

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u> 0 </u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?			Yes <u> X </u>	No _____	
Does this item include the use of federal funds?			Yes _____	No <u> X </u>	
Does this item include the use of state funds?			Yes <u> X </u>	No _____	

Budget Account No.:

Fund 1229 Department 380 Unit _____ Object _____ Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no fiscal impact.

C. Department Fiscal Review:

SHING

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

<u>ASD/ALC 8/27/24</u>	<u>Theresa MacMillan 8/29/24</u>
OFMB (S) 8/23/24 DA 8/26	Contract Development & Control
258/20	Final 8/29/24

B. Legal Sufficiency:

NA 9/4/24
Assistant County Attorney

C. Other Department Review:

Department Director

**CHANGE ORDER NO. 2
TO AGREEMENT NO. LP50202
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
PALM BEACH COUNTY**

This Change to Agreement No. LP50202 , as previously amended, (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and PALM BEACH COUNTY (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Lake Worth Lagoon Initiative effective February 1, 2017; and,

WHEREAS, the Grantee has requested a reallocation of the budget that is less than 20% of the total budget; and,

WHEREAS, other changes to the Agreement are necessary; and,

NOW, THEREFORE, the parties agree as follows:

1. Attachment A-1, Revised Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment A-2, Revised Grant Work Plan, as attached to this Change Order and hereby incorporated into the Agreement. All references in the Agreement to Attachment A, Attachment A-1 or Attachment 3 shall hereinafter refer to Attachment A-2, Revised Grant Work Plan.
2. Attachment D-1, Progress Report Form, is hereby deleted in its entirety and replaced with Attachment D-2, as attached to this Change Order and hereby incorporated into the Agreement. All references in the Agreement to Attachment D or Attachment D-1 shall hereinafter refer to Attachment D-2.
3. All other terms and conditions of the Agreement shall remain unchanged.

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

PALM BEACH COUNTY

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
Deborah Drum, Director

By: Amanda Peck Digitally signed by Amanda Peck
Date: 2024.07.25 15:53:31 -04'00'
Amanda Peck, Program Administrator

Date: 7-24-24

Date: _____

Approved as to form and legal sufficiency:

/s/ Scott A. Stone
Assistant County Attorney

Kate Pace Digitally signed by Kate Pace
Date: 2024.07.25 13:38:49
-04'00'
Kate Pace, DEP Grant Manager

List of attachments/exhibits included as part of this Change Order:

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description</u>
Attachment	A-2	Revised Grant Work Plan
Attachment	D-2	Revised Progress Report Form

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

PROJECT TITLE: Lake Worth Lagoon Initiative

PROJECT LOCATION: The Project will be located in Lake Worth Lagoon within Palm Beach County; Lat/Long (26.7269, -80.0503). See Figure 1 for a site plan

PROJECT BACKGROUND: The Lake Worth Lagoon (LWL) estuary stretches 20 miles along the shores of 13 municipalities from the Village of North Palm Beach to the Town of Ocean Ridge. LWL has been subjected to habitat loss due to dredging and filling activities, wastewater and stormwater discharges, and shoreline hardening. The Lake Worth Lagoon Management Plan (LWLMP), adopted by the Board of County Commissioners in 2014, includes projects to restore habitat for seagrass, mangroves, and oysters.

PROJECT DESCRIPTION: The Grantee intends to implement recommendations of the LWLMP by creating living shorelines, capping muck sediments, and filling existing dredge holes. These projects will create habitats for mangroves, seagrass, and oysters.

Note: Palm Beach County's efforts to restore and enhance Lake Worth Lagoon includes construction projects designed to increase seagrass, mangrove, and oyster habitat through living shorelines, island creation, muck capping, and marsh vegetation plantings. The county is continuing a series of island creation projects aimed at enhancing the habitat within the lagoon by stabilizing loose sediments through muck capping to create seagrass-appropriate substrate, planting marsh vegetation, and creating oyster habitat.

TASKS: All documentation should be submitted electronically unless otherwise indicated and should be submitted prior to the expiration of the grant agreement.

Task #1: Design, Permitting, Contracting and Construction of Lake Worth Lagoon Living Shorelines

Task Description: Living shorelines, consisting of mangrove and *Spartina* planters, will be placed along a hardened shoreline within the lagoon in multiple locations. Living shorelines provide shoreline protection, wave energy attenuation, and resilience to sea level rise. The Grantee will:

- Complete construction plans and obtain all necessary permits for construction of the project;
- Subcontract the construction with a qualified and licensed contractor, selected through the Grantee's procurement process;
- Install mangrove planters and riprap along existing bulkheaded shorelines; and
- Plant red mangrove seedlings and *Spartina* plugs within the planters.

The grantee will submit documentation of preconstruction and construction activities as described below.

Deliverables: Completion of the living shorelines as described in this task, as evidenced by: 1) A list of all required permits identifying issue dates and issuing authorities, 2) executed subcontracts, 3) dated color photographs of the construction prior, during and immediately following completion of construction, 4) written verification that the Grantee has received as-built drawings, and 5) signed acceptance of the work by the Grantee.

Performance Standard: The Department's Grant Manager will review the deliverable to verify that it meets the specifications in the Grant Work Plan and this task description. Upon review and written acceptance by the Department's Grant Manager of all deliverables under this task, the Grantee may proceed with payment request submittal.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement upon completion of the task and Department approval of all associated task deliverables. The deliverables must be submitted 10 working days prior to each payment request.

Task #2: Design, Permitting, Contracting and Construction of Tarpon Cove Mangrove Islands and Seagrass

Task Description: Tarpon Cove Mangrove Islands and Seagrass site will be improved through the placement of sand or other material to cap muck sediments and fill existing dredge holes for the purpose of creating wetland islands, salt marsh, oyster, and seagrass habitats. The Grantee will:

- Complete construction plans and obtain all necessary permits for construction of the project;
- Subcontract the construction with a qualified and licensed contractor, selected through the Grantee's procurement process;
- Stabilize existing submerged muck sediments with a sand cap and/or limestone rock;
- Where appropriate, fill identified dredge holes with sand and/or limestone rock;
- Plant red mangrove seedlings and *Spartina* plugs; and
- Perform bathymetric surveys (pre-construction, post construction, and during construction).

The grantee will submit documentation of preconstruction and construction activities as described below.

Deliverables: Completion of the mangrove islands and seagrass as described in this task, as evidenced by: 1) A list of all required permits identifying issue dates and issuing authorities, 2) executed subcontractors, 3) dated color photographs of the construction prior, during and immediately following completion of construction, 4) written verification that the Grantee has received as-built drawings, 5) bathymetric survey reports, and 6) signed acceptance of the work by the Grantee.

Performance Standard: The Department's Grant Manager will review the deliverable to verify that it meets the specifications in the Grant Work Plan and this task description. Upon review and written acceptance by the Department's Grant Manager of all deliverables under this task, the Grantee may proceed with payment request submittal.

Payment Request Schedule: Grantee may submit a payment request for cost reimbursement upon completion of the task and Department approval of all associated task deliverables. The deliverables must be submitted 10 working days prior to each payment request.

Task #3: Monitoring

Task Description: Document Lake Worth Lagoon's environmental health and utilize information accessed through this effort to monitor oyster habitat, fisheries, and seagrass improvements based on the implementation of construction projects designed for their benefit. The environmental technical data will be compiled in final reports to meet the requirements of Chapter 62-160, Florida Administrative Code (F.A.C.) and shall be consistent with the "Sampling and Analysis Plan" created for Phase I of this project through DEP Grant Agreement S0751.

1. **Lake Worth Lagoon Fixed Transect Seagrass Monitoring and Lagoonwide Mapping**
Monitoring of transects and ground-truthing points located throughout LWL. Monitoring includes seagrass depth distribution, abundance, density, location, and species diversity.
2. **Lake Worth Lagoon Oyster Monitoring-** Monitoring of the eastern oyster, *Crassostrea virginica*, at three natural oyster reef stations and three man-made reef stations within LWL.

Monitoring effort includes prevalence and intensity of the oyster parasite, *Perkinsus marinus*, along with oyster density, and recruitment.

3. **North and Central Lake Worth Lagoon Fisheries Monitoring-** Monitoring of Central LWL's fish species at sites including completed restoration sites and a control site and monitoring of the North LWL's fish species at selected stations. Monitoring includes seine net hauls for collection of fish and invertebrates to determine species presence, abundance, and correlation to environmental factors.
4. **Lake Worth Lagoon Turtle Monitoring**
Monitoring of juvenile green turtles (*Chelonia mydas*) in the North LWL to document size, abundance, health and habitat utilization. Monitoring turtle health, abundance and distribution in the Lagoon is important to overall assessments of water quality and habitat conditions.
5. **Lake Worth Lagoon Acoustic Telemetry Network- Fish and Turtle Monitoring** Acoustic monitoring of fish and sea turtles within the L WL is necessary to assess habitat preferences and environmental drivers of animal distributions. Installation and maintenance of acoustic receivers within the L WL telemetry network. All detection data will be uploaded to a cloud-based directory managed by the FACT Network (FACT Node).

Deliverables: The Grantee will submit a summary of completed monitoring activities to date for the period covered in the payment request. For the final documentation, the Grantee will also submit the following documents electronically:

1. LWL Fixed Transect Seagrass Monitoring reports and Lagoonwide Seagrass Distribution Maps.
2. LWL Oyster Monitoring reports.
3. North and Central LWL Fisheries Monitoring reports.
4. Sea Turtle Monitoring reports.
5. Report of acoustic data downloaded from telemetry network.

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 the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

For any Task with a Budget Category of Contractual Services, the Grantee shall submit a copy of the executed subcontract to the Department prior to submitting any invoices for subcontracted work.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Lake Worth Lagoon Living Shorelines	Contractual Services	\$49,640.78	07/01/2016	07/30/2028
		Salary	\$33,054		
		Fringe	\$16,946		

		Task Total:	\$99,640.78		
2	Tarpon Cove Mangrove Islands	Contractual Services	\$1,552,500	07/01/2016	07/30/2028
		Salary	\$97,216.37		
		Fringe	\$50,642.85		
		Task Total:	\$1,700,359.22		
3	Monitoring	Contractual Services	\$639,524.39	07/01/2016	07/30/2028
		Salary	\$47,811.95		
		Fringe	\$24,467.66		
		Task Total:	\$711,804		
		Project Total:	\$2,511,804		

Note that, per Section 8 of Attachment 1 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.

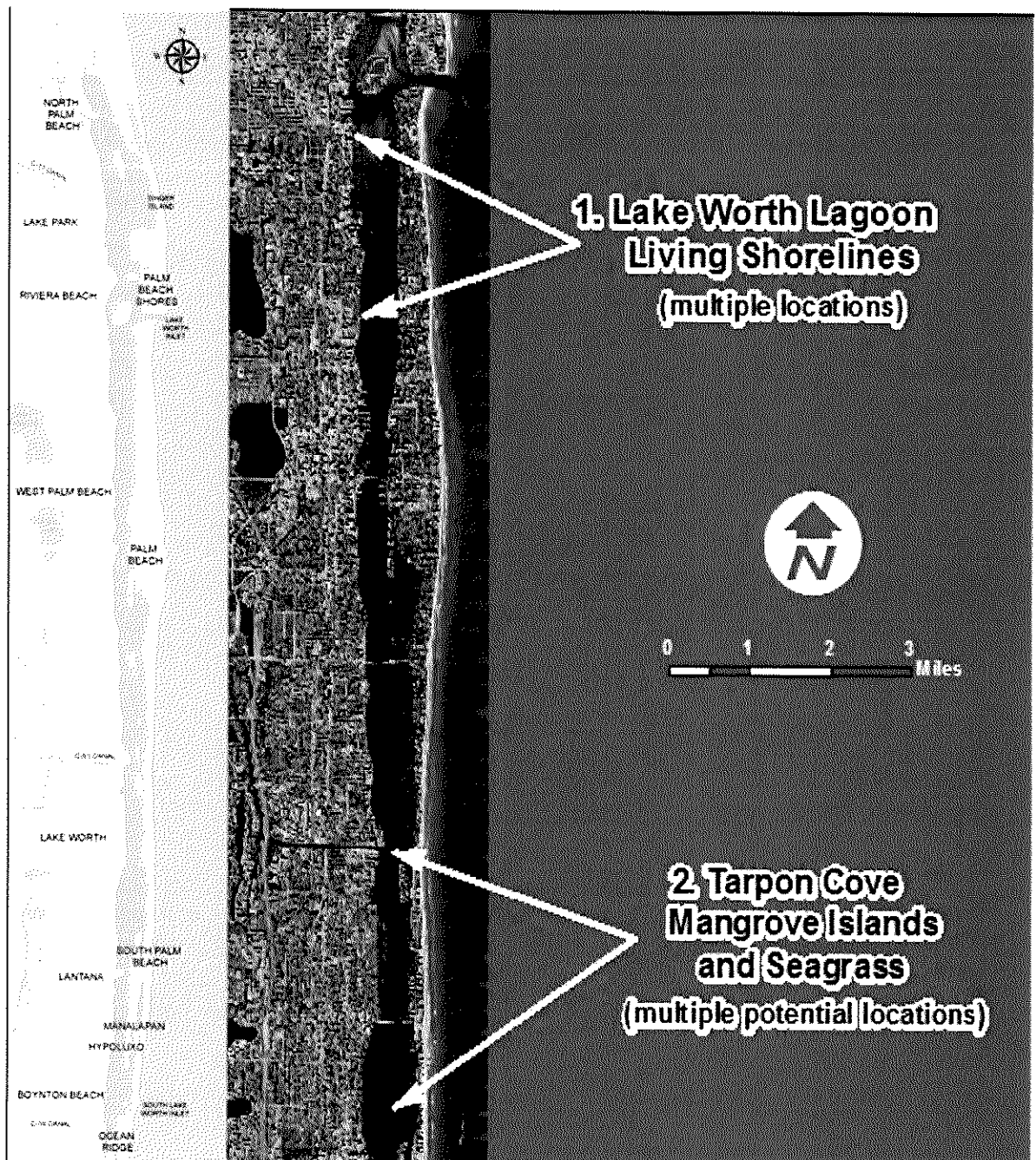
SALARY AND FRINGE BENEFITS BY TASK: Cost reimbursable funding or match hourly rate(s) by position may not exceed those indicated below. Fringe benefits will be reimbursed based on actual costs, with the total not to exceed the budgeted amounts shown in the Project Timeline & Budget Detail table.

Task No.	Position Title	Salary Amount	Fringe Amount
1	Environmental Director	\$69.92	55.41%
	Environmental Manager	\$49.60	55.41%
	Environmental Program Supervisor	\$43.58	55.41%
	Construction Project Manager	\$46.81	55.41%
	Senior Professional Engineer	\$65.90	55.41%
	Professional Engineer	\$57.70	55.41%
	Project Coordinator I	\$37.40	55.41%
	Technical Assistant II	\$36.33	55.41%
	Senior Environmental Analyst	\$42.06	55.41%
	Environmental Analyst	\$32.69	55.41%
	Environmentalist I	\$26.16	55.41%
	Environmentalist II	\$33.24	55.41%
	Environmental Technician I	\$21.88	55.41%
	Environmental Technician II	\$31.79	55.41%
	Contract Manager	\$33.37	55.41%
	Contract/Grants Coordinator	\$36.31	55.41%
	Student Employees	\$15.56	55.41%
		\$33,054	\$16,946
2	Environmental Director	\$69.92	55.41%
	Environmental Manager	\$49.60	55.41%
	Environmental Program Supervisor	\$43.58	55.41%

	Construction Project Manager	\$46.81	55.41%
	Senior Professional Engineer	\$65.90	55.41%
	Professional Engineer	\$57.70	55.41%
	Project Coordinator I	\$37.40	55.41%
	Technical Assistant II	\$36.33	55.41%
	Senior Environmental Analyst	\$42.06	55.41%
	Environmental Analyst	\$32.69	55.41%
	Environmentalist I	\$26.16	55.41%
	Environmentalist II	\$33.24	55.41%
	Environmental Technician I	\$21.88	55.41%
	Environmental Technician II	\$31.79	55.41%
	Contract Manager	\$33.37	55.41%
	Contract/Grants Coordinator	\$36.31	55.41%
	Student Employees	\$15.56	55.41%
		\$97,216.37	\$50,642.85
	Environmental Director	\$69.92	55.41%
	Environmental Manager	\$49.60	55.41%
	Environmental Program Supervisor	\$43.58	55.41%
	Construction Project Manager	\$46.81	55.41%
	Senior Professional Engineer	\$65.90	55.41%
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	Environmental Technician I	\$21.88	55.41%
	Environmental Technician II	\$31.79	55.41%
	Contract Manager	\$33.37	55.41%
	Contract/Grants Coordinator	\$36.31	55.41%
	Student Employees	\$15.56	55.41%
		\$47,811.95	\$24,467.66
		Total Salary	Total Fringe
		\$166,804.95	\$85,474.66

Note: Upon submission of each payment request, the Grantee certifies that the hours and rates submitted are accurate and allowable costs for the grant agreement. Upon request by the Department's grant manager, additional documentation of hours worked will be provided.

Figure 1: Site Map



**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Attachment D-2
Revised Progress Report Form**

The current **Exhibit D, Progress Report Form** for this grant can be found on the Department's website at this link:

<https://floridadep.gov/wra/wra/documents/progress-report-form>

Please use the most current form found on the website, linked above, for each progress report submitted for this project.

**CHANGE ORDER NO. 3
TO AGREEMENT NO. LP50202
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
PALM BEACH COUNTY**

This Change to Agreement No. LP50202 , as previously amended, (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and PALM BEACH COUNTY (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Lake Worth Lagoon Initiative effective February 1, 2017; and,

WHEREAS, other changes to the Agreement are necessary; and,

NOW, THEREFORE, the parties agree as follows:

1. Attachment A-2 , Revised Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment A-3, Revised Grant Work Plan, as attached to this Change Order and hereby incorporated into the Agreement. All references in the Agreement to Attachment A, Attachment A-1, Attachment A-2, or Attachment 3 shall hereinafter refer to Attachment A-3, Revised Grant Work Plan.
2. All other terms and conditions of the Agreement shall remain unchanged.

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

PALM BEACH COUNTY

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: **Deborah Drum**
Deborah Drum, Director

By: **Amanda Peck**
Amanda Peck, Program Administrator

Date: **8-15-2024**

Date: **08/16/2024**

Approved as to form and legal sufficiency:

/s/ Scott A. Stone
Assistant County Attorney

By: **Kate Pace**
Kate Pace, DEP Grant Manager

List of attachments/exhibits included as part of this Change Order:

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

**ATTACHMENT A-3
REVISED GRANT WORK PLAN**

PROJECT TITLE: Lake Worth Lagoon Initiative

PROJECT LOCATION: The Project will be located in Lake Worth Lagoon within Palm Beach County; Lat/Long (26.7269, -80.0503). See Figure 1 for a site plan.

PROJECT BACKGROUND: The Lake Worth Lagoon (LWL) estuary stretches 20 miles along the shores of 13 municipalities from the Village of North Palm Beach to the Town of Ocean Ridge. L WL has been subjected to habitat loss due to dredging and filling activities, wastewater and stormwater discharges, and shoreline hardening. The Lake Worth Lagoon Management Plan (LWLMP), adopted by the Board of County Commissioners in 2014, includes projects to restore habitat for seagrass, mangroves, and oysters.

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Note: Palm Beach County's efforts to restore and enhance Lake Worth Lagoon includes construction projects designed to increase seagrass, mangrove, and oyster habitat through living shorelines, island creation, muck capping, and marsh vegetation plantings. The county is continuing a series of island creation projects aimed at enhancing the habitat within the lagoon by stabilizing loose sediments through muck capping to create seagrass-appropriate substrate, planting marsh vegetation, and creating oyster habitat.

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Deliverables: Completion of the living shorelines as described in this task, as evidenced by: 1) A list of all required permits identifying issue dates and issuing authorities, 2) executed subcontracts, 3) dated color photographs of the construction prior, during and immediately following completion of construction, 4) written verification that the Grantee has received as-built drawings, and 5) signed acceptance of the work by the Grantee.

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

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		Salary	\$33,054		
		Fringe	\$16,946		

Task Total:			\$99,640.78		
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		Salary	\$97,216.37		
		Fringe	\$50,642.85		
Task Total:			\$1,700,359.22		
3	Monitoring	Contractual Services	\$639,524.39	07/01/2016	07/30/2028
		Salary	\$47,811.95		
		Fringe	\$24,467.66		
Task Total:			\$711,804		
Project Total:			\$2,511,804		

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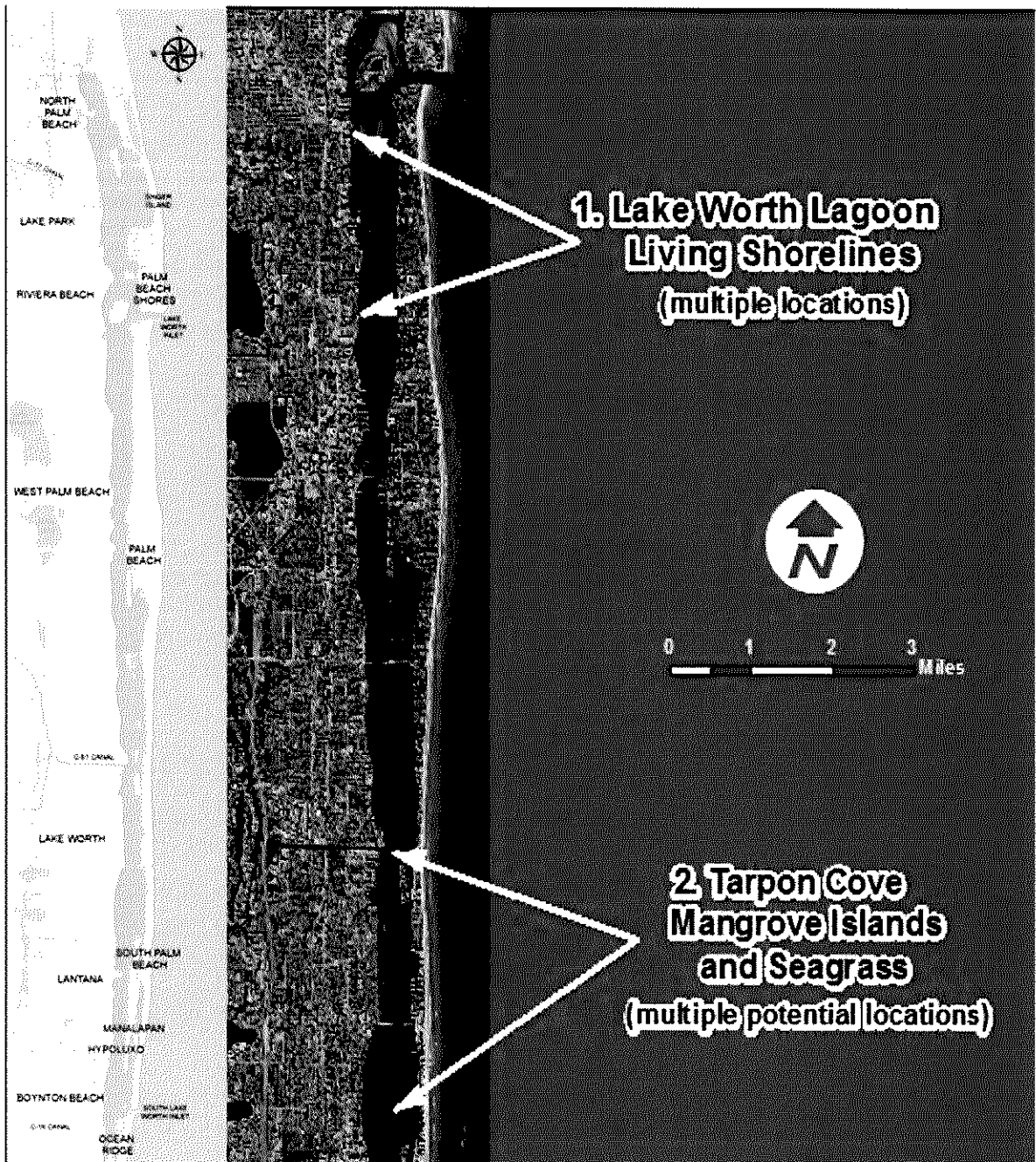
SALARY AND FRINGE BENEFITS BY TASK: Cost reimbursable funding or match hourly rate(s) by position may not exceed those indicated below. Fringe benefits will be reimbursed based on actual costs, with the total not to exceed the budgeted amounts shown in the Project Timeline & Budget Detail table.

Task No.	Position Title	Salary Amount	Fringe Amount
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	Environmental Program Supervisor	\$55.81	55.41%
	Construction Project Manager	\$46.81	55.41%
	Senior Professional Engineer	\$80.02	55.41%
	Professional Engineer	\$57.70	55.41%
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	Technical Assistant II	\$36.33	55.41%
	Senior Environmental Analyst	\$42.06	55.41%
	Environmental Analyst	\$32.69	55.41%
	Environmentalist I	\$26.16	55.41%
	Environmentalist II	\$33.24	55.41%
	Environmental Technician I	\$22.69	55.41%
	Environmental Technician II	\$31.79	55.41%
	Contract Manager	\$33.37	55.41%
	Contract/Grants Coordinator	\$36.31	55.41%
	Student Employees	\$15.56	55.41%
		\$97,216.37	\$50,642.85
	Environmental Director	\$69.92	55.41%
	Environmental Manager	\$49.60	55.41%
	Environmental Program Supervisor	\$43.58	55.41%
	Construction Project Manager	\$46.81	55.41%
	Senior Professional Engineer	\$65.90	55.41%
	Professional Engineer	\$57.70	55.41%
	Project Coordinator I	\$37.40	55.41%
	Technical Assistant II	\$36.33	55.41%
	Senior Environmental Analyst	\$42.06	55.41%
3	Environmental Analyst	\$32.69	55.41%
	Environmentalist I	\$26.16	55.41%
	Environmentalist II	\$33.24	55.41%
	Environmental Technician I	\$21.88	55.41%
	Environmental Technician II	\$31.79	55.41%
	Contract Manager	\$33.37	55.41%
	Contract/Grants Coordinator	\$36.31	55.41%
	Student Employees	\$15.56	55.41%
		\$47,811.95	\$24,467.66
		Total Salary	Total Fringe
		\$166,804.95	\$85,474.66

Note: Upon submission of each payment request, the Grantee certifies that the hours and rates submitted are accurate and allowable costs for the grant agreement. Upon request by the Department's grant manager, additional documentation of hours worked will be provided.

Figure 1: Site Map





**INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management**

DATE: January 20, 2017
TO: Verdenia C. Baker
County Administrator
THROUGH: Jon Van Arman
Deputy County Administrator
FROM: Robert Robbins, Director
Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:
State of Florida Department of Environmental Protection (DEP)
Agreement No. LP50202 financial assistance for projects located in
the Lake Worth Lagoon.

On January 10, 2017, agenda item 3L3 (R2017-0082) the County Commission approved the County Administrator or her designee to sign all future extensions, task assignments, certifications, and other forms associated with the Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms or conditions for this Agreement.

This memorandum is my request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign all future time extensions, task assignments, certifications and other documents associated with this Agreement and any necessary minor amendments to those documents that do not substantially change the scope of work or terms and conditions of this Agreement. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: Verdenia C. Baker DATE: 2/1/17
Verdenia C. Baker, County Administrator

RR:mc
Attachment

