

**DEP AGREEMENT NO. S0839
INDIAN RIVER COUNTY
AMENDMENT NO. 2**

This Amendment to Agreement No. S0839, as previously amended, (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and Indian River County, (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Indian River County Oyster Bed Project, effective March 8, 2016; and,

WHEREAS, the Grantee has requested an extension of the Agreement;

WHEREAS, certain provisions of the Agreement need revision and several provisions need to be added to the Agreement.

NOW THEREFORE, the parties agree as follows:

1. The Agreement is effective until September 30, 2022. The reimbursement period for this Agreement begins on July 1, 2015 and ends at the expiration of the Agreement. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.

2. Section 17. of the Agreement is deleted and replaced as follows:

The Grant Managers for this Agreement are identified below:

Department's Grant Manager

Name: Evan Beitsch
Address: 3900 Commonwealth Blvd.
Tallahassee, FL 32312
Phone: (850) 245-2993
Email: Evan.beitsch@floridadep.gov

Grantee's Grant Manager

Name: Eric Charest
Address: 1801 27th St.
Vero Beach, FL 32960
Phone: (772) 226-1569
Email: Echarest@ircgov.com

3. **Attachment A-1, Grant Work Plan**, is hereby deleted in its entirety and replaced with **Attachment A-2, Revised Grant Work Plan**, attached hereto and made a part of the Agreement. All references in the Agreement to **Attachment A-1**, shall hereinafter refer to **Attachment A-2, Revised Grant Work Plan**.

4. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

IN WITNESS WHEREOF, the parties have caused this amendment to Agreement S0839 to be duly executed, the day and year last written below.

INDIAN RIVER COUNTY

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Chairman

By: _____
Trina Vielhauer, Secretary

Print Name of Authorized Person

Print Name and Title of Authorized Person

Date: _____

Date: _____

Evan Beitsch, DEP Grant Manager

Sandra Waters, DEP QC Reviewer

FEID No.: 59-6000674

List of attachments/exhibits included as part of this Amendment:

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description (include number of pages)</u>
<u>Attachment</u>	<u>A-2</u>	<u>Revised Grant Work Plan (2 Pages)</u>

**ATTACHMENT A-2
REVISED GRANT WORK PLAN**

PROJECT TITLE: Indian River County Oyster Bed Project

PROJECT LOCATION: Latitude/ Longitude: 27.651817, -80.371698

PROJECT BACKGROUND: The Indian River Lagoon has more than 2100 species of plants and 2200 species of animals making it North America's most diverse estuary. Indian River County (Grantee) is committed to protecting and preserving the Indian River Lagoon. In the past, the Grantee has successfully established an oyster bed reef in an area adjacent to Spoonbill Marsh in Vero Beach, Florida, which has reduced the amount of total nitrogen (TN) and total phosphorus (TP) entering into the Indian River Lagoon in the area. The Grantee wishes to continue its efforts by constructing a living shoreline/oyster reef along the shoreline of Foot Island. Foot Island is a roughly 2,750 sq. foot island located within Vero Beach, Florida. 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. The purpose of the proposed oyster reef would be to a) stabilize the Foot Island shoreline and b) improve water quality conditions of discharges from the adjacent Florida Department of Transportation (FDOT) outfall pipe into the Indian River Lagoon. At this point in time, the project's conceptual design is complete and the Grantee has received permission from the Indian River Board of County Commissioners to proceed with the proposed project.

PROJECT DESCRIPTION: The project will require the Grantee to construct living shoreline/oyster reef along much of the Foot Island shoreline with emphasis on the western and southern portions of the island. The southern and western portions of the island are also adjacent to the FDOT outfall pipe. The oyster bags will be stacked to create void spaces throughout the reef structure of differing sizes, dimensions, and openings to the Indian River Lagoon. The proposed oyster reef is approximately 27,500 square feet. The reef location is close enough to the Foot Island that it will not inhibit the navigability of the area. The reef provides a habitat for attached and encrusting organisms such as oysters, and other invertebrates such as stone crabs, juvenile fish species, and game fish species. In turn, the reef will act as an in-situ water treatment system to facilitate the removal of total nitrogen (TN) and total phosphorus (TP) from stormwater discharged through the FDOT outfall into the Indian River Lagoon. The reef is self-perpetuating in that the attached and encrusting invertebrates and turf algae will continue to overgrow any bare areas created in the future.

TASKS and DELIVERABLES:

Task 1: Construction

Task Description: The Grantee will construct an oyster bed reef in accordance with the construction contract documents.

Deliverables: Construction completed to date as described in this task, as evidenced by these deliverables: 1) Dated color photographs of on-going work representing the time period covered in the payment request; 2) signed acceptance and brief description of the completed work to date by the Grantee; 3) written verification that the Grantee has received record drawings and any required final inspection report(s) for the project (as applicable); and 4) signed statement from a Florida Licensed Professional Engineer indicating construction has been completed in accordance with the construction contract documents (as applicable).

Performance Standard: The Department’s Grant Manager will review the deliverables to verify that they meet the specifications in the Grant Work Plan and this task description.

Payment Request Schedule: The deliverables must be submitted and accepted prior to each payment request and may be submitted no more frequently than monthly.

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all deliverables received by, the corresponding task end date.

Task No.	Task Title	Budget Category	Budget Amount	Task Start Date	Task End Date
1	Construction	Contractual Services	\$50,000	07/01/2015	03/31/2022
Total:			\$50,000		

Note that, per paragraph 4 of the agreement, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the Department if the Legislature reduces or eliminates appropriations. Extending the contract end date carries the risk that funds for this project may become unavailable in the future. This should be a consideration for the Grantee with this and future requests for extension.