

**INDIAN RIVER COUNTY, FLORIDA
BOARD MEMORANDUM**

CONSENT

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

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

PREPARED BY: Eric Charest, Natural Resources Manager

SUBJECT: FDEP Revised Grant Agreement 23IR2 (Indian River County 2022 Hurricane Ian and Nicole Recovery Project)

DATE: June 27, 2023

DESCRIPTION AND CONDITIONS

On June 20, 2023 under Consent Agenda item 8.AH, the Board of County Commissioners (Board) accepted the State of Florida Department of Environmental Protection's (FDEP) Local Government Funding Request (LGFR) Grant 23IR2. LGFR grant 23IR2 was awarded to Indian River County as a result of State allocated funding made available to assist counties most impacted by Hurricane Ian (2022) and Hurricane Nicole (2022) to support beach and dune repair efforts. With information submitted by Indian River County, the FDEP Office of Resilience and Coastal Protection issued the *Hurricanes Ian and Nicole Recovery Plan for Florida's Beach and Dune System* (December 9, 2022) which was used as the basis for allocating the initial funding approved by the Governor's office in December 2022.

Laws of Florida Chapter 2022-272 Senate Bill 4A, authorized the FDEP to waive match requirements for local governments and provided non-recurring funds for damages related to Hurricane Ian and Hurricane Nicole for beach erosion projects as identified in Section 161.101 (22) Florida Statutes (F.S.). Grant 23IR2, at the time of Board approval on June 20, 2023, allotted \$4,080,388.00 to the beaches within Indian River County. As beach management Sectors 1 and 2 within the County are managed by the Sebastian Inlet District (SID) under a Memorandum of Understanding, the funds associated with Sectors 1 and 2 (\$334,696.59) were assigned to SID under a separate grant. Indian River County was allocated \$3,745,691.41 of the available funding under LGFR grant 23IR2 to be used for Hurricane Ian and Hurricane Nicole beach erosion projects consistent with the FDEP's recovery plan identified above.

Since the June 20, 2023 Board meeting approval of grant 23IR2, the Governor approved the State of Florida fiscal year 2023/2024 budget which included an additional \$106 million in beach repair funding. This additional allocation will completely fund the State/Local share portion of repair efforts identified in the FDEP recovery plan. Indian River County has been awarded an additional \$4,331,612.00 in Hurricane Ian and Hurricane Nicole beach and dune repair funding which is being added into a revised 23IR2 grant document. This revision makes the total award to the County under Grant 23IR2 \$8,412,000.00. As identified above, the SID funds associated with Sectors 1 and 2 (revised total of \$690,000.00) are assigned to SID under a separate grant. Indian River County has been allocated \$7,722,000.00 of the available funding under the revised LGFR 23IR2 to be used for Hurricane Ian and Hurricane Nicole beach erosion projects consistent with

the FDEP’s recovery plan.

The revised agreement is anticipated to mirror the previously Board approved 23IR2 grant, and update FDEP’s commitment to provide up to \$7,722,000.00 of State funding to cover non-federal Project costs for the projects identified in the Grant. It should be noted this Grant is based on reimbursement and the County would be responsible for the up-front costs associated with construction. Reimbursement would take place at a later date once all of the County’s costs are deemed eligible per the Grant standards. The County continues to work with representatives from the Florida Division of Emergency Management (FDEM) and the Federal Emergency Management Act (FEMA), to secure Federal funding for these projects, and the federal share shall not affect the cost sharing percentage of the non-federal share.

Eligible costs for which the grant can be used are included in the LGFR 23IR2 Grant Work Plan and include work performed and costs incurred associated with the placement of fill material. The agreement identifies Indian River County as the Local Sponsor, Natural Resources Manager, Eric Charest, as the Project Manager, and 23IR2 identifies a project completion timeline requiring all deliverables received by the FDEP by 6/30/2025 with an expiration date for the grant of 12/31/2025.

As the Board’s June 20, 2023 approval of LGFR Grant 23IR2 had not been countersigned by the FDEP prior to the additional funding being made available, the FDEP is revising the funding allocation portion of LGFR Grant 23IR2 to replace the previously Board approved LGFR Grant 23IR2. This revised grant is not in addition to the prior Board approved Grant.

| Task # | Eligible Project Task | DEP Cost Share (%) | Federal Estimated Project Costs | DEP Cost Share | Local Cost Share | Total |
|--------------|-------------------------------|--------------------|---------------------------------|-----------------------|------------------|-----------------------|
| 1.1 | Construction – Sector 3 Beach | 100% | \$0.00 | \$2,656,800.00 | \$0.00 | \$2,656,800.00 |
| 1.2 | Construction – Sector 4 Dunes | 100% | \$0.00 | \$2,376,000.00 | \$0.00 | \$2,376,000.00 |
| 1.3 | Construction – Sector 5 Beach | 100% | \$0.00 | \$885,600.00 | \$0.00 | \$885,600.00 |
| 1.4 | Construction – Sector 7 Beach | 100% | \$0.00 | \$1,803,600.00 | \$0.00 | \$1,803,600.00 |
| Total | | | \$0.00 | \$7,722,000.00 | \$0.00 | \$7,722,000.00 |

Should any of the Sectors identified in the Grant move forward with beach or dune construction related activities, such as those identified in the Grant Work plan, the costs above and beyond the Grant funding per Sector would come from potential FEMA Project Worksheets, the County’s Beach Restoration Fund or the County’s Optional Sales Tax Fund.

FUNDING

As the local match funding has been waived, County funding is not required to accept the grant funds.

RECOMMENDATION

FDEP revision to the Board's previously approved LGFR 23IR2 Grant are reflected only in the amount of the award, with the revised LGFR 23IR2 Grant replacing the previously approved version. Revised LGFR 23IR2 Grant increases the funding amounts awarded for the County's beach and dune repair efforts from \$3,745,691.41 to \$7,722,000.00 as identified in the agenda above. Terms contained within the revised grant are to be identical to the Board's previously approved version. In order to move ahead with the revised grant amounts, Staff recommends the Board authorize the County Administrator to accept FDEP's revised Grant Agreement 23IR2 for up to \$7,722,000.00 and sign the Agreement on behalf of the County. Following County execution, Staff will transmit the partially executed Agreement to the State for final signatures. Upon receipt of the fully executed original FDEP Grant Agreement 23IR2 from the State, staff will transmit to the Clerk to the Board of County Commissioners for filing.

ATTACHMENTS

1. Indian River County Revised Grant Form No. 23IR2

APPROVED AGENDA ITEM FOR: JULY 11, 2023