

**Board of
Commissioners Meeting
March 18, 2016**

PRELIMINARY AGENDA

FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Meeting

9:00 a.m., Friday, March 18, 2016

The Casa Marina Hotel
691 1st Street North
Jacksonville Beach (Duval County), FL 32250-7101

Item 1. **Call to Order.**

Chair Blow will call the meeting to order.

Item 2. **Pledge of Allegiance.**

Commissioner O'Steen will lead the Pledge of Allegiance to the United States of America.

Item 3. **Roll Call.**

Secretary McCabe will call the roll.

Item 4. **Consent Agenda.**

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

(Please see back up pages following the **COLOR** page)

RECOMMEND: Approval of the Consent Agenda.

- a) Volusia County Waterway Cleanup Program Funding Request, Volusia County, FL.
 - b) Keep Nassau Beautiful Waterway Cleanup Program Funding Request, Nassau County, FL
 - c) Indian River County Small-Scale Derelict Vessel Removal Program Application, Indian River County, FL.
 - d) City of Jacksonville Small-Scale Derelict Vessel Removal Program Application, Duval County, FL
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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.

- February 20, 2016 - Finance & Budget Committee Mtg. (Please see back up pp 7-12)
- February 20, 2016 - Board Meeting (Please see back up pages 13-33)

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. Shelley Trulock is scheduled to present an update on projects and activities.

(Please see back up pages 34-39)

Item 9. Work Order with the U.S. Army Corps of Engineers for Construction of Dredged Material Management Area O-7, Martin County, FL.

The U.S. Army Corps of Engineers (USACE) has been finalizing the plans and specifications for the construction of Dredged Material Management Area (DMMA) O-7 in Martin County. This site was acquired by the District in October of 2003 through a lengthy eminent domain process. The site is one of the District's primary, long-range DMMA's for the maintenance of the Okeechobee Waterway (OWW).

USACE staff will be available to discuss this item in detail and will present a Work Order for this project at the Board meeting.

(Please see back up pages 40-52)

RECOMMEND Approval of Work Order with the U.S. Army Corps of Engineers for the construction of Dredged Material Management Area O-7, Martin County, FL.

Item 10. Staff Report on Duval County Area Projects.

Staff will present a report on the District's Duval County area projects.

(Please see back up pages 54-80)

Item 11. **Presentation and Discussion of the Transportation Investment Generating Economic Recovery Program.**

The Transportation Investment Generating Economic Recovery (TIGER) is a discretionary grant program that provides a unique opportunity for the Federal Department of Transportation (DOT) to invest in road, rail, transit and port projects that promise to achieve national objectives. Since 2009, Congress has dedicated nearly \$4.6 billion for seven rounds of TIGER to fund projects that have a significant impact on the Nation, a region or a metropolitan area.

The railroad bridges located on the St. Lucie River (Okeechobee Waterway) and the Loxahatchee River may be eligible for this funding to improve the navigability of the bridges. At the February Board meeting, staff was requested to research this program, coordinate with the various potential partners, and request All Aboard Florida to provide a presentation and additional information at the March Board meeting.

(Please see back up pages 81-98)

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

Item 12. **Presentation and Discussion on Regional Sediment Management by the U.S. Army Corps of Engineers.**

Typically, dredging projects have been considered and categorized based on their single, primary function, (i.e. a channel dredging project would be considered only as navigation project, etc.). The U.S. Army Corps of Engineers (USACE) has been working on a “systematic approach” to sediment management by examining how projects can “fit” together through such items as scheduling and project modifications and combinations.

A major component of this efforts includes the analysis of the “beneficial use” of dredged material, such as an inlet navigation project placing sand on the beach. This approach more accurately captures the overall benefits of the project and can lead to additional cost-share opportunities, as well as provide an effective management tool for the waterway.

Jackie Keiser with the USACE has been invited to discuss this item.

(Please see back up pages 99-101)

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

Item 13. Fernandina Harbor Channel Re-Alignment, Nassau County, FL.

The Town of Fernandina Beach is purchasing waterfront property north of the current Fernandina Beach Marina. The Town is interested in utilizing this property to expand the current marina by adding additional dockage. The proposed expansion of the marina at this location could be limited because of the existing Fernandina Harbor project setback.

The Fernandina Harbor project is authorized at -28' deep and 400' wide. This supersedes the existing Atlantic Intracoastal Waterway (AIWW) Project, authorized at -12' deep and 125' wide. (Note that the AIWW does not exhibit specific X, Y coordinates in this vicinity, so it has been challenging to establish the exact project location). Since it is unlikely the U.S. Army Corps of Engineers (USACE) would relocate the existing project to accommodate a waterway access project, it appears the expansion of the marina, as proposed in a conceptual plan, would require the de-authorization of the Fernandina Harbor project.

Mark Evans with the USACE has been invited to discuss this item.

(Please see back up pages 102-157)

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

Item 14. Lease Agreement with Rybovich Marina for the Deposition of Dredge Material into Dredged Material Management Area PB-PI (Peanut Island), Palm Beach County, FL.

The District recently successfully completed the deepening of the Intracoastal Waterway (IWW) in the vicinity of Peanut Island. Approximately 100,000 cu/yds of dredged material was placed in Dredged Material Management Area (DMMA) PB-PI (Peanut Island), which is now estimated to be one-third (1/3) full.

Rybovich Marina, located in the vicinity of the deepening project, is requesting to lease DMMA PB-PI for the temporary placement of approximately 100,000 cu/yds of additional material from their dredging project. This material would be removed at the lessee's expense within two years of deposition. Our attorney and engineers have reviewed the lease agreement and the lessee is providing a bond of not less than \$3 M dollars to ensure the removal of the deposited material.

(Please see back up pages 158-176)

RECOMMEND Approval of a lease agreement with Rybovich Marina for the deposition of dredged material into DMMA PB-PI (Peanut Island, Palm Beach County, FL.

Item 15. **Scope of Work and Fee Quote for Additional Support Services for Document Imaging and Electronic File Conversion.**

MCCi has provide a scope and fee quote to address the District's backlog of hard-copy files (over 60+ boxes and 25 files cabinets) and convert this information to the forthcoming electronic filing system (EFS).

The District's IT consultant has recently installed the required hardware updates to the office network and staff has conducted initial meetings with MCCi on the implementation of the EFS. The backlog of files would be addressed following the launch of the EFS system later this month.

(Please see back up pages 177-188)

RECOMMEND: Approval of a scope of work and fee quote in the amount of \$72,500.00 by MCCi for the electronic conversion of existing backlogged files and data at the District office, Palm Beach County, FL.

Item 16. **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 17. **Tallahassee Report.**

The District's state governmental relations firm has submitted a status report concerning activity on state issues that could be of interest to the District.

(Please see back up pages 189-194)

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

Item 18. **Washington D.C. 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 195-202)

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

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.

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT**

Finance and Budget Committee Meeting

8:45 a.m., Saturday, February 20, 2016

The SpringHill Suites

2000 NW Courtyard Circle

Port St. Lucie, St. Lucie County, Florida 34986-2500

ITEM 1. Call to Order.

Committee Chair Netts called the meeting to order at 8:47 a.m.

ITEM 2. Roll Call.

Assistant Executive Director Janet Zimmerman called the roll and Committee Chair Netts, Vice-Chair Cuzzo, and Secretary McCabe, were present. Ms. Zimmerman stated that a quorum was present. Commissioner Sansom arrived at 8:51 a.m.

ITEM 3. Additions or Deletions.

Committee Chair Netts asked if there were any additions or deletions to the meeting agenda. Mr. Crosley stated that there were no additions or deletions to the agenda. He distributed updated financial information.

Vice-Chair Cuzzo made a motion to approve the agenda as presented. The motion was seconded by Secretary McCabe. Committee Chair Netts asked for any further discussion, hearing none, a vote was taken and the motion passed.

ITEM 4. Public Comments.

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

ITEM 5. Financial Statements for December of 2015.

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

Mr. Crosley stated that the First Atlantic Bank \$3 million CD was renewed at a new interest rate of 0.70% and staff plans to place an additional \$3 million into a CD with First Atlantic Bank. The \$5 million TD Bank CD was renewed at an interest rate of 0.70%. The Seacoast Money Market Account is receiving a 0.60% interest rate and he noted that Seacoast is used as the District's primary bank for daily tax collections and payment disbursements. Seacoast Bank accumulated tax collections will be moved to Money Market accounts to obtain higher interest rates. The District's BB&T checking account is open and has small balance that is being used to pay some electronic bills. Electronic bill pay is being set up with Seacoast Bank. The BB&T checking account will be closed in April of 2016.

Mr. Crosley stated that the District's tax collections are proceeding. He noted that Port Everglades is holding \$2.5 million as collateral during the District's use of their Dredged Material Management Area (DMMA). He asked for questions. There were none.

Secretary McCabe made a motion to approve a recommendation to the full Board of the financial statements for December of 2015. The motion was seconded by Vice-Chair Cuozzo. Committee Chair Netts asked for any additional discussion. Hearing none, a vote was taken and the motion passed.

ITEM 6. December 2015 Budget Summary and Project Status Expenditure Reports.

Mr. Crosley presented the Budget Summary and Project Status Expenditure Reports for December 2015.

Mr. Crosley stated that the District's budget includes \$4.8 million for the Matanzas and the St. Augustine Intracoastal Waterway (IWW) dredging projects. He asked for questions. There were none.

ITEM 7. FY 2015-2016 Budget Amendment No. 1.

Mr. Crosley stated that staff has prepared Budget Amendment No. 1 to the FY 2015-2016 budget. This is the initial budget amendment to the District's current FY budget and is being made to reflect the actual expenditures by fiscal year in the Waterways Assistance Program (WAP) and costs associated with projects scheduled with the U.S. Army Corps of Engineers (USACE). He briefly reviewed those changes. He noted that the USACE has received \$3.3 million in federal funding for the District's projects.

Vice-Chair Cuozzo made a motion to approve a recommendation to the full Board of Resolution No. 2016-01 for Budget Amendment No. 1 to the FY 2015-2016 Budget. The motion was seconded by Commissioner Sansom. Committee Chair Netts asked for any additional discussion. Hearing none, a vote was taken and the motion passed.

ITEM 8. Delegation of Authority Report.

Mr. Crosley presented the Executive Director's Delegation of Authority Report and stated that six (6) actions were taken from January 5, 2016 through February 8, 2016 and is presented for committee review. He asked for any questions. There were none.

ITEM 9. Additional Agenda Items or Staff Comments.

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

ITEM 10. Additional Commissioners Comments.

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

ITEM 11. Adjournment.

Committee Chair Netts stated that hearing no further business the meeting was adjourned at 9:03 a.m.

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**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT**

Board of Commissioners Meeting

9:00 a.m., Saturday February 20, 2016

The SpringHill Suites

2000 NW Courtyard Circle

Port St. Lucie, St. Lucie County, Florida 34986-2500

ITEM 1. Call to Order.

Chair Blow called the meeting to order at 9:06 a.m.

ITEM 2. Pledge of Allegiance.

Commissioner Donaldson led the Pledge of Allegiance to the Flag of the United States of America.

ITEM 3. Roll Call.

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

ITEM 4. Consent Agenda.

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

Treasurer Netts made a motion to approve the Consent Agenda as presented. The motion was seconded by Commissioner Donaldson. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 5. Additions or Deletions.

Chair Blow 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 7A, Palm Beach County Request for a Project Cost Modification to their Peanut Island Erosion Control and Reef Project Waterways Assistance Program Project (project No. PB-14-184), Palm Beach County, Florida; Item 7B, Annual South Broward Waterway Cleanup Event Request, Broward County, Florida; and, Item 7C, Annual North Broward Waterway Cleanup Event Request, Broward County, Florida. Additionally, there will be additional information distributed for Item 15.

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

ITEM 6. Public Comments.

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

Chair Blow noted that former Commissioner Gail Kavanagh was in attendance. Mr. Crosley noted that Ms. Kavanagh is a valued and appreciated former commissioner. He presented Ms. Kavanagh with an original 1930's FIND booklet announcing the Intracoastal Waterway opening. He also presented her with a plaque for her service as a FIND Commissioner from December 14, 2007 until March 26, 2015 with a photograph of an assistance project within St Lucie County. Ms. Kavanagh thanked the Board.

ITEM 7. Board Meeting Minutes.

Chair Blow asked if there were any comments or questions regarding the January 15, 2016 Finance and Budget Committee Minutes and the Board Meeting Minutes. There were none.

Commissioner Sansom made a motion to approve the January 15, 2016 Finance and Budget Meeting Minutes, as presented. The motion was seconded by Commissioner Chappell. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

Attorney Breton requested that the following changes be made to the January 15, 2016 Board Meeting Minutes, Item 11, paragraph nine (9) to read: "continuing contracts" instead of CCNA in two sentences; and, remove the sentence "The CCNA would fall under the actual construction of the DMMA"; paragraph 13 to read "Continuing Services Contracts"; and, paragraphs 14, and 15 to read "continuing" instead of CCNA.

Treasurer Netts made a motion to approve the January 15, 2016 Board Meeting Minutes, as amended. The motion was seconded by Commissioner Chappell. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 7A. Palm Beach County Request for a Project Cost Modification to the Peanut Island Erosion Control and Reef Project Waterways Assistance Program Project, Palm Beach County, Florida.

Ms. Zimmerman stated that Palm Beach County has submitted a request for a major project cost modification to their Peanut Island Erosion and Reef project (project No. PB-14-184). Due to concerns from the Port of Palm Beach, the County is unable to construct the original remaining reef portion of the project. The County is now requesting to reallocate FIND funding from the reef construction to an additional area on Peanut Island

in need of erosion control. A minor component of the project modification will also include improved boater access to the island through dredging of the western boat basin and boat dock at Peanut Island. The overall District project cost share of this project will decrease from \$166,800.00 to \$128,336.00.

Treasurer Netts made a motion to approve the project cost estimate modification request to Project Agreement No. PB-14-184, Peanut Island Erosion Control and Reef Project, Palm Beach County, Florida. The motion was seconded by Commissioner Isiminger. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 7B. Annual South Broward Waterway Cleanup Event Request, Broward County, Florida.

Ms. Zimmerman stated that the Marine Industries Association of South Florida has submitted a funding assistance request for the 39th Annual South Broward Waterway Cleanup to be held on March 5, 2016. The targeted waterways include the South Fork of New River, South Broward Intracoastal Waterway and Dania Cutoff Canal.

Commissioner Chappell made a motion to approve the Marine Industries Association of South Florida request for \$10,000.00 in funding assistance through the District's Waterway Cleanup Program for the 2016 Annual South Broward Waterway Cleanup. The motion was seconded by Commissioner Donaldson. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 7C. Annual North Broward Waterway Cleanup Event Request, Broward County, Florida.

Ms. Zimmerman stated that the Marine Industry Cares Foundation has submitted a funding assistance request for \$5,000.00 for the North Broward County Waterway Cleanup

to be held on March 5, 2016. The targeted waterways will include the Hillsboro Canal, North Fork of the New River and North Intracoastal Waterway.

Commissioner Chappell made a motion to approve the Marine Industry Cares Foundation request for \$5,000.00 in funding assistance through the District's Waterway Cleanup Program for the 2016 Annual North Broward Waterway Cleanup. The motion was seconded by Commissioner Donaldson. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 8. 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 Plans and Specifications for construction of Dredged Material Management Area (DMMA) O-7 are finalized and awaiting Technical Review. The specifications for the site access road and the dimensions have been agreed upon. This access road will be costly and the team will review the project to determine where cost savings can be made. Drainage issues within the site are being reviewed. The project is planned for advertisement in April of 2016 and contract award in May of 2016. Ms. Trulock plans to present the Project Work Order at the March 2016 FIND Board Meeting.

Commissioner Sansom asked if the cost of the access road was considered when this site was purchased.

Mr. Crosley stated that he would get back to the Board about the original purchase contract and noted that there is an access road to the north of DMMA O-7.

Mr. Adams stated that the original plan was to utilize the government easement to build the access road to the site. Staff is determining how high this access road needs to be

built up to make it usable for DMMA construction. The property owner's road to the north of the site is what is currently being used to access the site and to date, the property owner has not objected to that use. Staff will be contacting that property owner to determine if that road can be used during site construction which would involve the use of heavy equipment.

Ms. Trulock stated that the USACE is moving forward with permitting the IWW Broward Reach I dredging project. The team will proceed with the appropriate National Environmental Policy Act (NEPA) coordination and documentation to obtain the FDEP permit for the dredging action and nearshore placement. Given the small quantity of expected dredged material, the most cost effective way to pursue the dredging would be utilization of a USACE dredge, either the Currituck or Murden. Dredging will take place in February of 2017.

Commissioner Chappell asked the amount of material to be dredged, 50,000 or 80,000 cubic yards. Ms. Trulock stated that she would like to dredge 80,000 cubic yards of material (-10' MLW with a -2' overdredge). Ms. Trulock stated that \$2.6 million of Work Plan funding will go towards the St. Augustine and Matanzas IWW dredging projects. Development of the Plans and Specifications for the St. Augustine and Matanzas reaches of the IWW are ongoing and will be completed by May of 2016. She stated these projects will be pushed up because Work Plan funding cannot be carried forward. She stated that currently, the projects are planned for advertisement in May of 2016, contract award in July of 2016. A Work Order should be brought to FIND in March of 2016.

Chair Blow asked if there was any word on the FDEP permit or people interested in placing the material on Vilano. Ms. Trulock stated that she has not received an update on their efforts.

Ms. Trulock stated that the Plans and Specifications for construction of DMMA O-23 will be developed in February of 2017.

Ms. Trulock stated that last Tuesday, she and Martin County staff met with FDEP in Tallahassee to discuss modification of the existing permit held by the county to allow for IWW dredged material to be placed into the settling basin within the St. Lucie Inlet. Martin County would then use the material for beach placement south of the inlet. She stated that Mr. Brantley with FDEP thought that this would be a minor permit modification, noting that the USACE has all the necessary Geo-Technical information.

Mr. Crosley noted that the St. Lucie Inlet pre-construction meeting with FDEP was held on Wednesday, and another meeting was held on Friday of last week with the USACE. During these meetings, Taylor Engineering presented the project plan to dredge the entrance to the Okeechobee Waterway wider to decrease the District's dredging frequency of the Crossroads area from every three (3) years to every five (5) years. This widening project will take time to permit, therefore it is critical to utilize the USACE hopper dredge to help manage the current Crossroads shoaling. Ms. Trulock noted that the hopper dredging event will not replace the results that the larger dredging event will produce.

Ms. Trulock stated that the IWW Waterway Tour will travel south from Stuart to Miami and is scheduled for May 3 through May 5, 2016. She noted that Stacy Brown and Jeff McGee from USACE Washington Division have been invited to participate in the tour.

Commissioner Williams asked about the dredging schedule for the IWW South of Fernandina Beach. Mr. Adams stated that dredging project is scheduled for the summer of 2016. The United States Coast Guard is realigning and remarking the channel to where there is naturally deep water. He noted that the USACE general permit has expired. Tori White is working on the review and plans to have it resolved by May of 2016. Ms. Trulock stated that she will put together a white paper on why the channel should be relocated to deep water and send it to Division for approval.

Commissioner Chappell stated that there will be funding the 2017 federal budget for Zika virus prevention. He asked about the USACE exotic vegetation maintenance and mosquito control plans and suggested that the USACE look into available Zika prevention funding.

ITEM 9. Staff will present a report on the District's St. Lucie County area projects.

Mr. Crosley stated that Phase I of the Dredged Material Management Plan (DMMP) for the Intracoastal Waterway in St. Lucie County was completed in 1997. He stated that Phase II of the DMMP was completed in 2001 and all major land acquisition was completed in 1999.

Mr. Crosley stated that the 50-year dredging projection for this county is 29,201 cubic yards and the storage projection is 62,782 cubic yards, which is the second lowest of the District's twelve (12) counties. Mr. Crosley stated that design, engineering and permitting for limited dredging of St. Lucie Dredging Reach I is underway. He stated that dredging may occur in late 2016. He stated that there are a couple of shoals in the Intracoastal Waterway (IWW) north and south of the Fort Pierce Inlet in Reach I that have been identified as navigation problems and are expected to be corrected with this dredging

effort. This area has not been dredged in forty (40) plus years, so there are numerous considerations such as habitat resources and utility crossings that are currently being resolved.

Mr. Crosley stated that there are two Dredged Material Management Areas (DMMA) within St. Lucie County. He stated that DMMA SL-2 has been constructed and was recently inspected for the deposit of material from the forthcoming St. Lucie Dredging Reach I project. He stated that DMMA M-8 has been fenced and the initiation of site development is recommended within the next year.

Mr. Crosley stated that the St. Lucie County Waterways Economic Study was completed in 2001 and updated in 2011. The studies found that there were 125 waterway-related business in the county. He noted that the Taylor Creek dredging, Fort Pierce Municipal Marina, storm protection, public boat ramps and various other downtown Fort Pierce projects have participated in the District's assistance programs.

ITEM 10. Lease Agreement Extensions with the Town of Jupiter for Dredged Material Management Area (DMMA) MSA-610 and 611A, Palm Beach County, Florida.

Ms. Zimmerman stated that the current lease agreement with the Town of Jupiter for the referenced property has expired. This item was presented to the Board at the January 15th Board meeting. The Board reviewed the proposed agreement and requested a change in the lease term from ten (10) years to five (5) years. The town has agreed to this change.

Ms. Zimmerman stated that in addition, the District and the town have agreed to remove exotic vegetation along the site's perimeter to establish a native vegetative buffer at this location and to address the minor encroachment issues arising from some neighboring homes which border the boundary of this property.

Commissioner Isiminger asked if the town is proposing or required to remove exotic vegetation. Mr. Crosley answered that the town is proposing to remove exotic vegetation. Both the town and the Bluffs HOA are supportive of removing the exotic vegetation and addressing the encroachment issues.

Commissioner Isiminger commented that the native vegetation should be planted in the buffer area only. Ms. Zimmerman stated that language can be clarified in the Lease Agreement.

Treasurer Netts made a motion to approve a five (5) year lease agreement extension with the Town of Jupiter for the temporary use of MSA 610 & 611A, Palm Beach County Florida. The motion was seconded by Commissioner Sansom. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 11. Scope of Services and Cost Proposal for Utility Crossing Coordination – St. Lucie Reach 1 Intracoastal Waterway Maintenance Dredging Project, St. Lucie County, Florida.

Mr. Crosley stated that as a continuation of the permitting and design efforts necessary to implement the St. Lucie County Reach 1 Intracoastal Waterway (IWW) Maintenance Dredging Project (project), it will be necessary to address utility line crossings within the project area. Taylor Engineering has been working on the location and identification of these utility lines, and has preliminarily identified twelve (12) utility crossings that could affect the design and implementation of the project. It should be noted that this area of the IWW has not been dredged in over thirty (30) years, so the potential for impact is heightened.

Mr. Crosley stated that the owners of each utility will be contacted for information and cooperation, and the U.S. Army Corps of Engineers (USACE) will be consulted to

verify the permitting and construction (as-built) of each crossing. Utilities that are not in compliance with their permits conditions will be requested to relocate at additional depth. Staff has reviewed the proposal and found it to be necessary and reasonable.

Commissioner Chappell asked if these crossings will impact the current dredging project. Mr. Adams stated that the crossings will not impact the current dredging plan.

Commissioner Donaldson noted that the Nuclear Power Plant is currently performing directional boring and suggested checking their project permits. Mr. Crosley noted that directional boring is usually a minimum of -20 feet below the District's channel and those projects are USACE permitted.

Treasurer Netts made a motion to approve a scope of services and cost proposal in the amount of \$24,655.00 from Taylor Engineering for additional Utility Crossing Coordination – St. Lucie Reach 1 Intracoastal Waterway Maintenance Dredging Project, St. Lucie County, Florida. The motion was seconded by Commissioner Donaldson. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 12. Snook Islands Natural Area Resources Management and Monitoring Agreement, Palm Beach County, Florida.

Mr. Crosley stated that in 2005, the Navigation District and Palm Beach County constructed the “Snook Islands Natural Area” to rehabilitate a previously disturbed aquatic habitat and provide advance mitigation credits to the District for future Intracoastal Waterway projects.

Mr. Crosley stated that this successful 46-acre project included seagrass habitat, wetland mangrove habitat and oyster reefs. Seventy-five percent (75%) of the project mitigation is assignable to the District, consistent with the original cost-share from this

project. As a component of the U.S. Army Corps of Engineers (USACE) permit conditions, the project must be maintained and monitored for a period of five (5) years.

Mr. Crosley stated that Palm Beach County has submitted a scope and fee quote to assist the District with this effort. Since the county is already maintaining and monitoring their portion of the project, the quote is both reasonable and mutually beneficial to both parties.

Commissioner Chappell asked if the regulatory agencies have accepted this mitigation to offset the District's projects. Mr. Crosley answered yes.

Commissioner Isiminger made a motion to approve a five (5) year agreement with Palm Beach County for maintenance and monitoring of the Snook Islands Natural Area Mitigation Project, Palm Beach County Florida. The motion was seconded by Secretary McCabe. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 13. Scope of Work and Fee Quote for Additional Administration & Design Services, Palm Beach Intracoastal Waterway Deepening Project North, Palm Beach County, Florida.

Mr. Crosley stated that the implementation of the Palm Beach Intracoastal Waterway (IWW) Deepening Project North near the Lake Worth (Palm Beach) Inlet was complicated by the discovery of rock formations scattered throughout the project template. This material lead to additional project costs that were approved by the Board in November of 2015, as well as decreased productivity and a lengthened project schedule.

Mr. Crosley stated that the project contractor was able to make modifications to the on-site equipment, modify their dredging techniques and continue working. However, due to the additional time and consideration required for the change in project conditions, it

was necessary to modify the scope of engineering services. In addition, the use of the long-dormant Peanut Island Dredged Material Management Area has exposed some dike drainage considerations that need to be addressed including ponding water outside of the berm.

Commissioner Isiminger stated that he has a Conflict of Interest for the Palm Beach County Deepening project. He stated that he has been retained by Lockheed Martin Corporation, JS Family Holding, Inc., and JAMCO, Inc. to provide professional engineering services for marine facilities at their properties. The projects he is working on for these clients are not directly related to the deepening project. The Intracoastal Waterway deepening project will result in increased depth in the waterway adjacent to their properties, which could benefit the noted parties. He completed Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, which will be attached to and become part of the official February Board Meeting Minutes.

Commissioner Donaldson made a motion to approve a scope of work and fee quote in the amount of \$60,378.39 from Taylor Engineering for Additional Administration & Design Services, Palm Beach Intracoastal Waterway Deepening Project North, Palm Beach County, Florida. The motion was seconded by Treasurer Netts. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed. Commissioner Isiminger did not vote on this item.

ITEM 14. Approval of a Quote for Fortress Gate Installation at Dredged Material Management Are DU-8, Duval County, Florida.

Mr. Crosley stated that the Dredged Material Management Area (DMMA) DU-8 has been under constant pressure from local trespassers and other unauthorized access. Staff has had the gate repaired at the location several times and continues to work with the

Sheriff's office with a standing no trespass order. In addition, staff will work with neighbors at the site to assist in reporting unauthorized access.

Mr. Crosley stated that the gate has been recently vandalized and temporarily repaired. This proposal would install a fortified gate to potentially reduce vandalism and unauthorized access.

Commissioner Isiminger suggested that cameras be installed at the site. Mr. Crosley stated that a camera was installed and the locals removed the memory card. Commissioner Isiminger suggested game cameras that operate by battery. Commissioner Sansom suggested installing an obvious camera and several hidden cameras that would be harder for the locals to locate.

Commissioner Chappell made a motion to approve the quote from David Barton Fence & Wall, LLC in the amount of \$14,500.00 for a fortified gate replacement at DMMA DU-8, Duval County, Florida. The motion was seconded by Commissioner Sansom. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 15. Scope of Services and Cost Proposal for Independent Environmental Monitoring and Construction Observation Services for the Port Everglades Alternate Access Road Construction, Broward County, Florida.

Mr. Crosley stated that as part of the approved Broward Intracoastal Waterway (IWW) Deepening Project, the District was requested by Port Everglades to construct an alternate access road to the temporary Dredged Material Management Site (DMMA-PE). A portion of the road access traverses Florida Power & Light (FPL) owned property. As part of a Board-approved agreement with FPL, the District is required to hire an independent contractor to monitor road construction.

Mr. Crosley stated that since the agreement with FPL did not specifically list the required testing parameters, Taylor Engineering has recommended a similar protocol for the pre and post DMMA testing utilized for the 2012 deepening of the Dania Cut-off Canal.

Mr. Crosley stated that staff has presented a recommended list of approved contractors in the area of the project. He presented the list and asked for approval of all of the contractors in the listed order, as well as the proposed budget of \$50,000.00 for this project. Staff will then work with FPL for final approval of the contractor and work project. This monitoring will begin March 1st with Taylor Engineering monitoring the contractor.

Treasurer Netts made a motion to approve the Scope of Services and Cost Proposal for Independent Environmental Monitoring and Construction Observation Services for the Port Everglades Alternate Access Road Construction, Broward County, Florida. The motion was seconded by Commissioner Chappell. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 15A. Response to Request for Proposal for Additional Work to Temporary Access Road, Intracoastal Waterway (IWW) Deepening Project, Broward County.

Mr. Crosley stated that he would like to add to the agenda: Item 15A, Response to Request for Proposal for Additional Work to Temporary Access Road, Intracoastal Waterway (IWW) Deepening Project, Broward County.

Commissioner Chappell made a motion to approve the addition of Item 15A, Response to Request for Proposal for Additional Work to Temporary Access Road, Intracoastal Waterway (IWW) Deepening Project, Broward County, to the agenda. The motion was seconded by Treasurer Netts. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

Mr. Crosley stated that Florida Power and Light (FPL) has requested additional work to be performed for the temporary access road above what was originally specified in the preliminary agreement. The additional project documents have been reviewed by Taylor Engineering and they worked with Cashman Dredging, who provided pricing for the additional work included within the reviewed documents. The pricing provided is an increase to the existing Line Item 0007, Temporary Access Truck Route. The proposed increase is \$175,306.00.

Commissioner Chappell asked about road lighting. Mr. Adams stated that FPL mandated lighting has not been included in the proposal because it is currently not anticipated that trucking will occur in the evening. If trucking is required in the evening, a lighting proposal will be brought to the Board for approval. Mr. Adams stated that road construction will begin in two weeks and dredging will commence after May 1st.

Commissioner Sansom asked the cost of road lighting. Mr. Adams answered approximately \$30,000.00.

Commissioner Chappell made a motion to approve the Proposal for Additional Work to Temporary Access Road, Intracoastal Waterway (IWW) Deepening Project, Broward County, in the amount of \$176,306.00. The motion was seconded by Treasurer Netts. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 16. Finance and Budget Committee Report.

Committee Chair Netts stated that the District's Finance and Budget Committee met before today's Board meeting. He noted that the committee reviewed and recommends approval of the December 2015 financial information.

Committee Chair Netts made a motion to approve the recommendations of the District's Finance and Budget Committee. The motion was seconded by Commissioner Sansom. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

Committee Chair Netts stated that the District's Finance and Budget Committee reviewed and recommends approval of FY 2015-2016 Budget Amendment No.1.

Committee Chair Netts made a motion to approve the recommendations of the District's Finance and Budget Committee to approval FY 2015-2016 Budget Amendment No.1. The motion was seconded by Vice-Chair Cuzzo. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

ITEM 17. Tallahassee Report.

Attorney Jon Moyle sent a report on Florida Legislative activity and bills of interest or with possible impacts to special Districts. House Bill 745 prescribes in detail that special districts maintain and present certain budget information of each special district's website in specific ways. He noted that the District currently performs these tasks.

Commissioner Sansom noted that the anchoring bill and the derelict vessel removal bill were presented to the Legislature. Changes in the derelict vessel bill sought to provide funding to help remove these vessels from the waterway. The Florida Fish and Wildlife Conservation Commission (FWC) has requested \$1.5 million from the Legislature for funding statewide derelict vessel removal.

Commissioner Sansom stated that the FWC will be making an application to the District's Cooperative Assistance Program (CAP) for derelict vessel removal funding within the District.

ITEM 18. Washington Report.

Mr. Crosley stated that the Army Corps of Engineers (USACE) Fiscal Year (FY) 2016 Work Plan was released and provided \$3.3 million in funding for the District's waterways.

Mr. Crosley s noted that the Senate may take up a more comprehensive Magnuson Stevens Act. The Water Resources Development Act (WRDA) and the Magnuson bill may be possible vehicles to obtain legislative language to address the District's compensatory mitigation issue.

Commissioner Chappell referred to the two versions of WRDA legislative language on page 161, and stated that the language should be stronger to avoid any new wording for impact mitigation.

Mr. Crosley stated that the District's Washington D.C. trip will be scheduled from February 29, 2016 through March 3, 2016. He stated that Jim Marino and Commissioners Blow and Williams indicated that they will be going on the trip.

Commissioner Sansom stated that the All Aboard Florida (AAF) would like to work with FIND as a funding partner in the next Transportation Investment Generating Economic Recovery (TIGER) Grant cycle, a Federal transportation grant program. The TIGER Grant program could help provide funding for major rehabilitation and repairs to the St. Lucie and Loxahatchee River Railroad bridges. Because the primary applicant must be a public agency, the AAF is proposing that FIND be the lead applicant and funding partner with AAF. Additional potential partners such as the Jupiter Inlet District and Palm Beach County will also be contacted. This multi-partner public private model is similar to other successful TIGER Grants in South Florida. AAF will put together the application and

FIND would designate staff to apply and handle the TIGER Grant application on [grants.gov](https://www.grants.gov). The total grant request will be \$15 million, which represents fifty-percent of the total project cost. AAF would provide the majority of the required funding match, but other funding partners, including FIND could also provide nominal funding. The railroad bridge improvements would include span replacement, modification to structural rehabilitation, and replacement of draw bridge equipment. The result would provide improved vertical clearance of these bridges for increased navigation.

Treasurer Netts asked how this would improve FIND's interests. Commissioner Sansom stated that part of the improvements would be to increase vertical clearance approximately ten (10) more feet and center console boats with T-tops would be able to pass under the bridge while it is closed. This would help with the flow of waterway traffic under the bridge.

Commissioner Donaldson stated that the width of the St Lucie River Bridge is so narrow that two boats cannot travel under it at the same time. The re-design should widen the span to the same standards as the nearby vehicle bridge to allow barges to get through the opening, allowing additional commerce to Indiantown.

Treasurer Netts asked if AAF made a presentation at the March meeting, would that give staff enough time to meet the April 1st application deadline. Mr. Crosley stated that he went on the federal web site and could not find a current application for this year's program. He noted that the application may not become available until the federal government provides funding for the program. He stated that a pre-application is required for this program.

Chair Blow suggested that because this is a federal program, Jim Davenport should review the application and deadlines.

Commissioner Sansom suggested that staff research the program and bring the information back to the March meeting for Board discussion. He noted that because of the application deadline, staff may need to be further ahead with the application process by the March meeting, noting the application could be withdrawn at a later time if the Board is not in favor of moving forward.

ITEM 19. Additional Staff Comments and Additional Agenda Items.

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

Ms. Zimmerman stated that staff sent each commissioner an electronic Travel Reimbursement form. She noted that the mileage rate decreased slightly on January 1, 2016.

Ms. Zimmerman stated that a letter was sent to the Florida Department of State (DOS) regarding the Miami Circle Issue. Commissioner Crowley has met with the Miami River Commission and DOS and has developed an agreement with the Miami River Commission (MRC) to have MRC maintain that property. Mr. Crosley stated that Commissioner Crowley will make a project report at the May meeting.

ITEM 20. Additional Commissioners Comments.

Chair Blow asked if there were any additional commissioner comments.

Commissioner Chappell said the City of Lighthouse Point staff has thanked him for the District's removal of the exotic trees at District Site MSA 726. He noted that a tornado went through the site last week and the local residents were thankful that the large trees on the property had been removed.

Commissioner Donaldson thanked former Commissioner Kavanagh for recommending him as the St. Lucie County FIND Commissioner.

Commissioner Williams stated that the Fernandina Marina would like to expand to the north and purchase additional property. In 1999, the USACE agreed to move the channel but FIND protested. The city would like to present the proposed project and address this issue at the District's March meeting.

Ms. Trulock noted that the Fernandina Harbor Project is authorized at a -28-foot depth. The IWW channel is not the issue, it is shifting the Fernandina Harbor Project westward. To shift the Fernandina Harbor Project requires federal authorization to make channel changes, which would require Congressional Authority to modify.

Chair Blow suggested placing this item on the District's March agenda.

Treasurer Netts asked if commissioners would like bus transportation from the hotel to the Flagler County Community Outreach in April.

ITEM 21. Adjournment.

Chair Blow stated that hearing no further business the meeting was adjourned at 11:49 a.m.



**US Army Co
of Engineers**

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
March 18, 2016**



WORK ACTIVITIES IN FY 16:

1. DMMA O-7 (Martin County)
2. IWW: Broward Reach 1 (Broward County)
3. IWW: St. Augustine and Matanzas (St. Johns County)
4. DMMA O-23 (Martin County)
5. Crossroads (Martin County)
6. Miscellaneous



**US Army Co
of Engineers**

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
March 18, 2016**



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

1. WORK ACTIVITY: DMMA O-7

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Finalization of plans and specifications, environmental coordination, procurement and administration of the construction contract for DMMA O-7.

SCHEDULE O-7:

- Contract Advertisement Initiated: 25 April 2016
- Bid Opening: 23 May 2016
- Contract Award: 21 June 2016

FIND WORK ORDER: Funding for completion of P&S will be funded with 100% federal funding. A work order for construction funds will be presented at the March 2016 FIND Board Meeting.

NAME OF CONTRACTOR: TBD

STATUS: P&S for DMMA O-7 are wrapping up. All reviews are anticipated to be complete by 15 April. Advertisement is scheduled for 25 April 2016 and award on 21 June 2016. The contracting tool will likely be a small business set aside with the proposals being evaluated on a least cost technically acceptable. This will require a source selection team to be assembled to evaluate each proposal under this criteria. A work order is being presented at the March Board Meeting for construction funds.



**US Army Co
of Engineers**

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
March 18, 2016**



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

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: A 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'. Even at 80k cy, 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:

- Complete Environmental Assessment 16 Nov 2016
- Obtain Water Quality Certification 14 Nov 2016
- Obtain updated Survey 1 Dec 2016
- Provide Dredge Orders to SAW 1 Feb 2017

FIND WORK ORDER: Current path forward is to proceed with dredging with a Wilmington Hopper dredge unless it is determined that the quantity is large enough to justify a standard procurement. Anticipate a work order being presented to the FIND Board in January 2017.

NAME OF CONTRACTOR: TBD

STATUS: The team is moving forward with the appropriate NEPA documentation as well as obtaining an FDEP permit for the dredging action and placement in the designated nearshore. The team will utilize seagrass mapping that Regulatory has performed to assist in our coordination activities with NMFS. Mapping does not show seagrasses in the channel within this reach nor hard bottoms. There does appear to be sparse seagrass within the anchor zones that we will address. The placement area is the area immediately offshore of the approved Broward Segment 2 shore protection project which means that there is some existing information readily available, such as cultural surveys.



**US Army Co
of Engineers**

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
March 18, 2016**



3. WORK ACTIVITY: IWW St. Augustine / Matanzas

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Development of Plans and Specifications for St. Augustine and Matanzas reach of the IWW. Plan is to combine these two reaches to save in mobilization cost since both require the same equipment and have the same placement method.

SCHEDULE: (Tentative)

- | | |
|--|--------------|
| • Obtain Survey | 6 Nov 2015A |
| • Initiate P&S | 16 Nov 2015A |
| • Verify NEPA/FDEP permit | 16 Nov 2015A |
| • Complete Draft P&S including reviews | 16 May 2016 |
| • Advertise Contract | 17 May 2016 |
| • Bid Opening | 14 June 2016 |
| • Contract Award: | 13 July 2016 |

FIND WORK ORDER: P&S will be funded 100% with Federal funding in 2016. A work order will be presented to the FIND Board in April 2016 for funding to perform dredging.

NAME OF CONTRACTOR: TBD

STATUS: Plans and specifications will be completed in May 2016 including all associated reviews. The Land Use Agreement for placement of material within Anastasia State Park is currently being coordinated with FDEP Parks. The Park has requested that we shift the placement northward toward the Inlet between R128 – R131. Previous placement for IWW material has been between R132-R139, but the Park has requested that we shift the placement northward since it appears the material is staying on the beach longer there. The Land Use Agreement is for placement between R128-R131. This action also required a FDEP minor permit modification. The Corps' team has received a RAI from FDEP and all concerns have been addressed. Anticipate receiving the Land Use Agreement AND FDEP permit modification in plenty of time for a mid May 2016 advertisement. In addition, coordination is also underway with St. Johns County on required easements for placement at Summerhaven. On 15 March 2016 a proposal for a permanent easement for sand placement at Summerhaven will be included on the consent agenda. A work order for dredging will be presented at the April 2016 FIND Board Meeting. The work order will only be for funding above the \$2.6M received in work plan funding allocated for St. Augustine/Matanzas reaches.



**US Army Co
of Engineers**

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
March 18, 2016**



4. WORK ACTIVITY: DMMA O-23 (Martin County)

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Development of Plans and Specifications for the construction of DMMA O-23 which is located in Martin County, Florida.

SCHEDULE: (Tentative)

- | | |
|---------------------------------|---------------|
| • Initiate P&S | 16 May 2016 |
| • Complete NEPA | 13 Feb 2017 |
| • Complete P&S with all reviews | 25 April 2017 |
| • Advertise Contract | 1 May 2017 |
| • Contract Award: | 27 June 2017 |

FIND WORK ORDER: P&S will be funded 100% with Federal funding in 2016. Construction of DMMA O-23 will be with FIND Contributed Funds.

NAME OF CONTRACTOR: TBD

STATUS: NEPA activities for DMMA O-23 kicked off on 16 Nov 2015 and P&S will kick off on 16 May 2016. NEPA will be extensive. A FDEP exemption will be obtained since this is upland construction. Design concepts will be the same as DMMA O-7, with the use of the same weir system. There is a federally listed plant, reindeer lichen, which grows in scrub areas which is present on the site. Probably 10-20 SF of the species is estimated to be present which will have to be relocated out of the construction area. Draft schedule shows advertisement of the construction contract in May 2017. Anticipate a work order being presented to the FIND Board in April 2017.



**US Army Co
of Engineers**

**IWW STATUS UPDATE
FIND Board of Commissioners Meeting
March 18, 2016**



5. WORK ACTIVITY: IWW Crossroads

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Staff has identified a small problematic shoal within IWW Crossroads and has asked that the Corps investigate the most efficient way to remove it.

FIND WORK ORDER: Depending on the order of magnitude for dredging, a FIND work order may be required. Amount to be determined.

NAME OF CONTRACTOR: TBD

STATUS: There is approximately 10k cubic yards of material in a problematic shoal within the Crossroads reach of the IWW. The plan is to utilize a Corps dredge to remove this small quantity. An EA and FONSI have been completed that evaluated material being dredged from the IWW and placed within the settling basin at St. Lucie Inlet. After coordination with FDEP, it was determined that the best path forward is to proceed with a MINOR modification to the existing IWW Crossroads permit instead of modifying Martin County's permit. Corps team is currently pulling all required data together to submit to FDEP for the minor permit modification. Anticipate the modification package to go back over to FDEP by 25 March 2016.

The Snell will be obtaining cores for Crossroads once work plan money arrives. During the same time cores will be taken in the Sawpit area as well. Both to support ongoing FIND investigations that are being coordinated with Taylor Engineering.



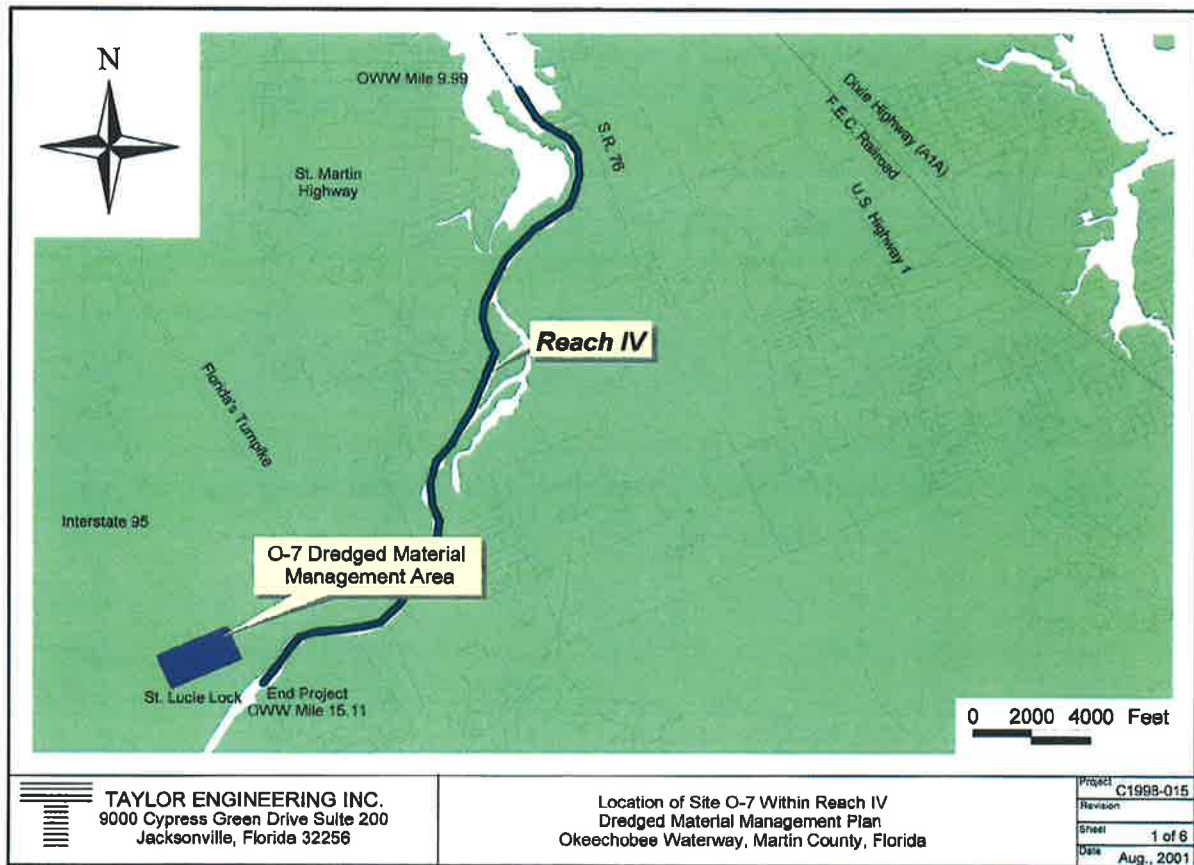
DMMA O-7 CONSTRUCTION AND OWW REACH IV DREDGING STATUS UPDATE March 2016

DESCRIPTION OF WORK: Work includes construction of Dredged Material Management Area (DMMA) O-7 and maintenance dredging of shoals in Reach IV of the Okeechobee Waterway (OWW) from north of the Palm City Bridge to the St. Lucie Lock.

PRELIMINARY SCHEDULE:

DMMA O-7 Plans and Specs:	Complete (USACE)
Bid O-7 Construction:	2016
O-7 Bid Opening:	TBD
O-7 Construction:	9 month construction period
Dredging Initiated:	Following O-7 construction

STATUS: Construction pending Work Order execution.



95

O-7

16A

SW Market St

ove St

SW Gregor Way

SW St. George St

CERTIFICATE OF LANDS FOR PROJECT LIFE

TITLE CERTIFICATION NO. DMMA 0-7

PROJECT: Dredged Material Management Facility 0-7 Construction.

LOCATION: Martin County, FL

The Florida Inland Navigation District, as Local sponsor of the portions of the Okeechobee Waterway located in Palm Beach and Martin Counties, Florida, does hereby certify that the below described additional lands are available for use by the Department of the Army for the Intracoastal Waterway Project in Florida.

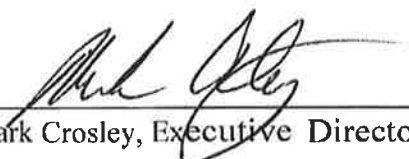
The Florida Inland Navigation District certifies that it possesses the below described interests in the additional lands depicted on the attached maps entitled, Dredged Material Management Facility 0-7 and dated July 2, 2002 at the time of execution of this Certification. The Florida Inland Navigation District also certifies that the provisions of Public Law 91-646, as amended, have been complied with.

The Florida Inland Navigation District does hereby grant to the Department of the Army an irrevocable right to enter for purposes of construction, inspection and completion of the Project upon additional lands which the Florida Inland Navigation District possesses the necessary use rights for the Project.

The Florida Inland Navigation District hereby certifies that it has at least the following minimum interests in the additional lands depicted on the attached map and as identified thereon:

Permanent (public) ownership of the described property - Parcel
#553841000015000104 for the purposes of dredged material management facility
construction and dredged material disposal

DATED: 01/22/16


By: Mark Crosley, Executive Director

ATTORNEY'S TITLE CERTIFICATE**Title Certificate Number: DMMA O-7**

I, Peter L. Breton, Attorney for the Florida Inland Navigation District, an independent special taxing district of the State of Florida, with its principal office in Jupiter, Florida, ("FIND") does hereby certify that FIND is vested with the recited estates in the lands shown on the drawings attached hereto and identified in the Certification of Lands for the Okeechobee Waterway Disposal Area O-7 located in Martin County, Florida, executed by Mark Crosley, as Executive Director of FIND, dated January 22, 2016. Said drawings are entitled Dredged Material Management Facility O-7 and dated July 2, 2002 and are certified by written Certification thereon.

I, Peter L. Breton, do certify that FIND is vested with the estates as set forth in the attached Certification and that there exist no encumbrances or other legal defects that affect or limit the full exercise of the estates recited therein nor that affect the grant of construction, inspection and completion, operation, repair, maintenance, replacement, or rehabilitation of the project feature rights required pursuant to the terms of the Project Partnership Agreement (PPA) and that the provisions of Public Law 91-646, as amended, have been complied with.

I, Peter L. Breton, do certify that the person who executed Certification No. DMMA O-7 was empowered to execute same on behalf of FIND.

Dated and Signed this 26th day of January, 2016.



Peter L. Breton
Attorney for FIND

Enclosed

ATTACHMENT A

O-7 DMMA

Legend

 Dept. of Revenue Property Line

 Disposal Area O-7 DMMA
 (Dredge Material Management Area)

Map ID	PARCEL NO	OWNER NAME
1	553841000016000102	UNITED STATES OF AMERICA
2	123942000012000102	UNITED STATES OF AMERICA
3	553841000018000102	MADONIA, BATISTA SR & EVELYN
4	553841000017000102	MARTIN COUNTY
5	553841000017000102	LOCK'S LANDING HOMEOWNERS ASSOC.
6	553841000015000102	FLORIDA INLAND NAVIGATION DIST.
7	553841000016000102	BREVARD-HARBOR EDGE LLC
8	553841000017000102	BREVARD-HARBOR EDGE LLC
9	553841000017000102	BREVARD-HARBOR EDGE LLC
10	553841000018000102	BREVARD-HARBOR EDGE LLC
11	553841000017000102	BREVARD-HARBOR EDGE LLC
12	123942000012000102	BREVARD-HARBOR EDGE LLC
13	123942000012000102	BREVARD-HARBOR EDGE LLC
14	553841000017000102	UNITED STATES OF AMERICA

Government Interest

 Government Acquisition Tract

 Perpetual Access

123 Government Acquisition Tract Number

TRACT
880 - FEE
882 - FEE
887 - FEE
889 - Easement
890 - Easement
891 - Easement
892 - Easement
893 - Easement
895 - Easement
898 - Easement
900 - Easement
901 - Easement
904 - Easement
905 - Easement
908 - Easement
910 - FEE
911 - FEE
914 - FEE
915 - FEE
922 - FEE
923 - FEE
9001F - Access

0 10 20 40 60 80 Miles

NOTES:

- THIS IS NOT A SURVEY. THIS IS A SKETCH OF PARCELS BASED ON MAP FILE NO. 302-12,280, CALOOSAHATCHEE RIVER AND LAKE, OKEECHOBEE DRAINAGE AREAS, FLORIDA, DATED JULY 1939.
- ALL REFERENCED OFFICIAL RECORDS AND PLATS ARE OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.
- PARCEL NUMBER AND OWNERSHIP LISTED ARE SOURCED FROM FLORIDA DEPT. OF REVENUE 2014 DATA.

Location Map

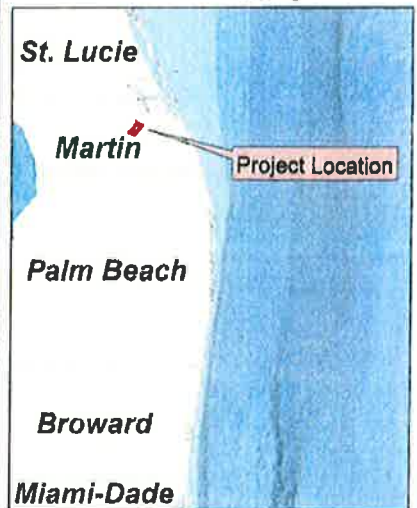
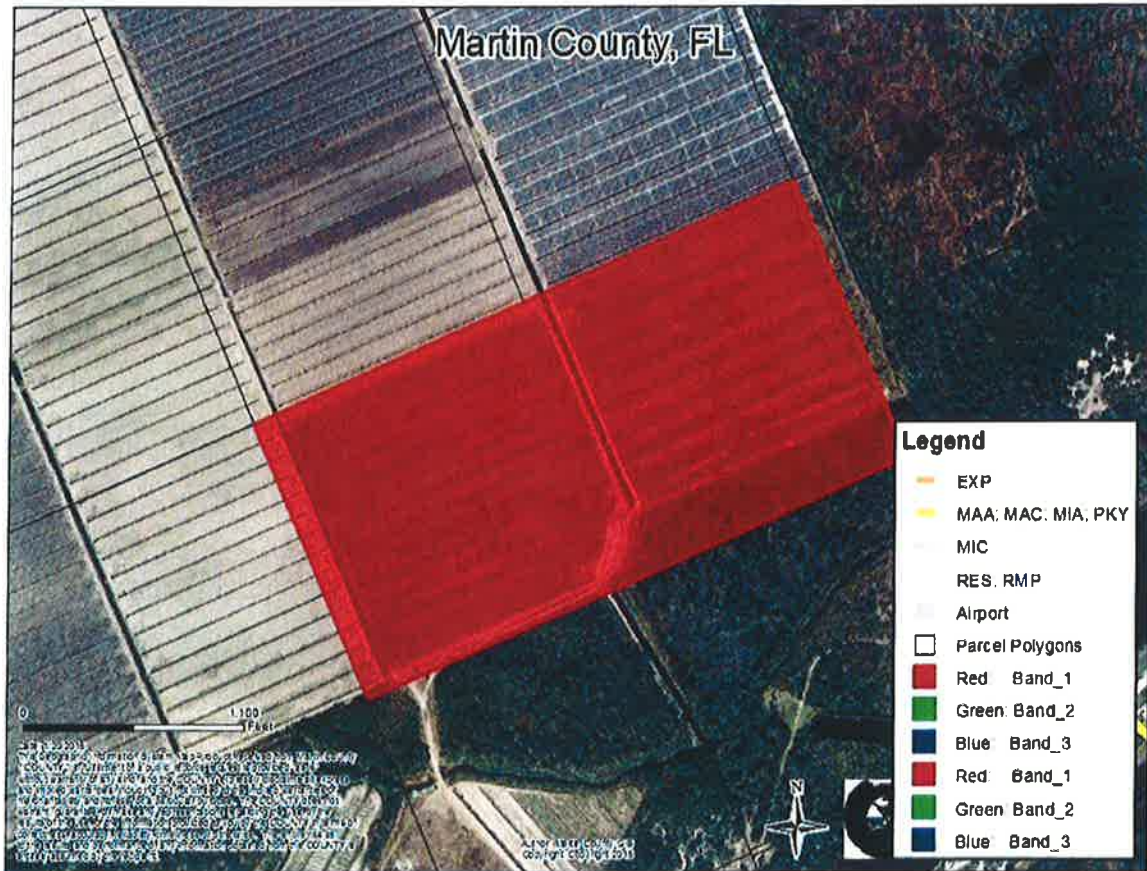


EXHIBIT "A"**Site O-7**

Lots 1 thru 8, Block 15, of the Saint Lucie Inlet Farms Subdivision, as recorded in Plat Book 1, page 98 of the Public Records of Palm Beach County, Florida. Lands now situate and lying in Martin County, Florida.

OR BK 01661 PG 1341



IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT OF
FLORIDA, IN AND FOR MARTIN
COUNTY

CASE NO. 02-331 CA

FLORIDA INLAND NAVIGATION
DISTRICT, an Independent
Special Taxing District,

Petitioner,

vs.

LEWIS W. PETERS, as Trustee of
LAND HOLDINGS TRUST NUMBER ONE, et. al.

Respondents.

FINAL JUDGMENT

This matter came before the Court upon jury trial and Verdict entered on October 24, 2003. The Court has reviewed this Final Judgment, and is otherwise fully advised in the premises. Accordingly, it is hereby ordered and adjudged as follows:

1. Pursuant to the Verdict attached as Exhibit "A," incorporated herein by reference, Respondent, Lewis W. Peters, as Trustee of Land Holdings Trust Number One ("Peters"), shall have and recover from Petitioner, Florida Inland Navigation District ("FIND") the sum of \$2,423,727.50 (the "Verdict") as compensation for the taking of Site O-7, exclusive of attorneys' fees, expert witness fees and other costs, as are otherwise set forth below, and as may be further determined by subsequent order of the Court.

2. The Order of Taking entered on July 2, 2002, in this cause as to Site O-7 is hereby reincorporated into this Final Judgment. Upon entry of this Final Judgment by the Court, title to Site O-7 is ratified and confirmed as set forth in the Order of Taking entered in this matter.

RECEIVED
NOV 07 2003

3. Pursuant to the Order of Taking entered in this matter, FIND has deposited the sum of \$725,300.00 into the registry of the Court on July 17, 2002. The deposit was subsequently withdrawn from the Court registry.

4. FIND is obligated to pay to Peters the difference between the deposit and the Verdict, together with statutory interest thereon at the rate set forth in Florida Statute §55.03. The interest rate for 2002 was 9% per annum. The interest rate for 2003 is 6% per annum, with a daily rate of .0001644. Therefore, the total amount due Peters is \$1,698,427.50, together with statutory interest from July 17, 2002, until October 28, 2003, in the amount of \$153,990.64, for a total amount owed as of October 28, 2003, of \$1,852,418.14. Interest shall continue to accrue at the daily rate of \$279.22 for each day after October 28, 2003, until paid by FIND, for all of which sums let execution issue.

5. Peters' attorneys are entitled to be paid a statutory fee by FIND pursuant to Fla. Stat. §73.092(1) based upon the benefit received for their client. The benefit of the client is determined by the difference between FIND's initial written offer to Peters and the Final Judgment received by Peters in this matter.

6. The initial written offer made by FIND in this matter was \$880,300.00. As such, given the Verdict of \$2,423,727.50, the benefit received by Peters is \$1,543,427.50.

7. The statutory attorneys' fee based solely on the benefit received by Peters is as follows:

\$250,000.00	x	33%	=	\$82,500.00
\$750,000.00	x	25%	=	\$187,500.00
\$543,427.50	x	20%	=	<u>\$108,685.50</u>
TOTAL				<u>\$378,685.50</u>

Accordingly, the Attorneys Fee Award to Peters from FIND, pursuant to Fla. Stat. §73.092(1) is \$378,685.50, for which sum let execution issue.

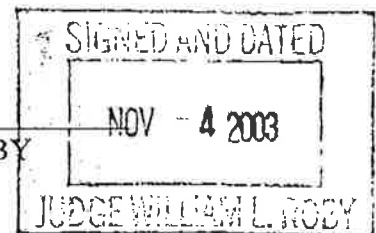
8. Within 30 days of the entry of this Final Judgment, FIND shall pay to Gunster, Yoakley & Stewart, P.A. Trust Account the sums set forth above in Paragraphs 4 and 7, and forward such payment to Paul A. Turk, Jr., Esq., Gunster, Yoakley & Stewart, P.A., 777 S. Flagler Drive, Suite 500, West Palm Beach, Florida, 33401, for distribution as appropriate.

9. This Court reserves jurisdiction to award additional attorneys' fees to Peters against FIND pursuant to Fla. Stat. §73.092(2), and to award expert witness fees and other costs in this matter pursuant to Fla. Stat. §73.091 to Peters against FIND for work performed and costs advanced by Peters' expert witnesses, and for costs advanced by Peters' attorneys in this cause.

10. This Court reserves jurisdiction to enforce the terms of this Final Judgment and for other matters as may be necessary and appropriate.

DONE AND ORDERED in Martin County, Florida, this ____ day of _____, 2003.

HONORABLE WILLIAM L. ROBY
Circuit Court Judge



Copies furnished:

Paul A. Turk, Jr., Esq., Gunster, Yoakley & Stewart, P.A., 777 S. Flagler Drive, West Palm Beach, FL 33401
William P. Doney, Esq., Vance & Doney, P.A., 1615 Forum Place, Suite 4C, West Palm Beach, FL 33401
Mecca Farms, Inc., c/o Juan M. Muniz, Esq., Brigham Moore, LLP, 203 S.W. 13th Street, Miami, FL 33130

736597.1

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT OF FLORIDA, IN
AND FOR MARTIN COUNTY.

CASE NO. 02-331 CA
Judge William L. Roby

FLORIDA INLAND NAVIGATION DISTRICT,
an Independent Special Taxing District,

Petitioner,

vs.

LEWIS W. PETERS, as Trustee of LAND
HOLDINGS TRUST NUMBER ONE,
et al.,

Respondents.

BY D.C.
JANISIA L. WINDS
CLERK OF CIRCUIT COURT
03 OCT 24 PM 5:40

VERDICT

WE, the jury, find as follows:

1. That accurate legal descriptions for the property acquired by Petitioner is attached hereto and marked as Exhibit "A".
2. That full compensation found by this jury to be made by the Petitioner is as follows:

a. Value of land taken (77.29 acres)

\$ 734,255.00

b. Severance damages, if any, to remaining property

\$ 1,689,472.50

c. Cost to cure

\$ 0

d. TOTAL (a + b + c)

\$ 2,423,727.50

SO SAY WE ALL this 24 day of OCTOBER, 2003, at the Martin County
Courthouse, Stuart, Florida.

George M. Sim
FOREPERSON



IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR MARTIN
COUNTY.

CASE NO. 02-331 CA

FLORIDA INLAND NAVIGATION
DISTRICT, an Independent
Special Taxing District,

Petitioner,

vs.

LEWIS W. PETERS, as Trustee of
LAND HOLDINGS TRUST NUMBER
ONE, MECCA FARMS, INC., ELMIRA
R. GAINES, CHAIRPERSON BOARD
OF COUNTY COMMISSIONERS, MARTIN
COUNTY and LARRY O'STEEN, TAX
COLLECTOR OF MARTIN COUNTY,

Respondents.

ORDER OF TAKING

THIS CAUSE came before the Court upon the Petition in Eminent Domain and Petitioner's request for the entry of an Order of Taking herein. It appearing that proper notice was given to the Respondents, LEWIS W. PETERS, as Trustee of LAND HOLDINGS TRUST NUMBER ONE, MECCA FARMS, INC., ELMIRA R. GAINES, CHAIRPERSON BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY and LARRY O'STEEN, TAX COLLECTOR OF MARTIN COUNTY, and all persons having or claiming any equity, lien, title or other interest in or to the real property described in the Petition and that Petitioner would apply to this Court for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore

ORDERED AND ADJUDGED:

1. That The Court has jurisdiction of the subject matter and the parties to this cause.

2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.

3. That the estimate of value filed in this cause by the Petitioner was based upon a valid appraisal.

4. That the Petitioner is entitled to the vesting of title in and possession of the following described property prior to entry of a Final Judgment, to wit:

See Attached Exhibit "A"

Upon payment into the Registry of this Court, the deposit hereinafter specified; that said deposit of money will secure the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court.

5. That upon the payment of the deposit hereinafter specified into the Registry of this Court, fee simple title to the above-described property shall vest in the Petitioner.

6. The said sum of money to be deposited is Seven Hundred Twenty-Five Thousand Three Hundred (\$725,300.00) Dollars which represents Petitioner's good faith estimate of value for said property. Said sum shall be deposited into the Registry of this Court within twenty (20) days after the date of this Order, and, upon making such deposit, the Petitioner shall notify, in writing, all parties of record that the deposit has been made and,



DUVAL COUNTY PROJECT STATUS UPDATE

MARCH 2016

Dredged Material Management Plan

Phase I of the Dredged Material Management Plan (DMMP) for the Intracoastal Waterway in Duval County was completed in 1986. Phase II of the DMMP was completed in 1993. Land acquisition was completed in 1995. *(Please see the attached maps).*

The 50-year dredging projection for the 21 miles of channel in Duval County is 2.3 million cu/yds and the storage projection is 4.4 million cu/yds. This ranks as the fifth highest dredging projection of the District's 12 counties.

Dredged Material Management Area Development

Six upland Dredged Material Management Areas (DMMA) will manage dredged materials from the waterway. All sites have been purchased, 4 sites are fully constructed, and the rest have had Phase 1 development (clearing, fencing & maintenance).

In the summer of 2013, approximately 74,000 cu/yds of material was offloaded from DMMA DU-2 for the construction of DMMA NA-1 in Nassau County. DMMA DU-2 was then utilized for placement of the non-beach quality material that was dredged during the dredging of Reach 2 (Sawpit project) by the U.S. Army Corps of Engineers (USACE) in 2013.

In 2015, a Florida Department of Transportation (FDOT) sub-contractor removed approximately 300,000 cu/yds of material from DMMA DU-2 for public roadway projects, at no cost to the District.

Following the use of DMMA DU-8 in 2012 by a private contractor for area dredging, the issue of pipeline access was again brought forth by the site's adjacent residents. The District elected to design and construct a permanent underground pipeline sleeve along the site's dedicated pipeline access easement. The project was well-coordinated with the adjacent property owners and has been completed in 2014.

In September of 2014, the Board approved moving forward with the additional design and permitting necessary to complete the construction of DMMA DU-9. In 2015, the Board approved an "environmental matters" agreement with the previous property owner, and the permitting and engineering of the site is progressing. Site construction is tentatively scheduled for 2017.

Waterways Dredging

The USACE completed dredging of Dredging Reach II (Sawpit) near Nassau Sound in 2013. This project was funded by FIND. This reach will likely need to be dredged again in 2017.



DUVAL COUNTY PROJECT STATUS UPDATE

MARCH 2016

Waterways Economic Study

The Duval County Waterways Economic Study was first completed in 2005 and updated in late 2011. There are 392 waterway related businesses in Duval County generating \$1.3 billion in annual sales, 6,169 jobs, \$300 million in personal wages, and \$46 million in tax revenues. The waterway increases the value of property in Duval County by \$1.3 billion. The study demonstrated that if the waterways were not maintained, the economic output is predicted to drop by \$138 million with a loss of 846 jobs. Properly maintaining the waterways would result in an increase of \$62 million in economic output and an additional 344 jobs. *(Please see the attached economic summary and map).*

Waterways Assistance Program

Since 1986, the District has provided \$20.3 million in Waterways Assistance Program funding to 147 projects in the county having a total constructed value of \$41.8 million. The county, two cities, and the Port of Jacksonville have participated in the program. Notably 18 saltwater boat ramps and 9 canoe launches have been constructed or rehabilitated. *(Please see attached map and project listing).*

Cooperative Assistance Program

The District's Cooperative Assistance Program has provided funding assistance for the following projects with elements in Duval County: Florida Marine Patrol Officer Funding; Clean Marina Program; Clean Vessel Act; Manatee Acoustic Warning System, St. Johns River Boating Safety Search and Rescue and; the Inland Waterways Safety Program. The District's funding assistance for the Duval County portion of these projects was approximately \$528,000.00.

Interlocal Agreement Program

The District's Interlocal Agreement Program has developed the following projects with elements in Duval County: Clean Marina Program and Clean Vessel Act Program for which \$75,000.00 has been provided in District assistance.

Public Information Program

The District currently prints and distributes the following brochures with specific information about Duval County waterways: Boating Safety and Manatee Protection Zone Brochure, Movable Bridge Guide, The Economic Impact of the District's Waterway and the IWW Channel Conditions Brochure.

**DUVAL COUNTY PROJECT STATUS UPDATE****MARCH 2016****Waterway Clean Up Program**

The District has successfully partnered with the City of Jacksonville for many years to assist with their annual waterway cleanup project.

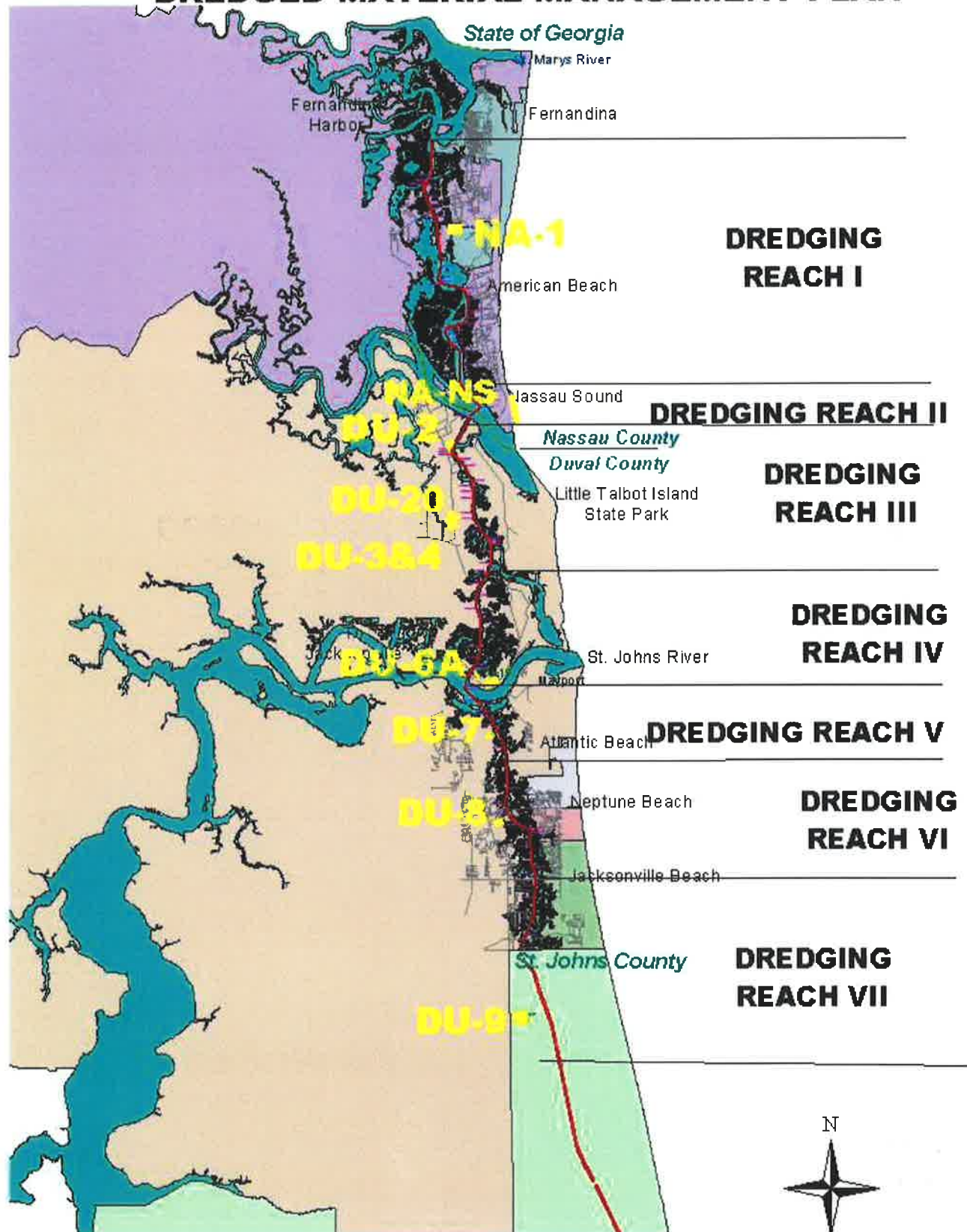
Small-Scale Derelict Vessel Removal Program

One Small-Scale Derelict Vessel Removal Project has been conducted with Duval County in the amount of \$10,000.00.

Small-Scale Spoil Island Enhancement and Restoration Program

To date, the Navigation District has not received a Small-Scale Spoil Island Enhancement and Restoration Program request in Duval County.

NASSAU/DUVAL COUNTIES DREDGED MATERIAL MANAGEMENT PLAN

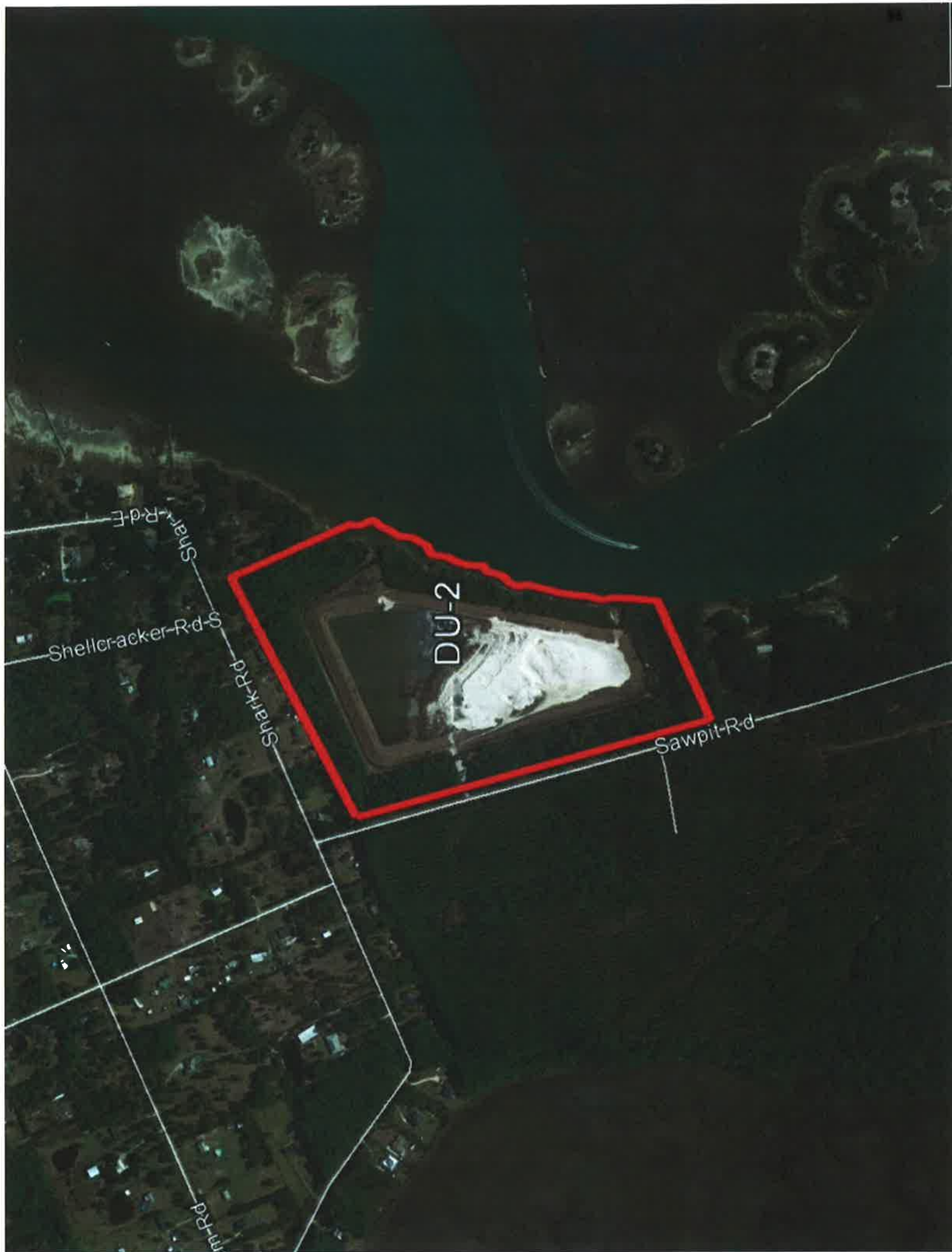




FIND Owned
Channel
ICW Right-of-Way

DMMA DU-2





Legend

DMMA DU-20

Sawpit Rd

DU-20



1000 ft



DU-20

DU-3&4

Sawpit-Rd




FIND Owned
Channel
ICW Right-of-Way

DMMA DU-3





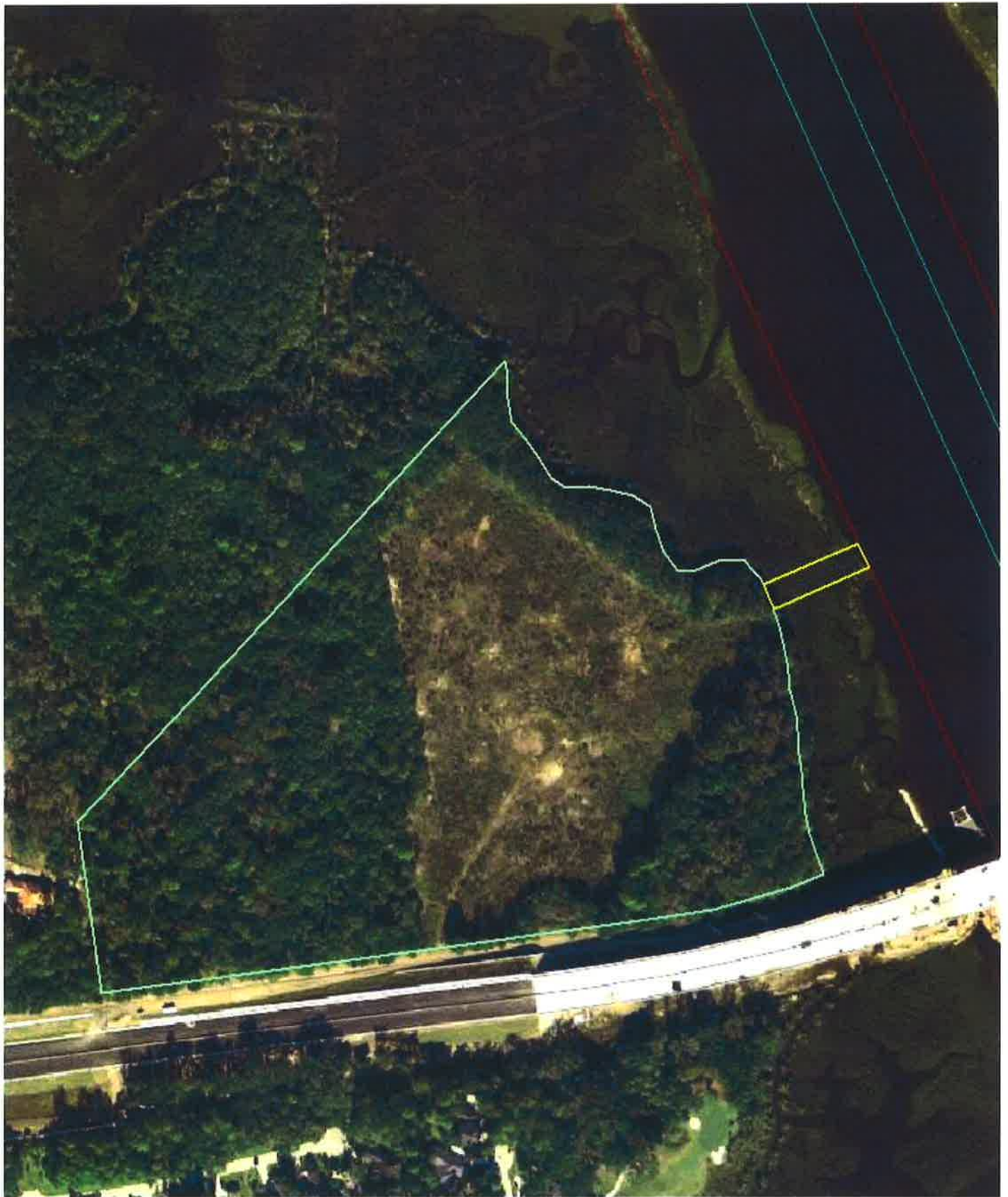






 FIND Owned
Channel
ICW Right-of-Way

DMMA DU-6







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

DMMA DU-7





DMMA DU-7

Legend

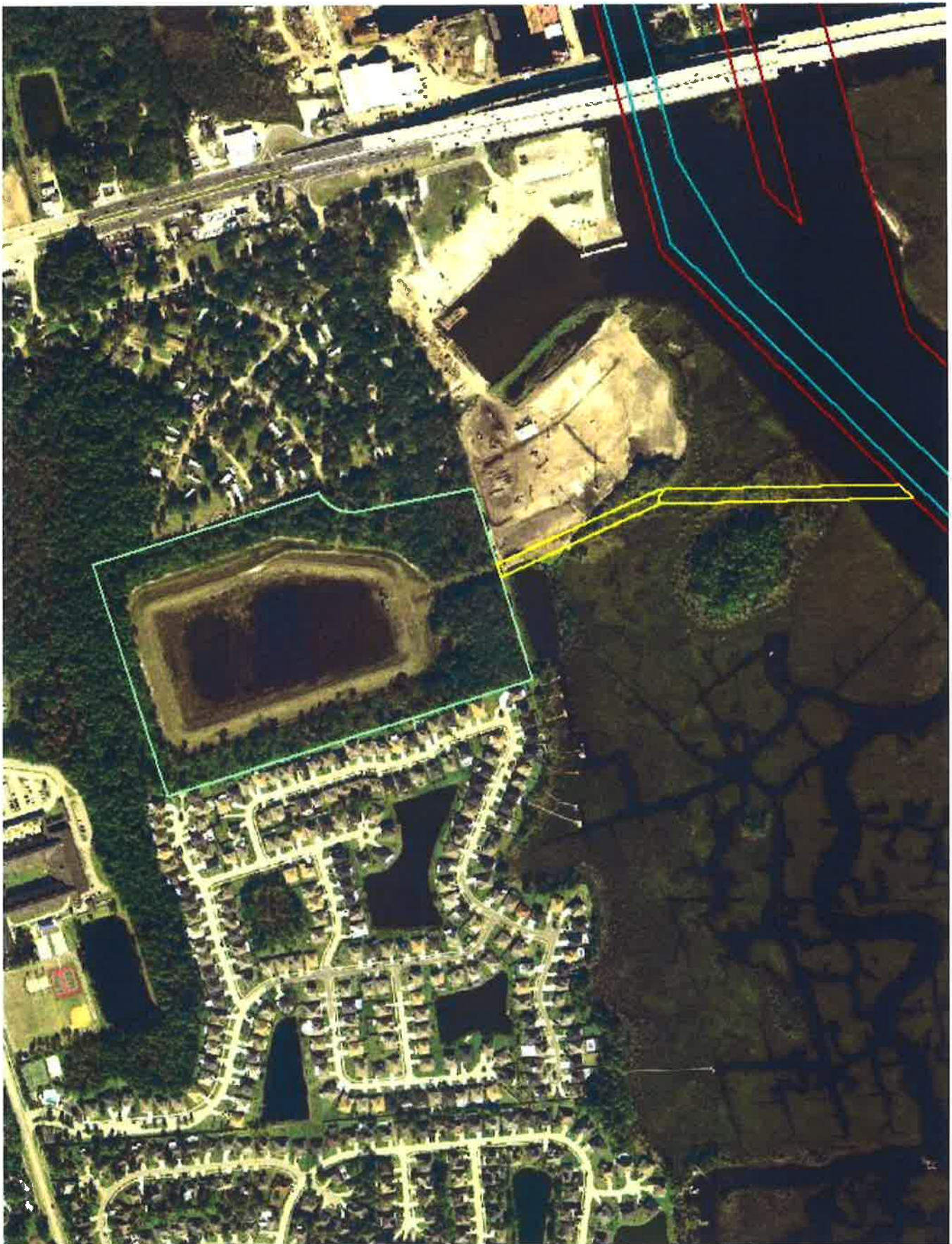
DU-7

N

900 ft

Google earth

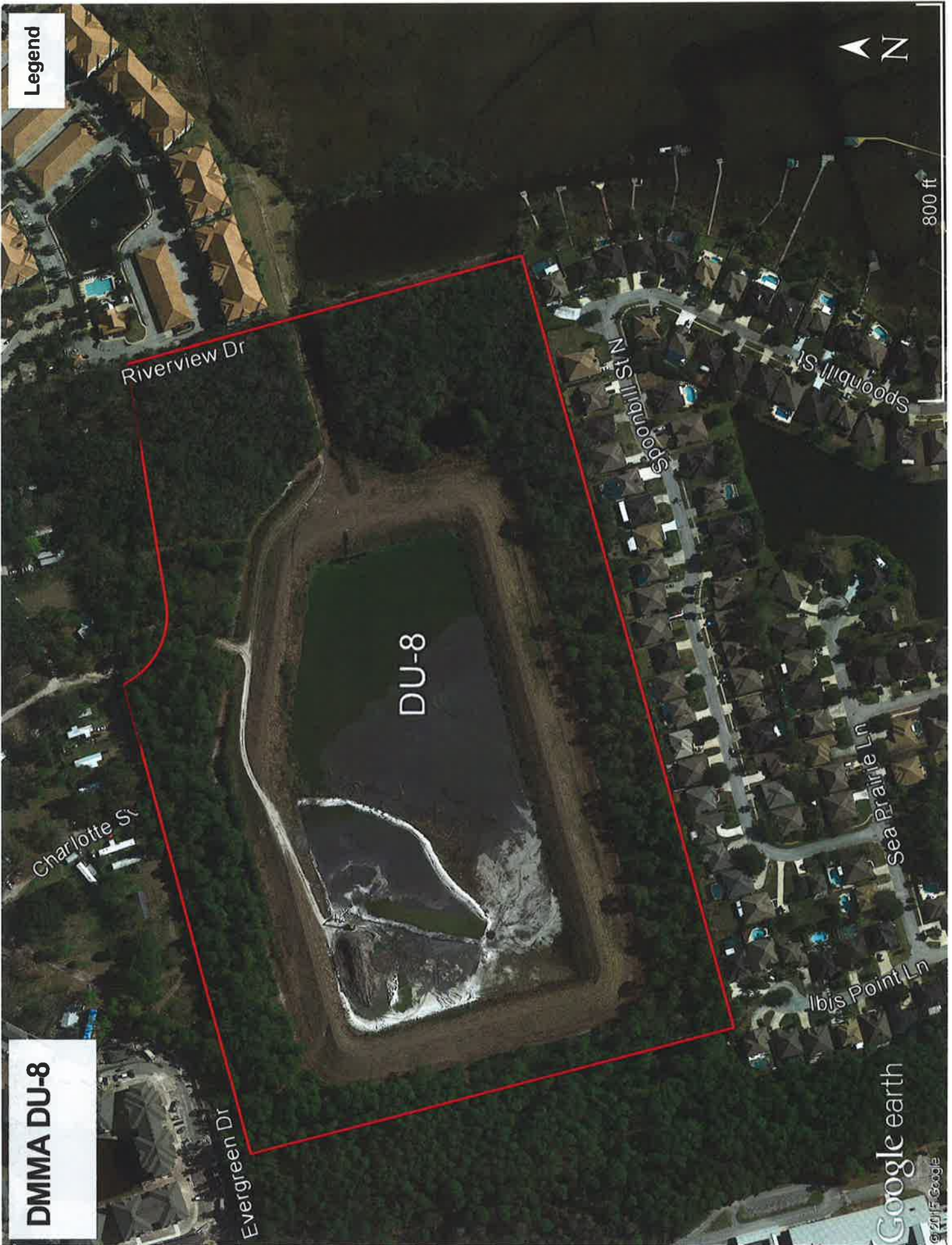
© 2015 Google



FIND Easement
FIND Owned
Channel
ICW Right-of-Way

DMMA DU-8





Legend

DMMA DU-8

DU-8

Riverview Dr

Charlotte St

Evergreen Dr

Spoobill St N

Google earth

© 2015 Google

Sea Prairie Ln

Ibis Point Ln

N

800 ft



-  Lowrur
-  Channel
-  FIND Easement
-  FIND Owned

DMMA DU-9





ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS



Purpose

To update economic benefits in Duval County of marine-related activities on the District Waterways, as previously estimated in *An Economic Analysis of the District's Waterways in Duval County*, September 2005, 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

- \$1.285 billion in business volume
- \$300.2 billion in personal income
- 6,169 jobs
- \$46.1 million in tax revenue

Impacts of Cessation of Waterways Maintenance

- Decrease of \$137.5 million in business volume
- Decrease of \$35.8 million in personal income
- Decrease of 846 jobs
- Decrease of \$5.8 million in tax revenue

Impacts of an Increase in Waterways Maintenance

- Increase of \$61.7 million in business volume
- Increase of \$15.2 million in personal income
- Increase of 344 jobs
- Increase of \$2.3 million in tax revenue

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

- Decrease of \$277.5 million in business volume
- Decrease of \$210.7 million in personal income
- Decrease of 5,066 jobs
- Decrease of \$31.2 million in tax revenue

Economic Benefits as of April 2011

DUVAL COUNTY



ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

DUVAL 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 September 2005 in *An Economic Analysis of the District's Waterways in Duval County*.

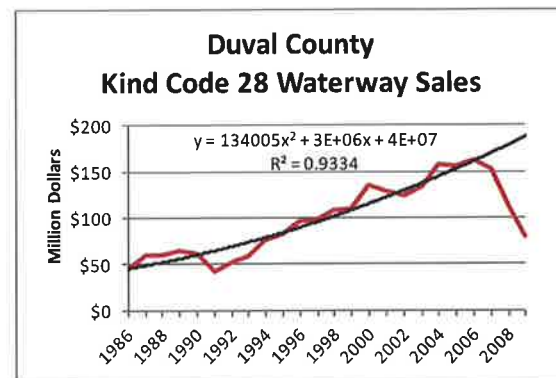
Updating of Previously Estimated Benefits

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 Duval 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 24 percent.

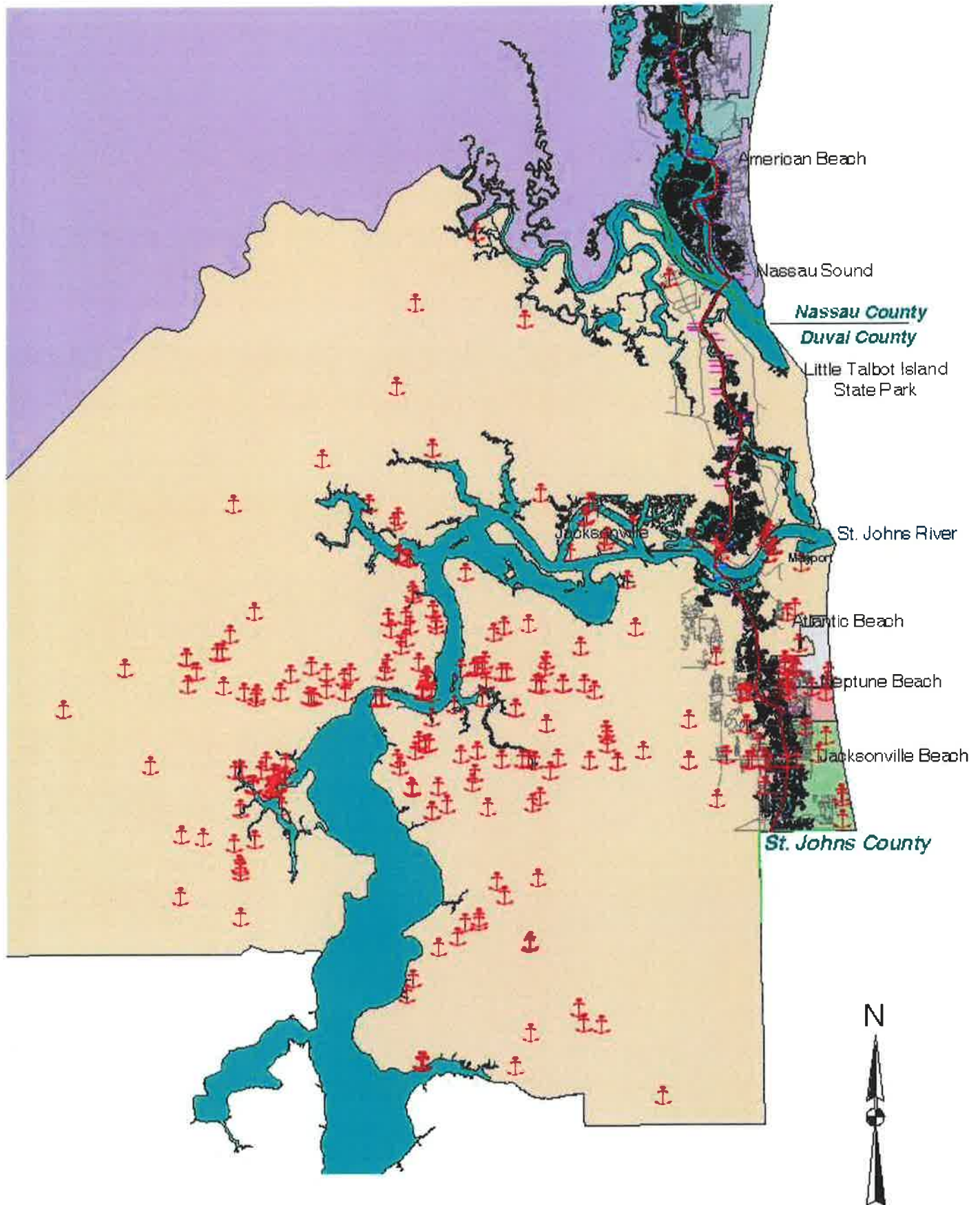


Annual Boater Spending on Gas, Food, and Drinks at Non-Marine-Related Establishments

- Current existing conditions: \$24.9 million
- Cessation of maintenance: \$21.1 million
- Increased maintenance: \$24.9 million
- Assuming no recession: \$36.3 million

Vessel Draft Restrictions Assumed for Each Scenario

- Current existing conditions: 6.5 feet MLW
- Cessation of maintenance: 3 feet MLW
- Increased maintenance: 12 feet MLW
- Assuming no recession: 6.5 feet MLW



Location Map

Duval County Marine Related Businesses

FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM PROJECTS
IN DUVAL COUNTY
1987-2015

Project Name	Project Number	Project Sponsor	Grant Amount	Total Cost
Dutton Island Park Pier Design - Phase I	DU-AB-00-43	City Of Atlantic Beach	\$10,000.00	\$20,000.00
Dutton Island - Phase I I	DU-AB-00-44	City Of Atlantic Beach	\$125,000.00	\$250,000.00
Dutton Island Park Fishing & Viewing Pier	DU-AB-01-57	City Of Atlantic Beach	\$50,000.00	\$100,000.00
Dutton Island Construction - Phase I I I	DU-AB-02-65	City Of Atlantic Beach	\$60,000.00	\$120,000.00
Tide Views Dock Extension/ Launch - Phase I	DU-AB-09-106	City Of Atlantic Beach	\$47,500.00	\$95,000.00
Tide Views Dock Extension/ Boat Launch - Phase I I	DU-AB-10-113	City Of Atlantic Beach	\$96,790.00	\$193,580.00
Intracoastal Park Development	DU-AB-95-18	City Of Atlantic Beach	\$10,000.00	\$20,000.00
Intracoastal Waterway Park	DU-AB-97-30	City Of Atlantic Beach	\$164,473.00	\$330,405.00
Dutton Island Conservation Park - Phase I	DU-AB-98-31	City Of Atlantic Beach	\$25,000.00	\$50,000.00
Marsh Preserves Launch, Fishing & Access Imp. Ph I	DU-AB-12-120	City Of Atlantic Beach	\$17,000.00	\$34,000.00
Marsh Preserves Launch, Fishing & Access Imp. Ph II	DU-AB-14-135	City Of Atlantic Beach	\$150,000.00	\$309,000.00
Arlington River Dredging - Phase I (Withdrawn)	DU-JA-00-45	City Of Jacksonville	\$32,000.00	\$64,000.00
Bert Maxwell Park - Phase I	DU-JA-00-46	City Of Jacksonville	\$60,000.00	\$120,000.00
Boat Ramp Management Plan	DU-JA-00-47	City Of Jacksonville	\$35,000.00	\$70,000.00
Dutton Island Canoe Launch - Phase I I	DU-JA-00-48	City Of Jacksonville	\$100,000.00	\$200,000.00
Educational Signage And Kiosk	DU-JA-00-49	City Of Jacksonville	\$49,500.00	\$66,000.00
Fishweir Creek Boat Ramp - Phase I (Withdrawn)	DU-JA-00-50	City Of Jacksonville	\$25,000.00	\$50,000.00
Fishweir Creek Dredging - Phase I (Withdrawn)	DU-JA-00-51	City Of Jacksonville	\$38,000.00	\$76,000.00
Mandarin Park Canoe Launch - Phase I (Expired)	DU-JA-00-52	City Of Jacksonville	\$18,000.00	\$36,000.00
Stinson Island Canoe Launch - Phase I	DU-JA-00-53	City Of Jacksonville	\$25,000.00	\$50,000.00
Southbank Riverwalk Dredge & Dock - Phase I	DU-JA-00-54	City Of Jacksonville	\$32,000.00	\$64,000.00
Marine Unit Vessels	DU-JA-00-56	City Of Jacksonville	\$91,500.00	\$122,000.00
Castaway Island Preserve - Phase I I	DU-JA-01-58	City Of Jacksonville	\$350,000.00	\$700,000.00
Charles Reece Boat Ramp Imp PH I (Expired)	DU-JA-01-59	City Of Jacksonville	\$25,000.00	\$50,000.00
Ortega Valley Stream Canoe Launch - Phase I I	DU-JA-01-60	City Of Jacksonville	\$162,500.00	\$325,000.00
Sister's Creek Esplanade	DU-JA-01-61	City Of Jacksonville	\$185,000.00	\$370,000.00
Sister's Creek Fixed Docks	DU-JA-01-62	City Of Jacksonville	\$50,000.00	\$100,000.00
Southeast Reg Park Canoe Launch PH I (Expired)	DU-JA-01-63	City Of Jacksonville	\$25,000.00	\$50,000.00
Bert Maxwell Park - Phase I I	DU-JA-02-66	City Of Jacksonville	\$257,625.00	\$515,250.00
Goodby's Creek Dredge & Ch Markers Ph I (Expired)	DU-JA-02-67	City Of Jacksonville	\$25,750.00	\$51,500.00
Northbank Riverwalk Park Mooring Lights Ph I I	DU-JA-02-68	City Of Jacksonville	\$6,900.00	\$13,800.00
Ortega River Marker Dredge - Phase I	DU-JA-02-69	City Of Jacksonville	\$58,950.00	\$117,900.00
Palm's Fish Camp Docking & Ramp - Phase I	DU-JA-02-70	City Of Jacksonville	\$66,150.00	\$132,300.00
Stockton Park Boardwalk & Waterfront Plaza Ph I I	DU-JA-02-72	City Of Jacksonville	\$143,900.00	\$287,800.00
Thomas Creek Park Dock & Ramp - Phase I	DU-JA-02-73	City Of Jacksonville	\$42,850.00	\$85,700.00

FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM PROJECTS
IN DUVAL COUNTY
1987-2015

Project Name	Project Number	Project Sponsor	Grant Amount	Total Cost
Arlington River Dredge - Phase II (Expired)	DU-JA-03-74	City Of Jacksonville	\$209,220.00	\$261,000.00
Southbank Riverwalk Dredge - Phase II	DU-JA-03-75	City Of Jacksonville	\$271,512.00	\$301,680.00
Stinson Park - Phase II	DU-JA-03-76	City Of Jacksonville	\$232,806.00	\$465,612.00
Stockton Park Waterfront - Phase II	DU-JA-03-77	City Of Jacksonville	\$162,000.00	\$364,000.00
Marine Unit Vessel	DU-JA-03-78	City Of Jacksonville	\$48,000.00	\$96,000.00
Castaway Island Preserve Dredge Ph I (Expired)	DU-JA-04-79	City Of Jacksonville	\$41,250.00	\$55,000.00
Charles Reece Boat Ramp - Phase II (Expired)	DU-JA-04-80	City Of Jacksonville	\$187,500.00	\$375,000.00
Mandarin Park Boat Ramp - Phase II	DU-JA-04-81	City Of Jacksonville	\$82,000.00	\$164,000.00
Palms Fish Camp Boat Ramp - Phase II	DU-JA-04-82	City Of Jacksonville	\$382,250.00	\$764,500.00
Ortega River Marker Dredge - Phase II	DU-JA-04-83	City Of Jacksonville	\$255,670.00	\$350,000.00
Intracoastal Boat Ramp - Phase I & II	DU-JA-05-84	City Of Jacksonville	\$100,000.00	\$200,000.00
Michael Scanlon Boat Ramp Ph I & II (Withdrawn)	DU-JA-05-85	City Of Jacksonville	\$200,000.00	\$400,000.00
Reddie Point - Phase II	DU-JA-05-86	City Of Jacksonville	\$600,000.00	\$1,200,000.00
St. John's Marina Dock	DU-JA-05-87	City Of Jacksonville	\$100,000.00	\$200,000.00
Goodby's Creek Dredge - Phase II	DU-JA-06-89	City Of Jacksonville	\$812,171.00	\$1,082,895.00
Mandarin Park Boat Ramp Parking - Phase I & II	DU-JA-06-90	City Of Jacksonville	\$21,250.00	\$42,500.00
Palmetto Leaves Regional Park - Phase II	DU-JA-06-91	City Of Jacksonville	\$230,500.00	\$461,000.00
Palm's Fish Camp (Boat Ramp) Acquisition	DU-JA-06-92	City Of Jacksonville	\$131,500.00	\$263,000.00
Sisters' Creek Marina Canoe Launch - Phase I	DU-JA-06-93	City Of Jacksonville	\$30,000.00	\$60,000.00
Sister's Creek Floating Dock & Pump-out Ph. I	DU-JA-07-100	City Of Jacksonville	\$75,000.00	\$150,000.00
Alimacani Boat Ramp Shore Stabilization - Phase I	DU-JA-07-94	City Of Jacksonville	\$54,250.00	\$108,500.00
Joe Calucci Boat Ramp Renovation - Phase I	DU-JA-07-95	City Of Jacksonville	\$48,750.00	\$97,500.00
IWW Boat Ramp Parking Acq. (Terminated)	DU-JA-07-96	City Of Jacksonville	\$633,000.00	\$1,000,000.00
Lighthouse Marine Boat Ramp Ph 1 (Withdrawn)	DU-JA-07-97	City Of Jacksonville	\$54,250.00	\$108,500.00
Metropolitan Park Marina Electric Upgrades	DU-JA-07-98	City Of Jacksonville	\$450,000.00	\$900,000.00
Palms Fish Camp Additional Parking	DU-JA-07-99	City Of Jacksonville	\$117,250.00	\$234,500.00
Castaway Island Preserve Dredge - Phase II	DU-JA-08-101	City Of Jacksonville	\$400,000.00	\$800,000.00
Harborview Boat Ramp Upgrades	DU-JA-08-102	City Of Jacksonville	\$34,500.00	\$69,000.00
IWW Boat Ramp Parking Acq. (Terminated)	DU-JA-08-103	City Of Jacksonville	\$267,000.00	\$534,000.00
Michael Scanlon Boat Facility Renovation	DU-JA-08-104	City Of Jacksonville	\$220,000.00	\$440,000.00
Sisters Creek Canoe Launch - Phase II	DU-JA-08-105	City Of Jacksonville	\$75,000.00	\$150,000.00
Alimacani Shoreline Stabilization - Phase II	DU-JA-09-107	City Of Jacksonville	\$400,000.00	\$800,000.00
Jacksonville Zoo Dock Extension - Phase I (Expired)	DU-JA-09-109	City Of Jacksonville	\$90,000.00	\$180,000.00
Mandarin Park Parking Lot Addition	DU-JA-09-110	City Of Jacksonville	\$225,000.00	\$450,000.00
Trout River Fishing Bridge - Phase I	DU-JA-09-111	City Of Jacksonville	\$100,000.00	\$200,000.00

FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM PROJECTS
IN DUVAL COUNTY
1987-2015

Project Name	Project Number	Project Sponsor	Grant Amount	Total Cost
Improvements & Repairs of Four (4) Boat Ramps	DU-JA-1	City of Jacksonville	\$250,000.00	\$500,000.00
Harborview Restroom - Phase I I	DU-JA-10-114	City Of Jacksonville	\$175,000.00	\$350,000.00
Joe Carlucci Boat Ramp - Phase I I	DU-JA-10-115	City Of Jacksonville	\$225,000.00	\$450,000.00
Mayport Boat Ramp - Phase I	DU-JA-10-116	City Of Jacksonville	\$60,000.00	\$120,000.00
Sisters Creek Docks & Pump-out - Phase I I	DU-JA-10-117	City Of Jacksonville	\$270,000.00	\$540,000.00
Ortega River Mooring Field - Phase I	DU-JA-11-118	City Of Jacksonville	\$100,000.00	\$200,000.00
Trout River Pier, South End - Phase I I	DU-JA-11-119	City Of Jacksonville	\$323,000.00	\$646,000.00
Mayport Boat Ramp Docks Ph II	DU-JA-12-121	City of Jacksonville	\$401,675.00	\$803,350.00
Pottsborg Creek Dredge Ph I	DU-JA-12-122	City of Jacksonville	\$125,000.00	\$250,000.00
Arlington Lions Club Boardwalk Ph I	DU-JA-13-123	City of Jacksonville	\$40,420.00	\$80,840.00
Charles Reese Fishing Pier Ph I	DU-JA-13-124	City of Jacksonville	\$44,250.00	\$88,500.00
County Dock Boat Ramp Ph I	DU-JA-13-125	City of Jacksonville	\$46,260.00	\$92,520.00
Exchange Island Ph I	DU-JA-13-126	City of Jacksonville	\$57,880.00	\$115,760.00
Fishing Creek Dredge Ph II	DU-JA-13-127	City of Jacksonville	\$225,000.00	\$450,000.00
Half Moon Boat Ramp Ph I	DU-JA-13-128	City of Jacksonville	\$25,100.00	\$50,200.00
Half Moon Kayak Launch Ph I	DU-JA-13-129	City of Jacksonville	\$45,100.00	\$90,200.00
Lighting at 2 Boat Ramps	DU-JA-13-130	City of Jacksonville	\$143,930.00	\$287,860.00
Northbank Riverwalk Ph I	DU-JA-13-131	City of Jacksonville	\$40,000.00	\$80,000.00
Northshore Kayak Launch Ph I	DU-JA-13-132	City of Jacksonville	\$29,350.00	\$58,700.00
Ortega Channel Markers Ph II	DU-JA-13-133	City of Jacksonville	\$16,800.00	\$33,600.00
Sisters Creek Dock Redesign Ph I	DU-JA-13-134	City of Jacksonville	\$35,380.00	\$70,760.00
Arlington Lions Club Park Boardwalk Ph II	DU-JU-14-136	City of Jacksonville	\$150,750.00	\$211,500.00
Exchange Club Island Park Ph II	DU-JU-14-137	City of Jacksonville	\$113,250.00	\$226,500.00
Northbank Riverwalk Ph II	DU-JU-14-138	City of Jacksonville	\$71,500.00	\$142,800.00
Sisters Creek Boat Ramp	DU-JA-87-2	City of Jacksonville	\$141,382.00	\$282,764.00
Oak Harbor and ICW Boat Ramp	DU-JA-88-3	City of Jacksonville	\$237,000.00	\$475,750.00
Mandarin Park Boat Ramp	DU-JA-89-4	City of Jacksonville	\$300,000.00	\$650,000.00
T.K. Stokes Boat Ramp	DU-JA-89-5	City of Jacksonville	\$100,000.00	\$236,000.00
Metropolitan Park Docking	DU-JA-90-6	City of Jacksonville	\$282,000.00	\$564,000.00
Metropolitan Park Docking Facility	DU-JA-91-7	City of Jacksonville	\$450,000.00	\$900,000.00
Arlington Road Boat Ramp	DU-JA-92-8	City of Jacksonville	\$35,000.00	\$70,000.00
Mayport Boat Ramp	DU-JA-92-9	City of Jacksonville	\$125,000.00	\$250,000.00
Minimum Wake - Waterway Signs	DU-JA-93-10	City Of Jacksonville	\$15,000.00	\$30,000.00
Bert Maxwell Park - Phase I	DU-JA-93-11	City Of Jacksonville	\$38,000.00	\$76,000.00
Hood Landing Boat Ramp - Phase I	DU-JA-93-12	City Of Jacksonville	\$10,000.00	\$20,000.00

FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM PROJECTS
IN DUVAL COUNTY
1987-2015

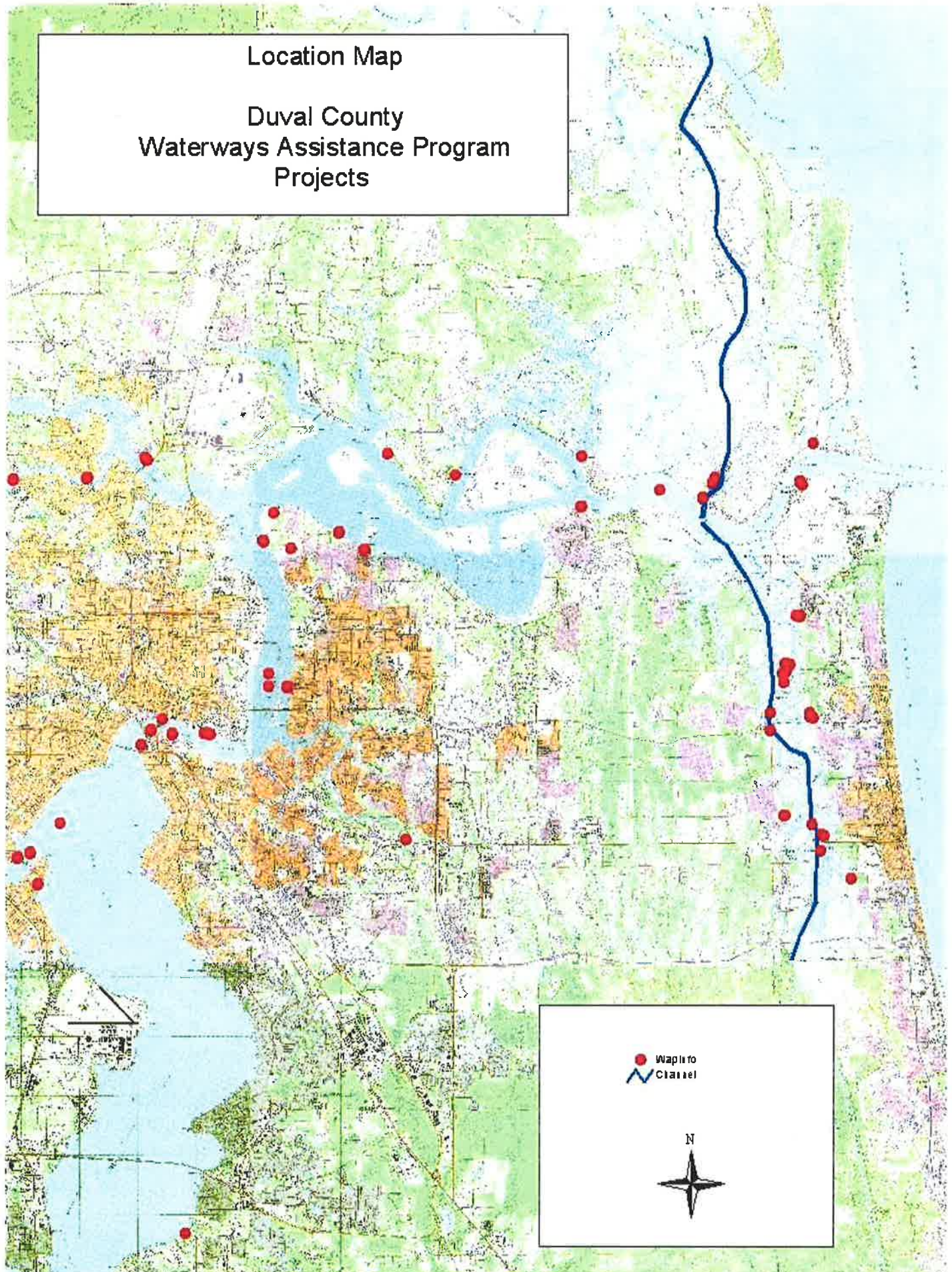
Project Name	Project Number	Project Sponsor	Grant Amount	Total Cost
Lonnie Wurn Boat Ramp - Phase I	DU-JA-93-13	City Of Jacksonville	\$13,500.00	\$27,000.00
Mayport Boat Ramp - Phase I	DU-JA-93-14	City Of Jacksonville	\$30,000.00	\$60,000.00
Metropolitan Park	DU-JA-93-15	City Of Jacksonville	\$201,349.00	\$433,008.00
Oak Harbor Boat Ramp - Phase I	DU-JA-93-16	City Of Jacksonville	\$20,000.00	\$20,000.00
Metropolitan Park Docking Facility	DU-JA-94-17	City Of Jacksonville	\$579,635.00	\$1,159,270.00
Mayport Boat Ramp - Phase I I	DU-JA-95-19	City Of Jacksonville	\$233,092.00	\$466,184.00
Lonnie Wurn Boat Ramp - Phase I I	DU-JA-95-20	City Of Jacksonville	\$159,020.00	\$221,860.00
Bert Maxwell Park - Phase I I	DU-JA-95-21	City Of Jacksonville	\$108,500.00	\$108,500.00
Oak Harbor Boat Ramp - Phase I I	DU-JA-95-22	City Of Jacksonville	\$82,000.00	\$82,000.00
Wayne B. Stevens Boat Ramp Park	DU-JA-96-24	City Of Jacksonville	\$11,860.00	\$45,000.00
Wayne B. Stevens Area Dredging - Phase I	DU-JA-96-25	City Of Jacksonville	\$18,200.00	\$36,400.00
Dinsmore Boat Ramp Park	DU-JA-96-27	City Of Jacksonville	\$95,530.00	\$199,900.00
Lighthouse Marine Boat Ramp Park	DU-JA-96-28	City Of Jacksonville	\$278,817.00	\$557,634.00
Lonnie Wurn Fishing Pier	DU-JA-97-29	City Of Jacksonville	\$23,467.50	\$46,935.00
Lighthouse Marine Boat Ramp Park Restroom	DU-JA-98-32	City Of Jacksonville	\$30,000.00	\$60,000.00
Wayne B. Stevens Area Dredging - Phase I I	DU-JA-98-33	City Of Jacksonville	\$384,930.00	\$427,700.00
Sisters Creek Marina	DU-JA-98-34	City Of Jacksonville	\$302,500.00	\$605,000.00
Jacksonville Zoo Dredge - Phase I (Withdrawn)	DU-JA-98-35	City Of Jacksonville	\$31,500.00	\$63,000.00
Blue Cypress Park Fishing Pier And Boardwalk	DU-JA-98-36	City Of Jacksonville	\$82,500.00	\$165,000.00
Dutton Island Canoe Launch - Phase I	DU-JA-99-37	City Of Jacksonville	\$21,000.00	\$43,000.00
Westside Reg. Canoe Launch Ph I I (Withdrawn)	DU-JA-99-38	City Of Jacksonville	\$179,500.00	\$359,000.00
Metro Park Marina Maintenance Dredging	DU-JA-99-39	City Of Jacksonville	\$270,000.00	\$300,000.00
Jax Zoo Channel Dredging - Ph I I (Withdrawn)	DU-JA-99-40	City Of Jacksonville	\$301,500.00	\$335,000.00
J.S.O. Marine Patrol Unit Vessel	DU-JA-99-41	City Of Jacksonville	\$52,500.00	\$70,000.00
Ortega Stream Valley Canoe Launch - Phase I	DU-JA-99-42	City Of Jacksonville	\$32,000.00	\$64,000.00
Davis Island Boardwalk & Fishing Pier - Phase I	DU-JB-00-55	City Of Jacksonville Beach	\$5,340.00	\$10,680.00
Davis Island Boardwalk & Fishing Pier	DU-JB-01-64	City Of Jacksonville Beach	\$25,890.00	\$51,780.00
Cradle Creek Preserve - Phase I I	DU-JB-05-88	City Of Jacksonville Beach	\$296,470.00	\$592,940.00
Mile Point - Phase I	DU-JPA-09-112	Jacksonville Port Authority	\$300,000.00	\$2,400,000.00
Dames Point Shoreline Stabilization	DU-JPA-96-23	Jacksonville Port Authority	\$200,000.00	\$2,000,000.00
County Dock Boat Ramp Phase II	DU-JA-15-139	City of Jacksonville	\$62,615.00	\$125,230.00
Sisters Creek Dock Redesign Phase II	DU-JA-15-140	City of Jacksonville	\$139,524	\$279,048.00
Mayport Boat Ramp Phase 2B	DU-JA-15-141	City of Jacksonville	\$99,000	\$198,000.00
Tillie Fowler Kayak Launch Phase I	DU-JA-15-142	City of Jacksonville	\$46,000	\$92,000.00
Wayne B Stevens Docks	DU-JA-15-143	City of Jacksonville	\$60,500	\$121,000.00

FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM PROJECTS
IN DUVAL COUNTY
1987-2015

Pottsburg Creek Dredge Phase II	DU-JA-15-144	City of Jacksonville	\$385,812	\$771,624.00
Joe Carlucci Boat Ramp Dock Ext Phase I	DU-JA-15-145	City of Jacksonville	\$46,500	\$93,000.00
Metro Park Dock Replacement Phase I	DU-JA-15-146	City of Jacksonville	\$96,750	\$193,500.00
Marsh Preserve Improvements Phase 3	DA-AB-15-147	City of Atlantic Beach	\$270,000	\$540,120.00
TOTALS			\$20,318,345.50	\$41,485,339.00

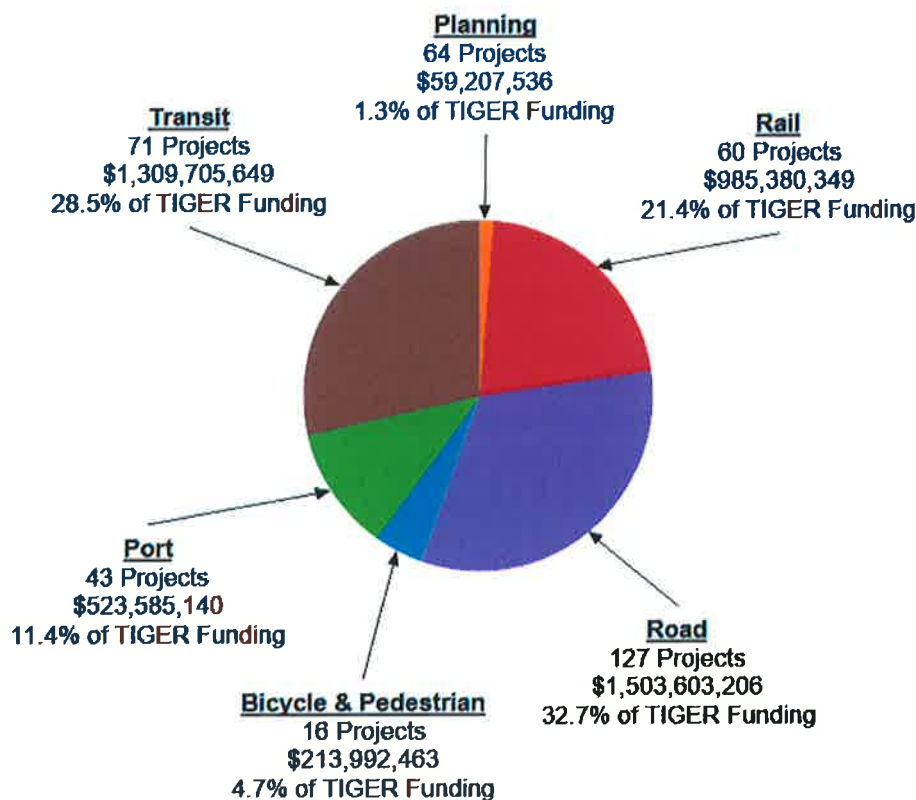
Location Map

Duval County Waterways Assistance Program Projects



About TIGER Grants

The Transportation Investment Generating Economic Recovery, or TIGER Discretionary Grant program, provides a unique opportunity for the DOT to invest in road, rail, transit and port projects that promise to achieve national objectives. Since 2009, Congress has dedicated nearly \$4.6 billion for seven rounds of TIGER to fund projects that have a significant impact on the Nation, a region or a metropolitan area. The graph below provides a breakdown of all awarded projects by type:



In each round of TIGER, DOT receives hundreds of applications to build and repair critical pieces of our freight and passenger transportation networks. The TIGER program enables DOT to examine these projects on their merits to help ensure that taxpayers are getting the highest value for every dollar invested through TIGER Discretionary Grants. Applicants must detail the benefits their project would deliver for five long-term outcomes: safety, economic competitiveness, state of good repair, quality of life and environmental sustainability. DOT also evaluates projects on innovation, partnerships, project readiness, benefit cost analysis, and cost share.

The eligibility requirements of TIGER allow project sponsors at the State and local levels to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional DOT programs. TIGER can fund port and freight rail projects, for example, which play a critical role in our ability to move freight, but have limited sources of Federal funds. TIGER can provide capital funding directly to any public entity, including municipalities, counties, port authorities, tribal governments, MPOs, or others in contrast to traditional Federal programs which provide funding to very specific groups of applicants (mostly State DOTs and transit agencies). This flexibility allows TIGER and our traditional partners at the State and local levels to work directly with a host of entities that own, operate and maintain much of our transportation infrastructure, but otherwise cannot turn to the Federal government for support.

By running a competitive process, DOT is able to reward applicants that exceed eligibility criteria and demonstrate a level of commitment that surpasses their peers. While TIGER can fund projects that have a local match as low as twenty percent of the total project costs, TIGER projects have historically achieved, on average, co-investment of 3.5 dollars (including other Federal, State, local, private and philanthropic funds) for every TIGER dollar invested.

Program Background

Launched in 2009, TIGER's highly competitive process, galvanized by tremendous applicant interest, allowed DOT to fund 51 innovative capital projects in TIGER I and an additional 42 capital projects in TIGER II. TIGER II also featured a new Planning Grant category through which 33 planning projects were also funded. In TIGER III, DOT awarded 46 capital projects in 33 states and Puerto Rico. In TIGER IV, DOT awarded 47 capital projects in 34 states and the District of Columbia. TIGER V saw 52 capital projects in 37 states. Last year, TIGER VI awarded 41 capital projects and 31 planning projects in 46 states and the District of Columbia, and this year, in the most recently completed round of TIGER, TIGER VII was able to award 39 capital projects in 33 states.

Congress has dedicated nearly \$4.6 billion to the program since its launch to fund projects that have a significant impact on the Nation, a region, or a metropolitan area: \$1.5 billion for TIGER I, \$600 million for TIGER II, \$527 million for TIGER III, \$500 million for TIGER IV, \$474 million for TIGER V, \$600 million for TIGER VI, and \$500 million for TIGER VII.

The TIGER program enables DOT to use a rigorous merit-based process to select projects with exceptional benefits, explore ways to deliver projects faster and save on construction costs, and make needed investments in our Nation's infrastructure that make communities more livable and sustainable.

Updated: Thursday, October 29, 2015

Contact Us

[Submit Feedback >](#)

Office of Infrastructure Finance and Innovation

Office of the Secretary of Transportation

1200 New Jersey Ave, SE

Washington, DC 20590

United States

TIGERgrants@dot.gov

Phone: 202-366-0301

TTY/Assistive Device: 800-877-8339

Business Hours:

8:00am-5:00pm ET, M-F

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Frequently Asked Questions

The following questions pertain to the FY 2016 TIGER program.

What is the TIGER Discretionary Grant Program?

The Consolidated Appropriations Act, 2016 appropriated \$500 million, available through September 30, 2019, for National Infrastructure Investments otherwise known as TIGER grants. As with previous rounds of TIGER, funds for the FY 2016 TIGER program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region.

TIGER Discretionary Grants have supported innovative projects, including multimodal and multijurisdictional projects which are difficult to fund through traditional Federal programs. Successful TIGER projects leverage resources, encourage partnership, catalyze investment and growth, fill a critical void in the transportation system or provide a substantial benefit to the nation, region or metropolitan area in which the project is located. The 2016 TIGER grant program will continue to make transformative surface transportation investments that dramatically improve the status quo by providing significant and measurable improvements over existing conditions.

Who can receive TIGER Grants?

Eligible Applicants for TIGER Discretionary Grants are State, local and tribal governments, including U.S. territories, transit agencies, port authorities, metropolitan planning organizations (MPOs), and other political subdivisions of State or local governments.

Multiple States or jurisdictions may submit a joint application and must identify a lead applicant as the primary point of contact. Each project party in a joint application must be an Eligible Applicant. Joint applications must include a description of the roles and responsibilities of each project party and must be signed by each project party.

What types of projects are eligible for TIGER Discretionary Grant funding?

Eligible projects for TIGER Discretionary Grants are capital projects that include, but are not limited to:

- highway or bridge projects eligible under title 23, United States Code (including bicycle and pedestrian related projects);
- public transportation projects eligible under chapter 53 of title 49, United States Code;
- passenger and freight rail transportation projects;
- port infrastructure investments (including inland port infrastructure); and

The TIGER Grant Program defines “rural area” as any area not in an Urbanized Area, as defined by the Census Bureau. For Census 2010, the Census Bureau defined an Urbanized Area as an area that consists of densely settled territory that contains 50,000 or more people. DOT considers a project to be in a rural area if all or a majority of the project money to be spent is located in a rural area.

To determine if a project is located in an urban or rural area, please consult Census maps of Urbanized Areas:

- http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ (detailed PDF maps for every UA)
- <http://tigerweb.geo.census.gov/TIGERweb2010/> (click the layer for urban areas and zoom in to see)

Urban Clusters are rural areas for the purposes of the TIGER Discretionary Grant program.

What criteria will be used to evaluate applications for TIGER Discretionary Grants?

The TIGER Discretionary Grants Final Notice of Funding Opportunity outlines the selection criteria in detail. For more information, please view the NOFO.

What is the minimum grant award for TIGER Discretionary Grants?

For projects located in urban areas, the minimum award is \$5 million. Please note that the minimum total project cost for a project located in an urban area must be \$6.25 million to meet match requirements.

For projects located in rural areas, the minimum award is \$1 million.

What is the maximum grant award for TIGER Discretionary Grants?

Pursuant to the FY 2016 Appropriations Act, the maximum award is \$100 million and no more than \$100 million may be awarded to projects in a single State. Across seven rounds of capital projects, TIGER Discretionary Grant awards ranged from \$1 million to \$105 million. Although the average award size has been \$14.5 million, the Secretary may make considerably larger awards to appropriate projects. Applicants should not artificially limit their request to align with the average award size. However, if an applicant submits an application with a substantial TIGER funding request, DOT strongly encourages the applicant to identify in their application discrete project components that have independent utility and separately detail the costs and requested TIGER funding for those components, as well as the overall TIGER funding request.

What is the difference between a joint applicant and a partner?

further support the economic benefits of a project. Freight projects may help the United States compete in global economy by facilitating efficient and reliable freight movement, particularly if the project will help reduce the costs of transporting export cargoes. Other examples of freight projects include projects that facilitate the safe movement of trucks through towns, cities and urban areas, as well as at rail grade crossings; provisions for improving work zone safety in areas of truck operations; and projects to provide safe truck parking facilities to address the shortage of long-term parking for commercial motor vehicles on the National Highway System (NHS).

Are eligible projects allowed to apply to both the TIGER and the Nationally Significant Freight and Highway Projects programs?

Yes, projects that meet the minimum eligibility requirements for both programs may submit applications to both programs, but must timely submit separate applications that independently address how the project satisfies applicable selection criteria for the relevant grant program. In addition, TIGER and NSFHP have independent application limits.

How do we get feedback on previous TIGER grant submissions to improve chances of success?

DOT will debrief previous grant submissions with previous applicants. Please email TIGERgrants@dot.gov to schedule a debrief.

Is capital equipment or rolling stock eligible for TIGER funds?

Yes, equipment is eligible, but federal requirements apply to the use of any grant funding. Please see section F.2. of the TIGER NOFO for information on federal requirements.

What is the different between the obligation and expenditure deadlines?

The obligation deadline, September 30, 2019, is the date by which a TIGER awardee must have a signed and executed grant agreement with the DOT. The execution of the grant agreement obligates TIGER funding for the awarded project. The expenditure deadline of September 30, 2024, is the date by which all TIGER funding must be spent.

How to Apply

- **Application Instructions**
- **TIGER 2016 Project Information Form**
- **Additional Information on Applying Through Grants.gov**
- **Late Application Policy**

Application Instructions

Applications must be submitted through Grants.gov. The Grants.gov "Apply" function opens on February 26, 2016. **Please be aware that you must complete the Grants.gov registration process before submitting the Application, and that this process usually takes 2-4 weeks to complete.** You can start the Grants.gov registration process now.

Instructions specific to the new TIGER 2016 Project Information form and submitting attachments can be found here: <https://www.transportation.gov/tiger/tiger-grantsgov-attachment-field-level-instructions>

Applications must be submitted by 8:00 PM E.D.T. on April 29, 2016. Applicants are strongly encouraged to make submissions in advance of the deadline.

To register on Grants.gov, applicants must:

1. Obtain a Data Universal Numbering System (DUNS) number;
2. Register with the System for Award Management (SAM) at www.SAM.gov;
3. Create a Grants.gov username and password; and
4. The E-Business Point of Contact (POC) at your organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize you as an Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

For information and instructions on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>.

TIGER 2016 Project Information Form

Applicants should complete and attach to their application the TIGER 2016 Project Information form. Instructions on how to complete the form are contained within the attachment. The form can be found here: <http://www.transportation.gov/tiger/tiger-info>

Additional Information on Applying Through Grants.gov

Applications for TIGER Discretionary Grants must be submitted through Grants.gov. To apply for funding through Grants.gov, applicants must be properly registered. Complete instructions on how to register and apply can be found at www.grants.gov. If interested parties experience difficulties at any point during registration or application process, please call the Grants.gov Customer Support Hotline at 1-800-518-4726.

5. The DUNS number associated with the Application
6. The Grants.gov or Help Desk Tracking Number

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline date; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its website; (3) failure to follow all of the instructions in this notice of funding availability; and (4) technical issues experienced with the applicant's computer or information technology (IT) environment. After DOT staff review all of the information submitted and contact the Grants.gov Help Desk to validate the technical issues you reported, DOT staff will contact you to either approve or deny your request to submit a late application through Grants.gov. If the technical issues you reported cannot be validated, your application will be rejected as untimely.

Updated: Monday, February 29, 2016

waiver is appropriate. NHTSA invites public comment on this conclusion.

In light of the above discussion, and pursuant to 23 U.S.C. 313(b)(3), NHTSA finds that it is appropriate to grant a waiver from the Buy America requirements to Michigan to purchase twenty motorcycles for training purposes. Michigan seeks both a non-availability waiver—where the product is not produced in the United States in sufficient quantities—and a cost basis waiver—where the purchase of a comparable domestic made motorcycle is 25 percent greater than the cost of foreign made motorcycle. We have construed this as a non-availability waiver request because a cost basis waiver is not appropriate when there is no comparable domestic product against which to compare the price of the foreign product. Here, no domestic manufacturer produces a motorcycle with 250 CC engine displacement. As smaller engine displacement is common for training purposes and no American manufacturer produces motorcycles with this specification, a non-availability waiver is appropriate.

This waiver applies to Michigan and all other States seeking to use section 402 and 405 funds to purchase the make and model motorcycles above and for the purposes mentioned herein. This waiver will continue through fiscal year 2016 and will allow the purchase of these items as required for Michigan's OHSP and its motorcyclist training programs. Accordingly, this waiver will expire at the conclusion of fiscal year 2016 (September 30, 2016). In accordance with the provisions of Section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), NHTSA is providing this notice as its finding that a waiver of the Buy America requirements is appropriate for certain Suzuki, Yamaha and Honda motorcycles.

Written comments on this finding may be submitted through any of the methods discussed above. NHTSA may reconsider these findings, if through comment, it learns of and can confirm the existence of a comparable domestically made product to the items granted a waiver.

This finding should not be construed as an endorsement or approval of any products by NHTSA or the U.S. Department of Transportation. The United States Government does not endorse products or manufacturers.

Authority: 23 U.S.C. 313; Pub. L. 110–161.

Issued in Washington, DC, on February 22, 2016 under authority delegated in 49 CFR part 1.95.

Paul A. Hemmersbaugh,
Chief Counsel.

[FR Doc. 2016–04211 Filed 2–25–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Notice of Funding Opportunity for the Department of Transportation's National Infrastructure Investments Under the Consolidated Appropriations Act, 2016

AGENCY: Office of the Secretary of Transportation, DOT.

ACTION: Notice of funding opportunity.

SUMMARY: The Consolidated Appropriations Act, 2016 (Pub. L. 114–113, December 18, 2015) (“FY 2016 Appropriations Act” or the “Act”) appropriated \$500 million to be awarded by the Department of Transportation (“DOT” or the “Department”) for National Infrastructure Investments. This appropriation is similar, but not identical, to the program funded and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”) known as the Transportation Investment Generating Economic Recovery, or “TIGER Discretionary Grants,” program. Because of the similarity in program structure, DOT will continue to refer to the program as “TIGER Discretionary Grants.” Funds for the FY 2016 TIGER program (“TIGER FY 2016”) are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region. The purpose of this final notice is to solicit applications for TIGER Discretionary Grants.

DATES: Applications must be submitted by 8:00 p.m. EDT on April 29, 2016.

ADDRESSES: Applications must be submitted through Grants.gov.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the TIGER Discretionary Grants program staff via email at TIGERGrants@dot.gov, or call Howard Hill at 202–366–0301. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, DOT will regularly post answers to questions and requests for clarifications as well as information about webinars for further guidance on

DOT's Web site at www.transportation.gov/TIGER.

SUPPLEMENTARY INFORMATION: This notice is substantially similar to the final notice published for the TIGER Discretionary Grants program in the **Federal Register** on April 3, 2015 (80 FR 18283) for fiscal year 2015 funds. However, unlike that round of TIGER Discretionary Grants, this year a pre-application is not required to enhance efficiency of review. In addition, this round of TIGER Discretionary Grants reduces the minimum grant to \$5 million from \$10 million for urban areas and maximum grant to \$100 million from \$200 million, as specified in the FY 2016 Appropriations Act. Additionally, the FY 2016 Appropriations Act extends the amount of time that 2016 TIGER funds are available for obligation by one additional year, to expire September 30, 2019. Each section of this notice contains information and instructions relevant to the application process for these TIGER Discretionary Grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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- F. Federal Award Administration Information
- G. Federal Awarding Agency Contacts
- H. Other Information

A. Program Description

Since the TIGER Discretionary Grants program was first created, \$4.6 billion has been awarded for capital investments in surface transportation infrastructure over seven rounds of competitive grants. The TIGER Discretionary Grants program seeks to award projects that advance DOT's strategic goals for the nation's transportation system found in DOT's Strategic Plan for FY 2014–FY 2018 (<https://www.transportation.gov/policy-initiatives/draft-dot-strategic-plan-fy-2014-2018>). Section E, Application Review Information, of this notice describes the TIGER Discretionary Grants selection criteria based on these goals. Please see DOT's Web site at www.transportation.gov/TIGER for background on previous rounds of TIGER Discretionary Grants.

Throughout the TIGER program, TIGER Discretionary Grants awards have supported innovative projects, including multimodal and

multijurisdictional projects which are difficult to fund through traditional Federal programs. Successful TIGER projects leverage resources, encourage partnership, catalyze investment and growth, fill a critical void in the transportation system or provide a substantial benefit to the nation, region or metropolitan area in which the project is located. The FY 2016 TIGER program will continue to make transformative surface transportation investments that dramatically improve the status quo by providing significant and measurable improvements over existing conditions. Transformative improvements anchor broad and long-lasting, positive changes in economic development, safety, quality of life, environmental sustainability, or state of good repair. Because each TIGER project is unique, applicants are encouraged to present, in measurable terms, how TIGER investment will lead to transformative change(s) in their community.

The FY 2016 TIGER program will fund transformative projects of all eligible types, including projects that promote Ladders of Opportunity, to the extent permitted by law. The FY 2014 TIGER and FY 2015 TIGER programs gave consideration to projects that sought to improve access to reliable, safe, and affordable transportation for disconnected communities in urban, suburban, and rural areas. This included, but was not limited to, capital projects that better connected people to jobs, removed physical barriers to access, and strengthened communities through neighborhood redevelopment. The FY 2015 and 2016 TIGER programs clearly identify this concept as Ladders of Opportunity. Ladders of Opportunity projects may increase connectivity to employment, education, services and other opportunities; support workforce development; or contribute to community revitalization, particularly for disadvantaged groups: Low income groups, persons with visible and hidden disabilities, elderly individuals, and minority persons and populations.

B. Federal Award Information

The FY 2016 Appropriations Act appropriated \$500 million to be awarded by DOT for the TIGER Discretionary Grants program. The FY 2016 TIGER Discretionary Grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region. The Act also allows DOT to use a small portion of the \$500 million for oversight and administration

of grants and credit assistance made under the TIGER Discretionary Grants program. If this solicitation does not result in the award and obligation of all available funds, DOT may publish additional solicitations.

The FY 2016 Appropriations Act specifies that TIGER Discretionary Grants may not be less than \$5 million and not greater than \$100 million, except that for projects located in rural areas (as defined in Section C.3) the minimum TIGER Discretionary Grant size is \$1 million.

Pursuant to the FY 2016 Appropriations Act, no more than 20 percent of the funds made available for TIGER Discretionary Grants (or \$100 million) may be awarded to projects in a single State. The Act also directs that not less than 20 percent of the funds provided for TIGER Discretionary Grants (or \$100 million) shall be used for projects located in rural areas. Further, DOT must take measures to ensure an equitable geographic distribution of grant funds, an appropriate balance in addressing the needs of urban and rural areas, and investment in a variety of transportation modes.

The FY 2016 Appropriations Act requires that FY 2016 TIGER funds are only available for obligation through September 30, 2019. Obligation occurs when a selected applicant and DOT enter into a written grant agreement and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. No FY 2016 TIGER funds may be expended (actually paid out) after September 30, 2024. As part of the review and selection process described in Section E.2., DOT will consider whether a project is ready to proceed with an obligation of grant funds from DOT within the statutory time provided. No waiver is possible for these deadlines.

The FY 2016 Appropriations Act allows for up to 20 percent of available funds (or \$100 million) to be used by the Department to pay the subsidy and administrative costs for a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 ("TIFIA") program, if that use of the FY 2016 TIGER funds would further the purposes of the TIGER Discretionary Grants program.

Recipients of prior TIGER Discretionary Grants may apply for funding to support additional phases of a project awarded funds in earlier rounds of this program. However, to be competitive, the applicant should

demonstrate the extent to which the previously funded project phase has been able to meet estimated project schedules and budget, as well as the ability to realize the benefits expected for the project.

A relevant DOT modal administration will administer each TIGER Discretionary Grant, pursuant to a grant agreement between the TIGER Discretionary Grant recipient and that modal administration.

C. Eligibility Information

To be selected for a TIGER Discretionary Grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project.

1. Eligible Applicants

Eligible Applicants for TIGER Discretionary Grants are State, local, and tribal governments, including U.S. territories, transit agencies, port authorities, metropolitan planning organizations (MPOs), and other political subdivisions of State or local governments.

Multiple States or jurisdictions may submit a joint application and must identify a lead applicant as the primary point of contact, and also identify the primary recipient of the award. Each applicant in a joint application must be an Eligible Applicant. Joint applications must include a description of the roles and responsibilities of each applicant and must be signed by each applicant.

2. Cost Sharing or Matching

TIGER Discretionary Grants may be used for up to 80 percent of the costs of a project located in an urban area¹ and up to 100 percent of the costs of a project located in a rural area. Urban area and rural area are defined in section C.3.ii of this notice. Matching funds are subject to the same Federal requirements described in Section F.2. as awarded funds.

DOT will consider the following funds or contributions as a local match for the purpose of this program, and as further described in Section F.1.v:

- Non-Federal funds
- Funds from the Tribal Transportation Program (23 U.S.C. 202)

But DOT cannot consider the following funds or contributions as a local match:

- Funds already expended (or otherwise encumbered)
- Funds for which the source of those funds is ultimately a Federal program.
- Toll credits under 23 U.S.C. 120(i)

¹ To meet match requirements, the minimum total project cost for a project located in an urban area must be \$6.25 million.

3. Other

i. *Eligible Projects*—Eligible projects for TIGER Discretionary Grants are capital projects that include, but are not limited to: (1) Highway or bridge projects eligible under title 23, United States Code (including bicycle and pedestrian related projects); (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; (4) port infrastructure investments (including inland port infrastructure and land ports of entry); and (5) intermodal projects. This description of eligible projects is identical to the description of eligible projects under earlier rounds of the TIGER Discretionary Grants program.² Research, demonstration, or pilot projects are eligible only if they result in long-term, permanent surface transportation infrastructure that has independent utility as defined in Section C.3.iii. Applicants are strongly encouraged to submit applications only for eligible award amounts.

ii. *Rural/Urban Definition*—For purposes of this notice, DOT defines “rural area” as any area not within an Urbanized Area, as such term is defined by the Census Bureau,³ and will consider a project to be in a rural area if all or the majority of a project (determined by geographic location(s) where the majority of project money is to be spent) is located in a rural area. In this notice “urban” means not rural. This definition affects three aspects of the program. First, the FY 2016 Appropriations Act directs that not less than \$100 million of the funds provided for TIGER Discretionary Grants are to be used for projects in rural areas. Second, for a project in a rural area the minimum award is \$1 million. Third, the Secretary may increase the Federal share above 80 percent to pay for the costs of a project in a rural area.

To the extent more than a *de minimis* portion of a project is located in an

Urbanized Area, applicants should identify the estimated percentage of project costs that will be spent in Urbanized Areas and the estimated percentage that will be spent in rural areas. The Department will not provide an award to a project in a rural area without information showing that the majority of the project funds will be expended in a rural area. Rural and urban definitions differ in some other DOT programs, including TIFIA and the Nationally Significant Freight and Highway Projects Program (§ 1105; 23 U.S.C. 117).

iii. *Project Components*—An application may describe a project that contains more than one component, and may describe components that may be carried out by parties other than the applicant. DOT may award funds for a component, instead of the larger project, if that component (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C; (2) independently aligns well with the selection criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of DOT funds even if no other improvements are made in the area, and will be ready for intended use upon completion of that component’s construction. All project components that are presented together in a single application must demonstrate a relationship or connection between them. (See Section D.2.f. for Required Approvals).

Applicants should be aware that, depending upon the relationship between project components and upon applicable Federal law, DOT funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

DOT strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested TIGER funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses selection criteria.

iv. *Limit on Number of Applications*—Each lead applicant may submit no more than three applications. Unrelated project components should not be bundled in an application for the purpose of avoiding the three applications per lead applicant limit. Please note that the three-application limit applies only to applications where the applicant is the lead applicant. There is no limit on the number of applications for which an applicant can be listed as a partnering agency. If a lead applicant submits more than three applications as the lead applicant, only the first three received will be considered. The Nationally Significant Freight and Highway Projects (NSFHP) program (§ 1105; 23 U.S.C. 117) and the 2016 TIGER Discretionary Grant program have independent application limits. Applicants applying to both the NSFHP and the 2016 TIGER Discretionary Grants program may apply for the same project to both programs (noted in each application), but must timely submit separate applications that independently address how the project satisfies applicable selection criteria for the relevant grant program.

D. Application and Submission Information

1. Address

Applications must be submitted to Grants.gov. General information for submitting applications through Grants.gov can be found at www.transportation.gov/TIGER along with specific instructions for the forms and attachments required for submission. Failure to submit the information as requested can delay review of the application.

2. Content and Form of Application Submission

Applications must include the Standard Form 424 (Application for Federal Assistance), the Project Narrative, and any additional required attachments as specified by the instructions provided. Applicants should also complete and attach to their application the “TIGER 2016 Project Information” form available at www.transportation.gov/TIGER. Additional clarifying guidance and FAQs to assist applicants in completing the SF-424 are available at www.transportation.gov/TIGER. DOT may ask any applicant to supplement data in its application, but expects applications to be complete upon submission. To the extent practicable, applicants should provide data and evidence of project merits in a form that is verifiable or publicly available.

² Please note that the Department may use a TIGER Discretionary Grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for TIGER Discretionary Grants to pay for the surface transportation components of these projects.

³ For Census 2010, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau Web site at http://www2.census.gov/geo/mnps/dc10map/UAUC_RefMap/ua/. Urban Clusters (UCs) are rural areas for purposes of the TIGER Discretionary Grants program. Please note that while individual jurisdictions might have a population of fewer than 50,000, if they are included as part of an UA, they will be classified as urban for purposes of the TIGER program.

The Project Narrative (attachment to SF-424) must respond to the application requirements outlined below. The application must include information required for DOT to assess each of the criteria specified in Section E.1 (Criteria). Applicants must demonstrate the responsiveness of a project to any pertinent selection criteria with the most relevant information that they can provide, regardless of whether such information has been specifically requested, or identified, in this notice. An application should provide evidence of the feasibility of achieving project milestones, and of financial capacity and commitment in order to support project readiness.

An application should also include a description of how the project addresses the needs of the area, creates economic opportunity, and sparks community revitalization, particularly for disadvantaged groups.

DOT recommends that the project narrative adhere to the following basic outline and, in addition to a detailed statement of work, project schedule, and project budget, should include a table of contents, maps, and graphics as appropriate that make the information easier to review:

i. *Project Description* (including a description of what TIGER funds will support, information on the expected users of the project, a description of the transportation challenges that the project aims to address, how the project will address these challenges, and whether, and how, the project promotes Ladders of Opportunity.) Include relevant data, such as passenger or freight volumes, congestion levels, infrastructure condition, and safety experience;

ii. *Project Location* (a detailed description of the proposed project and geospatial data for the project, including a map of the project's location and its connections to existing transportation infrastructure, as well as a description of the national, regional, or metropolitan area in which the project is located, including economic information such as population size, median income for transportation facility users, or major industries affected, and project map);

iii. *Project Parties* (information about the grant recipient and other project parties);

iv. *Grant Funds and Sources/Uses of Project Funds* (information about the amount of grant funding requested, availability/commitment of fund sources and uses of all project funds, total project costs, percentage of project costs that would be paid with TIGER Discretionary Grants funds, and the

identity of all parties providing funds for the project and their percentage shares.) Include any other pending or past Federal funding requests for the project as well as Federal funds already provided under other programs and the size, nature/source of the required match for those funds, to clarify that these are not the same funds counted under the matching requirement for this grant request. Describe any restrictions attached to specific funds; compliance or a schedule for compliance with all conditions applicable to each funding source, and, to the extent possible, funding commitment letters from non-Federal sources.

v. *Selection Criteria* (information about how the project aligns with each of the primary and secondary selection criteria):

(i) *Primary Selection Criteria*

- (a) State of Good Repair
- (b) Economic Competitiveness
- (c) Quality of Life
- (d) Environmental Sustainability
- (e) Safety

(ii) *Secondary Selection Criteria*

- (a) Innovation
- (b) Partnership

vi. *Results of Benefit-Cost Analysis*;
vii. *Project Readiness*, including planning approvals, NEPA and other environmental reviews/approvals, (including information about permitting, legislative approvals, State and local planning, and project partnership and implementation agreements); and

viii. *Federal Wage Rate Certification* (a certification, signed by the applicant(s), stating that it will comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code [Federal wage rate requirements], as required by the FY 2016 Appropriations Act).

The purpose of this recommended format is to ensure that applications clearly address the program requirements and make critical information readily apparent.

DOT recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font, such as Times New Roman, with 1-inch margins). The project narrative may not exceed 30 pages in length. Documentation supporting the assertions made in the narrative portion may also be provided, but should be limited to relevant information. Cover pages, tables of contents, and the federal wage rate certification do not count towards the 30-page limit for the narrative portion of the application. The only substantive portions of the

application that may exceed the 30-page limit are any supporting documents (including a more detailed discussion of the benefit-cost analysis) provided to support assertions or conclusions made in the 30-page narrative section. If possible, Web site links to supporting documentation (including a more detailed discussion of the benefit-cost analysis) should be provided rather than copies of these materials. Otherwise, supporting documents should be included as appendices to the application. Applicants' references to supporting documentation should clearly identify the relevant portion of the supporting material. At the applicant's discretion, relevant materials provided previously to a relevant modal administration in support of a different DOT discretionary financial assistance program (for example, New Starts or TIFIA) may be referenced and described as unchanged. This information need not be resubmitted for the TIGER Discretionary Grant application but may be referenced as described above; Web site links to the materials are highly recommended. DOT recommends using appropriately descriptive file names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments.

3. *Unique Entity Identifier and System for Award Management (SAM)*

DOT may not make a TIGER Discretionary Grant award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements. If an applicant has not fully complied with the requirements by the submission deadline, the application will not be considered. To submit an application through Grants.gov, applicants must:

- i. Obtain a Data Universal Numbering System (DUNS) number;
- ii. Register with the System for Award Management (SAM) at www.SAM.gov;
- iii. Create a Grants.gov username and password; and
- iv. The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

For information and instructions on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>.

If an applicant is selected for an award, the applicant will be required to maintain an active SAM registration

with current information throughout the period of the award.

4. Submission Dates and Times

i. **Deadline:** Applications must be submitted by 8:00 p.m. EDT on April 29, 2016. The Grants.gov "Apply" function will open on February 26, 2016.

ii. **Only applicants who comply** with all submission deadlines described in this notice and electronically submit valid applications through Grants.gov will be eligible for award.

Applicants are strongly encouraged to make submissions in advance of the deadline. Please be aware that applicants must complete the Grants.gov registration process before submitting the final application, and that this process usually takes 2–4 weeks to complete. If interested parties experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Support Hotline at 1–800–518–4726, Monday–Friday from 7:00 a.m. to 9:00 p.m. EDT.

iii. **Late Applications:** DOT will not consider applications received after the deadline except in the case of unforeseen technical difficulties outlined below. DOT will not consider late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner.

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact TIGERGrants@dot.gov or Howard Hill at 202–366–0301 prior to the corresponding deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

- a. Details of the technical issue experienced.
- b. Screen capture(s) of the technical issue experienced along corresponding "Grant tracking number" (Grants.Gov).
- c. The "Legal Business Name" for the applicant that was provided in the SF–424 or pre-application.
- d. The AOR name submitted in the SF–424 (Grants.gov).
- e. The DUNS number associated with the pre-application/application.
- f. The Grants.gov or Pre-Application Help Desk Tracking Number.

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the registration process before the deadline date; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Web site; (3) failure to follow all of the instructions in this notice of

funding availability; and (4) technical issues experienced with the applicant's computer or information technology (IT) environment. After DOT staff review all of the information submitted and contacted the Grants.gov Help Desk to validate the technical issues reported, DOT staff will contact applicants to either approve or deny the request to submit a late application through Grants.gov. If the technical issues reported cannot be validated, the application will be rejected as untimely.

5. Funding Restrictions

There is no specific set-aside funding solely for pre-construction activities⁴ in the FY 2016 TIGER Discretionary Grants program. However, these activities may be eligible to the extent that they are part of an overall construction project that receives TIGER Discretionary Grants funding. For TIGER funds to be considered for pre-construction activities, the applicant must clearly state, in the application, the pre-construction activity and amount of TIGER funds that will be expended on that activity.

E. Application Review Information

1. Criteria

This section specifies the criteria that DOT will use to evaluate and award applications for TIGER Discretionary Grants. The criteria incorporate the statutory eligibility requirements for this program, which are specified in this notice as relevant. There are two categories of selection criteria, "Primary Selection Criteria" and "Secondary Selection Criteria." Within each relevant selection criterion, applicants are encouraged to present in measurable terms how TIGER investment will lead to transformative change(s) in their community. Projects will also be evaluated for demonstrated project readiness, benefits and costs, and cost share.

i. Primary Selection Criteria

Applications that do not demonstrate a likelihood of significant long-term benefits based on these criteria will not proceed in the evaluation process. DOT does not consider any primary selection criterion more important than the others. The primary selection criteria, which will receive equal consideration, are:

⁴ Pre-Construction activities are activities related to the planning, preparation, or design of surface transportation projects. These activities include but are not limited to environmental analysis, feasibility studies, design, and engineering of surface transportation projects as described in Section C.3.

a. **Safety.** Improving the safety of U.S. transportation facilities and systems for all modes of transportation and users. DOT will assess the project's ability to reduce the number, rate, and consequences of surface transportation-related accidents, serious injuries, and fatalities among transportation users, including pedestrians, the project's contribution to the elimination of highway/rail grade crossings, and the project's contribution to preventing unintended releases of hazardous materials. DOT will consider the project's ability to foster a safe, connected, accessible transportation system for the multimodal movement of goods and people.

b. **State of Good Repair.** Improving the condition and resilience of existing transportation facilities and systems. DOT will assess whether and to what extent: (1) The project is consistent with relevant plans to maintain transportation facilities or systems in a state of good repair and address current and projected vulnerabilities; (2) if left unimproved, the poor condition of the asset will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth; (3) the project is appropriately capitalized up front and uses asset management approaches that optimize its long-term cost structure; (4) a sustainable source of revenue is available for operations and maintenance of the project; and (5) the project improves the transportation asset's ability to withstand probable occurrence or recurrence of an emergency or major disaster or other impacts of climate change. Additional consideration will be given to a project's contribution to improving the overall reliability of a multimodal transportation system that serves all users, and to projects that offer significant transformational improvements to the condition of existing transportation systems and facilities.

c. **Economic Competitiveness.** Contributing to the economic competitiveness of the United States over the medium- to long-term, revitalizing communities, and creating and preserving jobs. DOT will assess whether the project will (1) decrease transportation costs and improve access for Americans with transportation disadvantages through reliable and timely access to employment centers, education and training opportunities, and other basic needs of workers; (2) improve long-term efficiency, reliability or costs in the movement of workers or goods; (3) increase the economic productivity of land, capital, or labor at

specific locations, or through community revitalization efforts; (4) result in long-term job creation and other economic opportunities; or (5) help the United States compete in a global economy by facilitating efficient and reliable freight movement, including border infrastructure and projects that have a significant effect on reducing the costs of transporting export cargoes. DOT will prioritize projects that exhibit strong leadership and vision, and are part of a larger strategy to significantly revitalize communities and increase economic opportunities.

d. **Quality of Life. Increasing transportation choices and improving access to essential services for people in communities across the United States, particularly for disadvantaged groups.** DOT will assess whether the project furthers the six "Livability Principles" developed by DOT with the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) as part of the Partnership for Sustainable Communities.⁵ DOT will focus on the first principle, the creation of affordable and convenient transportation choices.⁶ Further, DOT will prioritize projects developed in coordination with land-use planning and economic development decisions, including through programs like TIGER Planning Grants, the Department of Housing and Urban Development's Regional Planning Grants, the Environmental Protection Agency's Brownfield Area-Wide Planning Pilot Program, and technical assistance programs focused on quality of life or economic development planning. DOT will assess the extent to which the project will anchor transformative, positive, and long-lasting quality of life changes at the national, regional or metropolitan level.

e. **Environmental Sustainability.** Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions, improving water quality, avoiding and mitigating environmental impacts and otherwise benefitting the environment. DOT will assess the project's ability to: (i) Reduce energy use and air or water pollution; (ii) avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; or (iii) provide environmental benefits, such as brownfield redevelopment, ground water recharge

in areas of water scarcity, wetlands creation or improved habitat connectivity, and stormwater mitigation, including green infrastructure. Applicants are encouraged to provide quantitative information, including baseline information that demonstrates how the project will reduce energy consumption, stormwater runoff, or achieve other benefits for the environment.

ii. Secondary Selection Criteria

a. **Innovation.** Use of innovative strategies to pursue the long-term outcomes outlined above. DOT will also assess the extent to which the project uses innovative technology to pursue one or more of the long-term outcomes outlined above or to significantly enhance the operational performance of the transportation system. DOT will also assess the extent to which the project incorporates innovations in transportation funding and finance and leverages both existing and new sources of funding through both traditional and innovative means. Further, DOT will consider the extent to which the project utilizes innovative practices in contracting, congestion management, safety management, asset management, or long-term operations and maintenance. DOT is interested in projects that apply innovative strategies to improve the efficiency of project development or to improve project delivery.

b. **Partnership.** Demonstrating strong collaboration among a broad range of stakeholders, and the product of a robust, inclusive planning process.

(i) **Jurisdictional and Stakeholder Collaboration.** DOT will consider the extent to which projects involve multiple partners in project development and funding, such as State and local governments, other public entities, and/or private or nonprofit entities. DOT will also assess the extent to which the project application demonstrates collaboration among neighboring or regional jurisdictions to achieve national, regional, or metropolitan benefits. In the context of public-private partnerships, DOT will assess the extent to which partners are encouraged to ensure long-term asset performance, such as through pay-for-success approaches.

(ii) **Disciplinary Integration.** DOT will consider the extent to which projects include partnerships that bring together diverse transportation agencies and/or are supported, financially or otherwise, by non-transportation public agencies that are pursuing similar objectives. For example, DOT will give priority to transportation projects that are

coordinated with economic development, housing, water infrastructure, and land use plans and policies or other public service efforts. Similarly, DOT will give priority to transportation projects that are coordinated with housing, social services, or education agencies. Projects that demonstrate a robust planning process—such as those conducted with DOT's various planning programs and initiatives, the Department of Housing and Urban Development's Regional Planning Grants and Choice Neighborhood Planning Grants, or the Environmental Protection Agency's Brownfield Area-Wide Planning Pilot Program, as well as technical assistance programs focused on livability or economic development planning—will also be given priority.

iii. Demonstrated Project Readiness

For projects that receive funding in this round of TIGER, DOT must obligate funds by September 30, 2019, or the funding will expire. Therefore, DOT will assess every application to determine whether the project is likely to proceed to obligation by the statutory deadline (see *Additional Information on Project Readiness Guidelines* located at www.transportation.gov/TIGER for further details), as evidenced by:

a. **Technical Feasibility.** The technical feasibility of the project should be demonstrated by engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the TIGER application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants must include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed.

b. **Financial Feasibility.** The viability and completeness of the project's financing package (assuming the availability of the requested TIGER Discretionary Grant funds) should be demonstrated including evidence of stable and reliable capital and (as appropriate) operating fund commitments sufficient to cover estimated costs; the availability of contingency reserves should planned capital or operating revenue sources not materialize; evidence of the financial condition of the project sponsor; and evidence of the grant recipient's ability to manage grants. The applicant must include a detailed project budget in this section of the application containing a breakdown of how the funds will be

⁵ <https://www.transportation.gov/livability/101>.

⁶ In full, this principle reads: "Provide more transportation choices. Develop safe, reliable and economical transportation choices to decrease household transportation costs, reduce our nations' dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health."

spent. That budget must estimate—both dollar amount and percentage of cost—the cost of work for each project component. If the project will be completed in segments or phases, a budget for each segment or phase must be included. Budget spending categories must be broken down between TIGER, other Federal, and non-Federal sources,⁷ and identify how each funding source will share in each activity.

c. **Project Schedule.** The applicant must include a detailed project schedule that includes all major project milestones—such as start and completion of environmental reviews and approvals; design; right of way acquisition; approval of plan, specification and estimate (PS&E); procurement; and construction—with sufficiently detailed information to demonstrate that:

(i) All necessary pre-construction activities will be complete to allow grant funds to be obligated no later than June 30, 2019, to give DOT reasonable assurance that the TIGER Discretionary Grant funds will be obligated sufficiently in advance of the September 30, 2019, statutory deadline, and that any unexpected delays will not put the funds at risk of expiring before they are obligated;

(ii) the project can begin construction quickly upon receipt of a TIGER Discretionary Grant, and that the grant funds will be spent steadily and expeditiously once construction starts; and

(iii) any applicant that is applying for a TIGER Discretionary Grant and does not own all of the property or right-of-way required to complete the project should provide evidence that the property and/or right-of-way acquisition can and will be completed expeditiously.

DOT may revoke any award of TIGER Discretionary Grant funds and award those funds to another project if the funds cannot be timely obligated or construction does not begin in accordance with the project schedule established in the grant agreement.

d. Required Approvals

(i) **Environmental Permits and Reviews.** An application for a TIGER Discretionary Grant must detail whether the project will significantly impact the natural, social and/or economic environment. The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental approvals and permits necessary for the

project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State and local requirements and completion of the National Environmental Policy Act ("NEPA") process. Although Section C.3.iii (Project Components) of this notice encourages applicants to identify independent project components, those components may not be separable for the NEPA process. In such cases, the NEPA review for the independent project component may have to include evaluation of all project components as connected, similar, or cumulative actions, as detailed at 40 CFR 1508.25. The applicant should submit the information listed below with the application:

(1) **Information about the NEPA status of the project.** If the NEPA process is completed, an applicant must indicate the date of, and provide a Web site link or other reference to the final Categorical Exclusion, Finding of No Significant Impact or Record of Decision. If the NEPA process is underway but not complete, the application must detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion. Applicants must provide a Web site link or other reference to copies of any NEPA documents prepared.

(2) **Information on reviews by other agencies.** An application for a TIGER Discretionary Grant must indicate whether the proposed project requires reviews or approval actions by other agencies,⁸ indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and/or demonstrate compliance with any other applicable Federal, State, or local requirements.

(3) **Environmental studies or other documents—preferably through a Web site link—that describe in detail known project impacts, and possible mitigation for those impacts.**

(4) **A description of discussions with the appropriate DOT modal administration field or headquarters office regarding compliance with NEPA and other applicable environmental reviews and approvals.**

(ii) **Legislative Approvals.** The applicant should demonstrate receipt of

state and local approvals on which the project depends. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project is broadly supported.

(iii) **State and Local Planning.** The planning requirements of the modal administration administering the TIGER project will apply.⁹ Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included. If the project is not included in the relevant planning documents at the time the application is submitted, the applicant should submit a certification from the appropriate planning agency that actions are underway to include the project in the relevant planning document. Because projects have different schedules, the construction start date for each TIGER Discretionary Grant will be specified in the project-specific grant agreements signed by relevant modal administration and the grant recipients and will be based on critical path items identified by applicants in response to items (i)(1) through (4) above.

e. **Assessment of Project Risks and Mitigation Strategies.** The applicant should identify the material risks to the project and the strategies that the lead

⁹ All projects requiring an action by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) in accordance with 23 CFR part 450, must be in the metropolitan transportation plan, transportation improvement program (TIP) and statewide transportation improvement program (STIP). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a TIGER Discretionary Grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans in order to receive a TIGER Discretionary Grant. Port, freight and passenger rail projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008. This is consistent with the exemption for high-speed and intercity passenger rail projects under the Recovery Act. However, applicants seeking funding for freight and passenger rail projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. To the extent possible, freight projects should be included in a state freight plan and supported by a state freight advisory committee (see MAP-21 §§ 1117–1118). Further information and guidance information on transportation planning and is available from the following FHWA and FTA sites respectively—<http://www.fhwa.transportation.gov/planning> and <http://www.fta.transportation.gov/about/12347.html>. Port planning guidelines are available at StrongPorts.gov.

⁷ Non-Federal sources include State funds originating from State revenue funded programs, local funds originating from State or local revenue funded programs, private funds or other funding sources of non-Federal origins.

⁸ Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources. Examples of these reviews and approvals can be found at www.transportation.gov/TIGER.

applicant and any project partners have undertaken or will undertake in order to mitigate those risks. In past rounds of TIGER Discretionary Grants, certain projects have been affected by procurement delays, environmental uncertainties, and increases in real estate acquisition costs. The applicant must assess the greatest risks to the projects and identify how the project parties will mitigate those risks. DOT will consider projects that contain risks so long as the applicant clearly and directly describes achievable mitigation strategies.

The applicant, to the extent they are unfamiliar with the Federal program, should contact DOT modal field or headquarters offices for information on what steps are pre-requisite to the obligation of Federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

Contacts for the Federal Highway Administration Division offices—which are located in all 50 States, Washington, DC, and Puerto Rico—can be found at <http://www.fhwa.dot.gov/about/field.cfm>. Contacts for the ten Federal Transit Administration regional offices can be found at <http://www.fta.dot.gov/12926.html>. Contacts for the nine Maritime Administration Gateway Offices can be found at http://www.marad.dot.gov/about_us_landing_page/gateway_offices/Gateway_Presence.htm. For Federal Railroad Administration Contacts, please contact TIGER program staff via email at TIGERGrants@dot.gov, or call Howard Hill at 202-366-0301.

iv. Project Costs and Benefits

An applicant for TIGER Discretionary Grants is generally required to identify, quantify, and compare expected benefits and costs, subject to the following qualifications:¹⁰

An applicant must prepare and submit an analysis of benefits and costs. The level of sophistication of the benefit-cost analysis (BCA) should be reasonably related to the size of the overall project and the amount of grant funds requested in the application. For smaller projects, DOT understands that a less detailed analysis for items such as surveys, travel demand forecasts, market forecasts, and statistical analyses is appropriate. For larger projects, DOT expects that applicants will provide a

robust and detailed analysis of benefits and costs. Any subjective estimates of benefits and costs should be quantified, and the applicant should provide appropriate evidence to support their subjective estimates. Estimates of benefits should be presented in monetary terms whenever possible; if a monetary estimate is not possible, then at least one non-monetary quantitative estimate (in physical, non-monetary terms) should be provided. Examples of such benefits include:

- Crash rates
- Ridership estimates
- Emissions levels
- Energy efficiency improvements

However, an applicant should use qualitative measures to include benefits that cannot be readily monetized or quantified.

Depending on the level of sophistication of a BCA that is reasonably related to the size of an overall project, the lack of a useful analysis of expected project benefits and costs may be a basis for not selecting a project for award of a TIGER Discretionary Grant. However, DOT will use the results of the BCA review as one of several criteria considered during the TIGER Discretionary Grants evaluation process.

The *2016 Benefit-Cost Analyses Guidance for TIGER Grant Applicants* and in the *BCA Resource Guide* (available at www.transportation.gov/TIGER) provides detailed guidance for preparing benefit-cost analyses. A recording of the *Benefit-Cost Analysis Practitioner's Workshop (2010)* and two BCA-related webinars are also available for viewing at www.transportation.gov/TIGER, along with examples of benefit-cost analyses that have been submitted in previous rounds of TIGER.

Spreadsheets supporting the benefit-cost analysis should be original Excel spreadsheets, not PDFs of those spreadsheets. Benefits should be presented, whenever possible, in a tabular form showing benefits and costs in each year for the useful life of the project. The application should include projections of costs, travel conditions, safety outcomes, and environmental impacts for both the build and no-build scenarios for the project for each year between the completion of the project and a point in time at least 20 years beyond the project's completion date or the lifespan of the project, whichever is closer to the present. The BCA should demonstrate how the benefits and costs of the proposed project are based on differences in the future values of these measures between the baseline or no-build scenario and with the proposed

project in place. Benefits and costs should both be discounted to the year 2016, and calculations should be presented for discounted values of both the stream of benefits and the stream of costs. If the project has multiple components, each of which has independent utility, the benefits and costs of each component should be estimated and presented separately. The results of the benefit-cost analysis should be summarized in the Project Narrative section of the application itself, but the details should be presented in an attachment to the application if the full analysis cannot be included within the page limit for the project narrative.

BCA Flexibility for Tribal Governments: Based on feedback over previous rounds of TIGER, DOT recognizes that the benefit-cost analysis can be particularly burdensome on Tribal governments. Therefore, the Department is providing additional flexibility to Tribal governments for the purposes of this notice. At their discretion, Tribal applicants may elect to provide raw data to support the need for a project (such as crash rates, ridership estimates, and the number of people who will benefit from the project), without additional analysis. DOT will use this data to develop estimates (given the data provided) of benefits and costs. DOT will use these results as one of several criteria considered during the TIGER Discretionary Grants evaluation process. Examples of BCAs by successful Tribal applicants are available online at <http://www.transportation.gov/policy-initiatives/tiger/tribal-tiger-bca-examples>.

v. Cost Sharing or Matching

The FY 2016 Appropriations Act directs DOT to prioritize projects that require a contribution of Federal funds to complete an overall financing package, and all projects can increase their competitiveness for purposes of the TIGER program by demonstrating significant non-Federal financial contributions. The applicant should clearly demonstrate the extent to which the project cannot be readily and efficiently completed without a TIGER Discretionary Grant, and describe the extent to which other sources of funds, including Federal, State, or local funding, may or may not be readily available for the project. The Department may consider the form of cost sharing presented in an application. Firm commitments of cash that indicate a complete project funding package and demonstrate local support for the project are more competitive than other

¹⁰ DOT has a responsibility under Executive Order 12893, Principles for Federal Infrastructure Investments, 59 FR 4233, to base infrastructure investments on systematic analysis of expected benefits and costs, including both quantitative and qualitative measures.

forms of cost sharing. DOT recognizes that applicants have varying abilities and resources to contribute non-Federal contributions, especially those communities that are not routinely receiving and matching Federal funds. DOT recognizes certain communities with fewer financial resources may struggle to provide cost-share that exceeds the minimum requirements and will, therefore, consider an applicant's broader fiscal constraints when evaluating non-Federal contributions. In the first seven rounds, on average, projects attracted more than 3.5 matching dollars for every TIGER grant dollar.

2. Review and Selection Process

DOT reviews all eligible applications received before the deadline. The TIGER review and selection process consists of three phases: Technical Review, Tier 2 Analysis consisting of project readiness and economic analysis, and Senior Review. A Control and Calibration Team ensures consistency across projects and appropriate documentation throughout the review and selection process. In the Technical Evaluation phase, teams comprising staff from the Office of the Secretary (OST) and modal administrations review all eligible applications and rate projects as Highly Recommended, Recommended, Acceptable, or Not Recommended based on how well the projects align with the selection criteria.

Tier 2 Analysis consists of (1) an Economic Analysis and (2) a Project Readiness Analysis. The Economic Analysis Team, comprising OST and modal administration economic staff, assess the potential benefits and costs of the proposed projects. The Project Readiness Team, comprising Office of the Secretary Office of Policy (OST-P) and modal administration staff, evaluates the proposed project's technical and financial feasibility, potential risks and mitigation strategies, and project schedule, including the status of environmental approvals and readiness to proceed.

In the third review phase, the Senior Review Team, which includes senior leadership from OST and the modal administrations, considers all projects that were rated Acceptable, Recommended, or Highly Recommended and determines which projects to advance to the Secretary as Highly Rated. The Secretary selects from the Highly Rated projects for final awards.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk

assessment required by 2 CFR 200.205. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIS)). An applicant may review information in FAPIS and comment on any information about itself. The Department will consider comments by the applicant in addition to the other information in FAPIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notice

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at www.transportation.gov/TIGER. Following that announcement, the relevant modal administration will contact the point of contact listed in the SF 424 to initiate negotiation of the grant agreement.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by DOT at 2 CFR part 1201. Additionally, applicable Federal laws, rules and regulations of the relevant modal administration administering the project will apply to the projects that receive TIGER Discretionary Grants awards, including planning requirements, Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements under DOT's other highway, transit, rail, and port grant programs.

For projects administered by the Federal Highway Administration (FHWA), applicable Federal laws, rules, and regulations set forth in Title 23 U.S.C. and Title 23 CFR apply. For an illustrative list of the applicable laws, rules, regulations, executive orders, policies, guidelines, and requirements as they relate to a TIGER project administered by the FHWA, please see http://www.ops.fhwa.dot.gov/freight/infrastructure/tiger/fy2015_gr_exhbt/index.htm. For TIGER projects administered by the Federal Transit Administration and partially funded

with Federal transit assistance, all relevant requirements under chapter 53 of title 49 U.S.C. apply. For transit projects funded exclusively with TIGER Discretionary Grants funds, some requirements of chapter 53 of title 49 U.S.C. and chapter VI of title 49 CFR apply. For projects administered by the Federal Railroad Administration, FRA requirements described in 49 U.S.C. Subtitle V, Part C apply.

Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, United States Code, apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with TIGER Discretionary Grant funds, other Federal funds, or non-Federal funds.

3. Reporting

i. Progress Reporting on Grant Activities

Each applicant selected for TIGER Discretionary Grants funding must submit quarterly progress reports and Federal Financial Report (SF-425) on the financial condition of the project and the project's progress, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the TIGER program.

ii. System Performance Reporting

Each applicant selected for TIGER Discretionary Grant funding must collect information and report on the project's observed performance with respect to the relevant long-term outcomes that are expected to be achieved through construction of the project. Performance indicators will not include formal goals or targets, but will include observed measures under baseline (pre-project) as well as post-implementation outcomes for an agreed-upon timeline, and will be used to evaluate and compare projects and monitor the results that grant funds achieve to the intended long-term outcomes of the TIGER Discretionary Grants program are achieved. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the primary selection criteria defined in Section E. Performance reporting continues for several years after project construction is completed, and DOT does not provide TIGER Discretionary Grant funding specifically for performance reporting.

iii. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant's currently active grants,

cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

G. Federal Awarding Agency Contacts

For further information concerning this notice please contact the TIGER Discretionary Grants program staff via email at TIGERGrants@dot.gov, or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will post answers to questions and requests for clarifications on DOT's Web site at www.transportation.gov/TIGER. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the TIGER Discretionary Grants selection and award process upon request.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission "Contains Confidential Business Information (CBI)"; (2) mark each affected page "CBI"; and (3) highlight or otherwise denote the CBI portions. DOT protects

such information from disclosure to the extent allowed under applicable law. In the event DOT receives a Freedom of Information Act (FOIA) request for the information, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Anthony R. Foxx,
Secretary.

[FR Doc. 2016-04217 Filed 2-25-16; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT-OST-2015-0139]

Proposed Information Collection Request; Notice of New Requirements and Procedures for Grant Payment Request Submission

AGENCY: Department of Transportation (DOT).

ACTION: Notice with request for comments.

SUMMARY: The Department of Transportation (DOT), Office of the Secretary (OST) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on October 29, 2015, allowing for a 60-day public comment period.

DATES: Comments must be submitted on or before March 28, 2016.

ADDRESSES: Direct comments to the Department of Transportation Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- **Email:** oir_submission@omb.eop.gov. You must include the information collection title and OMB control number in the subject line of your message.

- **Fax:** 202-395-5806. Attn: Desk Officer for Department of Transportation.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documents from US Department of Transportation, Office of Financial Management, B-30, Room W93-431,

1200 New Jersey Avenue SE., Washington, DC 20590-0001, (202) 366-0448, DOTElectronicInvoicing@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Notice of Procedures for Vendor Invoice Submission Pilot.

OMB Control Number: 2106-XXXX.

Type of Request: New information collection.

Background: This notice sets forth new processes and procedures for vendors that submit invoices and receive payments from DOT Operating Administrations (OAs). The vendors involved in the pilot must meet the following requirements to participate—

- Vendors will need to have electronic internet access to register in the Delphi eInvoicing system.
 - Vendors will submit invoices electronically and DOT OAs must process invoices electronically.
 - The identities of system users must be verified prior to receiving access to the Delphi eInvoicing system.
- Prospective Users must complete a user request form and provide the following information: Full name, work address, work phone number, work email address, home address and home phone number. Prospective users must present the completed form to a Notary Public for verification. Prospective users will then return the notarized form to DOT to receive their login credentials.

Affected Public: DOT Vendors.

Total Estimated Number of Respondents: 255.

Total Estimated Number of Responses: 2603.

Estimated Total Annual Burden Hours: 5206 (initial registration only).

Frequency of Collection: One time.

Annual Estimated Total Annual Burden Costs: \$52,060.

Comments: Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520, as amended.

Issued in Washington, DC, on February 17, 2016.

Habib Azarsina,
OST Privacy & PRA Officer, Department of Transportation.

[FR Doc. 2016-04212 Filed 2-25-16; 8:45 am]

BILLING CODE 4910-9X-P



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Regional Sediment Management (RSM)

A systems approach to deliberately manage sediments in a manner that maximizes natural and economic efficiencies to contribute to sustainable water resource projects, environments, and communities.

- Recognizes sediment as a valuable resource
- Regional implementation strategies across multiple projects and business lines to guide investments to achieve long-term economic, environmental, and social value and benefits
- Enhances relationships with stakeholders and partners to better manage sediments across a region (local actions with regional benefits)
- Share lessons learned, data, tools, and technology

Interactive Map

HISTORICAL RSM PARTICIPATION (2000-2015)



◆ 27 Districts (20 Coastal, 7 Inland) ◆ ERDC, IWR-HEC ○ RSM Video





**US Army Corps
of Engineers.**
Engineer Research and
Development Center

Regional Sediment Management Program Jacksonville District (SAJ): RSM-Regional Center of Expertise (RCX)



Description

The South Atlantic Division (SAD) RSM Regional Center of Expertise (RCX) was established in December 2014. While headquartered in the Jacksonville District, SAJ, the RCX will rely on expertise across the Division and the nation, reflecting the multifaceted applications of RSM across Corps missions and business lines. Because other Districts and Divisions possess RSM expertise in various areas relevant to RSM, Subject Matter Experts (SMEs) from across the USACE will be asked to participate. The RCX mission is operationalize RSM through further RSM integration and implementation: assist Districts as needed with implementation, assist with stakeholder and partner coordination and communication, push for RSM criteria in annual budgeting, coordinate policy to support cross-mission authorities and funding, firmly establish and demonstrate RSM value/benefits to chain of command, outreach RSM successes, and overcome obstacles.

Issue/Challenge To Address

RSM has come far in the past 15+ years but still has not gained the recognition needed for the RSM philosophy to be fully integrated into the Corps process including authorization, budgeting, planning, design and construction across the nation. Taking RSM to this next level is the goal of the RSM-RCX.

Successes Lessons Learned

Extensive progress has been made in Jacksonville using project leveraged resources. The RSM concept has been broadly coordinated to include meetings with HQ leadership, the CERB, SAD leadership, SAW, SAS, SAM, SAC, and SAJ leadership, and presentations at 4 National conferences. Draft RSM value added by Jacksonville's FY13 program have been completed, as well as life cycle RSM value on several SAJ projects.

Expected Products

- SME group list
- Approved Value Methodology SOP
- SAD (minimum) District FY13 and FY14 value tables
- HQ/ERDC/SAD/District Briefings x 10 (5 before/5 after)
- RSM Value Presentations – 4 conferences
- Press Releases (ERDC approved)
- RSM Meeting on Successes, Challenges, and Lessons Learned

Stakeholders/Users

Stakeholders are numerous, crossing USACE business lines as well as other Federal and non-Federal agencies. As mentioned in #3 above, multiple stakeholders have expressed interest in the furtherance of RSM and understanding the value produced by such. One such stakeholder, the Florida Department of Environmental Protection (FDEP) has been extensively engaged and is a critical stakeholder in the success of SAJ and SAM's program. This stakeholder as well as many others will be extensively coordinated with and a valuable part of calculating benefits in Florida.



**US Army Corps
of Engineers.**

Engineer Research and
Development Center

Regional Sediment Management Program SAJ: RSM-Regional Center of Expertise (RCX)



Projected Benefits

Benefits of RSM application are broad. As an example, close to 2 MCY of sediment was moved and beneficially placed through RSM by Jacksonville in 2013. The added value of this sediment as placed is approximately \$27.5 Million which essentially more than doubles the value of the contracts awarded through the Navigation business line. This incredible value to the nation is only available due to SAJ's proactive efforts to communicate the value and further the RSM program. Funds provided by this proposal will allow for these efforts to take place on a broader scale.

Leveraging Opportunities

Project efficiencies, conservation of scarce resources, cross-project and cross-business line benefits produced by RSM are desirable not only within the Navigation Business line, but throughout all aspects of the USACE program. Those benefits are also highly sought after by Congress, OMB, other Federal agencies, stakeholders, and other Regulatory agencies. There are many opportunities to leverage RSM funds provided by this proposal to include various initiatives within the Corps such as FRM business line initiatives, Asset Management, and Watershed budgeting. The leaders of the proposed TAC/CX are also heavily involved in Coastal Systems Asset Management and are leveraging resources between both programs. Other Federal agencies such as the US Navy and USCG and non-Federal sponsors such as the Florida Inland Navigation District are very interested in not only taking advantage of RSM opportunities, but in quantifying the benefits and cost savings.

Points of Contact

Jacqueline Keiser (USACE-SAJ), Director, SAD RSM-Regional Center of Expertise



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MEMORANDUM

To: Mark R Evans, Senior Project Manager
From: Robert Semmes
CC: Dale Martin, City Manager, City of Fernandina Beach
Date: 8 February 2016
Re: Fernandina Harbor Deep Draft Shipping Channel – Inactive Reach (History)

Mr Evans,

As we discussed in our meeting in your offices on 28 January 2016, I have compiled some various historical information related to the deep draft federal channel reach fronting the Fernandina Harbor Marina. The Statement of Findings (SOF) for the 12 July 1999 marina redevelopment permit (199702063 IP-BL) provides perhaps the best available historical documentation for the issue related to relocation of the federal channel to meet offset requirements for safe navigation in the event that the channel is ever reactivated and used for deep-draft shipping. This memo will utilize the SOF to organize the history and provide additional documentation that are presented as Annexes to this memorandum. Annex A provides a copy of the SOF.

Since its initial development, the Fernandina Beach municipal marina facility has suffered severe sedimentation problems due to poor siting. Marina expansions to the south into intertidal mudflat only exacerbated the problem. Additionally, dredged material management alternatives became fewer and less financially sustainable for facility operation as time went on. The City retained ATM in the mid-1990s to study the problems with the marina and suggest long-term solutions that would improve use, safe navigation, and a financially sustainable operation.

Memorandum

To: Mark Evans, CESAJ

Date: 8 February 2016

The main proposal was to work with the river courses naturally deep water areas and expand the docks into available deeper waters of the Amelia River and realign dockage with the dominant tidal currents so that the estuary's column sediments would be expected to remain in suspension or resuspend naturally during each tidal cycle thereby reducing the maintenance dredging burden. The proposal included utilizing naturally deep water north of Brett's restaurant, realigning the attenuator to the south of Brett's Restaurant with a constant offset to the federal channel, and replacing the various dock trees in the south basin with a long side-tie dock aligned with the current that would be placed along a low-elevation wall that would further utilize the natural river currents to maintain depths. Dredged material would be placed behind the wall and marsh grasses planted to restore this area to intertidal marsh and mudflat. The cap elevation of the wall would allow tidal waters to crest and flow into this marsh area. For financial reasons, the City did not construct the wall or the marsh, remove the south basin dock trees, or construct the proposed current-aligned side-tie dock. The City did however realign the attenuator in the south basin and construct the three proposed current-aligned docks north of the marina.

With this background summarized, the rest of this memorandum will focus on the issues the redevelopment faced with respect to the inactive deep-draft shipping channel. This issue has reemerged because ATM had proposed that the City of Fernandina Beach attempt to acquire properties north of the marina basin and extend the marina northward making use of the naturally deep waters. At the time (mid to late 1990s) the properties were either unavailable or priced too high for the marina use. However, in late 2015, a property north of the marina became available to the City for an acceptable price and the City entered into a contract for the property. As part of the due diligence procedure, the City retained ATM to explore the regulatory issues related to expanding north if they were able to close on the property. The only federal permit issue identified was the location of the deep draft federal shipping channel as it is still marked on NOAA charts in the location where it was prior to the issuance of the 199 redevelopment permit.

Memorandum
 To: Mark Evans, CESAJ
 Date: 8 February 2016

Federal Shipping Channel Issue – 1999 Permit

While only about 230 ft in length, the proposed outer dock in the redevelopment permit (a floating attenuator) would have placed it nearly on the edge of the inactive shipping channel, which did not meet Corps guidance and was found unacceptable to the navigation interests commenting on the permit application. As Section 3(a) of the SOF states:

The basic purpose is to realign the existing public docking facilities to provide a functional docking facility. In order to accomplish this, the Federal channel would be moved 100-feet west."

Section 5 of the SOF (Other Federal, State, and Local Authorizations Obtained or Required and Pending) indicates under 5(c) (Other authorizations: Federal Channel:):

The Corps has determined that they would move the federal port channel 100-feet to the west for this reach of the river due to the proposal. Initially it was believed that moving the channel would require congressional authorization. However, due to the way the channel was authorized, no x/y's, the Corps would be able to move the channel without Congressional approval. The Corps would be responsible for moving the channel and the applicant would be responsible for any additional dredging costs. The Corps would also ensure that NOAA would receive a copy of the permit for charting purposes.

Section 6 of the SOF details "Previous Correspondence and Date of Public Notice and Summary of Comments". Section 6(a) states:

In a letter dated 5 August 1996, the applicant requested guidance from the corps on the placement of the proposed marina. They were looking for an option that met the objectives of the redevelopment. One of the proposals utilizes the deep water adjacent to the existing facility to the north of the marina while maximizing the available usable portion of the river outside the existing inactive shipping channel. They prefer an option that would require minimized dredging to maintain the 28-foot project. The plan was discussed with Captain Kavanaugh of the Cumberland Sound Pilots Association and is the preferred alternative from his understanding of the port and the channel issues. In completing the Feasibility Study for presentation, the applicant felt that the Corps input on the channel issues is vital for the report and a successful proposal to the Commissioners. They want to enter the permit process with the best plan to meet the project objectives and overcome the various constraints of the projects. They would like the Corps input on this request.

Section 6(b) of the SOF summarizes the comments received after issuance of the Public Notice. All of the relevant navigation stakeholders objected to placing any

Memorandum

To: Mark Evans, CESAJ

Date: 8 February 2016

additional marina structures within 100ft of the inactive channel because these structures could present a hazard to navigation of the channel is ever reactivated. Objectors included the US Army Corps of Engineers, Construction Operations Division (Con Ops) (Section 6(b)(5)), the US Coast Guard (USCG) (Section 6(b)(6)), the Florida Inland Navigation District (FIND) (Section 6(b)(7)(a)), the Florida Marine Patrol (FMP) (Section 6(b)(7)(b)), Cumberland Sound Pilots Association (CSPA) (Section 6(b)(8)(a)), and Rayonier (Section 6(b)(8)(b)).

The harbor pilots (CSPA) (lead by Captain Kavanaugh) however, indicated that realigning two channel markers westward should be considered as a solution to the problem potentially removing any perceived navigation hazard. Rayonier, a pulp, paper and forest products company and the only know potential user of the channel for deep-draft shipping (if reactivated) also felt that realigning the channel would solve any navigation hazard. Both Rayonier and the harbor pilots expressed support of the City project and hoped a solution could be reached that served all stakeholders.

In the "Applicants response to comments" (Section 6(b)(2))¹, various stakeholders concerned with navigation and deep-draft shipping in Fernandina Harbor met to discuss the issue and to attempt to find a solution amenable to all parties that would permit the City to rectify the dredging issues at the City marina. The section states:

On 22 October 1997, a meeting was held to discuss the marina project. In attendance were Coleman Langshaw, City of Fernandina, Bill Kaughnaugh, President, Cumberland Sound Pilots Association, Val Schwec, Vice President, Nassau Port and Terminals, and personnel from the Corps, George Strain, Planning Division, John Adams, Construction Operations Division, John Pax, Office of Council and Bev Lawrence and Bert Heimer, Regulatory Division. The meeting began with a tour of the marina expansion area by boat. It appeared that there was plenty of room without a navigation concern in the ICW if Pier C extended within a foot of the bottom edge of the channel. After the boat tour, the group convened at City Hall. They discussed the realignment of the channel. It was believed that Nassau Port and Terminals would request the realignment to Congress and the Pilot and Rayonier would support the proposal.

¹ This section nomenclature is slightly confusing. The "Applicants response to comments" section should probably have been labeled Section 6(c).

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Applicant response to concerns raised in the Public Notice period are summarized in Section 6(b)(3). The applicant's response to the federal navigation channel concerns was summarized as follows:

The applicant stated that they conducted an extensive marina feasibility study that explored several alternatives for the redevelopment of the existing facility. The study considered up-front capital costs, operations, and continuing maintenance cost. The cost of periodic cyclical dredging events and the lack of nearby upland disposal sites made the "no action" alternative the least desirable in the analysis even though the up-front capital costs were lowest. The primary task was to provide a "solution" to the siltation problem that has occurred at the marina since its siting at the current location since 1961. Constraints were placed upon a redevelopment plan that provided for reduced ongoing maintenance dredging including the existing Corps deep draft channel and upland riparian ownership issues for adjacent properties. The alternative chosen included abandoning the bulk of the existing mooring area and improving it for uses that best combine the feasibility needs criteria, utilizing deep water areas and providing side-tie dockage to maintain vessel mooring and fairways parallel to the currents. The plan, like the other two finalists included a relocation of the Corps channel to the west to permit the use of the deep water and maintain other harbor interests. During marina feasibility planning several channel options were considered including 1) moving the present widener in front of the marina west, 2) de-authorizing the channel; and 3) moving the reach north of the marina to the turning basin (Cut 6) west. The last plan, which was recommended by the Corps, Harbor Pilots and Rayonier appears to be the best option and expected that the plan would be acceptable to all parties because: 1) it preserves the federal channel for future use, if reactivated; 2) incremental increases in dredging would be minimal if active maintenance is restored; 3) provides a larger and safer harbor on the east side of the channel from the marina to the Port; 4) no unacceptable adverse impacts are expected to resources or interests on the west side of the river; and 5) preserves the continued use of the shipping channel as an ICW connector at depths, widths and offsets above and beyond the stated open water area minimums.

Section 6(b)(4) summarizes the Corps' request for additional information (RAI) dated 6 January 1998. Concerning the channel realignment, the Corps requested volumetric estimates for dredging the 28 ft federal project if reactivated with channel shifts of 70ft and 100ft westward and two core borings in the proposed "shift area" to provide the CE with information related to the new work material that would be encountered in this area if dredging was ever authorized. Additionally, the CE requested a letter from the City stating that they would be responsible for any additional dredging costs (if needed) and that the local sponsor write Congresswoman Fowler seeking channel realignment.

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Section 6(b)(5) summarizes the applicant's response and their findings report (included here as Annex B):

In a report dated 28 January 1998, the applicant provided information on Fernandina's Harbor Deep-Draft Channel. The report included information on the channel realignment and related core borings. The applicant cited a Section 107 report that was completed for the deep-draft federal project in 1991 (USACE, 1991) that identified several problems with the existing project and recommended changes which have been implemented. At the time, the Rayonier Turning Basin (TB) was the only authorized turning basin in the project. This TB had several problems that were identified in the Section 107 report: The basin is about 1.2 miles south of the new port facility. The basin is in a high shoaling area and has required extensive maintenance dredging, which has averaged over 100,000 cubic yards a year in the past ten years. Even with maintenance, the basin width is not adequate for the larger vessels calling at neither the port nor the channel with a width of 300 feet and depth of 28 feet. Even if depths in the turning basin were adequate, navigating the additional 2.4-mile, round trip distance to turn ships before leaving port would be costly and inefficient (USACE, 1991, p.24).

The applicant also stated that the local sponsor, the Ocean Highway and Port Authority of Nassau County, requested that the Corps evaluate the feasibility of deepening the existing project channel and providing a new TB adjacent to the new port facilities. The harbor pilots were already utilizing this location (at the confluence of the Bells River and Amelia River) to turn vessels because of the sailing distances to the Rayonier TB and the inadequacies of that basin detailed above. A new TB was authorized and is maintained 1000 ft wide with stepped depths of 35 and 35 feet. Deep draft shipping traffic has ceased south of Mile 3 since the early 1980s, and the channel and Rayonier TB have not been actively maintained since that time. The project south of Mile 3 is authorized to -32 ft MLW, but is classified as inactive from -28 ft MLW to -32 ft MLW (USACE, 1991, p. D 3-4).

Cut 6 is the portion of the City Front Reach that extends from below the port (approximately Mile 3) to the Fernandina Harbor Marina (approximately 1,500 ft). This portion of the project is active to -28 ft MLW and authorized to -32 ft MLW, but has not been dredged since the mid-1980s. The portion of the project south of Mile 3 has historically been more difficult to maintain to project depth than the channel from Mile 3 to the ocean. But as the bathymetry indicates, Cut 6 shoals less than the channel south of the marina. The river appears to be self-maintaining at greater than -26 ft MLW in Cut 6, but not over the entire authorized channel width. To create a buffer between the eastern channel bottom edge and the redevelopment marina and to provide a larger, safer downtown harbor area in this reach, the applicant and the local sponsor propose to shift this channel segment westward away from the developed east river bank. Most commercial use of the harbor is concentrated in this reach. The report also contained the incremental dredging quantity estimates and geotechnical information. The applicant proposed the realignment of Cut 6 westward 100 ft from its existing location and

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*deauthorization of the Rayonier TB at mile 4. Also, attached to the report was a letter dated 6 February 1998, from Rayonier to the Nassau County's Ocean Highway and Port Authority (OHPA) and a letter dated 13 February 1998, from OHPA to Representative Fowler. In Rayonier's letter they stated that they approve the movement of Cut 6 of the channel 100 feet westerly from its present location and the elimination of the turning basin adjacent to their mill. Moving Cut 6 westerly by 100 feet would eliminate the bend in the channel immediately adjacent to the proposed City Marina Pier C and their objection to the proposed construction of "Pier C" will be resolved. Their objection to the City's marina application can be withdrawn if this proposal is approved and implemented. The letter from OHPA stated that they were requested by the applicant, as the local sponsor, to petition the Corps for improvements to the Deep Draft Federal Project that includes a realignment of a portion of the Federal channel adjacent to the marina. **Bottom Line: The report recommended that the local sponsor and the Corps approve the Federal project which would include 1) realign Cut 6 westward 100 ft from its existing location, and 2) deauthorize the Rayonier TB at Mile 4. The local sponsor, the Ocean Highway and Port Authority of Nassau County, and Rayonier, the primary user of the Federal channel provided letters approving the realignment.***

Section 6(b)(6) indicates that the ATM report (Annex B here) was circulated to CESAJ Con-Ops and Planning divisions. In an email dated 15 September 1998, Con-Ops indicated that they concurred with realigning the channel 100ft westward but not with deauthorizing the Rayonier Turning Basin. "It was also stated that any relocation costs of moving the channel must be borne by the permittee and done before the construction of the encroachment. The new TB would need to be agreed to by PD and constructed by the applicant."

Section 6(b)(7) indicates that a letter was circulated by CESAJ to clarify aspects of the federal channel in this reach of the river. The letter was circulated to FMP, USCG, FIND, and CSPA. "The public notice stated that Pier C would be one foot from the bottom edge of the federal channel, however, that referred to the Fernandina Port channel, not the IWW. This reach of the river has two federal projects. The Fernandina Port project, which is 300 feet wide, and the IWW, which is authorized at 150 feet wide taking advantage of, *best water*."

Apparently, the USCG and FMP continued to have concerns and some of those concerns may have related to confusion between the deep-draft channel (not currently

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being used) and ICW (for which no navigation concerns exist). The Corps and local navigation interests decided to conduct on-site meetings with USCG and FMP together with CSPA (Captain Bill Kavanaugh), CESAJ, and City representatives. Captain Kavanaugh toured representatives through the subject area by boat and a sit-down meeting was held afterward to discuss the project, history, and issues. FMP and the USCG remained concerned and requested a risk assessment.

Section 6(b)(9) & (10) summarize other concerns but they are confusing and do not have direct relevance on the present discussion. FIND was concerned about future maintenance dredging costs if the channel is realigned but do not seem to understand that the ICW project is unaffected by the proposal and costs to maintain the ICW would not change as the project is self-maintaining to -12ft MLLW for more than 150ft in width in this reach. The USCG expressed concern that the proposed seawall may pose a risk to mariners transiting the federal channel, but the SOF (and likely the USCG letter) do not explain how.

Section 6(b)(11) reflects progress on the channel relocation:

In a letter dated 21 March 1999, the CSPA stated that they would work with the Corps to realign the 300 foot wide Federal Channel 100 feet to the west between Buoy 10 and Marker 12. It is the pilots' belief that this reconfiguration of the ship channel would allow the safe passage of ocean going vessels to the Florida Terminal port site located on Rayonier's property south of the marina. It is also the pilots understanding that the 150 foot wide Intracoastal project can be located in the "best water" available. Therefore, the reconfiguration would not cause an induce hazard to navigation on the Amelia River.

Section 6(c)(12) & (13) summarizes the risk assessment conducted:

On 23 March 1999, a risk assessment was conducted. In attendance were representatives from the CG, FMP, Corps, NOAA and the local user, such as the bar pilot and tug captains. At the meeting it was determined that the proposal would not be a hazard to navigation. It was determined that the Corps would work with the City to define the new limits of the channel in a cost effective manner for the City. The City would also commit to an educational campaign so that recreational boats would not anchor in the channel. Before

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the meeting. Captain Kavanaugh the bar pilot, gave the Corps his above mentioned letter stating that this proposal would not be a hazard to navigation.

In a letter dated 23 March 1999, the CG stated that the qualitative risk assessment was conducted and all participants agreed that the proposed marina and channel alterations do not significantly increase the risk level of the waterway. It was further agreed that there is no need to conduct a more formal risk assessment. In addition, it was agreed that the Corps and the applicant would realign the channel. Buoy 10 and Light 12 would be relocated to the west to best mark the new channel. The change would not require additional dredging. CG Group Mayport would coordinate the changes to the aids to navigation. The Corps would coordinate the changes to the Federal Channel and to charts in the area. In addition, the City of Fernandina would undertake a public relations effort to ensure that recreational boaters are aware of shifts in the channel.

An important development was summarized in Section 6(b)(14).

In conversations with John Pax, Office of Council, and Don Fore, Project Management, the Corps was advised that a Congressional realignment was not needed for this portion of the project. This is because the project authorization is not defined by x/y's. Consequently, the Corps would work with the applicant on realigning the channel 100 feet to the west. Also, if additional costs are needed for the dredging, special conditions would be added to the permit to ensure that they are responsible.

ATM completed some preliminary research to try and further understand the issues related to the need for congressional authorization and found a couple of documents that may be helpful, but we are not privy to the internal CESAJ documentation that prompted Mssrs Pax and Fore to come to their conclusions. Annex C provides the proceedings for the 106th Congress for 18 October 2000 and it indicates that Congresswoman Fowler did indeed bring the channel realignment before congress. See Section 312. Fernandina Harbor, Florida on Page H10264. The text states:
SEC. 312. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes", approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and

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dredged material disposal areas and relocations, shall be a non-Federal expense.

The cited act (21 Stat. 186) from 14 June 1880 appears then to be the original deep-draft channel authorization and was not authorized by Congress with either lines, grades or coordinates. The 1880s legislation appears to be prior to the more commonly cited "Rivers and Harbors Acts", but Chapter 211 from 14 June 1880 (see Annex D for full text) appears to be the enabling legislation. Page 186 (see highlighted original text in Annex D) states:

Passage between Fernandina and Saint John's – Improving the inside passage between Fernandina and Saint John's Florida: Continuing Improvement, at such a point as may be selected by the chief engineer, and approved by the Secretary of War, seven thousand dollars.

In Section 8(a) of the SOF (Public Interest Review), CESAJ states:

The primary concerns were a potential hazard to navigation and the impact to the mudflat. However, after much discussion both of these issues were resolved. On the navigational issue, the local sponsor and users have all agreed to the proposed marina and channel realignment. The Corps has agreed to work with the City to move the Federal Channel. It is also important to note that the Federal Channel issue was not readily understood. A letter and a few meetings were needed to clarify the issue. In this reach of the river there are two federal projects: first, the IWW which is 150' across with 12' of depth and takes advantage of best water; and second, the Federal Port project which is 300' across with a 28' depth. Currently, only the IWW project is used and at this reach, there is over 400' across for navigation with 12' of water. Also, a risk assessment was conducted and it was determined that the proposal does not significantly increase the risk level of the waterway. There was a concern from FIND on dredging costs and the City has agreed to pay for additional dredging, if needed.

Section 8(b) summarizes the public interest review factors considered relevant. Section 8(b)(8) summarizes the navigation issue:

Navigation: The proposed project would not constitute a hazard to navigation. In this reach, there are two federal projects, the IWW and port project. For the IWW project, there is over 400' across of water with 12' depth at this section of the river for a 300' wide project that takes advantage of best water. The IWW project is clearly not a hazard to navigation because there is plenty of water and room to navigate through this section. For the port project, the proposed structure is 1' from the bottom edge of the project, however, this project is inactive. The primary user, Rayonier has stated that they do not have a problem with the project as long as the channel is realigned. The Corps based on discussions with the applicant and local users, decided to realign the

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project as long as the applicant would pay for additional dredging costs. The local bar pilot, Capt. Kavanaugh, also believes that with the 100' channel realignment and the proposal would allow the safe passage of ocean going vessels. He also recommends that Buoy #10 and Marker #12 is realigned to the west to mark the realignment. Also, based on an informal risk assessment conducted by the US Coast Guard, which involved the primary stakeholders and experts, it was determined that the proposed marina and channel alterations do not significantly increase the risk level of the waterway. It was further agreed that there is no need to conduct a more formal risk assessment. Consequently, it was determined that the proposal does not constitute a hazard to navigation as long as the channel is realigned. The Corps has agreed to work with the City to move the Channel.

Federal Shipping Channel Issue – Items Since Permit Issuance

The above information summarizes the relevant issues as presented in the redevelopment SOF with additional supporting documentation. In addition to the October 2000 Congressional action (Annex C), ATM also found reference to the channel shift in the June 2014 OHPA Strategic Master Plan. Section 2 (Existing Facilities and Operations) is reproduced here as Annex E. In the text highlighted in the Annex, Section 2.3.6 – Navigation (Page 2-43), the Port states:

In 2010, the USACE agreed to a western realignment of both the Fernandina Harbor Channel and the Intracoastal Water Way to the west to allow a sufficient setback to these channels from marina improvements to the Fernandina Beach Marina. With the realignment, the IWW and the main channel would have a minimum 150 ft setback from the marina to the easterly most portions of the IWW and 100 ft from the Harbor channel.

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Annex A – Statement of Findings for Permit 199702063 (IP-BL)

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199702063 (IP-BL)

JUN 10 1999

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and
Statement of Findings for the Above-Numbered Permit Application

1. Applicant: City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
2. Location, Project Description, Existing Conditions, Project
Changes and Project History:
 - a. Location: On the Amelia River, at the existing marina
which is at the base of Beech, Ash and Centre Streets, Sections
17 and 22, Township 3 South, Range 28 East, in Fernandina Beach,
Nassau County, Florida.
 - b. Project Description: The applicant proposes to
reconfigure the docks, dredge the marina basin, construct a
retaining wall below the mean high water line, backfill the area
behind the retaining wall, and construct a deck and boat ramp.
The docks would be reconfigured by having the piers run parallel
to the shoreline with an alongside berthing rather than
perpendicular as they are currently configured. Approximately
24,000 cubic yards of material would be dredged from the basin.
The basin would be dredged to -8.0 feet mean low water. The
dredged material would be placed behind a low retaining wall
(constructed below the mean high water line) that would contain
the dredge material. The retaining wall would be constructed
around the enhanced salt marsh and under the deck. Approximately
2.97 acres of mud flat would be filled for the enhancement and
deck area. The 27,900 square foot deck would consist of a 1,650
square foot pavilion and 3,735 square foot bathhouse. The boat
ramp would consist of filling approximately 0.35 acre of mud
flat, for a ramp that which will be 180 feet in length and vary
from 64-85 feet in width with riprap slope protection. A mooring
field would be created on the west side of the Amelia River. The
existing seawall would be repaired or replaced.

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c. Existing Conditions: The construction area is primarily a silted in marina basin, which has become a mudflat with some old oyster beds. Siltation in the basin is a continuing concern because the majority of the existing slips cannot be used.

d. Project Changes: The applicant deleted the mooring field to ensure that there would not be a navigational concern on the western side of the Intracoastal Waterway (IWW).

e. Project History: The Corps issued a permit, 84D-5195, for the marina expansion and associated dredging on 22 October 1985. The permit included the dredging within the marina basin. The permit expired on 22 October 1990. The Florida Department of Environmental Regulation, now the Florida Department of Environmental Protection (DEP), issued a dredging permit, 452014162, on 23 June 1993, which expired on 23 June 1998.

3. Project Purpose:

a. The basic project purpose is to realign the existing public docking facilities to provide a functional docking facility. In order to accomplish this, the Federal Channel would be moved 100-feet west.

b. The overall project purpose is to provide a recreational facility for the citizens and visitors of the Fernandina Beach area.

4. Statutory Authority: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

5. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State permit/certification: The Florida Department of Environmental Protection (DEP) application is 45-75835-001 and was issued on February 23, 1999.

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b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a DEP permit certifies that the project is consistent with the CZM plan.

c. Other authorizations: Federal Channel: The Corps has determined that they would move the federal port channel 100-feet to the west for this reach of the river due to the proposal. Initially, it was believed that moving the channel would require congressional authorization. However, due to the way the channel was authorized, no x/y's, the Corps would be able to move the channel without Congressional approval. The Corps would be responsible for moving the channel and the applicant would be responsible for any additional dredging costs. The Corps would also ensure that NOAA would receive a copy of the permit for charting purposes.

6. Previous Correspondence and Date of Public Notice and Summary of Comments:

a. Previous Correspondence: In a letter dated 5 August 1996, the applicant requested guidance from the Corps on the placement of the proposed marina. They were looking for an option that met the objectives of the redevelopment. One of the proposals utilizes the deep water adjacent to the existing facility to the north of the marina while maximizing the available usable portion of the river outside the existing inactive shipping channel. They prefer an option that would require minimized dredging to maintain the 28-foot project. The plan was discussed with Captain Kavanaugh of the Cumberland Sound Pilots Association and is the preferred alternative from his understanding of the port and the channel issues. In completing the Feasibility Study for presentation, the applicant felt that the Corps input on the channel issues is vital for the report and a successful proposal to the Commissioners. They want to enter the permit process with the best plan to meet the project objectives and overcome the various constraints of the projects.

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They would like the Corps input on this request.

b. The application was received on 17 July 1997, initially reviewed on 17 July 1997, and additional information requested 23 July 1997. The application was complete on 13 August 1997. A public notice was issued on 19 August 1997, and sent to all interested parties including appropriate State and Federal agencies. The completion date was rest in RAMS because of the applicant's delay in responding to the additional information request. All comments received on this application have been reviewed and are summarized below:

(1) U.S. Environmental Protection Agency (EPA): No comments were received.

(2) U.S. Fish and Wildlife Service (FWS): By letter dated 3 September 1997, FWS stated that they agreed with the no effect determination as long as the standard manatee construction precautions will be a condition of the permit. Based on the review of the project and its location, FWS stated that the project is not likely to adversely affect the manatee. In an additional letter dated 9 September 1997, FWS stated that it has come to their attention that the applicant is not in compliance with the existing permit because the manatee signs were not posted. FWS recommends that at least two manatee education/information displays and several signs throughout the facility.

(3) National Marine Fisheries Service (NMFS): By letter dated 18 September 1997, NMFS stated that they have concerns about the proposed work, particularly with filling the existing basin to establish a marsh and the construction of a 0.64 acre deck over the basin. It is their understanding that the intertidal mudflat within the basin is the result of settling of sediments. There is no discussion of the nature of the flat in regard to the benthic and infaunal communities or to the physical characteristics of the sediments. NMFS stated that tidal flats are generally productive. The replacement of an existing

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productive estuarine habitat with one of uncertainty should be further addressed. However, if the mudflat consists of unconsolidated fines, it may be limited as a habitat, but also not conducive to filling and supporting marsh. Furthermore, they have concerns that the new basin may have similar maintenance dredging needs as the existing basin and for the need to construct a 0.64 acre deck over the mudflat for a pavilion and bath house.

(4) State Historic Preservation Officer (SHPO): By letter dated 23 September 1997, SHPO concluded that the proposed project would have no effect on any sites listed, or eligible for listing in the National Register of Historic Places.

(5) U.S. Army Corps of Engineers, Construction Operations Division (Con Ops): In a memorandum dated 29 September 1997, Con Ops stated that the district should not permit a permanent structure within 100 feet of the bottom edge of a Federal channel. Such a situation would constitute a hazard to navigation to both recreational and commercial traffic. The design places the marina unacceptably close to the channel and is considered to be a navigational safety risk. They recommended that the permit be denied unless modifications to the marina are made in accordance with the above guidelines.

(6) U.S. Coast Guard (CG): In an undated letter, the CG stated that they have some concerns with this proposal, particularly with regards to encroachment on the federal channel, and commercial interests, regarding navigational safety in this project. The notice did not provide enough information to fully assess the impact of the proposed construction on water safety. As a matter of practice, the CG uses risk-based decision making when considering issues of Port and Waterway safety. They found that a formal risk assessment ensures that all available information from all waterway stakeholders is considered. In addition, the risk assessment process minimizes the number and severity of "surprises" that occur after the permit is approved and helps to increase acceptance of the construction by all the

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waterway users. Prior to endorsement or further comment on the proposal, the CG recommends that a formal risk assessment be conducted to determine how the presence and operation of the new pier, fuel dock and pump station, and vessel at this facility increase the risk to the waterway. The assessment should also propose specific measures to mitigate or manage the risks identified, assess the economics and other impacts of these measures on all stakeholders, and devise a means of communicating risks to all users of the waterway.

(7) State and local agencies:

(a) Florida Inland Navigation District (FIND): In a letter dated 11 August 1997, FIND stated that they were opposed to the application because it is not in compliance with the Corps structure set back, maintenance dredging and navigation project design policies. The proposed encroachment into the channel needs to be clearly justified and necessary for access. It would appear that there is room available near shore to move this facility land ward if additional dredging was accomplished.

(b) Florida Marine Patrol (FMP): In a letter dated 26 August 1997, FMP stated that they are concerned about the obvious encroachment into the federal channel. Both the vessel docked and the vessels in transit on the IWW would be at risk and in this case, even the empty dock itself would likely be at risk due to it's positioning. The proposed mooring field in conjunction with the marina may have even more far reaching considerations. FMP also had ownership concerns about the mooring field. They were going to discuss them with DEP.

(8) Organizations:

(a) Cumberland Sound Pilots Association (CSPA): In a letter dated, September 17, 1997, CSPA stated that they reviewed the proposed application and find the proposed reconfiguration to be a hazard to navigation. This section of the Fernandina federal channel is inactive at this time, it is anticipated that

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the channel south of the marina would be utilized in the future. If the reconfigured marina would constitute an extreme navigational hazard to the maritime interest using this area. The pilots consider the marina to be a major asset of the city. The amount of water front available for recreational boating, commercial fishing and port facility is very limited. It is hoped that the Channel from buoy #10 to marker #12 can be realigned to the west so that the channel can maintain it's ROW and the proposed marina reconfiguration can become a reality.

(b) Rayonier: In a letter dated 19 September 1997, Rayonier stated that they are the owner and operator of a large industrial facility that manufactures wood pulp products. The mill is located on the Amelia River southerly (i.e., upstream) of the proposed marina. Rayonier has historically enjoyed direct access to ocean-going vessels through its existence of fifty plus years. Although the section of the channel is currently "inactive", and no ocean-going vessels have docked at Rayonier for several years, the economics of commercial transport circumstances in the global market served by the mill can change. Rayonier states that given the location of the pier in relation to the IWW they feel that the channel should be realigned to the west from buoy #10 to marker #12, to decrease the angle of the bend. They like the effort being taken to improve the marina, but the improvement is objectionable to the extent that it seeks to build a permanent structure immediately adjacent to a bend in the channel. They believe the construction will impede the safe use of the channel for existing and future commercial traffic.

(9) Individuals: Mr. Joseph M. Hixon: In a letter dated 3 September 1997, Mr. Hixon stated that he most vehemently opposes the proposed application. An investor group, including him, invested previously in the marina. The group spent over \$5 million on dredging, retaining walls, infrastructure and docks. The City contested each and every engineering solution to problems that were encountered. This proposal is almost identical to his submittal. Therefore, he hopes that we deny the

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permit to do what he and his investors tried to do. Also, placing spoil where they propose is not to be tolerated.

(10) Others: No comments were received.

b. Applicants response to the comments:

(1) In a letter dated 6 October 1997, the comments from the public comment period were coordinated with the applicant. The letter informed the applicant that there are concerns on navigation, the uncertainty of the inter-tidal marsh creation, fate of unconsolidated fines, and the construction of the deck over the mudflat. Also, the concern from FWS about needing additional manatee signs was discussed.

(2) On 22 October 1997, a meeting was held to discuss the marina project. In attendance were Coleman Langshaw, City of Fernandina, Bill Kaughnaugh, President, Cumberland Sound Pilots Association, Val Schwec, Vice President, Nassau Port and Terminals, and personnel from the Corps, George Strain, Planning Division, John Adams, Construction Operations Division, John Pax, Office of Council and Bev Lawrence and Bert Heimer, Regulatory Division. The meeting began with a tour of the marina expansion area by boat. It appeared that there was plenty of room without a navigation concern in the IWW if Pier C extended within a foot of the bottom edge of the channel. After the boat tour, the group convened at City Hall. They discussed the realignment of the channel. It was believed that Nassau Port and Terminals would request the realignment to Congress and the Pilot and Rayonier would support the proposal.

(3) In a letter dated 28 October 1997, the applicant responded to the concerns. The applicant summarized the concerns in the following sections:

Federal Navigation Channel Concerns: The applicant stated that they conducted an extensive marina feasibility study that explored several alternatives for the redevelopment of the

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existing facility. The study considered up-front capital costs, operations, and continuing maintenance costs. The cost of periodic cyclical dredging events and the lack of nearby upland disposal sites made the "no action" alternative the least desirable in the analysis even though the up-front capital costs were lowest. The primary task was to provide a "solution" to the siltation problem that has occurred at the marina since its siting at the current location since 1961. Constraints were placed upon a redevelopment plan that provided for reduced on-going maintenance dredging including the existing Corps deep draft channel and upland riparian ownership issues for adjacent properties. The alternative chosen included abandoning the bulk of the existing mooring area and improving it for uses that best combine the feasibility needs criteria, utilizing deep water areas and providing side-tie dockage to maintain vessel mooring and fairways parallel to the currents. The plan, like the other two finalists included a relocation of the Corps channel to the west to permit the use of the deep water and maintain other harbor interests. During marina feasibility planning several channel options were considered including 1) moving the present widener in front of the marina west, 2) de-authorizing the channel, and 3) moving the reach north of the marina to the turning basin (Cut 6) west. The last plan, which was recommended by the Corps, Harbor Pilots and Rayonier appears to be the best option and expected that the plan would be acceptable to all parties because: 1) it preserves the federal channel for future use, if reactivated; 2) incremental increases in dredging would be minimal if active maintenance is restored; 3) provides a larger and safer harbor on the east side of the channel from the marina to the Port; 4) no unacceptable adverse impacts are expected to resources or interests on the west side of the river; and, 5) preserves the continued use of the shipping channel as an ICW connector at depths, widths and offsets above and beyond the stated open water area minimums.

Marsh Creation, Decking, Alternatives Analysis: In response to the concern on decking the mud flat and the marsh creation, the applicant stated that they provided two documents in the original

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application: 1) the Macroinvertebrate Study and 2) the Surface Water and Subaqueous Sediment Sampling Results. The macroinvertebrate study provided some information concerning the habitat and diversity of the existing mud flat, but the area is now limited concerning support of other biota including marsh grasses, shellfish, birds, and fishes. The applicant also quoted various studies. They referenced a report that discusses the importance and productivity of salt marsh compared to mud flats. Flats rate high, but are not given the high variety of functions, as are salt marshes. Salt marsh production forms the basis of important estuarine food chains.

On alternatives for the 0.64-acre deck over the mud flat, the applicant stated that the applicant has a DEP permit to dredge the area and if the marina was properly maintained the mud flat would not exist. The proposed use, inter-tidal vegetated salt marsh, is intended as a better use of the river bottom than a depositional, anoxic, and cyclically dredged area. The proposed use provides an excellent ecological alternative that increases habitat diversity, marina functionality, aesthetics, educational opportunities, and mixed sustainable uses.

Marsh Creation Success and Construction Control Measures: The applicant's coastal ecologist for the project has created numerous successful inter-tidal salt marsh habitat areas. They provided a nearby project as an example. The proposed monitoring plan outlines the approach that would be taken to ensure the successful development of the proposed marsh area.

Manatee: The applicant would provide space and maintain the requested manatee education/information displays. They envisioned several displays to explain local and regional ecology.

4) In a letter dated 6 January 1998, the Corps requested the applicant provide additional information on the channel realignment. The Corps requested volumetric estimates at the 70 foot and 100 foot offsets and two core borings in the

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"shift area", a letter from the City that states that they would be responsible for additional dredging costs, if needed and the local sponsor needed to write Congresswomen Fowler seeking channel realignment.

5) In a report dated 28 January 1998, the applicant provided information on Fernandina's Harbor Deep-Draft Channel. The report included information on the channel realignment and related core borings. The applicant cited a Section 107 report that was completed for the deep-draft federal project in 1991 (USACE, 1991) that identified several problems with the existing project and recommended changes which have been implemented. At the time, the Rayonier Turning Basin (TB) was the only authorized turning basin in the project. This TB had several problems that were identified in the Section 107 report: *The basin is about 1.2 miles south of the new port facility. The basin is in a high shoaling area and has required extensive maintenance dredging, which has averaged over 100,000 cubic yards a year in the past ten years. Even with maintenance, the basin width is not adequate for the larger vessels calling at neither the port nor the channel with a width of 300 feet and depth of 28 feet. Even if depths in the turning basin were adequate, navigating the additional 2.4-mile, round trip distance to turn ships before leaving port would be costly and inefficient (USACE, 1991, p.24).* The applicant also stated that the local sponsor, the Ocean Highway and Port Authority of Nassau County, requested that the Corps evaluate the feasibility of deepening the existing project channel and providing a new TB adjacent to the new port facilities. The harbor pilots were already utilizing this location (at the confluence of the Bells River and Amelia River) to turn vessels because of the sailing distances to the Rayonier TB and the inadequacies of that basin detailed above. A new TB was authorized and is maintained 1000 ft wide with stepped depths of 35 and 36 feet. *Deep draft shipping traffic has ceased south of Mile 3 since the early 1980s, and the channel and Rayonier TB have not been actively maintained since that time. The project south of Mile 3 is authorized to -32 ft MLW, but is classified as inactive from -28 ft MLW to -32 ft MLW (USACE, 1991, p. D 3-4).*

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Cut 6 is the portion of the City Front Reach that extends from below the port (approximately Mile 3) to the Fernandina Harbor Marina (approximately 1,500 ft). This portion of the project is active to -28 ft MLW and authorized to -32 ft MLW, but has not been dredged since the mid-1980s. The portion of the project south of Mile 3 has historically been more difficult to maintain to project depth than the channel from Mile 3 to the ocean. But as the bathymetry indicates, Cut 6 shoals less than the channel south of the marina. The river appears to be self-maintaining at greater than -26 ft MLW in Cut 6, but not over the entire authorized channel width. To create a buffer between the eastern channel bottom edge and the redevelopment marina and to provide a larger, safer downtown harbor area in this reach, the applicant and the local sponsor propose to shift this channel segment westward away from the developed east river bank. Most commercial use of the harbor is concentrated in this reach. The report also contained the incremental dredging quantity estimates and geotechnical information. The applicant proposed the realignment of Cut 6 westward 100 ft from its existing location and deauthorization of the Rayonier TB at mile 4. Also, attached to the report was a letter dated 6 February 1998, from Rayonier to the Nassau County's Ocean Highway and Port Authority (OHPA) and a letter dated 13 February 1998, from OHPA to Representative Fowler. In Rayonier's letter they stated that they approve the movement of Cut 6 of the channel 100 feet westerly from its present location and the elimination of the turning basin adjacent to their mill. Moving Cut 6 westerly by 100 feet would eliminate the bend in the channel immediately adjacent to the proposed City Marina Pier C and their objection to the proposed construction of "Pier C" will be resolved. Their objection to the City's marina application can be withdrawn if this proposal is approved and implemented. The letter from OHPA stated that they were requested by the applicant, as the local sponsor, to petition the Corps for improvements to the Deep Draft Federal Project that includes a realignment of a portion of the Federal channel adjacent to the marina. **Bottom Line: The report recommended that the local sponsor and the Corps improve the Federal project which would include 1) realign Cut 6 westward 100**

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ft from its existing location, and 2) deauthorize the Rayonier TB at Mile 4. The local sponsor, the Ocean Highway and Port Authority of Nassau County, and Rayonier, the primary user of the Federal channel provided letters approving the realignment.

(6) The January 28, 1998 report was circulated to Con-Ops and Planning Division. In an e-mail dated 15 September 1998, Con-Ops stated that they are not in complete concurrence with the write up, evaluation or recommendation. However, they concur with the 1st part of the recommended alternative and do not concur with the 2nd part of the recommended alternative (i.e., in favor of the realignment and opposed to the de-authorization). It was also stated that any relocation costs of moving the channel must be born by the permittee and done before the construction of the encroachment. The new TB would need to be agreed to by PD and constructed by the applicant.

(7) In a letter dated 29 January 1999, the Corps sent a letter to FMP, CG, FIND, CSPA, and FIND to the agencies/organizations that were concerned about a potential risk to navigation. The purpose of the letter was to clarify the Federal Channel in this reach of the river. The public notice stated that Pier C would be one foot from the bottom edge of the federal channel, however, that referred to the Fernandina Port channel, not the IWW. This reach of the river has two federal projects. The Fernandina Port project, which is 300 feet wide, and the IWW, which is authorized at 150 feet wide taking advantage of, best water.

(8) On 23 February 1999, a meeting was held on-site to explain the proposed project to the CG and FMP. The meeting was attended by representatives from the Corps, CG, FMP, City and Bill Kavanaugh, the local bar pilot. Prior to the meeting there was a boat tour of the proposal. The meeting consisted of an overview of the project and permitting history. The CG and FMP stated that they continue to have a navigational concern and wanted a risk assessment conducted.

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(9) In a letter dated 23 February 1999, FIND stated that moving the channel would increase future maintenance dredging activities. FIND believes that the relocation seems ill advised in respect to future maintenance dredging requirements. FIND believes that future dredging could easily cost close to a million dollars. Further, FIND states that the reason for the proposal is because the City did not want to spend the funding necessary to dredge their existing marina basin on a reoccurring basis. It seems that in an effort to solve one dredging problem another is created. It remains FIND's opinion that the proposed encroachment and narrowing of the public waterway would unnecessarily impact and restrict navigation. The heavy currents in this area can create dangerous conditions for private and commercial vessels that would be exacerbated by the narrowing of the waterway.

(10) In a letter dated 12 March 1999, the CG stated that they have determined that the proposed seawall may pose a risk to mariners transiting the federal channel. They request that a formal risk assessment be conducted.

(11) In a letter dated 21 March 1999, the CSPA stated that they would work with the Corps to realign the 300 foot wide Federal Channel 100 feet to the west between buoy 10 and marker 12. It is the pilots' belief that this reconfiguration of the ship channel would allow the safe passage of ocean going vessels to the Florida Terminal port site located on Rayonier's property south of the marina. It is also the pilots understanding that the 150 foot wide Intracoastal project can be located in the "best water" available. Therefore, the reconfiguration would not cause an induce hazard to navigation on the Amelia River.

(12) On 23 March 1999, a risk assessment was conducted. In attendance were representatives from the CG, FMP, CORPS, NOAA and the local user, such as the bar pilot and tug captains. At the meeting it was determined that the proposal would not be a hazard to navigation. It was determined that the

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Corps would work with the City to define the new limits of the channel in a cost effective manner for the City. The City would also commit to an educational campaign so that recreational boats would not anchor in the channel. Before the meeting, Captain Kaughnaugh the bar pilot, gave the Corps his above mentioned letter stating that this proposal would not be a hazard to navigation.

(13) In a letter dated 23 March 1999, the CG stated that the qualitative risk assessment was conducted and all participants agreed that the proposed marina and channel alterations do not significantly increase the risk level of the waterway. It was further agreed that there is no need to conduct a more formal risk assessment. In addition, it was agreed that the Corp and the applicant would realign the channel. Buoy 10 and Light 12 would be relocated to the west to best mark the new channel. The change would not require additional dredging. CG Group Mayport would coordinate the changes to the aids to navigation. The Corps would coordinate the changes to the Federal Channel and to charts in the area. In addition, the City of Fernandina would undertake a public relations effort to ensure that recreational boaters are aware of shifts in the channel.

(14) In conversations with John Pax, Office of Council, and Don Fore, Project Management, the Corps was advised that a Congressional realignment was not needed for this portion of the project. This is because the project authorization is not defined by x/y's. Consequently, the Corps would work with the applicant on realigning the channel 100 feet to the west. Also, if additional costs are needed for the dredging, special conditions would be added to the permit to ensure that they are responsible.

7. Alternatives:

a. No action/other sites: The no action alternative would not allow for project completion. This is an existing marina and a water dependant activity. The applicant owns the surrounding

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area and plans on constructing minimal structures to support the marina. Alternative sites were not considered. It appears that the proposal has been minimized to the greatest extent practicable.

b. Minimization (other project designs - smaller, larger, different, etc.): The applicant has stated that the proposed design would produce the most practicable and cost effective project. The applicant has avoided as much wetland impacts as possible. If the original project was maintained and the siltation did not occur at such a rapid rate then the mudflat would not exist. However, due to siltation and a cost efficient means to remove the material it was decided that it is necessary to impact these wetlands.

c. Compensatory Mitigation: (Wetland enhancement, creation, etc.): The wetland impacts are minimal and the proposal is water dependant. The applicant plans to create a 3.4 acres of salt marsh within the marina basin. It is difficult to determine the productivity of the existing marina basin, but based on the macroinvertebrate study the species diversity is low. The existing mudflat is limited in marshgrasses, shellfish, birds, and fishes. The proposed saltmarsh should be more productive. Salt marsh vegetation, primarily *Spartina alterniflora*, provides the bulk of the organic matter available to consumers. The intertidal wetland would serve as an important nursery for many marine and estuarine species. This is an improvement to the existing system and it is believed that the proposed mitigation offsets the impacts.

8. Public Interest Review:

a. Corps analysis of comments and responses: The primary concerns were a potential hazard to navigation and the impact to the mudflat. However, after much discussion both of these issues were resolved. On the navigational issue, the local sponsor and users have all agreed to the proposed marina and channel realignment. The Corps has agreed to work with the City to move

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the Federal Channel. It is also important to note that the Federal Channel issue was not readily understood. A letter and a few meetings were needed to clarify the issue. In this reach of the river there are two federal projects: first, the IWW which is 150' across with 12' of depth and takes advantage of best water; and second, the Federal Port project which is 300' across with a 28' depth. Currently, only the IWW project is used and at this reach, there is over 400' across for navigation with 12' of water. Also, a risk assessment was conducted and it was determined that the proposal does not significantly increase the risk level of the waterway. There was a concern from FIND on dredging costs and the City has agreed to pay for additional dredging, if needed. As for the concern on the mudflat, this deals with a functional issue on this type of system. It is believed that the existing marina basin contains a relatively low functional mudflat and a created salt marsh would probably be a more productive system.

b. The following public interest review factors are considered relevant:

(1) Economics: The project would consist of reconfiguring the marina to allow more usable slips. It is anticipated that this proposal would result in additional revenue for the City. This would also help accommodate continued growth and benefit to the local community through increased sales of goods and services and additional tax revenue.

(2) Historic Properties: There are no historic or archeological properties located at the project site. No adverse impacts are anticipated.

(3) Esthetics: The project would adversely affect the natural esthetics of the area. Esthetic values vary depending upon the observer's viewpoint.

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(4) General Environmental Concerns: The applicant designed the project to avoid and minimize wetland impacts. There are other environmental concerns such as water quality associated with the project, but they are addressed in the DEP permit.

(5) Fish and Wildlife Values: The project will have a minor impact on the benthic communities residing in the area. The dock will provide strata for attaching organisms and shading for juvenile fishes. The net impact to the value of fish and wildlife will be positive. Special conditions would be added to the permit to ensure that the manatee is protected.

(6) Water Quality: The work would be conducted in compliance with the State's Water Quality Standards. One of the main factors of the project is to decrease the amount of siltation that would occur at the site.

(7) Land Use: The proposed project is in accordance with local land use and zoning for the area. The Marina is important for providing adequate facilities to meet the growing demands of increased recreational traffic along the Southeast coast.

(8) Navigation: The proposed project would not constitute a hazard to navigation. In this reach, there are two federal projects, the IWW and port project. For the IWW project, there is over 400' across of water with 12' depth at this section of the river for a 300' wide project that takes advantage of best water. The IWW project is clearly not a hazard to navigation because there is plenty of water and room to navigate through this section. For the port project, the proposed structure is 1' from the bottom edge of the project, however, this project is inactive. The primary user, Rayonier has stated that they do not have a problem with the project as long as the channel is realigned. The Corps based on discussions with the applicant and local users, decided to realign the project as long as the

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applicant would pay for additional dredging costs. The local bar pilot, Capt. Kaughnaugh, also believes that with the 100' channel realignment and the proposal would allow the safe passage of ocean going vessels. He also recommends that buoy #10 and marker #12 is realigned to the west to mark the realignment. Also, based on an informal risk assessment conducted by the U.S. Coast Guard, which involved the primary stakeholders and experts, it was determined that the proposed marina and channel alterations do not significantly increase the risk level of the waterway. It was further agreed that there is no need to conduct a more formal risk assessment. Consequently, it was determined that the proposal does not constitute a hazard to navigation as long as the channel is realigned. The Corps has agreed to work with the City to move the Channel.

c. Describe the relative extent of the public and private need for the proposed structure or work: Public benefits include a marina that can be utilized during all tides for recreational and commercial boaters. Private benefits include land use and economic return on the property.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed work where there are unresolved conflicts as to resource use: There are no major unresolved conflicts regarding resource use.

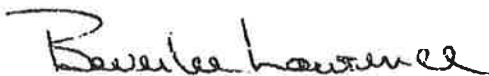
e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: Detrimental impacts are expected to be minimal given this type of system. The beneficial effects on the utilization of the property would be permanent.

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indirect emissions are generally not within the Corps' continuing
program responsibility and generally cannot be practicably
controlled by the Corps. For these reasons a conformity
determination is not required for this permit action.

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ER 1165-2-119

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D.C. 20314

DAEN-CWR-R

Regulation
No. 1165-2-119

20 September 1982

Water Resources Policies and Authorities
MODIFICATIONS TO COMPLETED PROJECTS

1. Purpose. To coalesce guidance on the use of available authorities, as compared to the need for new project authorizations, for study and accomplishment of modifications to completed projects.
2. Applicability. This regulation applies to all Headquarters, USACE elements and all field operating activities (FOAs) having Civil Works responsibilities.
3. References.
 - a. Section 216 of the Flood Control Act of 1970.
 - b. ER 1105-2-10 (Chapter 4)
 - c. ER 1105-2-20 (Chapter 7)
 - d. ER 1110-2-240
 - e. ER 1130-2-334
 - f. ER 1130-2-417
4. Definitions.
 - a. Original project development. Planning, land acquisition, design and construction which fulfilled the initial project authorization requirements (plus, if applicable, similar accomplishments for any subsequently completed project modifications).
 - b. Completed project. A project, or separately funded portion of a project, is considered complete when any one of the following conditions is met:
 - (1) When contracts, or hired labor activities, for all work included in the plan of improvement contemplated when final appropriations were made by Congress have been physically completed.
 - (2) Same as (1) above, except that a determination was made that some element of work was not required.

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(3) More than two years have elapsed since the year completion funds were appropriated and only minor work items remain to be completed.

c. Project modifications. Changes in project operation, change in real estate interest, physical change of a project feature, the addition of project features, or changes in the purposes of a project.

5. General. Significant modifications to completed projects - modifications which involve new Federal construction or real estate acquisition in order to serve new purposes, to increase the scope of services to authorized purposes beyond that intended at the time of project construction, or to extend services to new beneficiaries (areas) - require authorization by Congress. Ordinarily, such authorization is achieved through the General Investigations program as a consequence of a feasibility (survey) report submitted to Congress in response to a specific directive from the Congress, usually in recognition of local interests' perceptions of needs. It is, however, a general policy of the Chief of Engineers that completed Corps projects be observed and monitored by the Corps to ascertain whether they continue to function in a satisfactory manner and whether potential exists for better serving the public interest. Such monitoring may be accomplished coincidentally in carrying out existing project inspection programs, as a by-product of contacts with local interests and other Federal agencies, and through the day-to-day observations of on-site Corps personnel charged with project operations. Whenever reporting officers find that changes in a completed project may be desirable, investigations should be undertaken to document the need for and feasibility of project modification. To the extent possible, modifications to completed projects should be accomplished under existing authorities. Pertinent existing authorities are discussed in paragraphs 6 through 10. If a needed modification cannot be accomplished using these authorities, additional authorization must be sought as discussed in paragraphs 11 and 12.

6. Modification Under Existing Authority, General.

a. Project authority. Project authorizations may provide authority for the Chief of Engineers to modify project operation or facilities to account for conditions expected at a future date. Because of the range of authority which may be available in project authorizations, it is not possible to detail the modifications which may be undertaken in this manner. Prior to proposing modifications using other authorities, reporting officers should thoroughly review the legislative history and related project documents for the individual project of concern to determine if sufficient authority already exists within the specific project authorities.

b. Project deficiencies. Occasionally, a project may deserve modification because its original development was inherently deficient. Given certain conditions and qualifications, measures to correct such deficiencies may be undertaken. This subject is covered in detail in paragraph 7 in connection with completed projects that are operated and maintained by local interests. The criteria set forth for modifications

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to correct deficiencies in such projects are also generally applicable to projects operated and maintained by the Corps.

7. Modification Under Existing Authority, Local Protection Projects.

The general rule is that Federal construction and funding authorities cease once a project is transferred to local interests for operation and maintenance. Thus in most cases additional Congressional authorization is required for any proposed Federal work associated with completed local protection projects. An exception is for work to correct design or construction deficiencies (see, also, paragraph 8b). A design or construction deficiency is a flaw in the Federal design or construction of a project that significantly interferes with the project's authorized purposes or full usefulness as intended by Congress at the time of original project development. Corrective action, therefore, falls within the purview of the original project authority. Project modifications which can appropriately be undertaken without further authorization, to correct project deficiencies, are discussed below:

a. Eligible works. Works proposed to correct a design or construction deficiency may be recommended for accomplishment under existing project authority without further Congressional authorization if the proposed corrective action meets all of the following conditions:

(1) It is required to make the project function as initially intended by the designer in a safe, viable and reliable manner; e.g., pass the original design flow without failure. This does not mean that the project must meet present-day design standards. However, if current engineering analysis or actual physical distress indicates the project will fail, corrections may be considered a design or construction deficiency if the other criteria are met.

(2) It is not required because of changed conditions.

(3) It is generally limited to the existing project features. Remedial measures which require land acquisitions or new project structures must not change the scope or function of the authorized project.

(4) It is justified by safety or economic considerations.

(5) It is not required because of inadequate local maintenance. Local responsibilities for maintenance of local protection projects are stated in 33CFR208.10.

b. Ineligible works. A project may be considered or described as deficient for many reasons; however, a project deficiency is not correctable without further Congressional authorization unless it is a product of Federal engineering or construction efforts related to express project purposes. While a project may be deficient because it does not satisfy or fulfill contemporary needs, the deficiency is not a design or construction deficiency if it results from causes external to the project design or construction effort. Examples of external causes are: inadequate operation and maintenance by local interests; changed

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development in the project area (e.g. shift from agriculture to urban uses, making a higher degree of protection desirable); increased runoff efficiency of the watershed (e.g. as a consequence of upstream urban development or other land clearing practices which may tend to reduce the degree of protection of the project); and other non-project-related changes in the river regimen (e.g. alteration of the natural aggradation, degradation, or meandering processes). Note: if project development failed to properly account for the natural river processes and project associated changes to those processes, a design or construction deficiency is usually indicated. Construction to correct a design or construction deficiency should be limited to the necessary corrective work and should be consistent with original project purposes at the time of initial construction; such corrective work will not be undertaken or extended to expand or change the authorized scope, function, or purpose of a project or to modernize an otherwise soundly constructed project.

c. Justification and cost sharing. The proposed corrective work should be justified incrementally by current economic considerations (future project costs and benefits; the sunk costs for the original project development excluded) unless it is otherwise shown that the work is necessary for safety reasons. Cost sharing for correction of design or construction deficiencies should be consistent with the cost sharing in the original project authorization.

Consideration of modifications under this authority allows for correction of design or construction deficiencies regardless of their period of discovery and does not limit the scope of inquiry to considerations of "state of the art technology" or fault at the time of construction. Recommendations for proposed work to correct design and construction deficiencies (in other Corps projects as may be deemed appropriate as well as in local protection projects as discussed above) should be addressed to CDR USACE (DAEN-CWO-M) WASH DC 20314.

8. Modification Under Existing Authority, Multiple Purpose Projects.

a. Operations and maintenance authority. For projects operated and maintained by the Corps, the Corps responsibility for acceptable management of the project to serve the public interest confers a broad authority for making, as part of its operations and maintenance efforts, reasonable changes and additions to project facilities within the project boundaries as may be needed to properly operate the project or minimize maintenance. This may include, if appropriate, change in existing Federal real estate interest; it does not include acquisitions in detached areas where Federal real estate interest was not acquired for the original project development. There are, in addition, several specifically recognized ways in which projects operated and maintained by the Corps may be modified within existing authorities. These are discussed in the following subparagraphs.

b. Dam safety assurance. This program has been established to provide for modification of Corps dam projects which are considered to have potential safety hazards in light of present-day standards and

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knowledge. The program is intended to facilitate upgrading of those project features with deficiencies related to dam safety that are within the Chief of Engineers discretionary authority and cannot be corrected under other funding programs (i.e., programs for routine maintenance or for rehabilitation to permit continued effective operation of a project as it was originally intended to function). In addition to certain kinds of structural works, modifications under this particular program may extend to acquisition of new real estate interest downstream of spillways if existing interest is inadequate relative to the safety criteria of ER 1110-2-1451. Guidance regarding the kinds of work eligible for funding and implementation under the dam safety assurance program is provided in ER 1130-2-417. Except that any needed change in real estate interest would remain the responsibility of local interests, this program is equally applicable to Corps-constructed dams which serve as local protection projects, or elements thereof, and have been turned over to local interests for operations and maintenance.

c. Changes in water control plans. Authorities for the allocation and regulation of reservoir storage in projects operated by the Corps are in the acts authorizing the projects. Proposed changes in water control plans must be carefully reviewed to determine the extent of change which may be undertaken consistent with the authorizing legislation. With some specific exceptions, revised plans for purposes not encompassed by the existing project authority require new Congressional authorization. Further Congressional authorization is not required to add municipal and industrial water supply, water quality, and recreation and fish and wildlife purposes if the related revisions in regulation would not significantly affect operation of the project for the originally authorized purposes. Often proposals for changes in regulation, whether to alter the services provided in terms of originally authorized purposes or to add new purposes, contemplate increases in length of time waters are stored at various levels in the reservoir. Such proposals may require upgrading of interests in reservoir lands on which flowage easements were obtained. The impacts of these factors along with all other benefits and costs should be considered in any decision to change a water control plan. Policies and procedures regarding development of water control plans are contained in ER 1110-2-240.

d. Addition of water supply. Pursuant to the Water Supply Act of 1958, reallocation of reservoir storage to add water supply (as a purpose) to a completed project may be undertaken under the Chief's discretionary authority when it will have no significant effect on other authorized purposes and will involve no major structure or operational change. In addition, local interests and adjacent or nearby property owners may be allowed under license, granted for an administrative charge, to install facilities across project lands to withdraw minor amounts of water for which storage is not required and which does not affect project purposes. (This does not constitute a water supply "purpose.") Policies concerning the modification of a project to serve water supply functions are described in ER 1105-2-20 (Chapter 7).

e. Changes to meet water quality needs. Although water quality legislation does not require a permit for discharges from reservoirs,

ER 1165-2-119
20 Sep 82

downstream water quality standards should be met whenever feasible. Existing projects should be evaluated and reported in accordance with ER 1130-2-334, and those found incompatible with state standards (or which otherwise are not meeting their potential to best serve downstream water quality needs) should be studied in detail to determine the justification for upgrading releases and to establish an appropriate course of action. Recommendations to modify a project for water quality reasons must be based on thorough analyses to insure that the best uses are made of the available resources. The analyses should include effects on project purposes, technical feasibility, environmental considerations, reasonableness of alternative actions, and economic impacts. Any action proposed by the Corps should be on the basis that it is engineeringly feasible, environmentally and socially acceptable, and related costs are justified on the basis of combined national economic development (NED) and environmental quality (EQ) effects. Proposals to modify projects for water quality reasons should be submitted to CDR USACE (DAEN-CWE-HW) WASH DC 20314. Upgrading of sanitary facilities at project recreation areas to meet state standards will be accomplished under the Code 710 program (see the following subparagraph).

f. Recreation and fish and wildlife enhancement. Pursuant to Section 4 of the Flood Control Act of 1944, as amended, the addition of facilities for recreation and fish and wildlife may be undertaken on project lands. Procedures for such development are provided in annual program guidance on Recreation Facilities at Completed Projects, Code 710 Program. This program is applicable to all completed projects, regardless of whether recreation was included as a purpose in the original project development, including projects encompassing recreational development under the terms of the Federal Water Project Recreation Act, 9 July 1965 (Public Law 89-72). For projects authorized prior to 9 July 1965 without recreation as a project purpose, recreation developments under Code 710 may include limited acquisition of additional lands beyond the existing project boundaries if needed to afford a project recreation area. Justified fish and wildlife facilities to enhance recreation may be developed on project lands under this program, but not mitigation measures (which, if they cannot be undertaken within the general operations and maintenance authority, require new Congressional authorization). Local interests will be required to contribute 50 percent of the development costs and assume operations and maintenance of Code 710 facilities; except that for those projects less than 60 percent completed as of 7 March 1974 their contribution toward development costs of fish and wildlife enhancement components need only be 25 percent. In the absence of a cost-sharing sponsor additional facilities will not be provided regardless of whether increased levels of visitation indicate a demand therefor, except for sanitary facilities. Sanitary facilities may be up-graded under the Code 710 program, at full Federal cost, if this is necessary to adequately serve visitation or meet state water quality standards. Also, existing facilities originally provided at full Federal expense and subsequently degraded as a consequence of public use may be rehabilitated without cost-sharing (with operations and maintenance funding; not Code 710). Questions regarding the Code 710 program reporting and funding procedures should be addressed to CDR USACE (DAEN-CWO-R) WASH DC 20314.

ER 1165-2-119
20 Sep 82

9. Modification Under Existing Authority, Navigation Projects. The Chief of Engineers has but limited discretion with respect to modification of completed navigation projects without new authorization. The River and Harbor Act of 1909 provides (Section 6) an authority for complete reconstruction of aged or outmoded lock and dam structures on authorized waterways and is permissive to modifications (in the replacements) to better serve navigation. This permits the Corps to study the need for such replacements with operations and maintenance funding; however, accomplishment of any recommended replacement project requires, as a minimum, the approval of the Secretary of the Army. Recommendations may, if they embody significant modifications, be submitted by the Secretary to Congress for specific authorization. The River and Harbor Act of 1915 provides (Section 5) an authority to increase channel dimensions, beyond those specified in project authorization documents, at entrances, bends, sidings and turning places as necessary to allow the free movement of vessels. Exercise of this authority is confined to original project development; it has no general application to completed projects. (Modification of channel dimensions after project completion requires new authorization or a finding of design or construction deficiency.) Where not otherwise precluded by project authorization, the location of a completed channel may be altered during the course of the periodic maintenance program if the maintenance can thereby be more economically accomplished and related aids to navigation are readily adjustable to suit the restored channel dimensions at the shifted location.

10. Modification Under Existing Authority, Other Projects. Paragraphs 7,8 and 9 deal with the most common types of Corps projects. For other types, the possible basis for modification under existing authority may be drawn, inferentially, from their comparabilities (or incomparabilities) with the types covered.

11. Modifications Under Continuing Authorities of the Chief of Engineers. If a desirable project modification cannot be accomplished by using one of the various existing authorities discussed in preceding paragraphs, the modification may be suitable for consideration, authorization, and accomplishment under the continuing authorities program of the Chief of Engineers. This program consists of legislative authorities under which the Secretary of the Army, acting through the Chief of Engineers, is authorized to plan, design and construct certain types of water resources improvements without specific Congressional approval. Project modifications considered for authorization under this program will be targeted to meeting additional needs for flood control, navigation or beach erosion control rather than to adjustments of the completed project so as to better meet the needs the project was originally intended to serve. Modifications under this program are limited to complete-within-themselves, incrementally justified, improvements which will not impair or substantially change the project's capability to continue serving its original, Congressionally-authorized purposes. Nor may they be, in any way, substitutions for uncompleted Congressionally-authorized project modifications. Except for the legislatively imposed limitations on Federal costs (and the fact that a

ER 1165-2-119
20 Sep 82

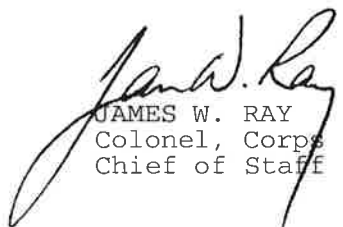
Congressional authorization of modification would not be limited in its potential for changing originally authorized purposes or subsequent modifications) a modification authorized under the continuing authorities program is identical in force and relationship to the existing project as a modification specifically authorized by Congress as discussed in paragraph 11, below. Policies and procedures for implementing improvements under this program are provided in ER 1105-2-10 (Chapter 4).

12. Modifications Requiring Congressional Authorization. If a desirable modification cannot suitably be pursued under any of the authorities or programs discussed in the preceding paragraphs, implementation will require additional Congressional authorization. The necessary studies and report preparation required to obtain such authorization should be undertaken using existing Congressional study authorities which request a review of the specific project or basin, if available. If such specific study authorities are not available, Section 216 of the Flood Control Act of 1970 (Public Law 91-611) may be used. Section 216 states:

"The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due to significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest."

Studies undertaken using the authority provided by Section 216 will be accomplished using the "Review of Completed Projects Program." Requests for guidance regarding funding, reporting and processing of reports to obtain additional authorization using this program should be addressed to CDR USACE (DAEN-CWP) WASH DC 20314.

FOR THE COMMANDER:


JAMES W. RAY
Colonel, Corps of Engineers
Chief of Staff



FLORIDA INLAND NAVIGATION DISTRICT

February 23, 1999

COMMISSIONERS

ANN SHORSTEIN
CHAIR
DUVAL COUNTY

BRYNN G. NEWTON
VICE-CHAIR
FLAGLER COUNTY

LAURENCE D. LOCKER
SECRETARY
BROWARD COUNTY

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APPOINTMENT PENDING
VOLUSIA COUNTY

APPOINTMENT PENDING
PALM BEACH COUNTY

ART WILDE
EXECUTIVE DIRECTOR

DAVID K. ROACH
ASSISTANT EXECUTIVE DIRECTOR

Bev Lawrence
Regulatory Division
COE/JAX
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Ms. Lawrence:

**RE: Application for the City of Fernandina Beach Marina
Improvements**

Thank you for Mr. Heimer's letter of January 29, 1999 concerning the referenced project. The District is concerned with the current proposal to relocate the Fernandina Harbor project (and apparently the ICW) to west of their existing alignment. As was mentioned in the letter, the navigation projects in this area currently take advantage of naturally deep water. The proposal to relocate the channels to the west will move the channels into the edge of the marsh/mud flat area and will increase future maintenance dredging activities. Therefore, the result of the current proposal is that mooring facilities will utilize the naturally deep water and waterborne traffic in public navigation channels will utilize the areas that are not naturally deep and that will need to be maintained more frequently. This seems contrary to the public's interest.

The survey that you sent clearly shows that this area of the navigation project is currently not at design depth and that the marsh is migrating into the channel. I have drawn the channel relocation on this drawing (attached) and none of the new area is at the design depth for the Fernandina Harbor project. Clearly this relocation seems ill advised in respect to future maintenance dredging requirements.

My quick calculation indicated that it would require the dredging of approximately 61,000 cyds. just to take the 100 foot relocation area to project depth. This calculation does not include the existing

Lawrence Ltr.
City of Fernandina Beach Marina
Page Two.

shoaling in the current channel as shown in the survey. This dredging project of the new channel area could easily cost \$1 million, an amount that I can not imagine the City having on a reoccurring basis. Please recall that the reason for this proposal is because the City did not want to spend the funding necessary to dredge their existing marina basin on a reoccurring basis. It seems that in the effort to solve one dredging problem we are creating another one.

It remains our opinion that the proposed encroachment and narrowing of the public waterway will unnecessarily impact and restrict navigation. The heavy currents in this area can create dangerous conditions for private and commercial vessels which will be exacerbated by the narrowing of the waterway.

Thank you for this opportunity to comment. Please contact me should you have any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'David K. Roach', with a stylized, flowing script.

David K. Roach
Assistant Executive Director

cc: John Adams, CON/OPS



FLORIDA INLAND NAVIGATION DISTRICT

August 11, 1997

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EXECUTIVE DIRECTOR

DAVID K. ROACH
ASSISTANT EXECUTIVE DIRECTOR

John Hall, Chief
Regulatory Division
COE/JAX
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Mr. Hall:

RE: Application for the City of Fernandina Beach Marina
Improvements

Thank you for providing the District with a copy of the referenced application. While the proposed location of the facility is technically north of the Atlantic Intracoastal Waterway and is actually within the Fernandina Harbor Project, this area of the waterway serves as the connection between the ICW segments of Georgia and Florida. Therefore there is a potential impact to users of our waterway from this proposal.

The District is opposed to this application because it is not in compliance with the Corps structure set back, maintenance dredging and navigation project design policies. The set back policy requires structures to be 100 feet from the edge of channel, however, in certain situations structures may be authorized to within 62.5 feet of the channel edge if justified. The north dock is located on the channel edge. Therefore, the dock pilings are located in the "pay area" or side slope of the channel. Additionally, vessels docked at this pier will actually be moored in the channel.

The subject area is located adjacent to an ocean inlet and therefore is very heavily utilized area by recreational vessels. Additionally, this area is transited and utilized by numerous commercial and

Hall Ltr.
City of Fernandina Beach Marina
Page Two.

government vessels in association with the Port of Fernandina, the Kings Bay Naval Base and coastwise commerce. The proposed encroachment may cause a navigation hazard to these vessels by restricting vessel traffic to a narrower corridor for transit. The heavy currents in this area can create dangerous conditions for private vessels and additional hazards such as this dock will increase the danger.

This application as proposed may create potential impacts to: channel operations; safe navigation on the waterway; and, federal right of way lands. Additionally several policies of the Corps appear to be violated including the ICW Set Back Policy, Corps Navigation and Dredging Operation and Maintenance Policy ER 1130-2-520, and the Layout and Design Manual of Shallow Draft Waterways. Attachment A details our facts and position regarding the potential impacts of this proposal on these various aspects of the waterway.

This proposed encroachment into the channel needs to be clearly justified and necessary for access. It would appear that there is room available nearshore to move this facility landward if additional dredging was accomplished.

Thank you for this opportunity to comment. Please contact me should you have any questions concerning this matter.

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David K. Roach
Assistant Executive Director

cc: John Adams, CON/OPS



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City of Fernandina Beach Marina
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FLORIDA INLAND NAVIGATION DISTRICT

August 11, 1997

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John Hall, Chief
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P.O. Box 4970
Jacksonville, FL 32232-0019

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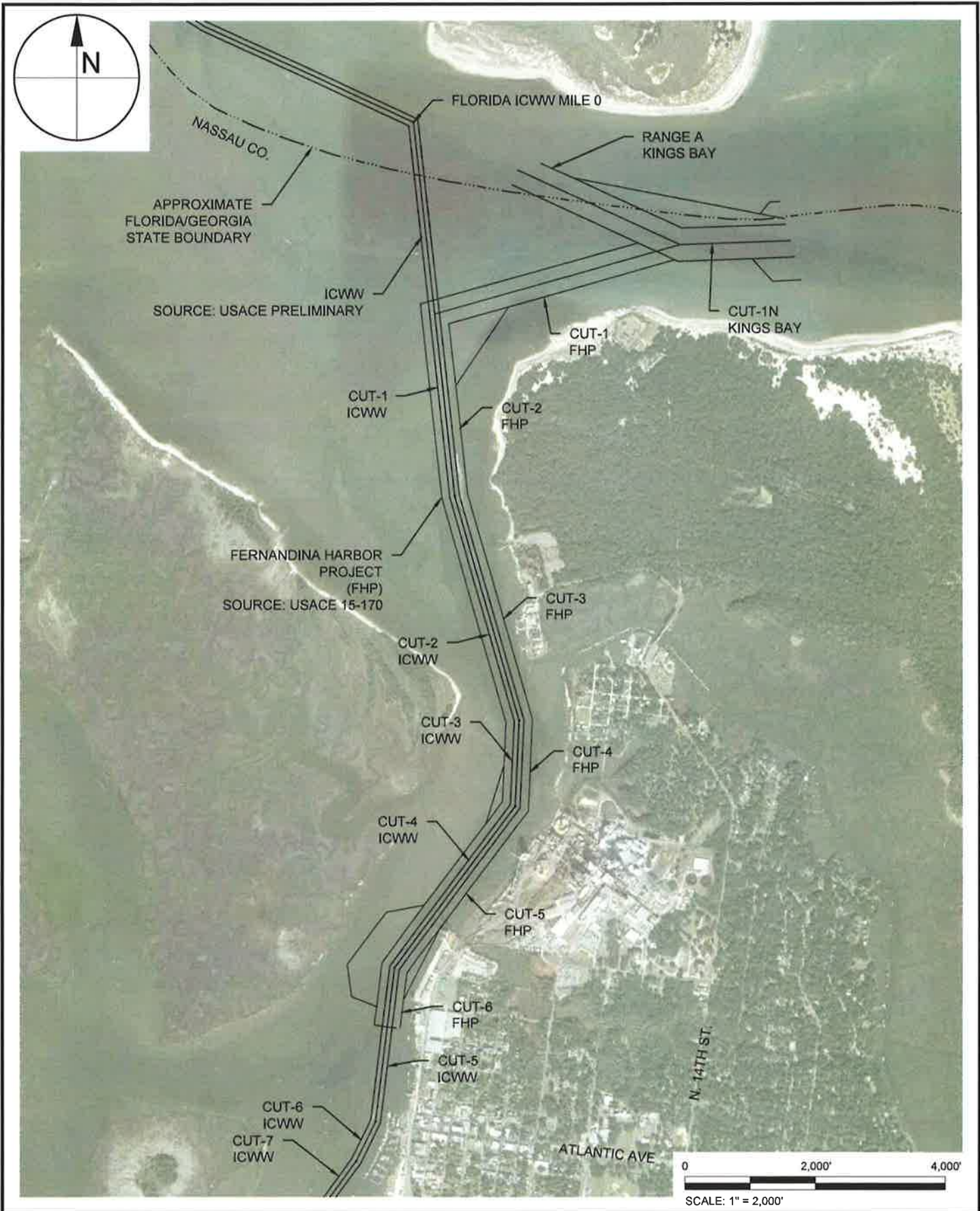
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Sincerely,

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David K. Roach
Assistant Executive Director

cc: John Adams, CON/OPS





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

FIGURE 1
FERNANDINA HARBOR PROJECT AND ICWW
NASSAU COUNTY, FLORIDA

PROJECT	
DRAWN BY	AF
SHEET	
DATE	FEB 2016

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.

ANTON FLEWELLING \SYSTEMS\PROJECTS\2015-048 FIND NASSAU REACH \FIGURES\2015-048-F-FERNANDINA HARBOR.DWG 2/15/2016 2:41:41 PM

City approves (sort of) purchase of waterfront property

Submitted by Suanne Z. Thamm

Reporter – News Analyst

December 3, 2015 12:51 p.m.

After some discussion and reassurances, the Fernandina Beach City Commission (FBCC) approved at its December 1, 2015 Regular Meeting the purchase of waterfront property at 101 North Front Street, commonly known as “the Vuturo Property.” The city and the property owner—Front Street Glad, LLC—agreed to a purchase price of \$685K, following the city’s receipt of two independent appraisals for \$600K and \$715K.

Address Picture for: 101 N FRONT ST

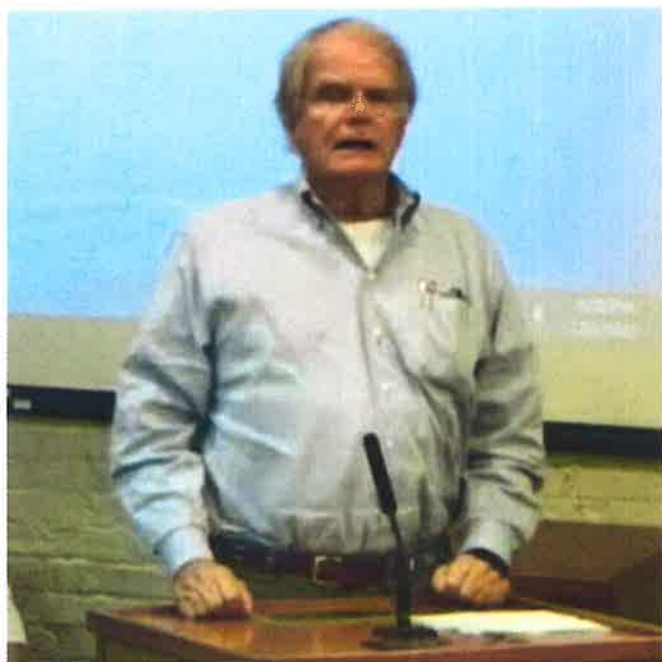


The purchase and sale agreement includes a due diligence period of 90 days which will include

a feasibility study to be conducted by the city or its consultant to determine if the subject property is feasible to expand the City Marina in order to minimize the continuous need for expensive dredging.

Because the purchase of this land was not anticipated in the FY 2015-16 Budget, the commission will be required to approve a budget amendment when the feasibility study is completed.

As the CRA Advisory Board FBCC liaison, Commissioner Robin Lentz renewed the committee's request for the city to fund and conduct a study on needed stormwater mitigation for Front Street and a survey to map existing stormwater infrastructure. Commissioners tasked City Manager Dale Martin to investigate both issues and report back. He indicated that he planned to attend the CRA Advisory Board meeting on December 3.



LYNN WILLIAMS

Audience member Lynn Williams supported the purchase of the property. He cited an earlier study that recommended the purchase of this property to allow the city to move the City Marina slips north of their present location. Because of better water flow, the new location would eliminate or significantly reduce the need for regular marina dredging.

Williams said, "We believe that we will have room for forty approximately 50-foot boats in the new location. If these were transient boats, the city would realize about \$120K in monthly rental fees." Williams added that because transient boat revenue is

primarily limited to a few months of the year, slips would rent at a lower fee for longer-term rentals. He said, "The best estimate we can get is that this should produce easily \$75K in rental income per month."

Williams talked about obtaining grants or borrowing around \$3M to move the marina and set it up for new business. He presented several scenarios for loans, grants and monthly payments. He said this would be a good investment for the city because the increase in usable boat slips would bring more people to the city and save dredging costs.

Commissioner Pat Gass asked Williams, "You keep referring to 'we.' Who are 'we'?"



Williams replied to audience and commission laughter, "The people who hang around the marina."

Gass joked back, "So it was a scientific study?"

After the laughter subsided Williams said that he had put together the numbers with help from marina manager Joe Springer who, according to Williams, "really does know what goes on there."

Williams cited a growing list of boaters seeking long-term slip rentals who are currently turned away for lack of availability. What may appear to be empty slips in the existing marina are not usable because of heavy siltation buildup.

Commissioner Tim Poynter said, "It's a good thing to look at this property, but obviously we are having studies done to make sure we can do what we anticipate doing before we write this check. I just want to make sure everyone understands this."



Williams agreed, but he cited a potential problem that might imperil a permit from the Army Corps of Engineers (ACE). When the city had previously explored moving the marina, all required permits had been issued to move the channel. The permits expired after previous commissions failed to take action in a timely manner. Now the ACE appears to have had second thoughts about moving the channel to permit a marina north of its current location.

Commissioner Pat Gass raised questions about purchasing the property. While she believed its acquisition was positive for the city, she asked where the money would come from. She suggested a scenario where following due diligence, the city found that all its conditions were met, but that commissioners could not agree on how to fund the purchase. She asked where that would leave the city. Commissioner Poynter replied, "In default."

City Attorney Tammi Bach said that she had not placed a fiscal non-funding clause in the

City approves (sort of) purchase of waterfront property | contract. Bach said, "If you approve this item tonight, it says if this feasibility study says the purchase meets our needs we are going to pay you this amount [\$685K] on the closing date. It doesn't say if we can't agree on where the money comes from, we can get out of the agreement."

After ten minutes of discussion, the FBCC voted unanimously to approve Resolution 2015-168 approving the purchase and sale agreement in the amount of \$685K.



Editor's Note: Suanne Z. Thamm is a native of Chautauqua County, NY, who moved to Fernandina Beach from Alexandria, VA, in 1994. As a long time city resident and city watcher, she provides interesting insight into the many issues that impact our city. We are grateful for Suanne's many contributions to the Fernandina Observer.

8 RESPONSES TO CITY APPROVES (SORT OF) PURCHASE OF WATERFRONT PROPERTY



Robert Warner says:

DECEMBER 3, 2015 AT 4:49 PM

Excellent investment in the future.



Larry Myers says:

DECEMBER 4, 2015 AT 7:40 AM

The FB Municipal Marina is a tremendous asset and attraction for our island. The City needs to acquire this additional North Parcel, which is in a rundown condition, and strategically plan for its preservation/expansion and improvement to our beautiful downtown waterfront.

The local boaters as well as our visitors need the latest and greatest marine facilities.

The evening sunset and the water views are beautiful, should be preserved and kept in the public domain for all to enjoy....Now if we can just repair the pilings & structure under Brett's Waterfront Café before it falls into the Amelia River, all will be fine.



Charles Pantino says:

DECEMBER 4, 2015 AT 8:11 AM

Amelia Island must be the best kept secret in coastal living in the entire USA. When I was investing in land throughout the state; would approach grandfather and ask. He'd say, is it in Fla son? I'd say, yes grandpa sir. He'd say, its a buy.



Dave Lott says:

DECEMBER 4, 2015 AT 11:46 AM

Charles, hope you didn't buy any of that Lehigh Acres property over on the Gulf Coast side. LOL

Larry, if you are talking about the pilings directly under the restaurant, that expense is not the responsibility of the City. The City has had a number of projects to reinforce/repair the pilings that are under the public areas of the marina sidewalk and deck. Heard rumors that when the lease expires that Brett's is not going to renew but time will tell.



Steven Crounse says:

DECEMBER 4, 2015 AT 8:58 PM

To my mind, it's just a great investment in the City's future. this parcel of land should have always been in City's hands. I would think, a Marina ? great, should pay for itself. Lease to a business ? great should pay for itself. Open Space why not ? it's still a win for the City.



John P. Megna says:

DECEMBER 6, 2015 AT 1:45 PM

It would seem like a good purchase – as it would open up the land to the city for the future. Let's also re-new the Waterfront Park and start moving there.



Janie Thomas says:

DECEMBER 6, 2015 AT 9:54 PM

We trust that shrimp boats docks will be figured into this area, let's think about "rebirth" of Fernandina's Modern Shrimping Industry.

Not having docking space is the real reason there are so few boats today. If shrimpers had a place to dock and unload catches more folks would be supplying local USA Wild Caught Shrimp...

Thank you and God Bless

Janie Thomas



Bob Allison *says:*

DECEMBER 8, 2015 AT 6:01 PM

I have been continuously amused by the long series of half baked ideas that have been put forward to improve the marina I envisioned, permitted, funded, and built in the early eighties. Unfortunately, none of these ideas have actually turned into reality or have improved the marina by any significant measure. The purchase of property north of the marina is more of the same. Expensive consultants will ending up milking the City for more pointless fees. In the end it will be realized the \$685,000 and more could have been spent building a robust breakwater on the north end and moving the existing marina to the west. This is the least expensive permanent solution to the dredging problem. Buying expensive waterfront property with no real plan as to how it might ever be used is absolute folly. City taxpayers should revolt.

COMMENTS ARE CLOSED.

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") dated as of this _____ day of _____, 2016, by and between FLORIDA INLAND NAVIGATION DISTRICT, an independent special taxing district of the State of Florida, hereinafter referred to as Landlord, and RBY, LLC., a Florida limited liability company, hereinafter referred to as Tenant.

RECITALS

- A. Landlord is the owner of a parcel of land located in Palm Beach County, Florida intended for use as a dredged material management area for the long-term maintenance of the Atlantic Intracoastal Waterway, said parcel being designated in the Landlord's Long Range Dredging Plan as DMMA PB-PI (the "Premises").
- B. Tenant is undertaking the dredging of the Rybovich Riviera Beach Marine Facility and access channel located at 2010 Avenue B, Riviera Beach, FL 33404 (the "Project").
- C. Tenant has requested Landlord to make the Premises available to Tenant for the handling and dewatering of dredged material generated by the Project.
- D. DISTRICT is of the opinion that such use by the LESSEE pursuant to the provisions of this agreement is in the public interest.
- E. Landlord is willing to make the Premises available to Tenant for the Project upon the terms and conditions of this Lease.

WITNESSETH

THEREFORE, in consideration of Ten Dollars (\$10.00), the promises and mutual covenants and agreements contained herein, and other valuable consideration, the sufficiency of which is mutually acknowledged, Landlord and Tenant hereby agree as follows:

1. INCORPORATION OF RECITALS

The foregoing recitals are true, correct and incorporated herein by reference.

2. PREMISES/TERM/CONTINGENCY

Landlord hereby leases to Tenant that property located in Palm Beach County, Florida and known as DMMA PB-PI, as more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Premises"), for a term commencing _____, 2016, and terminating _____, 201__ (the "Initial Term").

3. PAYMENT OF RENT

- a. Tenant hereby covenants and agrees to pay to Landlord as rent for the term of this Lease a base rent in the amount of Two Hundred and No/100 Dollars (\$200.00) per month ("Base Rent"), together with applicable sales taxes thereon. Base Rent is due and payable monthly in advance on the first day of each calendar month.
- b. Tenant shall make any and all payments due hereunder to Landlord at that address set forth as follows unless otherwise notified by Landlord in writing:

FLORIDA INLAND NAVIGATION DISTRICT
 ATTN: EXECUTIVE DIRECTOR
 1314 MARCINSKI ROAD
 JUPITER, FLORIDA 33477-9427

- c. Tenant agrees to pay any and all charges and deposits for utilities serving the Premises in addition to said Rent.
- d. Tenant shall pay such other charges without demand and without setoff all sums of money or charges as required to be paid by Tenant under this Lease. If such amounts or charges are not paid at the time provided in this Lease, they shall be collectible as additional charges with the next installment of rent due hereunder and shall bear interest from the due date thereof to the date of payment at the rate of eighteen percent (18%) per annum or such lesser rate as shall be the maximum permitted by law.

4. COVENANTS OF LANDLORD

Landlord covenants that said Tenant, on paying the said rent and performing the covenants aforesaid, shall and may peaceably and quietly have, hold and enjoy the said Premises for the term aforesaid, PROVIDED ALWAYS, that this Lease is conditioned upon the prompt payment of rent in the manner and at the time stated herein and that there shall be no breach by Tenant of any of the other covenants or agreements of this Lease on Tenant's part to be performed. In any or either of such events, Landlord may immediately, or at any time thereafter and without demand or notice, enter into and upon the Premises and repossess the same without becoming a trespasser, without prejudice to Landlord's legal rights to recover rent.

5. OPTION

Tenant is hereby granted one (1) one (1) year option to renew this Lease (the Renewal Term“) upon the same terms and conditions ("Tenant's Option"), provided however that Tenant shall not be in default under any of the terms and conditions of this Lease at the time of exercise of Tenant's Option or at the end of the Initial Term. If Tenant wishes to exercise Tenant's Option, Tenant shall so advise Landlord in writing delivered to and received by Landlord no later than 5:00 P.M., _____, 201__ [INSERT A DATE WHICH IS SIXTY (60) DAYS PRIOR TO THE END OF THE INITIAL TERM]. Failure to timely exercise Tenant's Option in writing shall constitute Tenant's waiver of Tenant's Option.

6. USE OF PREMISES/CONDUCT OF BUSINESS

- a. Tenant shall continuously occupy and use the Premises solely for the dewatering and temporary storage of dredged materials generated by the Project (hereinafter called the "Permitted Use").

Tenant shall not use the Premises for any other uses without Landlord's prior written consent.

- b. Tenant shall, at Tenant's expense, comply with all laws, ordinances and regulations of the United States, State of Florida, and the County of Palm Beach, including, without limitation, all applicable permits and conditions thereof, pertaining to the use and occupancy of the Premises, and shall not make any use of the Premises which shall unreasonably disturb Landlord's neighbors or otherwise become a nuisance.

7. TENANT'S FIXTURES AND ALTERATIONS

- a. Tenant agrees that it will not make any alterations (whether structural or otherwise), improvements or additions to the Premises without first obtaining the written consent of Landlord, which shall not be unreasonably withheld or delayed. All alterations, improvements and additions made by Tenant and all chattels affixed by Tenant to the Premises shall be removed from the Premises at the expiration or earlier termination of this Lease, except as otherwise provided herein.
- b. In addition to the above, Tenant shall also procure from the appropriate governmental agencies all necessary permits and authorizations before proceeding with any alteration, repair or improvement, and shall at all times comply with such permits and all conditions thereof, all at Tenant's expense.

8. ASSIGNMENT AND SUBLETTING

- a. Tenant shall not voluntarily, involuntarily, or by operation of law, assign, transfer, mortgage or otherwise encumber (herein collectively referred to as an "assignment") this Lease or any interest of Tenant herein, in whole or in part, nor sublet the whole or any part of the Premises, nor permit the Premises or any part thereof to be used or occupied by others, without the prior written consent of Landlord in each and every instance, which shall not be unreasonably and arbitrarily withheld. The consent of Landlord to any assignment or subletting shall not constitute a waiver of the necessity for such consent to any subsequent assignment or subletting. If this Lease or any interest of Tenant herein be assigned or if the whole or any part of the Premises be sublet or used or occupied by others after having obtained Landlord's prior written consent thereto, Tenant shall nevertheless remain fully liable for the full performance of all obligations under this Lease to be performed by Tenant and Tenant shall not be released therefrom in any manner.
- b. Should Tenant, in violation of the provisions of this Paragraph, assign this Lease, or sublet the Premises or any portion thereof without obtaining Landlord's prior written consent, then such assignment or sublease shall be null and void and of no force and effect. Such act on the part of Tenant shall be deemed a default of Tenant entitling Landlord to exercise any of the rights and remedies therefor as set forth in Paragraph 17 hereof.
- c. In the event Tenant assigns or sublets the Premises pursuant to this Paragraph 8 of this Lease Agreement, any rent collected by Tenant as sublessor or assignor which exceeds the amount of rent due from Tenant to Landlord hereunder shall be due and payable to Landlord.

9. LIENS

- a. Mechanics' or Materialmen's Liens: Tenant shall not cause any liens of mechanics, laborers or materialmen to stand against the Premises for any labor or material furnished or claimed to have been furnished to Tenant in connection with any work of any character performed or claimed to have been performed on the Premises, by or at the direction of Tenant.

If the Premises or any part thereof or Tenant's leasehold interest therein becomes subject to any suppliers, vendors, mechanics, laborers, materialmen's or other lien, encumbrance or charge (collectively hereinafter called a "lien"), other than a lien caused by the actions of the Landlord, Tenant shall promptly notify Landlord of the filing or the threatened filing of any such lien, shall promptly cause the lien to be satisfied or transferred to other security.

- b. Landlord's Liability for Tenant's Liens: It is hereby agreed by the parties hereto that Landlord will not be liable for any labor, services or materials furnished or to

be furnished to Tenant or to anyone holding the Premises, or any part thereof, through or under Tenant, and that no liens for any labor or material shall attach to or affect the interest of Landlord in and to the Premises. All contracts for construction or repair shall contain the above cautionary language and shall require all subcontractors, materialmen and laborers to be so advised. Failure of Tenant to so notify and advise such contractor(s) in writing prior to the commencement of any work to be performed shall constitute a default hereunder and entitle Landlord to those rights and remedies set forth in Paragraph 17 hereof.

10. NON-LIABILITY OF LANDLORD/WAIVER/INDEMNIFICATION

- a. As a consideration for the making of this Lease and in light of the fact that Tenant has had the opportunity to make such inspections and tests as Tenant, in Tenants' judgment, has deemed necessary, Tenant accepts the Premises in its "As-Is Condition" and Landlord shall not be liable for any condition, latent or patent, existing in, on or under the Premises, nor for injury or damage which may be sustained to person or property of Tenant or any other person caused by or resulting from water, rain, groundwater, soil, sand, silt or any other material which may leak or flow from or into any part of the Premises or from the breakage, leakage, obstruction or other defect of the dikes, pipes, weirs, or other fixtures, from noise, vibration, smoke or odors emanating from the Premises, or from any other source or cause whatsoever, whether the same damage or injury shall be caused by or be due to the negligence of Landlord, nor the interference with light or incorporeal hereditaments, specifically excluding from such indemnification such damage or injury which results from the gross negligence of Landlord, nor shall Landlord be liable for any defect in the Premises, latent or otherwise, except as provided by law.
- b. Tenant shall indemnify, defend and save Landlord harmless from and against any and all claims, actions, damages, liability and expense (including disbursements) in connection with the loss of life, personal injury, damage to property or business, natural resource damage, fines and penalties arising from, related to, or in connection with the occupancy or use by Tenant of the Premises or occasioned wholly or in part by any act or omission of Tenant, its contractors, subcontractors, subtenants, licensees, or concessionaires, or its or their respective agents, servants or employees.
- c. Tenant shall include in any construction contract for work upon or involving the Premises that the contractor shall indemnify and hold harmless the Tenant and Landlord, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the contractor and persons employed or utilized by the contractor in the performance of the construction contract.
- d. Tenant shall be responsible for the payment of any fines or administrative penalties assessed and any remedial or mitigation actions required due to or arising out of

any violation or alleged violation by Tenant or Tenant's employees, agents or contractors of laws, ordinances and regulations of the United States, State of Florida, and the County of Palm Beach, including, without limitation, all applicable permits and conditions thereof, pertaining to the use and occupancy of the Premises.

- e. The provisions of this Section 10 shall survive the termination of this Lease.

11. INSURANCE

- a. Tenant will keep in force, with companies and in a form acceptable to Landlord, at Tenant's expense, during the term of this Lease and any extension or renewal thereof and during such other time as Tenant occupies the Premises or any part thereof commercial general liability insurance with respect to the Premises with a minimum Five Million Dollars (\$5,000,000.00) combined single limit coverage of bodily injury, property damage or combination thereof.
- b. Tenant will further deposit a certificate (s) of insurance for all policies of insurance required by the provisions of this Paragraph 11 together with satisfactory evidence of the payment of the required premium or premiums therefor with Landlord at or prior to the commencement date, and upon renewals of such policies not less than fifteen (15) days prior to the expiration of the term of such coverage. At Landlord's option, Tenant shall deliver copies of insurance policies and all endorsements thereto, together with a certificate that such copies are true and complete.
- c. All policies of insurance required to be carried by Tenant by Paragraph 11 (a) hereof shall provide that the policy shall not be subject to cancellation, termination or change except after thirty (30) days prior written notice to Landlord and shall name Landlord as an Additional Insured.
- d. All such policies required hereunder shall be obtained from companies licensed, organized and authorized to do business in the State of Florida.
- e. The Tenant's insurance shall be primary insurance as respects the Landlord, its Commissioners, officers, employees and agents, and any insurance or self-insurance maintained by the Landlord, its Commissioners, officers, employees and agents shall be excess of the Tenant's insurance and shall not contribute to it.
- f. The policies shall contain a waiver of subrogation against the Landlord, its Commissioners, officers, employees and agents for any claims arising out of the work of the Tenant
- g. The policy may provide coverage which contains deductible or self-insured retentions of not more than \$50,000.00 as to Tenant and no deductible or self-insured retention as to any additional insured without prior approval of the Landlord. The Tenant shall be solely responsible for deductible and/or self-insured retention.

- h. Each policy shall include ISO Form CG 04 29 – Pollution Exclusion – Limited Exception For A Short-Term Pollution Event endorsement covering dredged materials or its equivalent acceptable to the Landlord. In lieu of ISO Form CG 04 29, a Contractors Pollution Liability (CPL) policy issued on a non-admitted basis on a form acceptable to the Landlord in the Landlord's sole discretion may be provided.
- i. Liability insurance carriers must have a Best's "Financial Strength Rating" of at least "A-" and a "Financial Size Category" of a minimum of "VII" and must be admitted in the State of Florida.
- j. If used to satisfy the minimum coverage, Umbrella Liability or Excess Liability insurance must be maintained with coverage at least as broad as the underlying policies. This insurance shall be in addition to and in excess of any other insurance coverages required hereunder. The applicable policies of insurance shall indicate which policies the Umbrella Liability or Excess Liability includes as underlying and a deductible or self-insured retention of not more than \$50,000.00 as to Tenant (unless approved in writing by the Landlord) and no deductible or self-insured retention as to any additional insured.
- k. Tenant may substitute a general liability policy issued to Tenant's contractor provided that such policy names both Tenant and Landlord as "additional insureds" and otherwise meets the requirements of this Section 11.

12. REPAIRS AND MAINTENANCE OF PREMISES

- a. Tenant shall at all times at its sole cost and expense keep and maintain the Premises, including, without limitation, the landscape buffer, perimeter fence and gate, dike and weir in good order, condition and repair and shall not commit or suffer any waste on the Premises.
- b. Tenant will repair promptly at its own expense any damage to the Premises caused by bringing into the Premises any property or equipment for Tenant's use, or by the installation or removal of such property or equipment, regardless of fault or by whom such damage shall be caused.
- c. In the event Tenant defaults in the performance of any of its obligations under this Paragraph 12, Landlord, in addition to Landlord's other remedies under this Lease, at law or in equity, may, but shall not be obligated to, cure such default on behalf of Tenant and Tenant shall reimburse Landlord upon demand for any sums paid or costs incurred curing such default.

13. INTENTIONALLY DELETED

14. PLANS

The following plans will guide the use and management of the Premises. These plans, if not already developed, will be developed in accordance with the schedule and methodology stipulated below. Tenant shall seek and receive written approval from Landlord prior to deviating from these approved plans and shall advise Landlord in writing upon discovery that it has deviated from any of the criteria or standards of these approved plans:

- a. **DREDGING AND DREDGED MATERIAL MANAGEMENT FACILITY PLAN:** Tenant shall submit a dredging and dredged material management facility plan to Landlord for its approval prior to placing dredged material on the Premises. This plan will include the following information: a copy of all permits issued for the Project; timelines for the preparation of the Premises to receive dredged materials and for the commencement and completion of the Project; measures for the control and abatement of noise, vibration and odor impacts on surrounding property; an estimate of the dredging volume; and a demonstration that the general operating procedures (free board, ponding depth, weir board removal, etc.) are sufficient to meet permit standards. In addition, the Tenant shall provide those submittals described below.
 - i. **Site Reconnaissance Report:** Tenant will prepare a report summarizing existing site conditions. Tenant will document any visibly apparent geotechnical issues (e.g., erosion, settling, cracking) of the DMMA and weir, and note any potential on-site issues within the Facility. In a letter report to the Landlord, the Tenant will summarize the above-noted items along with photographs (depicting the described condition) and an aerial map denoting any issues, if necessary, that require restorative action for the Project. The report will also provide details regarding Tenant's plans, drawings, engineering calculations, and technical justifications for any restorative actions. Once approved by Landlord, Tenant shall complete any restorative actions at no cost to the Landlord.
 - ii. **Laboratory Analysis:** Tenant shall submit laboratory results of the testing of the proposed dredged material, including physical (grain size and soil classification) as well as chemical characteristics performed by a recognized and qualified party satisfactory to Landlord to identify the dredged material's expected settling characteristics and demonstrating that no metals, petroleum products, pesticides, and polychlorinated biphenols (PCBs) (commonly measured with chlorinated pesticides) or other contaminants are present in the dredged material from the Project that will be placed in the Facility that would be considered "Hazardous Substances," "Hazardous Waste," or other contaminants above levels which would exceed allowable levels set forth in the Environmental

Laws referenced in Paragraph 15 of this Lease or the Soil Cleanup Target Levels (Direct Exposure-residential) set forth in Chapter 62-777, F.A.C.

- iii. **Survey:** A signed and sealed pre- and post-construction topographic survey of the Facility that provides the conditions of the site (in plan and cross-section view) and that provides a detailed comparison of pre-dredging and post-dredging topographic survey conditions. This submittal will include AutoCAD files of the site plan with detailed 3-D terrain model to demonstrate the quantity of dredged material placed and subsequently removed from the site.
 - iv. **Dredged Material Management Area Operation Plan:** In addition to the requirements outlined above, the Tenant shall provide a narrative detailing the general plan for operation of the Facility. The narrative shall include a detailed plan for loading the facility, dewatering and segregation of dredged materials, and stormwater releases. This plan — an outline of the site's management activities before, during, and after dredging activities — will assure establishment and maintenance of a vegetative cover, dike safety, and adequate post-dredging operations. Additional safety considerations (e.g., walkways, fencing, management of recreational and commercial boaters and on-site public use of the Peanut Island area) must be considered for the adjacent public use of the surrounding project site. Tenant's Operation Plan shall be consistent with the DISTRICT's Site Operational and Management Plan ("OMP"), attached hereto as Exhibit B.
 - v. **Local Coordination:** Tenant will provide points of contact with the Palm Beach County Parks and Recreation and the Port of Palm Beach. Tenant will maintain constant contact (and coordinate any required staging activities and management of public and private interests) with these parties during the dredging and offloading phases of the project.
- b. **DREDGED MATERIAL REMOVAL PLAN:** Tenant shall submit a dredged material removal plan to Landlord for its approval prior to placing dredged material on the Premises. This plan will describe: the means and methods of offloading and how these relate to ongoing operations and geotechnical stability of the Facility; the timeline for the commencement and completion of the removal of dredged material from the Premises; the estimated number of trips; the primary and backup disposal sites for the dredged materials; a written contract with the owner or operator of the primary disposal site agreeing to accept the dredged material; and, if transported over public streets, the measures to keep the streets used free from spilled materials and to repair any damage to the streets. The offloading shall be complete not later than the end of the Initial Term or Renewal Term, as applicable.

- c. **SITE RESTORATION PLAN:** Tenant shall submit a site restoration plan to Landlord for its approval prior to placing any dredged material on the Premises. This plan will describe: plans and specifications, as well as a timeline, for the restoration of the Premises to the same condition as existed at the commencement of the Initial Term, fair wear and tear excluded; sampling and testing protocols for collecting information on the then-existing soils [including physical (grain size and soil classification) and chemical characteristics] for comparison with the results of the baseline sampling plan; and plans for remediating any identified contamination in excess of allowable levels set forth in the Environmental Laws referenced in Paragraph 15 of this Lease or the Soil Cleanup Target Levels (Direct Exposure-residential) set forth in Chapter 62-777, F.A.C.; and a post-dredge topographic survey of the existing material within the Facility.
- d. **BASELINE SAMPLING PLAN:** Tenant shall submit a baseline sampling plan to Landlord for its approval prior to placing dredged material on the Premises. This plan will describe the sampling and testing protocols for collecting baseline information on the existing soils [including physical (grain size and soil classification) and chemical characteristics], groundwater and hydrogeological conditions on and below the Premises. Laboratory testing shall be performed in accordance with Exhibit "C" by a recognized and qualified independent third party satisfactory to Landlord. The objective of the plan is to establish a baseline condition of the existing soil and groundwater for comparison with the then-existing condition of the soil and groundwater following the removal of the dredged material and Facility from the Premises.

15. **HAZARDOUS MATERIALS:**

Tenant agrees that, during the term of this Lease, it:

- a. Shall keep or cause the Premises to be kept free of hazardous wastes or substances.
- b. Shall not cause or permit, as a result of any intentional or unintentional act or omission on the part of Tenant, or Tenant's assignees, employees, agents or contractors, a release of hazardous wastes or substances onto the Premises.
- c. Shall comply with and ensure compliance by its assignees, employees, agents or contractors and all others under its direction with all applicable federal, state, and local laws, ordinances, rules, and regulations.
- d. The terms "hazardous waste", "hazardous substance", "disposal", "release", and "threatened release", if used in this Lease, shall have the same meaning as set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. (CERCLA), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and recovery Act, 49 U.S.C. Section 6901 et seq., the Florida Resource and Management Act, Chapter 403, Florida Statutes, the

Pollution, Spill, Prevention, and Control Act, Chapter 376, Florida Statutes, or any other applicable state or federal laws, rules, or regulations adopted pursuant to any of the foregoing.

- e. Shall immediately provide Landlord with notice of any release or threatened release of hazardous waste on or about the Premises, and shall immediately provide Landlord with notice of any injury or action taken by any local, state, or federal governmental body with respect to hazardous waste on or about the Premises.
- f. Shall remove any hazardous waste or hazardous substances which exceed allowable levels in the ground or the groundwater within the Premises, to the extent caused by or arising from Tenant's use of the Premises.

16. EVENTS OF DEFAULT

The following shall constitute Events of Default:

- a. If Tenant defaults in the payment of any sum of money due hereunder and such default shall continue for three (3) days after the date of notice from Landlord to Tenant.
- b. If Tenant defaults in fulfilling any of the other covenants of this Lease on Tenant's part to be performed hereunder and such default shall continue for the period of fifteen (15) days after notice from Landlord to Tenant specifying the nature of said default, or, if the default so specified shall be of such a nature that the same cannot be reasonably cured or remedied within said fifteen (15) day period, if Tenant shall not in good faith have commenced the curing or remedying of such default within such fifteen (15) day period and shall not thereafter diligently proceed therewith to completion.
- c. If any execution or attachment shall be issued against Tenant or any of Tenant's property and shall not be discharged or vacated within seven (7) days after the issuance thereof.
- d. The vacation of the Premises by Tenant prior to the end of the Initial Term or Renewal Term.
- e. The failure to fully remove from the Premises within the time periods specified herein all dredged material deposited on the Premises by Tenant.

In the Event of Default, Landlord shall provide Tenant with such written notice thereof as shall be required under Florida law.

17. REMEDIES IN EVENT OF DEFAULT

- a. In the event of a default hereunder and such default shall continue after the giving of written notice thereof to Tenant, Landlord may at Landlord's option:
 - i. terminate the Lease and retake possession of the Premises for its own account,
 - ii. stand by and do nothing, holding the Tenant liable for the Rent due as it matures, including any accelerated Rent,
 - iii. retake possession of the Premises for the account of the Tenant, holding the Tenant liable for the difference between the Rent stipulated to be paid under the Lease and what, in good faith, the Landlord is able to recover from a reletting, or
 - iv. avail itself of any other option or remedy available under Florida law;

and, in any event Tenant, shall give up the Premises to Landlord.
- b. If the notice provided herein shall have been given and this Lease shall be terminated; or if the Premises become vacant or deserted; then, in addition to all other remedies of Landlord, Landlord may without notice re-enter the Premises either by force or otherwise and, by summary proceedings or otherwise, dispossess Tenant and/or the legal representative of Tenant or other occupant of the Premises, and remove effects and repossess and enjoy the Premises, together with all alterations, additions and improvements, all without being liable to prosecution or damages therefor.
- c. If Tenant defaults in the performance of any of the terms and conditions of this Lease and Landlord employs the services of an attorney to enforce performance of Tenant hereunder, Tenant shall pay a reasonable attorney's fee as well as all expenses and costs incurred by the Landlord pertaining thereto and in enforcement of any remedy available to the Landlord.

18. SURRENDER OF POSSESSION/HOLDING OVER

- a. At the end of the tenure of this Lease, Tenant shall quit and deliver up the Premises to Landlord in as good a condition as they are now, excepting reasonable wear and tear.
- b. Should Tenant hold over in possession of the Premises after the expiration of the Initial Term or, if applicable, the Renewal Term hereof, without the execution of a new lease or extension or renewal agreement, Tenant, at the option of Landlord, shall be deemed to be occupying the Premises from month to month, subject to being terminated by either party upon at least fifteen (15) days written notice, at the

rent in effect during the last month of the term or any extension or renewal thereof and otherwise subject to all of the other terms and conditions of the Lease on a monthly basis.

- c. Should Tenant refuse to give up possession of the Premises after the expiration of the term hereof and after demand to do so by Landlord, Landlord may demand double the monthly rent. In addition, Tenant shall be liable for all court costs, attorney's fees and other costs related to removing Tenant from the Premises.

19. ACCESS BY LANDLORD

Landlord may, during the term of this Lease at reasonable times, enter to inspect the Premises upon reasonable advance oral notice to Tenant, except that no notice shall be required in emergency situations. Landlord also reserves the right to enter the Premises at any time to make such repairs, additions or alterations as it may deem necessary for the safety, improvement, or preservation thereof, upon reasonable advance oral notice to Tenant, except that no notice shall be required in emergency situations, but Landlord assumes no obligation to do so, and the performance thereof by Landlord shall not constitute a waiver of Tenant's default in failing to perform the same. Landlord shall in no event be liable for any inconvenience, disturbance, loss of business or the damage to Tenant by reason of the performance by Landlord of any work in, upon or under the Premises.

20. PAYMENT OF TAXES AND ASSESSMENTS

Tenant shall assume full responsibility for and shall pay all liabilities that accrue to the Premises and/or to the improvements thereon, including any and all ad-valorem taxes and drainage and special assessments or taxes of every kind and all construction liens which may be hereafter lawfully assessed and levied against the Premises, resulting from Tenant's use of the Lease Premises for the purposes provided for herein.

21. EXECUTION OF ESTOPPEL CERTIFICATE

At any time, and from time to time, upon the written request of Landlord, Tenant, within ten (10) days of the date of such written request, agrees to execute and deliver to Landlord, without charge and in a form satisfactory to Landlord, a written statement: (a) ratifying this Lease; (b) confirming the commencement and expiration dates of the term of this Lease; (c) certifying that Tenant is in possession of the Premises, and that this Lease is in full force and effect and has not been modified, assigned, supplemented or amended, except by such writings as shall be stated; (d) certifying that all conditions and agreements under this Lease to be satisfied or performed by Landlord have been satisfied and performed, except as shall be stated; (e) certifying that Landlord is not in default under this Lease and there are no defenses or offsets against the enforcement of this Lease by Landlord, or

stating the defaults and/or defenses claimed by Tenant; and (f) such other information as Landlord or mortgagee shall require.

22. PERFORMANCE BOND

Prior to the placement of dredged material on the Premises, Tenant shall deliver to Landlord a surety bond issued by a surety reasonably satisfactory to Landlord in the principal amount of Three Million and No/100 Dollars (\$3,000,000.00), conditioned on Tenant's complete removal from the Premises of all dredged materials placed thereupon by Tenant during the term of this Lease. In the event that Tenant shall place more than 100,000 cubic yards of dredged material upon the Premises, as determined by a survey in accordance with Paragraph 14.a.iii. or other reliable method, Tenant shall increase the principal amount of the surety bond at the rate of \$30.00 per cubic yard upon Landlord's request.

23. EMINENT DOMAIN

- a. If the whole of the Premises shall be acquired or condemned by eminent domain for any public or quasi-public use or purpose, then the term of this Lease shall cease and terminate as of the date of title vesting in such proceeding and all rentals shall be paid up to date and Tenant shall have no claim against Landlord for the value of any unexpired term of this Lease.
- b. If any part of the Premises shall be acquired or condemned as aforesaid, and in the event that such partial taking or condemnation shall render the Premises unsuitable for the business of Tenant, then the term of this lease shall cease and terminate as of the date of title vesting in such proceeding. Tenant shall have no claim against Landlord for the value of any unexpired term of this Lease and rent shall be adjusted to the date of such termination. In the event of a partial taking or condemnation which is not extensive enough to render the Premises unsuitable for the business of Tenant, then Landlord shall promptly restore the Premises to a condition comparable to its condition at the time of such condemnation less the portion lost in the taking, and this Lease shall continue in full force and effect without any reduction or abatement of rent.
- c. In the event of any condemnation or taking as aforesaid, whether whole or partial, Tenant shall not be entitled to any part of the award paid for such condemnation, Landlord is to receive the full amount of such award, and Tenant hereby expressly waives any right or claim to any part thereof.
- d. Although all damages in the event of any condemnation are to belong to Landlord whether such damages are awarded as compensation for diminution in value of the leasehold or to the fee of the Premises, Tenant shall have the right to claim and recover from the condemning authority, but not from Landlord, such compensation as may be separately awarded or recoverable by Tenant in Tenant's own right on

account of any and all damage to Tenant's operations by reason of the condemnation and for or on account of any cost or loss to which Tenant might be put in removing Tenant's fixtures, leasehold improvements and equipment.

24. ATTORNEYS' FEES

In the event this Agreement shall be the subject of litigation between the parties hereto for any reason whatsoever, the prevailing party in such litigation shall recover from the other party the costs of such action, including, but not limited to, reasonable attorneys' fees incurred in any and all mediation, arbitration, trial, appellate, post-judgment, bankruptcy and administrative proceedings.

25. Notices

Each notice, correspondence, document or other communication (collectively, "Notice") required or permitted to be given hereunder shall be in writing and shall be delivered either by personal delivery (including delivery by services such as Federal Express) or by depositing it with the United States Postal Service or any official successor thereto, certified mail, return receipt requested, with adequate postage prepaid, addressed to the appropriate party as follows:

If to Tenant: RBY, LLC.
450 E. Las Olas Boulevard, Suite 1500
Fort Lauderdale, FL 33301

With copy to: _____

If to Landlord: Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477
Attention: Executive Director

With a copy to: Peter L. Breton, Esq.
Breton, Lynch, Eubanks et al.
605 North Olive Avenue, 2nd Floor
West Palm Beach, FL 33401

Except as provided herein to the contrary, Notice shall be deemed delivered at the time of personal delivery, or, if mailed, on the third mail delivery day after the day of mailing as provided above, and the time period in which a response to any Notice must be given or any action taken with respect thereto shall commence to run from the date it is personally

delivered or, if mailed, the date of receipt so deemed. In addition, the inability of the United States Postal Service to deliver because of a change of address of the party of which no Notice was given to the other party shall be deemed to be the receipt of the Notice sent. Changes of address and persons to whom Notice shall be addressed shall be made by Notice hereunder.

26. MISCELLANEOUS

- a. Tenant has inspected the Premises and is familiar with its present condition and takes said Premises in "As-Is" condition.
- b. The failure of Landlord or Tenant to take any action against the other for violation of any of the terms of the Lease shall not prevent a subsequent act of a similar nature from being a violation of the Lease.
- c. No act or agreement to accept surrender of the Premises from Tenant shall be valid unless in writing signed by the parties hereto.
- d. This Lease fully and completely expresses all agreements and understandings of the parties hereto. Furthermore, this Lease shall be binding upon and shall inure to the benefit of the respective heirs, successors, assigns and legal representatives of the parties hereto and shall not be changed or terminated unless in writing and signed by the parties hereto.
- e. **THE PARTIES HERETO HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY EITHER PARTY AGAINST THE OTHER PERTAINING TO ANY MATTER WHATSOEVER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS LEASE OR TENANT'S USE AND OCCUPANCY OF THE PREMISES.**
- f. Tenant hereby acknowledges Tenant's responsibility to insure Tenant's property maintained within or upon the said Premises at Tenant's expense.
- g. Tenant shall not change or install additional locks on any gates without Landlord's express written consent. In the event Tenant changes or installs additional locks, Tenant shall provide Landlord with duplicate keys therefor at Tenant's expense.
- h. If any term or condition of this Lease shall, to any extent, be held invalid or unenforceable, the remainder of the terms and conditions of this Lease shall not be affected thereby, and this Lease shall be valid and enforceable to the fullest extent permitted by law.
- i. Receipt of rent by Landlord, with knowledge of any breach of this Lease by Tenant, or of any default by Tenant in the observance or performance of any of the

conditions or covenants of this Lease, shall not be deemed to be a waiver of any provision of this Lease.

- j. This Lease shall not be recorded in the Office of the Clerk of any Circuit Court in the State of Florida, except that Landlord may file a memorandum of this Lease.
- k. This Lease shall be construed under the laws of the State of Florida.
- l. The Section headings of this Lease are for convenience only and are not to be considered in construing the same.
- m. This Lease may be executed in counterparts, all of which taken together shall be deemed an original, with a facsimile and/or an e-mail signature serving as an original thereof .
- n. Each party represents and warrants to the other that: (a) it is duly authorized and competent to execute this Lease; (b) it has all necessary power and authority to enter into this Lease and to perform the agreements contained in this Lease; and (c) the person signing this Lease on behalf of such party is authorized to execute and deliver this Lease on behalf of such party.
- o. The parties participated in the drafting of this Lease and/or had it reviewed by competent counsel. Accordingly, no presumption shall be given in favor of: or against, any party in interpreting this Lease and the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Lease.
- p. **RADON GAS**

RADON IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT, WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL AND STATE GUIDELINES HAVE BEEN FOUND IN BUILDINGS IN FLORIDA. ADDITIONAL INFORMATION REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM YOUR COUNTY PUBLIC HEALTH UNIT.

[THE REMAINDER OF THIS PAGE IS BLANK]

IN WITNESS WHEREOF, the parties hereto have set forth their hands and seals on the year and date aforesaid.

Signed, sealed and delivered
in the presence of:

AS TO LANDLORD:

FLORIDA INLAND NAVIGATION
DISTRICT

BY: _____
Carl Blow, Chair

Witness
Print Name: _____

DATED: _____

Witness
Print Name: _____

Approved as to form and legal sufficiency:

Peter L. Breton, Esq., General Counsel

Signed, sealed and delivered
in the presence of:

AS TO TENANT:

RBY, LLC, a Florida limited liability
company
By: WAYCO HOLDINGS, INC., its Manager

By: _____

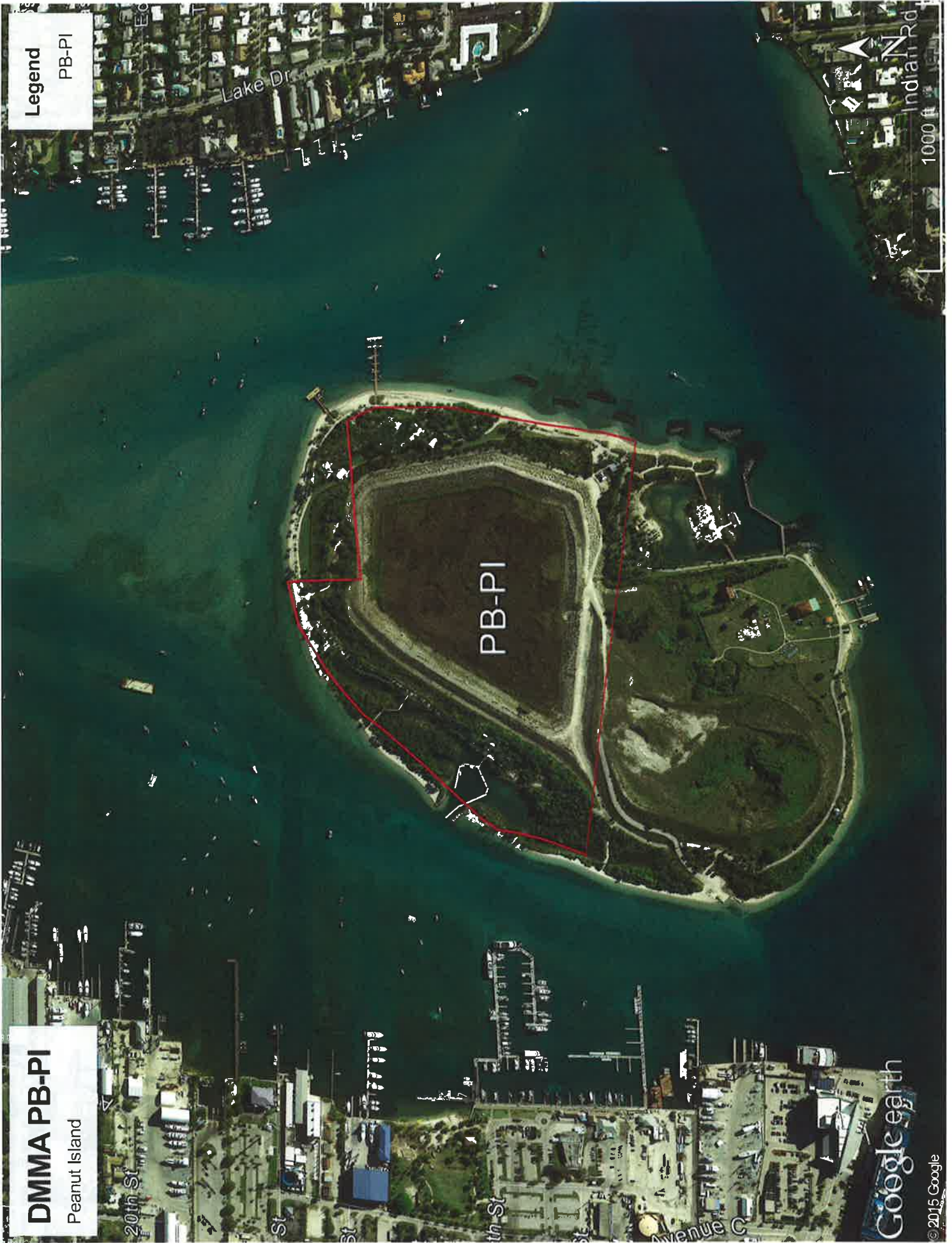
Witness
Print Name: _____

Name: _____

Title: _____

Witness
Print Name: _____

DATED: _____



Legend

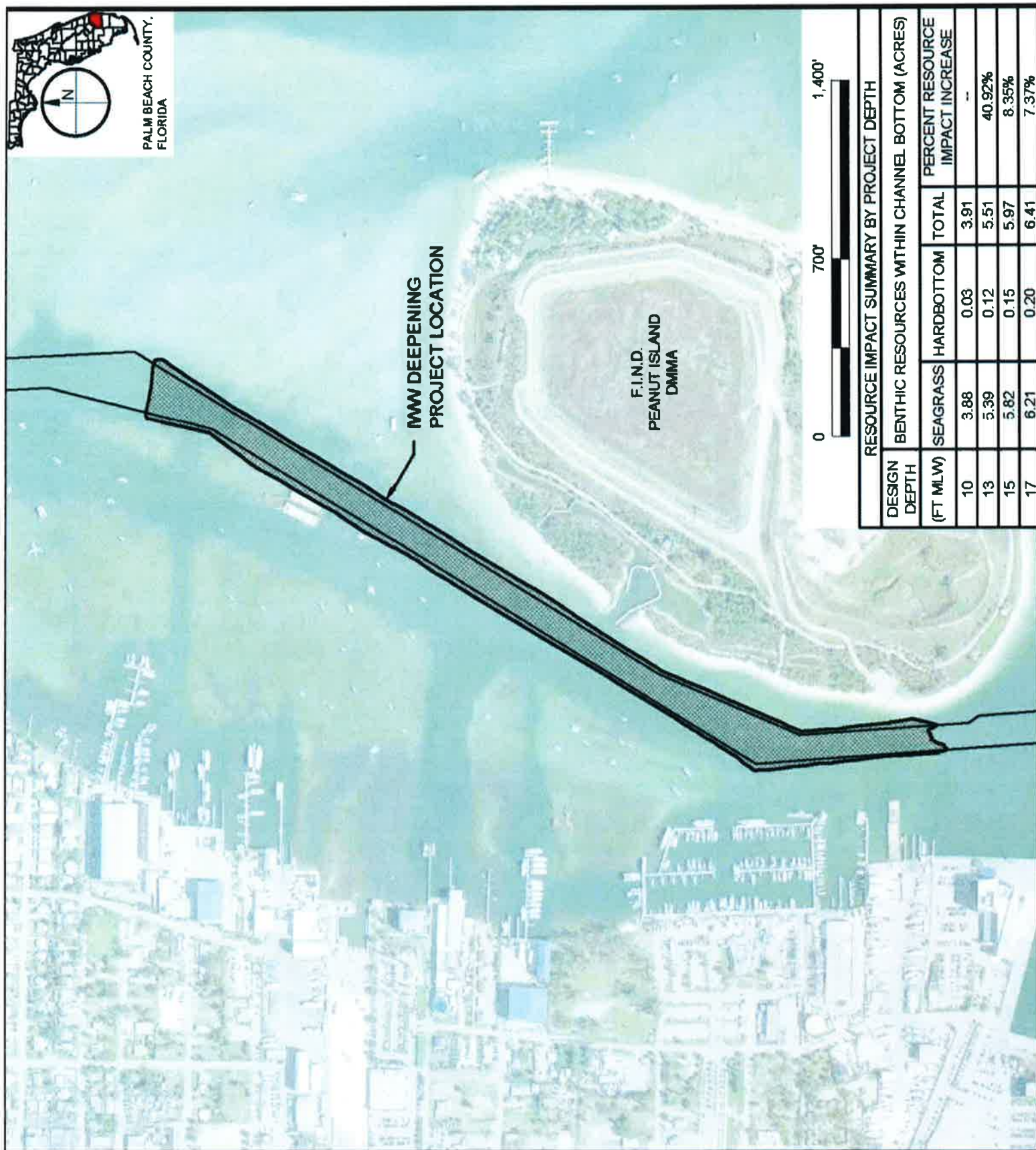
PB-PI

DMMA PB-PI

Peanut Island

Google earth

© 2015 Google



RESOURCE IMPACT SUMMARY BY PROJECT DEPTH				
DESIGN DEPTH	BENTHIC RESOURCES WITHIN CHANNEL BOTTOM (ACRES)			
(FT MLW)	SEAGRASS	HARDBOTTOM	TOTAL	PERCENT RESOURCE IMPACT INCREASE
10	3.88	0.03	3.91	--
13	5.39	0.12	5.51	40.92%
15	5.82	0.15	5.97	8.35%
17	6.21	0.20	6.41	7.37%

**Municipal Code Corporation**

PO Box 2235 • Tallahassee, Florida 32316

TELEPHONE (800) 342-2633 • FAX (850) 564-7496

Logan Di Liello, Senior Account Executive • extension 1725 • logan@mccinnovations.com

March 3, 2016

Mark Crosley
Executive Director
1314 Marcinski Rd
Jupiter, FL 3347

Dear Mr. Crosley:

Thank you for speaking with me recently regarding Conversion and Indexing services for your records. We have enclosed a proposal per our conversation.

If you have any questions concerning our proposal or desire additional information, please do not hesitate to contact me. We appreciate your interest and look forward to working with you.

Sincerely,

Logan Di Liello
Senior Account Executive

Quotation Sheet

SCOPE OF SERVICES AND PROJECT PRICING

The Client will furnish MCCi for its use in preparing the document imaging project all hardcopy /electronic documents to be converted.

PROJECT SCOPE – All estimates are based on information provided by the client

- *General Description*

Document Size:	11" x 17"
Document Types:	Land Files, Grants, Minutes, Financials, etc.
Document/Roll/Fiche Count:	Approximately 10,000
Image Count:	Approximated 500,000
- *Document Preparation:*

Current Storage Method:	Boxes, Files Drawers, and Minute Books
Condition of documents:	Documents vary in condition type, stored in file folders, minute books, accordion folders and spiral bound files
- *Image Processing & Indexing*

DPI & Color:	300 DPI, Black & White
Number of Index Fields:	Up to 3 Fields (Document name counts as an index)
Optical Character Recognition:	Included
- *Image Output*

Method of Delivery:	Up to 1 Set per trip
Output Type:	Laserfiche Briefcase
- *Material Handling*

Shipping Logistics:	MCCi Pick UP
Shipping & Delivery Terms:	Up to 3 shipments
- *Special notes:*

All above estimates are based on estimated document counts at FIND facility. Actual totals may vary. Due to the varied amount of document types, a MCCi team member will work with FIND staff to identify actual naming conventions and indexing for the various document types, not to exceed 3 indexes per document. Estimated cost totals above do not include large format scanning, but rates have been included if necessary.

CONTINUED PROJECT PRICING

The Client will furnish MCCi for its use in preparing the document imaging project all hardcopy /electronic documents to be converted. Image rates below are to be used for additional projects, or if project plan exceeds number of pickups expressed above.

Prices listed are per image/per job. If the project is broken up into multiple parts the volume pricing must be broken up as well.

Conversion of Standard Documents up to 11"x17" in size:

- 0 - 5,000 images = \$0.30
- 5,001 - 10,000 images = \$0.25
- 10,001 - 25,000 images = \$0.20
- 25,001+ images = \$0.145

Conversion of Large Format Documents up to 42" in size:

- 0 – 1,000 images = \$1.20
- 1,001-5,000 images = \$1.10
- 5,001-10,000 images = \$1.05
- 10,001+ images = \$1.00

Color Documents = \$2 per image in addition to regular per image rate

Shipping Expenses:

- \$10 per box pickup and \$10 per box delivery (\$75 minimum)

Optional Services:

- Remote import assistance from MCCi Project Manager
 - Incorporate scanned work into clients existing file structure
 - Answer any client questions
 - Cost: **\$110 an hour**

*Special notes: Based upon the estimated scope it the total pricing for the project is expected to be approximately **\$72,500 (plus shipping charges)**, although final billing will be determined by actual image count. The pricing terms listed are in effect for 3 years from signed contract date. At the completion of the 3 year term the agreement can be modified and/or extended as needed. The volume based per image prices are on a per job basis, if the job is broken up into multiple parts the volume pricing must be broken up as well.*

PROJECT PRICING

Project I – Conversion of Documents estimated cost	\$72,500.00
Excess Images @ \$0.145	
Large Format @ \$1.20/image	

PAYMENT & BILLING TERMS

MCCi will invoice project on a monthly schedule, based on deliverables (via Electronic media or the internet). Payment is due upon receipt of an invoice.

MCCi, a Limited Liability Company and subsidiary of MUNICIPAL CODE CORPORATION, which is duly organized and existing under the laws of the State of Florida, hereinafter referred to as MCCi, hereby offers the Laserfiche Software & Services to the Florida Inland Navigation District corporation duly organized and existing under state law, hereinafter referred to as the Client, according to the following terms and conditions.

MCCi DOCUMENT SERVICES – INDEXING SERVICES. Once MCCi has received your documents, the following process will occur according to the terms laid out in MCCi's pricing proposal and may vary according to services selected.

CONSULTATION. A Consultation will be scheduled via a telephone conference after receipt of signed contract. This consultation is designed to go over the following: the signed contract and terms, folder structure, current searching methods, document naming scheme, document preparation requirements, and document shipment and/or pick up.

DOCUMENT PREPARATION. If you decide to send paper documents to MCCi, the process of document preparation begins with removing any materials that may prohibit the document from being fed through the scanner (i.e. Removal of documents from file folders, Removal of staples, paperclips, tape, clips, etc) and is described as Document Preparation. Upon completion of scanning, MCCi will organize the documents into their original order as received from the Client but not placed back into their file folders or reprepmed unless specifically stated otherwise in the project scope.

DOCUMENT ORGANIZATION & INDEXING. Based on the scope of the project and outcome of your consultation, MCCi will organize and index your documents. Each project will have its own required organization and indexing requirements. Our project management team will work with the Client to identify those requirements. Prior to project kickoff we will send the Client example template cards and file-tree structure for their approval. Or, if the Client already has existing Laserfiche template cards created for a specific document series, they can send us that template via Laserfiche Briefcase.

DOCUMENT QUALITY CONTROL. MCCi performs a thorough quality control process after the job has been completed. Steps are taken to ensure each document has been captured, the quality of the scanned image is comparable to the original, and all manual indexing errors have been corrected. MCCi cannot be accountable for records not reflected in original inventory report as provided by Client. MCCi will correct only those valid discrepancies reported within 90 days after delivery of electronic data to Client.

DOCUMENT STORAGE. MCCi's facilities contain secure rooms for hardcopy "work in progress" document storage. MCCi will arrange for the return of hardcopy documents to the client after completion of scanning. If documents reside at MCCi facilities for a period longer than 90 days after converted electronic data is delivered to client storage charges will apply.

DATA STORAGE MCCi is not responsible for maintaining a copy of Client data, with the exception of Clients who contractually and on a recurring basis, utilize MCCi's Online Document Hosting Services. MCCi periodically reviews and deletes client data from previous projects. The timing of the periodic review and deletion of data is at MCCi's discretion. MCCi recognizes that for records retention and security compliance, the Client may require MCCi to delete copies of its data prior to MCCi's process of deleting data; If so, the Client is responsible for making the request in writing and for obtaining confirmation of data deletion.

ENTERPRISE WIDE SCANNING SERVICES. In accordance with the terms and conditions herein, MCCi can provide any department in the organization with scanning services for documents other than those described in this pricing proposal. All costs are volume based and can be provided upon request. MCCi will consult with each department interested in beginning their own project to determine individual scanning and indexing needs.

MICROFILM & FICHE CONVERSION SERVICES. MCCi offers electronic conversion services for microfilm, microfiche, and aperture cards. The Client will provide MCCi with data to be converted to electronic format. MCCi will extract the images contained on the film/fiche and migrate them to Laserfiche or to another industry standard format as requested by the Client. The images will be captured based upon the reduction ratio and threshold between the beginning and ending of new images on the original film. MCCi is not responsible for the accuracy of existing image quality, such as black borders, skewed images, blurry images, non-legible images, or other errors that are not controllable by MCCi. Unless otherwise specified in the project scope, MCCi will index by the roll/card number or unique identifier.

LASERFICHE SEARCH ENGINE MEDIA. If included in the Scope of Services, MCCi will integrate the documents with the LaserFiche Software to provide the Client with the most powerful index retrieval search engine available with the following features: intuitive browse window, index cards, and full text word search. MCCi will provide the Client with the appropriate media containing all documents scanned and integrated with Laserfiche.

ONLINE DOCUMENT HOSTING. MCCi will post the documents to the web for a minimal annual fee. MCCi provides the Client with a direct link which can then be linked to the Client's website for public access if desired. Document storage cost is determined upon actual image count. All documents on the site are integrated with a search engine, and updates are incorporated as the database is amended.

PROJECT TIMELINE. MCCi will complete and deliver the project within the predetermined project timeline as agreed upon with the Client. Should MCCi require additional time, the Client will be notified immediately.

DOCUMENT TRANSPORTATION. The client is required to package all materials per MCCi's instruction prior to delivery of materials to MCCi facilities. If the client chooses to utilize MCCi's pick up and delivery service (offered in select states), pricing is based on picking up the entire project described in the scope of services in one shipment. At the time of updating or if additional trips are required due to the Client not having all the documents ready for pick up, additional charges will be applied. If the client chooses to ship via a certified carrier, the client incurs all shipping costs.

PRICING. Charges apply on a per project basis and are dependent upon size and volume of documents. MCCi requires having the entire project in bulk, rather than in small quantities. Breaking the project into smaller quantities will affect the volume pricing, and additional charges per image may apply. A sample may be required prior to confirming large volume job pricing.

UNANTICIPATED DOCUMENT TYPES & SIZES. The prices quoted are made with the expectation that customer will properly prepare and annotate materials for scanning bureau use and that documents are consistent with the description provided in the scope of services. If documents are not as initially represented, additional charges will apply. MCCi will call for authorization to proceed with the project.

LASERFICHE SYSTEM CUSTOMERS. Due to requirements by Laserfiche systems regarding the importing of images and indexing information, it is highly recommended that Clients who already have a Laserfiche system have their documents scanned using only Laserfiche software. This will ensure that all associated indexing information will be properly retained after the importing of images into the Laserfiche system. MCCi has knowledge of the software versions, indexing requirements, and compatibility issues for each of our Laserfiche system clients. For these reasons, MCCi should be considered as a Sole Source provider for scanning services. Additionally, Laserfiche System Clients are required to supply MCCi with a Laserfiche Briefcase of their current folder/template structure, prior to each scanning project / updates to existing projects.

MCCI CERTIFIED PARTNERS. MCCi maintains partnerships for the purpose of additional capacity and flexibility in meeting client expectations. In the event partners are used for a project, the management and support of the project is handled directly by MCCi.

AGREEMENT EXTENDED TO OTHER GOVERNMENTAL UNITS. MCCi agrees to allow any other Government agency to purchase items at the same terms, conditions and pricing as this contract during the period of time that this contract is in effect. Minor changes in terms and conditions may be negotiated by MCCi and participating Government agencies. Any orders issued against this agreement shall be the sole responsibility of the Government agency placing the order. It is understood that the Client shall incur no financial responsibility in connection with any purchase by another Government agency.

TERMINATION. The services provided in this agreement will be in full force and effect for a period of three (3) years from the date of shipment of the completed product to the organization. Thereafter, this agreement will be automatically renewed from year to year, provided that either party may alter or cancel the terms of this agreement upon sixty (60) days' written notice.

FORCE MAJEURE. Neither party shall be liable for any delay or failure in performance due to causes beyond its reasonable control.

CLIENT FINANCIAL SOLVENCY/BANKRUPTCY. MCCi may require payment in advance for products and services in response to learning of financial solvency or bankruptcy issues.

LIMITED LIABILITY. In no event shall MCCi's total liability to the client exceed the project fees paid to MCCi by the client.

PAYMENT & BILLING TERMS. MCCi will invoice project on a monthly schedule, based on deliverables (via Electronic media or the internet). Payment is due upon receipt of an invoice.

MARKETING & REFERENCES Client agrees to allow MCCi to publish and publicize testimonials and case study information pertaining to MCCi's work with the Client. This information, including the Client's organization name, logo, and contact information will be used in all media types

The terms of this agreement shall remain in force and effect for a period of ninety (90) days from the date appearing below, unless accepted by the Client.

Submitted by: **MCCi, a Limited Liability Company**

Date: **March 3, 2016**

By:

(Signature)

(Printed Name & Title)

Witness:

(Signature)

Noted Items Accepted by: **FLORIDA INLAND NAVIGATION DISTRICT, FL**

Date:

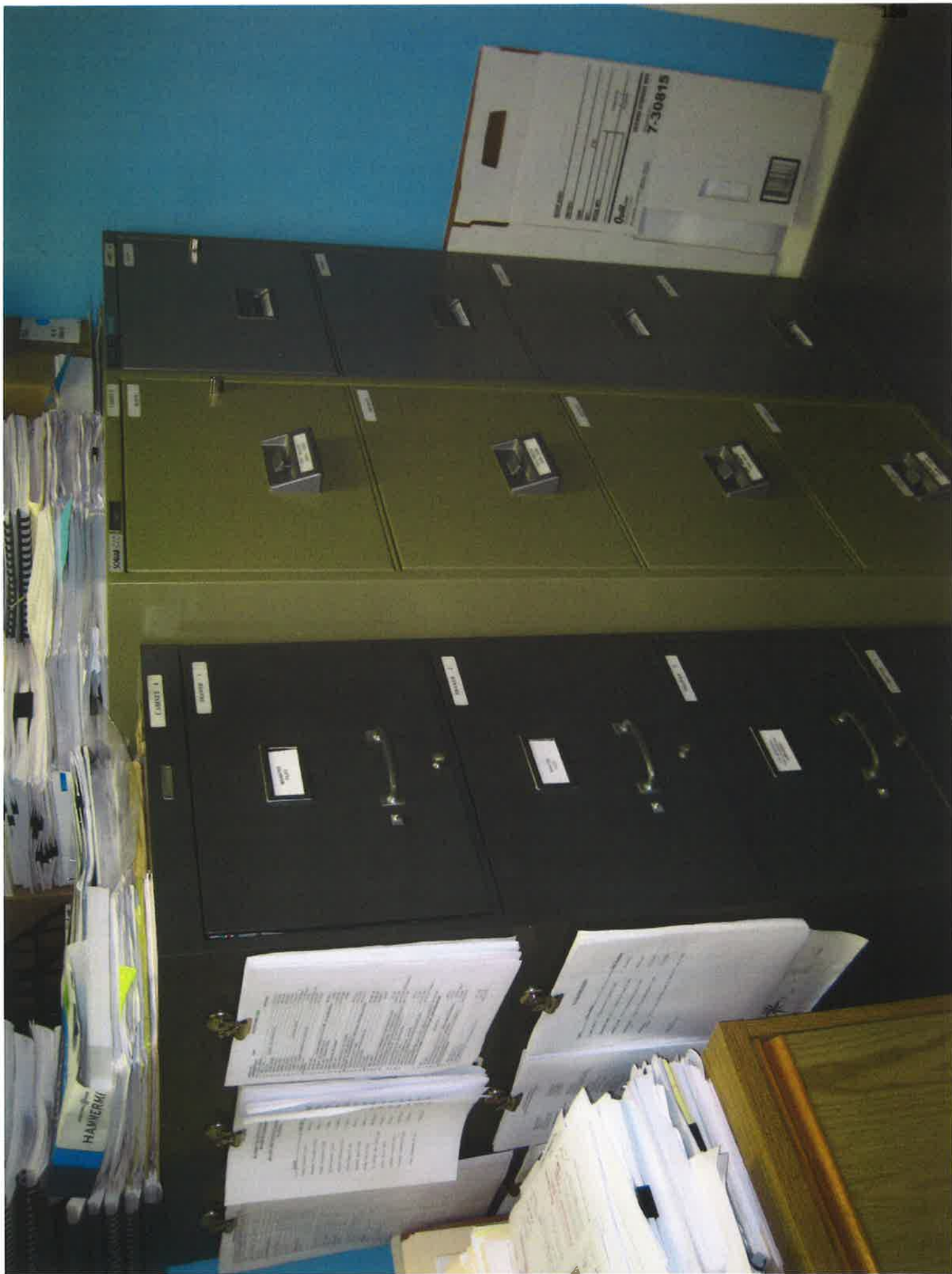
By:

(Signature)

(Printed Name & Title)











Mark Crosley

From: Jon Moyle <jmoyle@moylelaw.com>
Sent: Monday, March 07, 2016 3:37 PM
To: Mark Crosley
Subject: For your information

OVERNIGHT BOAT ANCHORING BAN READY FOR SCOTT

A proposal that would prohibit overnight anchoring in some South Florida waterways will go to Gov. Rick Scott. The Senate voted 36-2 without debate Monday to approve the measure (HB 1051), which would bar overnight anchoring in part of the Middle River in Broward County, Sunset Lake in Miami-Dade County and three parts of Biscayne Bay in Miami-Dade. Sen. Jeff Brandes, R-St. Petersburg, and Sen. Joe Negron, R-Stuart, opposed the measure, which was approved 105-12 by the House on Thursday. Supporters of the proposal have pointed to problems that waterfront property owners have with people anchoring off their backyards for weeks and months at a time. Opponents, including groups such as the Seven Seas Cruising Association, have said mooring space is already limited in South Florida. Critics also asked lawmakers to hold off making the changes until the Florida Fish and Wildlife Conservation Commission completes an ongoing study --- due in July 2017 -- on pilot mooring-field programs in St. Augustine, Martin County, St. Petersburg, Sarasota and the Florida Keys.

jmoyle@moylelaw.com


Moyle Law Firm, P.A.
The Perkins House
118 N. Gadsden St.
Tallahassee, FL
850-681-3828 (Voice)
850-681-8788 (Fax)

Sent from my iPhone



MEMORANDUM

TO: Mark Crosley, Executive Director
Florida Inland Navigation District

FROM: Jon C. Moyle, Jr. 

DATE: March 1, 2016

RE: February 2016 Report on Florida Legislative Activity and Bills of Interest

Please accept this as the February legislative report to update you and the Board updating you on the 2016 regular legislative session. The 2016 Legislative session has two more weeks before its scheduled conclusion on Friday, March 11. This memorandum reports on the status of a number of issues of interest to the Florida Inland Navigation District ("FIND"), updates you on the Senate confirmation of FIND commissioners and provides an update on some other general issues that have received considerable attention this session. Finally, I have attached a list of bills that are currently being monitored for FIND.

GENERAL OVERVIEW

The 2016 session has thus far followed a predictable course. Unlike last session's divisive and bitter fight over expanding access to health care, no similar substantive issue with entrenched views has surfaced this session. Disagreements between the House and Senate have been largely predictable, with the more conservative House passing certain legislation, like expanding certain firearm rights, that the Senate is disinclined to accept. A chief goal of the 2016 legislative session, namely ending the legislative session on time, is attainable and should be met.

Mark Crosley
March 1, 2016
Page 2

TAX AND BUDGET UPDATE

The budget conference process began in earnest this past weekend, with House and Senate budget conferees meeting to resolve their spending differences. (They often gather the last weekend before session ends, but are ahead of schedule this year.) As previously reported, the only bill that the Legislature must pass each year is the budget. Some are suggesting that the advanced meeting schedule is not only practical, but tactical. If the Legislature passes the budget with more than 7 days remaining in the regular session, the Florida Constitution provides the Governor with 7 days to review and act on legislation. (The Governor has 15 days to review and act on legislation presented to him with less than 7 days remaining in the session, or presented to him after the session concludes.) Some have suggested that presenting the Governor with the budget early and forcing him to act on it while the legislature is still in session, presents the Legislature with the opportunity to review and possibly override vetoed appropriations while still in the regular legislative session. This would be a novel approach to how the budget has been handled for decades between the Legislature and the Governor's Office.

As previously reported, Governor Scott's top priorities for the 2016 session are a tax reduction of more than \$1 billion dollars and \$250 million dollars to be used by Enterprise Florida to attract companies and new jobs to Florida. While the Senate funded the \$250 million business incentive effort, and the House passed a tax reduction package of more than \$1 billion dollars, late last week House and Senate budget writers eliminated the \$250 million economic incentive money and agreed to fund only \$400 million in tax cuts of the Governor's \$1 billion dollar request. Thus, it appears that the Governor's legislative priorities are in jeopardy of being fully realized.

Mark Crosley
 March 1, 2016
 Page 3

ISSUES AND BILLS OF INTEREST TO FIND

I wanted to update you on the bills that are being watched for possible impacts to special districts. House bill 479 (Rep. Larry Metz, R. Eustis) and Senate Bill 956 (Senator Kelli Stargel, R. Lakeland) address a number of topics found in special district legislation previously sponsored by these legislators which passed the Legislature. The January report detailed the nature of the changes that are contained within these bills and will not be repeated in this report. These respective bills have worked their way through the committee process and the House bill, which passed the full House, was amended and passed by the Senate, and currently resides in House messages. House bill 479 is likely to pass.

House Bill 745 (Rep. Nunez, R. Miami) and Senate Bill 516 (Senator Ring, D. Margate) also relate to special districts. These bills prescribe in detail that special districts maintain and present certain budget information on each special district's website in specific ways. Details of this legislation were previously provided in the January legislative report. Senator Ring has indicated that should his bill move forward, he would offer an amendment which exempted any special district which contained at least one gubernatorial appointee. This amendment would result in the legislation not applying to FIND. This legislation has been heard in committee, but has not moved through all referenced committees and is unlikely to pass.

House Bill 477 (Representative Costello, R-Port Orange) and Senate Bill 614 (Senator Hutson, R. Palm Coast), which address hospital special districts and require that each hospital special district with ad valorem taxing authority be reauthorized by referendum during a general election every ten years have not been heard in any committee and are not likely to pass.

House Bill 7001 requires that the Department of Economic Opportunity exclude

Mark Crosley
March 1, 2016
Page 4

inactive special districts from the official list of special districts that it maintains. This bill has been heard in committee and is awaiting consideration by the full House.

Legislation that would allow proceeds from a local sales tax surcharge to be used to fund restoration of natural water bodies by dredging to beneficially remove muck, House bill 995 by Representative Debbie Mayfield (R. Vero Beach) and Senate bill 346 by Senator Thad Altman (R. Cape Canaveral), has not been considered by any committee during the month of February. This lack of activity does not bode well for its prospects of becoming law. Under these bills, funds could only be used for dredging muck, and the tax would have to be approved by a referendum.

As filed, House bill 1015 by Representative Nunez addressed ad valorem rates, the rolled back rate, and the number of votes, majority or super majority, needed to increase the ad valorem rate of a city, county or special district. A number of concerns and questions were raised about the legislation. Last week, an amendment was adopted to the bill which requires that the local government advertise or post on its website the percent by which the final adopted mileage rate exceeds the rolled back rate. The amendment also requires the local government to list the names of the members of the board or commission and detail how each member voted on the final mileage assessment. This bill is on second reading and awaits consideration by the full House. Senate bill 1222 by Senator Flores also addresses mileage rates, though it is not listed as a companion bill to the House bill. Both of these bills will be watched closely.

CONFIRMATION UPDATE

The four current FIND commissioners scheduled for to be considered for Senate confirmation this session, Commissioners Crowley, Donaldson, Isiminger and O'Steen, have all

Mark Crosley
March 1, 2016
Page 5

been confirmed by the full Senate. Also, as expected, Florida Department of Environmental Protection Secretary, Jon Steverson, has been confirmed by the full Senate.

OTHER ISSUES TO BE CONSIDERED

There are a number of other topics that have received considerable attention this legislative session. I will briefly update you on how those issues have fared to date.

1. **Water Policy:** A significant water policy bill which died last year when the session ended abruptly has passed the Legislature and been signed into law.
2. **Guns:** A number of bills have been filed addressing firearms. The two most controversial bills, an open carry bill, which would permit properly licensed gun owners to carry their weapons in a concealed or open fashion and a "guns on campus" bill, which would permit those who legally possess firearms to have them on a college campus, passed the House. However, the Senate is not going to consider either issue.
3. **Education:** Education remains a key focus with a lot of legislation to be considered during the next two weeks. The Legislature recently agreed to increase significantly the funding on a per student basis for children in grades K-12. Also, the House's effort to continue providing a \$10,000 annual bonus to teachers who previously scored well on the ACT or SAT remains unsettled, which is the case with many other pending education issues.
4. **Seminole Gaming Compact/Gaming Issues:** Governor Scott's recent agreement with the Seminole tribe extending the gaming compact between the state and the tribe needs Legislative approval. Other varied gaming industries are seeking to amend

ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS CONSULTANTS

March 4, 2016

MEMORANDUM

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

FROM: Jim Davenport

SUBJECT: Federal Legislative Report

TRIP TO WASHINGTON, D.C.

We appreciate Chairman Carl Blow, Commissioners Lynn Williams and Spencer Crowley, Janet Zimmerman and you coming to Washington for meetings on March 1 and 2 to discuss FIND's federal objectives. A revised copy of our itinerary is attached for your records.

Our meetings with FIND's congressional delegation, House and Senate Energy and Water Appropriations Subcommittee staff, the House Water Resources Subcommittee Staff Director, and the Army Corps of Engineers were productive. FIND was able to thank the Corps and Congressional Delegation for obtaining \$3.3 million in the Work Plan for the Intracoastal Waterway. We also had the opportunity to request funding in FY 2017 for the following accounts that support maintenance dredging: Inland Waterways, Navigation and Small, Subsistence or Remote Harbors. As you know, we are in the process of circulating a letter to several members of the Florida Congressional Delegation seeking their support for a total of \$150 million for those funding sources.

In addition to our funding objectives, we also had the opportunity to discuss FIND's request for legislative language in the next Water Resources Development Act and Magnuson Stevens Reauthorization that pertains to compensatory mitigation. To that end, we had productive meetings with the Staff Director of the Water Resources Subcommittee, and members of FIND's congressional delegation that sit on the committees of jurisdiction, including Senator Nelson and his staff, Representative Frankel and her staff, and Representative Mica's staff. We have been following up with them over the past two days and will continue to pursue the language.

CORPS OF ENGINEERS BUDGET HEARING

On February 25, the House Appropriations Committee held a hearing to discuss the Army Corps of Engineers FY 2017 Budget Request. The Committee bemoaned the Administration's \$4.62 billion budget request for the Corps, which is a sharp drop from the roughly \$6 billion enacted level in fiscal 2016. Energy and Water Appropriations Chairman Mike Simpson (R-ID) said the Administration's request, if enacted, would amount to the lowest funding level since 2004.

Lieutenant General Thomas Bostick, Commanding General and Chief of Engineers, said the request would do little to address a \$19.7 billion construction backlog at the Corps, which would take 20 years to complete under the current funding schedule. General Bostick said such a backlog of projects means the federal government needs to come up with other funding sources.

We would expect the House and Senate Appropriations Committees to increase funding for the Corps in the FY 17 Energy and Water Appropriations Bill and we will continue to work with appropriations staff and your delegation to seek funding that benefits FIND.

Please contact me with any questions.

ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS CONSULTANTS

FLORIDA INLAND NAVIGATION DISTRICT

WASHINGTON, D.C. ITINERARY

MARCH 1 & 2, 2016

The Honorable Lynn Williams, Nassau County Commissioner
 The Honorable Carl Blow, St. Johns County Commissioner
 The Honorable Spencer Crowley, Miami-Dade County Commissioner
 Mark Crosley, Executive Director
 Janet Zimmerman, Assistant Executive Director
 Jim Davenport, Alcalde & Fay

Hotel: **Hilton Garden Inn**
 815 14th St. NW
 Washington, DC 20005
 202-783-7800

Tuesday, March 1

9:30 am **Depart Hotel**

10:00 am **Stacey Brown, PMP, Deputy Chief for Civil Works - SAD**
 U.S. Army Corps of Engineers, 441 G St., NW (Corps HQ)
 (202) 761-4106

11:00 am **Patrick Deitz, Legislative Director**
 Office of Congressman Bill Posey (R-FL-8)
 120 Cannon House Office Building
 (202) 225-3671

11:30 am **Candace Walls, Legislative Assistant**
 Office of Congressman Patrick Murphy (D-FL-18)
 211 Cannon House Office Building
 (202) 225-3026

12:00 pm **Lunch at Hawk & Dove**
 329 Pennsylvania Ave SE, Washington, DC
 (202) 547-0030

1:30 pm **Sean McMaster, Deputy Chief of Staff**
 Office of Congressman John Mica (R-FL-7)
 2187 Rayburn House Office Building
 (202) 225-4035

- 2:00 pm** **Josh Lipman, Legislative Assistant**
Office of Congressman Ted Deutch (D-FL-21)
 2447 Rayburn House Office Building
 (202) 225-3001
- 2:30 pm** **Nick Martinelli, Deputy Chief of Staff**
Office of Congresswoman Corrine Brown (D-FL-5)
 2111 Rayburn House Office Building
 (202) 225-0123
- 3:00 pm** **Clay Hollis, Legislative Assistant**
Office of Congressman Tom Rooney (R-FL-17)
 2346A Rayburn House Office Building
 (202) 225-5792
- 3:45 pm** **Geoff Bowman, Professional Staff Member, Majority Staff**
House Committee on Transportation and Infrastructure
 2251 Rayburn House Office Building
 202-225-9446
- 4:30 pm** **Samantha Nelson, Professional Staff Member (Minority)**
Tim Dykstra, Professional Staff Member (Minority)
Senate Appropriations Subcommittee on Energy & Water Development
 116 Dirksen Senate Office Building
 (202) 224-8119
- 5:00 pm** **A&F Driver Pick-up at Dirksen**
- 6:30 pm** **Dinner at Tosca Ristorante**
 112 F St. NW
 Washington, DC 20004

Wednesday, March 2

9:00 am **Depart Hotel**

9:30 am **Nicole Repperd, Legislative Assistant**
Office of Congressman Ander Crenshaw (R-FL-4)
 2161 Rayburn House Office Building
 (202) 225-2501

10:00 am **Seth Extein, Senior Policy Adviser**
Office of Congresswoman Debbie Wasserman Schultz (D-FL-23)
 1114 Longworth House Office Building
 (202) 225-7931

11:00 am **Matthew Price, Legislative Assistant**
Office of Congressman Alcee Hastings (D-FL-20)
 2353 Rayburn House Office Building
 202-225-1313

11:30 am **Lauren Reamy, Professional Staff Member**
Eleni Valanos, Legislative Correspondent
Office of Senator Marco Rubio (R-FL)
 284 Russell Senate Office Building
 202-224-3041

12:00 pm **Senator Bill Nelson (D-FL)**
Nick Russell, Legislative Assistant
Abby Tinsley, Legislative Assistant
 716 Hart Senate Office Building
 (202) 224-5274

12:45 pm **Lunch at The Monocle**
 107 D St. NE, Washington, DC 20002
 202-546-4488

2:00 pm **Congressman Carlos Curbelo (R-FL-26)**
Adam Wolf, Legislative Director
 1429 Longworth House Office Building
 (202) 225-2778

2:30 pm **Chris Sweet, Senior Legislative Assistant**
Office of Congressman Mario Diaz-Balart (R-FL-25)
440 Cannon House Office Building
(202) 225-4211

3:30 pm **Becca Brown, Counsel**
Office of Congressman Ron DeSantis (R-FL-6)
308 Cannon House Office Building
(202) 225-2706

4:00 pm **Congresswoman Ileana Ros-Lehtinen (R-FL-27)**
Wesley Brooks, Ph.D., Senior Legislative Assistant
2206 Rayburn House Office Building
(202) 225-3931

4:30 pm **Angie Giancarlo, Professional Staff Member, Majority Staff**
Taunja Berquam, Staff Director, Minority Staff
House Appropriations Subcommittee on Energy & Water Development
2362-B Rayburn House Office Building
(202) 225-3421

5:00 pm **Congresswoman Lois Frankel (D-FL-22)**
Kelsey Moran, Legislative Assistant
1037 Longworth House Office Building
(202) 225-9890

5:30 pm **Depart Longworth**

March 8, 2016

The Honorable Mike Simpson
Chairman
House Appropriations Committee
Subcommittee on Energy and Water Development
2362-B Rayburn House Office Building
Washington, DC 20515

The Honorable Marcy Kaptur
Ranking Member
House Appropriations Committee
Subcommittee on Energy and Water Development
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Simpson and Ranking Member Kaptur:

As you develop the FY2017 Energy and Water Appropriations bill, we respectfully request that you include the following report language under the U.S. Army Corps of Engineers Operations and Maintenance Account.

Report Language Request: Army Corps Operations and Maintenance— The Committee provides \$50 million for Navigation.

Report Language Request: Army Corps Operations and Maintenance— The Committee provides \$50 million for Inland Waterways.

Low commercial use waterways move more than 50 million tons annually, which would have to be moved somehow if not by water transportation. If maintenance of all "low use" projects were fully funded, the Corps budget would be increased by less than \$200 million. Likewise, low use waterways transport recreational vessels, providing billions in economic output, person wages and increased property values.

These waterways link natural deep-water sections of bays through a series of man-made channels, thereby providing for the safe passage of commercial goods and access to commercial fishing grounds. Maintenance dredging of these waterways allows local sponsors to support the local and regional economies by maintaining and enhancing public navigation channels and inlets, boating access facilities, waterfront parks, and piers and special structures.

As the Subcommittee begins its work on the Energy and Water Appropriations bill, we ask that you give strong consideration to appropriating money for Navigation and Inland Waterways.

Thank you for your careful consideration of our request.

Sincerely,

Lois Frankel
Member of Congress

Bill Posey
Member of Congress