

PRELIMINARY AGENDA

1

FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Meeting

9:00 a.m., Friday, April 19, 2024

Hilton Garden Inn
55 Town Center Blvd, Palm Coast, (Flagler County) FL 32164

Item 1. **Call to Order.**

Chair Crowley will call the meeting to order.

Item 2. **Pledge of Allegiance.**

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

Item 3. **Roll Call.**

Deputy Director Chris Kelley 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.

- a) Waterway Cleanup Assistance to Keep Brevard Beautiful for the Annual Waterway Cleanup Projects in Brevard County.
- b) Waterway Cleanup Assistance to Volusia County for the Annual Waterway Cleanup Projects in Volusia County.

(Please see back up pages 8-23)

RECOMMEND: Approval of the Consent Agenda.

Item 5. **Additions or Deletions.**

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

RECOMMEND: Approval of a Final Agenda.

Item 6. **Public Comments.**

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

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Item 7 **Resolution in Memory of Commissioner Jerry Sansom**

Commissioner Jerry Sansom, appointed by Governor Jeb Bush in 2003 as the Florida Inland Navigation District Commissioner for Brevard County, served the District with unparalleled dedication, wisdom, and integrity from 2003 – 2024, tirelessly working to ensure the safety, navigability, public access, and ecological preservation of Florida’s waterways. The Florida Inland Navigation District Board of Commissioners hereby honors the memory of Commissioner Jerry Sansom, not only for his significant contributions to the District, to Florida’s waterways, and to the people of Florida, but for the unique and indelible spirit he brought to his work and to all who knew him.

(Please see pages 24-25)

RECOMMEND:	<u>Approval of the Resolution in memory of esteemed former colleague from Brevard County, Jerry Sansom.</u>
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Item 8. **Board Meeting Minutes.**

The minutes of the following meetings are presented for approval.

- January 19, 2024 – Audit Selection Com. Mtg. *(Please see back up pages 26-27)*
- January 19, 2024 – Finance and Budget Com. Mtg *(Please see back up pages 28-29)*
- January 19, 2024 - Board Meeting *(Please see back up pages 30-39)*
- February 16, 2024 - Personnel Com. Mtg. *(Please see back up pages 40-41)*
- February 16, 2024 – Finance and Budget Com. Mtg *(Please see back up pages 42-43)*
- February 16, 2024 - Board Meeting *(Please see back up pages 44-52)*

RECOMMEND: Approval of the minutes as presented.

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

Staff will present a report on the District’s Flagler County area status and projects. *(Please see back up pages 53-62)*

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

Item 10. **Comments and Project Status from the U.S. Army Corps of Engineers.**

The U.S. Army Corps of Engineers’ (USACE) Intracoastal Waterway (IWW) Project Manager, Mr. Eduardo Marin, is scheduled to present an update on projects and activities within the District.

(Please see back up pages 63-78)

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

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Item 11. Presentation of a Disaster Relief Application - City of New Smyrna Beach Brannon Center ADA Dock Replacement, Volusia County, FL.

In accordance with Rule 66B-2.0061 Disaster Relief, applications may be submitted to the District and considered by the Board at any time during the year to aid an eligible applicant with the removal of navigation obstructions, and for the repair or replacement of waterway facilities damaged by a declared natural disaster. Eligibility continues by noting that the District shall consider these applications in accordance with the applicable sections of Rule 66B-2.

The Brannon Center ADA Dock located at 105 S. Riverside Dr., New Smyrna Beach, FL 32168 was damaged by Hurricane Ian in 2022. After an evaluation by the Marine Consultant, it was determined the ADA dock should be replaced in its entirety and complete replacement would provide a more sustainable and cost-effective solution. This Disaster Relief Grant request will be for Design/Engineering, Permitting, and Construction for the ADA Dock Replacement at the Brannon Center.

The total cost of repairs is estimated at \$566,334.00. The City of New Smyrna Beach is seeking reimbursement for 25% of the total cost of emergency repairs which equals \$141,583.50. The FY 2023-2024 FIND Budget allocated \$4.4 million for Disaster Relief, of which \$3.9 million is currently available for new requests on a first-come, first-served basis. In accordance with the referenced rules and procedures, the Applicant will present their project and the Board will rate and evaluate the project. If the project scores an average of 35 or above, the Board can award the requested funding accordingly.

(Please see back up pages 79-94)

RECOMMEND: Approval of City of New Smyrna Beach's request for Disaster Relief funding for Brannon Center ADA Dock Replacement in the amount of \$141,583.50, Volusia County, FL.

Item 12. Update and Discussion on Boating Activities, Legislative Developments, and Marine Law Enforcement Efforts in Miami-Dade County

Commissioner Crowley and staff will provide an update on the continued boating and legislative issues occurring in Miami-Dade County.

(Please see backup on pages 95-112)

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

Item 13. Resolution Authorizing Chair to Execute Deeds for Exchange of Property at Dredged Material Management Area O-23.

At the time of its acquisition by the District, the site of the future DMMA O-23 was part of a partially completed industrial park known as Martin County Business Park. Industrial warehouse buildings had been constructed in the business park and the stormwater drainage system for these parcels drained through the District's property. In order to have the legal right to redesign the stormwater

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system to remove the drainage system from the District's property, a contract was entered into with the owners of the two industrial buildings. Under this contract, these property owners agreed to quitclaim any and all right, title and interest in the District's property, including any drainage rights, in exchange for a parcel in the northwest corner of the property and the transfer of a stormwater treatment pond to a property owners association serving the two developed parcels. The exchange was to take place once the DMMA construction was complete. Now that the construction is complete, the exchange of deeds requires a resolution of the Board authorizing the Chair to execute the deeds and other associated documents.

(Please see backup on pages 113-146)

RECOMMEND: Approval of a Resolution authorizing the Chair to execute deeds and other documents for the exchange of property in DMMA O-23.

Item 14. **Amendment 1A to Work Order 23-05 Scope of Work and Cost Proposal for Construction Administration Services for Pipeline Relocation Oversight at DMMA SJ-14, St. Johns County, FL.**

Taylor Engineering has provided a scope of work and fee quote for the necessary oversight of the upcoming pipeline relocation effort at SJ-14. This project is part of the recently approved pipeline easement amendment with the Cabbage Hammock Company, through the Parc Group. The amended easement requires the relocation of approximately 700' LF of FIND's permanent buried discharge pipeline. Taylor Engineering has been involved with the design and coordination for this pipeline relocation effort since the project's inception.

While Taylor Engineering will not directly manage the project, their role is instrumental in ensuring FIND's interests that the pipeline relocation process is implemented successfully by Vallencourt Construction—the Parc Group's contractor charged with executing the relocation work, guaranteeing that FIND's pipeline system remains operational and meets the project's specifications. A 4-month construction period is anticipated and an additional funding amount of \$69,900.00 is requested. This will be on a cost-plus basis and any excess funding remaining at the end of the project completion will not be charged to FIND.

(Please see back up pages 147-155)

RECOMMEND: Approval of Amendment 1A to Work Order 23-05 for an addition to the scope of work and cost proposal in the amount of \$69,900.00 from Taylor Engineering for construction administration services necessary to complete the pipeline relocation at DMMA SJ-14, St. Johns County, FL.

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Item 15. **Amendment 1B to Work Order 23-05 Scope of Professional Services and Cost Proposal for Coordination with Neighboring Interests and Drainage Concerns at Dredged Material Management Area BV-11, Brevard County, FL.**

The Dredged Material Management Area BV-11 (DMMA BV-11) has been the focal point of a lawsuit initiated by a neighboring property owner, citing potential drainage and easement disputes. Taylor Engineering has been designated as an expert witness and the engineer of record concerning improvements and potential drainage and easement issues at BV-11, located in Brevard County, Florida. This involvement comes as part of a legal challenge posed by an adjacent property owner against the Navigation District, which necessitates detailed coordination and expert testimony to address the concerns raised.

The engagement of Taylor Engineering as an expert witness and engineer of record is critical for the Navigation District to effectively address the lawsuit concerning DMMA BV-11. The original work order estimate of \$18,000.00 has proven to be less than adequate to cover the current effort and future efforts in support of this lawsuit. Taylor Engineering's involvement has already exceeded \$36,777.00 and future efforts could be significant. Therefore, staff are requesting an amendment to Work Order 23-05 for additional funding in the amount of \$53,777.00 to enable Taylor Engineering to continue providing the support as needed, on a cost-plus basis.

(Please see back up pages 147-155)

RECOMMEND: Approval of Amendment 1B to Work Order 23-05 for an addition to the scope of professional services and fee quote in the amount of \$53,777.00 for additional coordination and testimony for legal proceedings pertaining to drainage issues at DMMA BV-11, Brevard County, FL.

Item 16. **First Amendment to Lease Agreement for Lagoon Greenway Trail Expansion at DMMA IR-14, Indian River County, FL.**

In January 2010, the District entered into a Lease Agreement with Indian River County (IRC), allowing them to utilize a portion of Dredged Material Management Area (DMMA) IR-14 to provide a trail for passive public recreational purposes. IRC has since created the "Lagoon Greenway Trail" system and it has been well received by the public.

IRC has requested that FIND make an additional small eastern portion of DMMA IR-14 available to be utilized as an extension of their existing trail system. The District and the District's engineer agree that the proposed extension will not impact the upcoming development or operation of DMMA IR-14. Staff and the District's Attorney have created a First Amendment to the lease agreement for Board Review.

(Please see back up pages 156-175)

RECOMMEND: Approval of the First Amendment to Lease Agreement with Indian River County for Lagoon Greenway Trail Expansion at DMMA IR-14, Indian River County, FL.

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Item 17. St Lucie Railroad Bridge Federal Funding Opportunity Support.

FIND has been requested by the City of Stuart (City), Brightline and the Florida East Coast Railway (FECR) to support efforts to obtain federal grant funding to replace the existing railway bridge over the St. Lucie River/Okeechobee Waterway (OWW) near downtown Stuart.

St. Lucie River Railroad Bridge replacement is critical for the long-term capacity of freight rail operations, regional marine industry movements, and intercity passenger rail operations. This current bridge is approaching 100 years old and is the only remaining single-track segment on the entire FECR Miami to Jacksonville freight rail corridor. FIND has been requested to partner with the City of Stuart, Brightline, and FECR to support an application for a Federal Railroad Administration (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant to support the development and implementation of the St. Lucie River Railroad Bridge Replacement Project.

(Please see back up pages 176-180)

RECOMMEND: Approval of a Resolution and Letter of Support for a CRISI grant applications pertaining to replacement of the St. Lucie Railroad Bridge over the Okeechobee Waterway, Stuart, Florida.

Item 18. Personnel Committee Report.

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

(Please refer to the Personnel Committee Agenda Package)

RECOMMEND: Approval of the recommendations of the District's Personnel Committee.

Item 19. 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.

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Item 20. **Washington D.C. Report.**

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

(Please see backup pages 181-182)

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

Item 21. **Additional Staff Comments and Additional Agenda Items.**

- Assistance Program Application Update
 - Miami River Tour April 30 4:30 pm
 - IWW Inspection Tour April 30-May 3, 2024
 - Building Renovation update
 - Next Board Meeting and Outreach May 16-17, 2024, Bal Harbour (Miami-Dade County), FL
-

Item 22. **Additional Commissioners' Comments.**

Item 23. **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.

**PRELIMINARY CONSENT AGENDA
FLORIDA INLAND NAVIGATION DISTRICT
Board of Commissioners Meeting**

9:00 a.m., Friday, April 19, 2024

**Hilton Garden Inn Palm Coast Town Center
55 Town Center Blvd, Palm Coast, FL 32164**

Item a. Waterway Cleanup Assistance to Keep Brevard Beautiful for the Annual Waterway Cleanup Projects in Brevard County.

Keep Brevard Beautiful has submitted a request for its Annual Waterway Cleanup Projects in Brevard County. The District has funded these cleanups for many years and it has been very successful. The request is for \$15,000. The proposal is consistent with the District's program rules.

(Please see back up pages 9-18)

RECOMMEND: Approval of the request from Keep Brevard Beautiful for assistance with the 2024 Waterway Cleanup Projects in Brevard County in an amount not to exceed \$15,000.

Item b. Waterway Cleanup Assistance to Volusia County for the Annual Waterway Cleanup Projects in Volusia County.

Volusia County has submitted a request for its International Coastal Cleanup to take place on September 21, 2024, in Volusia County. The District has funded this cleanup since 2012 and it has been very successful. The request is for \$5,000. The proposal is consistent with the District's program rules.

(Please see back up pages 19-23)

RECOMMEND: Approval of the request from Volusia County for assistance with the 2024 International Coastal Cleanup in Volusia County in an amount not to exceed \$5,000.



April 3, 2024

Keep Brevard Beautiful
1620 Adamson Road
Cocoa, FL 92

Florida Inland Navigation District
600 County Hwy 707
Jupiter, FL 33469-3516

Dear Mr. Kelly

It is a busy time of the year for Keep Brevard Beautiful. We are a 501© (3) nonprofit organization that delivers countywide watershed cleanups and outreach education for litter and pollution prevention on our waterways. These programs have been long standing within our community and have had long lasting impact for generations of volunteers who continue to keep our litter indexes lower and our communities beautiful to live and visit year-round.

With the Florida Inland Navigation District's ongoing support and partnership, KBB continues to provide these sustainable programs throughout Brevard County and reach hundreds of residents and volunteers alike to coordinate litter cleanups on our beaches, rivers, and waterways. These events are essential in keeping up with our county's current rapid growth in population and increased demand for waste diversion systems.

Last year, we held our *Summer Series* events in the months of June and July and had over 300 volunteers come out and participate in (4) four cleanups' sites over (4) four days. We collected trash near the causeways, rivers, spoil islands and beaches. Our volunteers went out by kayak, boat and foot and collected over 9,500 pounds of trash.

In September 2023 we hosted the *International Coastal Cleanup* where KBB had eleven (11) site locations throughout Brevard County and up to 500 volunteers that collected over 3,000 pounds of trash in 4 hours.

This February, we held our annual *Battle of The Causeways* cleanup with local businesses, school clubs, and committed volunteers who teamed up and tackled the east and west sides of State Road 528 going into Port Canaveral. The winning East side team this year collected over 2 tons of trash in just one day. The West side team collected 1.5 tons of trash.

Again, Keep Brevard Beautiful would like to thank the Florida Inland Navigation District for being part of KBB's success in cleaning up our waterways and impact on the community. Please find attached a list of cleanups and proposed locations scheduled for 2024-2025 along with budgets outlining expenditures for the proposed use of the District funds requests.

If you have any questions, please contact me at your earliest convenience.

Sincerely,

John Nico
Executive Director
321-472-7733



2024 Summer Series Proposed Location Sites

Hours or services may differ

Haulover Canal Kayak Launch
4.7 ★★★★★ (207) · Tour operator
24.2 mi · Mims, FL
 "Our tour guide, Dan, helped this experience be enjoyable and exciting!"

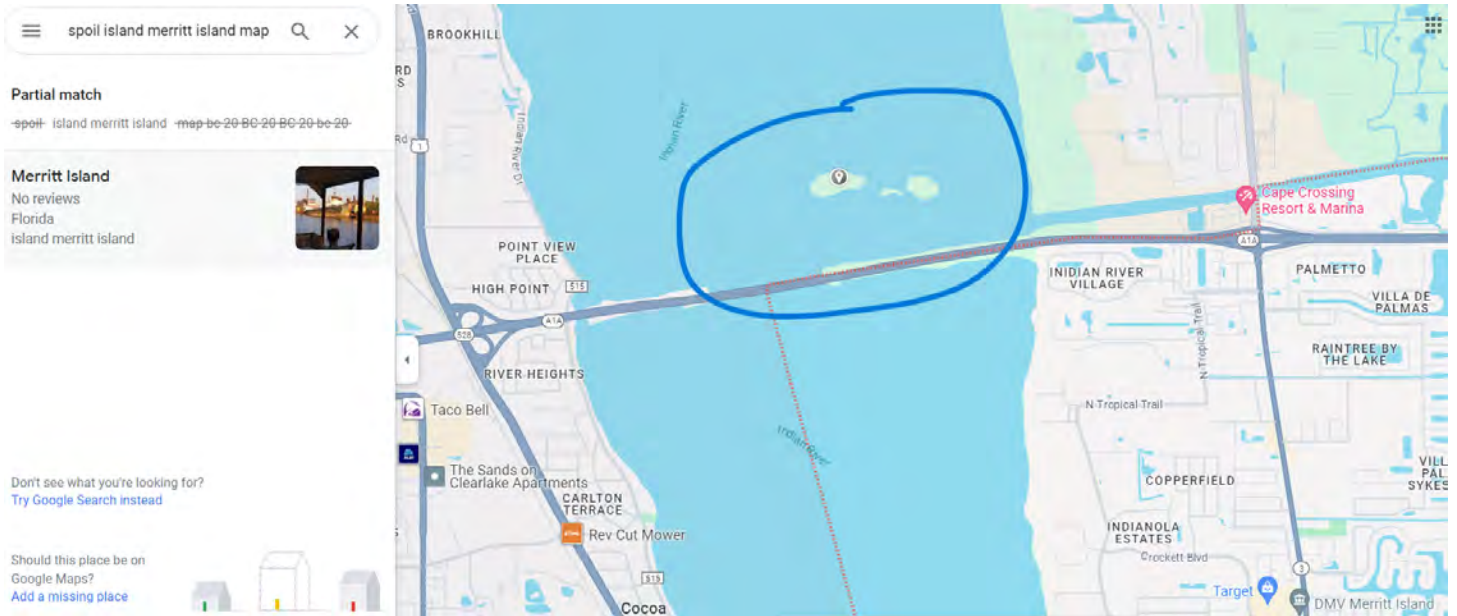
Haulover Canal Launch Site
4.8 ★★★★★ (35) · Fish store
24.4 mi · Mims, FL
 "Great spot to launch from!"

Haulover Canal Bridge
4.6 ★★★★★ (31) · Bridge
24.6 mi · Mims, FL
 "The Haulover Canal Bridge is a great place to stop and see both"

Kiwanis Island Park Rd

Merritt Island, FL 32952
 Report a problem on Kiwanis Island Park Rd
 Add a missing place
 Add your business
 Add a label
 Your Maps activity

Photos

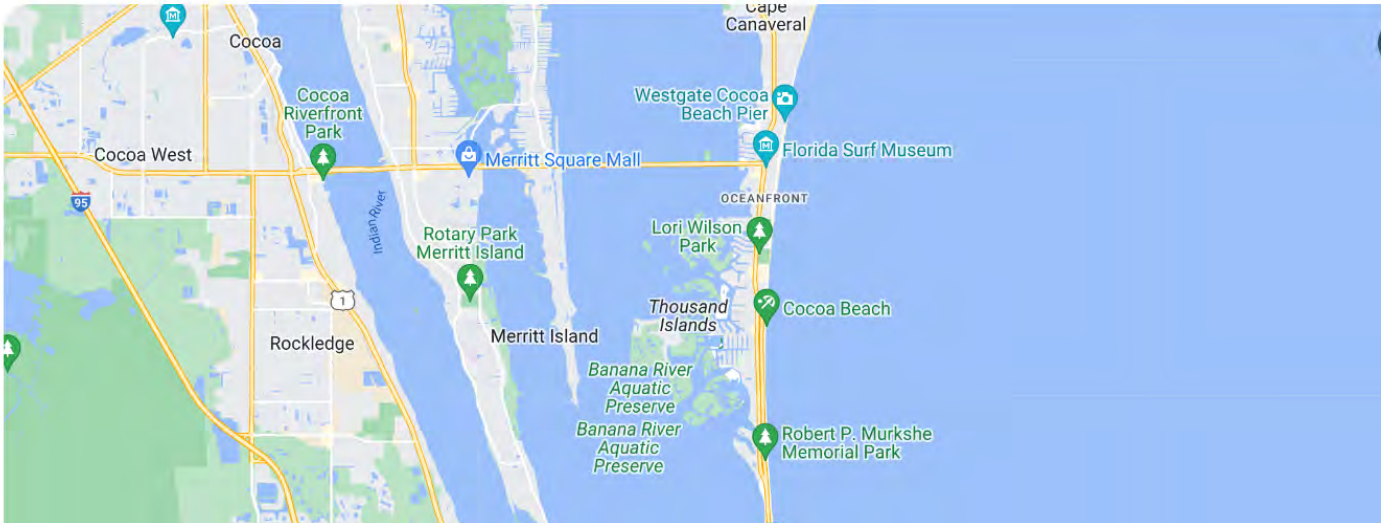




2024 International Coastal Cleanup Proposed Sites

Thousand Islands

Island in Cocoa Beach, Florida



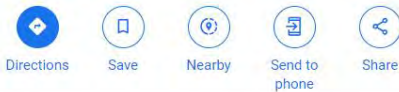
Shepard Park

4.6 ★★★★★ (2,076)
Park

Overview

Reviews

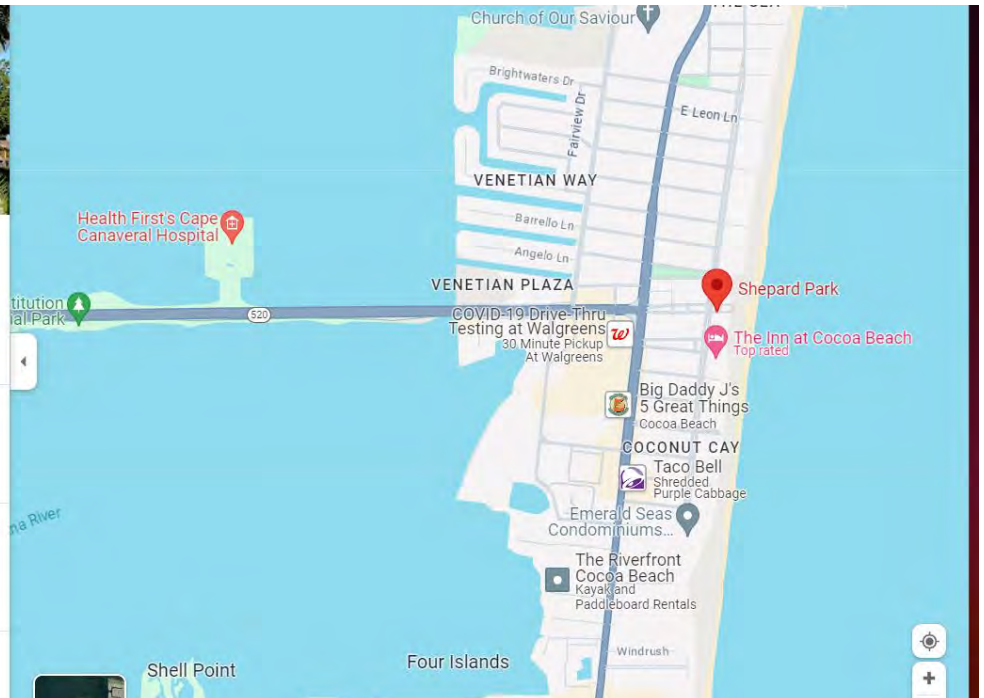
About



A 5-acre oceanfront park offering picnic areas, shower facilities & a view of space launches.

✓ Dogs allowed

299 E Cocoa Beach Causeway, Cocoa Beach, FL 32931





Riverview Park

4.5 ★★★★★ (581)

Park

Overview

Reviews

About



Directions



Save



Nearby



Send to
phone

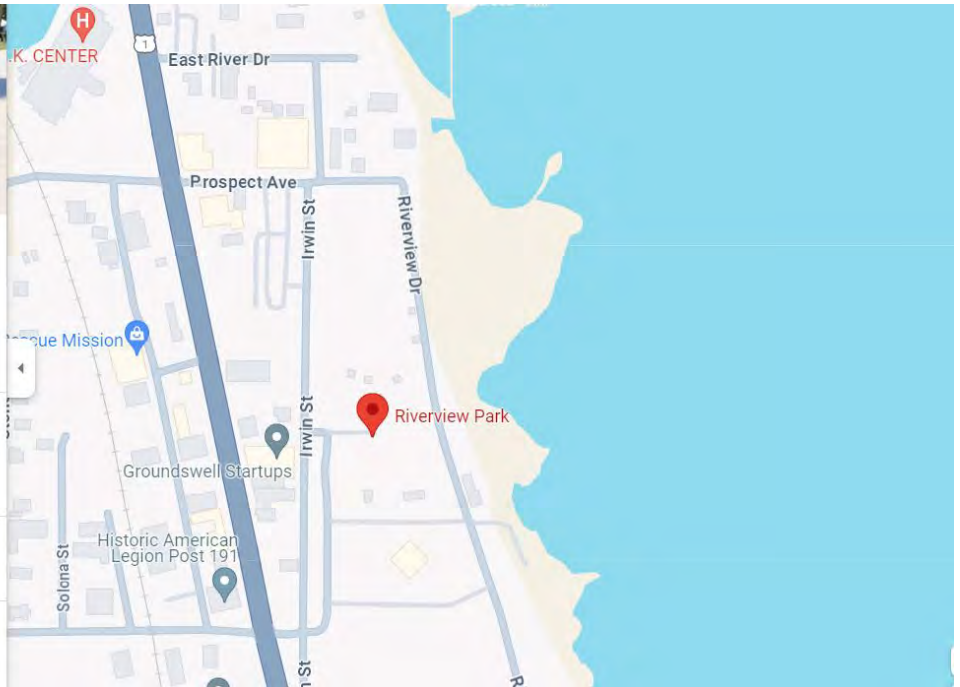


Share

✓ Dogs allowed



2301-2499 Irwin St, Melbourne, FL 32901



Paradise Beach

4.7 ★★★★★ (608)

Tourist attraction

Overview

Reviews

About



Directions



Save



Nearby



Send to
phone

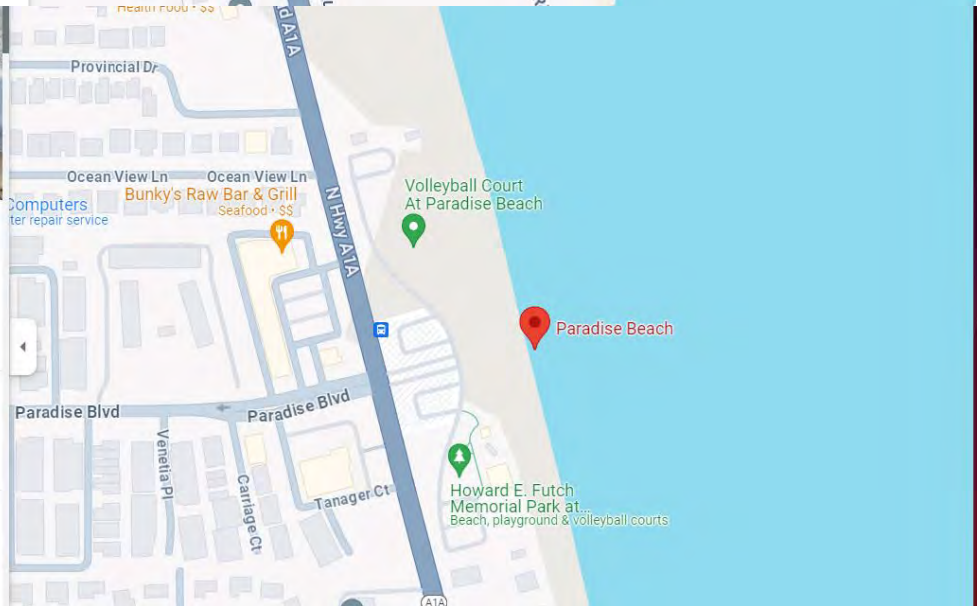


Share



Florida A1A, Melbourne, FL 32903

Located in: Howard E. Futch Memorial Park at
Paradise Beach





Ocean Park

4.7 ★★★★★ (133)

Park

Overview

Reviews

About



Directions



Save



Nearby



Send to
phone



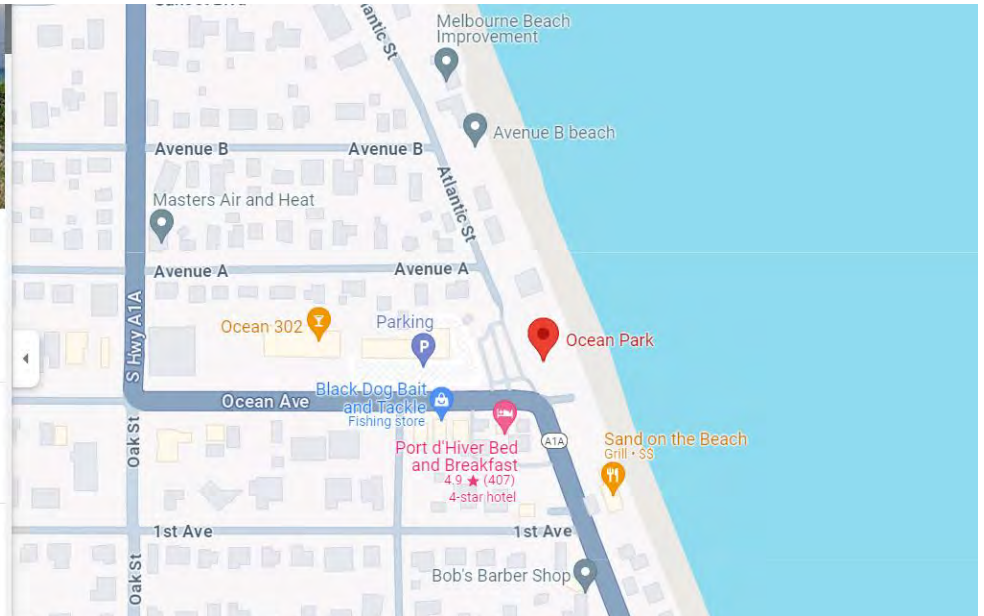
Share



Ocean Ave, Melbourne Beach, FL 32951



Open · Closes 9 PM



Lee Wenner Park

4.3 ★★★★★ (327)

Park

Overview

Reviews

About



Directions



Save



Nearby

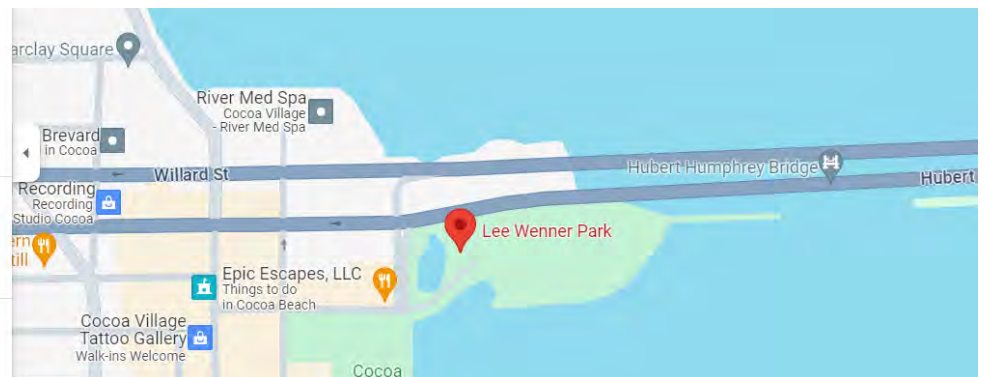


Send to
phone



Share

Park on the Indian River offering a picnic pavilion,
play equipment, boardwalk access & boat ramps.





Jetty Park Beach

4.8 ★★★★★ (85)

Tourist attraction

Overview

Reviews

About



Directions



Save



Nearby



Send to
phone

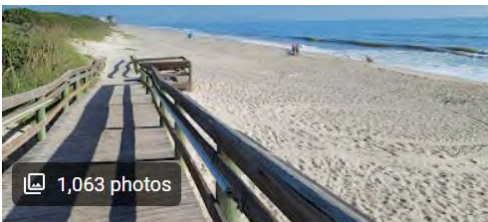
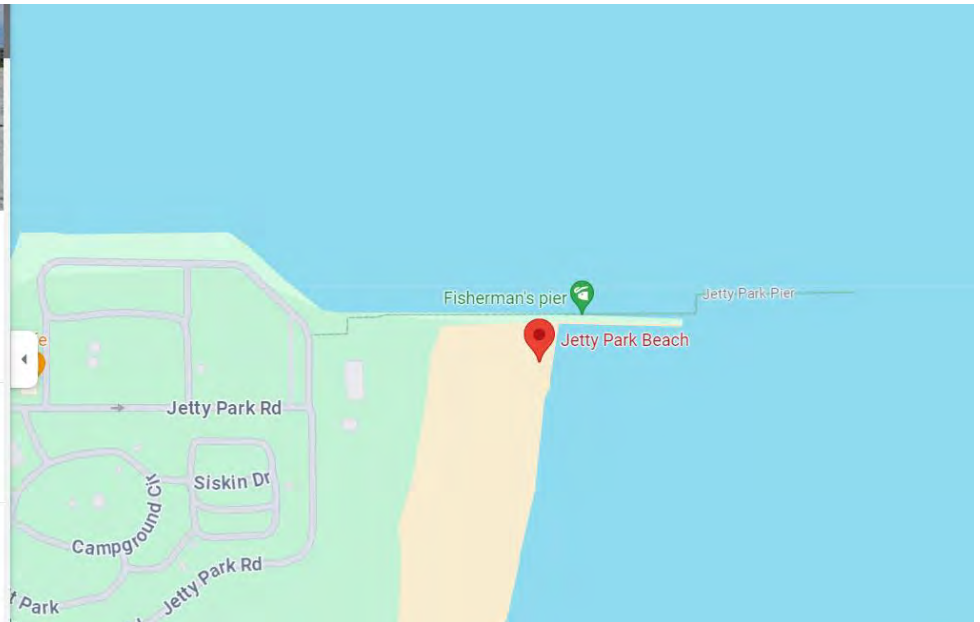


Share



Port Canaveral, FL 32920

Located in: Jetty Park Beach, Campground, and
Fishing Pier



1,063 photos

Coconut Point Park

4.7 ★★★★★ (578)

Park

Overview

Reviews

About



Directions



Save



Nearby



Send to
phone



Share



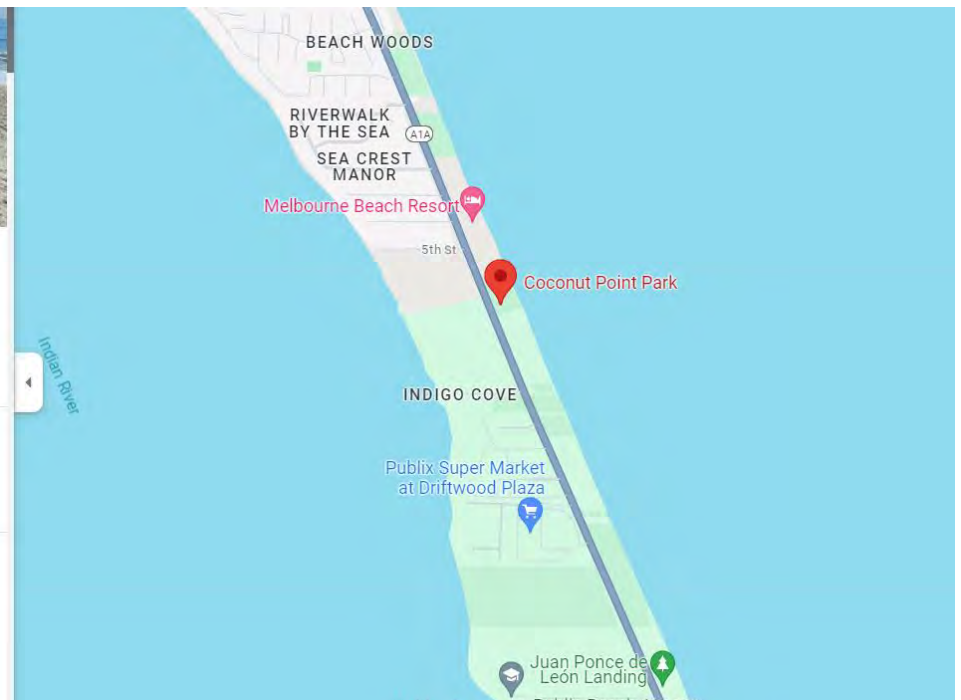
3535 Florida A1A, Melbourne Beach, FL 32951




Open · Closes 8 PM



brevardfl.gov













Cherie Down Park


4.6 ★★★★★ (3,251)
Park

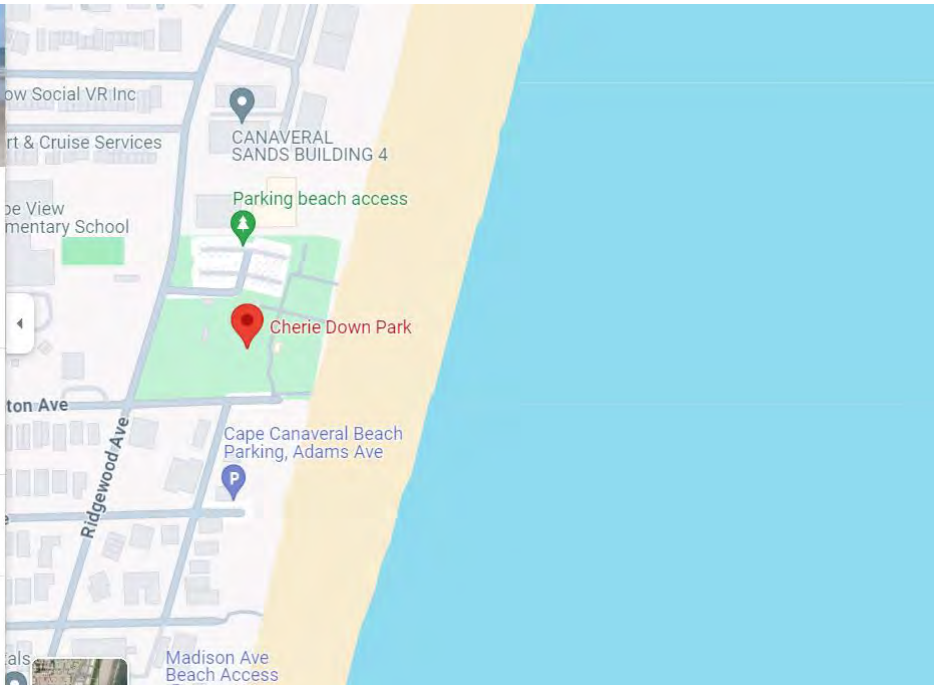
Overview About


 Directions
  Save
  Nearby
  Send to phone
  Share

This 7-acre beach park features a 200-ft. boardwalk along sand dunes, plus picnic shelters. >

 8330 Ridgewood Ave, Cape Canaveral, FL 32920

 Open · Closes 7PM










Canova Beach Park


4.6 ★★★★★ (3,474)
Park


Overview Reviews About

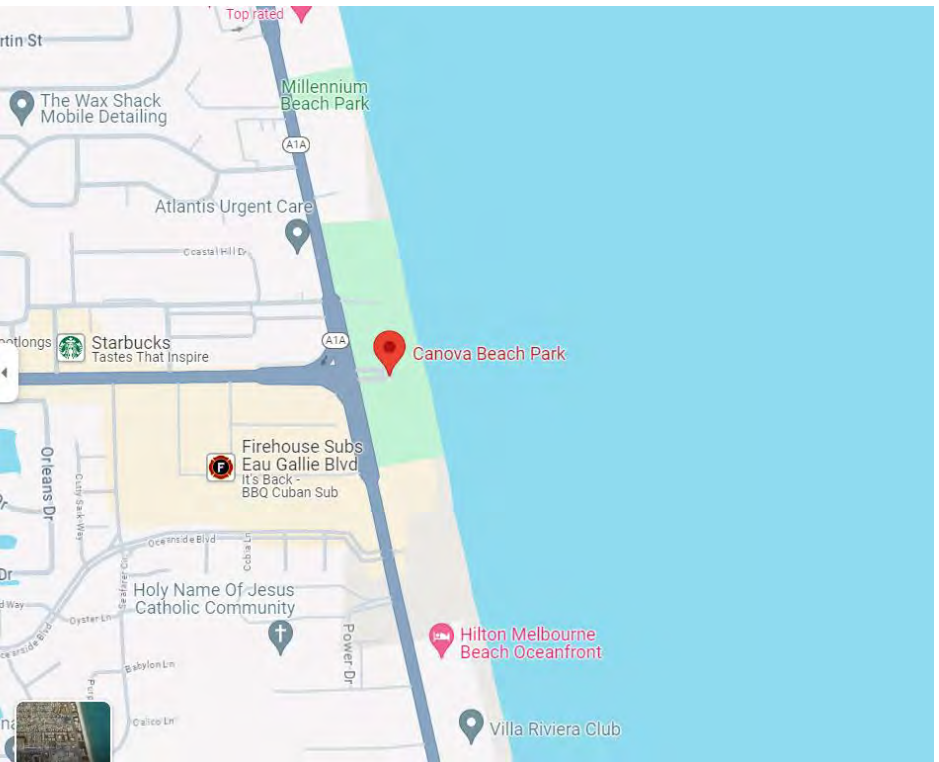
 Directions
  Save
  Nearby
  Send to phone
  Share

Dogs on leashes are allowed at this beach park with a picnic pavilion, showers & restrooms. >

✓ Dogs allowed

 3299 N Hwy A1A, Indialantic, FL 32903

 Open · Closes 8 PM





1,914 photos

Ballard Park

4.7 ★★★★★ (1,404)

Park

Overview

Reviews

About



Directions



Save



Nearby



Send to
phone



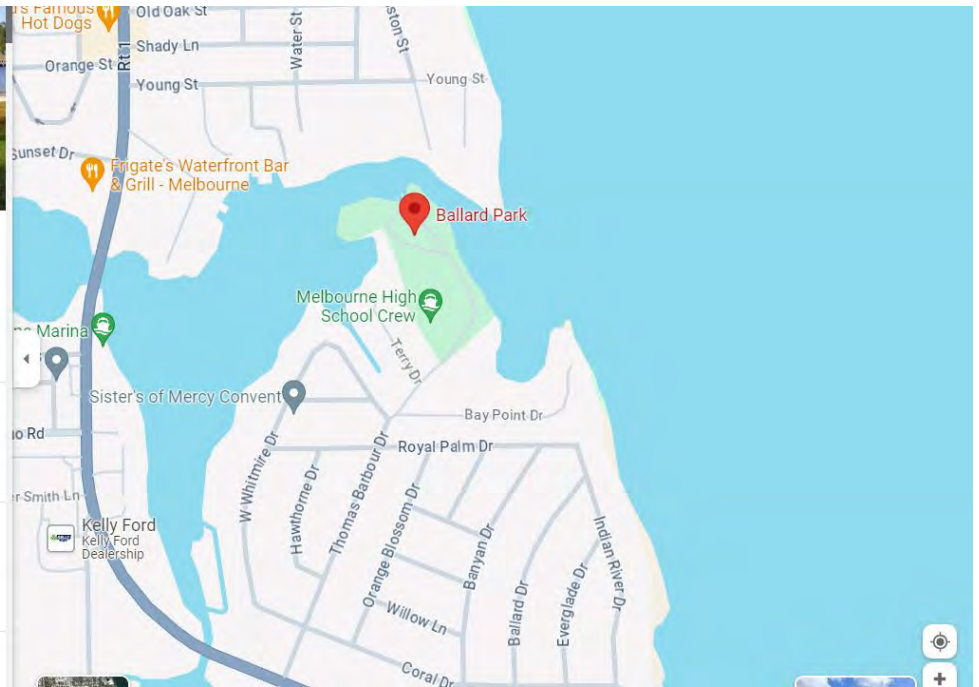
Share

Riverfront park with sport courts, boat ramps, a playground & picnic facilities.

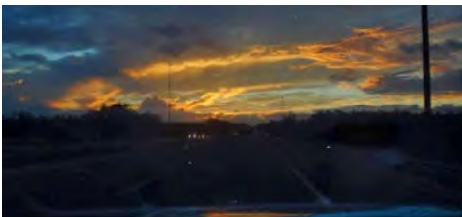
✓ Dogs allowed



924 Thomas Barbour Dr, Melbourne, FL 32935



2025 Battle of the Causeways



FL-528



Directions



Save



Nearby



Send to
phone



Share



Florida



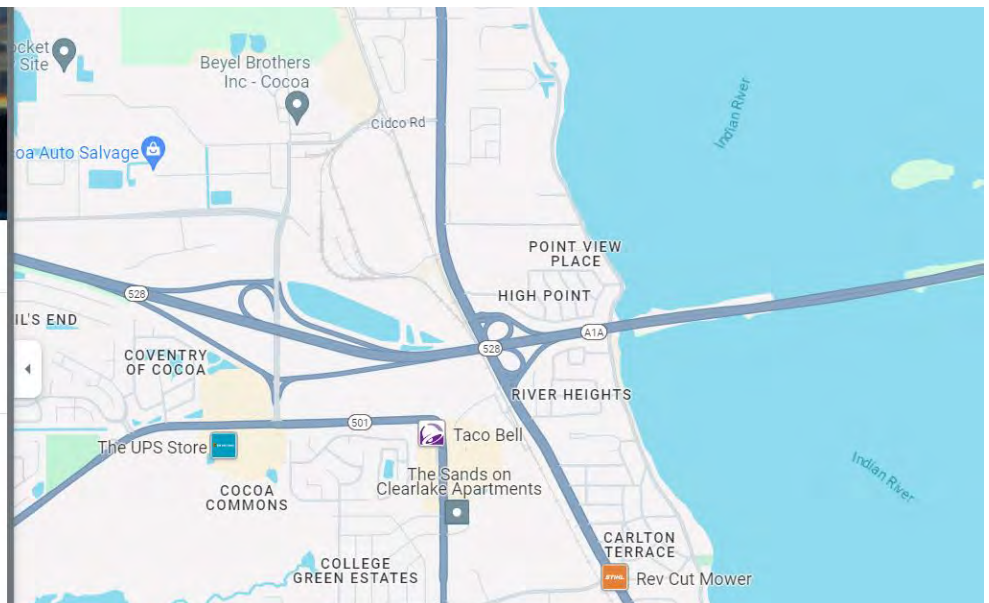
Report a problem on FL-528



Add a missing place



Add your business



Proposed Budget KBB & FIND
Summer Series_JUN/JUL 2024

Event t-shirts	2000
Marketing	1000
Promo Items	1500
Rental Equipment	500
	<hr/>
Total request from FIND	5000

Proposed Budget KBB & FIND
International Coastal Cleanup_SEP 2024

Event t-shirts	2000
Marketing / Promo	500
Buckets	500
Grabbers	1500
Gloves/ materials	500
	<hr/>
Total request from FIND	5000

Proposed Budget KBB & FIND
Battle of the Causeways_FEB 2025

Event t-shirts	2000
Marketing / Promo items	1000
Tent / Materials / Hauler expenses	1500
Rental Equipment	500
	<hr/>
Total request from FIND	5000



Growth and Resource Management Department
 Environmental Management
 440 S. Beach Street, Daytona Beach, FL 32114
www.volusiaseaturtles.org

February 22, 2024

Mr. Mark Crosley
 Executive Director
 Florida Inland Navigation District
 600 State Road 707, Unit C
 Jupiter, FL 33469

Dear Mr. Crosley:

This letter is a request for the Governing Board's consideration for Waterway Cleanup Assistance in the amount of \$5,000 to help fund the annual East Volusia Beach and River, International Coastal Cleanup on September 21, 2024. This annual event has been sponsored by F.I.N.D. since 2012. Prior to that date, two separate events which were the Halifax and Indian River Lagoon (HIRL) and Ocean Conservancy International Coastal Cleanup (ICC) were also supported by F.I.N.D.

In 2023, this popular event was once again well attended and a large quantity of trash was removed from our waterways and beaches. The event garnered a total of **1,138 volunteers**. In total, participants cleaned **7,758.5 pounds of trash and recyclables** from Volusia County coastlines via walking, motor boats, paddleboards and kayaks.

During this annual event, participants not only remove and dispose of the trash and recyclables from our waterways, but also record the types of trash found through the Ocean Conservancy's "CleanSwell" app or on a data card provided by the organization. In total during **2023, 44,353 total trash items** were collected and recorded by volunteers. A summary of the top ten items are included in the table below. These categories are historically the most common items found.

<u>Top Ten Trash Items Found During Clean-ups</u>	<u>2021 Total Items</u>	<u>2022 Total Items</u>	<u>2023 Total Items</u>
Cigarettes/Cigarette Filters	22,156	20,771	11,804
Plastic/ Foam Pieces	10,069	10,958	9,453
Bottle Caps, Lids (Plastic)	3,081	3,687	3,238
Food Wrappers/Containers (Plastic & Foam)	3,714	3,308	3,816
Glass Beverage Bottles & Beverage Cans	2,764	3,009	2,929
Beverage Bottles (Plastic)	1,521	1,732	1,757

Other Waste	2,544	1,692	1,357
Straws & Stirrers	1,343	1,548	1,130
Other Plastic Waste	827	1,457	575
Other bags (plastic)	1,165	1,397	863
<i>Top Ten Total Items Removed</i>	<i>49,184</i>	<i>49,559</i>	<i>36,922</i>

More clean-up information and photographs from the 2023 event can be viewed at our website at www.volusia.org/cleanup.

2024 event planning has begun and the thirty three (33) proposed cleanup site locations for 2024 are listed below. Also enclosed is a map showing these locations, indicating which sites are along the river or beach. The Project Budget Estimate is also enclosed. We are looking forward to another successful event in 2024.

Meeting Site Name	Meeting Location Address	City
Highbridge Park (Ormond Scenic Loop sites)	35 High Bridge Rd	Ormond Beach
Tomoka State Park (Ormond Scenic Loop sites)	2099 N. Beach St.	Ormond Beach
Sea Oats Terrace Area	Sea Oats Terrace	Ormond-By-The-Sea
Bicentennial Park	1800 N. Oceanshore Blvd.	Ormond-By-The-Sea
Tom Renick Park	1575 Oceanshore Blvd.	Ormond-By-The-Sea
Sanchez Park	329 Sanchez Ave.	Ormond Beach
Granada Approach	Granada Approach	Ormond Beach
Andy Romano Park	839 S. Atlantic Ave.	Ormond Beach
Sunrise Park South	1135 Riverside Dr.	Holly Hill
Sunsplash Park	611 S. Atlantic Ave.	Daytona Beach
City Island Park	105 E. Magnolia Ave.	Daytona Beach
Van Avenue Park	3101 S. Atlantic Ave.	Daytona Beach Shores
Riverside Pavillion Park	3431 Ridgewood Ave.	Port Orange
Port Orange Causeway Park	93 Dunlawton Ave.	Port Orange
Dahlia Park	3625 S. Atlantic Ave.	Daytona Beach Shores
Toronita Approach	Toronita Approach	Wilbur by the Sea
Winter Haven Park	4589 S. Atlantic Ave.	Ponce Inlet
Spruce Creek Preserve/ Doris Leeper Park	30 Divito Dr.	New Smyrna Beach
Inlet Harbor Walkover	Inlet Harbor Walkover	Ponce Inlet
Lighthouse Point Park (Beach)	5000 S. Atlantic Ave.	Ponce Inlet
Lighthouse Point Park (River)	5000 S. Atlantic Ave.	Ponce Inlet
NSB Jetty area	NSB Jetty area	New Smyrna Beach
Smyrna Dunes Park	2995 N. Peninsula Ave.	New Smyrna Beach
Turnbull Bay	2880-2902 Sunset Dr.	New Smyrna Beach
North Beach Community Park	Sapphire Road & North Atlantic Ave.	New Smyrna Beach
Flagler Beach Park	100 Buenos Aires	New Smyrna Beach
Callalisa Creek	429 East 3 rd Avenue	New Smyrna Beach
Smyrna Yacht Club	1201 S. Riverside Drive	New Smyrna Beach

27th Ave. Park	3701 S. Atlantic Ave	New Smyrna Beach
George Kennedy Park	103 N Riverside Dr.	Edgewater
Hiles Blvd. approach	Hiles Blvd. approach	New Smyrna Beach
Mary McLeod Bethune Beach Park	6656 S. Atlantic Ave.	New Smyrna Beach
River Breeze Park	250 H.H. Burch Rd.	Oak Hill

Historically, the Governing Board has generously supported the work of Volusia County and approval of this request would continue that valued tradition. Environmental Management is honored to coordinate this event and will administer the grant funds according to program guidelines.

If I can be of further assistance regarding this request, please contact me at anytime at (386) 238-4716 or nweiss@volusia.org.

Sincerely,

Nicole Weiss

Nicole Weiss, Cleanup Coordinator/Habitat Conservation Plan Field Manager
County of Volusia Environmental Management Division
440 S. Beach Street
Daytona Beach, FL 32114
(386) 238-4716
(386) 238-4772 (fax)

cc: Jennifer Winters, Protected Species Activity Manager
Jaymie Reneker, Sea Turtle HCP Program Manager
Janet Zimmerman, Assistant Executive Director, Florida Inland Navigation District

**FLORIDA INLAND NAVIGATION DISTRICT
WATERWAY CLEANUP ASSISTANCE PROGRAM**

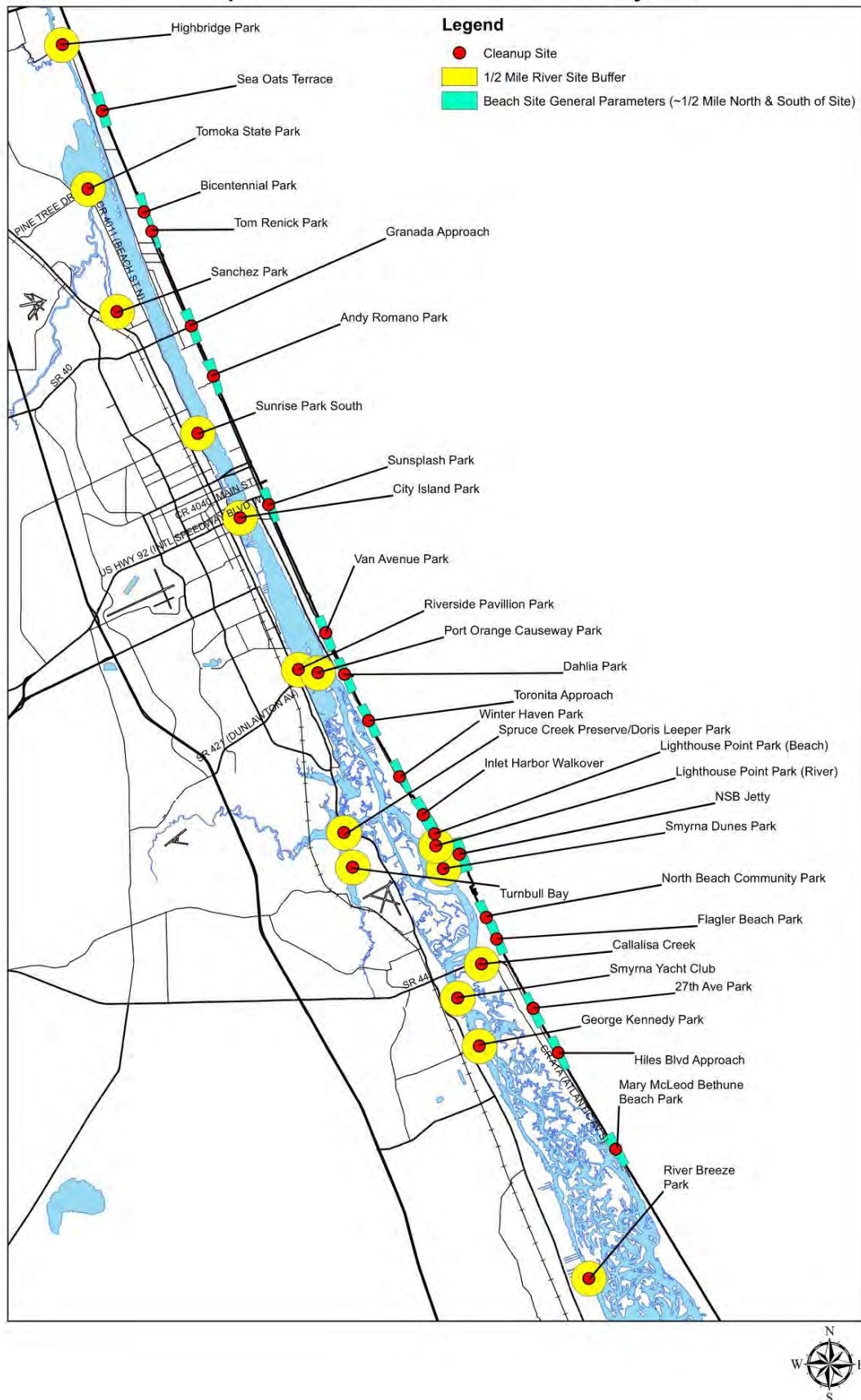
PROJECT BUDGET ESTIMATE

PROJECT TITLE: East Volusia Beach and River International Coastal Cleanup

APPLICANT: Volusia County Environmental Management

Expenditures	Estimated Cost (\$)	Applicant Responsibility (\$)	FIND Proposed Assistance (\$)
Staff mileage	250	250	0
Staff coordination time	3,500	3,500	0
Other misc. supplies	300	300	0
Advertising	Unknown	All	0
Gloves	200	200	0
Posters (donated by the Ocean Conservancy)	Unknown	0	0
Garbage bag (donated by the Ocean Conservancy)	Unknown	0	0
Trash/ recyclable material removal (beach sites) (donated by CFB Outdoors)	Unknown	0	0
Trash removal (river sites) (donated by Waste Pro)	Unknown	0	0
Tipping Fees at landfill (sponsored by Keep Volusia County Beautiful)	Unknown	0	0
Pavillion Rentals (donated by Volusia County Coastal Division, Volusia County Parks & Recreation, Ormond Beach Leisure Services, City of New Smyrna Beach, City of Holly Hill, City of Daytona Beach, City of Port Orange, Edgewater Leisure Services)	Unknown	0	0
Promotional participant give-away	5,000	0	5,000
Total Expenses:	\$9,250.00	\$4,250.00	\$5,000.00

2023 International Coastal & Halifax/Indian River Cleanup Proposed Sites Volusia County, FL



FLORIDA INLAND NAVIGATION DISTRICT**RESOLUTION NO. 2024-1****RESOLUTION IN MEMORY OF COMMISSIONER JERRY SANSOM**

The Board of Commissioners of the Florida Inland Navigation District in a meeting duly assembled on the nineteenth day of April 2024, at Palm Coast, Florida, hereby adopts the following Resolution in memory of their esteemed former colleague from Brevard County, Jerry Sansom.

WHEREAS, Commissioner Jerry Sansom was appointed by Governor Jeb Bush in 2003 as the Florida Inland Navigation District Commissioner for Brevard County and served the district with unparalleled dedication, wisdom, and integrity from 2003 – 2024, tirelessly working to ensure the safety, navigability, public access, and ecological preservation of Florida’s waterways; and

WHEREAS, throughout his tenure, Commissioner Sansom distinguished himself as a steadfast advocate for the enhancement and maintenance of the Intracoastal Waterway, recognizing its critical importance to the economic vitality, environmental health, and recreational quality of life for the people of Florida He humorously likened the opulent yachts of South Florida to Mardi Gras floats, jesting that instead of beads, these vessels lavished our coastal communities with significant economic benefits including marine industry employment, fuel and provisions, as well as services spanning interior design, florists, art, entertainment and beyond; and

WHEREAS, Commissioner Sansom’s leadership was characterized by his visionary approach, his unwavering commitment to public service, and his ability to foster collaboration among diverse groups, including environmental organizations, commercial and recreational boaters, and local, state, and federal agencies. He wielded his unique combination of commitment and wit to advocate for increased federal engagement and funding, humorously likening it to Thanksgiving dinner by saying, “It is nice to see the Federal Government killing something and bringing it to the table other than just a knife and fork.” Furthermore, he underscored the importance of teamwork and balanced contributions with his memorable adage, “Want to make sure both horses are pulling equally to get the carriage out of the barn,” reflecting his firm belief in the strengths of cooperation and shared duty; and

WHEREAS, throughout Commissioner Sansom’s esteemed tenure, the Florida Inland Navigation District proudly awarded over \$11.6 million in grant funding to the local governments within Brevard County, thereby facilitating 93 projects aimed at enhancing public waterway access and supporting valuable community projects; and

WHEREAS, Commissioner Sansom’s profound impact extends beyond the tangible public access projects and policies he helped to implement, leaving an indelible mark on the hearts and minds of all who had the privilege of working alongside him, benefiting from his wisdom, and witnessing his deep love for Florida’s natural beauty and resources; and

WHEREAS, beyond his contributions to the navigational and environmental stewardship of Florida's waterways, Commissioner Sansom's legacy includes mentorship to his peers and staff, inspiring a generation of leaders to approach their duties with the same passion, humility, and effectiveness that he embodied; and

WHEREAS, the Florida Inland Navigation District Board of Commissioners wishes to celebrate the remarkable man who interwove his impactful insights with a memorable sense of humor, bringing light and laughter to the serious work of managing Florida's waterways;

WHEREAS, the Florida Inland Navigation District Board of Commissioners wishes to express its deepest condolences to the family, friends, and colleagues of Commissioner Jerry Sansom and to acknowledge the immense loss felt by the community he served so faithfully;

NOW, THEREFORE, BE IT RESOLVED that the Florida Inland Navigation District Board of Commissioners hereby honors the memory of Commissioner Jerry Sansom, not only for his significant contributions to the District, to Florida's waterways, and to the people of Florida but for the unique and indelible spirit he brought to his work and to all who knew him. His dedication, leadership, humor and service will be remembered as an enduring legacy, guiding the District's efforts to safeguard and enhance our precious waterways for future generations.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Dixie Sansom and the family of Commissioner Jerry Sansom as a symbol of our profound respect and gratitude for his extraordinary service and as a token of our shared sorrow in this time of loss.

Adopted this 19th day of April, 2024, by the Florida Inland Navigation District Board of Commissioners.

Florida Inland Navigation District

Chair

Secretary

MINUTES OF THE
Auditor Selection Committee Meeting
8:15 a.m., Friday, January 19, 2024

Hyatt Place St. Augustine-Vilano Beach,
117 Vilano Rd.,
St. Augustine, (St. Johns County), Florida 32084

ITEM 1. **Call to Order.**

Committee Chair Blow called the meeting to order at 8:15 a.m.

ITEM 2. **Roll Call.**

Assistant Executive Director Janet Zimmerman called the roll and Commissioners Blow, Boehning, and Isiminger were present. Ms. Zimmerman stated that a quorum was present.

ITEM 3. **Additions or Deletions.**

There were no additions or deletions to the agenda.

ITEM 4. **Public Comments.**

There were no public comments.

ITEM 5. **Request for Proposals Package for the Selection of an Auditor for the FY 2022-2023 Financial Audit.**

The Committee's auditor selection procedures are subject to Section 218.391 Florida Statutes, which provides that the primary purpose of the audit committee is to assist the Board of Commissioners in selecting a certified public accounting firm that is both duly licensed under Chapter 473 Florida Statutes and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.

Ms. Zimmerman stated that the District received four proposal packages, which have been included the agenda, as well as an evaluation and rating form. She noted that the rankings will be presented to the full Board.

The Commissioners discussed the different proposals, methodology, and rankings.

The Commissioners ranked the firms in the following order: Berger, Toombs, Elam, Gaines & Frank ranked highest at 89.3; followed by James Moore at 87.47; Grau & Associates at 82.78; and Marcum LLP at 81.03.

Commissioner Boehning motioned to recommend the rankings to the full Board. Commissioner Blow seconded the motion. All were in favor and the motion passed unanimously.

ITEM 6. Additional Staff Comments.

There were no additional staff comments.

ITEM 7. Additional Commissioners' Comments.

There were no additional Commissioners' comments.

ITEM 8. Adjournment.

The meeting was adjourned at 8:55 a.m.

Carl Blow, Committee Chair

Attest: Buddy Davenport, Secretary

(SEAL)

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT
Finance and Budget Committee Meeting
8:45 a.m., Friday, January 19, 2024
Hyatt Place St. Augustine-Vilano Beach,
117 Vilano Rd.,
St. Augustine, (St. Johns County), Florida 32084**

ITEM 1. Call to Order.

Acting Committee Chair Blow called the meeting to order at 8:56 a.m.

ITEM 2. Roll Call.

Executive Director Mark Crosley called the roll and Commissioners Gernert, Davenport, Boehning, Blow, and Sansom were present. Mr. Crosley stated that a quorum was present.

ITEM 3. Additions or Deletions.

There were no additions or deletions to the agenda. Commissioner Davenport motioned to approve the agenda as presented. Commissioner Gernert seconded the motion. All were in favor and the motion passed unanimously.

ITEM 4. Public Comments.

There were no public comments.

ITEM 5. Financial Statements for October 2023 and November 2023.

Ms. Zimmerman presented the financial statements beginning on page 3 of the agenda. She noted that the Bank United CD will be renewing and Mr. Glenn Scambler is working on securing a 5% interest rate. The accounts payable reflects year-end grant payments. Page 4 shows revenue coming in from new tax collections at the beginning of the fiscal year. Interest overall is approximately \$3M.

Ms. Zimmerman noted that a sea grass survey was completed for IWW Crossroads, and USACE was able to send their dredge to complete the project.

Ms. Zimmerman also discussed the right of way fees for the FEC railway crossings; a derelict vessel removal in Martin County; a final payment for capping an artesian well at DMMA SL-2; tax revenue and grant payments; and a payment to Rybovich regarding storage on Peanut Island.

Commissioner Gernert motioned to recommend the financial statements to the full Board. Commissioner Boehning seconded the motion. All were in favor and the motion passed unanimously.

ITEM 6. October and November 2023 Budget Summary and Project Status Expenditure Reports.

Ms. Zimmerman presented the October and November 2023 budget summary and project status expenditure reports beginning on page 32 of the agenda. She stated that the new grants were awarded October 1, and the new projects were added on page 36. Page 43 shows grants that have been fully executed, and the deadline is March 30 to get fully executed.

Ms. Zimmerman noted that the Delegation of Authority on page 46 included the signing of projects; miscellaneous activities that Operations Director Ian Eyeington has completed on District sites; and the authorization to remove material on DMMA SJ-1.

The Commissioners and Mr. Breton discussed the lawsuit on DMMA BV-11.

ITEM 7. Delegation of Authority Report.

Ms. Zimmerman discussed this in the last item.

ITEM 8. Additional Agenda Items or Staff Comments.

There were no additional agenda items or staff comments.

ITEM 9. Additional Commissioners' Comments.

There were no additional Commissioners' comments.

ITEM 10. Adjournment.

The meeting was adjourned at 9:11 a.m.

Carl Blow, Acting Committee Chair

Attest: Buddy Davenport, Secretary

(SEAL)

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT**

Board of Commissioners Meeting

9:00 a.m., Friday, January 19, 2024

**Hyatt Place St. Augustine-Vilano Beach,
117 Vilano Rd.,
St. Augustine, (St. Johns County), Florida 32084**

ITEM 1. Call to Order.

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

ITEM 2. Pledge of Allegiance.

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

ITEM 3. Roll Call.

Commissioner Davenport called the roll and Chair Crowley and Commissioners Gernert, Boehning, Blow, Isiminger, Sansom, Stapleford, and Williams were present. Commissioner Cuzzo was absent. Commissioner Davenport stated that a quorum was present. Also in attendance were Executive Director Mark Crosley, Assistant Executive Director Janet Zimmerman, Attorney Peter Breton, USACE Project Manager Mr. Eduardo Marin, Mr. Nathan Otter from St. Johns County Parks and Recreation Department, Jon Moyle with Moyle Law Firm, Dr. Mike Kabling, Senior Engineer at Taylor Engineering, and Mr. Jim Marino of Taylor Engineering.

ITEM 4. Consent Agenda.

Commissioner Williams motioned to approve the consent agenda. Commissioner Blow seconded the motion. All were in favor and the motion passed unanimously.

ITEM 5. Additions or Deletions.

Commissioner Gernert made a motion to discuss a Personnel Committee request under additional Commissioner comments, Item 18a. Commissioner Davenport seconded the motion. Commissioner Isiminger voted nay. The motion carried.

Chair Crowley stated that it would be ok to discuss the item but understands if other Commissioners aren't comfortable moving forward with the item as it was not included in the agenda.

ITEM 6. Public Comments.

Mr. Mel Scott of Melbourne Beach thanked the Board for their public service. He noted that his firm, Atkins, has worked with FIND in the past and he wanted to introduce himself and say thank you.

Commissioner Sansom stated that it was good to see Mr. Scott and he looks forward to working with him in the future.

ITEM 7. Board Meeting Minutes.

Mr. Crosley presented the minutes of the October 2023 Finance and Budget Committee Meeting and the Board Meeting, and the November 2023 Finance and Budget Committee Meeting, Auditor Selection Committee Meeting, Personnel Committee Meeting, and Board Meeting.

Commissioner Isiminger asked if the section in the Personnel Meeting Minutes on page 48 of the agenda that states “Section 9 details termination without cause, which allows the Board by vote to terminate compensation and provides severance as authorized by Florida statutes for 20 weeks,” was correct. Mr. Breton noted that it was.

Commissioner Williams motioned to approve the minutes as presented. Commissioner Blow seconded the motion. All were in favor and the motion passed unanimously.

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

Ms. Zimmerman reviewed the St. Johns County area status and projects beginning on page 63 of the agenda.

Commissioner Blow stated that the county has done a fantastic job improving public access to the Intracoastal Waterway but could still use more ramps. He noted that the county has been laser focused on trying to improve public access. He also noted that Commissioner Waldron had done a great job focusing on this issue.

Commissioner Williams suggested making the Balmoral reports clear that the economic impact is only relevant to the county and not the ICW as a whole.

Chair Crowley suggested putting the economic impact reports as single PDFs on the District’s website.

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

Mr. Eduardo Marin, the IWW Project Manager with the U.S. Army Corps of Engineers (USACE), stated that DMMA O-23 is complete, and he is tracking to verify DEP has received the as-built drawings.

For IWW Volusia, the USACE team is continuing design. Volusia County continues to acquire the easements. They have a website that is tracking all parcels, and they are missing just 16 parcels but expect to get them all by the deadline.

At AIWW Sawpit Reach, USACE is making progress toward advertisement around February 29. Mr. Marin noted that USACE is requesting additional funds to cover the munitions screening and requested FIND Board approval of work order 62-2024-01 to redirect \$891,300 of surplus funds from the previous Work Order 48-2018-01 AIWW Sawpit project. Commissioner Blow motioned to approve the work order. Commissioner Davenport seconded the motion. All were in favor and the motion passed unanimously. Mr. Marin stated the project is tracking to dredge in the of June/beginning of July.

Mr. Marin stated that at IWW Matanzas, USACE received the FDEP permit modification on Dec 13, 2023, to dredge an additional 170k CY of shoal material and they expect an award modification by Jan 12, 2024.

Mr. Marin stated that at IWW Crossroads in Martin County, the Murden drag arm broke, but USACE dredged 17k cy of material, and a post dredge survey will be done Monday.

Mr. Crosley noted that USACE operated two small hopper dredges at one point, and the status of one of those is in question and the Murden is now crippled, which is concerning. He suggested that the Board consider writing a letter of support or intent to urge to continue the small hopper dredge program.

Commissioner Williams suggested also writing a letter to private dredging companies to encourage investment opportunities. Commissioner Blow agreed and suggested writing a strong letter to the Marine Industries Association.

The Commissioners discussed the small hopper dredge and its importance to the waterway, and possible steps to take to keep dredging opportunities/hoppers.

Chair Crowley suggested a resolution of support for USACE to maintain two shallow hopper dredges. Commissioner Williams motioned to add to the resolution to extend the number of hopper dredges to three and let the industry know the District is

interested in dredging services. The motion was seconded by Commissioner Blow. All were in favor and the motion passed unanimously.

Mr. Jim Marino gave a brief history of the USACE dredgers.

Mr. Marin noted that at AIWW Reach 1 in Nassau County, a work order is out for signature with the Colonel and once signed will come back to FIND and they can start the planning work right away. He noted that the water treatment plant north of DMMA NA-1 may be a concern.

For the miscellaneous items, Mr. Marin stated that he is coordinating a checklist of items needed for the contributive funds package and submitting them back to SAD.

Mr. Crosley noted that he planned to have the Regional General Permit by the end of December, but it was delayed. The Board discussed the status of the RGP and suggested calling the Colonel if the permit has not arrived by February 1.

Mr. Marin noted that USACE is coordinating the waterway trip for in the Southern section of the IWW. The Colonel is available in the last week of April, beginning of May. The trip will span from Miami to Stuart.

ITEM 10. St. Johns County Waterway Master Plan Presentation.

Mr. Nathan Otter from St. Johns County Parks and Recreation Department provided a project update highlighting the recent completion of their Waterway Access Master Plan, funded in part by a FIND grant. The purpose of the plan is to promote and maximize the public benefit and enjoyment of the Intracoastal Waterway and connections to other navigable waterways, while identifying and prioritizing the waterway access needs of the County's diverse communities.

The Public Waterway Access Master Plan provides a roadmap for a 5-year strategic and implementation plan prioritizing the areas for improved public waterway access, improved commercial access and strategies to meet the growing needs of the maritime community.

Commissioner Stapleford asked if funding is from impact fees? Mr. Otter noted that there is a general maintenance line in budget for all proposed new locations or expansions through Capital Improvement Program (CIP) and there are grant opportunities as well.

Commissioner Blow noted that he sees a real problem developing dealing with maintenance dredging in boat ramps and connecting channels in North Florida, and impacts many counties in in the District, and suggested promoting to city partners the possibility to build their own dredge material facilities or plans for storage.

ITEM 11. Tallahassee Report.

Jon Moyle with Moyle Law Firm, the District's state governmental relations firm, reviewed the State legislative activities that could be of interest to the District, beginning on page 101 of the agenda.

He noted that the following legislation was flagged and is being monitored: Mangrove replanting and Restoration, SB 32; Special Districts legislation; Safe Waterways Act HB 165/SB 338; and Anchoring of Vessels in Anchoring Limitation SB 192/HB 437.

Chair Crowley noted that HB 437 is the most significant anchoring exclusion legislation he has seen and understands the concern that local communities have. He noted that the policy reason is sound but also suggested getting support from cruisers and the Marine Industry. He noted that if local governments are going to create these exclusion zones, a precondition to doing that would be to establish a managed mooring field so boats can occupy waters of that municipality and encourage development of maritime infrastructure. He noted that if the District does not get involved and suggest solutions, it could end with something not good for FIND. He also asked staff to distribute the exhibit showing the 200-yard boundary to the Board members.

Commissioner Blow discussed the FWC pilot program in St. Augustine created to balance the needs of property owners and boaters and the city ordinances passed and stated it may be worth revisiting the ordinances. Chair Crowley requested that the old materials from the program be distributed to staff.

Mr. Crosley noted there are two critical vacancies on the Board and asked Mr. Moyle to track the appointment issues.

ITEM 12. Presentation and Recommendations of the Jupiter Inlet Area IWW Sediment Impoundment Basin Feasibility Study — Data Collection, Model Development, and Evaluation of Performance of Basin Alternatives, Palm Beach County, FL.

In October 2017, the Board approved a scope of work from Taylor Engineering to conduct a review and analysis of Intracoastal Waterway dredging efficiencies within the twelve-member counties of the Florida Inland Navigation District. In September 2018, Taylor Engineering presented their report to the Board. It was concluded that most of the dredging and cost associated with maintenance of the Intracoastal Waterway (IWW) primarily occurs around ocean inlets.

The recommendation of the overall study included individual modeling of the highest shoaling areas of the waterway near inlets. As a result, Taylor Engineering and the District have been systematically moving from north to south with analysis of the primary IWW dredging reaches influenced by ocean inlets.

In May 2020, the Board approved a scope and cost estimate to study the IWW in the Jupiter Inlet area. Dr. Mike Kabiling, Senior Engineer at Taylor Engineering, Inc., presented the initial report of the Jupiter Inlet Area IWW Sediment Impoundment Basin Feasibility Study to the Board in March 2021, at which time the Board requested additional modeling be done to look at any potential increase in shoaling margins along the inlet and a longer simulation period to get an indication of long-term changes in shoaling rates in the area.

Dr. Kabiling gave an updated presentation, found on page 107 of the agenda.

Commissioner Isiminger stated that it was an excellent report, and asked if the model will reflect the new or old bridge in regard to the hydrodynamics of the inlet. Dr. Kabiling noted that the bridge is not in the model and the structure does not change the results as it is far enough away from the area of interest. Commissioner Isiminger asked if the velocities shown are in the dredge channel? Dr. Kabiling replied yes and the surrounding areas too. Commissioner Isiminger noted that Alternate 8d has a significantly less potential impact on marine sedimentation and suggested taking another look at that option.

Commissioner Isiminger also asked if pre-dredging certain boxes helps marinas in these boxes or in between? Dr. Kabiling replied the whole area. Commissioner Isiminger asked if pre-dredging mitigates the score? Dr. Kabiling noted that the scores with pre-dredging would change and Commissioner Isiminger stated that that should be reflected in the report.

Commissioner Williams asked how the District would put this in to effect considering USACE will likely dredge, and how does FIND get this information to them and into actual operation? Dr. Kabiling noted that at Sawpit, Taylor showed USACE the study, they asked questions and then adopted their recommendations.

Mr. Crosley recommended Item 1 and asked Taylor to expand the report to take into consideration the impact on marinas and look at resources.

ITEM 13. Taylor Engineering Hourly Rate Adjustment.

The District's agreement with Taylor Engineering allows the firm's rates for services to be adjusted annually by mutual agreement. The District Engineer has submitted a request to revise the hourly rates that the firm charges for the various personnel that work on District projects. The firm has continued to remain responsive, timely and diligent while serving the District thoroughly.

Commissioner Isiminger noted that the rates are reasonable and motioned to accept the rate adjustment. Commissioner Stapleford seconded the motion.

Commissioner Williams stated that he is supportive of FIND's continuing agreement with Taylor.

All were in favor of the motion and the motion passed unanimously.

ITEM 14. Auditor Selection Committee Report.

Commissioner Blow presented the Auditor Selection Committee report to the full Board and motioned to approve the ranking and select the number one ranked firm, Berger Toombs, to negotiate a contract. Commissioner Williams seconded the motion. All were in favor and the motion passed unanimously.

Mr. Breton stated that he will draft an agreement and bring it back next month for the Board to approve.

ITEM 15. Finance and Budget Committee Report.

Commissioner Blow presented the Finance and Budget Committee report to the full Board and motioned to approve the financial statements to the full Board. Commissioner Davenport seconded the motion. All were in favor and the motion passed unanimously.

ITEM 16. Washington D.C. Report.

Ms. Zimmerman presented the Washington D.C. report beginning on page 126 of the agenda. She noted that FIND will host their Washington, D.C., trip March 5-8, and will hold meetings on March 7-8.

ITEM 17. Additional Staff Comments and Additional Agenda Items.

Ms. Zimmerman stated that the stretch of the Intracoastal from Miami to Key West is currently authorized, with the exception of the portion from Cross Bank to Key West, which was deauthorized in 1986.

The Board discussed requirements and restrictions of dredging and storing material outside of FIND's authority in that area. Commissioner Isiminger suggested adding it as a future agenda item. Mr. Crosley noted that the Board may want to pursue Federal Navigation Authority in the future.

The Board discussed the renaming of geographic monuments and waterways and referenced the memo that Mr. Breton drafted and passed out.

Ms. Zimmerman stated that the next Board meeting will be in Indian River County. The outreach is February 15 and the Board meeting in the City of Sebastian. The hotel and outreach will be at Capt. Hiram's.

ITEM 18a. Additional Commissioners' Comments.

Commissioner Gernert presented Item 18a to the Board.

Commissioner Gernert stated that he would like Mr. Breton to put together an agreement for Mr. Crosley that leaves the terms of calculation for compensation to be between 6 weeks to 90 days of his current compensation. The Personnel Committee will meet prior to the next meeting and come to the full Board with a recommendation.

Chair Crowley asked staff to get that ready as requested.

Mr. Breton stated that the District cannot give a bonus, but could add a provision to the employee handbook where an employee of 20 or more years can cash out 50% of their accrued leave, not to exceed 480 hours, to apply to all future employees as well.

Chair Crowley noted that was a great suggestion and asked to present that to the committee as an option.

Commissioner Davenport noted that he is very supportive of Mr. Crosley and hopes to move forward.

Commissioner Isiminger stated that any bonus is a gift, and it is not the Board's money to give away as it is taxpayer money, and there is no public interest served by it. He noted that to give public money is not appropriate.

Chair Crowley stated that he appreciated that this item was brought up to make sure the Board has a process and a path next month.

Commissioner Blow stated that the Legislature changed the DROP rules and that had a negative impact on Mr. Crosley's retirement plan. He noted that he doesn't consider this a bonus but making Mr. Crosley whole.

Commissioner Stapleford noted that if Mr. Crosley stayed on another 2-3 years, severance pay would be permissible.

Commissioner Sansom noted that he agreed with Commissioner Isiminger, and it is important to recognize what the DROP Program is about.

Mr. Crosley stated that DROP does not affect the District's budget whatsoever, but rather incentivizes employees to leave and provides a method to do so. He noted that the leave time that he has accrued has been earned.

Chair Crowley stated that he likes the idea of a personnel policy that is agnostic to the individual, and it will be good to discuss it at the next meeting when the Personnel Committee makes a recommendation to the full Board.

ITEM 18. Additional Commissioners' Comments.

Commissioner Stapleford thanked staff for a great meeting and Commissioner Blow for a great location.

Commissioner Blow thanked the Board for coming up and is looking forward to Indian River.

Commissioner Davenport noted it was a great meeting and thanked the Commissioners.

Commissioner Isiminger stated it was a great hotel and great city.

Commissioner Williams also noted it was a great hotel and would like a few minutes to discuss items of interest, such as dredging, and boat ramp and kayak docking facilities. Mr. Crosley asked him to send staff an email with an outline of these items.

Commissioner Sansom stated that he was sorry to miss the event, and appreciates the ability to participate over Zoom. He also noted that Chair Crowley did a good job with this meeting.

Commissioner Boehning stated that he attended a ribbon cutting yesterday at the Environmental Learning Center in Indian River.

Chair Crowley stated it was a great hotel, and thanked Commissioner Blow for hosting. He noted that he also went to a ribbon cutting for a project in Bal Harbor, and they agreed to host the Miami-Dade Outreach.

ITEM 19. Adjournment.

The meeting was adjourned at 12:38 p.m.

Spencer Crowley, Chair

Attest: Buddy Davenport, Secretary

(SEAL)

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT's
Personnel Committee Meeting
8:30 a.m., Friday, February 16, 2024**

**Sebastian City Hall
1225 Main Street
Sebastian, (Indian River County) FL 32958**

ITEM 1. Call to Order.

Ms. Janet Zimmerman called the meeting to order at 8:32 a.m.

ITEM 2. Roll Call.

Ms. Zimmerman called the roll and Commissioners Gernert, Boehning, Williams, Stapleford, and Davenport were present. Ms. Zimmerman stated that a quorum was present. Also in attendance were Executive Director Mark Crosley, Deputy Director Chris Kelley, and Attorney Peter Breton.

ITEM 3. Additions or Deletions.

There were no additions or deletions to the agenda. Commissioner Davenport motioned to approve the agenda as presented. Commissioner Williams seconded the motion. All were in favor and the motion passed unanimously.

ITEM 4. Public Comments.

There were no public comments.

ITEM 5. Current Executive Director Departure Discussion.

Commissioner Davenport noted that Mr. Crosley has served 20 plus years to FIND and has been a great leader. He noted that the severance funds would come from the interest money that covers all District admin costs. Commissioner Davenport motioned to approve the severance consideration. Commissioner Williams seconded the motion. All were in favor and the motion passed unanimously.

ITEM 6. Current Executive Director Pre-Retirement Agreement.

Ms. Zimmerman presented the agreement beginning on page 3 of the agenda.

Commissioner Williams motioned to approve a 10-week severance package for Mr. Crosley. Commissioner Davenport seconded the motion.

Commissioner Stapleford noted that Mr. Crosley is most deserving and has put in 25 years of hard work. He stated that he fully supports this proposal.

Commissioner Boehning agreed that Mr. Crosley's time with FIND does deserve recognition and that this package seems consistent with other entities.

Commissioner Isiminger asked if the District meets statute requirements for subsection 215.425(4)(a) if there is not a current employment agreement in place with the current Executive Director. Mr. Breton noted that entering into this contract will meet the requirement. Commissioner Isiminger stated that his previous comments on record have not changed.

All were in favor of the motion and the motion carried.

ITEM 7. Additional Agenda Items or Staff Comments.

There were no additional items or staff comments.

ITEM 8. Additional Commissioner Comments.

There were no additional Commissioner comments.

ITEM 9. Adjournment.

The meeting was adjourned at 8:53 a.m.

Frank Gernert, Committee Chair

Attest: Stephen Boehning, Secretary

(SEAL)

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT
Finance and Budget Committee Meeting
8:45 a.m., Friday, February 16, 2024
Sebastian City Hall
1225 Main Street
Sebastian, (Indian River County) FL 32958**

ITEM 1. Call to Order.

Committee Chair Boehning called the meeting to order at 8:53 a.m.

ITEM 2. Roll Call.

Deputy Director Chris Kelley called the roll and Commissioners Boehning, Gernert, Davenport, Blow, and Sansom were present. Commissioner Boehning stated that a quorum was present. Also in attendance were Executive Director Mark Crosley, Assistant Executive Director Janet Zimmerman, and Finance Director Glenn Scambler.

ITEM 3. Additions or Deletions.

There were no additions or deletions. Commissioner Blow motioned to approve the agenda as presented. Commissioner Gernert seconded the motion. All were in favor and the motion passed unanimously.

ITEM 4. Public Comments.

There were no public comments.

ITEM 5. Financial Statements for December 2023.

Ms. Zimmerman reviewed the financial statements beginning on page 3 of the agenda. She noted that most of the tax revenue has come in from Seacoast National Collections, which is around \$32k. The Bank United CD has come up for renewal, and Mr. Scambler kept it at Bank United at a rate of 4.59%. Other miscellaneous revenue includes the Rybovich payment for storage of materials for Peanut Island. The ICW dredging payment is the work order to USACE for Sawpit and Peanut Island offloading for Palm Beach County. Pages 7-9 show tax revenues by county and page 11 shows the DMMA SJ-1 payment.

Commissioner Isiminger asked about the status of the old office. Ms. Zimmerman stated that staff will begin working on a formalized plan in March. She noted that staff

currently has three quotes for AC replacement. Mr. Crosley stated that four contractors have shown up, but none have returned any quotes.

Commissioner Blow commended Mr. Scambler for pursuing having the District be exempt from stormwater fees.

Commissioner Blow motioned to recommend the financial statements to the full Board. Commissioner Davenport seconded the motion. All were in favor and the motion passed unanimously.

ITEM 6. December 2023 Budget Summary and Project Status Expenditure Reports.

Ms. Zimmerman presented the December 2023 Budget Summary and Project Status Expenditure reports beginning on page 17 of the agenda. She noted that the Disaster Relief account has been increased from the previous year, and there is currently a natural disaster grant awarded for \$400k dollars, leaving a remaining \$4M available for the upcoming hurricane season.

The Commissioner discussed the natural disaster relief grants.

ITEM 7. Delegation of Authority Report.

Ms. Zimmerman discussed the grant agreements and noted that they need to be fully executed by end of March.

ITEM 8. Additional Agenda Items or Staff Comments.

There were no additional items or staff comments.

ITEM 9. Additional Commissioners' Comments.

There were no additional commissioner comments.

ITEM 10. Adjournment.

Commissioner Boehning stated that hearing no further business the meeting was adjourned at 9:15 a.m.

Stephen Boehning, Committee Chair

Attest: Buddy Davenport, Secretary

(SEAL)

**MINUTES OF THE
FLORIDA INLAND NAVIGATION DISTRICT
Board of Commissioners Meeting
9:00 a.m., Friday, February 16, 2024
Sebastian City Hall
1225 Main Street
Sebastian, (Indian River County) FL 32958**

ITEM 1. Call to Order.

Chair Crowley called the meeting to order at 9:16 a.m.

ITEM 2. Pledge of Allegiance.

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

ITEM 3. Roll Call.

Secretary Davenport called the roll and Chair Crowley and Commissioners Boehning, Gernert, Blow, Isiminger, Sansom, Stapleford, and Williams were present. Commissioner Cuozzo was absent. A quorum was present. Also in attendance were Executive Director Mark Crosley, Assistant Executive Director Janet Zimmerman, Deputy Director Chris Kelley, Attorney Peter Breton, USACE Project Manager Eduardo Marin, Jerry Scarborough of Taylor Engineering, Ms. Alix Bernard of the City of Sebastian, and Mr. Mel Scott of Melbourne Beach.

ITEM 4. Consent Agenda.

Commissioner Gernert motioned to approve the consent agenda. Commissioner Davenport seconded the motion. All were in favor and the motion passed unanimously.

ITEM 5. Additions or Deletions.

Commissioner Gernert requested to change Item 10 to discuss the status of the office expansion plans and Item 15a to review the Personnel Committee report.

Commissioner Blow motioned to approve the amended agenda. Commissioner Isiminger seconded the motion. All were in favor and the motion passed unanimously.

ITEM 6. Public Comments.

Ms. Alix Bernard from the City of Sebastian gave a brief overview of the highlights of the working waterfront in the City of Sebastian and thanked the Board for coming to Sebastian.

Chair Crowley thanked Ms. Bernard and commended the City on doing a great job, and noted that Sebastian is the poster child of the working waterfront program. He suggested that they utilize FIND's grant program, and stated that the District would love to help to continue to invest in their community. He also asked Ms. Bernard to send the FCT grant agreement that they have to staff as he would like to see how that is structured.

Commissioner Sansom stated that it is important to recognize the history of this program. He noted that Senator Mayfield spearheaded this program to facilitate the long-term survival of working waterfronts.

Mr. Mel Scott of Melbourne Beach thanked the Board for the Outreach. He stated that he would like to request that FIND declare its intention to advertise RFQs to allow engineers to allow their services and requested the Board's consideration and opportunity to participate in the bidding process.

Commissioner Stapleford presented Mr. Crosley with a coin from Congressman Waltz and a Certificate of Special Congressional Recognition on behalf of three Congressional Districts.

ITEM 7. Board Meeting Minutes.

Chair Crowley asked if there were any comments or questions regarding the December 8, 2023, Board Meeting and Finance minutes.

Commissioner Isiminger noted that he would like the previous meeting minutes available each month and motioned to approve the Board meeting minutes. Commissioner Blow seconded the motion. All were in favor and the motion passed unanimously.

ITEM 8. Staff Report on Indian River County Area Status and Projects.

Ms. Zimmerman reviewed the staff report on Indian River County beginning on page 47 of the agenda.

Commissioner Blow asked if DMMA IR-14 is the site with the FDOT ditch in the center? Ms. Zimmerman stated that it is, and the District is currently working to get the ditch shifted to the north edge of the property and then begin construction. Mr. Jerry Scarborough noted that Taylor Engineering is currently at 60% in the design phase of the project. Relocating the FDOT ditch is a process as there has to be a land swap, but they are making progress.

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

Mr. Eduardo Marin, the IWW Project Manager with the U.S. Army Corps of Engineers (USACE), stated that USACE, DEP, FIND, and Taylor Engineering met last week to do an

inspection required as part of the closing out permit for DMMA O-23. He stated that there were no issues, and they are waiting for DEP to complete the final paperwork to convert the site to operational.

At IWW Volusia, Volusia County is making progress collecting easements and advertising is tracking for May 30. There are 5 parcels remaining, and the county should have the rest by the end of the month, otherwise the project will convert over to the nearshore if all parcels are not in hand.

Mr. Marin requested the approval of Work Order 63-2024-02. Commissioner Blow motioned to approve the work order. Commissioner Davenport seconded the motion. All were in favor and the motion passed unanimously.

The Board discussed eminent domain options. Mr. Marin noted that the remaining five parcels are not hold outs, and Volusia County has received verbal concurrence and is waiting for documents to be signed.

Mr. Marin stated that AIWW Sawpit is tracking for advertising on February 29 and there are no issues.

Mr. Marin noted that at IWW Matanzas, the USACE awarded a modification to dredge an additional 174k cy of material and the contractor plans to finish in March.

At IWW Crossroads/Jupiter, permitting discussions began, and then plans and specs will start. Mr. Jerry Scarborough asked if a channel condition survey was completed? Mr. Marin stated that USACE did collect a survey, but it has not been processed.

Mr. Marin stated that at AIWW Reach 1 near Nassau, USACE is evaluating the shoaling and determining the overall scope. He noted that DMMA NA-1 is small, and Amelia Island State Park may be a backup if possible. He stated that there is not a date to begin dredging as the uncontrolled portion of the channel is presenting a challenge and he is estimating the project is at least a year out. Ms. Zimmerman stated that FIND will advocate for this project when staff and the Board visits Washington, D.C.

The Board discussed the material and capacity of DMMA NA-1 and the possibility of offloading it.

Mr. Marin noted that he did receive questions and comments from USACE attorneys regarding the draft partnership agreement. USACE will address those before sharing with FIND but it is making progress. The congressional notification package was submitted back to USACE

South Atlantic Division (SAD) for final review before submitting to headquarters. The Contributive Funds Agreement will be drafted and it is a matter of waiting for division headquarters to forward to headquarters with their concurrence.

Mr. Marin noted that the waterway inspection trip will be held May 1-May 3. Chair Crowley also suggested a Miami River tour April 30 before departure.

ITEM 10. Office Update Report.

Commissioner Gernert stated that he was interested in finding out the status and intention of moving forward with the office renovations.

Ms. Zimmerman noted that staff has the ability to extend the lease at the Bureau of Land Management (BLM) property. Mr. Crosley met with numerous contractors but did not receive any price quotes or final responses. Monday is a staff day at the old office to empty it out. Staff will get together in March and make a list and order of items to be done, to include IT updates and review received quotes from AC companies, which is a priority.

Chair Crowley asked what the terms of the lease or agreement are with BLM? Ms. Zimmerman noted that they are willing to extend the agreement as long as FIND needs at no cost to the District.

Chair Crowley stated that it is concerning that there has been no receptivity or interest from general contractors and suggested putting out a bid package out to local contractors, as well as setting up a committee on the Board to help manage the project.

Commissioner Isiminger agreed with Chair Crowley that a GC should manage the project, not staff. He also noted that the AC replacement should be completed last. The Commissioners discussed the possibility of selling the old office and staying at the BLM site long term, as well as renegotiating the current lease with FWC.

Chair Crowley suggested that staff create a spec sheet of what they need in the office in the long run.

Commissioner Gernert motioned to make a committee to oversee this issue. Commissioner Boehning seconded the motion.

Ms. Zimmerman noted that there is a Real Estate and Land Management Committee that can take on the issue. She asked any Commissioners who are interested in joining the committee to let her know.

Commissioner Stapleford disagreed that another committee is needed.

Chair Crowley noted that there was a motion from Commissioner Gernert and a second from Commissioner Boehning to address these issues through the Land Acquisition Committee. All were in favor with the exception of Commissioner Stapleford, who voted nay. The motion passed.

ITEM 11. Modification to the City of Miami Morningside Park Phase II DA-MI-23-284 Waterways Assistance Program Project Agreement, Miami, Miami-Dade County, FL

In September 2023, the Florida Inland Navigation District (FIND) Board approved a grant of \$4,352,670 for improvements at Morningside Park in Miami. In November 2023, the City of Miami entertained a resolution to initiate steps to potentially establish a boating restricted area around Mangrove Island, a spoil island in Biscayne Bay, citing a Brown Pelican nesting rookery. This proposed restriction raised concerns about its impact on public boating access and activities, conflicting with the objectives of FIND's grant and the Miami-Dade County Waterfront Recreational Access Plan.

In response, the FIND Board, at their November 2023 meeting, approved delaying the final execution of the DA-MI-23-284 Morningside Park Phase II Project Agreement. FIND communicated its position, advocating for continued boating access and opposing additional speed zone restrictions, to the City of Miami and the Florida Fish and Wildlife Conservation Commission (FWC). Subsequently, the City of Miami modified the proposed resolution after considering FIND's input and has directed the City Manager to work with FIND on any future actions the City might consider.

Pursuant to Rule 66B-2.004(5), FIND staff are now requesting Board approval to include additional clarifying language in the project agreement to ensure alignment with the grant's original intentions and the preservation of public access.

Commissioner Blow motioned to approve the additional language. Commissioner Boehning seconded the motion. All were in favor and the motion passed unanimously.

ITEM 12. Approval of the Auditor Engagement Letter with Berger, Toombs, Elam, Gaines & Frank.

On January 19, 2024, the Auditor Selection Committee conducted a thorough evaluation and ranking of the four (4) Request for Proposals (RFPs) submitted in response to the District's solicitation in December. Following this process, Berger, Toombs, Elam, Gaines & Frank emerged as the top-ranked auditing firm.

In accordance with this selection, staff have prepared an engagement letter for the Board's approval, formalizing the appointment of Berger, Toombs, Elam, Gaines & Frank. This engagement letter outlines the terms for the audit services beginning with the fiscal year (FY) 2022-2023. The agreement establishes a commitment for an initial duration of five (5) fiscal years, with an option to extend the contract for up to an additional five (5) fiscal years. Such an extension would be contingent upon mutual written agreement from both parties involved.

The Board is now requested to review and approve this engagement letter, thereby finalizing the selection of Berger, Toombs, Elam, Gaines & Frank for the District's FY 2022-2023 financial audit and potentially for subsequent fiscal years as outlined in the agreement.

Commissioner Gernert motioned to approve the auditor engagement letter. Commissioner Boehning seconded the motion. All were in favor and the motion passed unanimously.

ITEM 13. Finance and Budget Committee Report.

Commissioner Boehning presented the Finance and Budget Committee report and motioned to approve the report to the full Board. Commissioner Stapleford seconded the motion. All were in favor and the motion passed unanimously.

ITEM 14. Washington D.C. Report.

Ms. Zimmerman reviewed the Washington D.C. report on page 118 of the agenda. She stated that meetings will be held on March 7 for the Washington, D.C trip.

ITEM 15a. Personnel Committee Report.

Commissioner Gernert presented the Personnel Committee report to the full Board and recommended approval and consideration of 10 weeks' severance pay for Mr. Crosley.

Chair Crowley asked how the District has handled this with staff in the past and how that determination was made. Ms. Zimmerman noted that two staff members who had served greater than 19 years were awarded 6 weeks of severance pay. The Executive Director has that authority through the employee handbook to make that determination upon their departure.

Commissioner Davenport noted that Mr. Crosley has done a great job and is a good steward to taxpayers in the District. He motioned to approve the 10 weeks of severance pay. Commissioner Stapleford seconded the motion.

Commissioner Isiminger noted that he continues to believe it is inappropriate to pay the severance as there is no public benefit. He stated that the two previous employees are not an applicable comparison as they were awarded under a different statute. He stated that the contract

serves to protect the employee and the District, and as this contract is after the fact, it seems to be a reward, which is not the intent of the statute. He stated that he does not support the motion.

Commissioner Blow noted that the Legislature has provided the authority to move forward with this action and if it was not in the best interest of taxpayers, the legislation wouldn't have been adopted.

Chair Crowley asked if the agreement contains language that Mr. Crosley agrees to not bring any claims against the District?

Mr. Breton noted that as the contract is currently drafted there is not a waiver of dispute or release for Mr. Crosley, but it can be inserted.

Commissioner Gernert recommended adding a hold harmless agreement.

Commissioner Sansom stated that it is important to recognize what the DROP Program provides, and agreed with Commissioner Isiminger that a payment is inappropriate and too close to retirement.

Chair Crowley restated the motion to approve severance pay at 10 weeks and amended it to add a waiver of dispute to the contract. Commissioner Davenport and Commissioner Stapleford agreed to add the waiver to the motion. Commissioners Gernert, Blow, Boehning, Williams and Davenport voted yay. Commissioners Isiminger and Sansom voted nay. The motion passed.

ITEM 15. Additional Staff Comments and Additional Agenda Items.

Ms. Zimmerman noted that Commissioners Boehning and Gernert will attend the Washington, D.C. trip. She also stated that the Waterway Inspection Tour will be May1-May 3, with the possibility of a Miami River tour the evening of April 30.

Ms. Zimmerman stated that the next Board meeting will be in Flagler County, April 18-19, and May's meeting will be in Miami.

Mr. Crosley stated that he has been with the organization for quite some time and it has been a privilege to serve the Board and citizens. He stated that the District is in very capable hands and will see improvements. He noted that it has been a pleasure to work for the District, and its important mission, and stated that it is the best maintained waterway in the country.

Chair Crowley noted that he spoke with many officials and groups involved with the waterway from around the country at the Miami Boat Show, and the consistent message was that FIND is the model for how waterways should be managed around the country, and there was much

gratitude and appreciation for the work that FIND does. He noted that was due in large part to Mr. Crosley's leadership to this group.

Ms. Zimmerman noted that the national WEDA conference will be in Tampa at the end of June, and FIND, Taylor Engineering, and USACE will be presenting on waterway management and history in the state of Florida.

ITEM 16. Additional Commissioners' Comments.

Commissioner Stapleford thanked Commissioner Boehning for a great outreach. He also thanked Mr. Crosley, and noted that in his short time on the Board has shown a wealth of knowledge. He stated that all members of the Board, Mark continued to impress him and that they may disagree but are all in for one purpose.

Commissioner Boehning also thanked Mr. Crosley and agreed the Commissioners have been very generous with their time and helping him acclimate to this program. He asked for the following items to be added to future agenda: a dredging presentation and CCNA options. He also thanked the City of Sebastian.

Chair Crowley noted that those items have been discussed but the option to discuss that in greater detail is a possibility.

Commissioner Gernert stated that he had the opportunity this month to talk to the City of Fort Lauderdale Marine Advisory Board, and that they are interested in FIND and recognize the District as a valued partner. He also thanked Mr. Crosley for helping guide and educate him along the way.

Commissioner Davenport thanked Commissioner Boehning for the outreach, and wished good luck to Mr. Crosley. He also noted he would like to revisit the discussion of giving other engineering firms opportunities to work with the District.

Commissioner Isiminger thanked Mr. Crosley for his years of service, and stated that he should be proud of what was accomplished, particularly getting the DMMA's operating.

Commissioner Blow stated that it was a great outreach and venue, and that the city is beautiful and the last of Old Florida. He noted Mr. Crosley has done a great job and wished him good luck.

Commissioner Blow discussed his concerns with the proposed anchoring limitations and community workforce housing.

Chair Crowley noted that in Miami Beach, there has been some discussion and mooring field suggestions. He added that during the boat show, boater associations continued to express their concern and opposition to this.

Commissioner Sansom stated that he was sorry to miss the outreach and noted that the anchoring issue is very important to the State of Florida. It's the old question of "If not here, where?"

Chair Crowley stated that he was concerned about official records and maps in the old office and asked staff to handle the issue as appropriate. He also noted that Miami-Dade County is opening the Manatee Protection Plan for the first time since 1995, which has been used by regulators to prevent responsible development of marine development in the county. This opening of the plan creates an opportunity for the marine industry to try to get reasonable concessions to allow expansions, and reconciliation of government regulations that compete against each other. He noted that the Miami River Commission recommended changes to the plan that he would like to see how they play out, and it would be helpful for FIND to be supportive.

ITEM 17. Adjournment.

Chair Crowley adjourned the meeting at 11:52 a.m.

Spencer Crowley, Chair

Attest: Buddy Davenport, Secretary

(SEAL)



FLAGLER COUNTY PROJECT STATUS UPDATE

APRIL 2024

Dredged Material Management Plan

Phase I of the Dredged Material Management Plan for the Intracoastal Waterway in Flagler County was completed in 1993. Phase II of the DMMP was completed in 1994 and updated in 2016. All major land acquisitions were completed in 1996. *(Please see the attached maps).*

The revised (2016) 50-year dredging projection for the 20 miles of channel in Flagler County is 771,830 cy/yds and the storage projection is approximately 1,659,434 cy/yds, a slight *decrease* from previous estimates. However, estimated volumes in Reach I have increased.

Phase I construction has been completed for all three upland sites in Flagler County, DMMA FL-3, DMMA FL-8, and DMMA FL-12. All the sites have been fenced and the buffer of DMMA FL-12 was landscaped several years ago. Stabilization of the shoreline of DMMA FL-8 has been completed along with the installation of a pedestrian pathway along the shoreline that connects an existing waterfront walkway to the City of Palm Coast's Waterfront Park. Plans, specifications and permitting for DMMA FL-3 were completed in 2013. Construction of this site was completed in 2015 and received material from the 2019 maintenance dredging project. Under a 2023 interlocal agreement, Flagler County removed 160,000 CY of material from the DMMA FL-3 for shoreline restoration.

Waterway Dredging

Routine maintenance dredging of the Intracoastal Waterway in the vicinity of the Flagler Reach I was completed in 1986, 2011 and again in 2019, with a section of Flagler Reach II being dredged in 1979 and 1986 and Flagler Reach III last needing dredging in 1979. The 2019 USACE project removed an estimated 350,000 cu/yds of material from the waterway, some of which originated from Hurricane Dorian. Whenever possible, these projects placed the beach-quality material on the beaches at Summer Haven south of the inlet. In addition, the 2019 maintenance dredging project in Flagler Reach I moved an estimated 180,000 cu/yds of material into DMMA FL-3. The USACE recently (2024) completed another maintenance project of the IWW north of the Town of Marineland (SJ-V).

Waterways Economic Study

The Flagler County Waterways Economic Study was completed in 2002 and updated in 2011, 2018 and again in 2021. The latest update found that the waterway related businesses in the county employ over 1,900 people, with boaters alone contributing \$50 million of the annual total economic impact of \$335 million. \$79 million in Flagler County property sales values are attributed to the property's proximity to the IWW channel. There are over 6,500 registered vessels in the county. *(Please see the attached map).*

Waterways Assistance Program

Since 1986, the District has provided over \$3.8 million in Waterways Assistance Program funding to 37 projects in the County having a total constructed value of \$9.2 million. The County, the City of Flagler Beach, Marineland and the City of Palm Coast have all participated in the program. *(Please see the attached listing).*

Notable projects funded include Waterfront Park; Bings Landing, Moody, Grand Haven South, North Park boat ramps; Marineland Marina; Pal Parker Park; and Flagship Harbor Preserve.



FLAGLER COUNTY PROJECT STATUS UPDATE

APRIL 2024

Cooperative Assistance Program

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

Interlocal Agreement Program

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

Waterway Clean Up Program

The District has consistently partnered with the City of Palm Coast for many years on waterway cleanup projects in Flagler County, in the amount of \$5,000 per year.

Small-Scale Derelict Vessel Removal Program

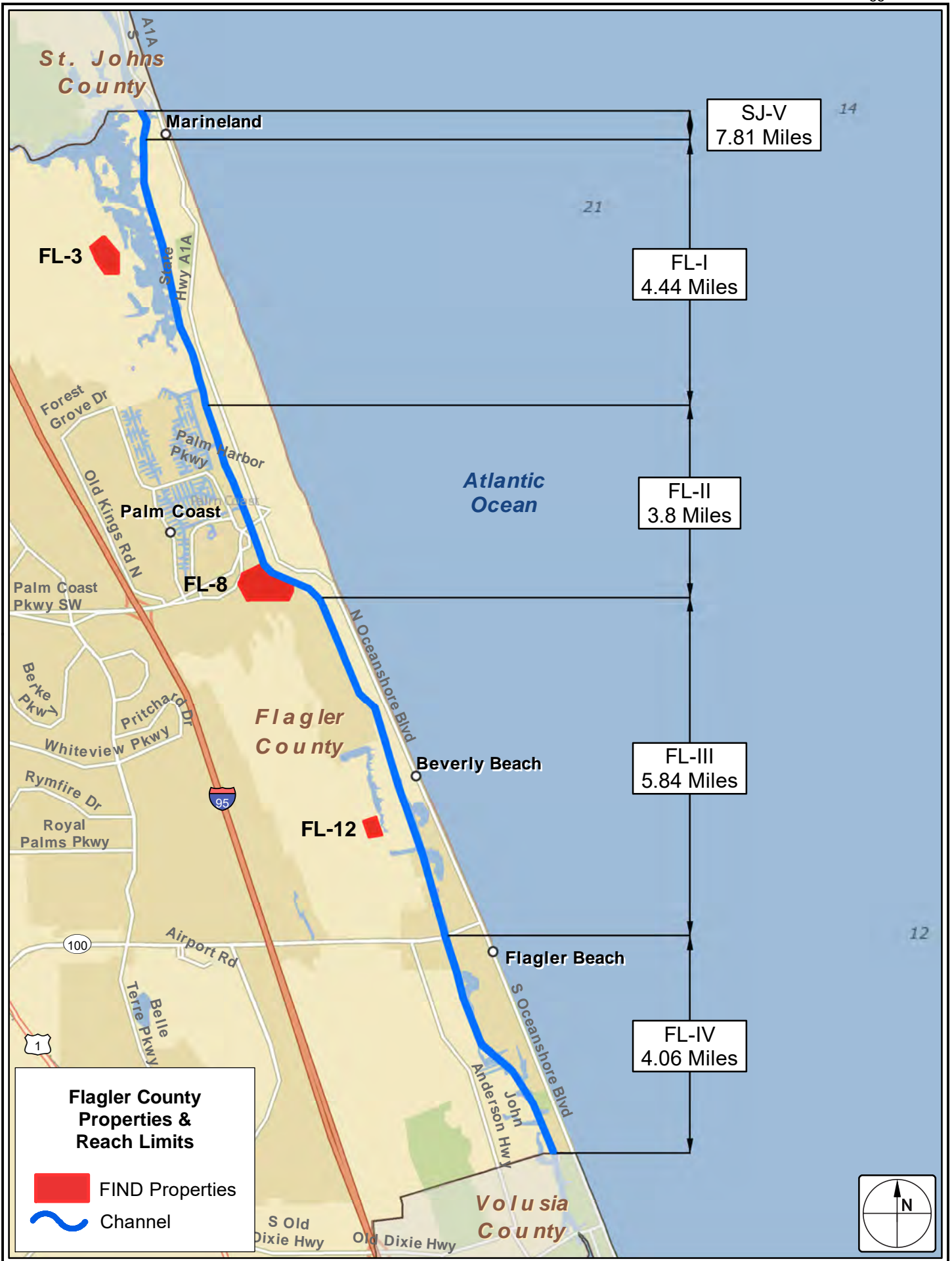
Flagler County and the Town of Marineland have previously participated in the Small-Scale Derelict Vessel Removal Program with \$13,240 in District-contributed funding.

Small-Scale Spoil Island Enhancement and Restoration Program

To date, no spoil island enhancement or restoration projects have been funded in Flagler County.

Public Information Program

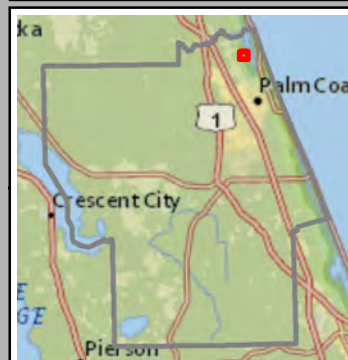
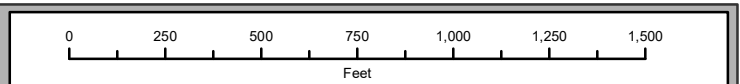
The District currently prints and distributes brochures with information pertaining to Flagler County Waterways. Additional waterway information and useful links are available on the District's website at <http://www.aicw.org/>.





FL-3

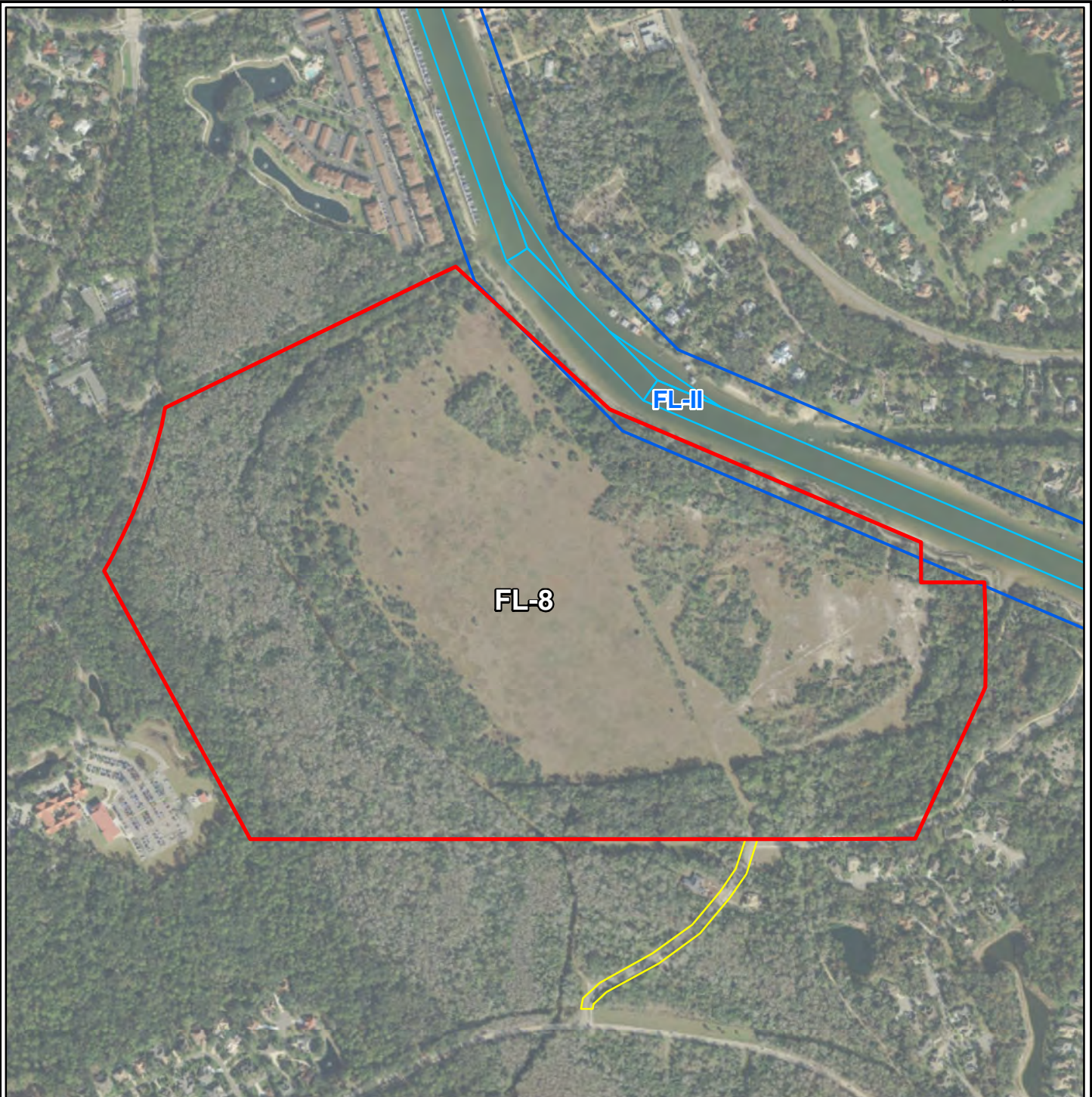
Site	FL-3
Common Name	Flagler South
County/City	Flagler/Unincorporated
Geographic Proximity	Marineland to N/Canal, Palm Coast
Acquisition Dates	11/13/1996, 9/19/1997
Status	Constructed
Year Constructed	2015
Reach/Cuts	FL-1 / F-2 to F-10
Site Acres	106.3
Basin Acres	44.29
Design Capacity (cy)	777,740



Legend

- Property Boundary
- Easement (if shown)
- Reaches (if shown)
- Cuts (if shown)





Site	FL-8
Common Name	Flagler North Site
County/City	Flagler/Palm Coast
Geographic Proximity	N. Canal, Palm Coast to N. End Fox Cut
Acquisition Dates	12/21/1989, 11/13/1996, 12/9/1997
Status	Property Acquired
Year Constructed	NA
Reach/Cuts	FL-II / F-11 to F-19
Site Acres	213.5
Basin Acres	101.22
Design Capacity (cy)	1,767,893

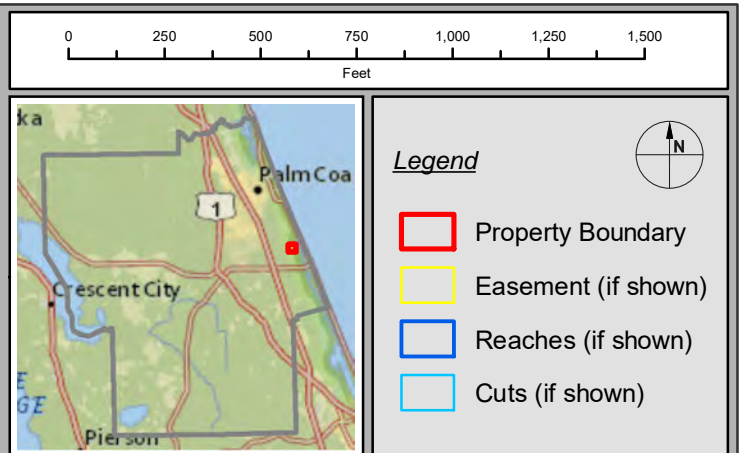
0 750 1,500 2,250
Feet

Legend

- Property Boundary
- Easement (if shown)
- Reaches (if shown)
- Cuts (if shown)



Site	FL-12
Common Name	Flagler Central Site
County/City	Flagler/Palm Coast
Geographic Proximity	N. End/Fox Cut to Flagler/Volusia County Line
Acquisition Dates	11/13/1996, 12/9/1997
Status	Property Acquired
Year Constructed	NA
Reach/Cuts	FL-III & IV / F-20 to F-32
Site Acres	37.4
Basin Acres	10.13
Design Capacity (cy)	101,476





ECONOMIC BENEFITS⁵⁹ OF THE DISTRICT WATERWAYS

Flagler, 2022

TOTAL ANNUAL ECONOMIC IMPACT **\$335M**

TOURISM SPENDING

\$87 Million

generated
annually from
46,000 visitors



BOATER SPENDING

\$50 Million

local boater spending
from Registered Vessels



PROPERTY SALES VALUE

\$79 Million

portion of property
sales values
attributed to
ICW proximity



Flagler County is home to a 225,000 square foot Boston Whaler factory, a popular manufacturer of recreational boats with their fiberglass boats used nationwide. Over 400 jobs are supported by this production center, managed by the headquarters in nearby Edgewater, FL.



Flagler's Waterways
currently support 1,940
jobs countywide



FIND INVESTMENT in the ICW of **\$4.3 Million**

protects annual
economic impact of

\$335 Million



ANNUAL TAX BENEFITS

\$22M



FEDERAL TAX REVENUE

\$12M



STATE AND LOCAL TAX REVENUES



Registered vessels
utilizing the ICW
5,375



Pleasure boating	3,402
Fishing	1,488
Sailing & other activities	213
Watersports	532



Economic Benefits of the District Waterways, 2022



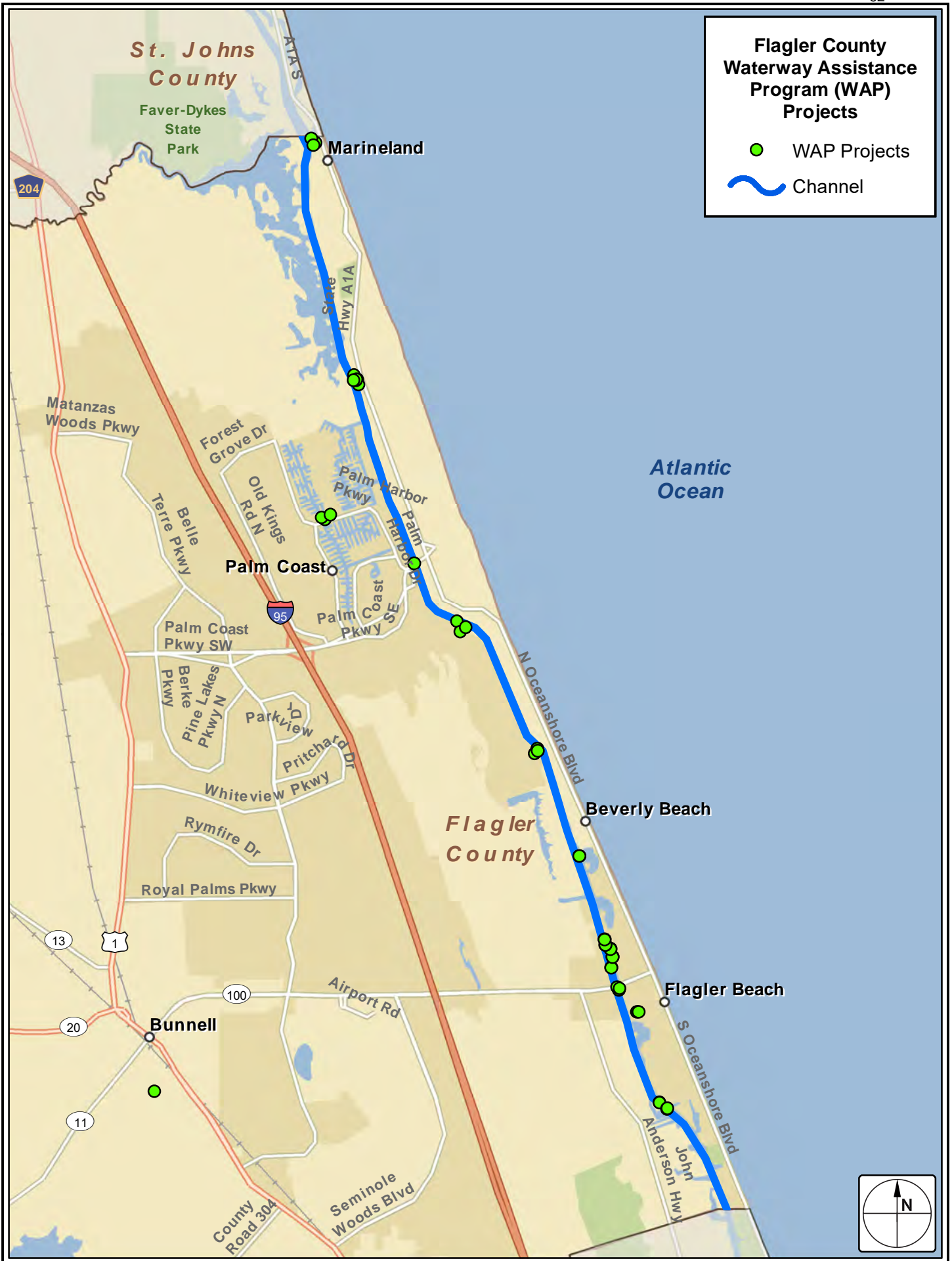
The Florida Inland Navigation District (District) is the state sponsor for Federal navigation projects along the Intracoastal Waterway (IWW) in Flagler County. Over \$4.3 million has been invested in the past 34 years for navigation and other access projects. These investments and the Waterways itself generate significant economic impact throughout Flagler County and wider region.

Economic modeling techniques were used to estimate the value created by District Waterways. To find the share of property value that is attributable solely to the proximity to the IWW, hedonic price modeling was used. Hedonic modeling shows that proximity to the Intracoastal Waterway adds value to homes within 1500m of District Waterways in Flagler County. In total, the proximity to District Waterways makes up about \$1.3 Billion, or 6%, of the \$23 Billion in property values across Flagler County. Annualized, the IWW and its connecting navigable tributaries and canals makes up about \$79 million in actual sales value yearly.

Portion of Property Value Attributable to IWW Proximity

Property Type	Premium % of Sales Price	Total Waterway Amenity Value
Waterfront	38%	\$347M
Canal/river access to Waterways	23%	\$436M
Non-waterfront to 500m	13% - 17%	\$106M
500m - 1500m from Waterway	3% - 13%	\$428M
Total		\$1.3B

PROJECT NUMBER	PROJECT NAME	PROJECTS SPONSOR	GRANT AMOUNT	TOTAL COST
FL-07-13	Bing's Landing Park Addition Improvements - Phase I	Flagler County	\$25,000.00	\$105,000.00
FL-09-15	Bing's Landing Addition County Park	Flagler County	\$80,310.00	\$160,620.00
FL-09-16	Bing's Landing Dredging	Flagler County	\$93,750.00	\$187,500.00
FL-1	Moody Boat Ramp	Flagler County	\$40,000.00	\$80,000.00
FL-12-18	Accessibility Improvements At Bing's Landing	Flagler County	\$64,040.00	\$151,540.00
FL-12-19	Bing's Landing Restroom & Basin Dock	Flagler County	\$76,900.00	\$182,850.00
FL-12-20	Eyes On Navigation	Flagler County	\$22,210.00	\$50,000.00
FL-14-23	FCSO Boating Safety Program	Flagler County Sheriff's Office	\$30,000.00	\$60,000.00
FL-15-25	Boater Improvements at Herschel King Park	Flagler County	\$62,436.00	\$124,872.00
FL-15-26	Moody Boat Launch & Restroom	Flagler County	\$113,187.00	\$226,374.00
FL-20-30	Bing's Landing Seawall and Access Improvements	Flagler County	\$100,000.00	\$200,000.00
FL-23-35	Marine LE Search and Rescue Vessel	Flagler County	\$39,568.00	\$79,137.00
FL-88-2	East Bridge Park Dev. (Transferred to Moody Boat Ramp)	Flagler County	\$38,000.00	\$160,000.00
FL-90-3	Bings Landing Park Development	Flagler County	\$66,000.00	\$132,000.00
FL-93-4	Flagship Harbor Preserve - Phase I	Flagler County Board Of Commissioners	\$71,996.00	\$135,479.00
FL-96-5	Flagship Harbor Preserve - Phase II	Flagler County Board Of Commissioners	\$52,468.00	\$104,936.00
FL-98-7	Grand Haven South Park - Phase I	Flagler County	\$72,743.97	\$235,075.37
FL-99-8	Flagler County Sheriff's Office Marine Unit	Flagler County Sheriff's Office	\$55,500.00	\$74,000.00
FL-FB-00-9	Public Navigation Channel Dredging - Phase II	City Of Flagler Beach	\$75,000.00	\$150,000.00
FL-FB-01-10	Public Navigation Dredging - I I	City Of Flagler Beach	\$90,000.00	\$109,500.00
FL-FB-02-11	Smith's Creek Shoreline Stabilization	City Of Flagler Beach	\$17,200.00	\$30,000.00
FL-FB-18-29	Pal Parker Park and Kayak Launch, Part I (2018-22)	City of Flagler Beach	\$196,663.00	\$393,325.00
FL-FB-97-6	Public Navigation Channel Dredging - Phase I (Expired)	City Of Flagler Beach	\$8,910.00	\$9,900.00
FL-MA-16-27	Marineland Marina, PH IIB	Town of Marineland	\$200,000.00	\$400,000.00
FL-ML-10-19	Marineland Marina	Town Of Marineland	\$202,160.00	\$404,320.00
FL-ML-14-24	Marineland Marina Phase B Construction	Town of Marineland	\$136,983.00	\$630,000.00
FL-ML-17-28	Marineland Marina PH 3 (2017-2023) EXPIRED	Town of Marineland	\$175,000.00	\$350,000.00
FL-ML-22-34	Marineland Marina Reconstruction Phase 4	Town of Marineland	\$140,250.00	\$280,500.00
FL-PC-05-12	North Park	City Of Palm Coast	\$130,810.00	\$261,620.00
FL-PC-08-14	Waterfront Park - Phase II	City Of Palm Coast	\$296,750.00	\$653,500.00
FL-PC-09-17	Long's Landing Estuary - Phase I	City Of Palm Coast	\$75,000.00	\$150,000.00
FL-PC-13-21	Long's Landing Estuary - Phase II	City Of Palm Coast	\$167,843.00	\$469,400.00
FL-PC-14-22	Long Creek Nature Preserve Navigational Signs	City of Palm Coast	\$10,000.00	\$20,000.00
FL-PC-20-31	Waterfront Park Part 1	City of Palm Coast	\$146,000.00	\$700,000.00
FL-PC-21-32	Waterfront Park Phase IIA	City of Palm Coast	\$211,250.00	\$422,500.00
FL-PC-22-33	Waterfront Park Phase IIB	City of Palm Coast	\$175,750.00	\$351,500.00
FL-PC-23-36	Waterfront Park Part 2	City of Palm Coast	\$286,032.00	\$1,048,528.80
Totals			\$3,845,709.97	\$9,283,977.17





**IWW STATUS
UPDATE
FIND Board of
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March 19, 2024**



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

CONTRACT AMOUNT: \$4,174,500.00

DESCRIPTION OF WORK: Development of Plans and Specifications and Construction of DMMA O-23. DMMA will utilize the same weir system as O-7 and will have a 240k cy capacity. 100% of the funds for construction will be contributed funds from FIND.

SCHEDULE:

- | | |
|-------------------------------|-------------|
| • Complete draft P&S | 9 Apr 20A |
| • NEPA/ERP complete | 20 Apr 21A |
| • BCOE Certification complete | 20 Apr 21A |
| • Re Advertised | 20 Jul 21 A |
| • Open Bids | 19 Aug 21A |
| • Award | 17 Sept 21A |
| • Construction Complete | 30 Aug 23A |

FIND WORK ORDER: FIND work order for construction was approved at the Sept 2020 FIND Board meeting.

NAME OF CONTRACTOR: Contract was awarded on 17 Sept 21 to Dickerson Florida, Inc out of Fort Pierce, FL in the amount of \$4,173,500.00.

STATUS:

Waiting on FDEP to official accept response and confirm conversion of the site to operational.

ACTION: Information Only. No action by the Board is required.



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2. WORK ACTIVITY: IWW Volusia (Volusia County)

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: Maintenance dredging of the IWW Volusia Reach. Anticipate 300k-400k cy of material to be dredged out of the federal channel. Dredge material will be placed on the beach north of the Ponce Inlet. This effort will be consolidated with Ponce Inlet O&M dredging as was done in the 2017/2018 event.

SCHEDULE (DRAFT):

- | | |
|---------------------------|--------------------------------|
| • P&S Kick off | 27 Apr 22A |
| • BCOE Certification | 30 Apr 24 16 Jul 24 |
| • Advertise | 30 May 24 |
| • Bid Opening | 27 Jul 24 |
| • Award | 27 Aug 24 |
| • NTP | 17 Sep 24 |
| • Construction Completion | 30 May 25 |

FIND WORK ORDER: Work Order 63-2024-02 approved.

STATUS: P&S are being review for compliance. The preparing to submit FDEP permit modification application. The supplemental Environmental Assessment has been published for public commenting. Volusia County submitted lands request on 29 February 2024.

ACTION: Informational, no action is required by the Board.



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3. WORK ACTIVITY: AIWW Sawpit Reach (Nassau County)

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: USACE received \$5M in infrastructure funding for the AIWW Sawpit. Project will include maintenance dredging of the AIWW Sawpit Reach in Nassau County. Anticipated dredge volume is 400k-600k cy. 95% of the dredged material will be placed on the beach at the State Park, with the remaining 5% being placed upland in DU-2.

SCHEDULE (DRAFT):

- | | |
|---------------------------|--------------------------------|
| • Kick off P&S | 26 Apr 22A |
| • BCOE Certification | 30 Jun 23 31 Jan 24 |
| • Advertise | 18 Jul 23 29 Feb 24 |
| • Bid Opening | 29 Mar 24 09 Apr 24 |
| • Award | 25 Sep 23 16 May 24 |
| • Construction Completion | 26 Dec 24 |

FIND WORK ORDER: Work Orders 61-2023-05 and 62-2024-01 AIWW Sawpit approved. Corps signed and returned Work Orders to FIND on 22 Jan 24.

NAME OF CONTRACTOR: TBD

STATUS: Project advertised on 31 Jan 24. Bid opening date has moved to 9 April 2024 due to an amendment. Award date remains unchanged.

ACTION: Informational, no action is required by the Board.



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4. WORK ACTIVITY: IWW Matanzas

CONTRACT AMOUNT: \$5,902,465.85

DESCRIPTION OF WORK: USACE received \$4M in FY 23 President's Budget. Project will include maintenance dredging of the IWW Matanzas in St. Johns County. It's anticipated that 300k-400k cy of material is within the federal channel. Placement of material will occur on the beach just south of Matanzas Inlet.

SCHEDULE (DRAFT):

- | | |
|---------------------------|------------|
| • Kick off P&S | 12 Jan 23A |
| • BCOE Certification | 16 Jun 23A |
| • Advertise | 29 Jun 23A |
| • Award | 28 Aug 23A |
| • Construction Completion | 20 Mar 24A |

FIND WORK ORDER: A Dredge Work Order 57-2023-03 approved on 5 July 23.

NAME OF CONTRACTOR: Contract was awarded to Southwind LLC at the amount of \$5,902,465.85.

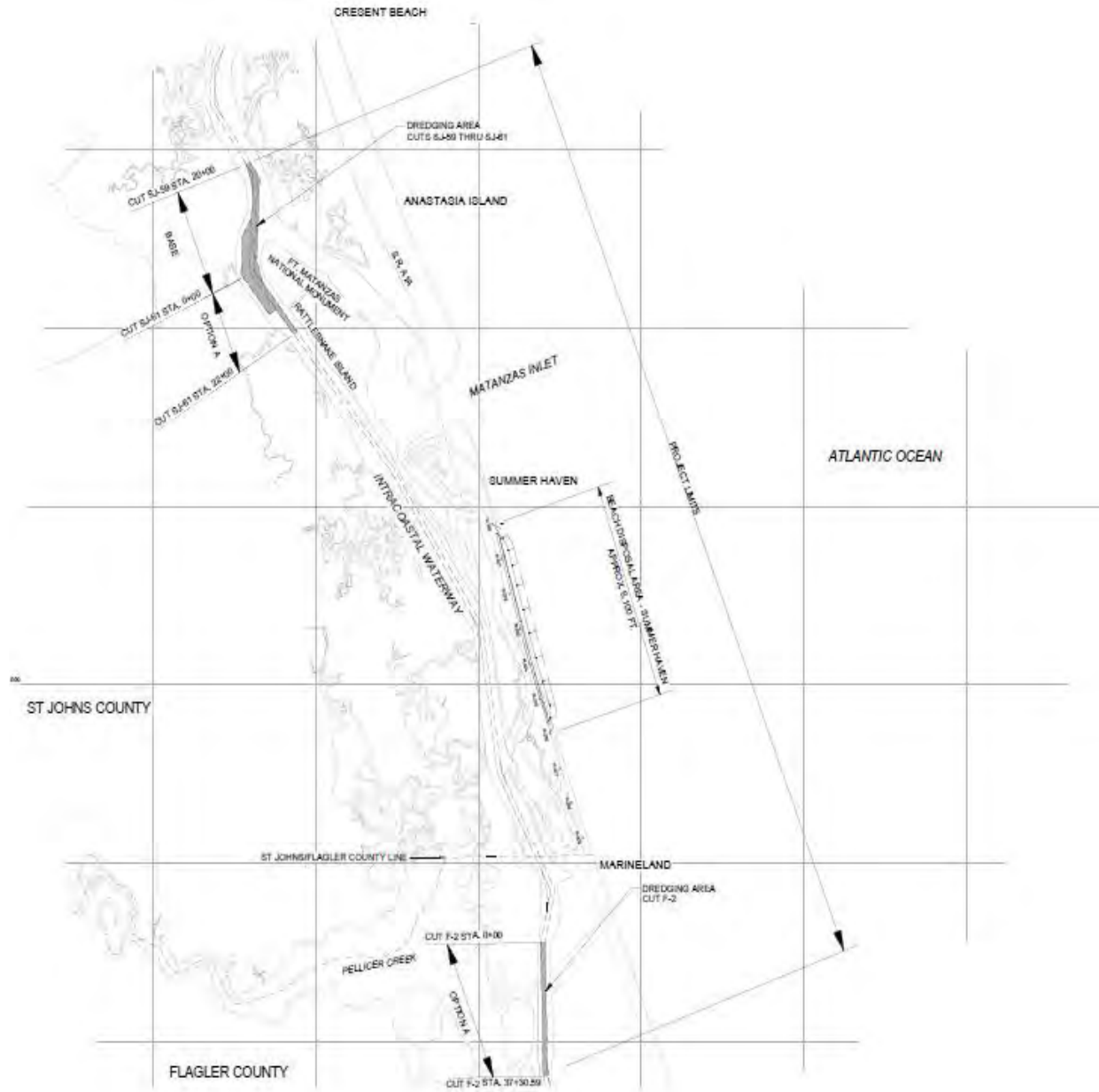
STATUS: Southwind completed dredging on 20 March and started to demobilize. Final dredge volume is 514,400 CY.

ACTION: Information only. No action required by the board.



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5. WORK ACTIVITY: IWW Crossroads Martin County & IWW near the vicinity of Jupiter Inlet Palm Beach County.

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: USACE expected to receive \$4M in FY 24 President's Budget. Project will include maintenance dredging of both IWW Crossroads in Martin County and near Jupiter Inlet in Palm Beach County. It's anticipated that 150k cy of material is within the federal channel. Placement of material for Crossroads is in the St. Lucie Inlet Impoundment Basin and for Jupiter Inlet is on the beach south of the Inlet.

SCHEDULE (DRAFT):

- | | |
|---------------------------|------------|
| • Kick off P&S | 01 Nov 23A |
| • BCOE Certification | 02 Jun 25 |
| • Advertise | 30 Jun 25 |
| • Award | 26 Sep 25 |
| • Construction Completion | 09 Oct 26 |

FIND WORK ORDER: TBD

NAME OF CONTRACTOR: TBD

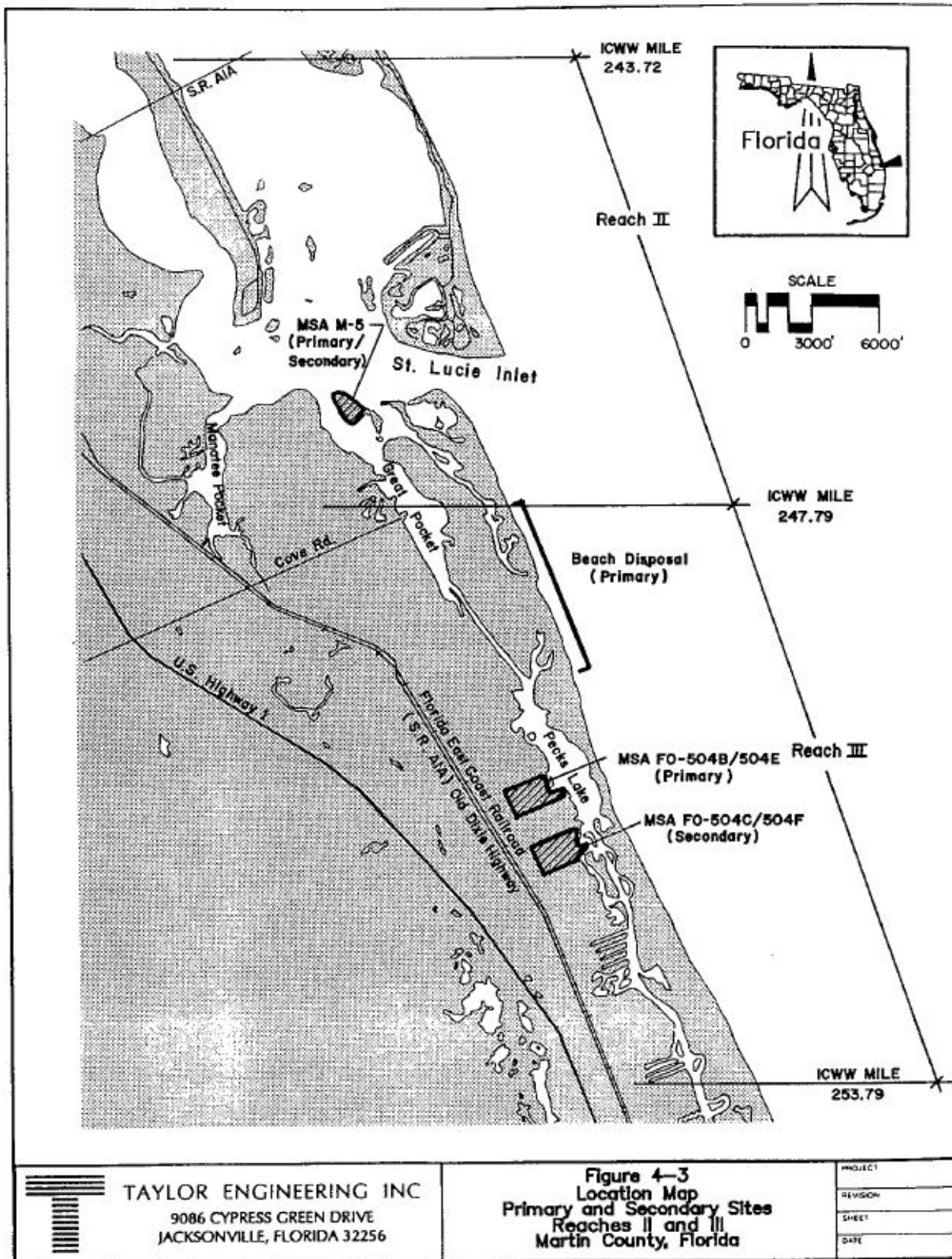
STATUS: P&S kicked off in November of 2023. Recent surveys indicate shoaling in cuts M-1 through M-7. The active DEP permit only covers M-4 through M-7. Scope now included collecting additional geotechnical borings and permit modification to dredge cuts M-1 through M-7.

ACTION: Information only. No Action is required from the Board.



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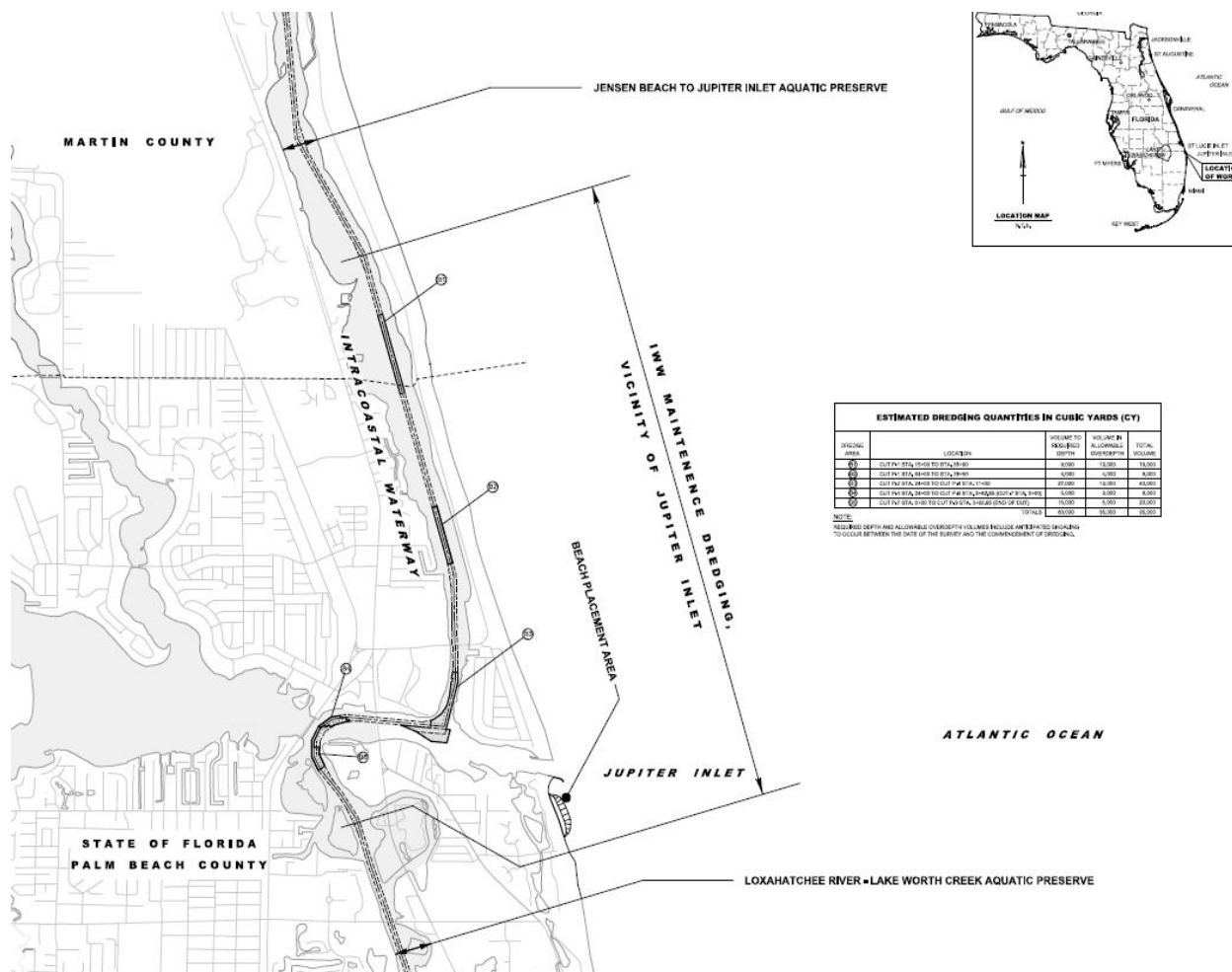
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6. WORK ACTIVITY: AIWW Reach I Nassau County.

CONTRACT AMOUNT: TBD

DESCRIPTION OF WORK: FIND provided funding for USACE to start planning and designing for a maintenance dredging contract of Reach I of AIWW. Work also includes the necessary data collection to start the environmental consultation with state and federal agencies. It's anticipated that 360k CY of material is within the federal channel.

SCHEDULE (DRAFT):

- | | |
|----------------------|-----------|
| • Kick off P&S | 12 Feb 24 |
| • BCOE Certification | TBD |
| • Advertise | TBD |
| • Award | TBD |

FIND WORK ORDER: Work Order 60-2023-04 approved on 19 Jan 24.

NAME OF CONTRACTOR: TBD

STATUS: P&S is scheduled to start on 12 Feb 24. Team to investigate additional disposal areas in addition to DMMA NA-1 as the volume of shoal material is expected to exceed the design capacity of NA-1. In addition to working on obtaining an FDEP permit, the team will also need to perform an environmental assessment for NEPA compliance.

Collecting additional survey data within the uncontrolled area. This will guide in establishing an official channel that will be added into the geotechnical cultural resource data collection.



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7. MISCELLANEOUS:

A. Establish FIND as the local sponsor for Martin and Palm Beach Counties along the OWW.

USACE OC has met with SFWMD OC regarding the path forward to make FIND the local sponsor for Martin and Palm Beach Counties along the OWW.

Background: In 2005 Florida legislature amended Section 374.984, Florida Statutes to assign responsibility and authority to FIND for the portion of the OWW located in Martin and Palm Beach Counties (link to the full statute:)

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0374/Sections/0374.984.html.

Section 374.984 falls under Part II of Chapter 374, where Part II is “Florida Inland Navigation District Law”. Paragraph 6.h. of Section 374.984 states, “(h) The district is designated the local interest sponsor for the sole purpose of maintaining navigability of that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties.”

Next step:

1. SFWMD will submit a letter to SAJ recognizing the Florida law that designates FIND as responsible for maintaining navigability of that portion of the OWW and requesting the termination of its responsibilities as non-federal sponsor (NFS) of the portion, with a copy furnished to FIND. - **DONE**

2. In parallel with SFWMD’s letter, FIND will submit a letter to SAJ requesting to be the NFS for the portion of the OWW within Martin and Palm Beach Counties, with a copy furnished to the SFWMD. - **DONE**

3. SAJ will draft an agreement for FIND to assume O&M responsibilities for the portion of the OWW within Martin and Palm Beach Counties. - **Sent Draft Project Partnership Agreement to FIND for review.**

-SAJ can prioritize executing a Contributed Funds Agreement (CFA) while drafting the Project Partnership Agreement (PPA). FIND as requested to prioritize the CFA. -**SAD sent another round of comments which have been addressed. Congressional notification package is being sent back to SAD.**

4. After execution of the PPA, SAJ will send a letter to SFWMD acknowledging the termination of its role as a NFS for the specified portion of the OWW and clarifying the SFWMD’s continued role as NFS for the remaining portion of the OWW, with a copy furnished to FIND.



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5. The next item needed is a contributed funds agreement for the OWW. The contributed funds agreement unfortunately will not be of the magnitude of the IWW/AIWW one in that the new model only allows for a smaller duration and funding limit. For example, effort should be made for the maximum agreement duration, likely a 7-10 year contributed funds agreement with specific areas outlined (as compared to the existing IWW/AIWW agreement that is a 50-year agreement with no maximum contribution or specific reaches listed).

ATTACHMENT E-2
APPLICANT INFORMATION & PROJECT SUMMARY
 WATERWAY ASSISTANCE PROGRAM FY 2024

APPLICANT INFORMATION			
Applicant: City of New Smyrna Beach			
Department: City Manager			
Project Title: Brannon Center ADA Dock Replacement			
Project Director: Khalid Resheidat		Title:	City Manager
Project Liaison: <small>(if different from Director)</small> Chad Gibson		Title:	CIP & Grant Coordinator
Mailing Address:		210 Sams Avenue	
City: New Smyrna Beach		Zip Code:	32168
Email Address: cgibson@cityofnsb.com		Phone #:	386-410-2615
Project Address:		105 S. Riverside Dr., New Smyrna Beach, FL 32168	

*** I hereby certify that the information provided in this application is true and accurate. ***

SIGNATURE:  DATE: 1/25/2024

<p>PROJECT NARRATIVE (Please summarize the project in space provided below in 2 paragraphs or less.)</p> <p>The scope of work is replacing the Brannon Center ADA Dock due to Hurricane Damage in 2022. This Disaster Relief Grant request will be for Design/Engineering, Permitting, and Construction for the ADA Dock Replacement at the Brannon Center.</p>
--

ATTACHMENT E-3 PROJECT INFORMATION

WATERWAY ASSISTANCE PROGRAM FY 2024

Applicant: City of New Smyrna Beach	Project Title: Brannon Center ADA Dock Replacement	
Total Project Cost: \$ 566,334	FIND Funding Requested: \$ 141,583.50	% of Total Cost: 25
Amount of Applicant's Matching Funds:	\$424,750.50	
Source of Applicant's Matching Funds:	N/A	

1. **Ownership of Project Site (check one):** Own: ☒ Leased: ☐ Other: ☐

2. **If leased or other, please describe lease or terms and conditions:**

N/A

3. **Has the District previously provided assistance funding to this project or site?** Yes ☐ No: ☒

4. **If yes, please list:**

N/A

5. **What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable):**

Currently Brannon Center ADA Dock is 3,500 sq ft of Timber and offers boat docking.

6. **How many additional ramps, slips, parking spaces or other access features will be added by this project?**

This is a replacement due to Hurricane Damage.

7. **Are fees charged for the use of this project?** No ☒ Yes ☐ **

**If yes, please attach additional documentation of fees and how they compare with fees from similar public & private facilities in the area.

Please list all Environmental Resource Permits required for this project:

AGENCY	Yes / No / N/A	Date Applied For	Date Received
WMD	No		
DEP	Yes	Has not been applied for yet	
ACOE	Yes	Has not been applied for yet	

ATTACHMENT E-4 EVALUATION WORKSHEET

WATERWAY ASSISTANCE PROGRAM FY 2024

DIRECTIONS:

All applicants will complete questions 1 through 6, and then based on the type of project, complete one and only one subsection (E-4A, B, C, D or E) for questions 7-10.

*****Please keep your answers brief and do not change the pagination of Attachment E-4*****

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

Project Title:	Brannon Center ADA Dock Replacement
Applicant:	City of New Smyrna Beach

1) PRIORITY LIST:

- a) Denote the priority list category of this project from Attachment C in the application. (The application may only be of **one** type based upon the predominant cost of the project elements.)

7. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities.

- b) Explain how the project fits this priority category.

The Brannon Center ADA Dock is located along side Riverside Parks Boardwalk along the ICW.

(For reviewer only)

Max. Available Score for application 47

Question 1. Range of Score (1 to 5 points)

2) WATERWAY RELATIONSHIP:

- a) Explain how the project relates to the ICW and the mission of the Navigation District.

FIND is committed to continued management and maintenance of the ICW and the development of waterway access and improvement projects. The City shares this commitment and has a vested interest in improving safety and access for boaters and recreational watercraft users that will be using this direct access point to the ICW.

- b) What public access or navigational benefit to the ICW or adjoining waterway will result from this project?

The proposed improvements are for the use by boaters that use the ICW. This will ensure improved safety and access for boaters to continue to enjoy and access the waterway.

(For reviewer only)
(1-6 points)

3) PUBLIC USAGE & BENEFITS:

- a) Describe how the project increases/improves boater/public access.
 Estimate the amount of total public use.

With the Brannon Center ADA Dock currently unavailable for use, boaters are having to use docking at smaller docks with not enough access to the park. By replacing the Brannon Center ADA Dock the public will be able to dock their boats, increase viewing, and allow for events to take place such as boat shows.

- b) Discuss the regional and local public benefits provided by the project.
 Can residents from other counties of the District reasonably access and use the project? Explain.

Yes, access to the ADA dock will be available to the public for local use and regional use.

- c) Has the local Sponsor implemented or plans to implement any boating access, speed zone, commercial access or other restrictive use of this site?

No.

(For reviewer only)
(1-8 points)

4) TIMELINESS:

- a) **Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-6.**

Project is in Design, Engineering and Permitting phase.

- b) **Briefly explain any unique aspects of this project that could influence the timeline.**

No known impacts.

(For reviewer only)
(1-3 points)

5) COSTS & EFFICIENCY:

- a) **List funding sources and the status and amount of the corresponding funding that will be utilized to complete this project including any cash match or matching grant funds.**

25% will come from FIND Reimbursement and 75% will come from FEMA Reimbursement.

- b) **Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.**

No known at this time.

- c) **Are there any fees associated with the use of this facility? If so, please list or attach fee sheet.**

N/A

- d) **If there are any fees, please explain where these fees go and what they are used for. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.**

N/A

(For reviewer only)
(1-6 points)

6) PROJECT VIABILITY:

- a) Why is the project necessary and what need will it fill? Why are existing facilities insufficient to meet demand?**

The project is necessary because currently the ADA dock is blocked off from use because it is no longer safe structurally to be used and the area for boat docking has been destroyed due to Hurricane damage in 2022. By replacing the ADA Dock it will fulfill the need of the public for boating access, safety for boating, viewing, and public events.

- b) Clearly demonstrate how the project will continue to be maintained and funded after funding is completed.**

City Maintenance Operations currently performs needed cleaning and localized repairs to this facility and will continue to do so after the improvements are performed.

- c) Is this project referenced or incorporated in an existing maritime management, public assess or comp plan?**

No.

(For reviewer only)
(1-7 points)

SUB-TOTAL _____

ATTACHMENT E-4A
EVALUATION WORKSHEET
DEVELOPMENT & CONSTRUCTION PROJECTS
WATERWAY ASSISTANCE PROGRAM FY 2024

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A DEVELOPMENT OR CONSTRUCTION PROJECT BUT **IS NOT** AN INLET MANAGEMENT OR BEACH RENOURISHMENT PROJECT.

7) PERMITTING:

- a) Have all required environmental permits been applied for? (USACE, DEP and WMD)
If permits are NOT required, explain why not.

The required USACE and DEP permits have not been applied for yet.

- b) If the project is a Phase I project, please provide a general cost estimate for the future Phase II work.

This is a Hurricane Damage Replacement and no future Phases.

- c) Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.

No known impacts.

(For reviewer only)
(1-4 points)

8) PROJECT DESIGN:

- a) **Has the design work been completed?**
If this is a Phase I project, has a preliminary design been developed?

Design has not been completed. Design has been initiated.

- b) **Are there unique beneficial aspects to the proposed design that enhance public usage or access, minimize environmental impacts, improve water quality or reduce costs?**

Boater safety and access is improved with the ability to be able to use the ADA dock again.

(For reviewer only)
(1-2 points)

9) CONSTRUCTION TECHNIQUES:

- a) **Briefly explain the construction techniques and materials to be utilized for this project. Identify any unique construction materials that may significantly alter the project costs. If a Phase 1, elaborate on potential techniques.**

Will incorporate ADA compliance into its design. In addition, will determine materials best suited for environment in which the dock is located and will evaluate synthetic materials such as flow-through decking material that are suited for this site and environment to create a more sustainable and robust structure. The City will discuss options as acceptable "mitigation: alternate products. The City will also provide connection to existing Floating Dock system that has been disengaged from this fixed dock.

- b) **What is the design life of the proposed materials compared to other available materials?**

Synthetic materials such as flow-through decking material would be more sustainable and offer a longer life than traditional wooden docks.

(For reviewer only)
(1-3 points)

10) ENVIRONMENTAL COMPONENTS:

- a) How has the facility where the project is located demonstrated commitment to environmental compliance, sustainability, and stewardship?

The proposed project will provide safer access to the waterway for boaters, increase access to the waterway for other recreational watercraft like kayaks and paddle boarders. Compliance and construction best practices have previously been implemented during the prior projects and will be maintained during construction of these improvements as well.

- b) What considerations, if any, have been made for sea level rise impacts in the design and life span of this project?

The City has completed a Sea Level Rise Study which will be referenced during the design of the replacement of the ADA Dock at the Brannon Center.

(For reviewer only)
(1-3 points)

RATING POINT TOTAL _____

Note:

The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.

ATTACHMENT E-4F
EVALUATION WORKSHEET
EMERGENCY RE-CONSTRUCTION

WATERWAY ASSISTANCE PROGRAM FY 2024

THIS ATTACHMENT IS TO BE COMPLETED ONLY IF YOUR PROJECT IS A WATERWAY PROJECT THAT WAS DAMAGED BY A NATURAL DISASTER AS DECLARED BY A STATE OF EMERGENCY UNDER CHAPTER 252, FLORIDA STATUTES.

11. (EXTRA) STORM DAMAGE EVALUATION:

- a) List the State of Emergency declaration order or proclamation & the name and date of the storm/event.

DR 4673 Hurricane Ian, September 28, 2022

- b) Has this site/project previously received funding from FIND

No.

- c) Detail the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair.

FEMA has been applied for.

- d) What is the current status of your FEMA paperwork for the project?

Supervisor Review / First Review

(For reviewer only)
(0-3 points)

ATTACHMENT E-5 PROJECT COST ESTIMATE

WATERWAY ASSISTANCE PROGRAM FY 2024

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	Brannon Center ADA Dock Replacement
Applicant:	City of New Smyrna Beach

Project Elements <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	Total Estimated Cost	Applicant's Cost <i>(To the nearest \$50)</i>	FIND Cost <i>(To the nearest \$50)</i>
Engineering, Permitting, and Construction	566,334.00	424,750.50	141,583.50

**TOTALS =	\$ 566,334.00	\$ 424,750.50	\$ 141,583.50
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ATTACHMENT E-6
PROJECT TIMELINE

WATERWAY ASSISTANCE PROGRAM FY 2024

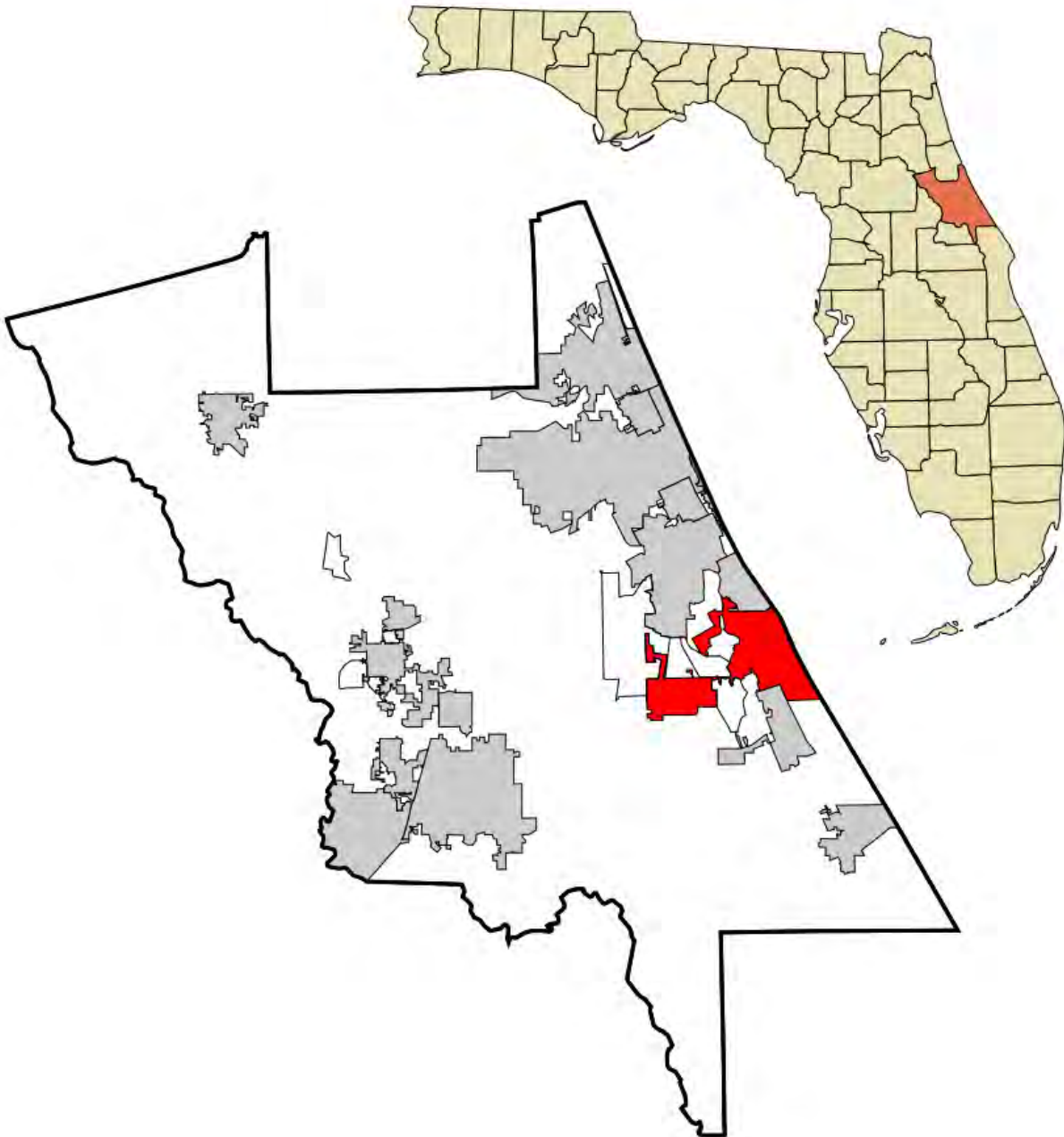
Project Title:	Brannon Center ADA Dock Replacement
Applicant:	City of New Smyrna Beach

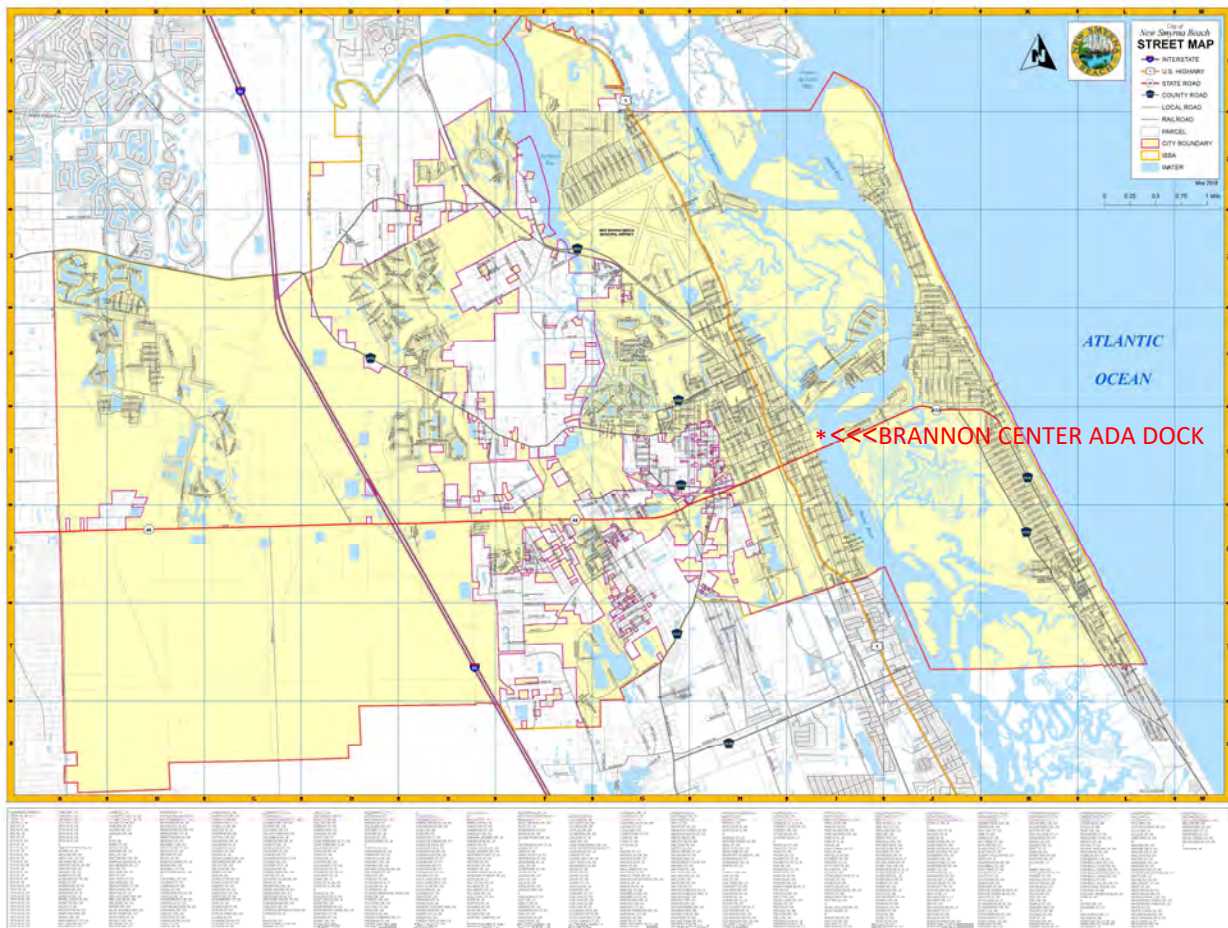
The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

NOTE: All funded activities must begin AFTER October 1st
(or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses)

Date	Component
April 5, 2024	30% Design
May 28, 2024	60% Design
July 31, 2024	90% Design
Aug 23, 2024	100% Design
November	Bid for Construction Project

County/ City Location Map





Volusia County Tax
Collector - Tag Office

Volusia County
Human Services

Cafe del Soul

Captain's Quarters

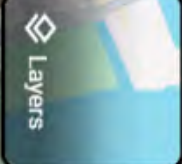
Brannon Center

AHEPA Odyssey
Memorial

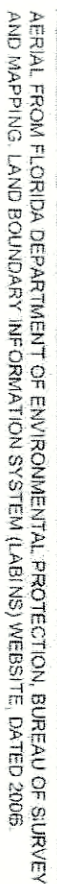
S Riverside Dr

Indian River No

BRANNON CENTER
ADA DOCK



Riverside Park
Charming park popular with
Google



AS SHOWN	02
JOB NO.	
AS SHOWN	OF 24

FLORIDA INLAND NAVIGATION DISTRICT



TO: All FIND Commissioners,

FROM: Janet Zimmerman, Executive Director

DATE: April 9, 2024

SUBJECT: Boating in Miami-Dade County

COMMISSIONERS

T. SPENCER CROWLEY, III
CHAIR
MIAMI-DADE COUNTY

FRANK GERNERT
VICE-CHAIR
BROWARD COUNTY

STEPHEN W. BOEHNING
TREASURER
INDIAN RIVER COUNTY

BUDDY DAVENPORT
SECRETARY
VOLUSIA COUNTY

J. CARL BLOW
ST. JOHNS COUNTY

DONALD J. CUOZZO
MARTIN COUNTY

VACANT
ST. LUCIE COUNTY

CHARLES C. ISIMINGER
PALM BEACH COUNTY

VACANT
DUVAL COUNTY

VACANT
BREVARD COUNTY

RANDY STAPLEFORD
FLAGLER COUNTY

LYNN A. WILLIAMS
NASSAU COUNTY

JANET ZIMMERMAN
EXECUTIVE DIRECTOR

CHRIS KELLEY
DEPUTY DIRECTOR

In 2022, Florida achieved a milestone with over one million registered vessels, reflecting the state's significant role in the recreational boating industry. The National Marine Manufacturers Association (NMMA) attributes an annual economic impact of \$31.3 billion to this sector within Florida. Specifically, the marine industry in the South Florida Tri-county area boasts an economic impact of \$18.5 billion and supports 141,860 jobs. Additionally, the Miami International Boat Show significantly contributes to this prosperity, with an estimated economic impact of \$854 million and \$53 million in visitor spending. Through its Waterway Assistance Program (WAP), the Florida Inland Navigation District (FIND) has awarded over \$101 Million to 293 projects in Miami-Dade County since 1986.

Miami-Dade County is considering implementing additional boating-restricted areas in Biscayne Bay and the County Commission has commissioned a study to review all potential areas to down-grade to slow-speed/no wake zones, vessel exclusion areas or other restrictive option, alongside an initiative to expand manatee protection zones north of the MacArthur Causeway. These measures aim to indirectly limit vessel speed and restrict access.

These proposed restrictions have sparked concerns, especially given that they appear to conflict with existing efforts to enhance public waterfront access, such as the Waterfront Recreational Access Plan (WRAP) funded by the Florida Inland Navigation District (FIND). FIND proposes that rather than imposing more restrictions, which could limit public access to waterways, the focus should be on bolstering enforcement of existing boating laws. For example, Biscayne Bay, despite being highly regulated, suffers from inadequate law enforcement presence to ensure compliance.

Staff recommend FIND strongly urge that local municipalities and the Florida Fish and Wildlife Conservation Commission (FWC) allocate funds for additional marine patrol units. This approach, aimed at enhancing enforcement capabilities, is viewed as a more effective strategy than the imposition of new restrictions. FIND has made a formal request to Miami-Dade County to be kept informed of any policy changes that might affect public access or navigation, underscoring the organization's commitment to finding a balance between conservation efforts, public access, and boating safety. This stance is rooted in the belief that collaborative efforts and adequate enforcement represent the most viable path forward, as opposed to restrictive measures.

FLORIDA INLAND NAVIGATION DISTRICT



February 27, 2024

Sent via email: To: Wahl, Christopher (CAO) <Wahl@miamidade.gov>

Cc: T. Spencer Crowley <tsccrowley@aicw.org>; Peter Breton (peter@breton.law)

Subject: Monday's Sunshine meeting regarding speeding on Biscayne Bay legislation

COMMISSIONERS

T. SPENCER CROWLEY, III
CHAIR
MIAMI-DADE COUNTY

FRANK GERNERT
VICE-CHAIR
BROWARD COUNTY

STEPHEN W. BOEHNING
TREASURER
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ST. LUCIE COUNTY

CHARLES C. ISIMINGER
PALM BEACH COUNTY

VACANT
DUVAL COUNTY

JERRY SANSOM
BREVARD COUNTY

RANDY STAPLEFORD
FLAGLER COUNTY

LYNN A. WILLIAMS
NASSAU COUNTY

JANET ZIMMERMAN
EXECUTIVE DIRECTOR

CHRIS KELLEY
DEPUTY DIRECTOR

Good afternoon, Mr. Wahl,

I hope this message finds you well. I am reaching out to you in the wake of the sunshine meeting yesterday morning, which centered around various activities on Biscayne Bay, including anchoring and speeding concerns. Regrettably, our Miami-Dade County FIND commissioner, Spencer Crowley (whom I've cc'd on this email), was unable to attend. However, I had the opportunity to join and closely follow the discussions.

I want to express our keen interest in staying informed about any potential measures that might impact public access and boating activities in the Bay. The Florida Inland Navigation District (FIND) has consistently supported the County and its municipalities through substantial grant funding aimed at enhancing waterfront public access and vessels for law enforcement. We would like to remain informed on any policy shifts which may potentially constrain public access or impact vessel navigation.

We fully acknowledge the escalating conflicts among bay users. Nevertheless, we are convinced that the most effective way to address these issues lies in bolstering law enforcement patrols and enhancing their funding, rather than imposing further restrictions. Our stance is grounded in the belief that merely adding more rules without parallel increases in enforcement efforts is unlikely to yield positive outcomes. Conversations with marine law enforcement officials have consistently highlighted a significant shortfall in both funding and staffing levels.

Our counsel, also included in this correspondence, possesses extensive knowledge of Chapter 327 FS and the associated protocols for establishing boating safety zones. We are more than willing to share our insights and experiences gathered from various locales across Florida, should you find it beneficial.

We earnestly request that FIND be kept in the loop about any developments in this area. Your collaboration and openness in this matter would be greatly appreciated.

Thank you for considering our perspective. We look forward to any opportunity to contribute to the discussion and help navigate towards solutions that ensure both the safety and accessibility of Biscayne Bay.

Respectfully,

Janet Zimmerman, Executive Director

Florida Inland Navigation District

MEMORANDUM

PRSC

Agenda Item No. 2(B)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 12, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to conduct a study to determine whether any year-round boating-restricted areas (idle speed, no wake zones; slow speed, minimum wake zones; numerical speed limit zones; or vessel-exclusion zones) should be established on Biscayne Bay and to prepare a report presenting the findings of the study and making recommendations to this Board

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Micky Steinberg and Commissioner Kevin Marino Cabrera.


Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT A STUDY TO DETERMINE WHETHER ANY YEAR-ROUND BOATING-RESTRICTED AREAS (IDLE SPEED, NO WAKE ZONES; SLOW SPEED, MINIMUM WAKE ZONES; NUMERICAL SPEED LIMIT ZONES; OR VESSEL-EXCLUSION ZONES) SHOULD BE ESTABLISHED ON BISCAYNE BAY AND TO PREPARE A REPORT PRESENTING THE FINDINGS OF THE STUDY AND MAKING RECOMMENDATIONS TO THIS BOARD

WHEREAS, residents and visitors enjoy riding jet skis, boats, and other vessels on the waters of Miami-Dade County, and particularly in Biscayne Bay; and

WHEREAS, in the past few years, Miami-Dade County has seen a surge in recreational and commercial vessel activity on County waters; and

WHEREAS, while this increase in activity enlivens cultural life in the County and supports the County economy, the County must ensure that boating in County waters is being conducted safely; and

WHEREAS, there has been an increasing number of boaters in Biscayne Bay who are operating at high speeds or otherwise engaging in unsafe behavior; and

WHEREAS, it may therefore be appropriate to establish boating speed restrictions in certain areas of Biscayne Bay; and

WHEREAS, section 327.46, Florida Statutes, prescribes the conditions under which local governments may establish boating-restricted areas, which may include (1) idle speed, no wake zones; (2) slow speed, minimum wake zones; (3) numerical speed limit zones; and (4) vessel-exclusion zones; and

WHEREAS, local governments may establish by ordinance certain types of boating-restricted areas without obtaining the prior approval of the Florida Fish and Wildlife Conservation Commission (“FWC”) in the types of areas listed in paragraph (1)(b) of section 327.46, which include, for example, areas within certain distances from boat ramps, hoists, landing facilities, fuel dispensers, bridges, lock structures, and certain swim areas; and

WHEREAS, local governments may establish certain other types of boating-restricted areas, set forth in paragraph (1)(c) of section 327.46, but only after applying to and obtaining the approval of FWC; and

WHEREAS, for example, a county may apply to FWC for approval of an ordinance establishing a slow speed, minimum wake or numerical speed limit boating-restricted area if the area is “[s]ubject to unsafe levels of vessel traffic congestion” or “[a]n area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety”; and

WHEREAS, the procedures for applying to FWC for such an approval, which may include a public hearing before FWC, are provided in section 327.46, Florida Statutes, and chapter 68D-21 of the Florida Administrative Code; and

WHEREAS, local government ordinances adopted under section 327.46 must conform to the statutory requirements and cannot be premised on extra-statutory criteria such as noise abatement, shoreline protection, or protection of marine wildlife; and

WHEREAS, in adopting such ordinances, local governments must consult and coordinate with the governing body of any municipality in which the boating-restricted area would be located, as well as with the United States Coast Guard (the “Coast Guard”) and the United States Army Corps of Engineers (the “Army Corps”) if the boating-restricted area is to be on the navigable waters of the United States; and

WHEREAS, law enforcement, including the Marine Patrol Unit of the Miami-Dade County Police Department, cannot enforce boating regulations established under section 327.46 until the boating-restricted areas are marked on the water with uniform regulatory markers in accordance with federal and state law; and

WHEREAS, section 7-26 of the Code of Miami-Dade County, Florida, codifies the boating-restricted areas the County has established, some of which are in Biscayne Bay, others of which are on canals; and

WHEREAS, section 327.46 also empowers FWC to establish boating-restricted areas by rule pursuant to the Administrative Procedure Act, but FWC's rulemaking power is not subject to the same substantive constraints that section 327.46 imposes on local governments; and

WHEREAS, in addition to its authority to establish boating-restricted areas under section 327.46, FWC may also establish rules regulating the speed and operation of motorboats for the protection of manatees under the process provided in section 379.2431(2), Florida Statutes, which allows for the participation of the county commission of any county where such a regulation would take effect; and

WHEREAS, to promote boating safety on Biscayne Bay and respond to the concerns of Miami-Dade County residents, this Board wishes to direct the County Mayor or County Mayor's designee to conduct a study to determine whether any boating-restricted areas should be established on Biscayne Bay and to make recommendations to this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board directs the County Mayor or County Mayor's designee to conduct a study to determine whether any year-round boating-restricted areas should be established on Biscayne Bay. The study shall be conducted with reference to sections 327.46 and

379.2431, Florida Statutes, and the regulations promulgated thereunder. The study shall consider not only boating-restricted areas that the County may establish, but also boating-restricted areas that only the state may establish. In conducting the study, the County Mayor or County Mayor's designee shall collaborate with federal and state agencies that have jurisdiction over matters pertaining to boating safety or Biscayne Bay, including the Coast Guard, the Army Corps, and FWC, as well as with municipalities that border Biscayne Bay. If the County Mayor or County Mayor's designee determines that boating restrictions should be established in any given area, the County Mayor or County Mayor's designee shall consult and coordinate with the agencies and municipalities with jurisdiction over the area regarding the recommended boating restrictions.

Section 2. The County Mayor or County Mayor's designee shall prepare a report presenting the findings of the study and making recommendations to this Board as to whether boating-restricted areas should be established on Biscayne Bay. For each recommended boating-restricted area, the report shall identify, at a minimum, the following: (1) the boundaries of the area, including whether the area falls within or borders any municipality; (2) the type of boating restriction (idle speed, no wake zone; slow speed, minimum wake zone; numerical speed limit zone and, if so, the numerical speed limit; or vessel-exclusion zone); (3) the justification for the boating restriction, including the specific statutory authorization pursuant to which the restriction would be established and whether the County or only the state has the authority to establish the restriction; (4) any data and other information that support the establishment of the proposed boating restriction, including, for any restrictions that would need to be approved by FWC, all relevant data and information that would need to be submitted to FWC pursuant to section 327.46(1)(c), Florida Statutes; and (5) whether the Coast Guard, the Army Corps, FWC, and any municipalities that fall within or border the area have any objections to the boating-restricted area and, if so, what those objections are.

Section 3. The County Mayor or County Mayor's designee shall provide the report to this Board within 120 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Micky Steinberg and Commissioner Kevin Marino Cabrera. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

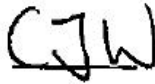
The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of April, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl



MIAMI-DADE COUNTY MANATEE PROTECTION AREAS AND BOATING RESTRICTED AREAS

For description of zone boundaries see:

68C-22.025 F.A.C for State Manatee Protection Zones last amended 12/25/1991

68D-24.013 F.A.C. for State Boating Restricted Areas last amended 8/14/1989

50 CFR part 17.108 Federal Manatee Protection Areas - N/A as of 1/2015

For information please call or write to:





Fish and Wildlife Conservation Commission
Division of Habitat and Species Conservation
Imperiled Species Management Section
620 South Meridian Street - Mail Station 6A
Tallahassee, FL 32399-1600
PHONE (850) 922-4330 FAX (850) 922-4338

These maps show ONLY the FWC Manatee Protection Zones, FWC Boating Restricted Areas, and USFWS Manatee Protection Areas (if applicable).
There may also be other Local/State/Federal Zones.
Boaters are advised to abide by the regulations as posted on the water.

ZONE TYPE LEGEND

	No Entry All Year
	No Entry Nov 15 - Apr 30 Idle Speed May 1 - Nov 14
	No Entry Nov 15 - Apr 30 Slow Speed May 1 - Nov 14
	Motorboats Prohibited All Year
	Idle Speed All Year
	Slow Speed All Year
	Slow Speed Nov 15 - Apr 30 30mph May 1 - Nov 14
	Slow Speed Nov 15 - Apr 30 35mph May 1 - Nov 14
	30mph All Year
	35mph All Year

Zone Type Legend

-  Idle Speed All Year
-  Slow Speed All Year
-  Slow Speed Nov 15 - Apr 30
30 MPH May 1 - Nov 14
-  30 MPH All Year



0 0.5 1
Miles

These maps show ONLY the FWC Manatee Protection Zones, FWC Boating Restricted Areas, and USFWS Manatee Protection Areas (if applicable). There may also be other Local/State/Federal Zones. Boaters are advised to abide by the regulations as posted on the water.

CONFIGURATION OF FWC ZONES
ACCURATE AS OF JANUARY 2015

SEE 68C-22.010 F.A.C. & 68D-24.008 F.A.C.
FOR MANATEE PROTECTION ZONES AND
BOATING RESTRICTED AREAS IN
BROWARD COUNTY

Hallendale

BROWARD COUNTY
MIAMI-DADE COUNTY

Atlantic Ocean

68C-22.025(1)(a)1.
Slow Speed All Year
Includes main marked chnl of
ICW & all associated waters

68D-24.013(1)(a)1.
Slow Speed All Year
Shore to Shore
Broward County line to
500' S of NE 192 St Bridge

68C-22.025(1)(c)2.
Idle Speed All Year
All waters of Oleta Rvr
NW of US1

68C-22.025(1)(c)1.
Idle Speed All Year

68C-22.025(1)(a)20.
Slow Speed All Year

68C-22.025(1)(a)1.
Slow Speed All Year
Includes main marked chnl of
ICW & all associated waters
except as dsgrn in (1)(b)2.
Dumbfounding Bay to
Broward County line

68C-22.025(1)(b)2.
ICW channel
Slow Speed Nov 15 - Apr 30
30 MPH May 1 - Nov 14

68D-24.013(1)(a)2.
Idle Speed All Year
Biscayne Crk ICW channel

68C-22.025(1)(a)1.
Slow Speed All Year

68D-24.013(1)(a)2.
Idle Speed All Year
Biscayne Crk (ICW channel)

68C-22.025(1)(a)3.
Slow Speed All Year

68C-22.025(1)(a)3.
Slow Speed All Year
Includes main marked chnl of
ICW & all associated waters
Biscayne Creek from
Dumbfounding Bay to
Marker '60'

68D-24.013(1)(a)3.
Idle Speed All Year
Bakers Haulover Inlet

68C-22.025(1)(a)5.
Slow Speed All Year

68D-24.013(1)(a)4.
Idle Speed All Year
100 yards on both sides
of Broad Cswy Bridge

68C-22.025(1)(g)1.
30 MPH All Year ICW channel

68C-22.025(1)(a)4.
Slow Speed All Year
I-95 Bridge to Structure 29

68C-22.025(1)(c)7.
Idle Speed All Year
All waters of Oleta Rvr
S of Royal Glades Canal
& W of Biscayne Crk

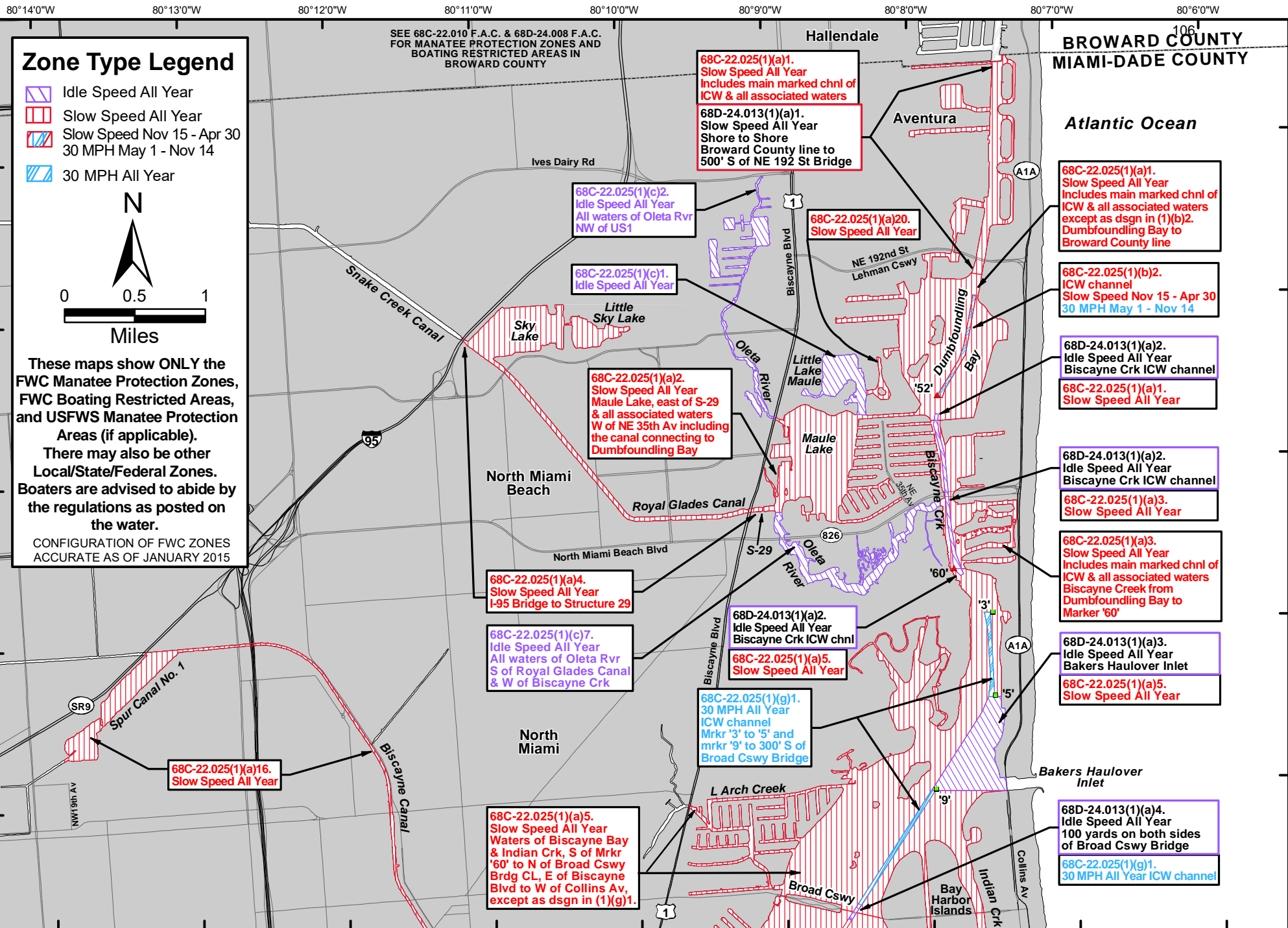
68D-24.013(1)(a)2.
Idle Speed All Year
Biscayne Crk ICW chnl

68C-22.025(1)(a)5.
Slow Speed All Year

68C-22.025(1)(g)1.
30 MPH All Year
ICW channel
Mrkr '3' to '5' and
mrkr '9' to 300' S of
Broad Cswy Bridge

68C-22.025(1)(a)5.
Slow Speed All Year
Waters of Biscayne Bay
& Indian Crk, S of Mrkr
'60' to N of Broad Cswy
Brdg CL, E of Biscayne
Blvd to W of Collins Av,
except as dsgrn in (1)(g)1.

68C-22.025(1)(a)16.
Slow Speed All Year

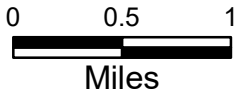


MIAMI-DADE COUNTY
FWC & USFWS MANATEE PROTECTION AREAS
and FWC BOATING RESTRICTED AREAS

For description of zone boundaries:
See 68C-22.025 F.A.C for State Manatee Protection Zones
See 68D-24.013 F.A.C for State Boating Restricted Areas
50 CFR part 17.108 Federal Manatee Protection Areas N/A

Zone Type Legend

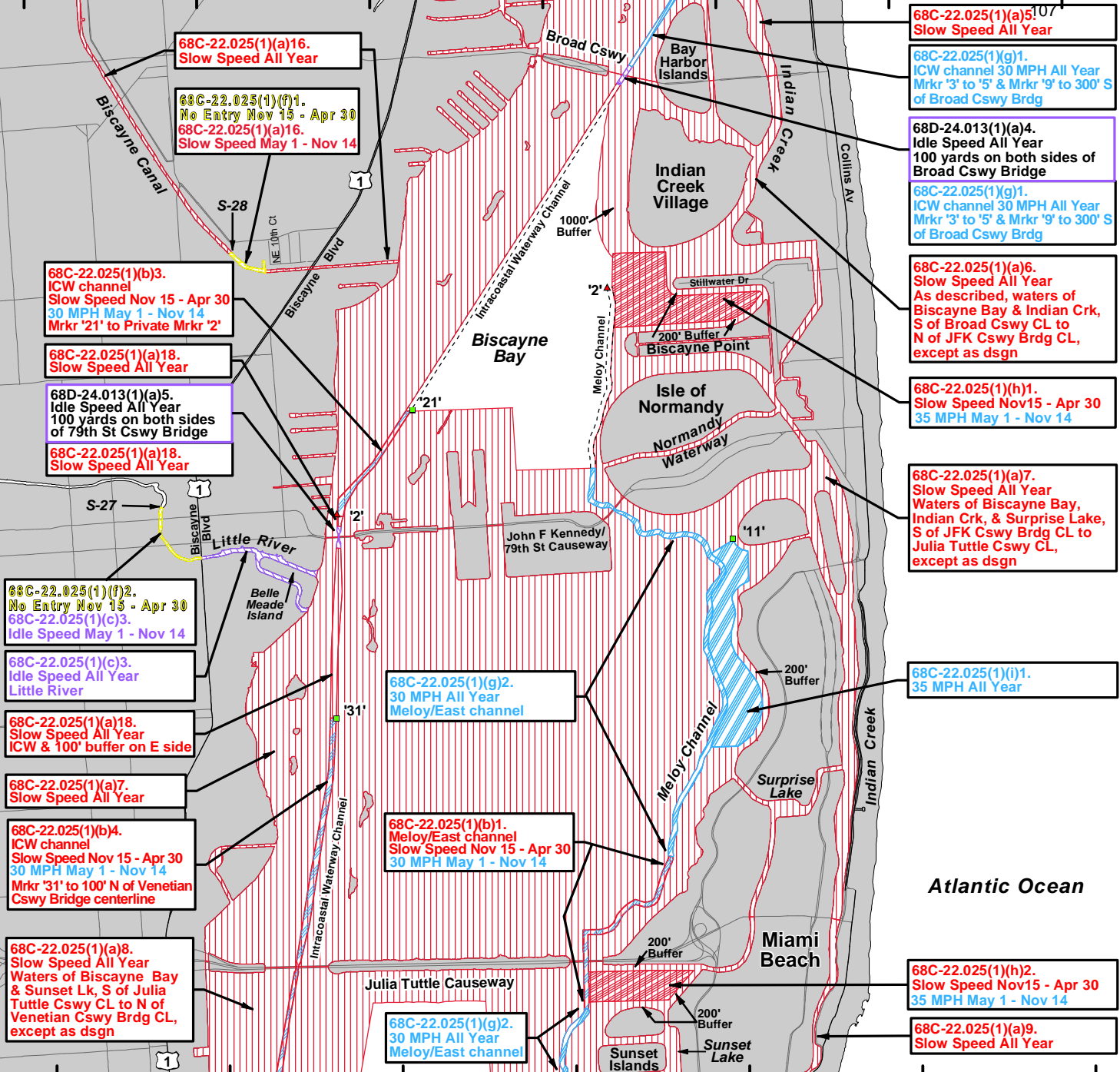
- No Entry Nov 15 - Apr 30
Idle Speed May 1 - Nov 14
- No Entry Nov 15 - Apr 30
Slow Speed May 1 - Nov 14
- Idle Speed All Year
- Slow Speed All Year
- Slow Speed Nov 15 - Apr 30
30 MPH May 1 - Nov 14
- Slow Speed Nov 15 - Apr 30
35 MPH May 1 - Nov 14
- 30 MPH All Year
- 35 MPH All Year



These maps show ONLY the FWC Manatee Protection Zones, FWC Boating Restricted Areas, and USFWS Manatee Protection Areas (if applicable). There may also be other Local/State/Federal Zones. Boaters are advised to abide by the regulations as posted on the water.

CONFIGURATION OF FWC ZONES ACCURATE AS OF JANUARY 2015

Miami



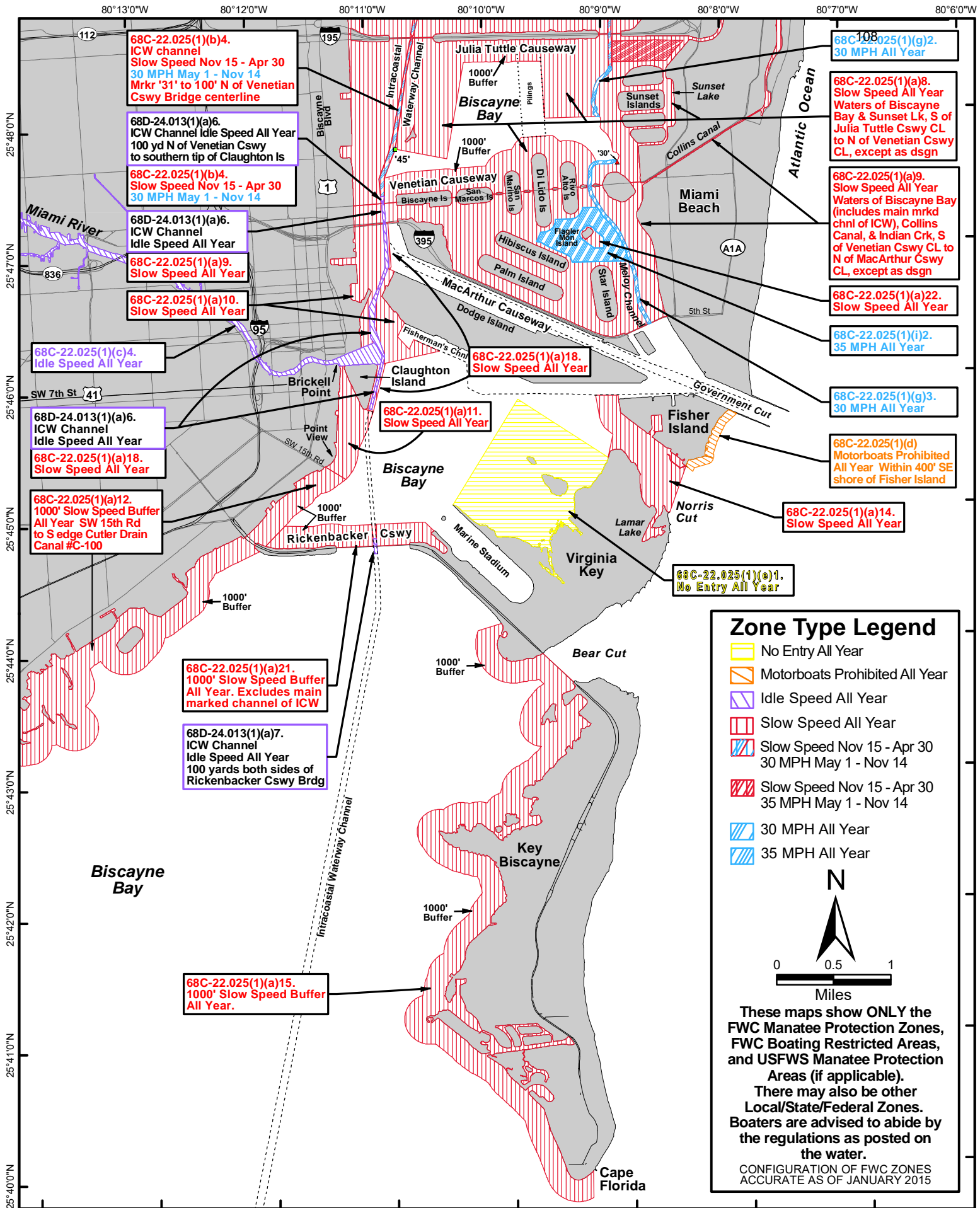
Atlantic Ocean

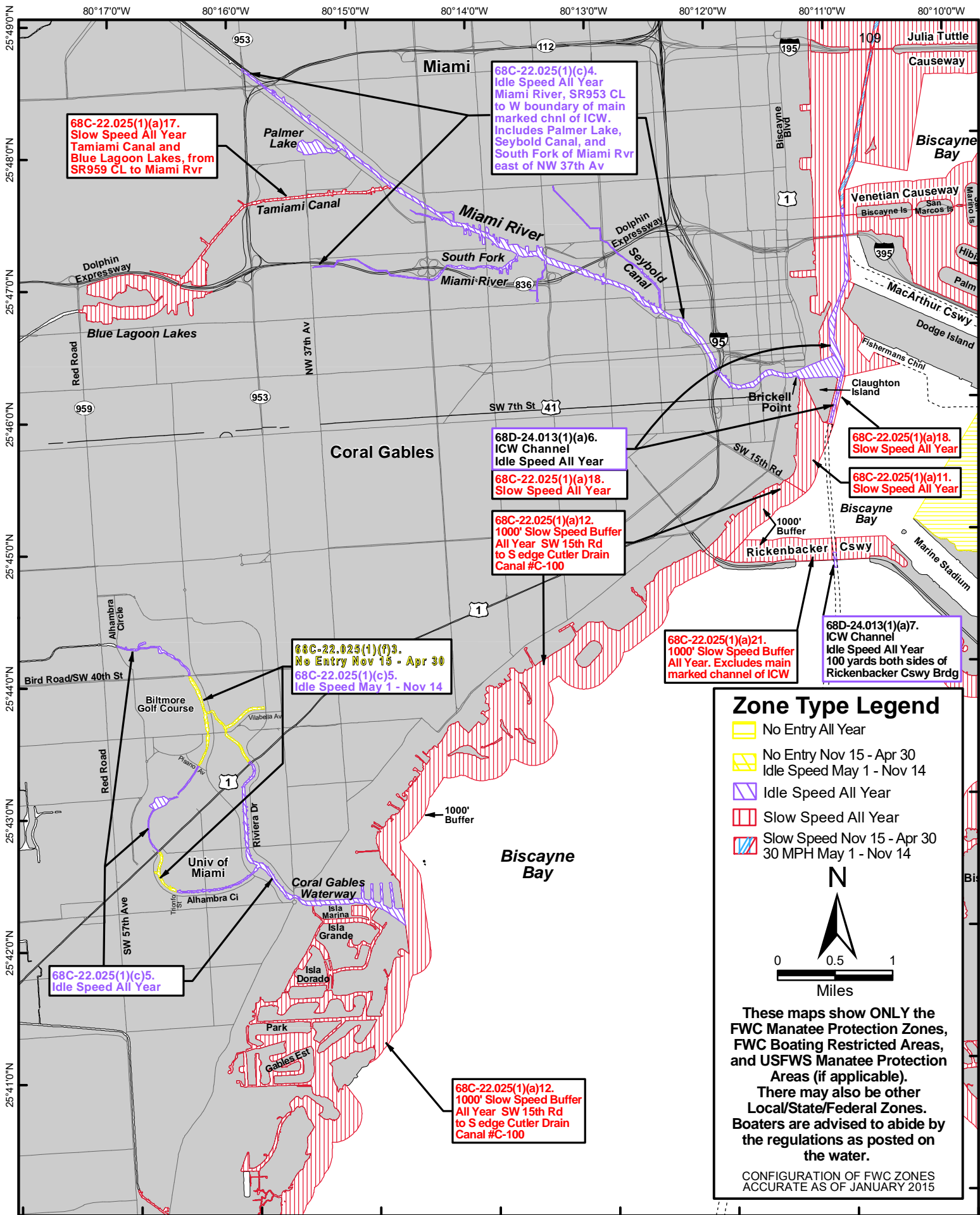
Miami Beach

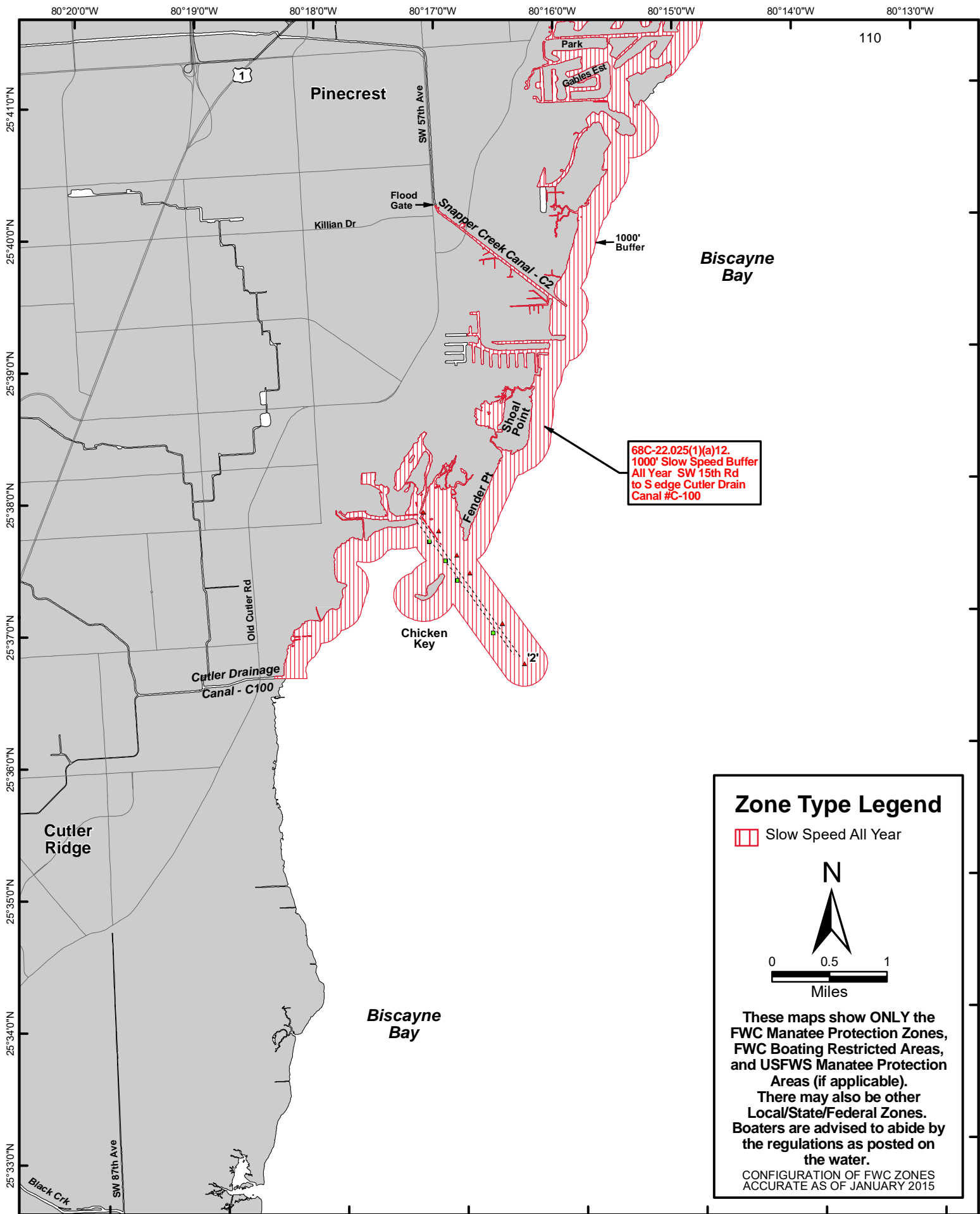


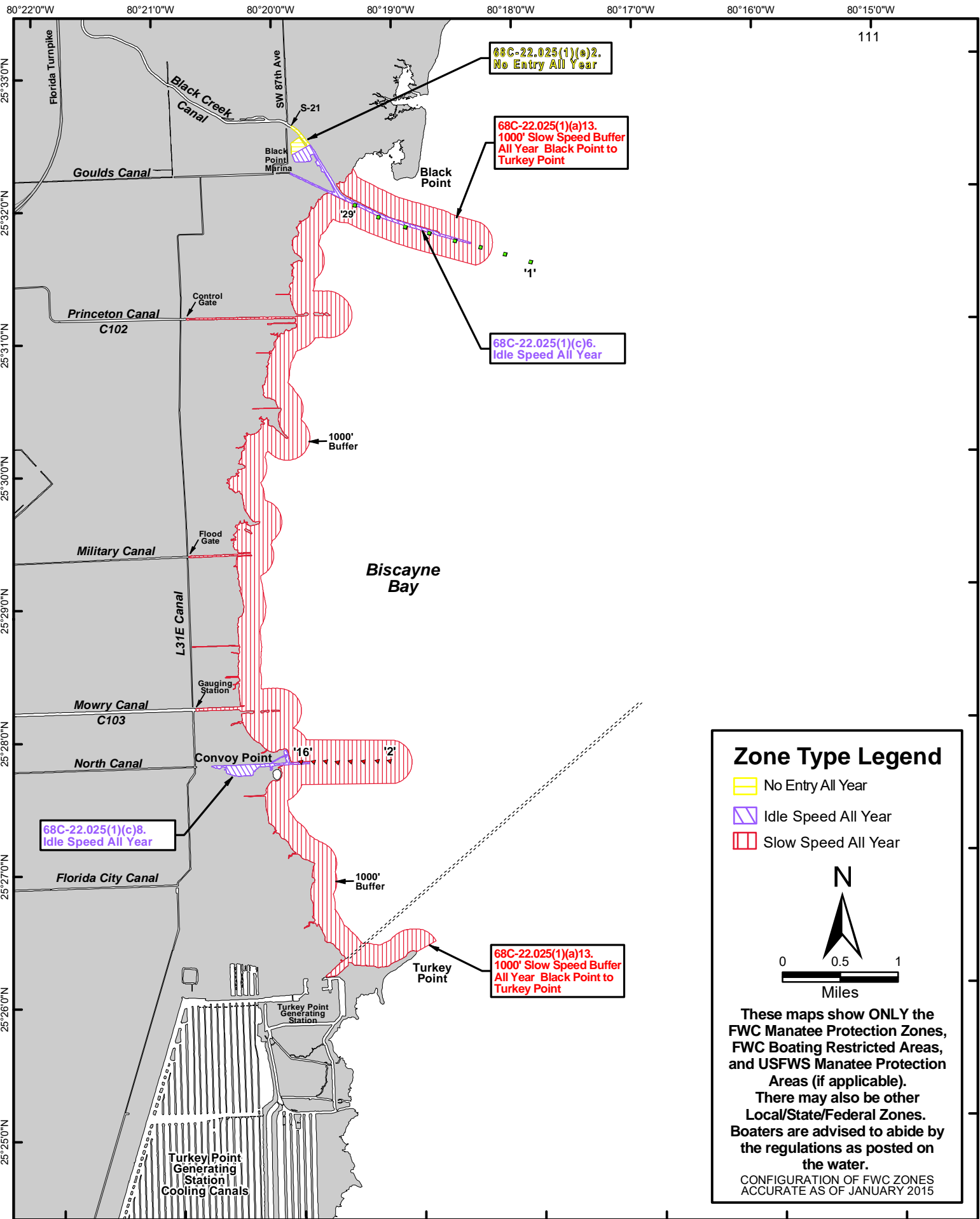
MIAMI-DADE COUNTY FWC & USFWS MANATEE PROTECTION AREAS and FWC BOATING RESTRICTED AREAS

For description of zone boundaries:
See 68C-22.025 F.A.C for State Manatee Protection Zones
See 68D-24.013 F.A.C for State Boating Restricted Areas
50 CFR part 17.108 Federal Manatee Protection Areas N/A



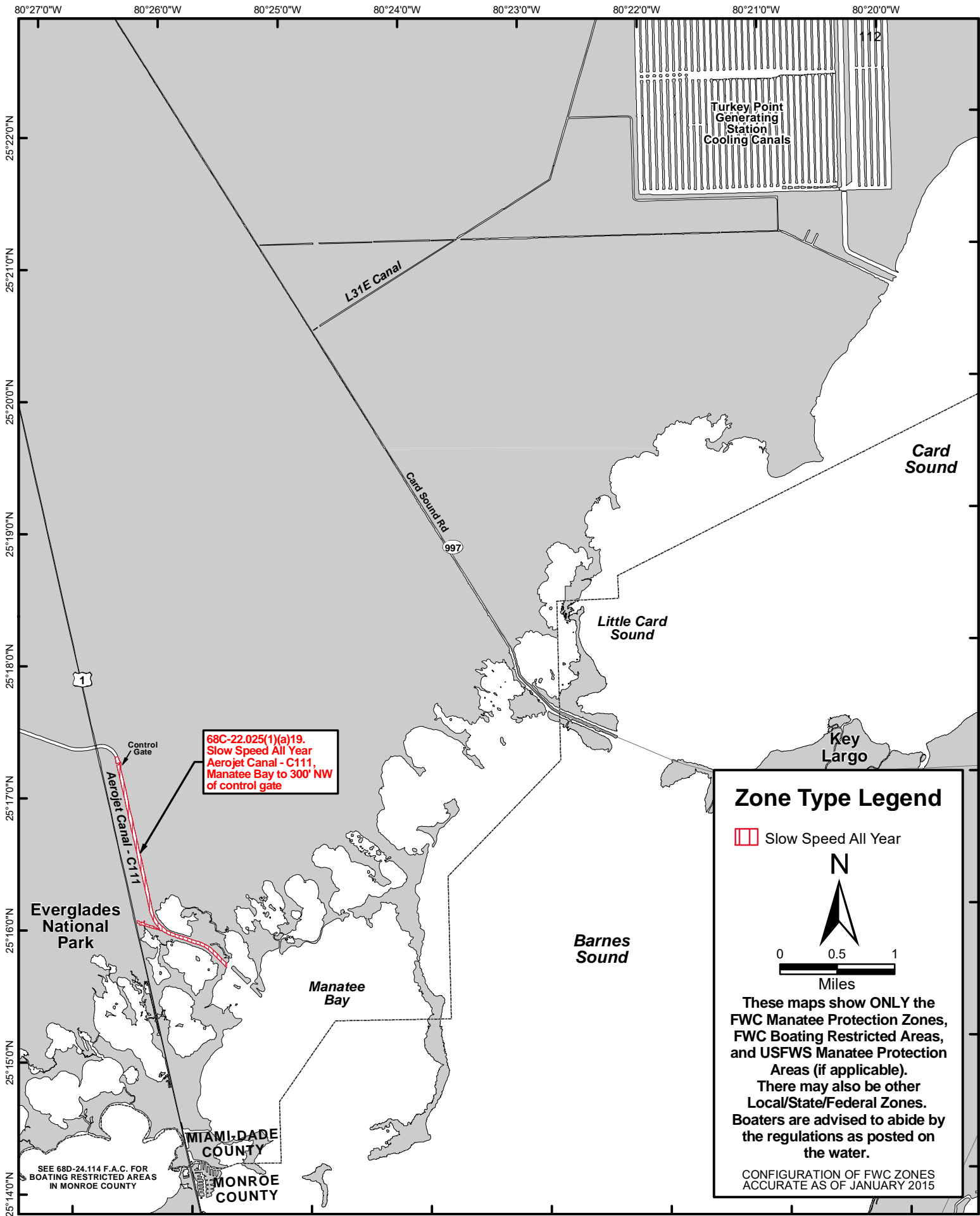






**MIAMI-DADE COUNTY
FWC & USFWS MANATEE PROTECTION AREAS
and FWC BOATING RESTRICTED AREAS**

For description of zone boundaries:
See 68C-22.025 F.A.C for State Manatee Protection Zones
See 68D-24.013 F.A.C. for State Boating Restricted Areas
50 CFR part 17.108 Federal Manatee Protection Areas N/A



FLORIDA INLAND NAVIGATION DISTRICT

RESOLUTION NO. 2024-2

RESOLUTION AUTHORIZING CHAIR TO EXECUTE DEEDS FOR EXCHANGE OF PROPERTY AT DREDGED MATERIAL MANAGEMENT AREA O-23

WHEREAS, the Board of Commissioners of the Florida Inland Navigation District entered into a contract with NORTHERN BLESSINGS LLC, a Florida limited liability company, (“Northern”), and MARTIN BUSINESS PARK RE, LLC, a Florida limited liability company, (“MBP”) dated August 28, 2019, (“Contract”) to exchange certain portions of DMMA O-23 for a quit-claim and release of any and all right, title and interest in the balance of DMMA O-23 upon the completion of construction of the dredged management facility at DMMA-O-23; and

WHEREAS, construction of the dredged management facility at DMMA O-23 has been completed.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FLORIDA INLAND NAVIGATION DISTRICT, that the Chair is hereby authorized to execute a special warranty deed conveying the property legally described on Attachment A to Martin Business Park RE, LLC, to execute a special warranty deed conveying the property legally described on Attachment B to Martin Business Park Property Owners Association, Inc., and to execute any and all other documents necessary or useful to carrying out the terms of the Contract.

PASSED AND ADOPTED THIS 19th DAY OF APRIL 2024, A.D.

FLORIDA INLAND NAVIGATION DISTRICT
BY ITS BOARD OF COMMISSIONERS

SPENCER CROWLEY, CHAIR:

ATTEST:

JAMES DAVENPORT, SECRETARY

ATTACHMENT A

A PORTION OF THOSE LANDS DESCRIBED IN THE OFFICIAL RECORDS OF MARTIN COUNTY FLORIDA, BOOK 1650 PAGE 2064, LYING IN SECTION 28, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF PART OF THE ORIGINAL HOMESTEAD OF ED F. GLUTSCH AS RECORDED IN PLATBOOK 1, PAGE 213 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, NOW LYING IN MARTIN COUNTY, SAID POINT ALSO BEING THE INTERSECTION OF THE EAST LINE OF SAID SECTION 28 AND THE NORTH RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILROAD AND HAVING COORDINATES OF NORTHING 1051170.69 FEET AND EASTING 904318.60 FEET AS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, NGS ADJUSTMENT OF 2011 (NAD 83/11); THENCE N00°07'26"W ALONG THE WEST LINE OF THE SAID ORIGINAL HOMESTEAD OF ED. F. GLUTSCH A DISTANCE OF 787.77 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND AND HAVING COORDINATES OF NORTHING 1051958.46 FEET AND EASTING OF 904316.89 FEET NAD 83/11; THENCE S89°52'34"W A DISTANCE OF 251.33 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 723 AND A CURVE CONCAVE TO THE WEST HAVING A CENTER WHICH BEARS N59°41'49"W, A RADIUS OF 1482.69 FEET, A CENTRAL ANGLE OF 13°16'00" AND A CHORD BEARING OF N23°40'11"E; THENCE ALONG SAID CURVE A DISTANCE OF 343.31 FEET TO A POINT ON THE NORTH LINE OF THOSE LANDS DESCRIBED IN SAID O.R. BOOK 1650 PAGE 2064; THENCE N89°50'07"E, ALONG SAID NORTH LINE, A DISTANCE OF 113.13 FEET TO SAID EAST LINE OF SECTION 28; THENCE S00°07'26"E ALONG SAID EAST LINE OF SECTION 28 A DISTANCE OF 313.51 FEET TO THE POINT OF BEGINNING. CONTAINING 54852.71 SQUARE FEET OR 1.26 ACRES MORE OR LESS.

ATTACHMENT B

A PORTION OF THOSE LANDS DESCRIBED IN THE OFFICIAL RECORDS OF MARTIN COUNTY FLORIDA, BOOK 1650 PAGE 2061, LYING IN SECTION 27, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF PART OF THE ORIGINAL HOMESTEAD OF ED F. GLUTSCH AS RECORDED IN PLATBOOK 1, PAGE 213 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, NOW LYING IN MARTIN COUNTY, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST LINE OF SAID SECTION 27 AND THE NORTH RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILROAD AND HAVING COORDINATES OF NORTHING 1051170.69 FEET AND EASTING 904318.60 FEET AS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, NGS ADJUSTMENT OF 2011 (NAD 83/11); THENCE N00°07'26"W ALONG THE WEST LINE OF THE SAID ORIGINAL HOMESTEAD OF ED. F. GLUTSCH (AND SECTION 27) A DISTANCE OF 554.16 FEET TO A POINT ON THE NORTH LINE OF THOSE LANDS DESCRIBED IN SAID O.R. BOOK 1650 PAGE 2061; THENCE N69°09'21"E, ALONG SAID NORTH LINE, A DISTANCE OF 873.74 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND AND HAVING COORDINATES OF NORTHING 1052035.75 FEET AND EASTING OF 905133.95 FEET NAD 83/11; THENCE N69°09'21"E A DISTANCE OF 61.80 FEET; THENCE S49°51'02"E A DISTANCE OF 52.74 FEET; THENCE S33°41'54"E A DISTANCE OF 82.14 FEET; THENCE S31°19'21"E A DISTANCE OF 154.03 FEET; THENCE S21°53'31"E A DISTANCE OF 56.41 FEET; THENCE S32°37'10"E A DISTANCE OF 113.50 FEET; THENCE S66°47'20"W A DISTANCE OF 103.52 FEET; THENCE N23°12'22"W A DISTANCE OF 393.89 FEET; THENCE N55°11'21"W A DISTANCE OF 67.70 FEET TO THE POINT OF BEGINNING. CONTAINING 34273.86 SQUARE FEET OR 0.79 ACRES MORE OR LESS.

AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this 28th day of August, 2019 by and among FLORIDA INLAND NAVIGATION DISTRICT, an independent special taxing district of the State of Florida, whose mailing address is 1314 Marcinski Road, Jupiter, FL 33477-9427 ("District"), NORTHERN BLESSINGS LLC, a Florida limited liability company, whose mailing address is 1407 SW 8th Street, Pompano Beach, FL 33069 ("Northern"), and MARTIN BUSINESS PARK R. E., LLC, a Florida limited liability company, whose mailing address is 1407 SW 8th Street, Pompano Beach, FL 33069 ("MBP") (collectively, Northern and MBP shall be referred to as "Adjacent Owners").

WITNESSETH:

Whereas, District owns a parcel of real property situate, lying and being in Martin County, Florida which is known as Dredged Material Management Area O-23, which is more particularly described on Exhibit "A" attached hereto and made a part hereof by reference ("O-23"); and

Whereas, Northern owns a parcel of real property situate, lying and being in Martin County, which is more particularly described on Exhibit "B" attached hereto and made a part hereof by reference ("Northern Parcel"); and

Whereas, MBP owns a parcel of real property situate, lying and being in Martin County, Florida, which is more particularly described on Exhibit "C" attached hereto and made a part hereof by reference ("MBP Parcel"); and

Whereas, the Northern Parcel and the MBP Parcel may be referred to collectively as the "Adjacent Parcels"; and

Whereas, O-23 and the Adjacent Parcels were originally part of a planned industrial park; and

Whereas, O-23 and the Adjacent Parcels are all subject to a South Florida Water Management District ("SFWMD") Surface Water Management Permit, a copy of which is attached hereto as Exhibit "D" and made a part hereof by reference (the "Permit"); and

Whereas, the Permit authorized the construction and operation of a surface water management system to serve O-23 and the Adjacent Parcels; and

Whereas, the original developer constructed the surface water management system on both O-23 and the Adjacent Parcels; and

Whereas, the portion of the surface water management system within the Adjacent Parcels has fallen into disrepair and is not properly functioning; and

Whereas, the District intends to develop O-23 as a dredged material management facility, which will have its own surface water management system and SFWMD permit; and

Whereas, the District and the Adjacent Owners desire to modify the Permit to allow the surface water management system on the Adjacent Parcels to operate independently from the proposed O-23 surface water management system; and

Whereas, the District desires to assist the Adjacent Owners in rehabilitating the surface water management system on the Adjacent Parcels; and

Whereas, the District and the Adjacent Owners have agreed to work cooperatively to modify the Permit and rehabilitate and reconfigure the existing surface water management system on the Adjacent Parcels.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), the mutual benefits and obligations, and other good and valuable consideration, the receipt and adequacy is acknowledged by the parties, the District, Northern and MBP hereby agree as follows:

1. Incorporation of Recitals. The foregoing "whereas" clauses are true and correct and are incorporated herein by reference.
2. Application for Modification of Permit. The District shall apply to SFMWD to modify the Permit as more particularly described herein. Northern and MBP shall join in the application and shall execute irrevocable agent's authorizations or other documentation authorizing the District and its agents and consultants to file an application to modify the Permit. The District shall bear all costs of preparing and processing the application to completion.
3. Modification of Permit. The District shall apply to SFWMD to modify the Permit to allow the surface water management system on the Adjacent Parcels to be reconfigured generally as described in Exhibit "E" attached hereto and made a part hereof by reference (the "Conceptual Drainage Plan"). The District shall have the discretion, after consulting with the Adjacent Owners and considering their reasonable requests, to adjust the Conceptual Drainage Plan as necessary for the approval of the permit modifications, including the reconfiguration of Pond 4 as necessary to support the drainage of the Adjacent Parcels. The Conceptual Drainage Plan shall be adjusted to move the new pipe connecting Inlet 6 to Inlet 16, and the new pipe connecting Inlet 17 to Inlet 15 as close to the southerly property line as possible in order to avoid or minimize the need to cut the existing paved parking lot and block truck traffic during construction. The natural gas system on Pond 3 shall remain as shown on Exhibit "E" and a 90-foot long, 30-inch bypass pipe will be installed to connect both ends of Pond 3.
4. Modification of Surface Water Management System. Within a reasonable time, not to exceed five (5) years, of the final approval of the modification of the Permit as more particularly described in Paragraph 3, District shall cause the surface water management system on the Adjacent Parcels and Pond 4 to be modified. All such modifications shall

be at District's sole cost and expense, except for the Adjacent Owners' Contribution set forth in Paragraph 7. All such modifications shall be completed in a good and workmanlike manner. District shall coordinate with Adjacent Owners to minimize any disruption to Adjacent Owners' operations to the extent reasonably practical. District shall warrant the quality and workmanship of the modifications for a period of one (1) year following completion.

5. **Creation of Property Owners' Association.** The Adjacent Owners acknowledge that the Permit requires that the surface water management system be operated and maintained by a property owners' association ("POA"), but that no POA currently exists. The District shall provide a set of POA documents (Declaration of Covenants and Restrictions, Articles of Incorporation and Bylaws) meeting the requirements of SFWMD. The POA documents shall provide that the Northern Parcel and the MBP Parcel shall be subject to the Declaration of Covenants and Restrictions and that Northern and MPB shall be the sole members of the POA, with equal voting rights. Adjacent Owners shall have the right to review and comment on the POA documents. Within thirty (30) days of receipt of the POA documents, Northern and MBP shall cause the Declaration of Covenants and Restrictions to be recorded in the Public Records of Martin County, Florida. After the approval of the Permit modification and completion of the reconfiguration of the surface water management system, the Adjacent Owners and the POA shall be solely responsible for the operation and maintenance of the surface water management system on the Adjacent Parcels. Notwithstanding the foregoing, District, at District's sole expense, shall mow the Pond 4 Parcel on at least a quarterly basis for the first five (5) years following the completion of the modification of the surface water management system as described in Paragraph 4.
6. **Conveyance of Retention/Detention Areas.** Upon the completion of the reconfiguration of the surface water management system on the Adjacent Parcels and on the area depicted on Exhibit "E" as "Pond 4", the District shall convey good and marketable fee simple title, free of liens and encumbrances, of the reconfigured Pond 4 to the POA established pursuant to Paragraph 4 hereof by special warranty deed. The District shall not connect any pipes from the District's dredged material management facility into Pond 4. District agrees to remediate any hazardous substances introduced onto Pond 4 to the extent the same are due to District's use of DMMA O-23, to the extent that such hazardous materials exceed the Commercial/Industrial Soil Cleanup Target Levels (SCTL); provided, however, that the District shall not be obligated to remediate any hazardous substances that have originated from the Adjacent Parcels.
7. **Adjacent Owners' Contribution.** To defray the cost of clearing clogged catch basins and pipes, removing exotic vegetation from retention ponds, repairing outfall structures, removing unauthorized pipes and restoring the grade of retention ponds, among other corrective work, as well as in consideration for the conveyance of the Savannah Road Parcel, Northern and MBP shall each contribute Twenty Thousand Dollars (\$20,000.00), to be delivered to District within fifteen (15) days of the Effective Date. In no event,

including, but not limited to, cost overruns in the modification of the surface water management system, shall the Adjacent Owners' Contribution exceed \$20,000 each.

8. Cooperation with O-23 Permits. Northern and MBP shall cooperate with District's efforts to obtain a separate SFWMD surface water management permit for the O-23 Parcel. Northern and MBP shall not challenge or appeal the issuance of the SFWMD permit for the O-23 Parcel.
9. Property Exchange. District shall convey to Northern and MBP, as tenants in common, or to their nominee, good and marketable fee simple title to the north 320 feet, more or less, of Tax Parcel 283741000000002103, as depicted on Exhibit "F" (the "Savannah Road Parcel"). The conveyance of the Savannah Road Parcel shall be by special warranty deed free of liens and encumbrances, subject to any and all matters of record, provided the same do not render the property unmarketable (as customarily defined). Northern and MBP accept the Savannah Road Parcel "as-is, with all faults". The District makes no warranties or representations as to the condition, developability, or suitability for any purpose of the Savannah Road Parcel. District shall have a Florida registered surveyor and mapper prepare a sketch and legal description of the Savannah Road Parcel sufficient to legally convey the same, which the Adjacent Owners shall review and approve. Simultaneously with the conveyance of the Savannah Road Parcel, Northern and MBP shall deliver a quit claim deed conveying all of their right, title and interest in O-23 (less the Savannah Road Parcel), including, without limitation, any easements and drainage rights, to the District. The Adjacent Owners make no warranties or representations as to the condition, developability, or suitability for any purpose of the O-23 parcel. The conveyances shall occur within ten (days) of the date that SFWMD has approved the Permit modification.
10. Access to Adjacent Parcels; Non-interference. Northern and MBP hereby grant to District and its contractors, agents and employees access to the Adjacent Parcels as necessary to carry out the reconfiguration of the surface water management system in accordance with the modified SFWMD permit, including, without limitation, removing or relocating any bins, carts, inventory, vehicles or other personal property in the work areas. The District shall not unreasonably interfere with the operation of the businesses on the Adjacent Parcels.
11. Effective Date. This Agreement shall take effect upon execution by the last party.
12. Compliance with Codes and Laws. The District agrees to abide by all applicable laws, orders, rules, and regulations. The District is also responsible for obtaining and abiding by federal, state, and local permits necessary for the development and completion of the reconfigured surface water management system on the Adjacent Parcels.
13. Time of the Essence. Time is of the essence with all requirements of the Agreement.

14. Breach and Opportunity to Cure. The parties expressly covenant and agree that in the event any party is in default of its obligations under this Agreement, the party not in default shall provide to the defaulting party thirty (30) days written notice before exercising any of its rights.
15. Litigation Costs/Venue. In the event any party institutes any action or suit to enforce the provisions of this Agreement, the prevailing party shall collect its costs and reasonable attorneys' fees from the non-prevailing at trial, appellate and post-judgment levels. The venue of any such litigation shall be had only in Palm Beach or Martin County, Florida.
16. Notice. Any notices required to be given under this Agreement shall be in writing and deemed sufficient to each party when sent by United States Mail, postage prepaid, to the following:
17.
 - As to the DISTRICT:
 Florida Inland Navigation DISTRICT
 1314 Marcinski Road
 Jupiter, Florida 33477-9494
 Attn: Executive Director
 - As to Northern:
 Northern Blessings LLC
 1407 SW 8th Street
 Pompano Beach, FL 33069
 - As to MBP
 Martin Business Park R. E., LLC
 1407 SW 8th Street
 Pompano Beach, FL 33069
18. Modification and Amendment. Except as expressly permitted herein to the contrary, no modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and equality of dignity herewith.
19. Remedies. This Agreement shall be construed by and governed by the laws of the State of Florida. No remedy herein conferred upon by any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

20. Captions. The captions and section designations herein set forth are for convenience only and shall have no substantive meaning.
21. Severability. In the event that any section, paragraph, sentence, clause, or provision hereof is held invalid by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.
22. Entirety of Agreement. This Agreement represents the entire understanding between the parties, and supersedes all other negotiations, representations, or agreements, either written or oral, relating to this Agreement.
23. This Agreement 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.
24. Binding Effect. This Agreement shall be binding on each party's successors and assigns.

[THE BALANCE OF THIS PAGE IS BLANK]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day, month, and year aforesaid.

FLORIDA INLAND NAVIGATION DISTRICT

By: [Signature]
Don Donaldson, Chair

Date: August 28, 2019

NORTHERN BLESSINGS LLC

By: [Signature]
Name: RICHARD LUNEBURG
Title: MANAGING DIRECTOR
Date: 8/20, 2019

MARTIN BUSINESS PARK B.B., LLO

By: [Signature]
Name: RICHARD LUNEBURG
Title: MANAGING DIRECTOR
Date: 8/20, 2019

EXHIBIT "A"

LEGAL DESCRIPTION OF O-23

OR BK 01650 PG 2063

EXHIBIT "A"

PARCEL 1

LEGAL DESCRIPTION FOR THE MARTIN COUNTY BUSINESS PARK:

LEGAL DESCRIPTION FOR LANDS LYING IN SECTION 27, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, GO N60°07'26"W ALONG THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 1422.33 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF PART OF THE ORIGINAL HOMESTEAD OF ED F. GLUTSCH AS RECORDED IN PLATBOOK 1, PAGE 213 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, NOW LYING IN MARTIN COUNTY, FLORIDA; THENCE N69°03'38"E ALONG THE SOUTH LINE OF THE SAID ORIGINAL HOMESTEAD OF ED. F. GLUTSCH AND ALSO THE NORTH RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD A DISTANCE OF 1278.29 FEET; THENCE N28°03'14"W, 9.97 FEET; THENCE N36°38'50"W, 94.11 FEET; THENCE N38°54'47"W, 51.34 FEET; THENCE N25°37'10"W, 46.01 FEET; THENCE N18°14'15"W, 67.83 FEET; THENCE N37°59'19"W, 120.89 FEET; THENCE N38°57'55"W, 119.88 FEET; THENCE N43°33'24"W, 23.07 FEET; THENCE S69°09'21"W A DISTANCE OF 867.03 FEET TO THE WEST LINE OF LOT 4 OF THE SAID ORIGINAL HOMESTEAD OF ED. F. GLUTSCH; THENCE S00°07'26"E ALONG THE SAID WEST LINE OF LOT 4 A DISTANCE OF 954.16 FEET BACK TO THE POINT OF BEGINNING.
CONTAINING 13.38 ACRES MORE OR LESS

OR BK 01578 PG 2774

EXHIBIT A
PARCEL 2LEGAL DESCRIPTION FOR TELLY, INC.

PARCEL "A"

LEGAL DESCRIPTION FOR LANDS LYING IN SECTION 27, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 37 SOUTH, RANGE 41 EAST, GO N00°07'26"W ALONG THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 1976.49 FEET TO A POINT ON THE WEST LINE OF LOT 4 OF THE ORIGINAL HOMESTEAD OF ED F. GLUTSCH, ALSO BEING THE POINT OF BEGINNING: THENCE CONTINUE N00°07'26"W ALONG THE SAID WEST LINE OF LOT 4 233.61 FEET; THENCE N69°05'55"E. 453.85 FEET; THENCE S21°18'24"E. 218.96 FEET; THENCE S69°09'21"W, 538.27 FEET BACK TO THE POINT OF BEGINNING. CONTAINING 2.49 ACRES MORE OR LESS

EXHIBIT "B"

LEGAL DESCRIPTION OF NORTHERN PARCEL

Fund File Number 42-2007-2895

EXHIBIT A

That part of the North 50 feet of the Northeast of the Southeast of Section 28, Township 37 south, Range 41 East, lying East of Savannah Road, Martin County, Florida, together with a portion of Lots 1, 2, 3 and 4 of Ed F. Glutch Homestead, according to the Plat thereof as filed in the Public Records of Brevard (now Martin) County, Florida in Plat Book 1, page 141, being more particularly described by metes and bounds as follows:

Beginning at the N.E. 1/4 corner of the Northeast 1/4 of the Southeast 1/4 of Section 28; Thence South 89 degrees 52' 33" East along the North line of said Lots 1, 2, 3 and 4 for a distance of 780.25 feet to an intersection with a line meandering a line lying 50 feet Easterly of Warner Creek; Meander along said line for the following eight (8) courses (1) South 06 degrees 08' 27" West, a distance of 29.63 feet; (2) South 18 degrees 13' 47" East, a distance of 26.33 feet (3) South 44 degrees 56' 30" East a distance of 61.44 feet; (4) South 17 degrees 55' 00" East, a distance of 45.94 feet; (5) South 39 degrees 50' 00" East, a distance of 25.23 feet (6) South 47 degrees 50' 34" East, a distance of 45.98 feet (7) South 44 degrees 03' 43" East, a distance of 54.89 feet; (8) South 44 degrees 18' 30" East, a distance of 61.16 feet; Thence South 69 degrees 09' 21" West, a distance of 73.67 feet; Thence North 43 degrees 33' 24" West, a distance of 39.69 feet; Thence North 42 degrees 45' 42" West for 101.89 feet; Thence North 33 degrees 28' 49" West, a distance of 29.60 feet; Thence South 00 degrees 07' 26" East, a distance of 105.65 feet; Thence South 20 degrees 36' 26" East a distance of 61.21 feet; Thence South 69 degrees 09' 21" West, a distance of 331.30 feet; Thence North 21 degrees 18' 24" West, a distance of 218.96 feet; Thence North 01 degrees 45' 20" West, a distance of 68.60 feet; Thence North 20 degrees 57' 04" West, a distance of 162.47 feet; Thence North 89 degrees 46' 51" West, a distance of 301.85 feet; Thence South 72 degrees 26' 39" West, a distance of 65.85 feet; Thence South 89 degrees 56' 55" West, a distance of 96.82 feet to a point of non-tangential intersection with the arc of a circular concave to the Northwest and bearing South 74 degrees 53' 11" East from the center of said curve; Thence Northeasterly along the arc of said curve having a radius of 1482.69 feet and central angle of 1 degrees 59' 34" for 51.57 feet; Thence North 89 degrees 56' 55" East for 84.20 feet to the Point of Beginning.

EXHIBIT "C"

LEGAL DESCRIPTION OF MBP PARCEL

EXHIBIT A

That part of the North 100 feet of the Northeast of the Southeast of Section 28, Township 37 South, Range 41 East, lying East of Savannah Road, Martin County, Florida; together with a portion of Lots 1, 2, 3 and 4, of PLAT OF A PART OF THE ORIGINAL HOMESTEAD OF ED. F. GLUTSCH SECTS. 27 & 28 - T. 37S-R41E, according to the plat thereof filed in the Office of the Clerk of the Circuit Court of Brevard (now Martin) County, Florida, and recorded in Plat Book 1, Page 151, being more particularly described by metes and bounds as follows:

Begin at the Northeast corner of the Northeast of the Southeast of Section 28; thence South $89^{\circ}45'23''$ East along the North line of Lots 1, 2, 3 and 4 of PLAT OF A PART OF THE ORIGINAL HOMESTEAD OF ED. F. GLUTSCH SECTS. 27 & 28 - T. 37S-R41E for 780.25 feet more or less to an intersection with a line meandering a line 50 feet Easterly of as measured at right angles and parallel to the Easterly edge of Warner Creek. Thence along said line for the following eight (8) courses: (1) South $6^{\circ}15'37''$ West for 29.63 feet; (2) South $18^{\circ}06'37''$ East for 26.33 feet; (3) South $44^{\circ}49'20''$ East for 61.44 feet; (4) South $17^{\circ}47'50''$ East for 45.94 feet; (5) South $39^{\circ}42'50''$ East for 25.23 feet; (6) South $47^{\circ}43'24''$ East for 45.98 feet; (7) South $43^{\circ}56'33''$ East for 54.89 feet; (8) South $44^{\circ}11'20''$ East for 60.53 feet to the termination of said meander line; thence South $69^{\circ}12'17''$ West for 1040.77 feet more or less to an intersection with the East line of the Northeast of the Southeast of Section 28; thence North $00^{\circ}00'16''$ West along said East line for 547.89 feet to an intersection with a line being 100 feet Southerly, as measured at right angles and parallel to the North line of the Northeast of the Southeast of said Section 28; thence North $89^{\circ}55'55''$ West along said parallel line for 111.45 feet to an intersection with the Easterly right of way line of N.E. Savannah Road, said intersection being on the arc of a circular curve concave to the Northwest and bearing South $72^{\circ}45'18''$ East from the center of said curve; thence Northeasterly along said right of way line, along the arc of said curve having a radius of 1482.69 feet and a central angle of $4^{\circ}00'17''$ for 103.63 feet to an intersection with the North line of the Northeast of the Southeast of said Section 28; thence South $89^{\circ}55'55''$ East along said North line for 84.20 feet to the Point of Beginning.

LESS AND EXCEPTING therefrom those lands as described in Official Records Book 1578, Page 2773 and Official Records Book 1666, Page 913, Public Records of Martin County, Florida.

Form CF6 Exhibit A (rev. 12/10)

EXHIBIT "D"

SFWMD PERMIT



South Florida Water Management District

Post Office Box V 3301 Gun Club Road
West Palm Beach, Florida 33402
Telephone (407) 688-8900
Florida WATS Line 1-800-432-2045

File

John H. Muloy, Executive Director

IN REPLY REFER TO: .GP 43-00259-S

Martin Co. Business Partners,
Aubrey Stowell, General Partner
(Martin Co. Business Park)
1390 North University Drive
Ft. Lauderdale, FL 33322

September 8, 1983

Re: General Permit No.: 43-00259-S (Application No. 05183-B)
Permittee: Martin Co. Business Partners, Aubrey Stowell, Gen. Partner
Project: Martin County Business Park
Location: Martin County, Sec 27 & 28, Twp 37S, Rge 41E

Gentlemen:

This letter is to acknowledge receipt of your Intent to Construct Works pursuant to Rule 40E-40, Florida Administrative Code.

/ Based on the information provided, District rules have been adhered to and a General Permit is in effect for this project as described in the enclosed staff report and subject to the special conditions listed in the staff report on page(s) 5 and 6.

Sincerely,

Richard A. Rogers

Richard A. Rogers, P.E.
Director
Resource Control Department

RAR/cm

Enclosure

cc: Department of Environmental Regulation
Mr. Tim Powers
Mr. Nathaniel Reed
Development Engineering, Inc.
Martin County Engineer
Dir., Martin County Planning & Zoning

Stanley W. Hole
Naples

J. Neil Gallagher
S. Cloud

Robert L. Clark, Jr.
Chairman - Fort Lauderdale

Nathaniel Reed
Hwy. 1

Dr. Patrick
Chairman - Fort Pierce

John L. Hundley
Parrot

Angie
Okie

Num

Charles L. Crumpton
Miami Shores

Jeanne Barkley
Coral Gables

GENERAL PERMIT DUE BEFORE:
October 5, 1983

SURFACE WATER MANAGEMENT STAFF REVIEW SUMMARY

APPLICATION NO: 05183-B

PROJECT NAME: Martin County Business Park

LOCATION: Martin County, S27&28/T37S/R41E

OWNER: Martin County Business Partners, Aubrey Stowell, General Partner

DEVELOPER: Martin County Business Partners, Aubrey Stowell, General Partner

ENGINEER: Development Engineering, Inc.

1. Suitability of land for proposed use	GOOD	FAIR	POOR	NOT APPLICABLE
2. Water quantity impacts	GOOD	FAIR	POOR	NOT APPLICABLE
3. Water quality impacts	GOOD	FAIR	POOR	NOT APPLICABLE
4. Environmental impacts	GOOD	FAIR	POOR	NOT SIGNIFICANT
5. Water conservation	GOOD	FAIR	POOR	NOT APPLICABLE
6. Flood protection	GOOD	FAIR	POOR	NOT APPLICABLE
7. Relief from rainstorm inconvenience	GOOD	FAIR	POOR	NOT APPLICABLE
8. System maintainability	GOOD	FAIR	POOR	NOT APPLICABLE
9. Overall use of land with respect to water resource	GOOD	FAIR	POOR	NOT APPLICABLE
10. Water management system with respect to feasible alternatives	GOOD	FAIR	POOR	NOT APPLICABLE

9-6-83

SHORT FORM EVALUATION

APPLICATION NUMBER 05183-B
 PROJECT NAME Martin County Business Park
 LOCATION Martin COUNTY
 SECTION S 27 & 28, TOWNSHIP 37 SOUTH, RANGE 41 EAST
 TYPE OF APPLICATION Surface Water Management

PROJECT AREA 28.93 ACRES DRAINAGE AREA 23.68* ACRES

*Drainage area excludes 6.45 acres east of Warner Creek, not being developed; and includes 1.20 acres of off-site contributing area.

FACILITIES

1. EXISTING: Warner Creek.
2. PROPOSED: A system of inlets and culverts directing runoff to a series of dry detention areas and 1007.5 LF of exfiltration trench.

The project is divided into 4 basins: I (4.2 acres), II (3.91 acres), III (2.79 acres), and IV (12.78 acres). Basins I, II and IV are connected and discharge through the basin IV control structure consisting of 1-2.25' wide weir with a crest at elevation 5.82' NGVD, 1-30" V-notch with an invert at elevation 4.5' NGVD and 1-6" diameter orifice at elevation 3.25' NGVD; and through 35 LF of 24" diameter BCCSP culvert to a spreader swale which overflows to Warner Creek.

Basin III discharges via 1-30" V-notch weir with an invert at elevation 6.8' NGVD, 1-6" diameter orifice at elevation 4.5' NGVD for bleeddown, and through 15 LF of BCCSP culvert to a spreader swale which overflows to Warner Creek.

DRAINAGE BASIN St. Lucie River RECEIVING BODY Warner Creek

RUNOFF FORMULA Pre- vs Post-Development ALLOWABLE DISCHARGE 25 CFS

REQUIRED DETENTION 3.5 AC-FT TOTAL PROJECT
 DETENTION METHOD dry detention areas and 1007.5 LF of exfiltration trench
 DETENTION PROVIDED 5.1 AC-FT

FLOOD PROTECTION		Basin I	
LOCAL ROAD CRITERIA	<u>10</u>	YEAR, <u>24</u>	HOUR STORM
FLOOD CONTOUR	<u>9.27</u>	FEET NGVD	
MINIMUM ROAD GRADE	<u>10.0</u>	FEET NGVD	
BASIN DESIGN FREQUENCY	<u>25</u>	YEAR, <u>72</u>	HOUR STORM
FLOOD CONTOUR	<u>9.61</u>	FEET NGVD	
DESIGN DISCHARGE	<u>9</u>	CFS	
100 YEAR FLOOD			
FLOOD CONTOUR	<u>9.8</u>	FEET NGVD	See "Additional Comments"
MINIMUM FLOOR ELEVATION	<u>12.2</u>	FEET NGVD	
FIA FLOOD ELEVATION	<u>7</u>	FEET NGVD	

		<u>Basin II</u>	
FLOOD PROTECTION			
LOCAL ROAD CRITERIA			
FLOOD CONTOUR		<u>10</u>	YEAR, <u>24</u> HOUR STORM
MINIMUM ROAD GRADE		<u>8.13</u>	FEET NGVD
		<u>8.30</u>	FEET NGVD
BASIN DESIGN FREQUENCY		<u>25</u>	YEAR, <u>72</u> HOUR STORM
FLOOD CONTOUR		<u>8.78</u>	FEET NGVD
DESIGN DISCHARGE		<u>13</u>	CFS
100 YEAR FLOOD			
FLOOD CONTOUR		<u>8.5</u>	FEET NGVD - See "Additional Comments"
MINIMUM FLOOR ELEVATION		<u>11.2</u>	FEET NGVD
FIA FLOOD ELEVATION		<u>7</u>	FEET NGVD

		<u>Basin III</u>	
FLOOD PROTECTION			
LOCAL ROAD CRITERIA			
FLOOD CONTOUR		<u>10</u>	YEAR, <u>24</u> HOUR STORM
MINIMUM ROAD GRADE		<u>7.48</u>	FEET NGVD
		<u>6.86</u>	FEET NGVD - See "Additional Comments"
BASIN DESIGN FREQUENCY		<u>25</u>	YEAR, <u>72</u> HOUR STORM
FLOOD CONTOUR		<u>8.30</u>	FEET NGVD
DESIGN DISCHARGE		<u>2</u>	CFS
100 YEAR FLOOD			
FLOOD CONTOUR		<u>8.5</u>	FEET NGVD - See "Additional Comments"
MINIMUM FLOOR ELEVATION		<u>10.5</u>	FEET NGVD
FIA FLOOD ELEVATION		<u>7</u>	FEET NGVD

		<u>Basin IV</u>	
FLOOD PROTECTION			
LOCAL ROAD CRITERIA			
FLOOD CONTOUR		<u>10</u>	YEAR, <u>24</u> HOUR STORM
MINIMUM ROAD GRADE		<u>7.13</u>	FEET NGVD
		<u>6.11</u>	FEET NGVD - See "Additional Comments"
BASIN DESIGN FREQUENCY		<u>25</u>	YEAR, <u>72</u> HOUR STORM
FLOOD CONTOUR		<u>7.93</u>	FEET NGVD
DESIGN DISCHARGE		<u>19</u>	CFS - Combined discharge from basins I, II & IV
100 YEAR FLOOD			
FLOOD CONTOUR		<u>8.2</u>	FEET NGVD - See "Additional Comments"
MINIMUM FLOOR ELEVATION		<u>8.5</u>	FEET NGVD
FIA FLOOD ELEVATION		<u>7</u>	FEET NGVD

WATER QUALITY

A. ADVERSE IMPACTS EXPECTED

YES ☐ NO ☒

B. BEST MANAGEMENT PRACTICES UTILIZED

Detention in excess of the 3-year 1-hour runoff.

ENVIRONMENTAL

A. SIGNIFICANT ADVERSE IMPACTS EXPECTED

YES ☐ NO ☒

B. COMMENTS

LAND USE

PRESENT ZONING Light Industrial, ALLOWED DENSITY N/A DU/APROPOSED USE Warehouses, PROPOSED DENSITY N/A DU/ACOMPATIBLE YES ☒ NO ☐POTABLE WATER Beacon 21 Water Treatment PlantWASTEWATER TREATMENT On-site septic tank systemOPERATION ENTITY Martin County Business PartnersADDITIONAL COMMENTS Potable water: permitted allocation 0.1 MGDpresent withdrawals 0.0425 MGDproject demand unable to determine.Some minor driveway flooding may be experienced in the 10-year 24-hour storm.Basins I, II & IV will sheetflow to Warner Creek above elevation 8.25' NGVD,Basin III will sheetflow to Warner Creek above elevation 8.50' NGVD.

RECOMMENDATIONS: See Attached.

PREPARED: Alan L. Jensen
AL:mAPPROVED: Richard A. Rogers
Richard A. Rogers, P.E., Director
Resource Control DepartmentCHECKED: Ralph L. JensenDATE: 7/6/83

The staff recommends that a:

- ☒ General Permit
- ☐ Construction and Operation Permit
- ☐ Construction Permit
- ☐ Operation Permit
- ☐ Letter of Conceptual Approval
- ☐ Right-of-Way Occupancy Permit

be issued for the following described project:

Application No. 05183-B Date 7-13-83
Applicant Name Martin County Business Partners, Aubrey Stowell, General Partner
Applicant Address 1390 North University Drive, Fort Lauderdale, FL 33322
Project Name Martin County Business Park

Applicable Land Area

	Project	Phase Construction
Total	<u>28.93</u> acres;	<u>22.48</u> acres
Water Management	<u>1007.5 LF exfiltration trench/1007.5 LF exfiltration trench</u>	
	<u>0.56</u> acre ;	<u>0.56</u> acre
Impervious	<u>16.9</u> acres;	<u>16.9</u> acres

Land Use 0 Total Dwelling Units; 284,000 Sq. ft. Commercial/Industrial

Location East of County Road 723 and north of the Florida East Coast Rail-
road tracks.

City _____ County Martin

Special District _____

SFWM Basin St. Lucie River

Sections 27 & 28, Township 37 South, Range 41 East

Operation Entity Martin County Business Partners

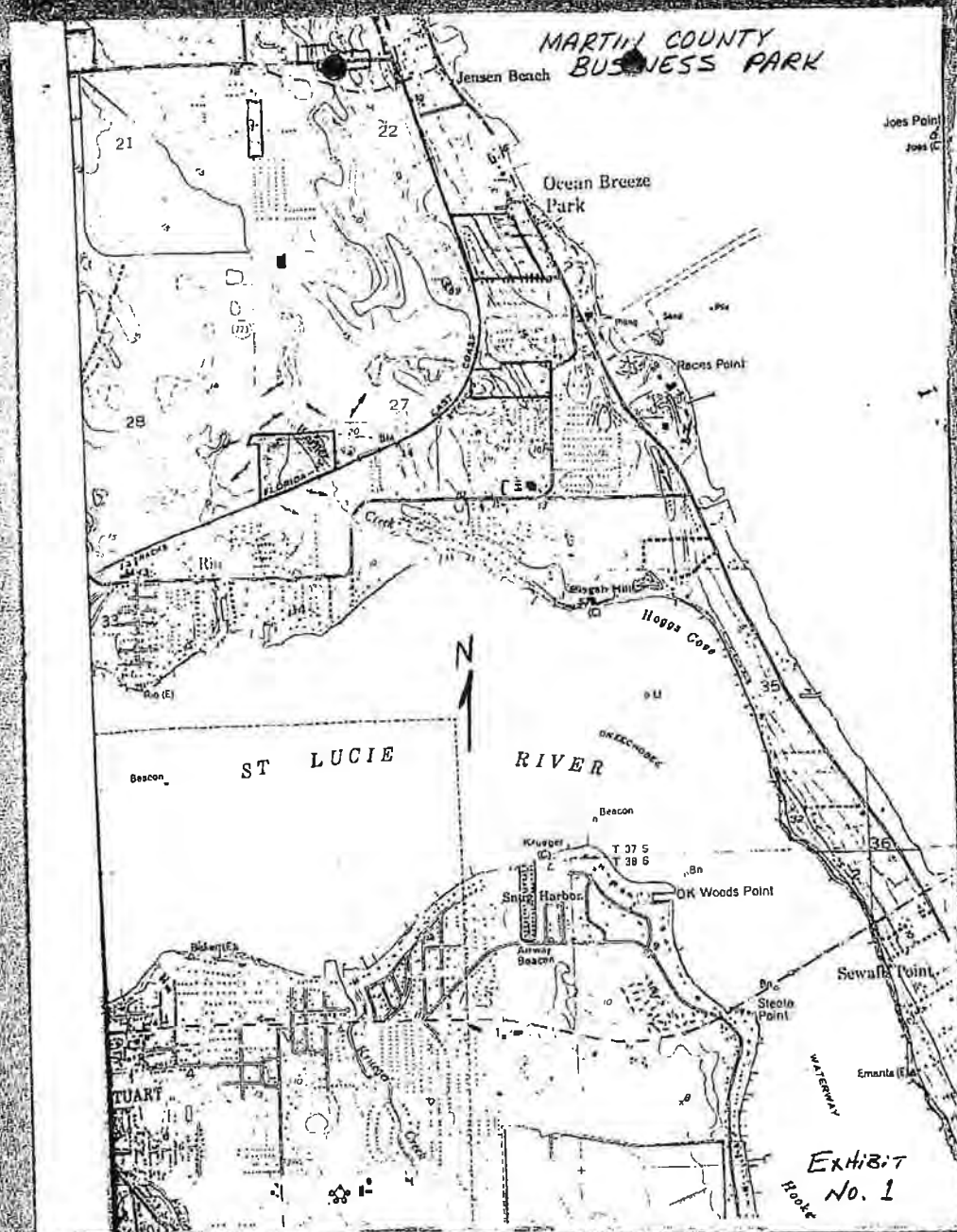
Subject to the following 12 Standard Limiting and 9 Special Conditions (for
conceptual approvals only, these conditions as a minimum will apply to subsequent
construction permitting):

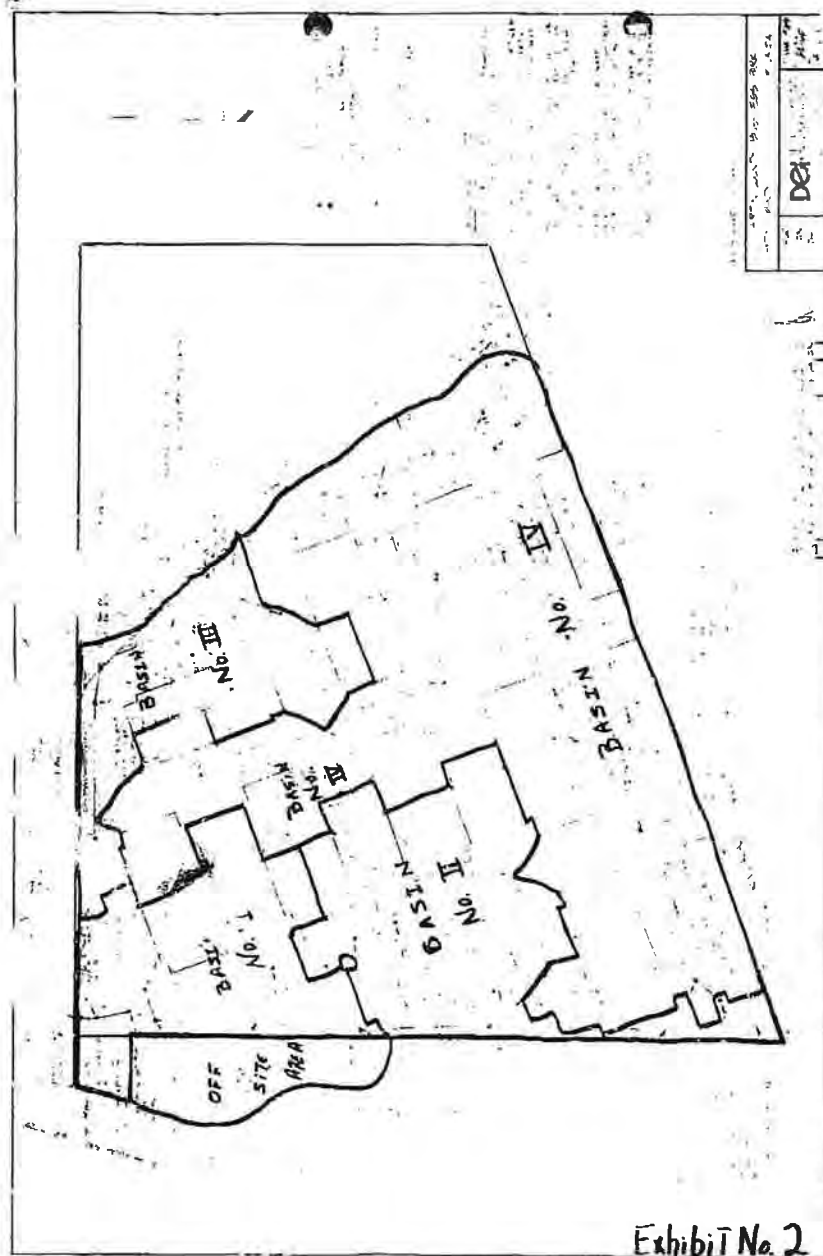
LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

SPECIAL CONDITIONS

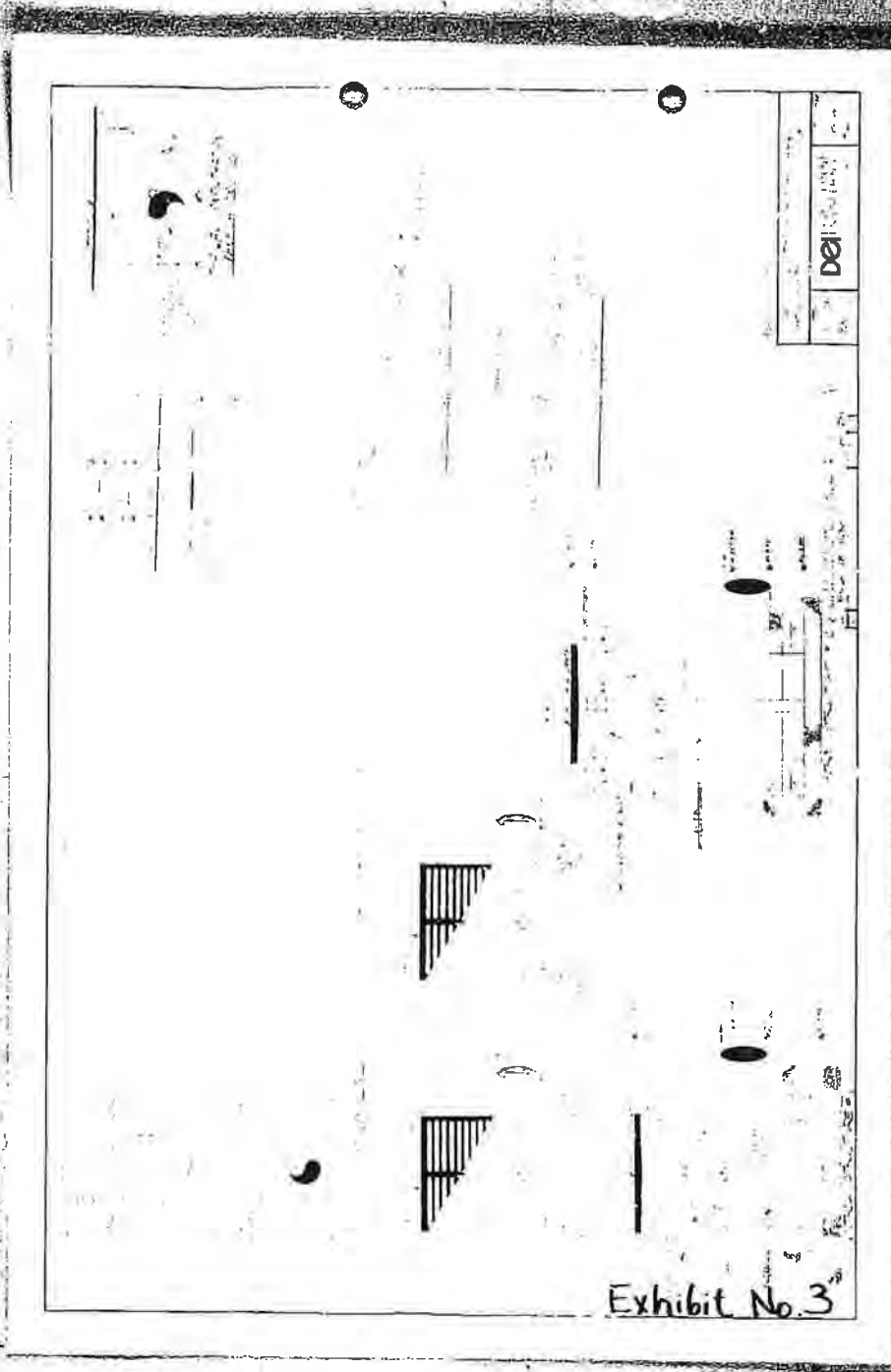
- | | <u>BASIN I</u> | <u>BASIN II</u> | <u>BASIN III</u> | <u>BASIN IV</u> | |
|---|-----------------------------|-----------------|------------------|-----------------|-------|
| 1. MINIMUM BUILDING FLOOR ELEVATION: | 12.2' | 11.2' | 10.5' | 8.5' | NGVD |
| 2. MINIMUM ROAD CROWN ELEVATION: | 10.0' | 8.3' | 6.86' | 6.11' | NGVD |
| 3. DISCHARGE FACILITIES | | | | | |
| DESCRIPTION: BASIN IV: 1-2.25' WIDE WEIR WITH A CREST AT ELEVATION 5.82' NGVD, 1-30° V-NOTCH WITH AN INVERT AT ELEVATION 4.5' NGVD, AND 1-6" DIAMETER ORIFICE WITH INVERT AT ELEVATION 3.25' NGVD FOR BLEEDDOWN; AND 35 LF OF 24" DIAMETER BCCSP CULVERT TO A SPREADER SWALE WHICH OVERFLOWS TO WARNER CREEK. | | | | | |
| BASIN III: 1-30° V-NOTCH WEIR WITH AN INVERT AT ELEVATION 6.8' NGVD, 1-6" DIAMETER ORIFICE AT ELEVATION 4.5' NGVD, AND 15 LF OF 24" DIAMETER BCCSP CULVERT TO A SPREADER SWALE WHICH OVERFLOWS TO WARNER CREEK. | | | | | |
| | <u>BASIN I, II & IV</u> | | <u>BASIN III</u> | | |
| CONTROL ELEVATION: | 3.25' | | 4.5' | | NGVD. |
| RECEIVING WATER: | WARNER CREEK. | | | | |
| 4. SOME MINOR DRIVEWAY FLOODING MAY BE EXPERIENCED IN THE 10-YEAR 24-HOUR STORM. | | | | | |
| 5. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM. | | | | | |
| 6. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER. | | | | | |
| 7. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM. | | | | | |
| 8. THIS DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY. | | | | | |
| 9. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF MARTIN COUNTY BUSINESS PARTNERS. | | | | | |





DATE	10/1/54
BY	W. J. ...
FOR	...

Exhibit No. 2



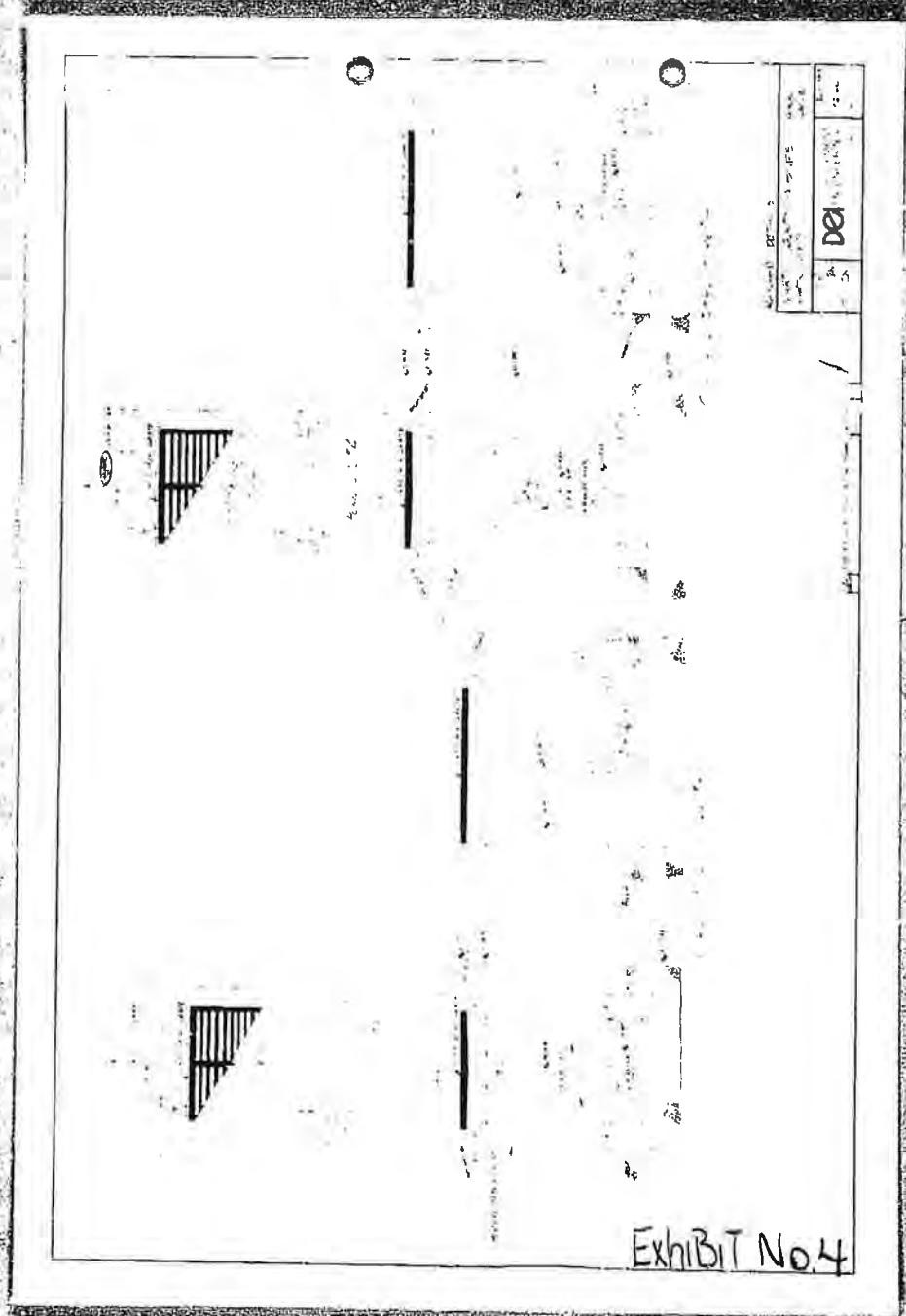


Exhibit No. 4

STAFF REPORT DISTRIBUTION LIST

PROJECT Martin County Business Park APPLICATION NUMBER 05193-BINTERNAL DISTRIBUTION

x P. Rhoads
 x Legal
 x Inspection
 x Reviewer A. Leavens

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 R. Brockway
 J. Wodraska
 W. Brannen
 J. Jackson

EXTERNAL DISTRIBUTIONDEPARTMENT OF ENVIRONMENTAL REGULATION

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 Mr. Timer E. Powers
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Mr. John F. Flanigan
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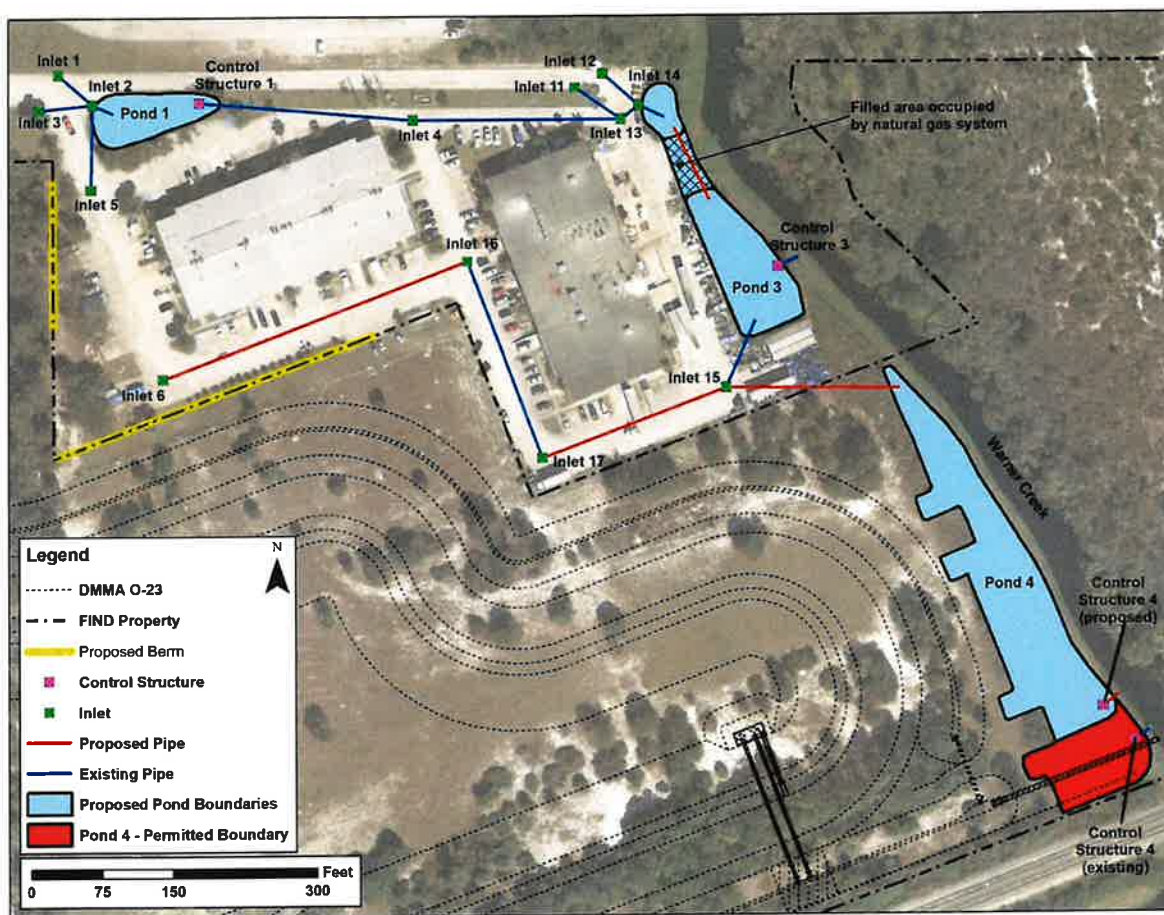
EXTERNAL DISTRIBUTION CONTINUED

x Applicant Martin County Business Partners,
Aubrey Stowe, General Partner
 x Applicant's Consultant Development
Engineering, Inc.
 Applicant's Agent
 x Engineer, County of Martin
 Engineer, City of
 Local Drainage Districts
 x Director, Martin Co. Planning & Zoning
 Director, Lee County Div. of E.P.S.
 Dir., Lee Co. Dept. of Long Range Planning
 Director, Lee County Mosquito Control
 Collier County Ag. Agent
 Fred Vidzes, B.C. Basin
 Director, Palm Beach Co. Bldg. Dept.
 Palm Beach County Area Planning Board
 Kissimmee River Coordinating Council
 Dade County DERM
 Dir., Broward Co. Water Management Division
 Other:

EXHIBIT 5

EXHIBIT "E"

CONCEPTUAL PLAN



Proposed Modifications

General Modifications

- Disconnect pipes leading from MCBP to DMMA O-23 (i.e., pipes leading south from Inlets 6 and 17).
- Restore all other inlets and control structures to their permit conditions. Remove all sediment and vegetation overgrowth from inlets and pipes and replace any that are damaged.
- Construct low-height berm along eastern property boundary (near Inlet 5) and southern boundary (near Inlet 6)—see **Figure 1** (attached).

Pond 1 Modifications

- Re-grade Pond 1 to permitted contours.

Pond 3 Modifications

- Remove existing pipe from Inlet 15 to Pond 3.

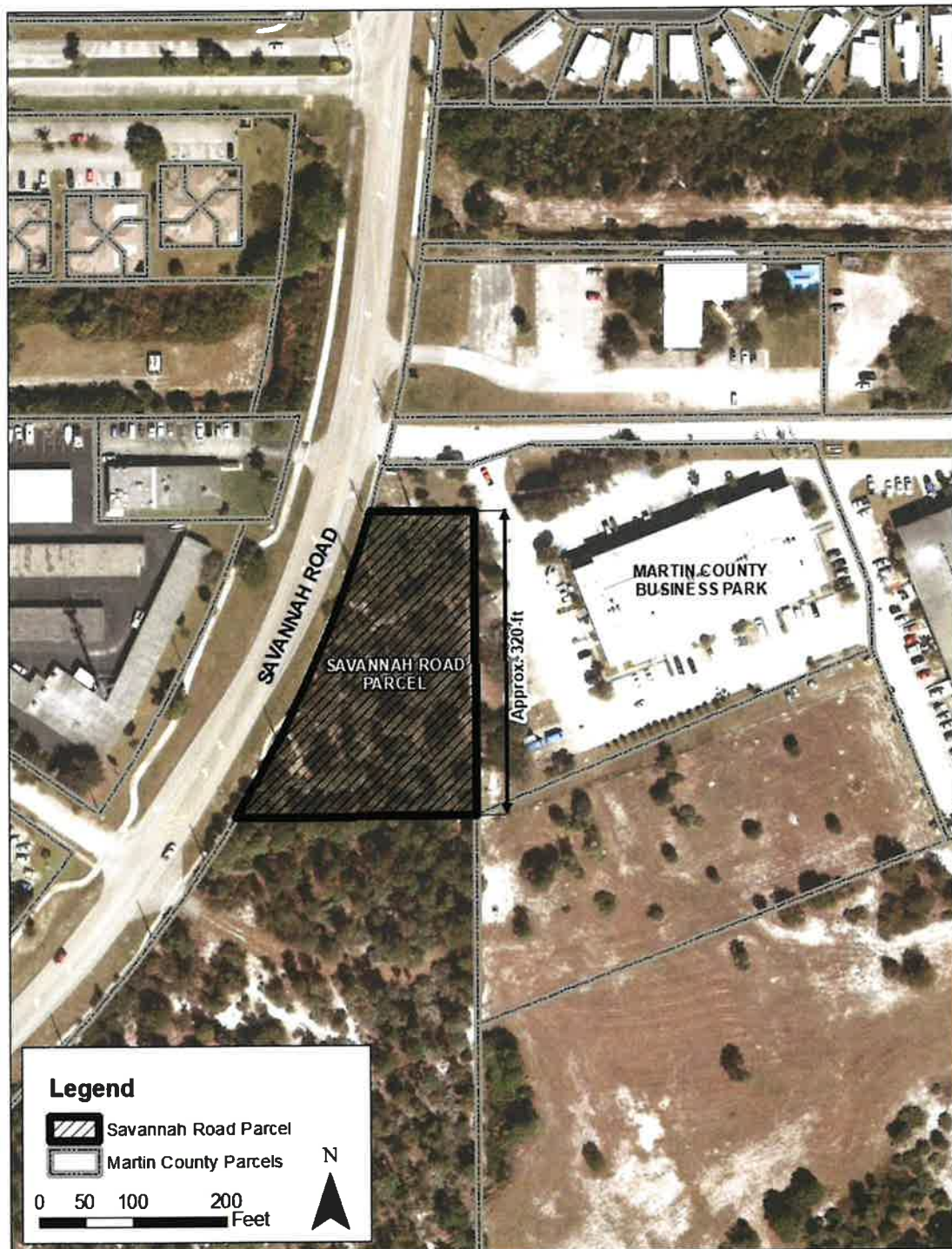
- Remove un-permitted pipe leading from north end of Pond 3 to Warner Creek.
- Clear, grub, and re-grade Pond 3 to permitted contours. Re-location of the natural gas system will be necessary to accomplish this.
- Allow natural gas system to remain within the permitted boundary of the Pond 3, and install a 90-ft long, 30-in pipe beneath the filled portion of Pond 3 to allow water entering the north side of Pond 3 to flow to the control structure.

Pond 4 Modifications

- Pond 4 is needed to attenuate and treat discharges from Inlet 15. However, the full permitted size is not required; approximately 75% of the permitted Pond 4 area is needed to meet SFWMD criteria. Fortunately, this area would not interfere with the DMMA O-23 outfall pipes. The pond will need to be cleared, grubbed, and re-graded with a maximum berm elevation of approximately 6.5 ft-NAVD to prevent runoff from the DMMA O-23 site from draining into the pond.
- Relocate the Pond 4 control structure approximately 50-ft north of its existing location (within the boundary of the proposed pond contours).
- Construct new 30-inch diameter pipe connection from Inlet 6 to Inlet 16.
- Existing 24-in. diameter pipe from Inlet 16 to Inlet 17 will be replaced with 30-in. diameter pipe to reduce flooding at Inlet 6.
- Construct new 30-inch diameter pipe connection from Inlet 17 to Inlet 15.
- Construct new 30-inch diameter pipe connection from Inlet 15 to Pond 4.
- Reconfigure Pond 4 to straighten shoreline, make more compact and move to the north.

EXHIBIT "F"

GRAPHIC DEPICTION OF SAVANNAH ROAD PARCEL



April 5, 2024

Janet Zimmerman, Executive Director
Florida Inland Navigation District
1314 Marcinski Road
Jupiter, FL 33477

Re: (A) Additional Professional Engineering and Construction Administrative Services for Dredged Material Management Area (DMMA) SJ-14, Marsh Harbor Development, Easement and Pipeline Relocation, St. Johns County, Florida; and (B) Additional Professional Engineering Services for DMMA BV-11 Lawsuit Efforts, Brevard County, Florida.

Ms. Zimmerman:

Under contract to FIND (Work Order 23-05), in accordance with the scope of services and cost proposal dated November 3, 2023 (attached) and approved by the FIND Board of Commissioners on November 17, 2023, Taylor Engineering has provided Professional Engineering Services for the Marsh Harbor Development, Easement and Pipeline Relocation at SJ-14, St. Johns County, Florida, and for the Lawsuit efforts at BV-11, Brevard County, Florida.

At SJ-14, the projected scope and budget of the referenced work order included providing professional engineering services needed to fully investigate the feasibility and potential impacts associated with requested relocations of the easement and permanent discharge pipeline at DMMA SJ-14 to support expansion of the residential community in the area. Limited construction oversight was anticipated but FIND has now asked for a more extensive review and oversight of the construction activities associated with the pipeline and easement relocation. Therefore, the original work order amount of \$25,000 will be insufficient to cover this type of effort. A 4-month construction period is anticipated and an additional funding amount of \$69,900 is requested. This will be on a cost-plus basis and any excess funding remaining at the end of the project completion will not be charged to FIND. The additional scope and budget explanations are included in Attachment A and B.

For the DMMA BV-11 Lawsuit, Taylor Engineering has been involved with Engineering reviews and provision of documents necessary to support FIND's position regarding the existing lawsuit brought against FIND from the adjacent landowner, suggesting the newly constructed site is causing excess flooding on their property. This effort has far exceeded original expectations and will now most likely include depositions and expert testimony in a scheduled court case. Our original estimate of \$18,000 has proven to be less than adequate to cover the current effort and future efforts in support of this lawsuit. Our involvement has already exceeded \$36,777 and future efforts could be significant. Therefore, we respectfully request additional funding in the amount of \$53,777 to enable Taylor Engineering to continue providing the support as needed, also on a cost-plus basis. A breakdown of these costs is provided below.

BV-11 Lawsuit Support	FEE
Charges exceeding current budget	\$18,777
<u>Additional budget needed to support anticipated court case requirements</u>	<u>\$35,000</u>
<u>Total (Taylor Engineering Budget Increase Request)</u>	<u>\$53,777</u>

Just to reiterate, this combined request consists of an additional \$69,900 for SJ-14 and an additional \$53,777 for BV-11. We appreciate this opportunity to continue to serve the FIND. If you have any questions concerning this request, please contact me at 904-742-6441.

Sincerely,



Jerry Scarborough, P.E.
Senior Advisor, Waterfront Engineering

ATTACHMENT A

SCOPE OF SERVICES

DREDGED MATERIAL MANAGEMENT AREA (DMMA) SJ-14

DISCHARGE PIPELINE RELOCATION (MARSH HARBOR EXPANSION) CONSTRUCTION ADMINISTRATION

ASSUMPTIONS

In preparing this scope of services, we made the following assumptions:

- The total construction time associated with pipeline relocation will be approximately 120 calendar days (4 months), based on a five-day week, 12-hour day operating schedule.
- Project construction will not result in any substantial deviations from the recently provided project drawings (PARC Group) and Taylor Engineering specifications.
- The PARC Group's engineering consultant (ETM) is responsible for final engineering design and will serve as the Engineer of Record (EOR) for pipeline relocation. The final design will meet FIND's technical specifications and requirements as provided by Taylor Engineering.
- This scope of work excludes any permitting, authorization, or entitlement support, which will remain the responsibility of the PARC Group and ETM.

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

TASK 1 Construction Administration

1.1 PARC Group Construction Document Review

Taylor Engineering will review and provide comments on construction documents provided by the PARC Group that specifically relate to the segments of pipeline to be affected. This review will focus on verification that the design includes and appropriately implements technical specifications and engineering requirements to relocate the pipeline and provide functionality, accessibility, and longevity requirements meeting FIND and USACE's requirements.

1.2 Site Visits

1.2.1 Weekly Site Observation Visits

Taylor Engineering will make on-site observations one to two days per week (4 hours daily), as project conditions warrant, with an observer located on site approximately three hours each observation day. Taylor Engineering's observers will ascertain whether work is progressing in general conformance with the project drawings and specifications and will note discrepancies from the approved construction documents. Following each site visit, Taylor Engineering will prepare a construction observation report, which will become part of the project record. The report will include the name of the observer, weather conditions, date, personnel/visitors on site, the contractor's personnel and equipment, and daily summary of events.

Taylor Engineering will not direct the contractor's means, methods, or sequencing of construction. Taylor Engineering will not be responsible for jobsite safety.

1.3 Review and Approve Contract Related Items

We will review and provide comments on the contractor's shop drawings, submittals, and requests for information as they pertain only to the pipeline relocation.

We will remain available through construction to provide advice and consultation to the FIND through site visits and teleconferences. In this role, we will address questions pertaining to engineering, design, and any proposed changes to project design. We will notify the FIND of any work stoppages or conflicts and recommend to the FIND ways to resolve these issues.

1.4 Project Closeout (Pipeline Only)

When the PARC Group requests concurrence that the pipeline relocation is substantially complete in accordance with FIND requirements, we will visit the project site to make our determination of the degree of completion. If we cannot confirm substantial completion, we will develop preliminary and subsequent final punch lists of items for the PARC Group and its contractors to complete or correct. With concurrence from the FIND, we will transmit this list to the PARC Group. Upon completion of punch list items, we will confirm the project substantially by correspondence to FIND. Taylor Engineering has budgeted for two on-site meetings during this stage of the project.

SCHEDULE

Task 1 will follow the construction schedule with a total construction of approximately 120 calendar days. The total construction duration is based on an assumed five-day week, 12-hour day contractor operating schedule with an additional two weeks for project closeout and certification.

FEE SUMMARY

Taylor Engineering will complete the services outlined above for a not to exceed maximum fee as defined below and further broken down in Attachment B:

TASK	FEE
Task 1 – Construction Administration	\$69,900
<u>Total (Taylor Engineering Fees)</u>	\$69,900

ATTACHMENT B

FEE SUMMARY

DREDGED MATERIAL MANAGEMENT AREA (DMMA) SJ-14

**DISCHARGE PIPELINE RELOCATION (MARSH HARBOR EXPANSION)
CONSTRUCTION ADMINISTRATION**

**ATTACHMENT B
TAYLOR ENGINEERING, INC.
COST SUMMARY BY TASK
C2023-101: SJ-14 PIPELINE RELOCATION CA (MARSH
HARBOR)**

TASK 1: Construction Administration

				Burdened	
<i>Labor</i>	Hourly Rate	Hours	Cost	Task Totals	
Vice President/Principal	\$277.00	10.0	2,770.00		
Senior Advisor	\$285.00	6.0	1,710.00		
Senior Professional	\$215.00	68.0	14,620.00		
Project Professional	\$172.00	140.0	24,080.00		
Staff Professional	\$130.00	200.0	26,000.00		
Total Labor Hours		424.0			
Total Labor Cost			69,180.00		
<i>Other Direct Costs</i>	Quantity	Unit Cost	Direct Cost	Markup @ 10%	Burdened Cost
Mileage (Site Visits 32 tot)	896.0	0.66	586.88	58.69	645.57
Mileage (Closeout - 2 visits)	112.0	0.66	73.36	7.34	80.70
Total Other Direct Costs				726.27	
Total Task 1				\$69,906.27	

Project Total **\$69,900**

rounded to nearest \$100

**DISTRICT ENGINEERING SERVICES
WORK ORDER NUMBER 23-05**

In accordance with the District Engineer Agreement dated August 26, 1997, as amended on (#1) October 24, 1998, (#2) October 22, 1999, (#3) February 24, 2001, (#4) January 25, 2002, (#5) January 24, 2003, (#6) January 29, 2004, (#7) February 19, 2005, (#8) March 1, 2006, (#9) December 9, 2006, (#10) December 13, 2007, (#11) April 28, 2008, (#12) December 23, 2009, (#13) February 1, 2011, (#14) January 24, 2012, (#15) January 18, 2014, (#16) January 16, 2015, (#17) January 15, 2016, (#18) December 16, 2016, (#19) December 15, 2017, (#20) December 14, 2018, (#21) January 17, 2020, (#22) January 15, 2021, (#23) January 14, 2022, and (#24) December 9, 2023; the Florida Inland Navigation District (FIND) hereby directs services to be performed under the Agreement as follows:

CONTRACTOR: Taylor Engineering, Inc.

DESCRIPTION OF WORK TO BE PERFORMED:

Scope of Services and Fee Quote for: A) Dredged Material Management Area (DMMA) SJ-14 Marsh Harbor Development, Easement and Pipeline Relocation Reviews and Recommendations, St. Johns County, FL.; and B) DMMA BV-11 Lawsuit Efforts and Expertise, Brevard County, FL.

START DATE: November 17, 2023

SCHEDULED COMPLETION DATE: No later than December 31, 2025

WORK ORDER AMOUNT: An as-needed basis of: A) \$25,000.00 available for efforts associated with DMMA SJ-14, and; B) \$18,000.00 available for efforts associated with DMMA BV-11, in accordance with the scope of services and cost proposal dated November 3, 2023, as approved by the FIND Board of Commissioners on November 17, 2023, which is affixed as Attachment A, consistent with the Long-Range Dredged Material Management Plan for St. Johns and Brevard counties, FL.

APPROVALS:



District Executive Director



Taylor Engineering Project Manager

Date of Final Signature: _____

11/22/23

November 3, 2023

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

Re: Professional Engineering Services for: (A) Dredged Material Management Area (DMMA) SJ-14, Marsh Harbor Development, Easement and Pipeline Relocation Reviews and Recommendations, St. Johns County, Florida; and for (B) DMMA BV-11 Lawsuit Efforts, Brevard County, Florida.

Mr. Crosley:

Under the General Services contract with FIND, Taylor Engineering has been providing professional engineering services needed to fully investigate the feasibility and potential impacts associated with requested relocations of the easement and permanent discharge pipeline at DMMA SJ-14 to support expansion of the residential community in the area. The reviews have become quite extensive and are now considered beyond the scope intended for the General Services account.

Lessons learned from the recent Palm Valley South maintenance dredging event that utilized disposal into SJ-14 highlighted problems associated with a dredging event occurring with pipeline easement limitations. Therefore, extensive engineering efforts have been needed and significant time allotted to effectively examine the recommended plan and propose the adjustments needed to protect FIND's investment, minimize adverse impacts of the requested changes to what currently exists, and allow for future maintenance of the waterway in this area without incident. Due to these efforts the plan has been positively adjusted and future efforts will continue to refine the end result. Additionally, FIND has requested Taylor's oversight in the construction administration of the final contract.

In a similar fashion, Taylor Engineering has also been involved with Engineering reviews and provision of documents necessary to support FIND's position regarding the existing lawsuit brought against FIND from the adjacent landowner to DMMA BV-11, suggesting the newly constructed site is causing excess flooding on their property. This effort also began under General Services and is now considered beyond the scope intended for the General Services account. This endeavor is ongoing and potentially could involve expert testimony in a subsequent court case.

Therefore, we respectfully request funding to cover Taylor Engineering's costs to date and potential future costs to ensure a successful outcome to the suggested changes to FIND's existing conditions at SJ-14 and a ruling in FIND's favor to the BV-11 lawsuit. These funds will only be used on an as-needed basis and are estimated as follows:

- (A) SJ-14 \$25,000
- (B) BV-11 \$18,000

We appreciate this opportunity to continue to serve the FIND. If you have any questions concerning this request, please contact me.

Sincerely,

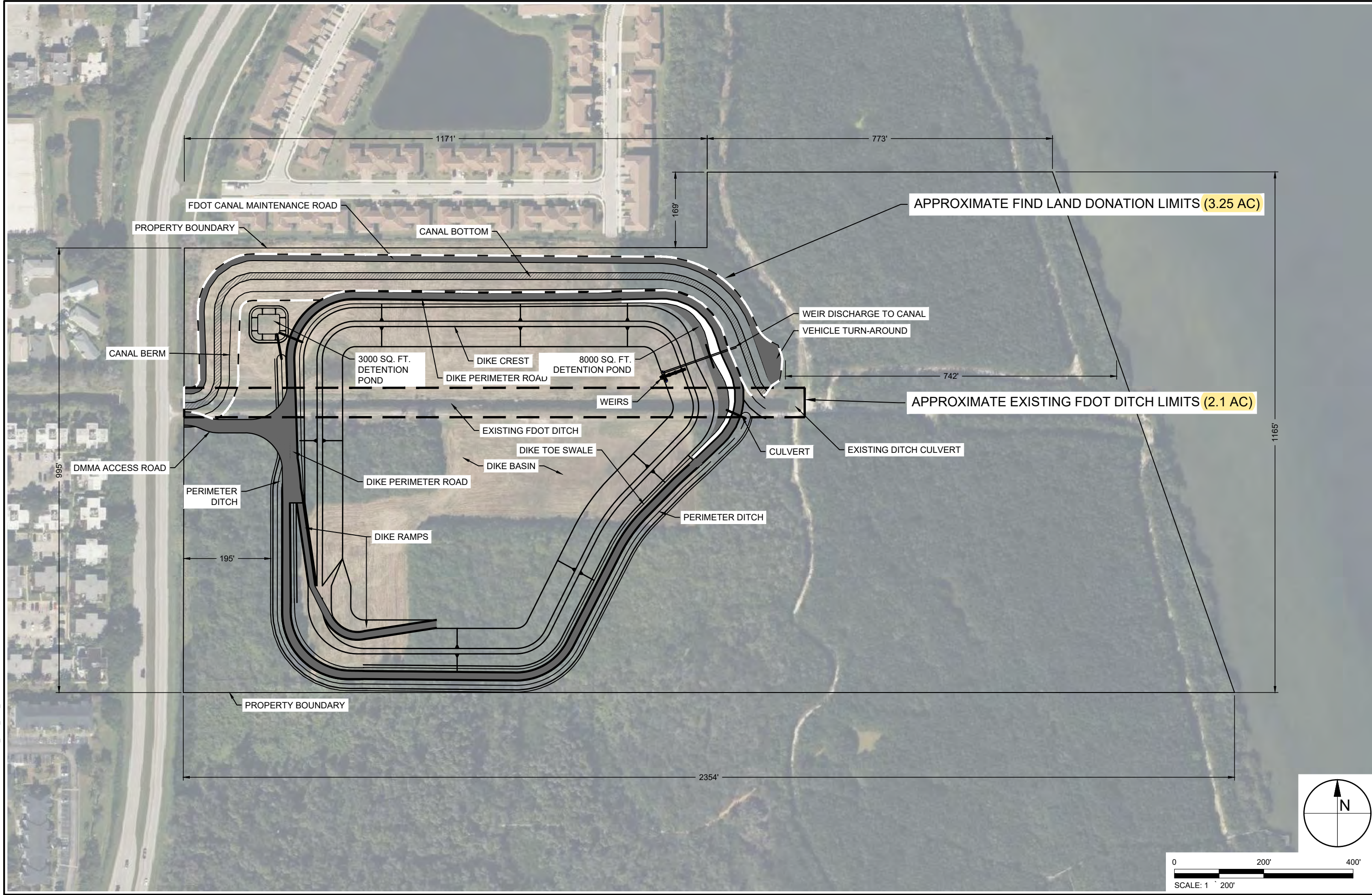
A handwritten signature in blue ink, appearing to read "Jerry Scarborough", with a long horizontal flourish extending to the right.

Jerry Scarborough, P.E.
Senior Advisor, Waterfront Engineering

IRLT - Lagoon Greenway Trail Expansion



ANTON FLEWELLING X:\SYS\PROJECTS\C2021-007_FIND_IR14_PLANNING\FIGURES\C2021-007-F-DIKE PLAN LARGE SCALE.DWG 9/13/2023 9:47:32 PM



TAYLOR ENGINEERING INC.
10199 SOUTHSIDE BLVD SUITE 310
JACKSONVILLE, FLORIDA 32256
REGISTRY # 4815

FIGURE 2
DMMA AND CANAL PLAN WITH AERIAL
DMMA IR-14
INDIAN RIVER COUNTY, FLORIDA

PROJECT	C2021-007
DRAWN BY	DRWNEY
SHEET	2 of 4
DATE	JUNE 2022

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

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT ("Amendment") to that certain Lease Agreement ("Agreement") between Florida Inland Navigation District ("DISTRICT") and Indian River County ("COUNTY") dated the 21st day of January, 2010.

WITNESSETH:

WHEREAS, DISTRICT is the owner of a parcel of land in Indian River County, Florida and known as "Dredged Material Management Area (DMMA) IR-14"; and

WHEREAS, DISTRICT allowed COUNTY to lease a portion of DMMA IR-14 for passive recreational purposes subject to said rights of DISTRICT and the future rights and easement of the United States of America; and

WHEREAS, COUNTY has requested to lease an additional portion of DMMA IR-14 for passive recreational purposes in the form of a trail expansion; and

WHEREAS, DISTRICT is willing to consent to leasing this additional portion of DMMA IR-14, subject to the terms and conditions of this Amendment.

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

1. The foregoing recitals are true and correct, and are incorporated herein by reference.
2. DISTRICT hereby consents to the expansion of COUNTY's trail system, through additional portions of DMMA IR-14, for passive, public recreational purposes.
3. COUNTY hereby agrees to continually maintain the expanded portion of trail to ensure the safety of its users.
4. COUNTY hereby agrees to carry a General Liability Insurance Policy with minimum limits of \$200,000.00 per person and \$300,000.00 per aggregate.
5. The Effective Date of this Amendment shall be the date on which the last party to this Amendment executes this Amendment.
6. Except as amended by this Amendment, the Agreement is ratified, confirmed and accepted.
7. This Amendment 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.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment, by and through their duly authorized officers, as of the day and year stated above.

FLORIDA INLAND NAVIGATION DISTRICT, an
independent special taxing district of the State of
Florida

By: _____
Janet Zimmerman, Executive Director

Date: _____

INDIAN RIVER COUNTY, a political subdivision of
the State of Florida

By: _____

Date: _____

FLORIDA INLAND NAVIGATION DISTRICT**AND****INDIAN RIVER COUNTY****LEASE AGREEMENT**

This LEASE AGREEMENT ("LEASE") is made and entered into this 21st day of January ^{1st} 2008, between "the Parties", the Florida Inland Navigation DISTRICT, an independent special district existing under the laws of the State of Florida (the "DISTRICT"), and INDIAN RIVER COUNTY, a political subdivision of the State of Florida, (the "COUNTY").

WITNESSETH:

WHEREAS, DISTRICT is the owner in fee simple of a parcel of land in Indian River County, Florida, designated as Dredged Material Management Area IR-14B which will be used by DISTRICT and the United States for the improvement and maintenance of the Intracoastal Waterway from Jacksonville to Miami, Florida, and the DISTRICT holds title subject to a future easement that will be granted by it to the United States of America for such use; and

WHEREAS, the DISTRICT and the COUNTY desire to provide benefits to the citizens of the COUNTY and others by providing passive recreational opportunities; and

WHEREAS, COUNTY desires to lease from DISTRICT a portion of Dredged Material Management Area IR-14B, a description of which is attached hereto as Exhibit "A" and made a part hereof, for passive recreation purposes subject to said rights of DISTRICT and the future rights and easement of the United States of America and to the terms and conditions of this LEASE; and

WHEREAS, DISTRICT desires to collaborate with the COUNTY in the proper use and

management of DISTRICT's property; and

WHEREAS, DISTRICT is of the opinion that such use by the COUNTY pursuant to the provisions of this LEASE is in the public interest; and

WHEREAS, DISTRICT is agreeable that this LEASE should be executed for a limited term at a nominal rental subject to the terms and conditions stated herein.

NOW THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, it is agreed by the parties hereto:

1. RECITALS: The recitals contained herein above are true and correct and incorporated herein by reference.

2. LEASE: DISTRICT hereby leases to the COUNTY the property hereinafter known as the "Leased Premises" as described in paragraph 4 below, subject to the terms and conditions set forth herein.

3. PROJECT MANAGEMENT: The Project Manager for the DISTRICT is its Executive Director and all correspondence and communications from the COUNTY shall be directed to him/her. The Project Manager shall be responsible for overall coordination and oversight on behalf of DISTRICT related to the performance of this lease.

4. DESCRIPTION OF THE PREMISES: The Leased Premises is situated in Indian River County, State of Florida, as described in Exhibit "A", attached hereto and made a part of this LEASE. In general the Leased Premises is a strip of land consisting only of an existing dike system around a wetland mangrove area on District property known as IR-14B.

5. EXISTING CONDITIONS: The COUNTY agrees to accept the Leased Premises in "as is" condition subject to any existing easements and deed restrictions that may be placed on the Leased Premises by the DISTRICT or others with DISTRICT approval.

6. TERM: The term of this LEASE shall be for an initial thirty (30) year period with one (1) option to renew for a twenty-five (25) year extension. Rent shall be one (1) dollar per year and shall be paid in advance. Prepayment of the rent shall not affect in any way the DISTRICT's rights under paragraph 24 below. The initial period shall commence on the date of execution, and continue for a period of thirty (30) years. A second term of twenty-five (25) years shall automatically commence absent written notice of termination by the DISTRICT or the COUNTY at least ninety (90) days prior to the end of the initial term.

7. PURPOSE: COUNTY shall manage the Leased Premises solely to provide a pathway or trail for passive public outdoor recreation.

8. QUIET ENJOYMENT AND RIGHT OF USE: COUNTY shall have the right of ingress and egress to, from, and upon the Leased Premises for all purposes consistent with paragraph 7 above that do not conflict with the DISTRICT's and the United States of America's Dredge Material Management Program.

9. UNAUTHORIZED USE: COUNTY shall, through its agents and employees, make every reasonable effort to prevent the unauthorized use of the Leased Premises or any use thereof not in conformance with this LEASE.

10. ASSIGNMENT: This LEASE shall not be assigned, except as noted in Paragraph 13, in whole or in part without the prior written consent of DISTRICT. Any assignment made either in whole or in part without the prior written consent of DISTRICT shall be void and without legal effect.

11. PLANS: The terms of this LEASE shall guide the passive recreational use and the associated management of the Leased Premises in accordance with the schedule and methodology stipulated below.

A. DEVELOPMENT PLAN: The COUNTY will develop a passive recreational

pathway or trail plan for the Leased Premises. This plan will be reviewed and approved by the DISTRICT prior to the solicitation for contractors for the preparation of the COUNTY passive recreational pathway or trail for passive public recreational use.

B. COUNTY PLAN FOR PASSIVE RECREATIONAL PATHWAY OR TRAIL: COUNTY shall develop and implement, subject to approval by the DISTRICT, an Operational Management Plan (OMP) for the property. The OMP shall provide general background data on the property, contain information on the properties resources, set forth general and specific management goals, objectives and guidelines and outline the specific procedures, funding requirements, staffing levels and management practices necessary for their accomplishment. The OMP shall be submitted by the COUNTY to the DISTRICT at the same time as the development plan is submitted.

The OMP shall be submitted for approval to the DISTRICT'S Board of Commissioners. In the event the parties are not able to come to agreement on the OMP within one hundred eighty (180) days of submittal, this shall be sufficient cause for either party to terminate the LEASE pursuant to Paragraph 26 below. The Leased Premises shall not be developed or physically altered in any way without the prior written approval of DISTRICT until the OMP is approved. The COUNTY shall not proceed with development of said Leased Premises until the OMP required herein has been submitted and approved by DISTRICT'S Board.

After the COUNTY pathway has been constructed, the COUNTY and the DISTRICT will meet at least once annually to review and discuss the management activities authorized by this OMP and to agree to any changes in the OMP and/or additional rules and regulations governing public use of the lands covered by the OMP

that may be deemed appropriate. The COUNTY shall prepare and submit for discussion at the annual meeting a yearly summary report to include:

1. COUNTY'S management program and activities on the property.
2. Status of visitor use.
3. Review of special problems and concerns encountered over the previous year.

The approved OMP shall provide the basic guidance for all management activities and shall be reviewed jointly by DISTRICT and COUNTY during the annual meeting and updated as necessary. The COUNTY shall not use or alter the Leased Premises except as provided for in the approved OMP without the prior written approval of DISTRICT.

C. DISTRICT SITE MANAGEMENT PLAN: The DISTRICT and the U.S. Army Corps of Engineers will utilize and operate the site during Intracoastal waterway dredging operations in accordance with Exhibit "B" which may be amended from time to time without prior notice to COUNTY.

12. EASEMENTS: This LEASE is for the purposes specified herein, and easements of any nature are prohibited without the prior written approval of DISTRICT. Any easement not approved in writing by DISTRICT shall be void and without legal effect.

13. SUBLEASES: This LEASE is solely for the purposes specified herein, and subleases of any nature are prohibited without the prior written approval of DISTRICT. Any sublease not approved in writing by DISTRICT shall be void and without legal effect. However, the DISTRICT acknowledges that the COUNTY intends to enter into an agreement with the

Indian River Land Trust to develop and manage the Leased Premises. This sub-lease and any other approved sub-leases shall contain this LEASE as an attachment and the sub-lease shall require that the sub-lessee abide by all conditions of this LEASE.

14. RIGHT OF INSPECTION: DISTRICT or its duly authorized agents, representatives or employees shall have the right at any and all times to inspect the Leased Premises and the works and operations of COUNTY in any matter pertaining to this LEASE.

15. PLACEMENT AND REMOVAL OF IMPROVEMENTS: All structures, improvements, and signs, if any, associated with the Leased Premises shall be constructed at the expense of COUNTY and/or DISTRICT in accordance with the park development plan and the OMP approved by the DISTRICT. Further, no trees, other than non-native species, shall be removed or major land alterations done without the prior written approval of DISTRICT. No permanent equipment or non-removable improvements shall be placed on the Leased Premises by COUNTY; provided, however, the DISTRICT and the COUNTY agree to cooperate with regard to and coordinate the placement of park benches, regulatory signage, and other similar types of objects that are typically associated with passive recreational uses within the Leased Premises; provided, further, however, that the DISTRICT's determination relative to such placement shall be conclusive and final. Removable equipment and removable improvements placed on the Leased Premises by COUNTY which do not become a permanent part of the Leased Premises will remain the property of COUNTY and may be removed by COUNTY upon termination of this LEASE, pursuant to Paragraph 27 below.

16. INDEMNITY BY COUNTY: To the extent and limits permitted by Florida law, COUNTY hereby covenants and agrees to investigate all claims of every nature at its own expense, and to indemnify, protect, defend, and hold and save harmless the DISTRICT from

any and all claims, bodily injury, personal injury, property injury, actions, lawsuits and demands of any kind or nature arising out of any action taken by the County or its sub-lessee as related to this Lease or the COUNTY's use of the Leased Premises. Nothing contained herein shall be construed as a waiver of sovereign immunity enjoyed by the parties hereto, as provided in Section 768.28, Florida Statutes, as amended, or any other law providing limitations on claims. Further, nothing herein shall be construed as a waiver of the limitations on liability enjoyed by a landowner providing land to the public for outdoor recreational purposes, provided in Section 375.251, Florida Statutes.

17. INSURANCE:

A. The COUNTY shall procure and maintain, throughout the term (including any extended term) of this LEASE, Worker's Compensation insurance as may be required by Florida law. The COUNTY shall provide an insurance certificate demonstrating such coverage prior to the commencement of this LEASE. The Worker's Compensation insurance policy required by this LEASE shall also include Employer's Liability. The COUNTY shall require all COUNTY contractors working on the Leased Premises to procure and maintain Worker's Compensation insurance.

B. The COUNTY shall procure and maintain, through the term of this LEASE, comprehensive general liability insurance or be self-insured under Florida law (the "policy"). This policy shall provide coverage for death, personal injury, or property damage that could arise directly from the performance of this LEASE. The policy shall have minimum limits of \$1,000,000.00 per occurrence, combined single limit for bodily injury liability and property damage liability. This minimum limit may need to be reviewed and increased during the life of this lease. This shall include the following endorsements:

- i. premises and operations;

- ii. independent contractors';
- iii. products and completed operations; and
- iv. contractual liability

C. The COUNTY shall provide insurance certificates as proof of insurance prior to the commencement of performance. All such insurance shall name the DISTRICT, its commissioners, officers, and employees (and the United States of America once the DISTRICT has conveyed an easement to the United States of America) as additional insureds, and shall be written by a financially sound company which shall be acceptable to the DISTRICT and authorized to do business in the State of Florida. The policy shall contain a provision requiring the certificates to shall be countersigned by a registered Florida insurance agency or broker. The insurance certificate shall contain a clause that the insurer shall endeavor to notify the DISTRICT at least thirty (30) Days prior to cancellation or modification of any insurance policy required by this LEASE.

18. PAYMENT OF TAXES AND ASSESSMENTS: COUNTY shall assume full responsibility for and shall pay all taxation liabilities that accrue to the Leased Premises and/or to the improvements thereon, including any and all ad-valorem taxes and drainage and special assessments or taxes of every kind which may be hereafter lawfully assessed and levied against the Leased Premises.

19. NO WAIVER OF BREACH: The failure of DISTRICT to insist in any or more instances upon strict performance of any one (1) or more of the covenants, terms and conditions of this LEASE shall not be construed as a waiver of such covenants, terms or conditions, but the same shall continue in full force and effect, and no waiver of DISTRICT of any of the provisions hereof shall in any event be deemed to have been made unless the

waiver is set forth in writing and signed by DISTRICT.

20. NON-DISCRIMINATION: COUNTY shall assure and certify that it will comply with Title IV of the Civil Rights ACT of 1964 (PL 88-352) as amended and, in accordance with that Act, shall not discriminate against any individual's race, color, creed, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the Leased Premises or upon lands adjacent to and used as an adjunct of the Leased Premises.

21. UTILITY FEES: COUNTY shall be responsible for payment of all charges for the furnishing of gas, electric, water and other public utilities to the Leased Premises and for having the utilities turned off when the Leased Premises are surrendered.

22. COMPLIANCE WITH LAWS: COUNTY agrees that this LEASE is contingent upon and subject to COUNTY obtaining all applicable permits and complying with all applicable permits, regulations, ordinances, rules, and laws of the State of Florida or the United States of America or of any political subdivision or agency with jurisdiction over the Leased Premises.

23. NOTICE: All notices given under this LEASE shall be in writing and shall be served by certified mail to the last address of the party to whom notice is to be given, as designated by such party in writing. DISTRICT and COUNTY hereby designate their address as follows:

TO DISTRICT: Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477
Attn: Executive Director

TO COUNTY: Indian River County Government
1801 27th St.
Vero Beach, FL 32960
Attn: Environmental Lands Director

Facsimile transmittals shall not be an acceptable means of providing notice.

24. BREACH OF COVENANTS, TERMS, OR CONDITIONS: Should COUNTY breach any of the covenants, terms, or conditions of this LEASE, DISTRICT shall give written notice to COUNTY to remedy such breach within thirty (30) days of such notice. In the event COUNTY fails to remedy the breach to the satisfaction of DISTRICT within thirty (30) days of receipt of written notice, DISTRICT may either terminate this LEASE and recover from the COUNTY all damages DISTRICT may incur by reason of the breach including, but not limited to, the cost of recovering the Leased Premises and attorney's fees; or maintain this LEASE in full force and effect and exercise all rights and remedies herein conferred upon DISTRICT.

25. DAMAGE TO THE PREMISES: COUNTY agrees that it will not do, or cause to be done, in, on, or upon the Leased Premises or as affecting said Leased Premises, any act which may result in damage or depreciation of value to the Leased Premises, or any part thereof.

26. HAZARDOUS MATERIALS: COUNTY agrees that, during the term of this LEASE, it:

A. Shall keep or cause the Leased Premises to be kept free of hazardous wastes or substances except those permitted to be utilized in the normal operation of a passive recreational pathway or trail which substances shall be used only as permitted by law. In no event shall the COUNTY store or mix any such substances on the Leased Premises.

B. Shall not cause or permit, as a result of any intentional or unintentional act or omission on the part of COUNTY or any assignees, a release of hazardous wastes or substances onto the Leased Premises.

C. Shall comply with and ensure compliance by its employees and all others under its direction with all applicable Federal, State, and local laws, ordinance, 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 Preauthorization 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 DISTRICT with notice of any release or threatened release of hazardous waste within the Leased Premises. And shall immediately provide DISTRICT with notice of any injury or action taken by any local, State, or Federal governmental body with respect to hazardous waste within the Leased Premises.

F. Shall remove any hazardous waste or hazardous substances which exceed allowable levels in the ground or the groundwater within the Leased Premises.

27. SURRENDER OF PREMISES: Upon termination or expiration of this LEASE, COUNTY, shall surrender the Leased Premises to DISTRICT. In the event no further use of the Leased Premises or any part thereof is needed, COUNTY shall give written notification to the DISTRICT at least six (6) months prior to the release of any of all of the Leased Premises. Notification shall include a legal description, this LEASE number, and explanation of the release. Upon termination or expiration of this LEASE, all structures permanently affixed to the land, if any, and all improvements made, if any, will become the property of the DISTRICT; provided, however, that if any structures are such, in the DISTRICT's determination, that they can be moved without harm to the area where situated then the COUNTY may, within thirty

(30) days following the termination of the lease, remove the same. Upon final termination, the Leased Premises must be left in essentially the same condition as when first leased to the COUNTY, save for ordinary wear and tear, unless otherwise approved in writing by the DISTRICT.

28. BEST MANAGEMENT PRACTICES: COUNTY shall implement applicable Best Management Practices for all activities conducted under this LEASE in compliance with Rule 18-20.004, Florida Administrative Code, which have been selected, developed, or approved by DISTRICT or other land managing agencies for the protection and enhancement of the Leased Premises.

29. PROHIBITIONS AGAINST LIENS OR OTHER ENCUMBRANCES:
Fee title to the Leased Premises is held by DISTRICT. COUNTY shall not do or permit anything to be done which purports to create a lien or encumbrance of any nature against the Leased Premises including, but not limited to, mortgages or construction liens against the Leased Premises or against any interest of DISTRICT therein.

30. PARTIAL INVALIDITY: If any term, covenant, condition, or provision of this LEASE shall be ruled by a court of competent jurisdiction to be invalid, void,

order and repair including, but not limited to, keeping the Leased Premises free of trash or litter, meeting all building and safety codes in the location situated, and maintaining the Leased Premises in accordance with the approved development plan and the OMP. As may be mutually agreed to by the Parties, any removal, closure, etc., of the above improvements, if any, shall be acceptable when the proposed activity is consistent with sound goals of conservation, protection, and enhancement of the natural and historical resources within the Leased Premises and with the approved OMP. Maintenance of any and all existing dredge material management structures is reserved to the DISTRICT.

34. GOVERNING LAW: This LEASE shall be governed by and interpreted according to the laws of the State of Florida.

35. SECTION CAPTIONS: Articles, subsection and other captioned contained in this LEASE are for reference purposes only and are in no way intended to describe, interpret, define or limit the scope or extent of intent of this LEASE or any provisions thereof.

36. SPECIAL CONDITIONS: The following special conditions shall apply to this LEASE:

A. COUNTY shall ensure that the area is identified as being publicly owned and operated as a public outdoor recreational facility in all signs, literature, and advertising. COUNTY shall erect signs identifying the Leased Premises as being open to the public, as a DISTRICT assisted project and as a DISTRICT property which will be used from time to time as a dredged material management area. All such signs are subject to the District's approval which shall not be unreasonably withheld; and

B. The COUNTY agrees to install and maintain all required entrance and informational signage for its management activities; and

C. The COUNTY shall not in any way restrict access of the DISTRICT and/or the United States of America to the property as needed during periodic use of the dredge material management area, as both parties recognize that such use is to be the paramount use of the Leased Premises.

D. The COUNTY shall comply with any public access restrictions required by the DISTRICT and/or the United States of America during the periodic use of the property for dredge material management.

37. VENUE/ATTORNEY'S FEES: In the event of any litigation arising out of or resulting from this LEASE, the venue of such litigation shall be had only in the State courts in Palm Beach County, Florida. The prevailing party in such litigation shall be entitled to its costs and reasonable attorney's fees (at trial, appellate, and post-judgment proceeding levels).

IN WITNESS WHEREOF, the parties have caused this LEASE to be executed on the day and year first written above.

COUNTY:

ATTEST:


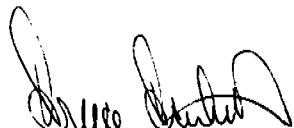
Leona Allen, D.C.
BY: J.K. BARTON
Clerk

BY: *Peter D. O'Bryan* (SEAL)
Chairman Peter D. O'Bryan

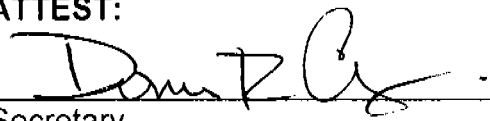
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: *[Signature]*
for County Attorney

DISTRICT:

LEGAL FORM APPROVED
DISTRICT COUNSELBY: FLORIDA INLAND
NAVIGATION DISTRICTBY:  (SEAL)
Chairman

ATTEST:


Secretary

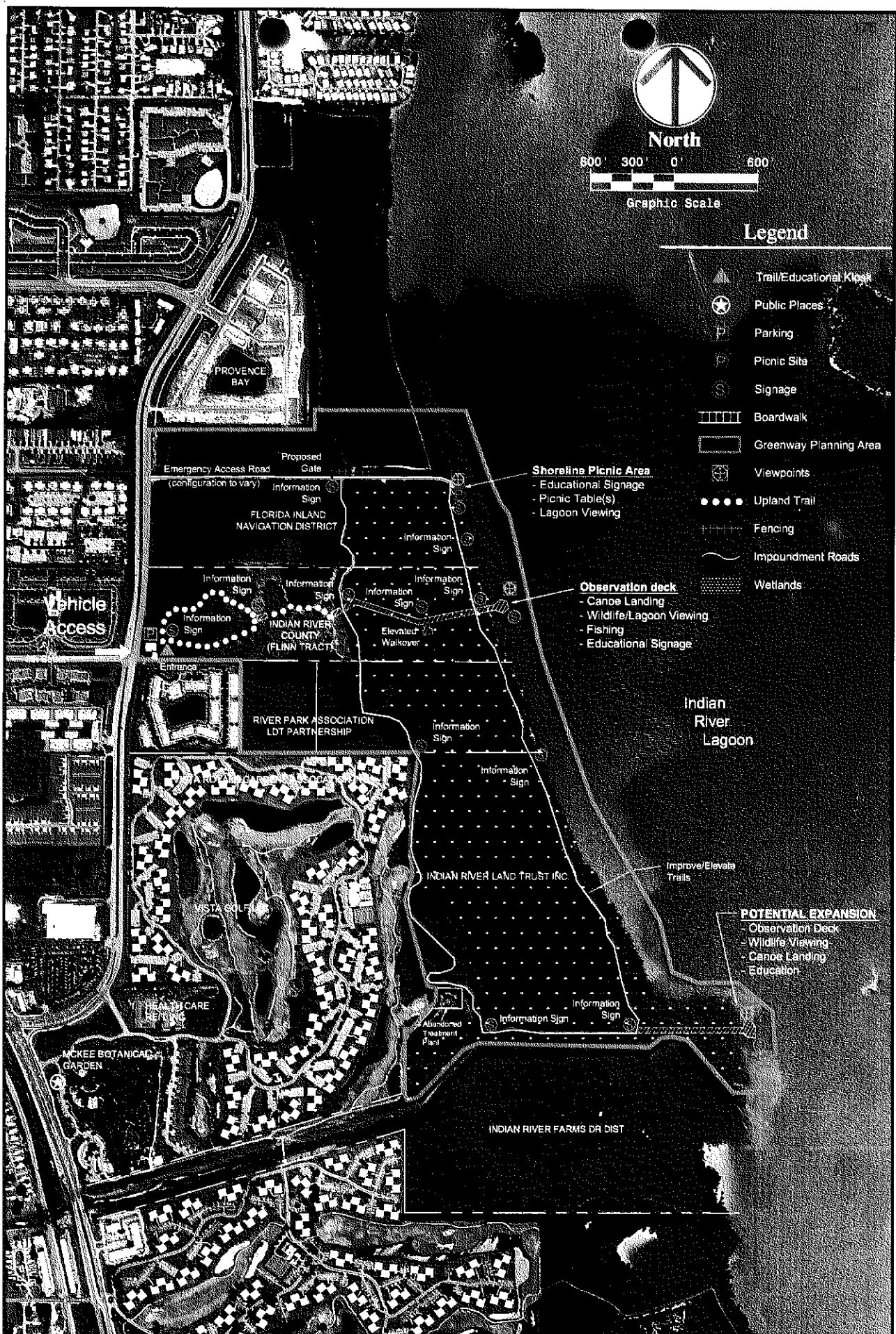
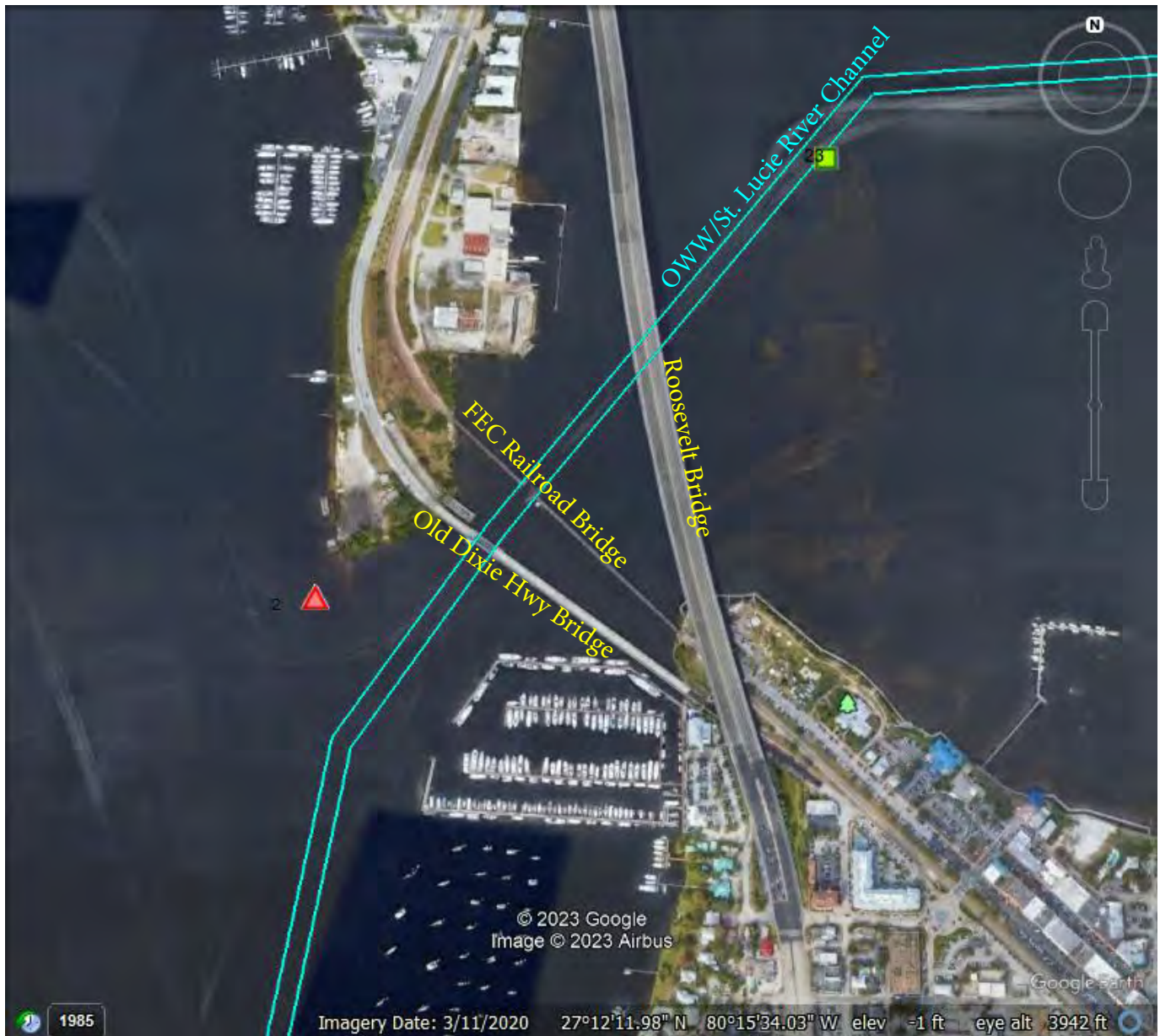


EXHIBIT "A"

OWW/St. Lucie Bridges, Stuart, Martin County, FL





**BEFORE THE BOARD OF COMMISSIONERS
FLORIDA INLAND NAVIGATION DISTRICT**

RESOLUTION NUMBER 2024-03

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE FLORIDA INLAND NAVIGATION DISTRICT,
SUPPORTING A USDOT-FRA CRISI GRANT
APPLICATION FOR THE REPLACEMENT OF THE ST.
LUCIE RIVER RAILROAD BRIDGE; PROVIDING FOR AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

* * * * *

WHEREAS, the Strategic Intermodal System (SIS) is both the federal and State of Florida's high priority network of transportation facilities important to the State's economy and mobility; and

WHEREAS, the SIS is the State's highest priority for transportation capacity investments and a primary focus for implementing the Florida Transportation Plan (FTP), the State's long-range transportation vision and policy plan; and

WHEREAS, the St. Lucie River Railroad Bridge replacement is critical for the long-term capacity and fluidity of freight rail operations and regional marine industry movements and intercity passenger rail; and

WHEREAS, the St. Lucie River Railroad Bridge crosses the Okeechobee Waterway (“OWW”), which is a Federal navigation project. This bridge is approaching 100 years old; and

WHEREAS, the Florida Inland Navigation District supports the reasonable needs of navigation which can be met with defined, scheduled and predictable bridge openings per hour for the safety of navigation; and

WHEREAS, the Florida Legislature has designated Florida Inland Navigation District as the “local interest sponsor” for maintaining the navigability of the OWW in Martin and Palm Beach Counties pursuant to Section 374.984, Florida Statutes; and

WHEREAS, Florida Inland Navigation District believes that replacing the existing St. Lucie River Railroad Bridge with a new bridge having increased vertical and horizontal clearance will substantially reduce the adverse impacts on the navigability of the OWW; and

WHEREAS, the City Commission of the City of Stuart, Florida, in City Resolution No. R43-2023, expressed its support of the award of federal and state grants which will be used for the design and construction to replace the current 1933 single track railroad drawbridge with a new higher elevation double track drawbridge; and

WHEREAS, the Florida Inland Navigation District has previously executed a resolution (2023-01) to partner with the City, Florida East Coast Railway (FECR), and Brightline Trains Florida, LLC (Brightline) in applying for FDOT and USDOT grant programs to support the development and implementation of the St. Lucie River Railroad Bridge Replacement Project; and

WHEREAS, the City has been awarded a National Infrastructure Project Assistance grant, under 49 U.S.C. § 6701 (Mega). The Mega grant will be a key funding sources that supports the replacement of the St. Lucie River Railroad Bridge; and

WHEREAS, the Florida Department of Transportation (FDOT) has committed to providing funding to FECR through the FDOT SIS program to support the replacement of the St. Lucie River Railroad Bridge; and

WHEREAS, Florida East Coast Railway (FECR) will be seeking a Federal Railroad Administration (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant to support the replacement of the St. Lucie River Railroad Bridge; and

WHEREAS, the CRISI grant will be vital to establish the final funding structure to support the implementation of the project, which has significant transportation and economic impacts for the City and the State of Florida; and

Resolution 04-2024

Support for a CRISI Grant for the new Railroad Bridge over the St. Lucie River

WHEREAS, by increasing the channel clearance with a new higher elevation drawbridge, Brightline has suggested up to 90% of vessel traffic will be able to pass at low tide without a bridge opening which will improve navigation without use of the drawbridge; and

WHEREAS, the Board of Commissioners of the Florida Inland Navigation District supports the design to increase vessel clearance and width and replacement of the current single-track bridge crossing the St. Lucie River.

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

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The Board of Commissioners of the Florida Inland Navigation District encourages and supports the award of federal and state grants which will be used for the design and construction of a new bridge that will replace the current 1933 single track railroad drawbridge with a new higher elevation double track drawbridge which will provide better access for boaters.

SECTION 3: The Florida Inland Navigation District is authorized to partner with and provide a letter of support, in partnership with the City of Stuart, FECR, and Brightline for the CRISI grant as described herein.

SECTION 4: The Executive Director is directed to transmit an executed copy of this Resolution, together with a transmittal letter in support of the CRISI grant application to the USDOT Secretary of Transportation, Martin County Florida Legislative Delegation, and the Florida Department of Transportation for their record and use, and to execute any additional documents associated with the application.

SECTION 5: This Resolution shall become effective immediately upon its adoption.

Resolution 04-2024

Support for a CRISI Grant for the new Railroad Bridge over the St. Lucie River

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

SPENCER CROWLEY, CHAIR
 FRANK GERNERT, VICE CHAIR
 J.CARL BLOW, COMMISSIONER
 DONALD CUOZZO, COMMISSIONER
 STEPHEN W. BOEHNING, COMMISSIONER
 CHARLES C. ISIMINGER, COMMISSIONER
 JAMES DAVENPORT, COMMISSIONER
 RANDALL STAPLEFORD, COMMISSIONER
 LYNN WILLIAMS, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____.

ATTEST:

 JAMES DAVENPORT
 DISTRICT SECRETARY

 SPENCER CROWLEY
 CHAIR

APPROVED AS TO FORM
 AND CORRECTNESS:

 PETER L. BRETON
 DISTRICT COUNSEL

The logo for Thorn Run Partners, featuring a stylized map of Florida in the background. The text "THORN RUN PARTNERS" is in a bold, sans-serif font, and "GOVERNMENT RELATIONS" is in a smaller font below it.

THORN RUN PARTNERS

GOVERNMENT RELATIONS

March 1, 2024

Monthly Report for the Florida Inland Navigation District

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

FROM: Jim Davenport, Partner

We look forward to seeing you next week to attend meetings with members of FIND's congressional delegation, Appropriations Committee staff and the Army Corps of Engineers to discuss your maintenance dredging projects. While you are in Washington, Congress will be working to finalize FY 2024 appropriations legislation. Earlier this week, congressional leadership announced next steps in the government funding process, and passed a Continuing Resolution (CR) to avoid a partial shutdown. The plan is to pass six appropriations bills as a package by March 8th, and then the remaining bills by March 22nd. The first batch of bills would include: Agriculture-FDA, Commerce-Justice-Science, **Energy-Water Development**, Interior-Environment, Military Construction-VA, and Transportation-HUD. The text of those bills should be released sometime before your trip. That bill should include \$4.054 million for the Intracoastal Waterway.

In addition to specific funding for the IWW, both the House and Senate Energy and Water Appropriations bills also include over \$100 million spread across the Navigation Maintenance; Inland Waterways; Small, Remote, or Subsistence Navigation "additional work" categories. The additional work numbers might get smaller during conference negotiations so the House and Senate Appropriations Committees can make room for each chamber's congressionally directed spending priorities. Once final numbers in these categories are set, we can pursue additional maintenance dredging funding in the Corps Work Plan. We can discuss this during our meeting with the Corps.

Please contact me with any questions.

The logo for Thorn Run Partners, featuring a stylized map of Florida in the background. The text "THORN RUN PARTNERS" is in a bold, sans-serif font, and "GOVERNMENT RELATIONS" is in a smaller font below it.**THORN RUN PARTNERS**

GOVERNMENT RELATIONS

April 4, 2024

Monthly Report for the Florida Inland Navigation District

TO: Janet Zimmerman, Executive Director
Chris Kelley, Assistant Executive Director

FROM: Jim Davenport, Partner

As we recently reported, on March 8th President Biden signed into law the first package of FY 2024 appropriations bills, which included a historic funding level of \$8.7 billion for the Corps of Engineers and \$4.054 million for the IWW.

On March 11th, Biden released his FY 2025 budget request to Congress. While the funding request for the Corps is lower (\$7.2 billion) than what was enacted for FY24 (which is no surprise given the administration's request is usually low for the Corps) the request seeks \$4.181 million for the IWW, which is the largest request for the IWW from the Corps/Administration in the last two decades. This puts FIND in a very good position for FY 2025 in that the IWW will receive no less than \$4.181 million. So while the IWW will receive \$4.181 million from the administration, we are working to obtain additional funding for it through the FY 2025 congressionally directed spending process. As you know, we have submitted funding requests to Representatives Jared Moskowitz and Brian Mast, given they represent areas where dredging is planned for 2025. We are awaiting further instructions from Frederica Wilson's office before submitting to her as well. And, if Representative Aaron Bean decides to submit congressionally directed spending requests, we will submit a funding request to his office as well.

We appreciate you coming to Washington to discuss FIND's mission and your FY25 funding requests, and to meet with staff and members with whom you have not met in recent years. These meetings were productive and allowed us to lay the groundwork for our FY25 appropriations requests. We also had a useful meeting with Susan Lucas, the Regional Integration Team Chief for the South Atlantic Division, at Corps Headquarters. As you know, Susan came out of Jacksonville, so she is already familiar with FIND and we trust she will be a strong advocate for FIND's projects.

Please contact me with any questions.