

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: John Titkanich, Jr. County Administrator

FROM: Eric Charest, Interim Natural Resources Director

SUBJECT: Amendment No. 2 – FDEP Grant Agreement No. 19IR2 (Indian River County Hurricane Irma Recovery Project (Sector 7 Beach and Dune Restoration))

DATE: February 23, 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 two occasions (construction postponed in the 2020/2021 season and once again postponed in the 2021/2022 construction season) due to lack of stakeholder support in the form of executed easement agreements allowing for the placement of sand in accordance with design and permit constraints.

On March 8, 2022, Coastal Engineering staff presented the Board of County Commissioners (Board) with an update to the Project with regards to the status of the easements within the Project area (66% obtained, 15% pending, 1% in-process, and 18% denied). Options were discussed, with the Board voting to postpone construction from the 2022/2023 construction window to the following year. As a result of that postponement, on March 29, 2022, Staff requested the FDEP issue an additional time extension amendment to LGFR Grant 19IR2, allowing for the grant to remain active during the proposed 2023/2024 construction period.

At the June 20, 2023 regularly scheduled Commission meeting, Staff once again 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 of sufficient stakeholder support in the form of signed easements (67% obtained, 14% pending, 1% in-process, and 18% denied). Staff was then directed to seek reallocations for the funding that was made available for the Project where possible (FEMA, FDEP LGFR).

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 maintains the same funding levels but extends the Task Deliverable Due Dates through to September 30, 2024, with the amended grant agreement reflecting a twelve (12) month extension. As Amendment No. 2 only extends the terms of the current Grant, the FDEP will then use this time extension to draw up Amendment No. 3 which will reflect the requested reallocation in task funding and allow the County to seek partial reimbursement on the expenses incurred to date for the Project.

Although the Hurricane Matthew, Irma, and Dorian related Sector 7 Beach and Dune Restoration Project is no longer occurring, FDEP's direction for this occurrence is to extend the grant time frame, followed by a subsequent amendment to revise the allocation of funds for each project task. This amendment will be brought to the Board at a future meeting.

FUNDING

No additional funding is requested, as this item is a time extension only.

RECOMMENDATION

Staff recommends the Board approve FDEP Amendment No. 2 to FDEP LGFR Grant Agreement No. 19IR2 for the time extension through September 30, 2024, and authorize the Chairman to sign the Amendment on behalf of the County. Following Board approval, the County will transmit the partially executed Amendment to the State for final signatures. Upon receipt of the fully executed FDEP Grant Agreement 19IR2 Amendment No. 2 from the State, staff will transmit to the Clerk to the Board of County Commissioners for filing. County Staff will continue to work with the FDEP on Amendment No. 3 and the reallocation of Task funding which will be brought before the BCC for consideration when issued.

ATTACHMENTS

1. Amendment No 2 to FDEP Grant Agreement 19IR2

APPROVED AGENDA ITEM FOR: March 5, 2024