

INDIAN RIVER COUNTY, FLORIDA

BOARD MEMORANDUM

CONSENT

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator
Kylie Yanchula, Natural Resources Director

FROM: Eric Charest, Assistant Natural Resources Director

SUBJECT: Amendment No. 4 – FDEP Grant Agreement No. 19IR2 [Indian River County Hurricane Irma Recovery Project (Sector 7 Beach and Dune Restoration)]

DATE: December 30, 2024

DESCRIPTION AND CONDITIONS

The Florida Department of Environmental Protection (FDEP) received FY 2018/2019 funding to assist eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program. On July 22, 2019, FDEP entered into Local Government Funding Request (LGFR) Grant Agreement No. 19IR2 with Indian River County committing up to \$307,538.00 for design and permit-required construction related activities for the Sector 7 Beach and Dune Restoration Project (Project).

On September 29, 2021, in response to a request from the County to FDEP for an extension to the Task End Dates identified in the original agreement, FDEP issued Amendment No. 1 to Grant 19IR2. Amendment No. 1 maintained the same funding levels but extended the Task Deliverable Due Dates through to September 30, 2023, with the amended grant agreement reflecting a twenty-five (25) month extension. The extension request by the County was necessary due to the Sector 7 Beach and Dune Restoration Project being delayed on multiple occasions due to a lack of stakeholder support in the form of executed easement agreements allowing for the placement of sand in accordance with design and permit constraints.

At the June 20, 2023 Commission meeting, Coastal Engineering Staff presented an update on the status of Sector 7 to the Board. At that meeting, the Board voted to consider the Hurricanes Matthew, Irma and Dorian Sector 7 Beach and Dune Restoration Project as not being constructible due to lack signed easements (67% obtained, 14% pending, 1% in-process, and 18% denied). Staff was then directed to seek reallocations for the Project funding that was made available where possible (FEMA, FDEP LGFR).

As FDEP funds allocated under Grant 19IR2 were unable to be reallocated to another beach management sector within the County, on October 19, 2023, Staff requested the FDEP consider a reallocation of funding within LGFR Grant 19IR2, making Task 2 (Construction) funds available for reimbursement of expenses incurred by the County for Task 1 items (monitoring, design and permitting).

On January 4, 2024, in response to the County's request, FDEP issued Amendment No. 2 to Grant 19IR2. Amendment No. 2 maintained the same funding levels as the original agreement, and

extended the Task Deliverable Due Dates through to September 30, 2024 reflecting a twelve (12) month extension. While Amendment No. 2, approved by the Board on March 5, 2024, only extended the Grant timeframe, the FDEP used this time extension to draw up Amendment No. 3 which reflected the requested reallocation of task funding. Amendment No. 3, received by the County on June 21, 2024, allowed the County to seek partial reimbursement on expenses already incurred for the Project. Amendment No. 3 to Grant 19IR2, accepted by the Board on July 2, 2024, identified the grant as remaining in effect through September 30, 2024 which was anticipated to allow for enough time for the County to receive reimbursement for approved expenses.

As the County's submitted reimbursement request remains under review by the FDEP, County Staff requested an additional time extension to LGFR 19IR2. On December 12, 2024, the FDEP submitted Amendment #4 to LGFR 19IR2 for County review and acceptance. Amendment #4 maintains the same level of funding as identified in Amendment #3 and extends the terms of the Agreement to remain in effect for an additional twelve (12) months, running through September 30, 2025. This time extension should allow for the FDEP to complete their review of the County's reimbursement request and reimburse the County for the approved expenses in accordance with the grant terms.

FUNDING

No additional costs will be incurred to accept this grant extension.

RECOMMENDATION

Staff recommends the Board approve FDEP Amendment No. 4 to FDEP LGFR Grant Agreement No. 19IR2 and authorize the County Administrator to sign the Amendment on behalf of the County. In addition, staff recommends the Board further authorize the County Administrator to sign any future Amendments to LGFR 19IR2 that do not alter its' financial terms on behalf of the County and upon concurrence by the County Attorney.

ATTACHMENTS

1. FDEP Grant Agreement 19IR2
2. Amendment No 1 to FDEP Grant Agreement 19IR2
3. Amendment No 2 to FDEP Grant Agreement 19IR2
4. Amendment No 3 to FDEP Grant Agreement 19IR2
5. Amendment No 4 to FDEP Grant Agreement 19IR2

APPROVED AGENDA ITEM FOR: January 14, 2025