

**AMENDMENT NO. 3
TO AGREEMENT NO. S0839
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
INDIAN RIVER COUNTY**

This Amendment to Agreement No. S0839 (Agreement), as previously amended, 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 (Project), effective March 8, 2016; and,

WHEREAS, the Grantee has requested an extension of the Agreement due to unanticipated permitting delays; and,

WHEREAS, other changes to the Agreement are necessary.

NOW THEREFORE, the parties agree as follows:

1. Section 2 of the Agreement is hereby revised to change the expiration date to December 31, 2024. 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 32. is added to the Agreement as follows:

REFUND OF PAYMENTS TO THE DEPARTMENT

Any balance of unobligated funds that have been advanced or paid must be refunded to the Department. Any funds paid in excess of the amount to which Grantee or subgrantee is entitled under the terms of the Agreement must be refunded to the Department. If this Agreement is funded with federal funds and the Department is required to refund the federal government, the Grantee shall refund the Department its share of those funds.

3. Attachment A-2, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment A-3, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment A-2 shall hereinafter refer to Attachment A-3, 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.

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The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

INDIAN RIVER COUNTY

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Authorized Signature

By: _____
Secretary or Designee

Peter D. O'Bryan, Chairman
Print Name and Title

Angela Knecht, Division Director
Print Name and Title

Date: _____

Date: _____

Evan Beitsch, DEP Grant Manager

Zachary Easton, DEP QC Reviewer

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

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description</u>
Attachment	A-3	Revised Grant Work Plan

**ATTACHMENT A-3
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: All documentation should be submitted electronically unless otherwise indicated.

Task 1: Construction

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

Documentation: The Grantee will submit 1) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; 2) written verification that the Grantee has received record drawings and any required final inspection report(s) for the project (as applicable); and 3) a signed Engineer's Certification of Payment Request (as applicable).

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

Task No.	Task Title	Budget Category	Budget Amount	Task Start Date	Task End Date
1	Construction	Contractual Services	\$50,000	07/01/2015	06/30/2024
Total:			\$50,000		

Note that, per Section 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.