upon the actual number of gopher tortoise captured and actual per tortoise recipient site fee. Please note that a reservation letter from the recipient site must be included within the gopher tortoise conservation permit application. Typically, recipient sites require a 10 percent deposit prior to issuing the reservation letter. Additionally, most recipient sites require payment in full for the permitted number of gopher tortoises prior to commencement of the relocation. If requested, the funds can be placed in an escrow account to be allocated to the recipient site after the relocation is complete.

Task 9. After Action Report

\$250.00
(additional for
more detailed
reporting)

As required by FWC and upon completion of the relocation, ESI will collect and analyze the data from the excavation and relocation of the tortoises. ESI will also submit a Gopher Tortoise Capture Form detailing the results of the data analysis to the Species Conservation Planning Section of FWC, within 30 days of release of the captured/relocated tortoises.

Additional services not specifically addressed herein will be invoiced on a time and materials basis at standard ESI hourly rates. We will provide you with a written proposal for these tasks if, or when, they become necessary. We are prepared to proceed upon receipt of the signed contract.

ESI is committed to providing quality service to our clients. Every project is reviewed by a senior technical manager to ensure that the work has been performed in compliance with our goal of providing superior service and solutions to our clients.

ENVIRONMENTAL SERVICES, INC.

Project Name: FIND Site FL-3 GTs Additional Services (EJ12344.02)
Project Location: Flagler County, Florida

Task 1:	Gopher Tortoise Survey	Fee:	N/A
Task 2:	Gopher Tortoise Conservation Permit	Fee:	\$2,000.00
Task 3:	Gopher Tortoise Recipient Site Coordination	Fee:	\$250.00
Task 4:	FWC Field Review	Fee:	\$1,000.00
Task 5:	FWC Conservation Fee	Fee:	\$21,200.00 est.
Task 6:	Gopher Tortoise Relocation	Fee:	\$19,000.00 est.
Task 7:	Backhoe Operator Fee	Fee:	\$20,000.00 est.
Task 8:	Recipient Site Acceptance Fee	Fee:	\$60,000.00 est.
Task 9:	After Action Report	Fee:	\$250.00

\$ 123,700.⁰⁰

TERMS:

- . ESI will complete the work described above in a timely manner unless delayed by Client's request, lack of information, or intervening factors beyond our control.
- . Client assures ESI that it has permission to work on the subject property and will advise ESI of proper procedures for accessing subject property.
- . **ESI will maintain a minimum \$1,000,000 errors and omissions (professional liability) insurance; \$1,000,000 per occurrence and \$2,000,000 aggregate general liability insurance for the duration of the project. If any additional insurance requirements are necessary, please return the specifications with the signed proposal. They will become a part of this contract as agreed by both parties.**
- . Outside services and expenses such as subcontractors and special purchases will be invoiced with a handling fee of 15 percent.
- . **A retainer of \$0.00 is required; the retainer will be subtracted from the last invoice and is required by ESI to initiate work.**
- . Client will provide ESI with any special billing formats or considerations with the signed contract.
- . Billing is done monthly. **Payment is due immediately upon receipt of the invoice;** after 30 days the Client agrees to pay 1.5 percent late fee per month or portion thereof on unpaid balances. Unpaid balances after 60 days from the date of the invoice may result in work stoppage until overdue accounts are resolved.
- . Failure to pay within 60 days from the date of invoice will be considered by ESI to be a breach of contract, and ESI may cease work and withhold all work product immediately without penalty from the Client.
- . Client agrees that this contract is an agreement between Client and ESI. Payment is due from Client at the time services are performed. Payment shall not be contingent upon regulatory action or upon resolution of any legal matter that ESI is not a party to. If ESI is being contracted to complete work which Client will use in a legal dispute, Client agrees to pay ESI in a timely manner without regard to the current standing of that legal dispute. ESI fees may not be incorporated into real estate closings without prior written consent from ESI.
- . Any disputes regarding payment for services will be resolved in a court in the county of the ESI office responsible for the work. Client agrees to pay all legal fees and other collection costs incurred by ESI to collect unpaid invoices.
- . ESI rates change on March 1 of each year.
- . **This proposal is valid for a period of 60 days following the date of issuance.**

TERMS ACCEPTED:

ENVIRONMENTAL SERVICES, INC.

SIGNATURE: _____
 NAME: _____
 FIRM: _____
 TITLE: _____
 DATE: _____

SIGNATURE: Shannon R. Julien
 NAME: Shannon R. Julien
 FIRM: Environmental Services, Inc.
 TITLE: Vice President
 DATE: 16 July 2014

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ENVIRONMENTAL SERVICES, INC.



**ENVIRONMENTAL SERVICES, INC.
SCHEDULE OF LABOR AND EXPENSE RATES**

<u>POSITION</u>	<u>RATE</u>	<u>EXPENSE</u>	<u>CHARGE</u>
<u>Technical</u>		Travel	
Project Scientist	\$30-73/Hour	Vehicle Mileage Rate	\$0.56/Mile
Senior Scientist	\$69-144/Hour	Travel Expenses	Cost + 15%
Senior Manager	\$87-197/Hour		
Office / Senior Manager	\$127-189/Hour	Copies	
Principal	\$200/Hour	Photocopy Per Page	\$0.15
		Color Copy Per Page	\$1.50 8 ½ x 11
			\$2.50 8 ½ x 14
<u>Administrative</u>			
Administrative Assistant	\$39-77/Hour		\$3.00 11 x 17
		Full Size Copy Per Page	\$1.60 24 x 36 b/w
			\$3.00 36 x 48 b/w
<u>Geo-graphics</u>			
Geographics	\$59-101/Hour		\$35.00 24 x 36 color
			\$70.00 36 x 48 color
<u>EXPENSE</u>	<u>CHARGE</u>	Blueprints or Xerox Per Page	\$2.50
Additional Services		Aerial Photography	\$50 0 - 15 acres
CADD/GIS Usage	\$30.00/Hour		\$100 16 - 50 acres
Global Positioning System	\$50.00/Day		\$200 51 - 100 acres
ATV Usage	\$50.00/Day		\$300 101 - 999 acres
Boat Usage	\$100.00/Day		\$500 1000 + acres
Local Courier Service	\$13.00/Delivery	Fax Per Page	\$0.50
Outside Graphics	Cost + 15%		
All Subcontracted Services	Cost + 15%		