

**Board of
Commissioners Meeting
May 15, 2015**

PRELIMINARY AGENDA

FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Meeting

9:00 a.m., Friday, May 15, 2015

DoubleTree by Hilton Grand Hotel Biscayne Bay,
1717 Bayshore Drive,
Miami, (Miami-Dade County) FL 33132

Item 1. **Call to Order.**

Chair Chappell will call the meeting to order.

Item 2. **Pledge of Allegiance.**

Commissioner Crowley will lead the Pledge of Allegiance to the United States of America.

Item 3. **Roll Call.**

Secretary Netts will call the roll.

Item 4. **Consent Agenda.**

There are no items for this month's consent agenda.

Item 5. **Additions or Deletions.**

Any additions or deletions to the meeting agenda will be announced.

RECOMMEND: Approval of a final agenda.

Item 6. **Public Comments.**

The public is invited to provide comments on issues that are NOT on today's agenda. All comments regarding a specific agenda item will be considered following Board discussion of that agenda item. *Please note: Individuals who have comments concerning a specific agenda item should fill out a speaker card and communicate with staff prior to that agenda item.*

Item 7. **Board Meeting Minutes.**

The minutes of the following meetings are presented for approval.

- April 17, 2015 – Finance & Budget Committee Mtg. (Included in Board Mtg. Minutes)
- April 17, 2015 – Board Meeting (Please see back up pages 7 - 20)

RECOMMEND: Approval of the minutes as presented.

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

U.S. Army Corps of Engineers (USACE) Intracoastal Waterway Project Manager, Ms. Shelly Trulock is scheduled to present an update on projects and activities.

(Please see back up pages 21 - 24)

Item 9. Staff Report on Miami-Dade County Area Projects.

Staff will present a report on the District's Miami-Dade County area projects.

(Please see back up pages 25 - 39)

Item 10. Draft Financial Audit for FY 2013-2014.

The District's Auditor has completed and will present a draft of the FY 2013-2014 Financial Audit for Board review and comment. The Finance and Budget Committee reviewed the draft audit this morning and will provide their comments.

(Please see the Finance and Budget Committee Agenda Package)

Item 11. 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 the Committee's agenda.

(Please refer to the Finance and Budget Committee Agenda Package)

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

Item 12. Overview and Discussion of Temporary Deviation from Drawbridge Operation Regulations for the New River Railroad Bridge, Broward County, FL.

The U.S. Coast Guard (USCG) is proposing to modify the operation of the New River Railroad Bridge to evaluate the addition of a full-time bridge tender to supplement the automated system currently in operation. There is also a proposed maximum closing time for the bridge on a 2-hour operation schedule.

A representative of the USCG has been invited to attend the Board meeting to answer any questions.

(Please see back up pages 40 - 57)

RECOMMEND: *(This item is presented for Board review and discussion only.)*

Item 13. Scope of Work and Fee Quote for Additional Professional Engineering Services for Utility Relocation, Final Plans & Specifications and Bid Assistance in Support of the Broward Intracoastal Waterway (IWW) Deepening Project, (Broward County, FL).

The District Engineer is preparing to finalize plans and specifications and bid the Broward IWW Deepening Project. Following 12 years of permitting, this complex and complicated project is finally ready to be bid and constructed. Construction is expected to take two years.

As the deepening project is considered new construction by the permitting agencies, it has taken extraordinary coordination and effort to achieve the final permits for a buildable project. The delays and complexities of this project have led to additional time and costs. Taylor Engineering has requested a total of \$31,921.00 to complete this phase of detailed permitting and engineering and bid the project.

Staff has reviewed the proposal and found it to be accurate and reasonable to complete this work.

(Please see back up pages 58 - 62)

RECOMMEND: Approval of a scope of work and fee quote from Taylor Engineering cost proposal in the amount of \$31,921.00 to complete utility services relations, final plans and specifications, and bid assistance for the Broward IWW Deepening Project, Broward County, FL.

Item 14. Scope of Work and Fee Proposal for the Re-Design and Phasing of MSA-726 Clearing and Landscaping, Broward County, FL.

The District's Long-Range Dredge Material Management Area MSA-726 located in Pompano Beach near the Hillsboro Inlet will be required for the forthcoming Broward Reach 1 dredging project. Most of the site is currently overgrown with extensive exotic vegetation. A portion of the site is currently in use by the City of Pompano Beach (and the Town of Lighthouse Point) as a recreational community park. In order to prepare this site for the dredging event, it must be cleared, grubbed and stabilized. Since the site is surrounded by medium-density residential homes, it will be necessary to establish a significant vegetation buffer on this site prior to site utilization.

The clearing, grubbing and landscaping were originally designed and bid as one project. With only one bidder responding, at well above the engineering cost estimate, the bid was rejected. The project will be re-designed and re-bid into two distinct phases in order to receive more competitive bids.

Phase I will consist of the clearing and grubbing of exotic vegetation, and earth work to form a small interior berm. Phase II will be bid after the completion of Phase I and will consist of establishing a native vegetation landscape buffer. The proposal is a not to exceed proposal.

(Please see back up pages 63 - 75)

Item 14. (cont.)

RECOMMEND: Approval of a scope of work & fee quote in the amount of \$33,597.75 from Taylor Engineering for MSA-726 Clearing & Landscaping Broward County, FL.

Item 15. **Scope of Work and Fee Quote for Permitting and Final Engineering Design for Dredged Material Management Area (DMMA) DU-9, Duval County, FL.**

At the regular meeting on September 13, 2014, the Navigation District's Board (Board) approved a work order with Taylor Engineering to design, engineer and permit the remaining unbuilt portion of DMMA DU-9 in Duval County.

At the February 21, 2015 meeting, the Board elected to table a proposal from Taylor Engineering for additional costs associated with completion of this phase of work.

Additional discussion and coordination was conducted with representatives of the previous land owners regarding any contamination concerns at this site. At our last Board meeting on April 17, 2015, the Board elected to move forward with the permitting and design of DMMA DU-9. Taylor Engineering has provided a scope and fee quote to complete this work.

In concurrence with the Board's directive at the April 17, 2015, staff and the Engineer will work to identify any additional costs or work not typically associated with DMMA site development. If these costs can be attributed to the previous site owner or owner's activities, staff will request these costs be reimbursed by the previous land owner. In addition, our attorney is continuing to work with representatives of the previous land owner to finalize the indemnity agreement.

(Please see back up pages 76 - 112)

RECOMMEND: Approval of a scope of work and fee quote in the amount of \$71,569.78 from Taylor Engineering to modify Work Order No. 14-18 to finalize the design, engineering and permitting of DMMA DU-9, Duval County, FL.

Item 16. **Nomination of Officers Committee Report.**

The Nomination of Officers Committee met earlier today and the Chair of the Committee will present their recommendations for officers for the next year. These officers will assume their positions after today's meeting.

(Please see Nomination of Officers Committee Agenda Package)

RECOMMEND Approval of the Nomination of Officers Committee recommendations for Officers for the period of June 2015 through May of 2016.

Item 17. Tallahassee Report.

The District's state governmental relations firm has submitted a status report concerning activity on the District's state issues.

(Please see back up pages 113 - 129)

Item 18. Washington Report.

The District's federal governmental relations firm has submitted a status report concerning activity on the District's federal issues.

(Please see back up pages 130 - 135)

Item 19. Additional Staff Comments and Additional Agenda Items.

Item 20. Additional Commissioners Comments.

Item 21. Adjournment.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**SYNOPSIS OF THE MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT**

Board of Commissioners Meeting

9:00 a.m., Friday, April 17, 2015

The Hilton Garden Inn

55 Town Center Boulevard

City of Palm Coast, Flagler County, Florida 32164-2387

ITEM 1. Call to Order.

Chair Chappell called the meeting to order at 9:04 a.m.

ITEM 2. Pledge of Allegiance.

Secretary Netts led the pledge of allegiance to the flag of the United States of America.

ITEM 3. Roll Call.

Secretary Netts called the roll and Chair Chappell, Vice-Chair Blow, Commissioners Donaldson, Dritenbas, Isiminger, Sansom and Williams were present. Secretary Netts stated that a quorum was present. Commissioners Cuzzo, Crowley, McCabe, and Self were absent.

Chair Chappell welcomed newly appointed Commissioner Donaldson to the Board.

ITEM 4. Consent Agenda.

Chair Chappell presented the Consent Agenda.

Mr. Crosley stated that staff would like to remove from the Consent Agenda: Item A, Keep Nassau Beautiful, Inc. Waterway Clean Up Assistance Program Funding Request for the Annual St. Mary's River Celebration Cleanup Project in Nassau County, Florida.

Vice-Chair Blow made a motion to approve the Consent Agenda as amended. The motion was seconded by Commissioner Dritenbas. Chair Chappell asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 5. Additions or Deletions.

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

Mr. Crosley stated that he would like to add to the agenda: Item 14, Finance and Budget Committee Meeting Agenda, Item 17C, Scope of Work and Fee Quote for Professional Engineering, Surveying and Diver Verification Services for the Broward Intracoastal Waterway (IWW) Deepening Project, Broward County, Florida: Item 17D, Waterways Assistance Program and Cooperative Assistance Program and, Item 17E, Election of Officers.

Commissioner Isiminger requested additional discussion of Item 7, Board Meeting Minutes.

Commissioner Sansom requested discussion of Meeting Attendance and Teleconference Procedures.

Commissioner Isiminger made a motion to approve the final agenda as amended. The motion was seconded by Secretary Netts. Chair Chappell asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 6. Public Comments.

Chair Chappell asked if there were any public comments on issues that are not on today's agenda.

Lisa King, Planning Commissioner with Duval County, 9158 Heckscher Drive, Jacksonville referred to the District's DMMA DU-2, Black Hammock Island, offloading

project. She noted that this a Florida Department of Transportation (FDOT) offloading project at FIND property. She stated that there are 60 dump trucks per hour that are driving through a school zone. Additionally, she stated that there have been five accidents, road closings, and a local bridge has been damaged. She stated that the Jacksonville Sheriff is providing enforcement in the area.

Mr. Crosley stated that FDOT and the sub-contractor have held a meeting with all truck drivers and provided a safety plan. He noted that there was another offloading project taking place in the area and it has been difficult to determine which trucks are causing the problem.

ITEM 7. Board Meeting Minutes.

Chair Chappell asked if there were any comments or questions regarding the Board Meeting Minutes.

Commissioner Isiminger asked staff to make the following corrections to Items 8, 13, and 14 of the March 20, 2015 Board Meeting Minutes.

Board discussion of the detail of the minutes ensued.

Attorney Breton stated that the minutes need to be a summary of what took place and they do not have to be in detail, or transcribed verbatim.

Mr. Crosley stated that a digital recording of every Board Meeting is made and archived.

CONSENSUS: General discussion of simpler written minutes, with a digital recording available for review upon request. Also, provide the Board with examples of other government minutes.

Commissioner Dritenbas made a motion to approve the March 20, 2015 Board Meeting Minutes and Finance Committee Meeting Minutes, as amended. The motion was seconded by Vice-Chair Blow. Chair Chappell asked for discussion. Hearing none, a vote was taken and the motion passed.

REVISIT:

ITEM 6. Public Comments.

Mr. Robert McMichael, 15501 Waterville Road, Jacksonville, Florida, stated that he is a resident of Black Hammock Island and he referred to the District's DMMA DU-2. He expressed concerns about truck hauling and noted potential damage to the roadway and bridge.

ITEM 8. Staff Report on Flagler County Area Projects. Dredged Material Management Plan.

Mr. Crosley presented the staff report on Flagler County and stated that DMMA FL-3 is under construction and is approximately 50% complete.

Mr. Crosley stated that routine maintenance dredging of the Intracoastal Waterway in the vicinity of the Matanzas Inlet is likely to be undertaken again in 2016.

Mr. Crosley noted that the waterways in Flagler County are man-made and provide significant economic importance to the county.

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

Ms. Shelley Trulock, the Intracoastal Waterway (IWW) Project Manager with the U.S. Army Corps of Engineers (USACE), stated that the IWW Indian River Reach I dredging project began January 2, 2015. She stated that to date, approximately 55,000 cubic yards of material has been dredged and placed in DMMA IR-2.

Ms. Trulock stated that a modification to the contract was executed that added the removal of approximately 40,000 additional cubic yards of material, in conjunction with road improvements to the access road at the north end of the DMMA IR-2 site.

Ms. Trulock stated that Plans and Specifications for construction of DMMA O-7 are proceeding. She stated that the team visited the site on Wednesday, April 15th to investigate the use of culverts in lieu of construction bridges across the two drainage ditches. She stated that the current path may be to put in two bridges across the drainage ditches. She stated that the project will be coordinated with Taylor Engineering.

Ms. Trulock stated that the USACE will kick off the IWW Broward Reach 1, dredging project in October, 2015. She stated that the ACOE will work with the National Marine Fisheries (NMFS) on the mitigation issue for O&M dredging. She stated that she will be working with Tori White for help with this project.

Ms. Trulock thanked commissioners that attended the successful Intracoastal Waterway (IWW) tour from April 1 through April 3, 2015. She noted that the trip began in Stuart and traveled north to Fernandina Beach, Florida.

Vice-Chair Blow thanked the USACE, on behalf of the Board, for their platform and participation in the IWW Waterway tour.

ITEM 10. Presentation by the U.S. Army Corps of Engineers (USACE) Regarding the Reauthorization of Regional General Permit (RGP) SAJ-93, and Efforts to Initiate Regional Programmatic Permitting of Intracoastal Waterway (IWW) Maintenance Projects.

Ms. Tori White, Deputy of the Regulatory Division, with the USACE stated that USACE issued a Regional General Permit (RGP) to FIND on February 16, 2011 for maintenance dredging projects that do not impact seagrass. The RGP allows those projects to go through an abbreviated review process when verified that they meet the criteria for a

RGP. These projects do not have to go through Essential Fish Habitat (EFH) consultations. She noted that the problem is that the RGP that was issued was too restrictive and therefore only six verifications have been approved over the last four years under that permit.

Ms. White stated that the review will work to expand the scope of the RGP to allow for impacts to seagrass, if the area has been dredged since 2002. Additionally, if the area has been dredged, regardless of the time limit that it was dredged, and mitigation was conducted for that seagrass impact, a request will be made that the scope be included in the RGP. The buffer for both the dredging and the pipeline will be reduced to 25 feet. These are the changes that the USACE will recommend to be made to the RGP to make the RGP much more useable.

Ms. White stated that the EFH Consultation process required that the USACE must provide an EFH assessment to the National Marine Fisheries Service (NMFS.)

Ms. White stated if the USACE wants NMFS to engage with the USACE in Programmatic EFH Consultation, Bathymetry and Benthic Surveys must be provided. She stated that the USACE Regulatory is contracting Side Scan Sonar Mapping of the IWW and the OWW, starting in Broward County, south to Miami, then up the East coast of Florida and eventually all of Florida.

Ms. White stated that: the National Marine Fisheries Service (NMFS) position calls for one time mitigation for SAV within all areas not dredged since 2002; FIND's position is no mitigation for maintenance dredging; the USACE's position is no mitigation for maintenance dredging permitted by USACE after December 21, 1999.

Commissioner Isiminger asked if NMFS can come up with Programmatic EFH Consultation recommendations. Ms. White answered yes. Commissioner Isiminger asked

if the recommendations would eliminate the need for individual consultation and the recommendations could be adopted. Ms. White answered yes, NMFS could provide general concurrence with a sweep of consultations recommendations that apply to the proposed actions.

Commissioner Dritenbas asked about one-time dredging project mitigation. Ms. White stated that if mitigation is required for a dredging project, it will only be required once, provided the mitigation project is successful.

Mr. Crosley thanked the USACE for undertaking this effort, particularly Ms. White and Garrett Lipps.

ITEM 11. Overview and Discussion of the Proposed Shiloh Launch Program and the Impacts to Public Navigation on the Intracoastal Waterway (IWW), Brevard County, Florida.

Mr. Crosley stated that Space Florida, an Independent Special District of the State of Florida, is proposing a new private space launch facility in north Brevard County. Referred to as the “Shiloh Launch Complex” and once operational, this facility proposes to completely close a five-mile stretch of the Intracoastal Waterway (IWW) prior to and immediately following all launch operations.

Mr. Andy Phillips with the U.S. Army Corps of Engineers (USACE), stated that the USACE has been working with Space Florida, an Independent Special District of the State of Florida, and the Florida Aviation Administration (FAA) to plan a commercial space launch complex near the Shiloh area located on the northern end of the Kennedy Space Center north of Haulover Canal and west of the Intracoastal Waterway (IWW). The FAA is the lead Federal agency for preparing the Environmental Impact Statement (EIS) for the project. Two launch pads will be located in Volusia and Brevard Counties on the

county line. During a space launch, restricted areas will be closed to the public and it is anticipated to include a 5-mile stretch of the IWW and the Atlantic Ocean. Vessels will be allowed to traverse the IWW up to 90 minutes before the launch time.

Secretary Netts noted that a space launch is often delayed because of weather and he inquired about extended IWW closures. Mr. Steve Zebo, with Space Florida stated that IWW closure is being assessed at this time and a maximum closure threshold will be proposed, specifically during daylight hours. Mr. Jim Ball, Space Florida consultant, stated that the license will allow a specific number of hours and exposure per year that the IWW can be closed for launch activity. The FAA is estimating that the EIS will be completed by 2017 and it will be five years before the launch is operational.

Vice-Chair Blow stated that he does not support closing the IWW, a public waterway for a private for profit industry. He stated that anytime a restriction is placed on the IWW, there is a negative economic impact to the area.

Secretary Netts suggested providing mooring or anchoring provisions for the recreational boater who may not know that the waterway is closed for a space launch.

Mr. Crosley stated that with all the increased usage, speed zones, bridges, launch pads, environmental permitting and funding cuts the IWW that is under attack and in peril. He stated that his concern this project is setting precedent.

ITEM 12. Review and Discussion of Dredged Material Management Area (DMMA) DU-9, Duval County, Florida.

Mr. Crosley stated that this item is continued from the District's February 21, 2015 meeting. He noted that the Board selected to table the agenda item.

Mr. Jim Alavao, with Golder Associates referred to the draft Technical Analysis of DMMA DU-9 and stated that additional information and clarification to concerns were

added to the revised report after meeting with the Florida Department of Environmental Protection (FDEP) and Taylor Engineering. He briefly addressed three concerns 1) Water quality generated during de-watering activity; 2) Potential of contaminants in discharged water; and, 3) Contaminant migration. He commented that the chlorinated solvent contamination at the site is almost to groundwater standards and other contaminants are at groundwater standards. He stated that these contaminant concentrations are decreasing or stable and will naturally continue to breakdown. He asked for questions.

Commissioner Donaldson asked for a comparison regarding the way the District would operate and use DMMA DU-9 because of this contamination versus a site without contamination, particularly the de-watering activities. Mr. Alavo stated that Golder does not see a threat or a constraint on the de-watering or any other construction activity.

Vice-Chair Blow stated that previous discussion indicated that the FDEP may require an Industrial Wastewater Permit for DMMA DU-9 when de-watering. Mr. Adams stated that FDEP commented on that question and the issue has been resolved. Ms. Brownell stated that the de-watering for this site will be done on the site and not released into the IWW.

Ms. Missy Paul, with the Florida Department of Environmental Protection, stated that the FDEP no longer has issue with contamination on the DMMA DU-9 site or the adjacent wetlands.

Attorney Breton stated that Mr. Petrovich has provided an Environmental Matters Agreement which is an Indemnification, Hold Harmless Agreement. He stated that this agreement has been reviewed by himself and Taylor Engineering and is progressing.

Mr. Crosley stated that he will work with Taylor Engineering to revise the DMMA DU-9 Status Order and with Attorney Breton to finalize the Environmental Matters Agreement (Indemnification Agreement). He will bring these items back to the Board for approval.

ITEM 13. Additional Engineering Analysis for Utility Crossing Relocation in Support of the Broward Intracoastal Waterway (IWW) Deepening Project.

Mr. Crosley stated that the District staff and Engineer have been working to resolve and identify two permitted FP&L transmission lines and all utility crossing issues within the proposed Broward IWW Deepening Project. Permitted lines are generally four feet below the authorized channel depth. FP&L estimates a cost of \$2.25 million to replace the existing five main lines encased in concrete crossing the IWW to clear the new proposed IWW channel depth. Another FP&L transmission line has been identified and will cost \$656,000.00 to relocate.

Mr. Adams stated that Item 17C is related to this item and provides for a fee quote for professional engineering, surveying and diver verification in support of this work.

Commissioner Isiminger asked the total cost of the IWW Deepening Project, Broward County and the percentage of this item. Mr. Adams answered \$20 million project, 10 percent of project cost.

Mr. Crosley stated that the utility crossings are within the project area and this work will need to be performed if the District is to proceed with the proposed IWW Deepening project.

Commissioner Donaldson stated that he has worked with FP&L with buried lines, twice. In each case, FP&L did know where the lines were buried and they were not level.

Ms. White stated that the USACE can request As-Built Surveys from FP&L on permitted lines, if the As-Built Surveys were a part of the permit requirement. FP&L would be out of compliance if the As-Built Surveys are not provided.

Commissioner Isiminger requested that the District Engineer pursue obtaining the As-Built Surveys from FP&L.

Vice-Chair Blow made a motion to approve the cost proposal in the total amount of \$36,000.00 from FPL for a detailed cost estimate to relocate two utility crossings within the proposed Broward IWW Deepening Project, Broward County, Florida. The motion was seconded by Secretary Netts. Chair Chappell asked for discussion. Hearing none, a vote was taken and the motion passed. Commissioner Dritenbas voted against the motion.

Commissioners requested moving Item 17C to Item 13A.

ITEM 13A. Scope of Work and Fee Quote for Professional Engineering, Surveying and Diver Verification Services for the Broward Intracoastal Waterway (IWW) Deepening Project, Broward County, Florida.

Secretary Netts made a motion to move: Item 17C, Scope of Work and Fee Quote for Professional Engineering, Surveying and Diver Verification Services for the Broward Intracoastal Waterway (IWW) Deepening Project, Broward County, Florida to, Item 13A.; and, approval of a scope of work and fee quote for \$26,158.00 for professional engineering, surveying and diver verification services in support of the Broward IWW Deepening Project, Broward County, Florida. The motion was seconded by Commissioner Dritenbas. Chair Chappell asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 14. Finance and Budget Committee.

Chair Chappell stated that there was not a quorum for the Finance and Budget Committee meeting and therefore the items were moved to Item 14.

Financial Statements for February 2015.

Mr. Crosley presented the District's financial statements for February of 2015.

Vice-Chair Blow made a motion to approve the District's Financial Statements for February of 2015. The motion was seconded by Commissioner Dritenbas. Chair Chappell asked for any additional discussion. Hearing none, a vote was taken and the motion passed.

ITEM 15. Tallahassee Report.

Mr. Crosley stated that the District's Tallahassee Governmental Affairs firm has provided a report on the State Legislative session.

Commissioner Sansom stated that the Anchoring Bill is identified as Bill #1548, Vessel Safety. He stated that it appears that the Bill will pass to require identification of the owner of a derelict vessel and a fine for boat owners anchoring their boat and allowing the boat to become detreated.

ITEM 16. Washington Report.

Mr. Crosley presented highlights of the Federal Legislative Report from Alcalde& Fay. He asked for discussion. There was none.

ITEM 17A. Status of the MSA 726 Clearing & Landscaping Project located within the City of Pompano Beach, Broward County, Florida.

Mr. Crosley stated that MSA 726 is a pocket park located in the City of Pompano Beach that is covered in Australian Pines and other exotic vegetation. He stated that staff advertised the Clearing and Landscaping Project and only received one bid. That bid was over the engineering estimate and was rejected. He stated that the District will now break

the project into two separate projects, one for clearing and one for landscaping. The two projects will be advertised for re-bid. He asked for discussion. There was none.

ITEM 17B. Florida Anchoring Restrictions and Derelict Vessels.

This item received no discussion.

ITEM 17C. Scope of Work and Fee Quote for Professional Engineering, Surveying and Diver Verification Services for the Broward Intracoastal Waterway (IWW) Deepening Project Broward County, Florida.

This Item was moved to Item 13A.

ITEM 17D. Waterways Assistance Program and Cooperative Assistance Program.

Ms. Zimmerman stated that for FY 2015-2016 the District received eighty-nine WAP and five CAP applications. Allowing five minutes for presentation and five minutes for questions for each application, the two day meeting will start Friday at 7:30 a.m. and end at 5:30 p.m. and Saturday at 7:30 a.m. and end at 4:30 p.m. This provides for two 15 minutes breaks and an hour for lunch.

ITEM 17E. Election of Officers.

Mr. Crosley noted that Officer Elections will take place with the District's May 15, 2015 Nomination Committee meeting. Commissioners interested in becoming an officer should contact him. Also, he will send out an E-mail to commissioners next week.

ITEM 17. Additional Staff Comments and Additional Agenda Items.

Mr. Crosley stated that if the District does not have a May meeting, the Auditor's Report will be scheduled for the June meeting.

Commissioner's Sansom, Netts and Self have indicated they will not be able to attend the May meeting.

Mr. Crosley stated that staff has received a request to discuss the District's meeting attendance capabilities and allow commissioners to call into meetings in lieu of attending the meeting.

Attorney Breton stated that there must be a physical Board meeting with at least six commissioners attending each meeting in person and the Board would need to adopt a policy.

ITEM 18. Additional Commissioner Comments.

Commissioner Donaldson thanked commissioners for the warm welcome to the Board and he looks forward to the next four years.

ITEM 19. Adjournment.

Chair Chappell stated that hearing no further business the meeting was adjourned at 1:14 p.m.



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

IWW STATUS UPDATE
FIND Board of Commissioners Meeting
May 15, 2015



WORK ACTIVITIES IN FY 15:

1. IWW: Indian River Reach 1 (Indian River County)
2. DMMA O-7 (Martin County)
3. IWW: Broward Reach 1 (Broward County)



**US Army Corps
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Jacksonville District

IWW STATUS UPDATE FIND Board of Commissioners Meeting May 15, 2015



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: IWW Indian River Reach 1 (Indian River County)

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Development of plans and specifications for the IWW Indian River Reach 1 and procurement of the O&M dredging contract. Material from this reach is non beach quality and will be placed upland in the newly constructed DMMA IR-2. Preliminary estimates for shoaling quantities include 300,000 cy of material within Reach 1.

SCHEDULE:

Submit Exemption Letters to FDEP:	26 Nov 2013A
Contract Advertisement Initiated:	31 July 2014A
Bid Opening:	3 Sept 2014A
Contract Award:	17 Sept 2014A
NTP Issued:	6 Nov 2014A
Preconstruction Conference:	21 Nov 2014A
Mobilization Complete:	1 Jan 2015A
Dredging Complete:	30 June 2015

FIND WORK ORDER: Work order for developing plans and specifications for Indian River Reach 1 was approved at the May 2013 FIND Board Meeting. A follow on work order was approved to fund dredging of the Indian River Reach 1 of the IWW in May 2014. Total funding for the contract is as follows: \$1,791,440.73 FIND Contributed Funds and \$4,754,734.27 Federal funding.

NAME OF CONTRACTOR: Cavache, Inc., 280 NW 12th Avenue, Pompano Beach, FL 33069 in the amount of \$6,058,675.00. An additional amount of \$487,500 was added to the contract via the modification described below.

STATUS: Contractor has dredged approximately 200k cy of material of Indian River Reach 1. They are still moving from south to north and have approximately 4000' remaining to dredge. Where they are currently dredging they are no encountering as much rock, but are encountering more mucky material. The 4th booster is online plus the dredge. All pipe that is required is on site, fused and ready for installation. Likely the contractor will finish ahead of end of June, but that is dependent on weather and if they slow down due to encountering rock again. PR has been good. Local resident came to the site last week complaining about the smell from the site. As it turns out, the smell was prior to dredging beginning. The gentleman left, but thanked the contractor before leaving for their efforts.



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

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
May 15, 2015**



2. WORK ACTIVITY: DMMA O-7

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Finalization of plans and specifications and associated environmental coordination for construction of DMMA O-7.

SCHEDULE O-7 (Tentative):

Complete Draft P&S:	TBD
Final P&S Ready to Advertise:	
Contract Advertisement Initiated:	
Bid Opening:	
Contract Award:	
NTP Issued:	
Mobilization Complete:	
Construction Complete:	

FIND WORK ORDER: Funding for completion of P&S will be funded with 100% federal funding. A work order will be presented to the FIND Board at a later date to fund construction of DMMA O-7.

NAME OF CONTRACTOR: TBD

STATUS: Team went to the site the week of 30 March 2015 to investigate culverts vs. bridges and the general lay of the land. The current thought based on this investigation is that we will be moving forward with 2/3 large culverts, cast in place. This will be much more cost effective than a bridge and require less specialized experience from a contractor. Cast in place is being investigated over pre cast due to the settling potential. We will also be looking into re siting the culverts since right now they are at an intersection, which can cause increased erosion, etc... As a go by these structures should be placed 5 channel widths away from any bend. By Friday 15 May 2015 the team will provide the Engineering Lead and Project Manager with their time and cost estimate for completing design and getting us to procurement. Acquisition strategy is to utilize a small business for the construction.



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

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
May 15, 2015**



3. WORK ACTIVITY: IWW Broward Reach 1 (Broward County)

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Development of Plans and Specifications for Broward Reach 1. Corps will move forward with initiation of plans and specifications for this reach, with 100% Federal funding. Hydro survey was performed by Morgan and Ecklund and provided to the Corps on 26 June 2014. There is approximately 50k cy of material located within the federal channel down to 10' and 80k cy down to 10'+2'. Given the small quantity, the most cost effective way to pursue the dredging would be utilization of a Corps of Engineers dredge, either the Currituck or Murden, and dispose of in the nearshore.

SCHEDULE Broward Reach 1 TBD

FIND WORK ORDER: P&S are being funded 100% with Federal funding. Dredging will likely be funded with FIND Contributed Funds.

NAME OF CONTRACTOR: Dredging performed with a Wilmington District dredge.

STATUS: First steps will be FDEP permit and associated NEPA. The nearest approved nearshore or offshore disposal is located at Port Everglades (offshore). In order to utilize this offshore disposal option we would need to obtain an FDEP permit and perform the required NEPA documentation. From an FDEP standpoint, it may be applicable to add the IWW reach to the description of the existing Port Everglades permit, after verification of the composition of the material. The Corps will move out on this action once efforts on DMMA 07 are wrapped up.



MIAMI-DADE COUNTY PROJECT STATUS UPDATE

May 2015

Dredged Material Management Plan.

Phase I of the Dredged Material Management Plan (DMMP) for the Intracoastal Waterway in Miami-Dade County was completed in 2003. Phase II of the DMMP was completed in 2005 and all major land acquisition was completed in 2007.

The 50-year dredging projection for the 48 miles of channel in Miami-Dade County is 574,292 cu/yds, and the storage projection is 1.2 million cu/yds. Dredging of Reach II in the vicinity of Bakers Haulover Inlet was completed in 2011, and again in April of 2014. For the most recent dredging event, approximately 50,000 cu/yds of material was dredged by the USACE utilizing super-storm Sandy funding and placed on the nearby beach. Plans are initiating to dredge the Intracoastal Waterway (IWW) in the vicinity of at Baker's Haulover in 2016. (Please see attached location maps).

Waterways Economic Study

The Miami-Dade County Waterways Economic Study was completed in 2007 and updated in 2011. The study identified approximately 901 recreational waterway-related businesses in the county (please see attached map) employing 7,094 people, with salaries of \$294.3 million, a total economic impact of \$1.2 billion, which generated \$54 million in tax revenue. Property values were determined to be increased by \$4.1 billion by the presence of the IWW channel. There are currently approximately 56,000 registered vessels in the county. The past recession was estimated to have caused a reduction of \$1 billion in marine related economy, the loss of 5,835 jobs, and a decrease of \$42.5 million in tax revenue.

Waterways Assistance Program

Since 1986, the District has provided \$ 48.2 million in Waterways Assistance Program funding to 173 projects in the County having a total constructed value of \$ 146.9 million. The County and nine cities have participated in the program. (Please see attached map and project listing).

Notable projects funded include: several Spoil Island Management Projects, the Marjorie Stoneman Douglas Biscayne Nature Center, Bicentennial Park Improvements, repair of County marinas following Hurricane Andrew, Haulover Marina reconstruction, and the South Pointe Pier project.

FIND



MIAMI-DADE COUNTY PROJECT STATUS UPDATE

May 2015

Cooperative Assistance Program

The District's Cooperative Assistance Program has providing funding assistance for the following projects with elements in Miami-Dade County: Blue Marlin Construction at Oleta River State Park; No-Name Harbor Boater's Access; Bill Baggs Shoreline and Fishing Platform Project; Florida Marina Patrol Office Building; Florida Marine Patrol Officer Funding; Miami River Dredging; and the Manatee Acoustic Study. The District's funding assistance for the Miami-Dade County portion of these projects was approximately \$ 3.5 million.

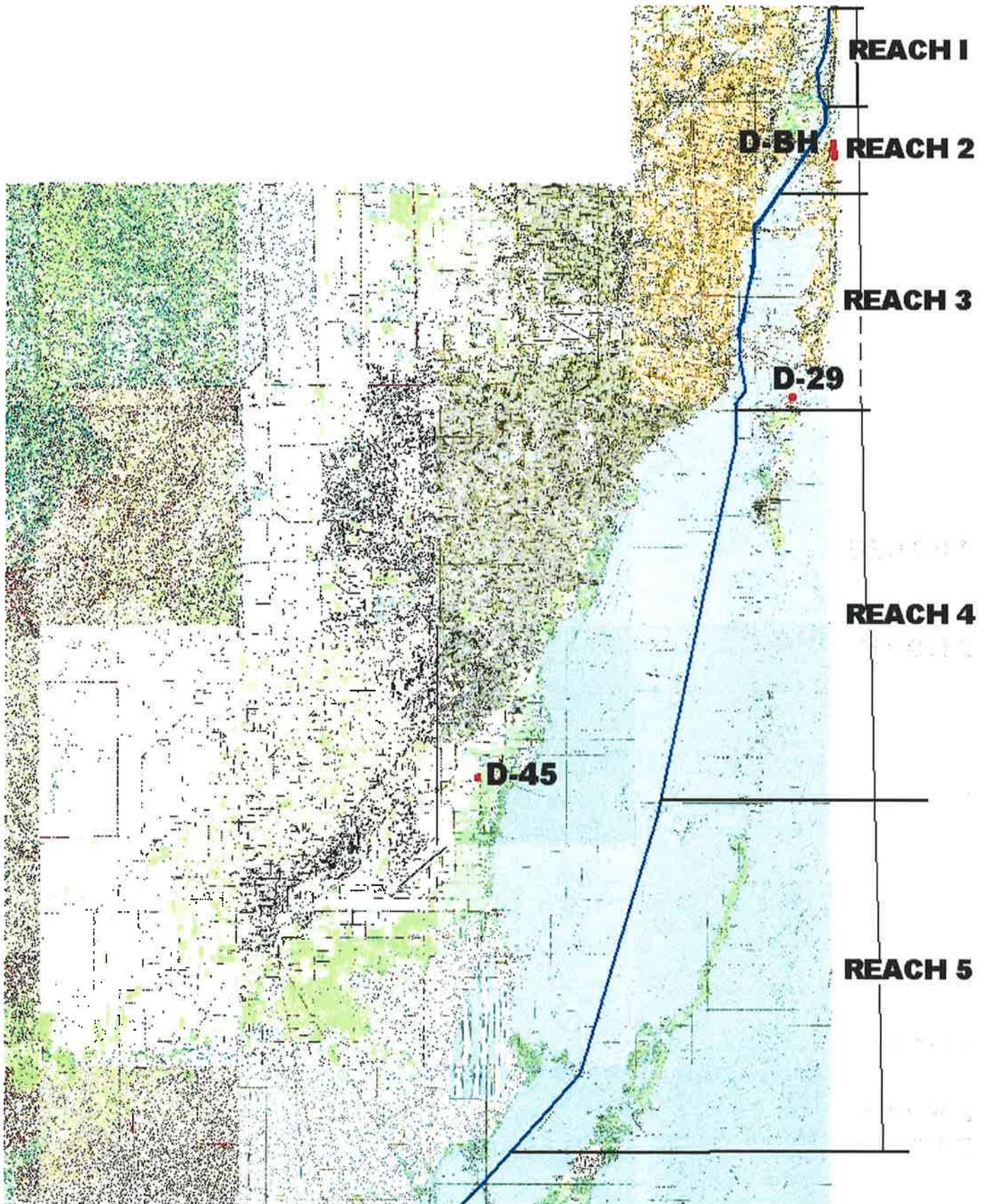
Interlocal Agreement Program

The District's Interlocal Agreement Program (a sub-set of the WAP and CAP programs) has provided funding assistance for the following projects with elements in Miami-Dade County: Miami River Dredging; Clean Marina Program; Clean Vessel Act Program, and the Miami Circle Shoreline Rehabilitation Project. The District's funding assistance for the Miami-Dade County portion of these projects was approximately \$3.3 million.

Public Information Program

The District currently prints and distributes the following brochures with specific information about Miami-Dade County Waterways: the Economic Impact of Miami-Dade County Waterways, Miami-Dade County Boating Safety and Manatee Protection Zone Brochure, Movable Bridge Guide, and the IWW Channel Conditions Brochure.

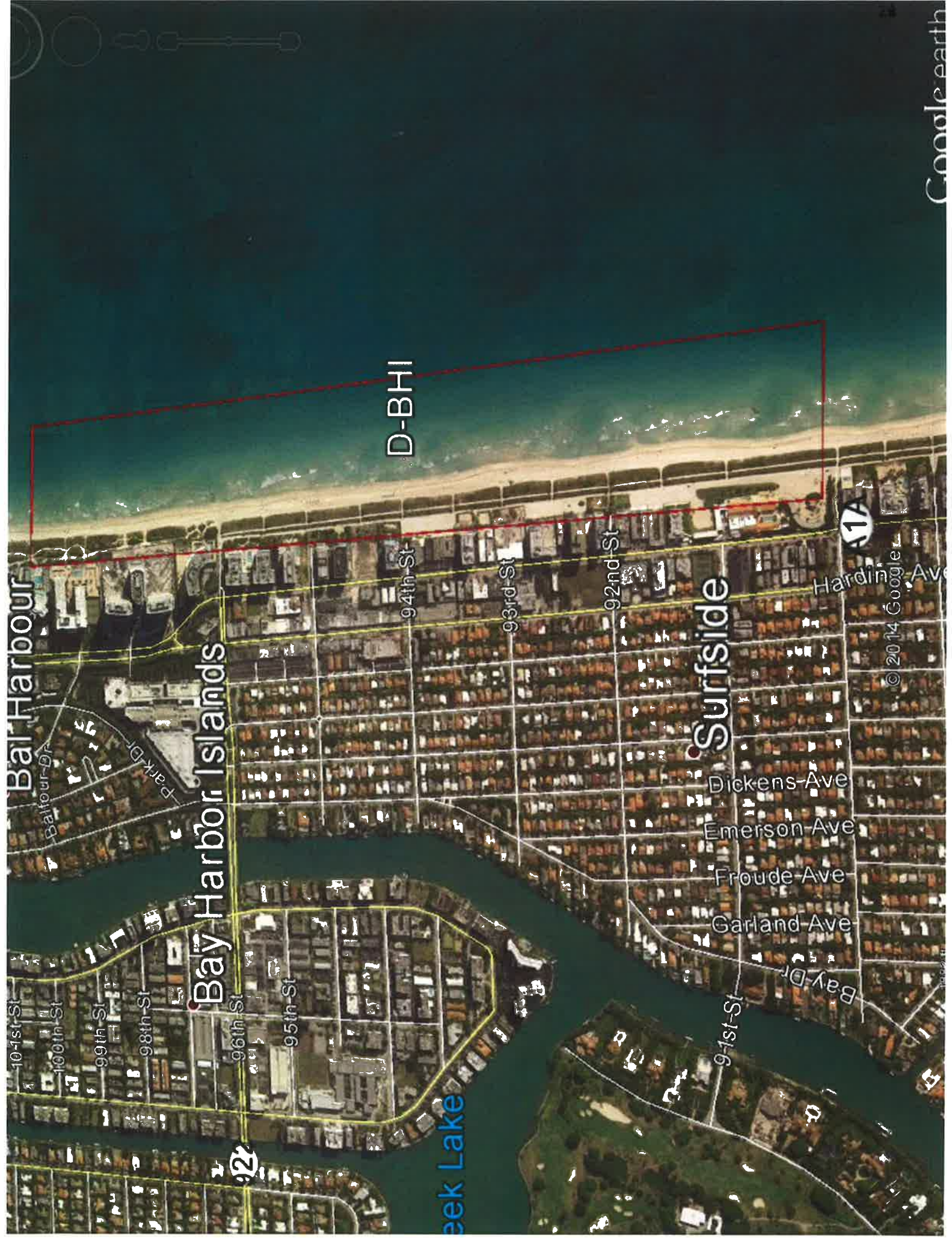
FIND



Channel
DMMA

Miami-Dade County
Intracoastal Waterway
Dredged Material Management Plan





Bay Harbour

101st St
100th St
99th St
98th St
96th St
95th St

Bay Harbour Islands

D-BHI

94th St

93rd St

92nd St

Surfside

Dickens Ave
Emerson Ave
Froude Ave
Garland Ave

Harding Ave

17A

© 2014 Google

Google earth

DMMA D-29

Legend

DMMA D-29



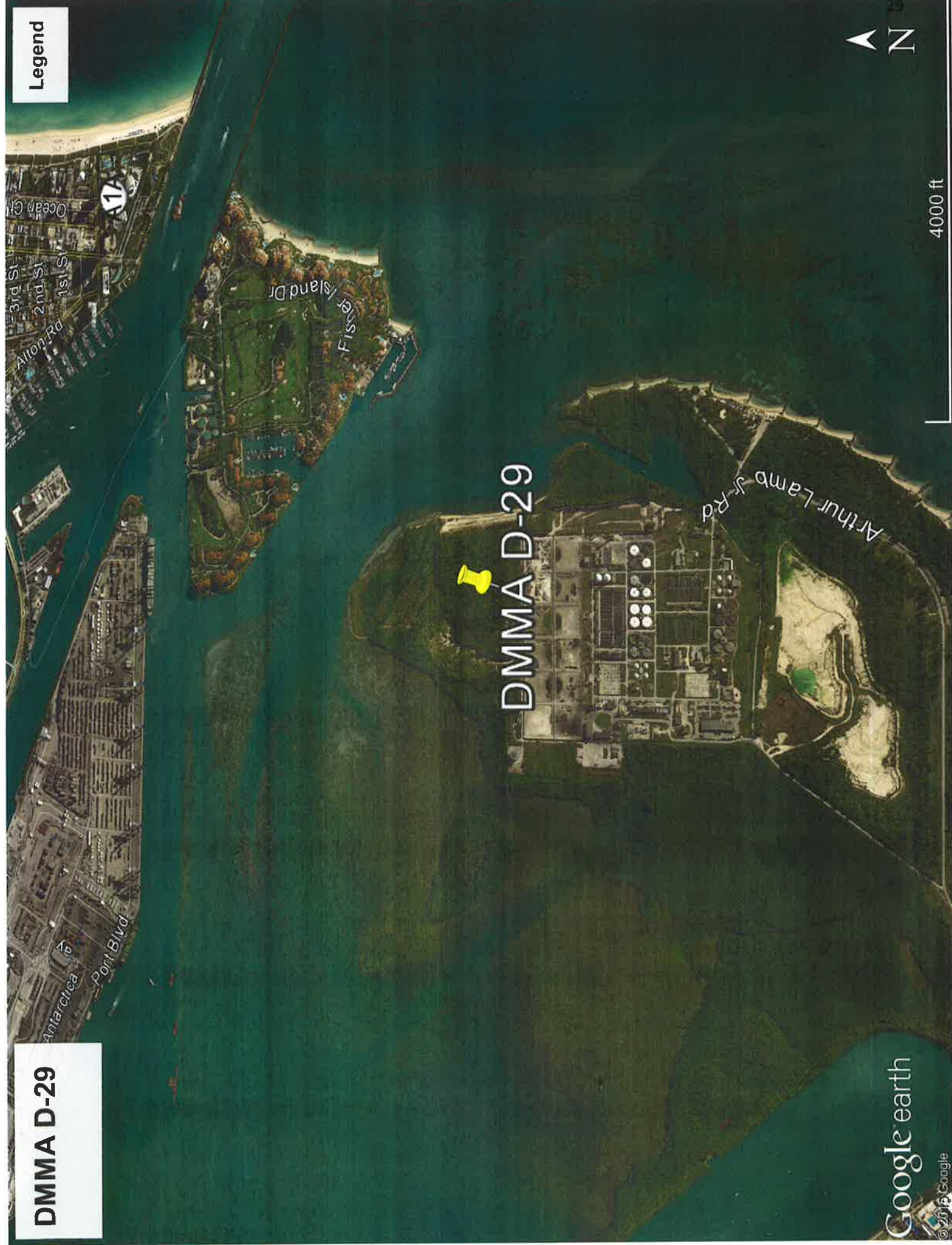
Google earth

© 2015 Google

4000 ft

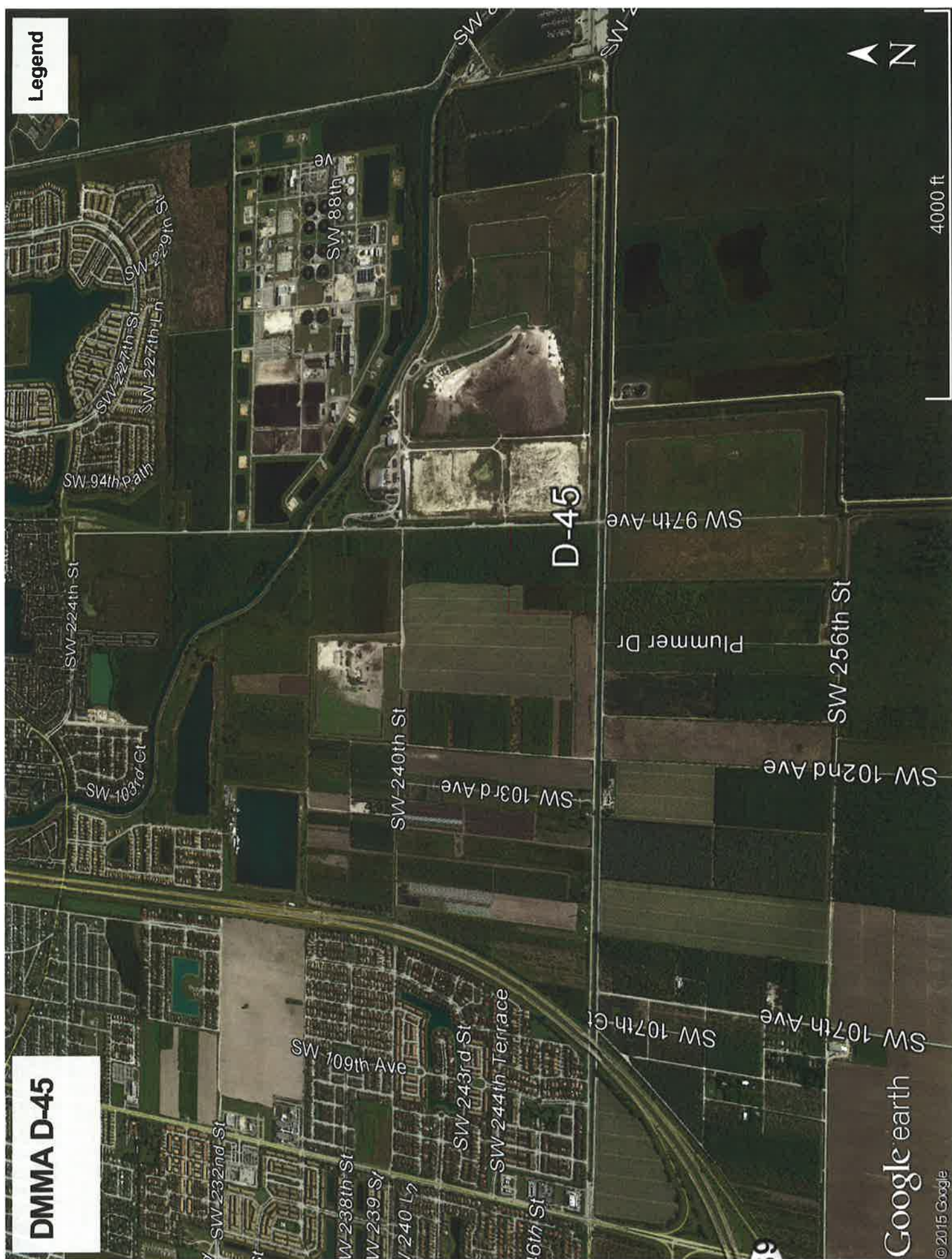


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Legend

DMMA D-45



4000 ft

Google earth

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ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS



Purpose

To update economic benefits in Miami-Dade County of marine-related activities on the District Waterways, as previously estimated in *An Economic Analysis of the District's Waterways in Miami-Dade County*, April 2007, and to provide the general public and Federal, State, and local officials with a clear understanding of the importance of maintaining the waterways.

Scenarios Evaluated

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



ECONOMIC IMPACTS

Current Existing Impacts

- \$1.209 billion in business volume
- \$294.3 million in personal income
- 7,094 jobs
- \$54.0 million in tax revenue

Impacts of Cessation of Waterways Maintenance

- Decrease of \$661.2 million in business volume
- Decrease of \$157.7 million in personal income
- Decrease of 3,818 jobs
- Decrease of \$28.2 million in tax revenue

Impacts of an Increase in Waterways Maintenance

- Increase of \$152.8 million in business volume
- Increase of \$40.9 million in personal income
- Increase of 1,006 jobs
- Increase of \$7.1 million in tax revenue

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

- Decrease of \$976.2 million in business volume
- Decrease of \$242.0 million in personal income
- Decrease of 5,835 jobs
- Decrease of \$42.8 million in tax revenue

Economic Benefits as of April 2011

MIAMI-DADE COUNTY



ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

MIAMI-DADE 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 April 2007 in *An Economic Analysis of the District's Waterways in Miami-Dade County*.

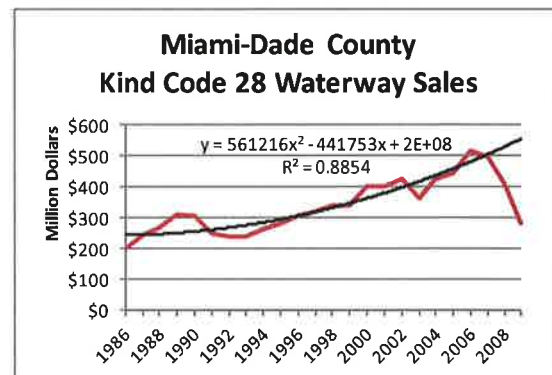
Updating of Previously Estimated Benefits

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

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

Estimating the Impact of the Recession

The impact of the recession was estimated by determining the trend in gross sales of boat dealers over the 20-year period prior to the onset of the recession. This trend was used to estimate the theoretical gross sales if sales had continued to increase at the rates previously experienced. The red line in the figure below illustrates reported actual gross sales of boat dealers and the black line illustrates the trend of those sales. From 2007 to 2009 gross boat dealer sales in Miami-Dade County decreased by 44 percent; if the recession had not occurred, it is estimated that gross sales from 2007 to 2009 would have increased by four percent.



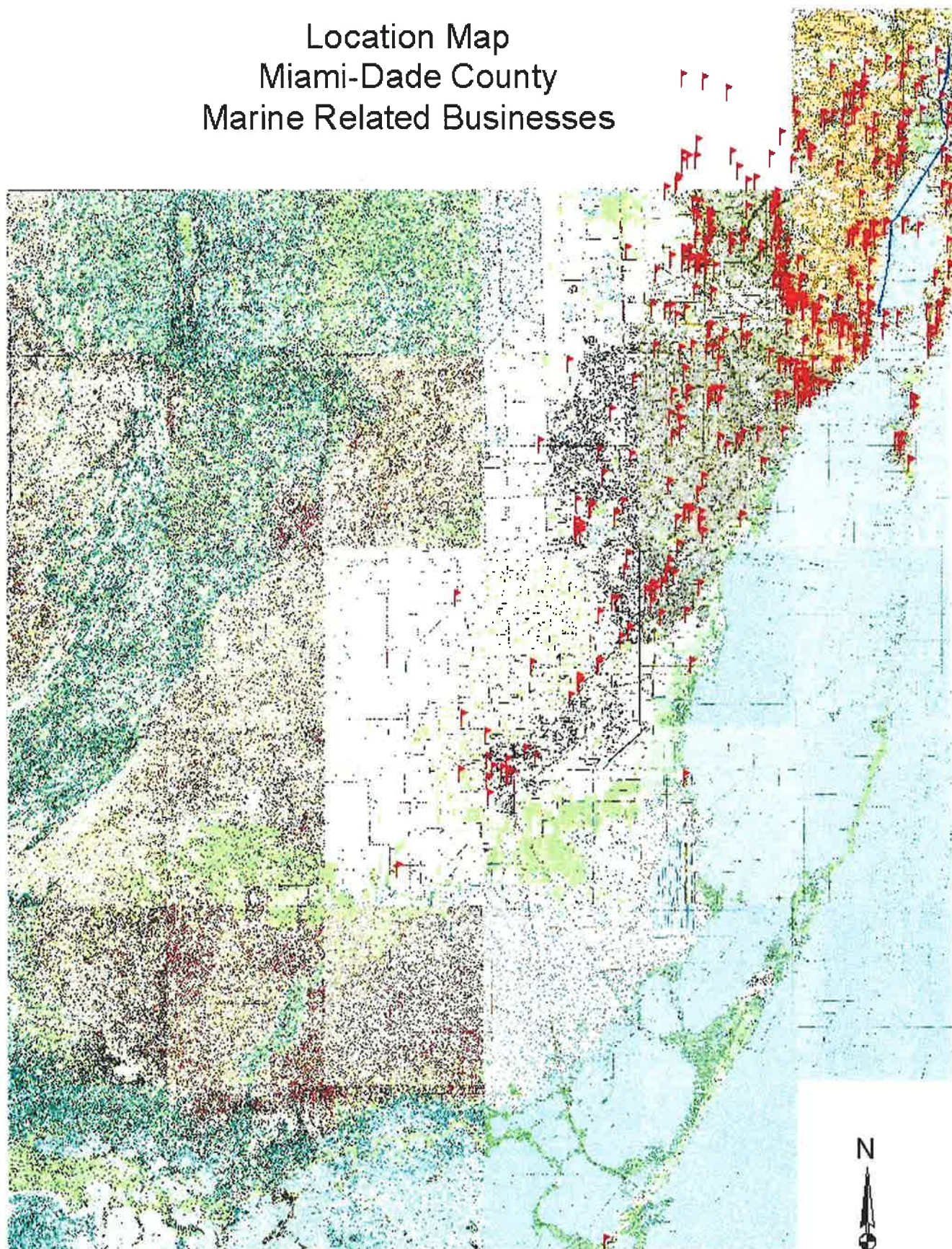
Annual Boater Spending on Gas, Food, and Drinks at Non-Marine-Related Establishments

- Current existing conditions: \$55.0 million
- Cessation of maintenance: \$32.4 million
- Increased maintenance: \$55.0 million
- Assuming no recession: \$72.8 million

Vessel Draft Restrictions Assumed for Each Scenario

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

Location Map Miami-Dade County Marine Related Businesses



WATERWAYS ASSISTANCE PROGRAM PROJECTS
MIAMI-DADE COUNTY
1986-2014

PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
Hurricane Preparedness Manual For Vessels	DA-91-16	Miami - Dade County	\$35,000.00	\$70,000.00
Sand Bypass At Bakers Haulover Inlet - Phase I	DA-BH-12-135	Bal Harbour Village	\$50,000.00	\$400,000.00
Jetty and Groin Repairs	DA-BH-2	Bal Harbour Village	\$200,000.00	\$400,000.00
Public Works Compound Seawall	DA-BH-88-6	Bal Harbour Village	\$29,265.00	\$58,530.00
Miami Marine Stadium Inwater Structural Assessment Ph I	DA-MI-13-150	City of Miami	\$157,900.00	\$315,800.00
Miami Woman's Club Baywalk Ph II	DA-MI-13-151	City of Miami	\$150,000.00	\$300,000.00
Seybold Canal & Wagner Creek Dredging & Environmental Cleanup	DA-MI-13-152	City of Miami	\$1,000,000.00	\$2,000,000.00
Virginia Key Nature Center Seawall & Kayak Launch Ph I	DA-MI-13-153	City of Miami	\$37,500.00	\$75,000.00
Curtis Park Boat Ramp reconstruction	DA-MI-13-154	City of Miami	\$190,050.00	\$380,100.00
Lummus Landing Riverwalk and Dock	DA-MI-13-150	City of Miami	\$570,000.00	\$1,140,000.00
Manatee Bend Park Seawall & Floating Dock Ph II	DA-MI-13-156	City of Miami	\$325,000.00	\$650,000.00
Seybold Canal & Wagner Creek Dredging Phase D	DA-MI-14-162	City of Miami	\$1,000,000.00	\$2,000,000.00
Dinner Key Marina Dinghy Dock Ph II	DA-MI-14-163	City of Miami	\$75,000.00	\$150,000.00
Baywalk Boat Hoists & Floating Dock Regatta Park Ph I	DA-MI-14-164	City of Miami	\$20,000.00	\$40,000.00
Virginia Key Beach Park Tiki Village	DA-MI-14-165	City of Miami	\$16,930.00	\$33,860.00
Virginia Key Beach Park Education Signs	DA-MI-14-166	City of Miami	\$9,400.00	\$18,800.00
Marine Law Enforcement & Safety Project	DA-MB-93-29	City Of Miami	\$35,000.00	\$35,000.00
Watson Island Boat Ramp Replacement	DA-MI-00-59	City Of Miami	\$150,000.00	\$300,000.00
Derelict Vessel Removal	DA-MI-00-60	City Of Miami	\$34,137.00	\$68,275.00
Legion Park Waterfront Enhancement Project	DA-MI-01-65	City Of Miami	\$90,000.00	\$180,000.00
Int. Watersports Center - Public Baywalk Overlook	DA-MI-02-70	City Of Miami	\$200,371.00	\$486,500.00
Bicentennial Park Shoreline Stabilization - Stage I	DA-MI-03-78	City Of Miami	\$700,000.00	\$1,400,000.00
Dinner Key Mooring & Anchorage Field Project - Phase I	DA-MI-03-79	City Of Miami	\$32,500.00	\$100,000.00
Bicentennial Park Shoreline Stabilization - Phase I I	DA-MI-04-83	City Of Miami	\$419,670.00	\$2,398,000.00
Derelict Vessel Removal	DA-MI-04-84	City Of Miami	\$50,000.00	\$100,000.00
Bicentennial Park Shoreline Stabilization - Phase I I I	DA-MI-05-88	City Of Miami	\$1,000,000.00	\$2,000,000.00
Dinner Key Spoil Island Enhancement	DA-MI-05-89	City Of Miami	\$425,000.00	\$850,000.00
Seminole Public Dinghy Dock Replacement	DA-MI-05-90	City Of Miami	\$28,350.00	\$62,700.00
Bicentennial Park Shoreline Stab. - Phase I I I - C	DA-MI-06-93	City Of Miami	\$1,000,000.00	\$2,000,000.00
Dinner Key Mooring Field Project - Phase I I	DA-MI-06-94	City Of Miami	\$424,745.00	\$841,500.00
Sewell Park Kayak Launch - Phase I	DA-MI-06-95	City Of Miami	\$8,500.00	\$17,000.00
Dinner Key Mooring Field Dredging - Phase I I	DA-MI-07-100	City Of Miami	\$390,000.00	\$800,000.00
Construction Of Sewell Park Kayak Launch - Phase I I	DA-MI-07-101	City Of Miami	\$37,625.00	\$75,250.00
Bicentennial Park Mooring Bollards Design - Phase I	DA-MI-08-103	City Of Miami	\$42,450.00	\$84,900.00
Miamarina Seawall Replacement - Phase I	DA-MI-08-104	City Of Miami	\$40,000.00	\$80,000.00
Bicentennial Park Mooring Bollards Construction	DA-MI-09-107	City Of Miami	\$513,255.00	\$1,026,510.00
Coconut Grove Public Piers - Phase I (Withdrawn)	DA-MI-09-108	City Of Miami	\$144,000.00	\$288,000.00
James L. Knight Center Riverwalk - Ph I I (Withdrawn)	DA-MI-09-109	City Of Miami	\$30,000.00	\$60,000.00
Kennedy Park Floating Dock - Phase I	DA-MI-09-110	City Of Miami	\$17,500.00	\$35,000.00
Kennedy Park Shoreline Stabilization - Phase I	DA-MI-09-111	City Of Miami	\$40,000.00	\$80,000.00

WATERWAYS ASSISTANCE PROGRAM PROJECTS
MIAMI-DADE COUNTY
1986-2014

PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
Marine Stadium Marina Seawall Replacement - Phase I	DA-MI-09-112	City Of Miami	\$17,500.00	\$35,000.00
Citywide Derelict Vessel Removal	DA-MI-10-117	City Of Miami	\$20,000.00	\$45,000.00
Miami Marine Stadium Restoration - Phase I	DA-MI-10-118	City Of Miami	\$175,000.00	\$350,000.00
Miami Woman's Club Baywalk - Phase I	DA-MI-10-119	City Of Miami	\$46,500.00	\$93,000.00
Spoil Island E Restoration & Floating Dock - Phase I	DA-MI-10-120	City Of Miami	\$15,000.00	\$30,000.00
Baywalk At Bicentennial Park	DA-MI-11-125	City Of Miami	\$1,143,000.00	\$2,286,000.00
Kennedy Park Floating Dock Construction & Restoration	DA-MI-11-126	City Of Miami	\$60,000.00	\$120,000.00
Kennedy Park Shoreline Stabilization & Restoration	DA-MI-11-127	City Of Miami	\$75,000.00	\$150,000.00
Little River Waterfront Park	DA-MI-11-128	City Of Miami	\$117,500.00	\$470,000.00
Marine Stadium Marina At Virginia Key - Phase I	DA-MI-11-129	City Of Miami	\$800,000.00	\$1,600,000.00
Seybold Canal & Wagner Creek Dredging & Env. Clean Up	DA-MI-11-130	City Of Miami	\$1,000,000.00	\$22,000,000.00
Little River Waterfront Acquisition - Phase B	DA-MI-12-136	City Of Miami	\$183,750.00	\$735,000.00
Manatee Bend Park Seawall Improv. & Kayak Lnch - Ph I	DA-MI-12-137	City Of Miami	\$38,500.00	\$77,000.00
Marine Stadium Marina Seawall Replacement - Phase I I	DA-MI-12-138	City Of Miami	\$785,000.00	\$1,570,000.00
Pallot Park Shoreline Stabilization - Phase I	DA-MI-12-139	City Of Miami	\$30,000.00	\$60,000.00
Seybold Canal & Wagner Creek Dredging - Phase B	DA-MI-12-140	City Of Miami	\$700,000.00	\$1,400,000.00
Spoil Island E Floating Dock Restoration - Phase I I	DA-MI-12-141	City Of Miami	\$57,500.00	\$115,000.00
Baywood Park Shoreline Enhancement Project	DA-MI-95-39	City Of Miami	\$75,590.00	\$199,971.72
Morningside Seawall Improvements	DA-MI-96-44	City Of Miami	\$34,250.00	\$68,500.00
Peacock Park Shoreline Educational Enhancement	DA-MI-97-47	City Of Miami	\$100,000.00	\$200,000.00
Watson Island Boat Ramp Repairs	DA-MI-98-51	City Of Miami	\$142,000.00	\$357,687.00
Margaret Pace Park Public Waterfront Enhancement	DA-MI-99-56	City Of Miami	\$196,085.00	\$392,170.00
Kenneth Myers Park/ Seminole Boat Ramp	DA-MI-99-57	City Of Miami	\$180,000.00	\$488,333.00
Indian Creek Park Seawall Ph I	DA-MB-13-157	City of Miami Beach	\$160,000.00	\$320,000.00
Parks Blueways Master Plan	DA-MB-13-158	City of Miami Beach	\$40,000.00	\$80,000.00
Normandy Shores Park Seawall	DA-MB-14-167	City of Miami Beach	\$225,478.00	\$450,956.00
Indian Creek Park Seawall	DA-MB-14-168	City of Miami Beach	\$692,501.50	\$1,385,003.00
Citywide Seawalls - Phase I	DA-MB-02-71	City Of Miami Beach	\$135,000.00	\$270,720.00
Shoreline Stab. Of Monument Island - Ph. I (Withdrawn)	DA-MB-03-80	City Of Miami Beach	\$50,000.00	\$100,000.00
Citywide Seawalls Project - Phase I I	DA-MB-04-85	City Of Miami Beach	\$293,562.00	\$636,626.00
South Pointe Park Pier Renovation & Expansion - Phase I	DA-MB-08-105	City Of Miami Beach	\$323,075.00	\$969,230.00
Pine Tree Park Shoreline Improvements	DA-MB-09-113	City Of Miami Beach	\$74,766.00	\$248,090.00
Biscayne Bay 10th Street-end Park & Seawall	DA-MB-11-131	City Of Miami Beach	\$472,820.00	\$945,640.00
South Pointe Pier Construction - Phase I I	DA-MB-12-142	City Of Miami Beach	\$986,000.00	\$4,098,381.00
Miami Beach Marina Shoreline Stabilization	DA-MB-92-22	City of Miami Beach	\$200,000.00	\$454,675.00
Marine Patrol Boat	DA-NBV-00-63	City Of North Bay Village	\$50,406.00	\$67,208.00
Navigational Buoys (Expired)	DA-NBV-01-69	City Of North Bay Village	\$6,250.00	\$15,000.00
Paul Vogel Community Park Seawall & Dock Repl. - Ph I	DA-NBV-10-123	City Of North Bay Village	\$55,000.00	\$110,000.00
Baywalk Plaza Area - Phase I	DA-NBV-12-146	City Of North Bay Village	\$50,250.00	\$100,500.00
Vogel Park Improvements	DA-NBV-12-147	City Of North Bay Village	\$110,167.00	\$220,335.00

WATERWAYS ASSISTANCE PROGRAM PROJECTS
MIAMI-DADE COUNTY
1986-2014

PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
North Bayshore William Lehman Park Fishing and Viewing Pier	DA-NM-13-148	City of North Miami	\$300,000.00	\$630,000.00
William Lehman Park Fishing & Viewing Piers - Phase I	DA-NM-98-50	City Of North Miami	\$15,734.00	\$31,469.00
William Lehman Park Fishing & Viewing Piers - Phase II	DA-NM-99-55	City Of North Miami	\$33,475.00	\$66,950.00
Maule Lake Derelict Vessel Removal	DA-NMB-06-99	City Of North Miami Beach	\$40,000.00	\$85,000.00
Waterway Signage Video Program	DA-NMB-91-20	City of North Miami Beach	\$16,000.00	\$45,300.00
Law Enforcement/Rescue Boat & Equipment	DA-NMB-91-21	City of North Miami Beach	\$25,000.00	\$62,455.00
Marine Patrol Vessel	DA-ICV-01-64	Indian Creek Village	\$18,880.00	\$37,760.00
Flagler Memorial Island Enhancements - Phase I	DA-00-61	Miami - Dade County	\$42,500.00	\$102,500.00
Haulover Boat Ramp Fish Cleaning Station (Withdrawn)	DA-00-62	Miami - Dade County	\$20,000.00	\$40,000.00
Pelican Harbor Marina	DA-1	Miami - Dade County	\$400,000.00	\$4,075,000.00
Pelican Harbor Marina	DA-87-3	Miami - Dade County	\$750,000.00	\$3,300,000.00
Biscayne Bay Restoration	DA-87-4	Miami - Dade County	\$160,310.00	\$500,000.00
Spoil Island Enhancement	DA-87-5	Miami - Dade County	\$86,000.00	\$300,000.00
Biscayne Bay Restoration	DA-88-7	Miami - Dade County	\$75,000.00	\$222,500.00
Venetian Causeway Repairs	DA-88-8	Miami - Dade County	\$157,500.00	\$315,000.00
Venetian Causeway Design	DA-88-9	Miami - Dade County	\$250,000.00	\$500,000.00
Pelican Harbor Marina	DA-89-10	Miami - Dade County	\$500,000.00	\$4,975,000.00
Biscayne Bay Restoration & Enhancement Project	DA-89-11	Miami - Dade County	\$98,000.00	\$216,300.00
Spoil Island Restoration	DA-89-12	Miami - Dade County	\$96,875.00	\$193,750.00
Restoration of Dredge Areas	DA-90-13	Miami - Dade County	\$97,755.00	\$195,570.00
Spoil Island Enhancement	DA-90-14	Miami - Dade County	\$40,000.00	\$80,000.00
Pelican Harbor Spoil Island	DA-90-15	Miami - Dade County	\$320,000.00	\$640,000.00
Restoration of Dredged Areas	DA-91-17	Miami - Dade County	\$180,000.00	\$365,950.00
Haulover Inlet Spoil Island Enhancement Project	DA-91-18	Miami - Dade County	\$200,000.00	\$714,448.00
Deering Environmental Education Facilities	DA-91-19	Miami - Dade County	\$650,000.00	\$4,400,000.00
North Miami Spoil Island Enhancement Project	DA-92-23	Miami - Dade County	\$196,030.00	\$412,060.00
Pelican Harbor Marina Facilities	DA-92-24	Miami - Dade County	\$500,000.00	\$740,000.00
Marjory Stoneman Douglas Biscayne Nature Center Designs	DA-92-25	Miami - Dade County	\$187,500.00	\$375,000.00
Hurricane Andrew Marina Improvement - Phase I	DA-92-26	Miami - Dade County	\$463,670.00	\$463,670.00
Flagler Memorial Island Enhancement	DA-93-27	Miami - Dade County	\$175,000.00	\$300,800.52
Hurricane Andrew Marina Improvement - Phase II	DA-93-28	Miami - Dade County	\$850,000.00	\$1,800,000.00
Cape Florida Shoreline Stabilization	DA-93-30	Miami - Dade County	\$340,000.00	\$739,700.98
Crandon Park Marina Renovations	DA-94-31	Miami - Dade County	\$900,000.00	\$1,800,000.00
Venetian Causeway Shoreline Stabilization Project	DA-94-32	Miami - Dade County	\$101,200.00	\$240,311.72
Haulover Park Marina Renovation Designs	DA-95-33	Miami - Dade County	\$60,000.00	\$120,000.00
Matheson Hammock Marina Boat Ramp Renovation	DA-95-34	Miami - Dade County	\$116,200.00	\$232,400.00
Crandon Marina Boat Ramp Renovation	DA-95-35	Miami - Dade County	\$174,400.00	\$348,800.00
Crandon Park Marina Renovations II	DA-95-36	Miami - Dade County	\$300,000.00	\$600,000.00
Biscayne Bay Spoil Island #2 Enhancement Project	DA-95-37	Miami - Dade County	\$180,262.00	\$360,525.00
Derelict Vessel Removal Project	DA-95-38	Miami - Dade County	\$102,577.00	\$205,155.00

WATERWAYS ASSISTANCE PROGRAM PROJECTS
MIAMI-DADE COUNTY
1986-2014

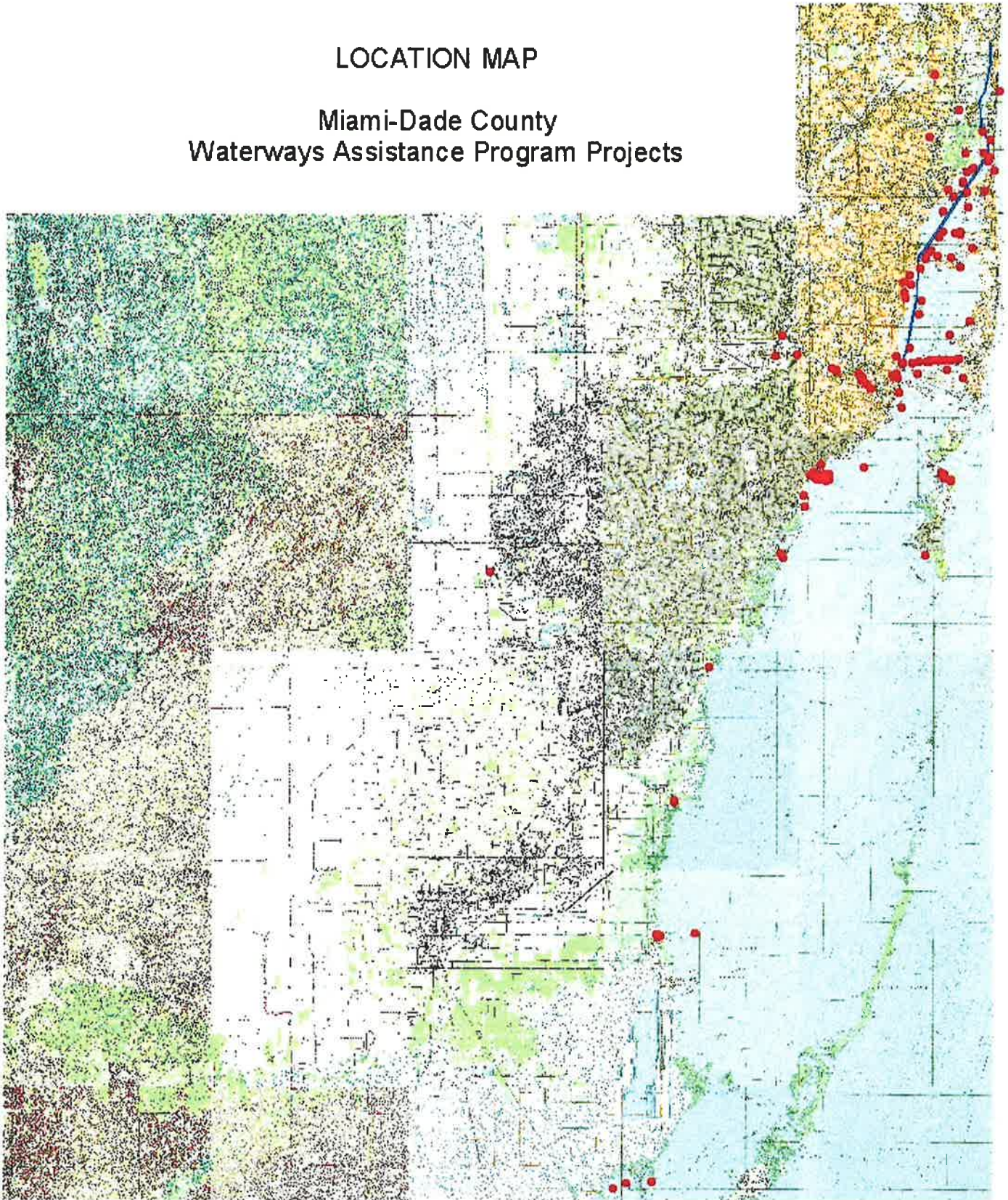
PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
Biscayne Bay Spoil Island (#14) Enhancement Project	DA-96-40	Miami - Dade County	\$105,000.00	\$210,000.00
Homestead Bayfront Park Shoreline Stabilization	DA-96-41	Miami - Dade County	\$50,000.00	\$100,000.00
Manatee Halfway House (Project Expired)	DA-96-42	Miami - Dade County	\$25,000.00	\$100,000.00
M.S.D. Biscayne Nature Center	DA-96-43	Miami - Dade County	\$800,000.00	\$3,530,000.00
Crandon Park Marina Pier Renovation - Phase I I	DA-97-45	Miami - Dade County	\$920,000.00	\$1,840,000.00
Biscayne Bay Spoil Island #1 Enhancement	DA-97-46	Miami - Dade County	\$115,000.00	\$230,000.00
Haulover Park Marina Renovations (Project Expired)	DA-98-48	Miami - Dade County	\$1,400,000.00	\$2,800,000.00
Biscayne Bay Spoil Island #6 Enhancements	DA-98-49	Miami - Dade County	\$112,500.00	\$225,000.00
Haulover Marina Expansion Designs	DA-99-52	Miami - Dade County	\$148,250.00	\$296,500.00
Haulover Marina Boat Ramp Renovations	DA-99-53	Miami - Dade County	\$183,750.00	\$367,500.00
Spoil Islands #9 & #10 Enhancements	DA-99-54	Miami - Dade County	\$135,000.00	\$316,265.00
Crandon Park Marina Pier Renovations - Phase I I	DA-01-66	Miami- Dade County	\$403,129.00	\$878,271.00
Haulover Park Marina Renovations	DA-01-67	Miami- Dade County	\$1,400,000.00	\$2,800,000.00
Spoil Island #3 Enhancement Project	DA-01-68	Miami- Dade County	\$105,000.00	\$210,000.00
Miami River Dredging Project - Stage I I	DA-02-72	Miami- Dade County	\$300,000.00	\$6,000,000.00
Black Point & Homestead Bayfront Marinas Piling Repl.	DA-02-73	Miami- Dade County	\$125,000.00	\$250,000.00
Crandon Park Marina Dockmaster's Complex - Phase I	DA-02-74	Miami- Dade County	\$75,000.00	\$150,000.00
Homestead Bayfront Marina Navigational Impr. - Phase I	DA-02-75	Miami- Dade County	\$50,000.00	\$100,000.00
Pelican Harbor Fishing Pier Repl. - P H I (Withdrawn)	DA-02-76	Miami- Dade County	\$18,000.00	\$36,000.00
Pelican Harbor Marina Mooring Field-ph I (Withdrawn)	DA-02-77	Miami- Dade County	\$25,000.00	\$50,000.00
Haulover Marina Dockmaster Complex- P H I (Withdrawn)	DA-03-81	Miami- Dade County	\$87,000.00	\$174,000.00
Spring Garden Point Park Shoreline Enhancement	DA-03-82	Miami- Dade County	\$138,000.00	\$370,000.00
Haulover Marina Breakwater Completion	DA-04-86	Miami- Dade County	\$1,134,243.00	\$4,112,392.00
Haulover Marina Dredging, Seawall, Dock & Wetslips	DA-05-91	Miami- Dade County	\$1,135,000.00	\$4,882,000.00
Homestead Bayfront Channel Markers Relocation	DA-05-92	Miami- Dade County	\$56,150.00	\$112,300.00
Homestead Bayfront Marina Complex - Phase I (Expired)	DA-06-96	Miami- Dade County	\$130,000.00	\$260,000.00
Parcel B Public Shoreline Stabilization	DA-06-97	Miami- Dade County	\$178,596.00	\$372,075.00
Pelican Harbor Marina Boaters' Complex - Phase I I	DA-06-98	Miami- Dade County	\$111,000.00	\$222,000.00
Parcel B Public Shoreline Stabilization - Stage 2	DA-07-102	Miami- Dade County	\$2,000,000.00	\$4,200,000.00
Pelican Harbor Marina Restrooms & Boater Amenities	DA-08-106	Miami- Dade County	\$493,716.00	\$987,433.00
Crandon Marina Seawall Restoration	DA-09-114	Miami- Dade County	\$597,633.00	\$1,195,266.00
Fire Rescue Floating Dock & Boat Lift	DA-09-115	Miami- Dade County	\$111,150.00	\$273,882.50
R. Hardy Matheson Preserve Shoreline Stabilization	DA-09-116	Miami- Dade County	\$550,000.00	\$1,100,000.00
Crandon Marina Seawall #2 Replacement	DA-10-121	Miami- Dade County	\$1,342,932.00	\$2,685,865.00
Pelican Harbor Marina Elec., Water & Fire Systems- Ph I	DA-10-122	Miami- Dade County	\$56,000.00	\$112,000.00
Dinner Key Spoil Islands B & C Shoreline Stabilization	DA-11-132	Miami- Dade County	\$300,000.00	\$600,000.00
Miami Marine Stadium Park Shoreline Stabilization	DA-11-133	Miami- Dade County	\$400,000.00	\$800,000.00
Vizcaya Public Shoreline Stabilization - Phase I	DA-11-134	Miami- Dade County	\$41,000.00	\$84,500.00
Miami River Greenways Riverwalk	DA-12-143	Miami- Dade County	\$500,000.00	\$1,134,297.00
Pelican Harbor Marina Improvements	DA-12-144	Miami- Dade County	\$1,200,000.00	\$2,400,000.00

WATERWAYS ASSISTANCE PROGRAM PROJECTS
MIAMI-DADE COUNTY
1986-2014

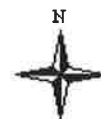
PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
Vizcaya Public Shoreline Stabilization N.E. Garden Area	DA-12-145	Miami- Dade County	\$134,000.00	\$268,000.00
Crandon Marina Boat Ramps Ph I	DA-13-159	Miami-Dade County	\$70,000.00	\$169,500.00
Matheson Hammock Marina Boat Ramps Ph I	DA-13-160	Miami-Dade County	\$74,000.00	\$177,000.00
Miami River Greenway sites 4&5	DA-13-161	Miami-Dade County	\$500,000.00	\$1,024,025.00
Black Point Marina Wet Slips Frames Replacement	DA-14-169	Miami-Dade County	\$349,170.00	\$698,340.00
Pelican Marina Wet Slips Frames Replacement	DA-14-170	Miami-Dade County	\$256,470.00	\$512,940.00
Pelican Island Day Dock Replacement Ph I	DA-14-171	Miami-Dade County	\$37,296.00	\$74,592.00
Pelican Marina Boat Ramp Renovations Ph I	DA-14-172	Miami-Dade County	\$60,000.00	\$167,000.00
Matheson Marina Floating Dock Renovations	DA-14-173	Miami-Dade County	\$239,258.00	\$478,516.00
Boating Safety & Environmental Education Program	DA-SI-99-58	Sunny Isles Beach	\$45,603.06	\$60,804.08
Waterfront Park	DA-BHI-05-87	Town Of Bay Harbor Islands	\$92,000.00	\$184,000.00
The Strand Park Boat Dock	DA-GB-11-124	Town Of Golden Beach	\$29,735.00	\$78,664.00
Surfside Seawall Replacement	DA-SU-13-149	Town of Surfside	\$494,445.00	\$988,890.00
			\$48,296,492.56	\$146,998,943.52

LOCATION MAP

Miami-Dade County Waterways Assistance Program Projects



Wapinfo
Channel



9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2015-0271]

Drawbridge Operation Regulations; New River, Fort Lauderdale,
FL.

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations;
request for comments.

SUMMARY: The Coast Guard is issuing a temporary deviation from the operating schedule that governs the Florida East Coast Railway (FEC) Railroad Bridge across the New River, mile 2.5, at Fort Lauderdale, FL. This deviation will test a change to the drawbridge operation schedule to address the inability of the bridge owner, FEC, to operate the bridge under current regulations. The change requires the bridge owner to institute a full-time bridge tender to supplement the automated system in place. The bridge tender will be required to utilize a VHF radio and communicate on Channels 9 and 16 in accordance with existing regulations. This deviation also requires the bridge tender to utilize a telephone with phone number published for the marine community and maintain a

detailed log recording all bridge opening and closure times. Signs advising mariners of radio and telephone contact information must be posted in a visible location so that transiting vessels can easily see them. A countdown clock for bridge closure shall also be posted near the bridge site and visible for maritime traffic. The bridge shall not be closed more than 60 minutes in any given 120 minute time period beginning at 12:01 a.m. This deviation will improve communications with the mariner and FEC, increase the amount of time the bridge is open, and will promote equal usage of waterways and railroad for all parties involved.

DATES: This deviation is effective from 6 a.m. on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through 6 a.m. on October 16, 2015.

Comments and related material must be received by the Coast Guard on or before [Insert date 90 days after published in the Federal Register]. Requests for public meetings must be received by the Coast Guard on or before June 16, 2015.

ADDRESSES: You may submit comments identified by docket number USCG-2015-0271 using any one of the following methods:

(1) Federal eRulemaking Portal:

<http://www.regulations.gov>.

(2) Fax: 202-493-2251.

(3) Mail or Delivery: Docket Management Facility (M-30),

U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202-366-9329.

See the "Public Participation and Request for Comments" portion of the SUPPLEMENTARY INFORMATION section below for instructions on submitting comments. To avoid duplication, please use only one of these four methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this test deviation, call or e-mail Robert Glassman at telephone 305-415-6746, e-mail Robert.s.glassman@uscg.mil. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

1. Submitting comments

If you submit a comment, please include the docket number

for this rulemaking (USCG-2015-0271), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (<http://www.regulations.gov>), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, type the docket number [USCG-2015-0271] in the "SEARCH" box and click "SEARCH." Click on "Submit a Comment" on the line associated with this rulemaking. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and

material received during the comment period and may change the rule based on your comments.

2. Viewing comments and documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number (USCG-2015-0271) in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the Federal Register (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before June 16, 2015, using one

of the four methods specified under ADDRESSES. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the Federal Register.

SUPPLEMENTARY INFORMATION:

The bridge owner, FEC Railway, requested permission to operate the FEC Railroad Bridge across the New River with an automated system. The FEC Railroad Bridge in Fort Lauderdale, FL has a vertical clearance of 4 feet at mean high water in the closed position and horizontal clearance of 60 feet. Traffic on the waterway includes both commercial and recreational vessels.

Presently, in accordance with 33 CFR 117.5, the bridge is required to open on signal for the passage of vessels. The bridge is usually maintained in the open to navigation position and only closes for train traffic.

The bridge owner, FEC, determined that by installing an automated system, vessel transit will be more efficient. This automated system allows the railroad dispatcher to receive a signal that the bridge must close for approaching trains. The dispatcher will then be advised when trains clear the bridge so it can reopened.

Any vessel requesting a bridge opening must contact the bridge tender via telephone or radiotelephone (marine radio)

on VHF-FM channel 9 or 16 to coordinate safe passage through the bridge. The tender must provide information to include, but not limited to authorization for the vessel to continue its transit when the bridge is open to navigation, or the tender must advise that the vessel will have to wait because a train is approaching. If a vessel is required to wait, the bridge tender must indicate the amount of time the vessel will have to wait until the train is clear of the bridge. The FEC Dispatch number and bridge tender phone number will be posted at the bridge so they can be seen by vessels approaching from either direction. The bridge tender's number is 305-889-5572 and the FEC Dispatch number is 800-342-1131.

This deviation seeks comments on FEC's operating schedule and tests an automatic operating system as the method for operating the bridge to determine whether a permanent change to operations can be approved. The deviation period will run from 6 a.m. on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through 6 a.m. on October 16, 2015.

During the test deviation period, the draw of the FEC Railroad bridge across the New River, mile 2.5, at Fort Lauderdale, FL, will operate as follows:

- (a) The bridge is constantly tended.
- (b) The bridge tender will utilize a VHF-FM radio to

communicate on channels 9 and 16 and may be contacted by telephone at 305-889-5572.

(c) Signage will be posted displaying VHF radio contact information and the bridge tender and dispatch telephone number. A countdown clock for bridge closure shall be posted at the bridge site and visible for maritime traffic.

(d) A bridge log will be maintained including, at a minimum, bridge opening and closing times.

(e) When the draw is in the fully open position, green lights will be displayed to indicate that vessels may pass.

(f) When a train approaches, the lights go to flashing red and a horn starts four blasts, pauses, and then continues four blasts then the draw lowers and locks.

(g) After the train has cleared the bridge, the draw opens and the lights return to green.

(h) The bridge shall not be closed more than 60 minutes combined for any 120 minute time period beginning at 12:01 a.m.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: 22 APR 2015



Mr. Barry Dragon
U.S. Coast Guard
Bridge Administrator, Seventh Coast Guard District

Executive Summary

The Coast Guard Bridge Program ensures Marine Safety, Security, and Stewardship and contributes to the freedom of navigation and the nations Marine Transportation System through its authority to approve the location and plans of all new bridges, modifications of existing bridges, international bridges, and causeways in or over navigable waterways of the United States.

In accordance with 33 CFR 116.01, “[a]ll bridges are obstructions to navigation and are tolerated only as long as they serve the needs of land transportation while allowing for the reasonable needs of navigation.” Authority for the permitting process is found in 33 U.S.C. 401, 491, 525-533, the International Bridge Act of 1972 and various acts of Congress. Pursuant to the Rivers and Harbors Act, “No bridge shall at any time unreasonably obstruct the free navigation of any navigable waterway of the United States.” In addition, per the Bridge Act, “No bridge erected or maintained under the provisions of sections 491 to 498 of this title, shall at any time unreasonably obstruct the free navigation of the waterway over which it is constructed.”

It is important to note that initial determinations of reasonable needs are based on facts and circumstances at the time of the proposal and may later be unreasonable if facts and circumstances surrounding the proposal change over time, or are discovered during the permit application and public notice process.

The Bridge Program Manual (COMDTINST M16590.5) and the Bridge Permit Application Guide (COMDTPUB P16591.3C) provide an overview of the requirements to determine the reasonable needs of navigation. This paper identifies the detailed elements, to include guide clearances on waterways, that are considered on a case-by-case basis when making a determination based on the reasonable needs of navigation.

Introduction to Navigational Clearance Determinations

Determining the vertical clearance (the vertical distance between the lowest part (e.g., member, chord, or steel) of the superstructure spanning the navigation channel and the recognized datum at the bridge site and horizontal clearance (the horizontal distance, measured normal to the axis of the channel, through which the stated vertical clearance is available) for the navigational opening of a bridge project is the focal point of the Coast Guard permitting process.

In determining reasonable navigational clearances for bridges, the Coast Guard Bridge Administrators bring their expertise to bear in subjectively determining the case specific circumstances and factors, because each navigable waterway presents its own unique set of challenges. When analyzing technical documents, studies, and other relevant scientific information, courts “defer to the informed discretion of the responsible federal agencies.” *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 377 (1989). Since the Coast Guard is the permitting authority for bridges, Coast Guard analysis of the technical documents and studies relating to navigation, will be given deference in the court of law.

This paper identifies the factors that the Coast Guard considers when making a determination based on the reasonable needs of navigation. Factors are by nature dependent on objective circumstance, and because the objective circumstances of each waterway is different, the content of the standard in a bridge permitting decision will vary greatly from case to case. If the Coast Guard considers all these factors, then the court must give due deference to Coast Guard interpretations of the Bridge Act and other laws it administers. *Western Pioneer v US*, 709 F.2d 1331, 1335(9th Cir 1983). Though the determination may seem subjective, courts rely on Coast Guard experts to make such a determination based on objective, fact based criteria. Courts will defer to agency practice so long as the agency brings the expertise to bear in making a decision. *Citizens to Pres. Overton Park, Inc. v. Volpe*, 401 U.S. 402, 417 (1971).

Navigational Evaluations

Navigational evaluations should be conducted to compose the most accurate picture of current and prospective navigation on a waterway. A Navigational Evaluation should be conducted by the project sponsor or potential permit applicant early in project planning and updated periodically during project development because waterways and waterway usage are dynamic and may change over time.

Such evaluations should identify and/or consider:

- Existing commercial users (marine industrial, passenger cruise and excursion, etc.);
- Existing recreational users;
- Vessel trip frequency;
- Various waterway stages;
- Projected changes in waterway usage based upon anticipated waterway improvement projects;
- Impacts to vessel owners that would be precluded from transiting the waterway if a proposed bridge project is authorized;
- Impacts from bridge approaches based on associated navigational clearances;
- All bridges upstream and downstream of the proposed bridge site to determine existing minimum horizontal and vertical clearances (including overhead transmission line clearances);
- Guide clearances for the waterway, if established;
- Waterway layout and geometry;
- Waterway depth and elevation fluctuations (*range of tides, average high water elevation etc*);
- River hydrology;
- Channel and waterway alignment;

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 USCG BRIDGE PROGRAM
 REASONABLE NEEDS OF NAVIGATION
 WHITE PAPER

- Natural flow of the waterway including currents, water velocity, water direction and velocity fluctuations (seasonal, daily, hourly etc), that might affect navigation.
- Current speed and direction;
- Type and size of vessels utilizing the waterway (or expected to utilize the waterway during the proposed bridge lifespan) to include:
 - Vessel name and registration/documentation numbers
 - Vessel type
 - Vessel owner contact information (company/individual name, address, contact info)
 - Primary vessel mooring location (include waterway mile point, if known)
 - Vessel length overall
 - Vessel beam
 - Vessel draft (depth of hull below waterline at full load)
 - Vessel air draft (height of the highest fixed point of the vessel above the waterline, when empty)
 - Specialized vessels that use the waterway. Example – vessels which have limited maneuverability due to inherent design or mode of operation.
 - Safety margin required by vessel to navigate through the bridge
 - Vessel transit frequencies under proposed bridge, transit speeds and load configurations;
 - Vessel traffic characteristics (to include if tug assist is required for transit through the bridge due to limited horizontal clearance);
- Review of annual cargo movements (cargo types and quantities);
- Whether there is a federally authorized navigation channel on this waterway and whether it is maintained and to what depth;
- Whether there was a “design vessel” used in planning the channel? What is/was the design vessel? Was the design vessel reviewed by the Coast Guard?
- Does levee maintenance, bridge work (other bridges), channel maintenance and emergency operations upstream of bridge require certain vessels to transit the waterway?
- What is the current “governing limitation” for navigation on the waterway? This means:
 - What is the most restrictive vertical clearance on the waterway? This may be a fixed bridge downstream of the proposed structure or it may be a low hanging power line downstream of the bridge, or it may be some other structure which limits vertical clearance. Sometimes the existing to-be-replaced bridge is the most restrictive structure.
 - What is the most restrictive horizontal clearance on the waterway? This may be bridge piers on another bridge downstream, it may be a

navigational lock, it may be a man-made channel, it may be the actual width of the narrowest portion of the waterway.

- Other natural or man-made conditions that affect navigation (atmospherics, exclusion zones, etc);
- Site-specific information such as historical data on vessel allisions/collisions, rammings and groundings in the waterway, bridge/waterway geometry, sailing path, stream speed, and wind speed;
- All vessels and cargoes that will need to be partially disassembled/dismantled or require multiple trips (barges) in order to transit the proposed bridge and whether the vessels currently possess that capability. The Coast Guard must take into consideration a vessel's ability to adjust its operations without significant economic loss. Adjustment or mitigation techniques may include using other routes, lowering electronics (GPS, radar, communication antennae, etc.), lowering crane booms, etc;
- Proposed bridge clearance impact on present and prospective upstream commercial activity, e.g. jobs, and economic growth and development. Must address any existing or planned commercial/industrial developments negatively affected by the proposed clearances and discuss the economic impacts the proposed clearances will have on these businesses;
 - The foreseeable needs to the future navigation:
 - existing and historic navigational use and waterway conditions.
 - Input from waterway dependant facilities concerning future use.
 - Land use zoning along the waterway (particularly within the riparian zone)
 - Future vessel size and traffic trends
 - Input from states based on state development plans
 - Input from facilities based on business plans
 - Note that the next opportunity to adjust clearances for navigation is usually 50-100 years unless interim waterway improvement projects include the cost of bridge alterations.
 - Projected changes in waterway usage based upon anticipated waterway improvement projects, future waterways, i.e. USACE channel improvements and residential/commercial facility development. Waterway system maintenance should be considered due to changes in channel width and depth and in some cases channel alignment.
- Any existing facilities on the waterway that are or could be considered critical infrastructure, key resources, or important/unique US industrial capability i.e. are these facilities unique or one of only a few of the type in the area. Must address whether the proposed clearances negatively affect those facilities and their customers; and
- Mitigation proposed/completed for impacted waterway users and a list of those impacts that cannot be mitigated.

Determining the Reasonable Needs of Navigation

The factors outlined above serve as guidance in order to assist the Coast Guard with determining bridge clearances that provide for the reasonable needs of navigation.

Reasonable Needs of Navigation are looked at through the lens provided for in 33 CFR 116.01. This article (33 CFR § 116.01) actually refers to bridges which exist today as legally permitted structures that have become unreasonably obstructive because waterway use has changed. Waterway usage changes are primarily due to vessels being built larger because of “efficiency of scale” or because of development along the waterway which depends on the waterway as a transportation corridor; riparian dependant economic growth. Therefore in “Permitting” new or replacement bridges the Coast Guard will ensure that proposed structure(s) provide for the “Reasonable Needs of Navigation”; current, and reasonably foreseeable future navigation. The Coast Guard cannot allow a structure to be built over “Navigable Waters of the United States” which does not provide for the reasonable needs of current and foreseeable future navigation.

The Coast Guard uses its expertise to objectively evaluate the plans and location of a proposed bridge juxtaposed to the factors outlined above. If a proposed bridge (structure) has the potential to impact identified navigational needs (waterway usage) in anyway, Coast Guard Bridge Administrator will evaluate the potential impacts taking into consideration the above factors, as well as the following factors, to determine if the proposed project will meet the reasonable needs of existing and potential navigation:

- Does the proposed bridge completely obstruct the passage of any existing waterway users or the access to waterborne facilities?
- Does the proposed bridge establish a new navigational limiting factor, i.e. will the proposed bridge be the most restrictive/obstructive structure across the waterway? Does the proposed bridge match the navigational clearance of existing structures on the waterway?
- Does the proposed bridge impact present and prospective commercial activity on the waterway, e.g. jobs, and economic growth and development?
- Does the proposed bridge impact existing or planned commercial/industrial developments? What are economic impacts on these businesses?;
- Does the proposed bridge impact existing facilities on the waterway that are or could be considered critical infrastructure, key resources, or important/unique US industrial capability i.e. are these facilities unique or one of only a few of the type in the area?
- Does the proposed bridge impact USACE ability to transit the bridge in a federal project channel?
- Does the proposed bridge impact USCG and other government vessels’ ability to transit bridge to conduct mission essential functions (icebreakers, patrols, etc)?

- Does the proposed bridge impact existing and future cruiseship ports-of-call/terminals?
- Does the proposed bridge impact commercial freighters.
- Does the proposed bridge impact ports supporting post-panamax vessels?
- Does the proposed bridge impact vessels that produce unique products for region?
- Does the proposed bridge impact vessels that require helper boats/tugs (note the combined clearance requirement of the vessel and the helper boat/tug)?
- Does the proposed bridge impact proposed commercial vessels as a result of proposed development on waterway?
- If a proposed bridge partially blocks or obstructs navigation, the following factors must be examined:
 - Can vessels and cargoes be partially disassembled/dismantled in order to transit the proposed bridge, and if so, is it economically reasonable? The Coast Guard must take into consideration a vessel's ability to adjust its operations without significant economic loss. Adjustment or mitigation techniques may include using other routes, lowering electronics (GPS, radar, communication antennae, etc.), lowering crane booms, etc.
 - Are alternative routes available for vessel passage?
 - Can vessels transit at typical lower water stages (mean low water, mean pool level, etc.)?

Balancing the Competing Needs of Land and Waterborne Modes of Transportation

The CG Bridge Manual requires that we accommodate, to the greatest practical extent, the needs of all the surface transportation modes. However, it is the duty of the CG to ensure the public right of navigation is preserved while maintaining a reasonable balance between the competing needs of land and waterborne modes of transportation. The reasonable balance is attained by ensuring land and water modes can travel unencumbered with minimal delay to both modes.

The extent of our jurisdiction, when determining this balance, is to ensure proposed clearances are sufficient enough to avoid and/or minimize impacts to navigation just as the US Fish and Wildlife Service and the Advisory Council on Historic Preservation are charged with determining impacts to species and historic properties, respectively.

These agencies do not take into account the cost of the project when determining the level of impact acceptable to those species or properties and neither does the Coast Guard regarding navigation. The applicant is charged with considering environmental and

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economic impacts (project cost) associated with various alternatives in its NEPA document in order to make an informed decision on which alternative is most viable. The Coast Guard, as a cooperating agency in most cases, is responsible for commenting on these alternatives as they relate to the impact to navigation, to further assist the applicant with its decision.

The Coast Guard's administration of bridge related laws must not give preference to commercial use over recreational use; however, purpose and use of vessels are factors that must be taken into consideration when evaluating avoidance, minimization, and mitigation of navigational impacts.

SUPPORTING INFORMATION

Bridge Program Jurisdiction

The Coast Guard's duty and responsibility, under the delegated authorities, is to preserve the public right of navigation. The Coast Guard Bridge Program is tasked with ensuring the safe and unencumbered passage of navigation on the nation's waterways by promoting security, mobility and safety on our critical national transportation systems. This objective is accomplished by approving the location and plans of all new bridges, modification of existing bridges, international bridges, and causeways in or over navigable waterways of the United States.

Bridges across the navigable waters of the United States are considered obstructions to navigation, permitted only when they serve the needs of land transportation. While the public right of navigation is paramount to land transportation, it is not absolute. This right may be diminished to benefit land transportation, provided the reasonable needs of navigation are not impaired. The Coast Guard approves the location and plans of bridges and causeways and imposes any necessary conditions relating to the construction and maintenance of these bridges in the interest of public navigation.

Navigation shall mean commerce upon the waterway, in the customary sense, as applied by the courts and law. For Bridge Program purposes, recreational boating normally will be considered as falling within the term "commerce".

A finding of substantial interstate or foreign commerce may be based upon a waterway's economic impact or its utilitarian impact (e.g., the only practical method of moving a commodity is along a particular waterway, or a waterway provides the only trade link for a community, even though the economic impact might be relatively minor). Each factual setting shall be examined on its merits.

Once Coast Guard jurisdiction over the waterway has been established for the purpose of administering the Bridge Program, no distinction shall be made between commercial and recreational vessels in the administration and enforcement of those laws. Neither the use nor purpose of any vessel using the waterway provides a basis for making such distinctions.

Waterway Characteristics and Considerations

Common waterway types include Open-River, Federal Project, Canalized Streams, Land-Cut Canals, Intracoastal Waterways and Coastal Waterways. Additional information regarding these waterways can be found in the Bridge Program Manual, COMDTINST M16590.5 (series), Chapter 2.F.

MEANS OF NAVIGATION DATA COLLECTION

The Coast Guard and applicants use a variety of tools to gather information to assist in the determination of appropriate bridge navigational clearances, to include, but not limited to:

Version 1.1, October 5, 2012
 USCG BRIDGE PROGRAM
 REASONABLE NEEDS OF NAVIGATION
 WHITE PAPER

- Site visits and ride-alongs with qualified vessel operators on the waterway, to obtain first hand knowledge of navigational needs through the proposed bridge site;
- Issuing a Coast Guard Public Notice to solicit comments for navigational concerns;
- Advertising the bridge project in the Coast Guard Local Notice to Mariners;
- Conducting waterway user surveys;
- Conducting a waterways study (typically applicant-prepared);
- Reviewing navigational information in environmental documentation prepared by the applicant;
- Reviewing bridge tender logs;
- Conducting public meetings;
- Consulting with and conducting interagency meetings;
- Consulting guide clearances for the waterway;
- Contacting regional planning interests for current and future plans that will impact the waterway;
- Consulting USACE methodology in USACE Engineer Manuals EM-1110-2-1611 and EM-1110-2-1613 for determining horizontal and vertical clearance requirements (see Enclosure (2) for sample methodology);
- Consulting with local Coast Guard Sectors, Captains of the Port, Coast Guard Stations and Coast Guard Cutters prior to making navigation determinations since they offer a wealth of professional experience in navigational issues; and
- When available, waterborne commerce statistics (collected by the U.S. Department of Commerce) should be reviewed and incorporated into the waterway evaluation as they provide cargo volumes and vessel trips for commercial shipments by waterway reach.

It is imperative that every effort be made to involve members of the navigation community and other interested or affected parties early in the Coast Guard Bridge Program consideration of navigational needs. It is also imperative that dialogue is maintained with the navigational community all throughout project development and approval processes so that changes in waterway usage, particularly during lengthy project developments, are documented and included in design decision making.



April 29, 2015

Mr. Mark Crosley
Executive Director
Florida Inland Navigation District
1314 Marcinski Rd
Jupiter, FL 33477

Re: Scope of Professional Engineering Services
Utility Relocation Coordination, Final Plans and Specifications, Bid Assistance – Broward
Intracoastal Waterway Channel Deepening, Broward County, Florida

Mr. Crosley:

On behalf of Taylor Engineering, I am pleased to present the attached scope of services (Attachment A) and cost proposal (Attachment B) to complete the plans and specifications including utilities, and channel modifications, and conduct the final bid assistance process for the deepening of the Intracoastal Waterway (ICWW) in Broward County, Florida.

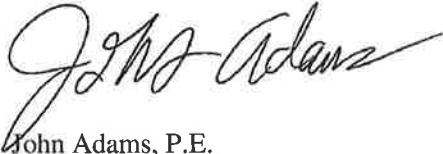
Taylor Engineering has worked with Florida Inland Navigation District (FIND) since September 2010 on the deepening of the ICWW in Broward County. Work to date has included significant permitting challenges with Broward County Environmental Resource License, Florida Department of Environmental Protection (FDEP), and United States Army Corps of Engineers (USACE). In addition to normal permitting efforts, these challenges included hard bottom (corals) survey, seagrass survey, core borings, seismic reflection evaluation, bathymetric surveys, and a temporary alternative access road survey, all accomplished by various subcontractors. The total work order approvals for this project include \$683,270 of which \$356,934 (53.6%) was for subcontractors work and \$317,336 for Taylor Engineering specific work. Of this total, \$13,242 remains for completion of the work order.

The last total project work order, FIND No. 14-14, was approved at the May 2014 FIND board meeting. Since then, Taylor Engineering has done everything possible to complete the project within the approved work order budget. However, extensive permit challenges with Broward County concerning the use of an environmental bucket and water quality discharge reporting requirements; USACE's turbidity monitoring requirements; all agencies' insistence that seagrasses not be directly impacted; repetitive drawing modifications to seek a wider channel approvals; extensive utility crossing coordination and resulting project modifications; and development of a request for qualifications pre-solicitation package has resulted in projected project overruns. Therefore, Taylor Engineering finds it necessary to request an additional \$31,921 to complete the project through contractor selection.

The efforts remaining that are not covered in the existing work order include utility relocation coordination for up to twelve months (\$11,886), final plans and specifications (\$3,027), and bid assistance (\$17,008). The bid assistance request is the result of the decision to use a two-step bid process where qualified bidders will be determined during the first step and only the qualified bidders will submit bids for selection of the lowest cost qualified bidder. In summary, the overall total funding required to complete this project through contractor selection is \$45,163. Taylor Engineering currently has \$13,242 available. Therefore, Taylor Engineering requests \$31,921 additional funding. Taylor Engineering appreciates this opportunity to serve FIND. Please contact me if you have any questions or comments.

Letter to Mark Crosley
April 29, 2015
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "John Adams". The signature is fluid and cursive, with the first name "John" and last name "Adams" clearly distinguishable.

John Adams, P.E.
Senior Advisor, Waterfront Engineering

/ja
Attachments (2)

**SCOPE OF PROFESSIONAL ENGINEERING SERVICES
UTILITY RELOCATION COORDINATION, FINAL PLANS AND SPECIFICATIONS, BID
ASSISTANCE – BROWARD INTRACOASTAL WATERWAY CHANNEL DEEPENING
BROWARD COUNTY, FLORIDA**

INTRODUCTION

The following scope of services describes Taylor Engineering's continued effort to support the proposed project to deepen a portion of the Intracoastal Waterway (ICWW) in Broward County, Florida. The deepening project would excavate the ICWW to -17 feet (ft) mean low water (MLW), representing a -15 ft MLW project depth with an additional 2 ft of allowable overdepth dredging. The project area extends from the 17th Street Bridge immediately north of Port Everglades northward $\pm 14,300$ ft to a point $\pm 4,000$ ft north of the Las Olas Boulevard Bridge.

TASK 1 UTILITY CROSSING COORDINATION

Design efforts have identified six (6) utility crossings of which four (4) could prevent dredging to the proposed project depth. One crossing is being handled through a minor project channel adjustment; one is being further investigated; and two are being planned for relocation. The two crossings considered for relocation belong to Florida Power & Light (FPL). Taylor Engineering's effort for this task involves continued coordination with FPL, the City of Fort Lauderdale, and Florida Department of Transportation. The estimated time to complete the relocation is at least twelve (12) months.

TASK 2 FINALIZE PLANS AND SPECIFICATIONS

2.1 Dredge Template and Dredge Quantities

Taylor Engineering will complete three-dimensional AutoCAD-based digital terrain models of the project area. From the models, we will compute dredged material quantities based on the latest ICWW dredging template for the project.

2.2 Engineering Design, Construction Plans and Specifications

Taylor Engineering will complete final construction plans and technical specifications and submit to FIND two electronic (PDF format files on individual compact disc) and six hard copies of the final construction documents – plans and specifications signed and sealed by a Florida-registered Professional Engineer.

TASK 3 PROJECT BID ASSISTANCE

Taylor Engineering will organize and lead the mandatory pre-bid meeting and assist with bid review to include answering questions from potential bidders. The bid for this project will be handled through a two-step process. The first step will include a FIND-appointed evaluation committee (including one member from Taylor Engineering) to evaluate the request for qualifications (RFQ) submitted by the bidders. The Evaluation Committee shall grade, rank, and qualify all the bidders who meet or exceed the criterion established in the plans and specifications. The highest ranked bidders shall be recommended to the District Board of Commissioners to participate in the second step (invitation to bid). Taylor Engineering will recommend to FIND for award of the contract to the qualified and responsive bidder representing the lowest bid. Taylor Engineering's review of bid documents will focus on the contractor's technical qualifications and excludes review of contractors' financial or contractual arrangements and other non-technical issues.

TAYLOR ENGINEERING, INC.
COST SUMMARY BY TASK
P2015-080: UTILITY RELOCATION COORDINATION, FINAL PLANS AND
SPECIFICATIONS, BID ASSISTANCE; BROWARD INTRACOASTAL WATERWAY
CHANNEL DEEPENING

TASK 1: UTILITY CROSSING COORDINATION

<i>Labor</i>	<i>Hours</i>	<i>Cost (\$)</i>	<i>Task Totals</i>
Senior Advisor	12.0	2,232.00	
Director	6.0	954.00	
Project Professional	78.0	8,268.00	
Senior Technical Support	4.0	432.00	
Total Man-Hours	100.0		
Labor Cost			11,886.00
<i>Total Task 1</i>			\$ 11,886.00

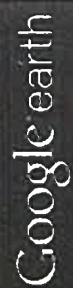
TASK 2: PLANS AND SPECIFICATIONS

<i>Labor</i>	<i>Hours</i>	<i>Cost (\$)</i>	<i>Task Totals</i>
Senior Advisor	1.0	186.00	
Director	7.0	1,113.00	
Senior Technical Support	16.0	1,728.00	
Total Man-Hours	24.0		
Labor Cost			3,027.00
<i>Total Task 2</i>			\$ 3,027.00

TASK 3: BID ASSISTANCE

<i>Labor</i>	<i>Hours</i>	<i>Cost (\$)</i>	<i>Task Totals</i>
Senior Advisor	29.0	5,394.00	
Director	66.0	10,494.00	
Total Man-Hours	95.0		
Labor Cost			15,888.00
<i>Non-Labor</i>	<i>Units</i>	<i>Cost (\$)</i>	
Room and meals Pre-Bid	2.0	340.00	
Jax-Port Everglades) 2 people/1 trip Pre-bid	642.0	285.69	
ard Meeting Presentations Room and Meals	1.0	170.00	
Meeting Presentations Car Rental and Fuels	500.0	222.50	
Non-Labor Cost		1,018.19	
Fee @ 10.0%		101.82	
Total Non-Labor Cost			1,120.01
<i>Total Task 3</i>			\$ 17,008.01

Project Total \$ 31,921.01

miles
km

2

3



May 4, 2015

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

RE: MSA-726 Clearing & Landscaping Project Phasing
Broward County, Florida

Dear Mr. Crosley:

Taylor Engineering is pleased to submit the enclosed scope of work (Attachment A) and fee proposal (Attachment B) for the phasing of the MSA-726 clearing and landscaping project. Our previous scope of work (FIND Work Order Number 14-09) terminated after FIND received one bid significantly greater than the Engineer's Estimate for the Clearing & Landscaping project. This bid has been rejected and Staff has requested the project be separated into two projects to attract more bidders.

This scope of services includes participation in a scoping meeting to phase the previous project into two phases, creating two sets of construction drawings and specifications. This scope also includes bidding assistance for Phase #1 only. Taylor Engineering will contract with the landscape architect from the previous project, IBI Group (Florida), Inc., for assistance with landscaping and park planning.

Taylor Engineering will perform these services on a cost plus basis, for a total cost not to exceed \$33,597.75 (Attachment B). Of this total, \$14,875.00 represents IBI's fees (Attachment C) to assist with landscape architecture and park planning activities.

Please contact me at 904-731-7040 ext. 288 or jadams@taylorengeering.com with any questions.

Sincerely,

John Adams, P.E.
Senior Advisor

Attachments (3)

**MSA-726
CLEARING & LANDSCAPING PROJECT PHASING
BROWARD COUNTY, FLORIDA**

**ATTACHMENT A
SCOPE OF WORK**

ATTACHMENT A

**MSA-726
CLEARING & CLEARING & LANDSCAPING PROJECT PHASING
BROWARD COUNTY, FLORIDA**

The Florida Inland Navigation District (FIND) maintenance spoil area (MSA) MSA-726, located in Broward County, Florida, lies immediately west of the Intracoastal Waterway in the City of Pompano Beach. Located north of NE 23rd Place and south of NE 24th Street, the site currently serves as a multi-use park facility called Exchange Club Park. The cities of Pompano Beach and Lighthouse Point operate Exchange Club Park.

The park contains a permanent restroom facility, volleyball court, two playground areas, pull-up bars, a fitness area, and numerous picnic table areas with concrete pads. During previous site visits, Taylor Engineering and FIND staff also noted an unidentified utility box located in the northwest corner of the park site. A trail system leads through the park interior, and an approximately 15-foot high mound of dredged material lies near the center of the project site. Much of the on-site vegetation consists of exotic species (mainly Australian Pine). A perimeter fence runs along the property boundary; the condition of the fence appears poor.

Our previous scope of work (FIND Work Order Number 14-09) ended after FIND received one bid for the Clearing & Landscaping project on March 31, 2015. FIND rejected this bid and requested that we phase the project into two projects to attract more bidders. This scope of services includes participation in a scoping meeting to phase the previous project into two projects (Phase #1 and Phase #2), creating two sets of construction drawings and specifications, and bidding assistance for Phase #1. Taylor Engineering will contract with the landscape architect from the previous project, IBI Group (Florida), Inc., for assistance with landscaping and park planning.

Taylor Engineering has developed its scope of work based on the following assumptions:

1. Taylor Engineering, IBI, and FIND will jointly divide the previous project into two phases (Phase #1 and Phase #2). This scope will provide construction documents for both phases.
2. Construction documents for phasing this project will not substantially deviate from the overall concepts of the construction documents produced as part of FIND Work Order Number 14-09.
3. This scope will provide bid assistance for Phase #1 only.
4. Taylor Engineering will provide separate scopes of work for construction administration of Phase #1, and for bidding assistance and construction administration for Phase #2 as required.
5. Clearing and grubbing will avoid wetland impacts and will not require any Federal or State environmental permits.
6. Clearing and grubbing and the proposed buffer landscape installation is associated with a federal dredging project and therefore will not require any local permits or approvals.
7. FIND will coordinate with the local municipalities and the public regarding the clearing and landscaping and future park use.
8. FIND will coordinate the removal of animals from the park before construction begins

ATTACHMENT A

9. Taylor Engineering will apply the July 2003 boundary, topographic, and site features survey by Mastteller, Moler, & Reed, Inc. as the basis for the design and construction drawings.
10. Park development will include only passive features, and these features will not require geotechnical investigation or engineering to develop the design.

If any of these assumptions prove incorrect, Taylor Engineering will work with the FIND to develop an appropriate additional scope of work and cost.

TASK 1 PROJECT PHASING MEETING

Taylor Engineering will meet with FIND and IBI at FIND's office in Jupiter to discuss the details of the previously received bid, and create a joint plan for phasing the work as two stand-alone projects. During this meeting we will consider removal of certain bid items, and/or modifications to bids items and specifications that could simplify the project. After completion of the meeting, Taylor Engineering will draft a project memorandum that states the project phasing plan.

TASK 2 DEVELOPMENT OF CONSTRUCTION DRAWINGS AND SPECIFICATIONS FOR TWO PROJECT PHASES

Using the construction documents produced for FIND Work Order Number 14-09 as a baseline, Taylor Engineering will develop two stand-alone sets of construction documents for the site clearing and grubbing and landscape/passive park development project. Each set of construction documents will include signed and sealed construction drawings and contract documents/technical specifications. We will work towards completing the construction documents for Phase #1 with the goal of bidding the work for Phase #1 immediately afterward. We will begin preparing the construction documents for Phase #2 while simultaneously working on Task 3 – Bidding Assistance Phase #1.

Planned clearing and grubbing activities will remain a minimum of 25 feet from any on-site wetlands to avoid impact. Because this project will avoid wetlands, we do not expect the need to secure permits for these activities.

Planned clearing and grubbing activities will occur west of the fenced shoreline area. Because much of the on-site vegetation consists of exotic species, we anticipate that most, if not all, of the area west of this fenced shoreline would require clearing and grubbing followed by re-vegetation. Taylor Engineering will contract with IBI to modify its previous landscape plan — based on the project phasing plan — for inclusion within the construction drawings.

Taylor Engineering, with assistance from IBI, will prepare an opinion of probable construction cost and required construction schedule for both phases of this project under this task.

TASK 3 BIDDING ASSISTANCE PHASE #1

For Phase #1, Taylor Engineering will prepare a bid schedule with estimated quantities for all bid items. In preparation for project bidding and bid administration, Taylor Engineering will develop a digital bid document package including digital copy of the final drawings and specifications for FIND to advertise the bid and upload onto its FTP site. We will attend a pre-bid meeting for Phase #1 (assumed to occur at the project site) and provide written responses for up to one bid addendum.

ATTACHMENT A

DELIVERABLES**TASK 1**

- Project memorandum for phasing plan




TASK 2

- One digital (PDF) copy of 90% construction drawings and contract documents/technical specifications, and opinion of probable construction cost for each of the two project phases
- Three hard copies and a digital (PDF) copy of 100% signed and sealed construction drawings, contract documents/technical specifications for each of the project phases

TASK 3

- One digital (PDF) bid document package including digital copy of the final drawings and specifications for FIND to advertise the bid
- One digital (PDF) copy of one addendum response

ESTIMATED SCHEDULE

No.	Task	Months from Notice to Proceed			
		1	2	3	4
1	PROJECT PHASING MEETING				
2	DEVELOPMENT OF CONSTRUCTION DRAWINGS AND SPECIFICATIONS FOR TWO PROJECT PHASES				
3	BIDDING ASSISTANCE PHASE #1				

MSA-726
CLEARING & CLEARING & LANDSCAPING PROJECT PHASING
BROWARD COUNTY, FLORIDA

ATTACHMENT B
COST PROPOSAL

TAYLOR ENGINEERING, INC.
COST SUMMARY BY TASK
P2015-079: FIND: MSA 726 Clearing & Landscaping - Project Phasing

TASK 1: Project Phasing Meeting

<i>Labor</i>	Hours	Cost	Task Totals
Senior Advisor	9	1,674.00	
Project Professional	12	1,272.00	
Technical Editor	1	99	
Administrative	2	104	
Total Man-Hours	24		
Labor Cost			3,149.00
<i>Non-Labor</i>	Units	Cost	
Mileage for meeting at FIND office	530	291.5	
Hotel stay for 2 people	2	190	
2 Meals for 2 people (4 Meals total)	4	60	
IBI Subcontract	1	575	
Non-Labor Cost		1,116.50	
Fee @ 10%		111.65	
<i>Total Task 1</i>			4,377.15

TASK 2: DEVELOPMENT OF CONSTRUCTION DRAWINGS AND SPECIFICATIONS FOR

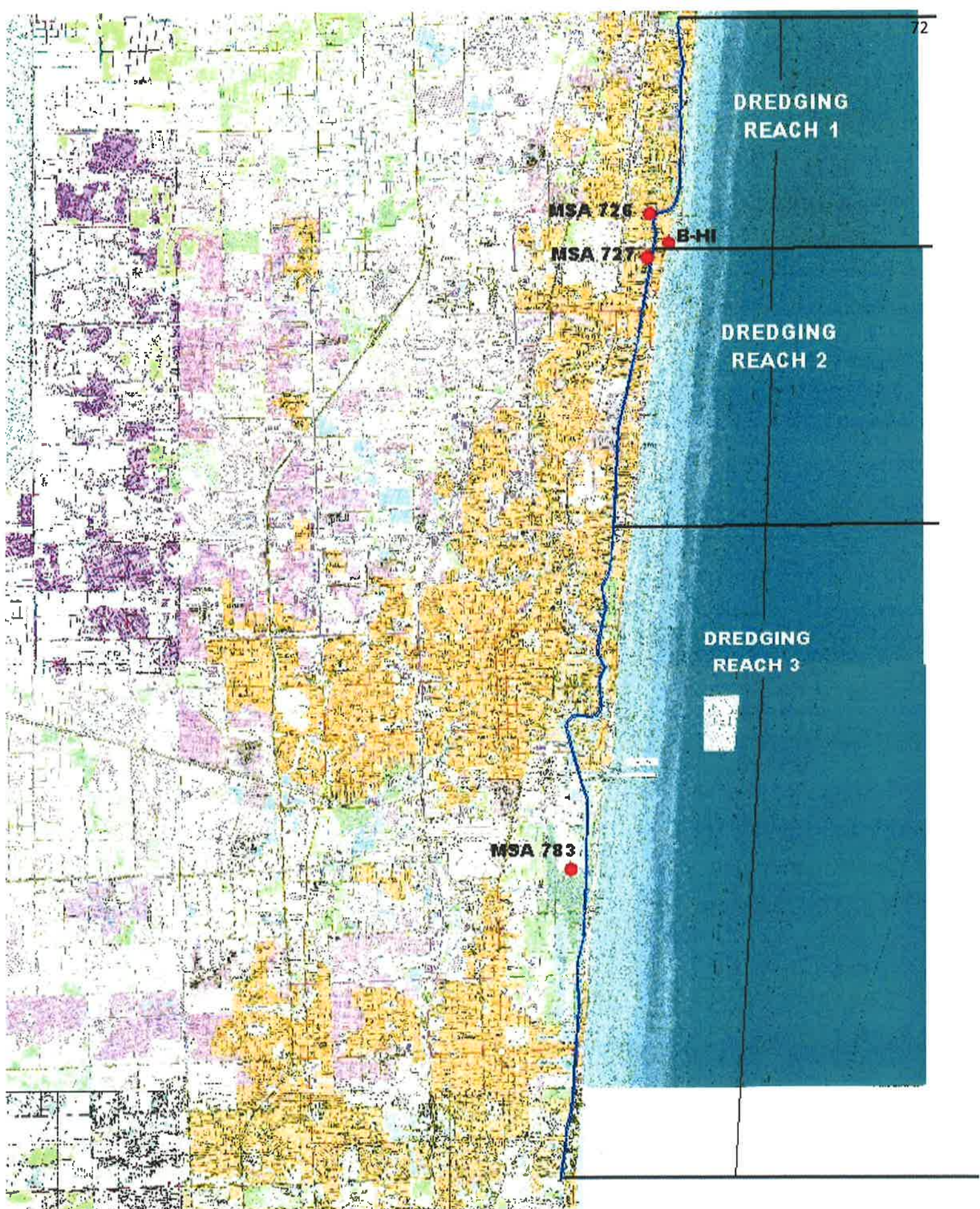
<i>Labor</i>	Hours	Cost	Task Totals
Senior Advisor	8	1,488.00	
Project Professional	32	3,392.00	
Staff Professional	12	1,032.00	
Senior Technical Support	48	5,184.00	
Administrative	2	104	
Total Man-Hours	102		
Labor Cost			11,200.00
<i>Non-Labor</i>	Units	Cost	
IBI Subcontract	1	11,500.00	
Non-Labor Cost		11,500.00	
Fee @ 10%		1150	
<i>Total Task 2</i>			23,850.00

TASK 3: BIDDING ASSISTANCE PHASE #1

<i>Labor</i>	Hours	Cost	Task Totals
Project Professional	16	1,696.00	
Technical Editor	1	99	
Administrative	2	104	
Total Man-Hours	19		
Labor Cost			1,899.00
<i>Non-Labor</i>	Units	Cost	
IBI Subcontract	1	2,800.00	
Mileage for prebid meeting	620	341	
1 Meals for 1 person (1 Meal total)	1	15	
Non-Labor Cost		3,156.00	
Fee @ 10%		315.6	
Total Task 3			5,370.60
Project Total			\$33,597.75

MSA-726
CLEARING & CLEARING & LANDSCAPING PROJECT PHASING
BROWARD COUNTY, FLORIDA

ATTACHMENT C
IBI GROUP (FLORIDA) INC.
SCOPE OF WORK AND COST PROPOSAL



● Dredged Material
Management Areas

INTRACOASTAL WATERWAY
DREDGED MATERIAL MANAGEMENT PLAN
IN BROWARD COUNTY





MSA 726 - Exchange Club Park

NE-24th St

NE-27th Terrace

NE-23rd Pl

NE-23rd Ct

N-Riverside-Bl

© 2014 Google

Google

1995

Imagery Date: 1/18/2014 26°15'36.60" N 80°05'26.48" W elev 5 ft eye alt



TAYLOR ENGINEERING INC.
1000 S. W. 10TH AVE.
SUITE 200
FORT LAUDERDALE, FLORIDA 33304
TEL: 954.575.1234
FAX: 954.575.1235
WWW.TAYLOR-ENGINEERING.COM

PROJECT TITLE
MSA-725 CLEARING & LANDSCAPING
BROWARD COUNTY, FLORIDA

DATE
JANUARY 1, 2008

DESIGNED BY
J. J. JONES

CHECKED BY
J. J. JONES

SCALE
AS SHOWN

DATE
FEB 2008

REVISIONS

REVISIONS

REVISIONS

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April 29, 2015

Mr. Mark Crosley
Executive Director
Florida Inland Navigation District
1314 Marcinski Rd
Jupiter, FL 33477

RE: Work Order Modification Request
Permitting and Final Engineering Design for Dredged Material Management Area DU-9
St. Johns County, Florida

Mr. Crosley:

Under Task 1.1 (Pre-Application Meetings) and Task 2.1 (Site Reconnaissance Visit) of the original Work Order 14-18, dated August 29, 2014, Taylor Engineering conducted a pre-application meeting on November 19 and provided a Site Reconnaissance report dated December 22, 2014 (Attachment A). Based on the outcome of the pre-application meeting, on-site visit, and subsequent discussions with regulatory staff, Estuary Corp., and Golder Associates, Inc. (Estuary Corp. consultant), this modification request adds the following two tasks to the scope of work: (1) limited geotechnical investigation and (2) Department of Army (DOA) permit application. Deliverables from the first task will determine the quantity of both unsuitable and suitable material within the existing containment basin from the 2009 U.S. Army Corps of Engineers dredging contract. The second task is required due to wetland features that have developed within the former Estuary Corp. sludge disposal area (located within the expanded basin footprint). We have enclosed a Scope of Work (Attachment B) and Cost Proposal (Attachment C) to modify FIND Work Order No. 14-18.

Taylor Engineering will perform these services on a cost-plus basis, for a total cost not-to-exceed \$71,569.78. Of this amount, \$45,775.00 represents the proposed fee for our geotechnical sub-consultant (AMEC Foster Wheeler, Inc.). Taylor Engineering selected AMEC Foster Wheeler based on its previous site experience with the DU-9 bentonite slurry wall and buried pipeline installation. Attachment D provides the Scope of Work and Cost Proposal for our sub-consultant.

Please contact me with any questions you have regarding this effort. We can begin work upon your notice to proceed.

Sincerely,

John Adams, P.E.
Senior Advisor, Waterfront Engineering

Attachments (4)

**WORK ORDER MODIFICATION REQUEST
PERMITTING AND FINAL ENGINEERING DESIGN FOR
DREDGED MATERIAL MANAGEMENT AREA DU-9
ST. JOHNS COUNTY, FLORIDA**

ATTACHMENT A
Site Reconnaissance Report



December 22, 2014

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

Re: Permitting and Final Engineering Design, Task 2.1 Site Reconnaissance
Dredged Material Management Area DU-9
FIND Work Order 14-18; TE Contract C2014-075

Dear Mr. Crosley:

This letter report documents the results of our December 5 and 6, 2014 site visit to Dredged Material Management Area (DMMA) DU-9. Primary goals of the site visit included evaluation and documentation of geotechnical conditions, weir structural issues, and overall environmental site conditions. The sections below detail our findings. Attachments A and B provide a plan view of the existing and planned expanded containment basin and photographic documentation of referenced site features.

Geotechnical Conditions and Weir Structural Issues

Taylor Engineering staff observed the site to evaluate and document any readily visible geotechnical issues (e.g., erosion, settling, and cracking of the existing DMMA dike and access road) and weir structural issues. Staff walked the top of the dike to document the condition of the interior and exterior dike faces and perimeter access road. Overall, staff did not identify any critical areas of immediate concern; however, the following summary of potential issues — that we intend to address during construction of the expanded containment basin — follows below.

- (1) The containment basin currently holds approximately 260,000 CY (based on a 2009 USACE ICWW As-Built dredging survey) of mixed material ranging from coarse sand to silty organic (muck).
 - a. Based on field measurements, approximately 6 inches of water exists over ½ of the existing basin.
 - b. Muck material measured approximately 5.2 feet deep at the weir.
 - c. A large portion of dredged material appears unsuitable for dike construction.
- (2) Some of the seepage drains (particularly in the northeast corner of the dike) between the exterior dike face and perimeter road were not visible due to either overgrown vegetation or filling in of the exterior swale (between the DMMA and perimeter road).
- (3) The dike is well vegetated; however, trees and woody vegetation are of potential concern to the long-term dike stability.

The overall weir condition appeared relatively good. The timber decking was weathered and minor rust occurred on the steel components. The weir structure showed no readily visible evidence of settling, cracking, or warping. We noted rot on the exterior of one timber walkway pile located in the water on the south side of the structure. Finally, the shut-off valve and HDPE weir outfall appeared in good condition. We did not inspect the buried pipeline. Attachments B, Photographs B1 – B16 document the appearance of the overall DMMA, containment basin, dike and weir structure.

Environmental Conditions

Taylor Engineering staff also investigated the entire site (existing containment basin and expanded basin footprint) to identify potential environmental issues within the basins and pipeline corridor. An earlier site investigation (August 2014), revealed that wetland features had developed within the former Estuary Corp. sludge disposal area (located within the expanded basin footprint). These wetland features did not exist at the time of the 1998 wetlands delineation completed by Lotspeich and Associates, Inc. The wetlands consist of a series of linear ditches created by the removal of contaminated material during site remediation that occurred over 10 years ago. The contaminated material excavation extended to an elevation near or below the groundwater table, providing the necessary hydrology for wetland development. On-site wetland verification occurred with the FDEP (Aaron Sarchet) on December 5, 2014. Mr. Sarchet indicated that the FDEP would not require mitigation for impacting these wetlands. Coordination with the USACE, not present at the December 5 meeting, indicated that further field investigation is necessary to determine whether a hydrologic connection exists between the on-site ditches and navigable waters. We also reviewed the on-site wetland mitigation area constructed in 2005. The site is performing reasonably well, but may require some minor maintenance to control undesirable species that have recruited into the mitigation area.

We observed gopher tortoise activity on the property, mostly within the buffer zone. The Florida Fish and Wildlife Conservation Commission (FWC) issued a Gopher Tortoise Incidental Take Permit (STJ-24) in 2000 in coordination with the original FDEP permit. We believe that the Incidental Take Permit is still valid; however, we are coordinating with the FWC for a final determination.

We also noted a tree clearing located in the northwest corner of the property. We recall that Estuary Corp. requested and moved forward with this clearing in 2013 or 2014 due to a southern pine beetle infestation. Finally, in the area of the Estuary Corp. sludge disposal area, we noted a large portion of debris (remnant wells, contamination clean up equipment, barrels, waste, etc.) that need to be removed by Estuary Corp. prior to the Conditional Closure agreement.

Attachment B, Photographs B17 – B26 document the overall environmental site conditions.

Summary and Recommendations

The site reconnaissance visit proved useful in determining any potential geotechnical, structural, and environmental on-site issues. Moving forward, Taylor Engineering recommends the following actions:

- (1) To obtain the sediment characteristics, associated geotechnical properties, and estimated quantity (of each sediment type) within the existing containment basin, conduct a limited geotechnical analysis and topographic survey of the dredged sediment.
- (2) During site construction:
 - a. Locate, repair, and clean out all underdrains.
 - b. Regrade the exterior swale at outside toe of dike.
 - c. Replace timber decking on weir walkway
 - d. Inspect timber pilings and include budget for material testing and potential replacement of timber piles deemed structurally unfit.
 - e. Prepare surface of weirs steel components (where rusting occurs) and recoat.
- (3) Investigate the hydrologic connection between the on-site ditches and navigable waters and engage the USACE (Mr. Mark Evans) concerning the need for a Department of the Army dredge and fill permit.
- (4) Coordinate the debris removal with Estuary Corp. on their former sludge disposal area.

Finally, the following recommendations regarding the removal of trees and other woody vegetation fall in general accordance with Federal Emergency Management Agency's (FEMA's) Technical Manual for Dam Owners; Impacts of Plants on Earthen Dams, FEMA Publication No. 534, September 2005 and Dunkelberger Engineering & Testing, Inc. previous recommendations for a similar DMMA dike (DMMA M-5):

- (5) All trees and woody vegetation should be removed from the embankment slopes and crest to a minimum distance of 25 feet beyond the exterior toe of the embankment.
- (6) Cut all trees and woody vegetation having a trunk diameter less than 4 inches flush with the ground and treat the stumps with a wood preservative to slow decay.
- (7) Remove the stumps and root bulbs of all trees having a trunk diameter of 4 inches or greater. Backfill the bulb excavations with sand and compact to a minimum of 95% of the soil's maximum dry density as determined by ASTM D 698.

Please contact me with any questions you have regarding this report.

Sincerely,

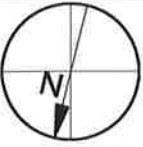


Lori S. Brownell, P.E.
Director, Waterfront Engineering

Attachments (2)

ATTACHMENT A

AERIAL: GOOGLE EARTH, JAN 2014



SCALE: 1" = 500'

SITE FEATURES			
	AS-BUILT	BUILD-OUT	
DEPTH OF EXCAVATION	2.37 FT	3.87 FT	
PROPERTY AREA	179.9 AC	179.9 AC	
BASIN AREA	33.71 AC	93.83 AC	
BASIN CAPACITY	423,000 CY	2,050,825 CY	

SOURCE: AS-BUILT -- USACE 2006, BUILD-OUT -- JULY 2000 MANAGEMENT PLAN AND DRAFT FEBRUARY 2000 CONSTRUCTION DRAWINGS.

SITE FEATURES			
	AS-BUILT	BUILD-OUT	
DIKE SLOPE	3H:1V	3H:1V	
CREST WIDTH	12 FT	15 FT	
REQUIRED FREEBOARD AND PONDING DEPTH	4 FT	4 FT	
DIKE HEIGHT ABOVE NATURAL GRADE	11.63 FT	18.13 FT	

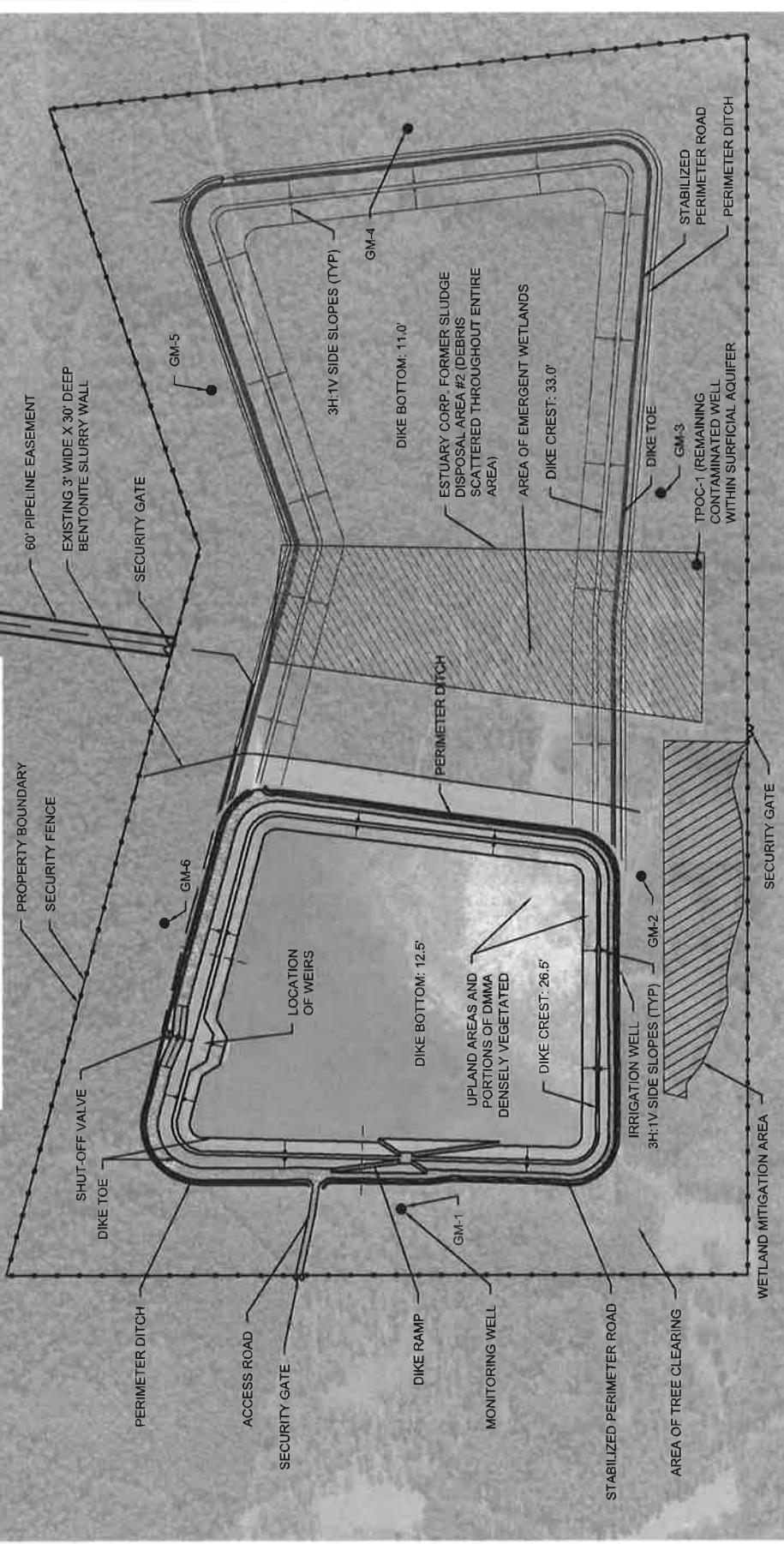


FIGURE A-1

DMMA DU-9 PLAN VIEW
SITE RECONNAISSANCE FEATURES
DUVAL COUNTY, FLORIDA

TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

PROJECT	C2014-075
DRAWN BY	AF
SHEET	1 OF 1
DATE	DEC 2014

GEOTECHNICAL CONDITIONS



Photograph B1. Northern portion of DU-9 containment basin (looking northeast)



Photograph B2. Wetland fringe in northeast corner of DU-9 containment basin (looking north)

DMMA DU-9 SITE RECONNAISSANCE PHOTOGRAPHS
DATED: DECEMBER 5 AND 6, 2014

ATTACHMENT B



Photograph B3. Overgrown inlet drain (looking northwest)



Photograph B4. Overgrown inlet drain (looking south)



Photograph B5. Northern portion of DU-9 containment basin (looking northwest)



Photograph B6. Western interior portion of DU-9 containment basin (looking east)



Photograph B7. Southwest portion of DU-9 containment basin (looking north)



Photograph B8. South-central portion of DU-9 containment basins (looking north)

WEIR STRUCTURAL CONDITION



Photograph B9. Timber weir stairs (looking west)



Photograph B10. Timber weir deck (looking west)



Photograph B11. DMMA DU-9 timber weir deck and weir structure (looking northwest)



Photograph B12. DMMA DU-9 weir



Photograph B13. Weir structure (looking northeast)



Photograph B14. Pile rot on exterior and gauge

BURIED PIPELINE (SHUT-OFF VALVE AND HDPE OUTFALL)



Photograph B15. DMMA DU-9 shut-off valve (looking northeast)



Photograph B16. DMMA DU-9 buried pipeline discharge (contained within rip-rap pad area) (looking east)

ENVIRONMENTAL CONDITIONS



Photograph B17. Emergent wetlands within former sludge ditches (looking south)



Photograph B18. Emergent wetlands within former sludge ditches (looking south)

DMMA DU-9 SITE RECONNAISSANCE PHOTOGRAPHS
DATED: DECEMBER 5 AND 6, 2014

ATTACHMENT B



Photograph B19. DMMA DU-9 wetland mitigation area (looking west)



Photograph B20. DMMA DU-9 wetland mitigation area (looking northwest)



Photograph B21. Remnant waste from Estuary Corp. remediation (looking north)



Photograph 22. Remnant pipe and metal bin from Estuary Corp. remediation (looking south)



Photograph B23. Remnant waste barrel (looking north)



Photograph B24. Remnant waste barrel label (looking north)



Photograph B25. Remnant pipe from Estuary Corp. remediation (looking east)



Photograph B26. Remnant pipe and gauge from Estuary Corp. remediation (looking east)

**WORK ORDER MODIFICATION REQUEST
PERMITTING AND FINAL ENGINEERING DESIGN FOR
DREDGED MATERIAL MANAGEMENT AREA DU-9
ST. JOHNS COUNTY, FLORIDA**

ATTACHMENT B

Taylor Engineering
Scope of Work

**WORK ORDER MODIFICATION REQUEST
PERMITTING AND FINAL ENGINEERING DESIGN FOR
DREDGED MATERIAL MANAGEMENT AREA DU-9
ST. JOHNS COUNTY, FLORIDA**

The following tasks constitute modifications to Florida Inland Navigation District (FIND) Work Order Number 14-18. Based on the outcome of our on-site wetlands reconnaissance and November 2014 pre-application meeting, this modification request adds the following two tasks to the scope of work: (1) limited geotechnical investigation and (2) Department of the Army (DOA) permit application. Due to the varied and complex nature of each task, we have added background information supporting the need for additional work within each task item.

TASK 1 LIMITED GEOTECHNICAL INVESTIGATION

Based on a 2009 USACE ICWW as-built dredging survey (the dredged material was deposited in DU-9) and our December 2014 site reconnaissance, DU-9 likely contains about 260,000 CY of mixed material ranging from coarse sand to organic silt (muck). Since a good portion of this material is not suitable for dike construction, Taylor Engineering needs to characterize and quantify the material. This will allow us to a) determine construction quantities and b) determine the most efficient means to handle and store the unsuitable material during construction.

Taylor Engineering selected subconsultant AMEC Foster Wheeler (AMEC) to complete a limited geotechnical investigation of the dredged material within the existing containment basin. AMEC will begin with a field investigation to include 31 Standard Penetration Test (SPT) borings with variable depths extending to the original containment basin floor elevation of 11.5 ft NGVD. Work will continue with necessary laboratory and geotechnical engineering analysis. The deliverable for this task will comprise a report to establish geotechnical parameters for use in designing the expanded containment basin. Attachment D provides AMEC's scope of services in its entirety. Using information gathered from AMEC, Taylor Engineering will develop the digital terrain models and grading plan. This will determine the quantity of suitable material, quantity of unsuitable material, and the basin excavation depth required to provide adequate suitable dike material.

TASK 2 DEPARTMENT OF THE ARMY PERMIT APPLICATION

Our original FIND Work Order did not include the application for a DOA permit. Taylor Engineering based this assumption on the original wetland delineation report (Lotspeich and Associates, Inc., 1998) and lack of reported wetlands within the expanded containment area footprint. However, our site investigation revealed that wetland features had developed within the former Estuary Corp. sludge disposal area (located within the expanded basin footprint). The wetlands occur in a series of linear ditches created by the excavation of contaminated material during site remediation over 10 years ago. The contaminated material excavation extended to elevations near or below the groundwater table, providing the necessary hydrology for wetland development.

On-site wetland verification occurred with the FDEP (Aaron Sarchet) on December 5, 2014. Mr. Sarchet verbally indicated that the FDEP would not require mitigation for impacting these wetlands. Coordination with the USACE, not present at the December 5 meeting, indicated that further field investigation is necessary to determine whether a hydrologic connection exists between the on-site ditches and navigable waters. On January 15, 2015 Taylor Engineering completed an on-site wetland investigation and determined the following:

1. A few of the excavated ditches on the west side of the property have direct connections to the natural wetland located on the west-central part of the site. Currently, the ditches exhibit wetland properties

(soils, hydrology, and vegetation). Based on our review of historical aerials and CH2MHILL reports documenting site clean-up, we believe that the ditches were excavated from uplands in 2003-2004 to remove contaminated sludge. The excavation extended to an elevation near or below the groundwater table. Following sludge removal, the ditches were left open and developed into wetlands.

2. The natural wetland located on the west-central part of the site and the excavated ditches that directly connect to it are hydrologically connected through offsite wetlands to a navigable waterbody. Therefore, the USACE would likely claim jurisdiction over those excavated ditches and require a DOA permit for impacts to those wetlands. The remaining ditches are not directly connected to the wetlands that clearly fall under USACE jurisdiction; however, a jurisdictional review using the Rapanos decision guidance, would likely show that a significant nexus exists. Therefore, the USACE would likely claim jurisdiction over the remaining ditches.

Taylor Engineering met with USACE regulatory staff (Mark Evans) onsite on February 6, 2015 to discuss the existing ditches and federal jurisdiction. Mr. Evans indicated that most of the ditches would fall under USACE jurisdiction based on the Rapanos decision guidance. Mr. Evans also indicated that the "ditch-for-ditch" mitigation solution employed at Site O-7 could also work for DU-9.

Given the information provided by the USACE during the on-site meeting, Taylor Engineering proposes the following subtasks to develop the Department of the Army permit application.

2.1 Natural Resources Survey

State and federal regulatory agency policy requires wetland delineation for permit applications. Taylor Engineering will delineate on-site wetlands and use the Florida Land Use, Cover and Forms Classification System (FLUCCS) to map natural communities within the project area. This work will provide information necessary to characterize natural resources and identify potential impacts requiring mitigation (if any).

2.1.1 Wetlands Delineation

Taylor Engineering will perform a jurisdictional wetlands delineation of the DMMA DU-9 property. The wetlands delineation methodologies will follow the protocols mandated by the FDEP and USACE. Taylor Engineering will install sequentially-numbered stakes and/or flags to mark the wetland-upland interface. Succeeding flags/stakes will be clearly visible from the previous flag location, and the distance between flags will not exceed 100 feet. Taylor Engineering will fill out all necessary data sheets as required by the USACE wetlands delineation methodology and regional supplements. Taylor Engineering will schedule and lead an on-site meeting with regulatory staff to verify the jurisdictional wetland boundaries and, if necessary, adjust boundaries based on agency staff field observations and comments. Once the accepted boundary is established, Taylor Engineering staff will locate the line via our GPS equipment.

2.1.2 Habitat Characterization and Listed Species Assessment

Taylor Engineering will use the FLUCCS to map (via aerial interpretation and groundtruthing) and characterize natural communities within the DMMA DU-9 property. Characterizations will include qualitative description of each identified community, lists of dominant vegetation by species, and documentation of observed and likely occurrences of wildlife. Taylor Engineering will also assess the property for potential use by state and federally listed species.

2.1.3 Reporting

Taylor Engineering will develop a report summarizing the results of the natural resources field investigation. The report will include

- descriptions of the methods and results of the field investigation
- qualitative descriptions of natural communities including uplands and wetlands
- FLUCCS map including acreages for each community type
- wetland boundary map (showing GPS-line verified by agency staff)
- completed wetland delineation forms
- descriptions of wildlife utilization (both observed and likely occurring)
- an assessment of potential use by threatened and endangered species

The threatened and endangered species assessment will identify the state and federal status of each species discussed. The report will also discuss the results of the meeting with agency staff to verify the wetland line and make any agency-requested adjustments.

2.2 Pre-Application Meeting

Taylor Engineering will coordinate and attend a pre-application meeting with the USACE. During this meeting (potentially located on-site), we will introduce the project to regulatory staff, discuss foreseeable permit application issues, and solicit agency recommendations concerning the content and format of the permit application materials. Following completion of the pre-application meetings, Taylor Engineering will compile and submit meeting minutes to all attending parties.

2.3 Natural Resource Impact Analysis and Mitigation

Based on findings of Tasks 2.1 and 2.2, Taylor Engineering will overlay the project footprint on the natural resources and wetlands features maps to locate and quantify natural resource impacts areas. We will apply the appropriate functional assessment methodology (e.g. UMAM, WRAP) to assess natural resource impacts and mitigation requirements. Taylor Engineering will employ the results of the functional assessment to develop a mitigation plan for unavoidable impacts. If needed, we will assess potential on- and off-site mitigation opportunities to identify the most cost effective mitigation solution.

2.4 Joint Environmental Resources Permit Application (USACE Supplement)

Based on data collected and agency comments made during the pre-application meetings, Taylor Engineering will prepare and submit a Joint ERP application to the USACE. Nearly identical to the FDEP ERP application — detailing the (1) overall project and conceptual design, (2) location of on-site sensitive natural habitats, (3) best management practices and impact avoidance/minimization techniques, (4) natural resource impact analysis and mitigation (if necessary), and (5) construction methodology and schedule — the USACE application will also include the natural resources report and recommended mitigation.

ESTIMATED SCHEDULE

No.	Task	Months from Notice to Proceed					
		1	2	3	4	5	6
1	Limited Geotechnical Investigation						
2	DOA Permit Application						

**WORK ORDER MODIFICATION REQUEST
PERMITTING AND FINAL ENGINEERING DESIGN FOR
DREDGED MATERIAL MANAGEMENT AREA DU-9
ST. JOHNS COUNTY, FLORIDA**

ATTACHMENT C

Taylor Engineering
Cost Proposal

ATTACHMENT C

TAYLOR ENGINEERING, INC.
COST SUMMARY BY TASK
P2015-027: WORK ORDER MODIFICATION REQUEST; PERMITTING AND FINAL
DESIGN FOR DMMA DU-9; ST. JOHNS COUNTY, FLORIDA

TASK 1: LIMITED GEOTECHNICAL INVESTIGATION

<i>Labor</i>	<i>Hours</i>	<i>Cost (\$)</i>	<i>Task Totals</i>
Director	3.0	477.00	
Senior Professional	8.0	1,128.00	
Staff Professional	20.0	1,720.00	
Senior Technical Support	34.0	3,672.00	
Administrative	4.0	208.00	
Total Man-Hours	69.0		
Labor Cost			7,205.00
<i>Non-Labor</i>	<i>Units</i>	<i>Cost (\$)</i>	
Geotechnical Investigation (AMEC)	1.0	45,775.00	
Fee @ 10.0%		4,577.50	
Total Non-Labor Cost			50,352.50
<i>Total Task 1</i>			\$ 57,557.50

TASK 2: DEPARTMENT OF ARMY PERMIT APPLICATION

<i>Labor</i>	<i>Hours</i>	<i>Cost (\$)</i>	<i>Task Totals</i>
Director	10.0	1,590.00	
Senior Professional	52.0	7,332.00	
Project Professional	40.0	4,240.00	
Editor	4.0	396.00	
Administrative	8.0	416.00	
Total Man-Hours	114.0		
Labor Cost			13,974.00
<i>Non-Labor</i>	<i>Units</i>	<i>Cost (\$)</i>	
MILEAGE (3 Trips)	60.0	34.80	
Fee @ 10.0%		3.48	
Total Non-Labor Cost			38.28
<i>Total Task 2</i>			\$ 14,012.28

Project Total \$ 71,569.78

**WORK ORDER MODIFICATION REQUEST
PERMITTING AND FINAL ENGINEERING DESIGN FOR
DREDGED MATERIAL MANAGEMENT AREA DU-9
ST. JOHNS COUNTY, FLORIDA**

ATTACHMENT D

**AMEC Foster Wheeler
Scope of Work and Cost Proposal**

April 21, 2015

Ms. Lori S. Brownell, P.E.
 Director, Waterfront Engineering
 Taylor Engineering, Inc.
 10151 Deerwood Park Boulevard
 Building 300, Suite 300
 Jacksonville, Florida 32256



Subject: **Revised Proposal for Geotechnical Engineering Services**
 FIND DU-9 Dredged Material Management Area (DMMA)
 St. Johns County, Florida
 Amec Foster Wheeler Proposal No. 15PROPJAXV.031.R1

Dear Ms. Brownell:

Amec Foster Wheeler Environment & Infrastructure, Inc., as the successor in interest to AMEC Environment & Infrastructure, Inc., is pleased to submit this revised proposal to provide geotechnical engineering services for the subject project. Included in this proposal is our understanding of the project, an outline of the proposed services, a fee estimate, and our anticipated schedule. This revised proposal, which excludes groundwater modeling services, supersedes our previous proposal dated February 2, 2015.

Project Information

You have provided project information during the period of January 7 to April 21, 2015. We have been furnished with the following items related to the subject site:

Table 1: Furnished Documents		
Title	Author	Date
Summary of Desired Scope of Work - Geotechnical Investigation	Taylor Engineering, Inc.	Undated, received on 1/7/2015
Topographic & Specific Purpose Survey (4 sheets)	Arc Surveying & Mapping, Inc.	4/7/2010
Figure 4.11, DMMA DU-9 Plan View	Taylor Engineering, Inc.	6/2014
Figure 4.12, DMMA DU-9 Section View	Taylor Engineering, Inc.	6/2014
Groundwater Mounding Evaluation Report (MACTEC Project No. 6734-03-8695)	MACTEC Engineering & Consulting, Inc.*	10/1/2003
Preliminary Report of Geotechnical Exploration (MACTEC Project No. 6734-03-8695)	MACTEC Engineering & Consulting, Inc.*	8/11/2003
Report of Geotechnical Exploration (E&A Project No. 99-1018)	Ellis & Associates, Inc.	3/10/1999
Figure A-1, DMMA DU-9 Plan View, Site Reconnaissance Features	Taylor Engineering, Inc.	12/2014
Supplemental Groundwater Sampling Results and Evaluation, Dee Dot Sludge Disposal Area No. 2	CH2M HILL	11/25/2013
DU-9 Management Plan Figures	Taylor Engineering, Inc.	7/2000
DU-9 USACE Record Drawings	Taylor Engineering, Inc.	9/2004
DU-9 Plans	Taylor Engineering, Inc.	2/2000
Pre-Application Meeting Minutes	Florida Inland Navigation District (FIND)	11/19/2014
Florida Department of Environmental Protection (FDEP) files – Estuary Corp. (59 documents)	Various	Various

Taylor Engineering, Inc.
 FIND DU-9 Dredged Material Management Area (DMMA)
 Revised Proposal for Geotechnical Engineering Services

Table 1: Furnished Documents		
Title	Author	Date
Groundwater Modeling Report, Consent Order No. 01-0219, Dee Dot Sludge Land Farm Disposal Area No. 2	CH2M HILL	3/3/2014
Response to CH2M HILL's Groundwater Modeling Report	Taylor Engineering, Inc.	3/13/2014
Response to CH2M HILL's Groundwater Modeling Report	FDEP	3/17/2014

*Predecessor company to Amec Foster Wheeler

We understand the existing DU-9 DMMA site is located approximately ½ mile west of the Intracoastal Waterway and 2 miles south of J. Turner Butler Boulevard (S.R. 202) in northeastern St. Johns County, Florida, on the Dee Dot Ranch property. The design for this DMMA was performed in 2000, and called for a basin with overall plan dimensions of approximately 3,200 feet in the north-south direction by 1,100 to 1,500 feet in the east-west direction. Due to contamination found within the center of the site during preliminary construction activities in 2001, we understand a smaller basin was designed and constructed north of the contaminated area (referred to as Dee Dot Sludge Disposal Area No. 2) in 2006. This basin has overall plan dimensions of approximately 1,150 feet in the north-south direction by 1,200 to 1,500 feet in the east-west direction. The existing dike is approximately 6½ feet lower than the full design height and occupies approximately 1/3 of the full design footprint. We understand the U.S. Army Corps of Engineers (USACE) deposited approximately 260,000 cubic yards of material into the DMMA in 2006.

The DMMA currently has a perimeter dike with a crest elevation of +26.5 feet (NGVD29), an interior dike bottom elevation of +11.0 feet, an exterior dike bottom elevation that varies from about +13 to +20 feet, a dike crest width of 12 feet, and side slopes of 3:1 (H:V). The surface elevation of the dredge spoil material ranges from about +23 to +29 feet in the southwest quadrant, where sandy soils are exposed, to +22 feet in the remainder of the basin, where the soils are under a few feet of water.

We understand it is desired to utilize the existing suitable materials within the DMMA as an on-site fill source to build out the DU-9 site to the full design height and footprint. As such, geotechnical exploration of the soils within the basin has been requested to assist Taylor Engineering with their estimate of the quantity of material that is suitable for dike construction.

We understand that since 2000, the owner of Dee Dot Ranch (Estuary Corporation) and its engineering consultant, CH2M HILL, have worked to remediate the contaminated area. As of March 2014, the Florida Department of Environmental Protection (FDEP) had granted conditional closure (i.e., no further cleanup required) pending the FIND acceptance of institutional controls. At this point, FIND is investigating and moving forward with the expansion of the existing cell to its original 2000 design.

The area of the existing basin reportedly does not contain contaminated groundwater. We understand, however, that contamination still exists in the surficial aquifer south of the existing basin based on the results of testing performed on groundwater samples from Well No. TPOC-1, which is located about 1,000 feet south of the southwest corner of the existing basin.



Proposed Geotechnical Exploration

Our geotechnical exploration will consist of field testing, laboratory testing, geotechnical engineering, and reporting. These services are discussed in more detail in the following paragraphs.

Field Exploration

The following table presents our proposed scope of field exploration services inside the existing basin:

Table 2: Proposed Field Exploration Program					
Area	Boring Type	Drill Rig Type	Boring Depth (ft)*	Sampling Depth Interval (ft)	Quantity of Borings
Southwestern quadrant, where sandy soils are exposed	SPT**	Track-mounted	20	2.5	9
Remainder of basin, where standing water and/or fine-grained soils are exposed	SPT	Amphibious	20	5	22

* Below ground or mudline

**Standard Penetration Test (ASTM D1586)

As requested, we have proposed a horizontal boring spacing of approximately 250 feet, as shown on the attached figure. As requested, boring layout will be accomplished by a survey crew from our Orlando office. The survey crew will record each boring's horizontal position in state plane coordinates and vertical elevation in NGVD29. The surveyor will also provide the elevation difference to convert the boring elevations to NAVD88.

We have included an allowance for obtaining seven thin-walled (Shelby) tube samples of soft clay or silt. We do not plan to backfill the completed boreholes due to the remote location of the site.

In addition to the borings, we plan to obtain four bulk samples of soil in the area of the exposed sandy soils for subsequent laboratory compaction, permeability, Limerock Bearing Ratio (LBR), and direct shear testing. We plan to obtain enough soil at each location to fill two 5-gallon buckets. These samples will be obtained using a continuous flight auger attached to the track-mounted drill rig, in general accordance with ASTM D1452. The auger will be rotated into the ground to a depth of 20 feet and withdrawn, and soil will be removed manually from the auger to fill the 5-gallon sample buckets. If one auger run is insufficient to fill two buckets at a particular sampling location, then a second auger run will be performed.



Taylor Engineering, Inc.
 FIND DU-9 Dredged Material Management Area (DMMA)
 Revised Proposal for Geotechnical Engineering Services

We propose to utilize Independent Drilling, Inc. (IDI) to perform the drilling services under subcontract to AMEC. A representative from our office will be present during the drilling operations to observe and document the borings on a full-time basis.

Drilling, testing, and sampling will be conducted in general accordance with applicable ASTM standards. At the completion of drilling, we will transport the recovered soil samples to our laboratory where they will be examined by a geotechnical engineer and visually classified according to the Unified Soil Classification System. The engineer will then select samples for laboratory classification testing.

Laboratory Testing

We plan to conduct laboratory classification and index property tests on representative soil samples we obtain during drilling to help us classify the soils. Additional testing will be conducted on samples of the suitable sandy soils (which we understand are to be defined as material containing less than or equal to 12% fine material (passing the No. 200 mesh sieve) and less than or equal to 4% organic material by weight) to estimate the shear strength, permeability (hydraulic conductivity), and compaction characteristics of these soils under overburden and compaction pressures expected during use as dike material, as requested. Laboratory tests will also be conducted on samples of the fine-grained soils to help evaluate the difficulty of handling, storing, dewatering, and stacking this unsuitable material during construction. The following table presents our proposed laboratory test types and quantities:

Table 3: Proposed Laboratory Test Program			
Test Description	ASTM Designation	Estimated Quantity	
		Suitable Soils*	Unsuitable Soils**
Moisture Content	D2216	10	15
Fines Content	D1140		15
Organic Content	D2974	9	15
Grain Size Distribution	D422	18	
Atterberg Limits	D4318	10	10
Unit Weight (of thin-walled tube samples)	D7263		7
Specific Gravity (of thin-walled tube samples)	D854		7
Triaxial Compression (of thin-walled tube samples)	D4767		4
Modified Proctor Compaction (of bulk auger samples)	D1557	4	
Hydraulic Conductivity (of remolded bulk auger samples)	D2434	4	
Direct Shear (of remolded bulk auger samples)	D3080	4	

*Sands with a fines content not exceeding 12% material passing the No. 200 mesh sieve, and an organic content not exceeding 4% by weight.

**Soils not meeting the criteria for suitable soils.



Taylor Engineering, Inc.
 FIND DU-9 Dredged Material Management Area (DMMA)
 Revised Proposal for Geotechnical Engineering Services

The actual quantity of each test may vary from what is shown above, depending on the subsurface conditions that are encountered by the borings. We will conduct laboratory tests in general accordance with ASTM or other widely accepted standards.

Geotechnical Engineering and Reporting

A registered professional engineer who has specialized in geotechnical engineering will direct and supervise our services. A report that describes our exploration and recommendations will be provided for you. This report will include the following:

1. A brief review of our test procedures and the results of all field and laboratory tests conducted. This will include a plan illustrating the location and reference number of each soil boring, and logs of each boring. State plane coordinates of each boring location will be provided. The boring logs will include the measured groundwater levels.
2. Estimated subsurface profiles to illustrate the subsurface conditions including standard penetration resistance test data and groundwater levels.
3. A general geotechnical evaluation considering the proposed project and estimated subsurface conditions.
4. An evaluation of the suitability of the soils to be excavated from the proposed basin for re-use as structural fill material for construction of the dike expansion.
5. Guideline recommendations for handling, storing, dewatering, and stacking of the unsuitable fine-grained materials during construction.

Our proposed scope excludes the following:

1. The assessment of site environmental conditions or the presence of pollutants in the soil, rock or groundwater of the site.
2. The preparation of design drawings or specifications for the proposed dike construction.
3. Analyses of dike bearing capacity, settlement, seepage, and stability.
4. Recommendations for dike construction.
5. Analysis of pile capacity and settlement, as well as recommendations for pile design, installation, load testing, and installation monitoring.

Estimated Fees

Since the site and subsurface conditions are not precisely known, it is not possible to accurately determine all types of analyses and related studies that may be necessary. In addition, boring,



Taylor Engineering, Inc.
 FIND DU-9 Dredged Material Management Area (DMMA)
 Revised Proposal for Geotechnical Engineering Services

sampling, and testing requirements are a function of the subsurface conditions that are actually encountered. Based upon our experience and our understanding of the project requirements, we propose to perform the outlined scope of services for a total not-to-exceed fee of \$45,775, which is summarized below.

Table 4: Summary of Estimated Fees	
Task	Estimated Fees
Geotechnical Field Services	
•Mobilization, SPT Borings, Thin-Walled Tube Samples, Bulk Samples	\$22,020
•Surveying Services to Stake Borings and Determine Coordinates and Elevations	\$3,920
Geotechnical Laboratory Testing Services	
•Classification Testing	\$4,360
•Hydraulic Conductivity Testing	\$1,020
•Unit Weight and Moisture Content (thin-walled tube samples)	\$385
•Triaxial Compression Testing	\$1,920
•Direct Shear Testing	\$2,040
•Modified Proctor Compaction Testing	\$480
•Geotechnical Engineering / Report Preparation	\$9,630
Total Estimated Fee:	\$45,775

Our fee estimate assumes that the site is accessible to IDI's track-mounted and amphibious drilling equipment. We assume the field services may be performed during normal business hours (Monday through Friday, 7:00 a.m. to 6:00 p.m.), and that our operations will not be hindered by any on-site activities of others.

Invoicing

We plan to submit invoices every four to five weeks, and following the conclusion of our services. Compensation for the services outlined above, or any additional services you may request, will be based upon the actual time spent and tests performed in accordance with our attached Fee Schedule. We will not exceed our total estimated fee without an extension of the scope of services by your office.

Schedule

Based upon our present schedule we can begin this project within about one to two weeks after we receive written authorization to proceed. The field services should take four to five days to complete, and laboratory testing services should take about two to three weeks to complete. We anticipate that our report will be available about five to seven weeks after our receipt of written authorization. We can, however, provide preliminary verbal results and recommendations as tests and analyses are completed in order to help expedite the project.



Taylor Engineering, Inc.
FIND DU-9 Dredged Material Management Area (DMMA)
Revised Proposal for Geotechnical Engineering Services

IDI will call Sunshine State One Call of Florida (Sunshine 811) to locate and mark underground utilities prior to the field exploration. Once the locate ticket has been requested and issued, at least two business days (not including the day of the request) will be required for utility locators to locate and mark underground utilities. We assume that any information you have regarding known underground utility locations will be provided to us prior to the field exploration.

Authorization

We assume a subcontract with mutually agreeable terms and conditions will be issued by Taylor Engineering, Inc. to authorize us for the services proposed herein.

We appreciate your consideration of Amec Foster Wheeler for these services and look forward to serving as your geotechnical and groundwater modeling consultant on this and other future projects. If you have any questions regarding this proposal, please contact us.

Sincerely,

Amec Foster Wheeler Environment & Infrastructure, Inc.



Michael B. Woodward, P.E.
Principal Geotechnical Engineer



Kirk A. McIntosh, P.E., D.GE
Senior Principal

Attachments: Fee Schedule
Proposed Boring Plan (aerial photograph with grids)

Distribution: Taylor Engineering, Inc. (e-mail)
File (1)



AMEC ENVIRONMENT & INFRASTRUCTURE, INC.

FEE SCHEDULE

FIELD SERVICES

Mobilization and Transportation of Drilling Equipment:	
Amphibious/Barge, Lump Sum	\$ 4,600.00
Track-Mounted Rig, Lump Sum	\$ 690.00
SPT Borings (Amphibious/Barge):	
0 to 50 foot depth range, per lineal foot	\$ 13.80
SPT Borings (Track-Mounted Rig):	
0 to 50 foot depth range, per lineal foot	\$ 13.80
Extra Split-Spoon Samples (Track-Mounted Rig), each	\$ 32.20
Hourly Crew Rates (Amphibious/Barge or Track-Mounted Rig):	
Difficult moving or drilling through rubble fill, per hour	\$ 287.50
Standby Time at Client's Request, per hour	\$ 287.50
Sampling and testing not included above and boring layout	\$ 287.50
Thin-Walled (Shelby) Tube Samples (Amphibious/Barge), each	\$ 132.25
Drill Crew Per Diem, three-man crew, per day	\$ 431.25
Two-Man Survey Crew, per hour	\$ 125.00
Reimbursable Expenses, actual cost times 1.15	\$ --

LABORATORY SERVICES

Water Content, each	\$ 12.50
Fines Content, each	\$ 32.50
Grain Size Determination, including wash No. 200 sieve, each	\$ 48.00
Atterberg Limits (Plasticity), each	\$ 70.00
Unit Weight and Natural Moisture Content (thin-walled tube sample), each	\$ 55.00
Specific Gravity, each	\$ 65.00
Consolidation, each	\$ 475.00
Organic Content, each	\$ 35.00
Hydraulic Conductivity, each	\$ 225.00
Limerock Bearing Ratio (LBR), each	\$ 350.00
Triaxial Shear (three points), each	\$ 480.00
Direct Shear (three points), each	\$ 480.00
Standard or Modified Proctor Compaction, each	\$ 120.00
Remold Samples, each	\$ 30.00

ENGINEERING AND TECHNICIAN SERVICES

Staff Engineer, per hour	\$ 80.00
Project Engineer, per hour	\$ 90.00
Senior Engineer, per hour	\$ 132.00
Principal Engineer, per hour	\$ 155.00
Senior Principal, per hour	\$ 165.00
CAD Operator, per hour	\$ 72.00
Senior Engineering Technician, per hour	\$ 65.00
Engineering Technician, per hour	\$ 45.00
Engineering Technician, per hour	\$ 45.00
Survey Technician, per hour	\$ 79.00
Professional Land Surveyor, per hour	\$ 110.00
Professional Land Surveyor Supervisor, per hour	\$ 155.00
Truck Usage (survey crew), per day	\$ 50.00
Reimbursable Expenses, actual cost times 1.15	\$ --

NOTE: The above engineering technician hourly rates will be multiplied by a factor of 1.50 for services that are performed before 7:30 a.m., after 4:00 p.m., or on weekends and State of Florida/Georgia recognized holidays.



Legend



2000 ft

DU-9

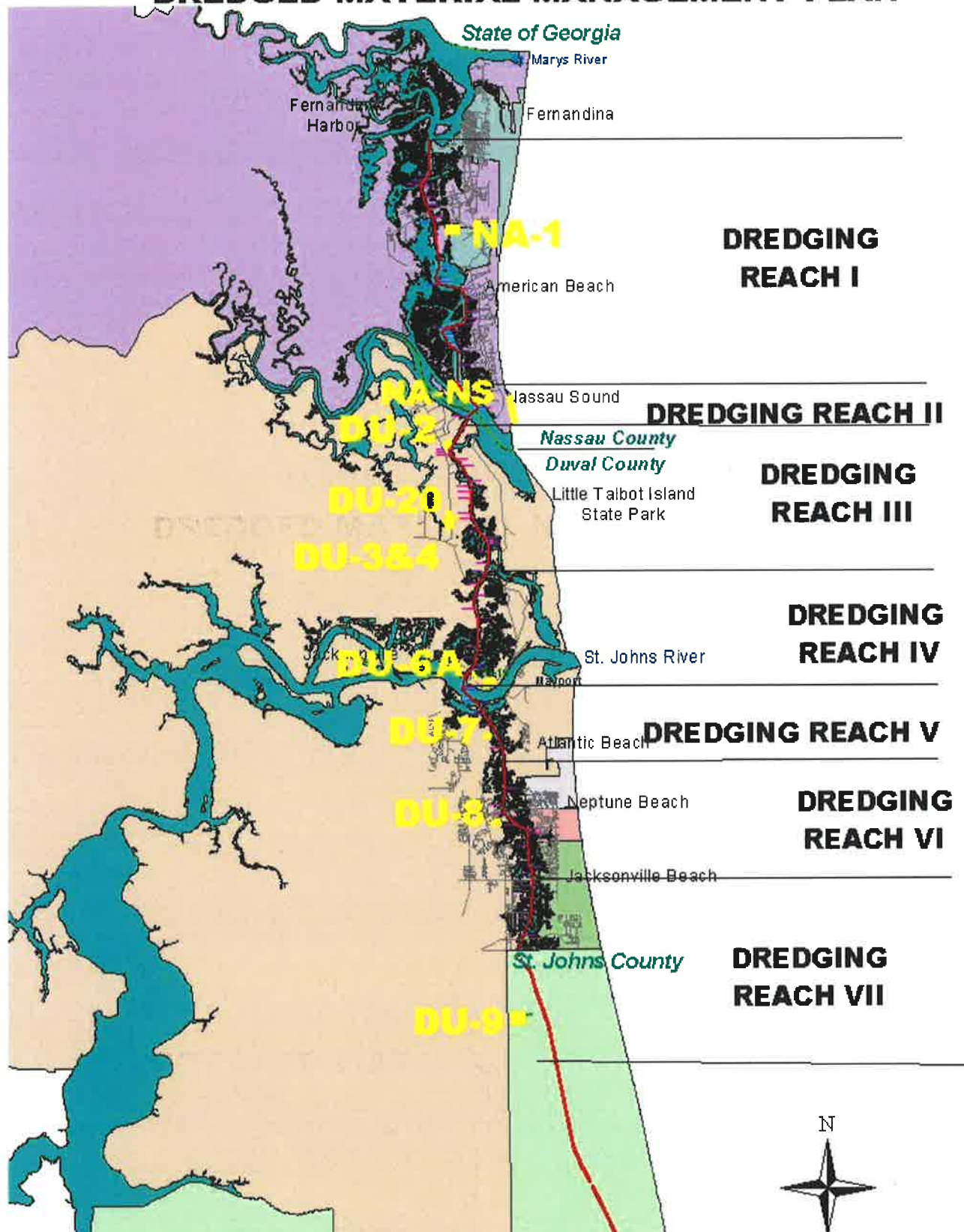
DMMA DU-9

Google earth

© 2015 Google



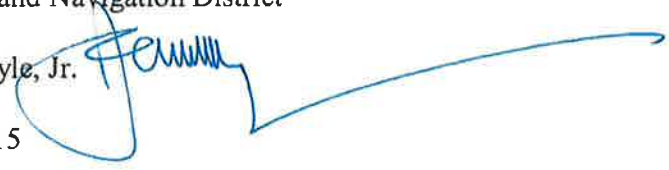
NASSAU/DUVAL COUNTIES DREDGED MATERIAL MANAGEMENT PLAN





MEMORANDUM

TO: Mark Crosley, Executive Director
Florida Inland Navigation District

FROM: Jon C. Moyle, Jr. 

DATE: May 4, 2015

RE: May Final Report on 2015 Regular Florida Legislative Session and Bills of Interest

I wanted to provide the May final legislative report to update you and the Florida Inland Navigation District ("FIND") Board now that the 2015 legislative session has concluded. I have also attached a list of bills that were monitored for FIND. Bills that passed both the House and Senate are marked in bold as "**passed**". All other bills on the tracking list did not pass both legislative bodies.

GENERAL OVERVIEW

The 2015 Legislative session will long be remembered as unusual, and many would say unprecedented, for a number of reasons. The Legislature did not pass the only bill that they are constitutional required to pass: the budget for fiscal year 2015-2016. Thus, they will meet in a special session before July 1, 2015 to try to pass a budget for the state's next fiscal year.

A legislative dispute about whether to expand health care, and the dollars associated with that issue, garnered most of the attention this legislative session, and that contentious debate continues. The disagreement about this issue, and its impact on the budget, prompted the House to adjourn *sine die* (not to return) on Tuesday, April 28, more than three full days before the scheduled end of session, Friday, May 1, 2015. The House's decision to depart Tallahassee

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Page 2

abruptly surprised nearly everyone, including the Florida Senate. The Senate publicly criticized the House's procedural move, which put the Senate in a "take it or leave it" position with many bills since any Senate amendment to a bill required that the amendatory change be considered by the House, which was not coming back into session. The Senate decried the House action as an ill-conceived tactic that resulted in much important legislative work remaining unfinished.

The Senate President wrote a letter to the House Speaker suggesting that the early departure was unconstitutional since it violated a constitutional provision that prohibits one body adjourning for more than 72 hours. The Senate Democrats went further, filing a lawsuit with the Florida Supreme Court based on the alleged constitutional infirmity noted by the Senate President. The lawsuit asked the Court to order the House back into session. On Friday, May 1, the Court agreed that the House violated the constitutional provision in question, but said not enough time remained to reconvene since the regular legislative session was scheduled to end on the same day that the Court ruled, and House members were scattered throughout the state.

The end result of this political wrangling is that not many bills passed compared to prior legislative sessions; only 231 bills passed out of the 1,754 bills that were filed. The Legislature will come back to Tallahassee for a special session that will consider only a handful of matters, with the special session's key issue being the 2015-2016 budget. There is no agreement yet about when the legislative special session will occur.

FIND APPOINTMENTS AND SENATE CONFIRMATION

FIND Commissioners Sansom and Netts were confirmed by the Ethics and Elections committee and the full Senate. The other FIND Commissioners recently appointed by the Governor, Commissioners Donaldson, Self, Crowley, and Isiminger, were technically before the Senate because the Secretary of State transmitted their respective files to the Senate Ethics and

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 Page 3

Elections committee; however, because the files were transmitted after the last committee meeting of the Ethics and Elections committee, these four commissioners were not considered by either the committee or the full Senate. Thus, in accordance with s. 114.05(1)(e)¹, Florida Statutes, the Commissioners not confirmed will have to be reappointed by the Governor. Following the expected gubernatorial reappointment, the Senate will consider them for confirmation at its next regular legislative session, which will begin in January of 2016.

BUDGET UPDATE

As reported above, there was no agreement on the 2015-2016 budget. A special legislative session will be held before July 1, 2015, the start of the state's fiscal year, to address the budget.

ISSUES AND BILLS OF INTEREST TO FIND

We followed a number of bills that could impact special districts. As previously reported, House Bill 1155 (Rep. Larry Metz, R. Eustis) and Senate Bill 1388 (Senator Kelli

¹ **114.05 Issuance of letter of appointment; confirmation by the Senate; refusal or failure to confirm.—**

(1) When a vacancy in office is filled by appointment which requires confirmation by the Senate:

(e) If the Senate votes to take no action or if for any other reason it fails to consider an appointment during the regular session immediately following the effective date of the appointment, the failure to act shall be noted in the pages of the Journal of the Senate; and thereafter a certificate, stating that the Senate voted to take no action or failed to consider the appointment, shall be issued, attested, filed, and delivered in accordance with paragraph (c). With respect to appointments on which the Senate fails to act during the regular session of the Legislature immediately following the effective date of the appointment, a vacancy in office shall exist upon the adjournment sine die of the Legislature. The appointee shall hold over until his or her successor is appointed and qualified; however, such period of holding over shall not exceed 45 days. The appointee may be reappointed.

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Stargel, R. Lakeland) addressed a number of topics found in special district legislation sponsored last year by these legislators, legislation which ultimately passed the Legislature and became law. This year's special district legislation, a glitch bill, made it through the committee process, but did pass the Legislature. House Bill 953 (Representative Costello R-Port Orange), which required hospital special district with ad valorem taxing authority to be reauthorized by referendum every ten years, was never heard in any committee. (We tracked this legislation since, a number of years ago, similar legislation directed at children's services special districts passed the Legislature).

OTHER ISSUES - FINAL RESOLUTION

As previously reported, the Speaker of the House, Steve Cristafulli (R-Merritt Island) and the President of the Senate, Andy Gardiner (R-Orlando), agreed on a joint "work plan" which identified five (5) major issues that they agreed both bodies would like to address. A final "status" report on these "work plan" items follows:

1. **Tax Relief:** Pass broad-based, meaningful tax relief initiatives (like reducing Communications Service Tax, which results in consumers paying less in taxes on their phone bills); **Status:** Nothing passed. The House passed a tax relief package but Senate did not consider it; tax relief very likely will be reconsidered during the upcoming budget special session.
2. **Economic Independence for those with unique abilities:** Create a path to economic independence for people with unique abilities by establishing new post-secondary designation for programs serving students with disabilities, promoting employment options for persons with disabilities; creating financial literacy programs specifically designed to assist those with developmental disabilities participate in the

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economy independently; **Status:** Senate moved forward aggressively on this issue; House passed a portion of the legislation, but not significant parts; the Senate publicly discussed a substantive bill addressing disabilities after the House adjourned, and sharply criticized the House for not passing the legislation.

3. Water Policy and Funding: Develop a state-wide funding and policy strategy for water and natural resources while implementing Amendment 1, which the voters passed during the November elections; **Status:** Nothing of significance passed.

4. Promote Adoptions: Restore the adoption subsidy program for state and local government employees and create an incentive program for Community Based Care and provider agencies; **Status:** This legislative effort passed and was signed into law by the Governor.

5. Education: Increase the K-12 per pupil funding, keep higher education affordable, increase performance funding for universities and reward technical centers that directly link education programs to local workforce needs. **Status:** Nothing passed. This remains a key issue in the upcoming budget special session.

OTHER ISSUES

There are a number other issues that I brought to your attention in past legislative reports.

I also wanted to provide you with a “**status**” update on these matters.

6. Education Testing: Teachers, students, parents, and now legislators are coming to the conclusion that students are taking too many state-mandated tests. Legislation will be considered, and will likely pass, to reduce or consolidate the number of tests being administered during the school year to K-12 students. **Status:** The House and Senate both passed HB 7069, which scaled back testing and revised the impacts of

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student testing results on teachers' salaries. The bill was signed by the Governor on April 14.

7. **Prison Reform:** There have been a series of negative news stories about the state's Department of Corrections. Legislation to reform the state's prison system is being pursued, and will likely pass, with the establishment of a corrections oversight board.

Status: Nothing passed. The Senate said that it will appoint a Senate committee, which has subpoena power, to continue looking into this issue.

8. **Gaming Expansion:** With the state's gaming compact with the Seminole Tribe expiring this year, many diverse gaming interests are interested in legislation that would address this highly regulated industry. Among the ideas being considered are permitting mega-casinos in South Florida and de-coupling greyhound racing from slot machine gaming. Opposition to increased gaming remains strong, particularly from entertainment interests in central Florida. **Status:** Nothing passed.

9. **Medicaid Expansion:** The Senate again seems poised to consider legislation that would expand Medicare in the state. However, there is no indication that the House is inclined to favorably consider such legislation. **Status:** Nothing passed. The issue will remain as a part of the budget discussions.

10. **State Pension Reform:** Many legislators, including key members of the House leadership team, want to reform the state's pension system. This was a high profile issue last year that did not pass the legislature, but will be considered again this legislative session. **Status:** Legislation addressing local government pension reform passed while legislation addressing state pension reform did not pass.

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11. Springs Legislation: Springs legislation will be pursued again this year that would provide additional protection to the state's high quality springs. Agricultural and business groups are monitoring this legislation closely for possible impacts upon their respective operations. **Status:** Nothing passed.

I hope that you find this report provides helpful information about the 2015 legislative session and issues of interest to FIND. As always, if you have any questions or need further information, please let me know.

Attachment: 2015 FIND Bill Tracking List – Updated on May 4, 2015

FIND 2015 Bill Tracking List

2015 Senate Bills

SB 108 by Diaz de la Portilla

Florida Retirement System: Revising eligibility for the purchase of credit for military service; declaring that the act fulfills an important state interest, etc.

- 04/22/15 S Withdrawn from further consideration -SJ 503 on Wednesday, April 22, 2015 3:35 PM

SB 216 by Community Affairs and Bradley

Publicly Funded Retirement Programs: Requiring that actuarial reports for certain retirement systems or plans include mortality tables; revising applicability of the Marvin B. Clayton Firefighters Pension Trust Fund Act; authorizing a municipal services taxing unit that enters into an interlocal agreement for fire protection services with another municipality to impose an excise tax on property insurance premiums, etc.

- 04/24/15 S Laid on Table, refer to CS/HB 105 -SJ 611 on Friday, April 24, 2015 10:33 AM

SB 224 by Governmental Oversight and Accountability and Simpson (CO-SPONSORS) Margolis; Gibson; Hays; Latvala

Public Records/Public Agency Contracts: Requiring that a public agency contract for services include a statement providing the name and contact information of the public agency's custodian of records; revising required provisions in a public agency contract for services regarding a contractor's compliance with public records laws; specifying applicable penalties for a contractor who fails to produce requested records; specifying circumstances under which a court may assess and award reasonable costs of enforcement against a public agency or contractor, etc.

- Friday, April 24, 2015 - 04/24/15 S In returning messages

SB 284 by Diaz de la Portilla

Permitting: Specifying additional issues that may be reviewed by circuit courts with respect to certain permits issued by state agencies and water management districts; providing additional remedies in the event of an exactions taking, etc.

- Monday, April 27, 2015 - 04/27/15 S Laid on Table, refer to CS/CS/CS/HB 383 -SJ 666

SB 574 by Montford

Government Procurement: Defining the term “reverse auction”; requiring the Department of Management Services to maintain a program for reverse auctions; authorizing the Department of Education to use reverse auctions and other online procurement programs in assisting district school boards with transportation services contracts; authorizing the Board of Governors to adopt regulations establishing procedures governing a state university’s participation in reverse auctions and other online procurement programs, etc.

- Friday, April 24, 2015 - In Messages

SB 584 by Dean

Implementation of the Water and Land Conservation Constitutional

Amendment: Terminating certain trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring moneys in land acquisition trust funds created or designated to receive funds under s. 28, Art. X of the State Constitution to be retained in those trust funds; repealing provisions relating to beach erosion control project staffing; authorizing a percentage of proceeds from the phosphate rock excise tax to be credited to the State Park Trust Fund, etc.

- Thursday, April 02, 2015 - 04/02/15 S In returning messages

SB 598 by Altman

Boating Under the Influence: Providing that a conviction for boating under the influence be recorded in a person’s driving record; providing that prior convictions for boating under the influence are considered prior convictions for driving under the influence; providing that a conviction for boating under the influence be reported to the Department of Highway Safety and Motor Vehicles; providing that prior convictions for driving under the influence are considered prior convictions for boating under the influence, etc.

- Tuesday, March 03, 2015 - 03/03/15 S Introduced -SJ 72

SB 680 by Dean

Fish and Wildlife Conservation Commission: Requiring personal flotation devices to be used in accordance with the United States Coast Guard approval labels; revising the dates for tarpon tag validity; removing the income requirement for a restricted species endorsement on a saltwater products license; deleting the requirement that the number of

tags pursuant to a collection permit be equal to a safe yield of alligators; establishing penalties for the unlawful feeding of wildlife and freshwater fish, etc.

- Thursday, April 23, 2015 - 04/23/15 S Laid on Table, refer to CS/HB 7021 -SJ 592

SB 714 by Grimsley

Environmental Control: Authorizing land set-asides and land-use modifications that reduce nutrient loads into nutrient-impaired surface waters to be used under the water quality credit trading program; providing applicability of prohibited variances relating to certain discharges of waste; establishing a solid waste landfill closure account within the Solid Waste Management Trust Fund to be used for specified purposes, etc.

- Thursday, April 30, 2015 - 04/30/15 S Placed on Calendar, on 2nd reading -SJ 600

SB 778 by Governmental Oversight and Accountability and Community Affairs and Hays

Local Government Construction Preferences: Prohibiting local ordinances and regulations from restricting competition for the award of a contract for construction services based upon certain conditions; requiring a state college, county, municipality, school district, or other political subdivision of the state to make specified disclosures in competitive solicitation documents, etc.

- Friday, April 24, 2015 - 04/24/15 S Ordered enrolled -SJ 656
PASSED

SB 786 by Evers

Towing of Vehicles and Vessels: Providing for removal of a vehicle or vessel by a cooperative association or a homeowners' association; authorizing an owner or lessee of real property to have a vehicle or vessel removed from the property without certain signage under certain circumstances, etc.

- Thursday, March 05, 2015 - 03/05/15 S Now in Regulated Industries -SJ 191

SB 918 by Dean

Environmental Resources: Requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; creating the Florida Shared-Use Nonmotorized Trail Network; requiring a project constructed as part of the network to be included in the Department of Transportation's work program; requiring certain information to be included in the consolidated annual report for each project

related to water quality or water quantity; creating part VIII of ch. 373, F.S., entitled the “Florida Springs and Aquifer Protection Act”, etc.

- 04/29/15 S Laid on Table, refer to CS/HB 7003 -SJ 720 on Wednesday, April 29, 2015 10:49 AM

SB 934 by Brandes

Public Works Projects: Prohibiting state and political subdivisions that contract for the construction, maintenance, repair, or improvement of public works from imposing certain conditions on certain contractors, subcontractors, or material suppliers or carriers; providing an exception; prohibiting state and political subdivisions from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on a public works project, etc.

- 03/31/15 S Unfavorable by Community Affairs, laid on Table; YEAS 1 NAYS 6 -SJ 260 on Tuesday, March 31, 2015 12:17 PM

SB 1372 by Gaetz

Government Accountability: Specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the Commissioner of Education may notify the Legislative Auditing Committee of an entity’s failure to comply with certain auditing and financial reporting requirements; revising reporting requirements applicable to the Florida Clerks of Court Operations Corporation; expanding the types of governmental entities that are subject to lobbyist registration requirements; revising the responsibilities of the governing board of a charter school to include the establishment and maintenance of internal controls, etc.

- Monday, April 27, 2015 - In Messages

SB 1388 by Stargel

Special Districts: Revising legislative intent with respect to the Uniform Special District Accountability Act to include independent and dependent special districts; specifying the Legislature’s authority to create dependent special districts by special act; requiring a newly created dependent special district, and authorizing an existing dependent special district, to identify the district as dependent in its charter; specifying that local general-purpose governments may review certain special districts, etc.

- Thursday, April 23, 2015 - In Messages

SB 1548 by Dean

Vessel Safety: Defining terms; specifying how vessels may be anchored or moored on waters of the state; providing a noncriminal infraction, etc.

- 04/16/15 S Now in Fiscal Policy -SJ 426 on Thursday, April 16, 2015 5:17 PM

2015 House Bills**HB 39 by Hill and Beshears**

Florida Retirement System: Specifies eligibility of monthly death benefit payment to surviving spouse, child, or parent of law enforcement officer or firefighter employed by state; provides annual appropriation.

- 1st Reading on Tuesday, March 03, 2015 10:37 PM

HB 105 by Government Operations Subcommittee and Eagle (CO-SPONSORS) Campbell

Publicly Funded Retirement Programs: Revises applicability of Marvin B. Clayton Firefighters Pension Trust Fund Act; authorizes municipality that provides fire protection services under an interlocal agreement with another municipality to impose excise tax on property insurance premiums; requires municipal services taxing units to provide Division of Retirement with certified copy of ordinance assessing & imposing certain taxes; revises provisions relating to limitation of disbursement; authorizes municipal services taxing unit, under certain conditions, to revoke participation & cease to receive property insurance premium taxes.

- Monday, April 27, 2015 - Ordered enrolled; **PASSED**

HB 113 by Government Operations Subcommittee and Perry (CO-SPONSORS) Broxson

Local Government Construction Preferences: Prohibits local ordinances & regulations from restricting competition for award of construction services based upon certain conditions; requires state college, school district, or other political subdivision to make specified disclosures in competitive solicitation documents.

- Companion Bill passed, refer to CS/CS/SB 778 on Thursday, April 23, 2015 9:28 AM; HB Laid on Table

HB 241 by Trumbull (CO-SPONSORS) Perry

Personal Flotation Devices: Requires that personal flotation devices be used in accordance with the U.S. Coast Guard approval label during operation of certain vessels or personal watercraft or while engaged in water skiing, parasailing, aquaplaning, & similar activities.

- Tuesday, April 21, 2015 - 04/21/15 S Received -SJ 444

HB 289 by Harrell

Boating Under the Influence: Provides that conviction for BUI be recorded in person's driving record; provides that convictions for BUI are considered prior convictions for DUI; provides that conviction for BUI be reported to DHSMV; provides that convictions for DUI are considered prior convictions for BUI.

- Tuesday, March 03, 2015 - 1st Reading

HB 381 by Wood

Towing of Vehicles & Vessels: Authorizes owner or lessee of real property to have vehicle or vessel removed from property without certain signage if vehicle or vessel has remained on property for specified period.

- Thursday, March 19, 2015 - Added to Second Reading Calendar

HB 383 by Judiciary Committee and Local Government Affairs Subcommittee and Civil Justice Subcommittee and Edwards and Perry (CO-SPONSORS) Artiles; Baxley; Burton; Campbell; Combee; Cummings; Drake; Eagle; Eisnaugle; Gaetz; Mayfield; McBurney; Metz; Pilon; Porter; Smith; Spano; Steube; Van Zant; Wood

Private Property Rights: Providing that any settlement agreement reached between an owner and a governmental entity applies so long as the agreement resolves all issues; authorizing a property owner to bring an action to recover damages caused by a prohibited exaction; specifying that an action for a prohibited exaction is not to be construed in pari materia with certain other actions, etc.

- Tuesday, April 28, 2015 - Ordered enrolled; **PASSED**

HB 417 by Wood

Ad Valorem Assessments: Provides definitions for "fair market value," "just value," & "market value" for certain purposes; adds provision to Taxpayer's Bill of Rights regarding assessment practices of certain entities.

- Tuesday, March 03, 2015 - 1st Reading

HB 527 by Van Zant (CO-SPONSORS) Tobia

Public Works Projects: Prohibits state & political subdivisions that contract for construction, maintenance, repair, or improvement of public works from imposing certain conditions on certain contractors, subcontractors, or material suppliers or carriers; provides exception; prohibits state & political subdivisions from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on public works project.

- Friday, March 13, 2015 - Now in State Affairs Committee

HB 653 by Pigman

Environmental Control: Authorizes use of land set-asides & land use modifications, including constructed wetlands or other water quality improvement projects, in water quality credit trading; provides applicability of prohibited variances concerning discharges of waste into waters of the state & hazardous waste management; establishes solid waste landfill closure account within Solid Waste Management Trust Fund to provide funding for closing & long-term care of solid waste facilities; authorizes DEP to contract with third party for closing & long-term care under certain conditions.

- Friday, April 24, 2015 - 04/24/15 S Received -SJ 643

HB 849 by Wood

Legislative Ratification/Department of Environmental Protection: Requires DEP to submit for legislative ratification state implementation plan relating to standards of performance for existing sources of air pollutants; exempts rules implementing plan from legislative ratification under certain conditions; provides circumstances under which state implementation plan is exempt from legislative ratification; provides that, if plan is exempt from legislative ratification, rules implementing plan are subject to ratification before respective provisions of plan take effect.

- Now in Rulemaking Oversight & Repeal Subcommittee on Monday, March 16, 2015 2:59 PM

HB 953 by Costello

Hospital Districts: Defines "hospital district"; requires decennial reauthorization of taxing authority of certain hospital districts; prohibits hospital districts from levying property tax without consent of electors residing within hospital district; terminating taxing authority of hospital district if referenda are not approved by majority vote of electors; provides for allocation of hospital district assets & liabilities; provides

requirements for creation, expansion, or combining of certain hospital districts; requires certain public hospitals to prepare economic analysis; provides requirements for such analysis; prohibits hospital district from levying property tax without referendum of electors pursuant to act; provides referendum requirement for property tax levy contingent upon future government-subsidized health care funding.

- Tuesday, March 03, 2015 - 1st Reading

HB 1063 by Metz

Government Accountability: Revises audit provisions to exclude water management districts; revises responsibilities of department heads, Supreme Court, Florida Clerks of Court Operations Corporation, Justice Administrative Commission, each state attorney & public defender, criminal conflict & civil regional counsel, capital collateral counsel, Guardian Ad Litem program, local governmental entities, & governing bodies of charter schools to include responsibility of establishing certain internal controls; revises responsibilities of district school board's internal auditor to permit certain audits & reviews; requires each Florida College System institution to file certain annual financial statements with State Board of Education; requires each school district, Florida College System institution, & state university to establish certain internal controls.

- Added to Second Reading Calendar on Thursday, April 16, 2015 7:08 PM

HB 1155 by Metz

Special Districts: Authorizes creation of special districts by special act; requires new special districts & authorizes existing districts to identify their district as independent or dependent in certain documents; revises required content of special district handbook; authorizes local governments to review certain special districts; revises list of items required to be included on special district websites and time needed to remain on such websites.

- Friday, April 03, 2015 - Added to Second Reading Calendar

HB 7003 by Appropriations Committee and State Affairs Committee and Caldwell (CO-SPONSORS) Mayfield; Metz; Raburn; Spano; Van Zant

Water Resources: Revises provisions relating to water resource development; establishment & implementation of minimum flows & levels & total maximum daily loads; Central Florida Water Initiative; projects of South Florida Water Management District; preferred water supply sources; consumptive use permit applications; improvements on private agricultural lands; Northern Everglades & Estuaries Protection

Program; power & duties of water management districts with regard to water production & water resource & supply development; regional water supply planning; springs & aquifer protection; surface water classification; & potable water supply.

- Wednesday, April 29, 2015 - 04/29/15 S CS passed as amended; YEAS 39 NAYS 1 -SJ 749

HB 7021 by Agriculture & Natural Resources Subcommittee and Sullivan

Fish and Wildlife Conservation Commission: Revises provisions relating to implementation of alligator management & trapping program; tarpon tags; issuance of restricted species endorsements on saltwater products licenses; dealers & buyers of hides & furs; taking of alligators or their eggs; alligator trapping license requirements & fees; alligator hide validation tags; revenues for alligator husbandry research; transfer of funds from alligator management program to General Inspection Trust Fund for specified purposes; limiting tags available for alligators taken under collection permit; & penalties for feeding of wildlife & freshwater fish; repeals provisions relating to alligator trapping program, alligator study requirements, unlawful sale of alligator products, & products derived or made from skins of crocodilia.

- Wednesday, April 29, 2015 - 04/29/15 S CS passed as amended; YEAS 39 NAYS 1 -SJ 749

HB 7023 by Rulemaking Oversight & Repeal Subcommittee and Ray

Administrative Procedures: Revises deadline to propose new rules; revises requirements for annual review of agency rules; provides procedures for preparing & publishing regulatory plans; specifies requirements for such plans; requires publication by specified dates of notices of rule development & of proposed rules necessary to implement new laws; provides for applicability; provides for suspension of agency's rulemaking authority; repealing provisions relating to legislative review of certain agency rules & Internet-based public survey of regulatory impacts; provides for rescission of suspension of rulemaking authority under such repealed provisions.

- Tuesday, April 28, 2015 - Ordered enrolled; **PASSED**

HB 7025 by Rulemaking Oversight & Repeal Subcommittee and Richardson

Administrative Procedures: Revises requirements for notice of rule development, notice of proposed rule, & notice of change; authorizes electronic delivery of certain notices; revises requirements for certain agency filings with JAPC; requires certain agency personnel to attend public hearings; requires agency to publish notice of convening separate proceeding & tolling rulemaking deadlines during separate proceedings; revises requirements for substantially affected persons to submit proposals

for lower cost regulatory alternatives following notice of change; revises requirements for agency's consideration of lower cost regulatory alternatives; provides additional requirements for calculation of estimated regulatory costs; creates presumption of adverse impact on small business.

- Thursday, March 26, 2015 - Added to Second Reading Calendar

ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS CONSULTANTS

May 1, 2015

MEMORANDUM

TO: Mark Crosley, Executive Director
Janet Zimmerman, Assistant Executive Director

FROM: Jim Davenport

SUBJECT: Federal Legislative Report

FEDERAL FUNDING FOR THE INTRACOASTAL WATERWAY

On April 22nd, the House Appropriations Committee approved the \$35.4 billion fiscal year (FY) 2016 Energy and Water Appropriations Bill, which is on the House floor today for final consideration. The bill will likely pass.

The bill would send \$5.6 billion to the Corps, \$865 million more than the Administration's request. It includes a rider blocking the joint Environmental Protection Agency-Corps of Engineers proposed Waters of the U.S. rule, which EPA and the Corps sent to the White House for review earlier this month.

For FIND, the bill includes the \$700,000 for the Intracoastal Waterway that was recommended in the President's budget request to Congress. It also includes \$42 million for Inland Waterways and \$42 million for Small, Remote or Subsistence Navigation, which are sources of funding for maintenance dredging.

PROGRAMMATIC CONSULTATION WITH NATIONAL MARINE FISHERIES SERVICE AND MAGNUSON STEVENS ACT REAUTHORIZATION

On April 9th, we participated in a conference call with Tori White and you to discuss the Jacksonville Corps of Engineers District Office coordination with the National Marine Fisheries Service (NMFS) on a Regional General Permit (RGP) and Programmatic Consultation. As a follow up, we met with Ms. White on April 29th in the Longworth House Office Building to further discuss the RGP and Programmatic Consultation.

As has likely been reported to you by Ms. White during her presentation to the FIND board, as it pertains to the RGP, the Jacksonville Corps is trying to reduce the buffers in the IWW for submerged aquatic vegetation (SAV) from 100' to 25' for maintenance dredging areas.

As it pertains to a Programmatic Consultation, the Corps has initiated an EFH assessment for all projects FIND plans to do from 2015 – 2020. The Corps plans to conduct surveys of the IWW to determine the locations of the seagrasses. According to Ms. White, Previous aerial surveys will not provide enough data as to the location of the seagrasses. The Corps side scan sonar survey, which is currently underway and due to be completed in six months, will provide better data.

We are in receipt of the Jacksonville Corps Draft Programmatic Consultation letter to NMFS, dated April 27th, and will review it. We also are aware that Ms. White plans to meet with NMFS on May 15th to discuss these issues and we will continue to communicate with FIND and her throughout this process.

On April 30th, we attended the House Natural Resources Committee markup of H.R. 1335, a bill to reauthorize the Magnuson Stevens Act (MSA). Prior to markup, we drafted a letter on behalf of your congressional delegation to Representative Don Young (R-AK) asking the Committee to consider legislative language clarifying that Congress never intended to impede maintenance dredging in congressionally authorized and constructed public waterways, such as the IWW. We obtained Representative Lois Frankel's support as the lead sponsor of the letter and gained the additional support of Representatives John Mica (R), Alcee Hastings (D), Corrine Brown (D), Carlos Curbelo (R), Debbie Wasserman Schultz (D), and Frederica Wilson (D), who all signed onto the letter (see attached). We will be working with other members of FIND's delegation to have another letter sent to Rep. Young before the bill is taken up on the House floor.

The MSA markup lasted just under two hours. Approximately 10 amendments were offered to the bill, but only three were accepted. Several amendments offered by Democrats proposed additional levels of regulation to the MSA law, but failed on party line votes.

As previously reported, Florida has no representation on the House Natural Resources Committee, which includes 44 members of Congress.

During the markup, Rep. Young pledged to work with members in addressing concerns before the bill goes to the House floor, so we will continue to work with your congressional delegation to address FIND's issues with the EFH consultation process.

We will continue to keep you apprised of our efforts, and please contact me with any questions.

Congress of the United States
Washington, DC 20515

April 29, 2015

The Honorable Don Young
United States House of Representatives
2314 Rayburn HOB
Washington, DC 20515

Dear Congressman Young:

We wish to bring to your attention a problem that is affecting the operation and maintenance of the Intracoastal Waterway (IWW) in the State of Florida, a project which has been authorized since 1927 and is maintained by the U.S. Army Corps of Engineers (USACE) and the Florida Inland Navigation District (FIND). We ask that you take this problem into consideration as you move forward with the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (H.R. 1335).

As you know, Congress charged the National Marine Fisheries Service (NMFS) with the responsibility of consulting with the USACE to protect "Essential Fish Habitat" (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act in 1996. The NMFS has implemented provisions of EFH, which includes the protection of Johnson's seagrass, in all estuaries and coastal waters in Florida, including the actual channel of the IWW.

While we believe that the implementation of Magnuson-Stevens in its intended spirit is important to Congress and the NMFS, the implementation of the EFH provisions in the IWW channel is a cause for concern. As a result of the manner of EFH implementation in Florida, the important maintenance dredging activities of the IWW have been substantially impeded or altered.

On several occasions, the NMFS in Florida has recommended to the Jacksonville Corps to either "mitigate or avoid" the effects to EFH when carrying out the necessary maintenance dredging of the IWW. Often, the only viable solution to these recommendations is for FIND and Corps to not perform maintenance dredging in the area where there is EFH. Thus, FIND has significantly altered or abandoned dredging projects to avoid EFH.

Unfortunately, since the IWW is designed as a linear channel, there is no viable way to avoid EFH without obstructing the passing of commercial vessels and recreational boaters. Likewise, mitigation for maintenance activities has never been required in Florida prior to Magnuson Stevens and this policy has the potential for serious financial impacts to all navigation projects. Furthermore, it is our understanding that this problem is unique to the IWW in Florida.

Congress, through its work on the Magnuson-Stevens Fishery Conservation and Management Act, never intended to stop the operation and maintenance of congressionally authorized and constructed public channels and waterways.

The IWW in Florida is a critical part of Florida's eastern-shore economy. The IWW annually transports over 500,000 recreational vessels; provides \$12 billion in economic output, which includes \$3 billion in personal wages and 66,631 jobs; generates \$540 million in tax revenues and increases property values by \$19.4 billion. Studies have shown that these benefits would be reduced by 45% to 50% if the waterway is not properly maintained.

Since 1985 the Florida Inland Navigation District has spent over \$100 million to manage the dredged material from the IWW in an environmentally sensitive manner. Additionally, because of the shortfall of federal funding for IWW operation and maintenance, FIND has been assisting the USACE by maintenance dredging areas of waterway channel at their own cost.

In light of this problem, we ask that you consider legislative language in new Magnuson-Stevens Fishery Conservation and Management legislation that would clarify that Congress never intended to impede maintenance dredging in congressionally authorized and constructed public waterways, such as the IWW.

Thank you for your careful consideration of our request.

Sincerely,



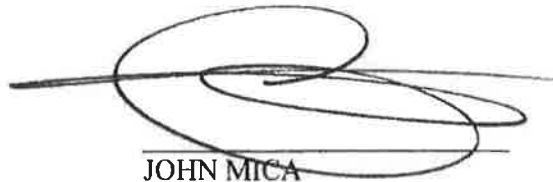
LOIS FRANKEL
Member of Congress



CORRINE BROWN
Member of Congress



DEBBIE WASSERMAN SCHULTZ
Member of Congress



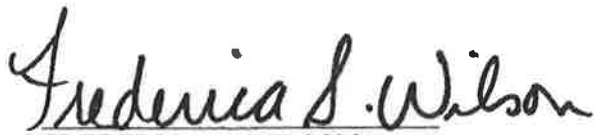
JOHN MICA
Member of Congress



ALCEE L. HASTINGS
Member of Congress



CARLOS CURBELO
Member of Congress

A handwritten signature in cursive script that reads "Frederica S. Wilson".

FREDERICA S. WILSON

Member of Congress

cc: The Honorable John Flemming, Chairman, Subcommittee on Water, Power, and Oceans
The Honorable Jared Huffman, Ranking Member, Subcommittee on Water, Power, and Oceans