



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners
FROM: Kate Pingolt Cotner, Assistant County Attorney *KPC*
DATE: June 4, 2018
SUBJECT: Amendment 1 to Oyster Reef Project Grant

BACKGROUND: The Florida Department of Environmental Protection (FDEP) received funding pursuant to line item 1662A of the FY 2015/2016 General Appropriations Act to provide financial assistance for the Indian River County Oyster Bed Project.

On March 8, 2016, FDEP entered into grant Agreement No. S0839 with Indian River County. The grant committed, on a cost reimbursement basis, up to a maximum of \$50,000 for the construction of an oyster bed project within the vicinity of the 45th Street drainage ditch. The intent of the grant was to construct an oyster reef project as a way to improve water quality conditions of discharges from the 45th Street drainage ditch into the Indian River Lagoon and to construct new potential habitat for marine animals.

Upon further investigation of the site, it was determined that seagrass was present and that the proposed oyster reef location was not suitable for oyster recruitment.

In effort to avoid the County losing the grant funds, staff requested FDEP approval to transfer the project location from the 45th Street drainage ditch to a more suitable location. The only request of FDEP was that the new proposed project location be within the general vicinity of the 45th Street site and adjacent to a drainage outfall into the lagoon.

The County and City of Vero Beach are working together to improve the lagoon. One of the Lagoon Legacy Projects identified to initiate these efforts was the Foot Island Living Shoreline Project. Foot Island is a roughly 2,750 sq. foot island located within the lagoon near the Merrill Barber Bridge. Evidence of erosion has been observed along the western and southern portions of the island where dead mangroves were exposed, likely due to boat wake and a relatively large fetch. A living shoreline/oyster reef project was proposed to stabilize the shoreline and improve water quality. Coincidentally, Foot Island is also adjacent to a Florida Department of Transportation (FDOT) outfall discharging into the lagoon. As such, the Foot Island Living Shoreline Project meets the intent of FDEP grant S0839.

The purpose of this agenda item is to request Board acceptance of the project location change and approval of Amendment 1 to FDEP grant S0839. Please be advised that no local match is required.

Amendment No. 1 to FDEP grant Agreement No. S0839 effectuates the following:

- Revises the Scope of Work to delete the 45th Street drainage site and add the Foot Island project,
- Extends the grant period to September 30, 2021, and
- Replaces funding/consideration/invoicing language.

FUNDING

No local match is required under this grant. However, this grant is a cost reimbursement bases and requires the County to construct the project prior to reimbursement. At this time no funds are budgeted for this project.

RECOMMENDATION

Staff recommends that the Board of County Commissioners:

1. Approve Amendment No. 1 to FDEP Grant Agreement No. S0839 and authorize the Chairman to sign on behalf of the County. Following Board approval, the County will transmit the partially executed Amendment No. 1 to the State for final signatures. Upon receipt of the fully executed original from the State, staff will transmit to the Clerk to the Board of County Commission for recording.
2. Approve a budget amendment in the amount of \$50,000 to cover the project construction costs prior to State reimbursement.

ATTACHMENT

1. Amendment No. 1 to FDEP Grant Agreement S0839
2. Change Order No. 1 to Indian River County Grant Form No. S0839