

**INDIAN RIVER COUNTY, FLORIDA
BOARD MEMORANDUM**

TO: Jason E. Brown,
County Administrator

THROUGH: Richard B. Szpyrka, P.E., Public Works Director

FROM: Eric Charest, Natural Resources Manager

SUBJECT: **Termination of FDEP Grant Agreement No. 17IR1
Wabasso Beach Restoration Project (Sector 3) – Mitigation Reef**

DATE: May 6, 2020

BACKGROUND

On February 13, 2018, the Board of County Commissioners (BCC) approved entering into a Grant Agreement with the Florida Department of Environmental Protection (FDEP) under the Florida Beach Management Funding Assistance Program, Agreement No. 17IR1, which committed state funds for the partial reimbursement of the design and construction of a mitigation reef for the Sector 3 Beach and Dune Restoration Project (2010-2012), should that mitigation reef be determined to be necessary.

The agreement committed up to \$1,800,000 at a cost share ratio of 50% State - 50% Local. The total local share under this agreement was \$900,000 with a maximum State reimbursement of \$900,000. The Agreement identified Indian River County as the Local Sponsor and has an expiration date of December 31, 2021.

DESCRIPTIONS AND CONDITIONS

Funds available under 17IR1 were approved by the FDEP and appropriated by legislature for the purpose of the anticipated design and construction of a mitigation reef associated with the 2010-2012 Sector 3 Beach and Dune Restoration Project performed under FDEP Permit No. 0285993-001-JC. Required environmental monitoring identified in routine Permit conditions over several years provided FDEP with both pre- and post-construction information as to whether or not any impacts to the environment were observed from the Beach Nourishment activities.

On September 24, 2018, an e-mail from the Program Administrator for the FDEP's Division of Water Resource Management's Beaches, Inlets and Ports Program stated that the Department had completed their review of the project and determined that no mitigation for the nourishment event performed under Permit No. 0285993-001-JC was required.

Upon notification that a mitigation reef was not required, Coastal staff began the process of requesting the appropriated State funding for the mitigation reef be applied to the current Sector 3 Beach Nourishment project that was in the design process.

Communications have taken place between staff and FDEP on the requested realignment of funds from the non-required mitigation reef to the current Sector 3 Beach and Dune Nourishment project (IRC1925), with the FDEP issuing their final statement on April 24, 2020 that the reef funds cannot be utilized for other projects.

The FDEP is seeking consent from Indian River County to terminate the agreement in accordance with paragraph 13.a of the agreement (Termination for Convenience).

FUNDING

Funding is not necessary for the approval of the termination of the 17IR1 Agreement as no funds were received under this Grant. The current Sector 3 Beach and Dune Nourishment Project will continue regardless of this Grant Agreement, as the balance of funding for the project will be provided from Tourist Tax Revenues and potential other Grants.

RECOMMENDATION

Staff recommends the termination of FDEP Agreement IR171 as the mitigation reef for the 2010-2012 Sector 3 Beach and Dune project in which the funds were awarded for is not required, and since the FDEP has stated that they are unable to reallocate those funds to the current Sector 3 Beach and Dune Nourishment Project.

ATTACHMENT

1. Executed FDEP Agreement 17IR1 Grant
2. Indian River County Grant Form 17IR1
3. FDEP e-mail for non-transfer of allocated funds

APPROVED AGENDA ITEM FOR: MAY 19, 2020