

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 9, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Mechanical Equipment on the Beach During Sea Turtle Nesting Season

DATE: July 28, 2022

STAFF RECOMMENDATION

Town staff recommends Town Council approve the following added protective measures pertaining to mechanical equipment on the beach during sea turtle nesting season:

- Mechanical beach cleaning should occur once a week when conditions are most favorable and not specifically held on the same day each week, if at all possible;
- In accordance with the Florida Department of Environmental Protection (FDEP) Beach Cleaning Permit, a daily marine turtle nest survey, protection and monitoring program must be completed prior to any mechanical beach cleaning. The protection measures include checking for hatchlings on the beach or in the seaweed.
- These protective measures will be included in the upcoming beach cleaning solicitation; and
- The Police Department will continue to only authorize state-permitted and regulated mechanical equipment on the beach during sea turtle nesting season, pursuant to Section 74-195 Town Code of Ordinances.

GENERAL INFORMATION

Mechanical equipment on the beach performs several important functions on the beach year-round. The permitted use of tractors, single rider All-Terrain Vehicles (ATVs), and multiple rider Utility Task Vehicles (UTVs) has been in place for many years. Between March 1 and October 31, there are specific conditions in place that must be adhered to regarding the protection of sea turtles. Current approved uses of mechanical equipment on the beach includes the following:

SEA TURTLE NESTING MONITORING

Town consultant D.B. Ecological, Inc. has been performing daily nesting surveys and periodic lighting surveys for the Town for nearly two decades, resulting in one of the most successful monitoring programs in the state. This effort significantly contributed to the development of the Palm Beach Island Beach Management Agreement (BMA). One of the requirements in the Florida Department of Environmental Protection (FDEP) BMA, signed in 2013, was for the

Town's consultant to increase their monitoring area to include the entire 12.2 miles of Town shoreline as opposed to specific project areas. Monitoring nesting outside of project areas serves as an ecosystem benefit for the Florida Fish and Wildlife Conservation Commission (FWC) to track project influences outside of project areas. Based on a statistically valid sampling plan developed by an FWC scientist, the Town's shoreline is separated into zones where all sea turtle nests are marked in accordance with this plan. Nests in other zones do not require any type of marking in accordance with the FWC plan except as required in areas where DEP has authorized mechanical beach cleaning. This effort, which has been in place since 2014, is performed as a requirement for state-issued perpetual sand placement project permits. This monitoring is not done to support mechanical beach cleaning efforts.

Due to the scale of daily monitoring requirements of the BMA scope, ATVs are utilized where possible. In order to efficiently collect this data, tire tracks from ATVs cross out false crawls and encircle nests, an identified Best Management Practice within the FWC-published Marine Turtle Conservation Handbook. This 170-page document was prepared by FWC to describe interactions or research with marine turtles, their nests, eggs, hatchlings, under the Marine Turtle Protection Act, Florida Statute 379.2431 (1), as granted through a cooperative agreement with the U.S. Fish and Wildlife Service (USFWS) under Section 6 of the U.S. Endangered Species Act. The Handbook has been incorporated by reference in Florida Administrative Code Rule 68E-1. One of the items included in the handbook is the preferred tire pressure of less than 10 pounds per square inch (psi) for vehicles on the beach during nesting season. The ATVs used to support the sea turtle monitoring effort have tire pressures kept between 4 and 6 psi.

Town staff and the regulatory agencies have received a large amount of email correspondence from residents regarding the use of ATVs on the beach during sea turtle nesting season and the marking protocol. Attached are a few email replies from staff, the Town's sea turtle nesting monitor, and FWC in response to some of these emails received in May 2022.

POLICE DEPARTMENT BEACH PATROL

The Town's Police Department has UTVs that patrol the beaches on a regular basis. The Police Department is aware of the sensitivities on the beach during sea turtle and shorebird nesting seasons and of the tire pressure guidelines. Although the environment is taken into consideration while operating on the beach, the safety of residents and the general public is the first and foremost concern and the beach patrol is to take any means necessary to ensure this paramount responsibility. No concerns have been raised by monitors regarding beach patrol activities. The UTV used to perform beach patrolling has tire pressures below 10 psi.

BEACH CLEANING

Tractors within Public Beaches

Raking activities with the use of tractors is strictly regulated by FDEP with specific field permit conditions to prevent any adverse impacts to the beach and dune system, including marine turtles and their nests and habitats. To assist with this work, the Town's sea turtle nesting monitor stakes out nests that are within the corridor for tractors getting on and off the beach, within close proximity of the high tide line, and any other location that could be at-risk as determined by the monitor. This activity, which covers a total of 1.05 miles within Phipps Ocean Park and Mid-Town Municipal Beach, represents 8.6% of the Town's total shoreline. The public beaches are

cleaned either once a week or twice a week depending on the volume of seaweed present. This activity has been requested by the residents and approved by Town Council. The tractor used to perform beach cleaning activities has tire pressures below 10 psi.

Tractors outside of Public Beaches

Beach cleaning with the use of tractors, contracted by the Citizens' Association of Palm Beach, is performed in Reaches 7 and 8. This area is generally between Sloan's Curve and the south Town limits, but excludes the City of Lake Worth Beach. As an extra measure to avoid impacts to nests, our sea turtle nesting monitor and FWC annually install a "line" of stakes set every few hundred feet to serve as a guide for the private tractor to stay waterward. Should weather cause tides to wash in landward of these stakes, the beach cleaners know to discontinue service until conditions improve. The tractors used to perform beach cleaning activities have tire pressures below 10 psi.

Town staff and the regulatory agencies have also received a large amount of email correspondence from both residents and concerned members of the public regarding the use of tractors on the beach during sea turtle nesting season. Attached is an email chain that includes comments from both the Town's sea turtle nesting monitor and FWC in response to one of these emails received in June 2022.

UTVs outside of Public Beaches

The Friends of Palm Beach organization is hired by private properties to perform beach cleaning activities. While the work to pick up trash and debris is done by hand, this organization does use UTVs to traverse the beach. The use of this vehicle on the beach was granted by the Town of Palm Beach, as previously directed by Town Council, and is not regulated by FDEP. There is no oversight of the vehicle's activities or any knowledge that the vehicles are maintained and outfitted with the tire pressure of less than 10 psi and other elements that are identified in either the FWC handbook or FDEP field permits.

Recently tire tracks have been reported on the upper beach berm. These tracks were in areas with unmarked sea turtle nests. Vehicle traffic in such locations can impact these nests. It is indeterminate if these tracks are related to the beach cleanup activity or with other privately used vehicles. Discontinuing the use of unregulated vehicles on the beach may help reduce unintended impacts to sea turtles and shorebirds.

BEACH CLEANING HISTORY IN TOWN

The Town's beach cleaning activities, as directed by Town Council, have been adjusted over the years. There was a time when Town staff mechanically cleaned and hand-picked trash and debris along the entire Town shoreline. The Public Works Department historically has provided staff to maintain a safe and appealing environment at the Town's public beaches for the residents and other beach goers. At one time, the Town had two full time employees dedicated to this effort. As recent as 2018, this was accomplished by a single full-time employee operating a tractor driven rake, grooming the sand and followed by hand removing litter and unwanted debris. Fifteen (15) public beach access points were also monitored one day a week, and any litter or debris was removed. The approved FY18 operating budget for this program was \$114,834.

In preparation of cost saving measures included in the 2018 Comprehensive Review of Town Operations (CRTO), and the planned retirement of the operator performing this duty, this provided an opportunity to evaluate the program. Multiple options were identified and included in the CRTO for consideration. At the March 2018 Town Council Meeting, as part of the presentation of the Executive Summary, the option selected was to outsource the beach cleaning task. Staff prepared a scope of work to outline the level of service the in-house program provided, as well as other service level options, for consideration. A bid was received on April 18, 2018. During budget review meetings that followed, staff was given direction to begin the contract award process for the option of Monday and Friday service to the public beaches and litter removal from the public accesses.

The Town no longer has staffing capabilities to pick-up large debris from the public beaches. The beach cleaner's contract includes specific service events to address these matters when they occur.

BEACH CLEANING OUTSIDE OF THE TOWN

How the beaches are maintained is determined by local preferences. Palm Beach County does not have a regulation banning the use of mechanical equipment to clean beaches. It is recognized that cleaning by hand along large stretches of beach is both labor intensive and cost prohibitive.

Palm Beach County

The seaweed left on the beach during high tide is referred to by FWC as the "wrack" line. While raking seaweed is preferred by the majority of residents, FWC would prefer that the "wrack" stay in place as it provides benefits to shorebirds and other protected species. For this reason several years ago, Palm Beach County changed from a proactive or routine beach cleaning program to only "as necessary" for human health or safety within their maintained public beaches and parks.

Other Municipalities

Delray Beach and Boca Raton perform beach cleaning activities with the use of mechanical equipment on their beaches.

EXCESSIVE SEAWEED

Excessive seaweed has been a more frequent issue over the past several years. The recent frequency of excessive seaweed has occurred every few months rather than every few years. While, the least disruptive process would be for beach raking to be eliminated, FWC recognizes that the presence of excessive seaweed in some cases can impede hatchlings getting to the water. Note that although tracking is not performed, there have been no known impacts to nests/hatchlings as a result of beach cleaning efforts in the Town.

PUBLIC INTERACTION WITH TOWN CONSULTANTS AND CONTRACTORS

Over the past few months, members of the public have approached consultants and contractors on ATVs and tractors performing both monitoring and cleaning services for the Town. Consultants and contractors treat residents and members of the public with the utmost respect, reports have indicated this treatment has recently not been reciprocated. Sea turtle monitoring includes tough tasks of working in extreme weather conditions and covering a lot of ground each

day in a short period of time. Many of these monitors are young people that have been subjected to harassment. Town staff requests that the public be reminded that these sea turtle monitors work at the direction and under the authority of FWC, are trained by FWC to perform these important jobs to meet the Town's regulatory requirements and that they are doing important sea turtle conservation work.

SUMMARY

The use mechanical beach equipment should be limited to regulated activities, excluding beach patrolling for public safety, between March 1 and October 31. Communication among Town staff, the sea turtle nesting monitor, equipment operators, and regulatory staff is essential. While environmentally protective measures have been put in place by the state for permitted use of mechanical equipment, there are actions that the Town can take to be more protective. First, the sea turtle nesting monitor should be given time in the morning to not only survey the beaches to identify nests, but to also survey the seaweed for hatchlings before allowing mechanical beach cleaning to take place. Also, the Town should not limit their beach cleaner to a specific day of the week for once-a-week cleaning. The beach cleaner should use the forecast and the tide charts to identify which day during a particular week that tides are lowest and that the sea conditions can best allow beach cleaning to take place without tractors traveling higher on the nesting beach, if possible. Town staff will work with the existing contractor to ensure that best practices are adhered to and will include these added protective measures in an upcoming beach cleaning solicitation.

FUNDING/FISCAL IMPACT

Based on the Town's current contract, the cost to clean the public beaches is approximately \$50,000 annually for twice a week service. When conditions are either too rough for tractors to stay waterward of the nesting beaches or when the volume of seaweed washing in is less, the service is reduced to one day a week. Because Town staff plays an active role in the frequency of the work, the actual cost of this work has been consistently less than budgeted each year since 2018.

Attachments

cc: Shore Protection Board
Nick Caristo, Chief of Police
Will Rothrock, Police Captain
Patricia Strayer, P.E, Town Engineer
Robert Weber, Coastal Program Manager
Lainie Edwards, FDEP
Robbin Trindell, FWC

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 14, 2022

TO: Mayor and Town Council
VIA: Kirk W. Blouin, Town Manager
FROM: H. Paul Brazil, P.E., Director of Public Works
RE: Review of Sea Turtle Nesting
DATE: June 6, 2022

STAFF RECOMMENDATION

Town staff requests that the Town Council provide any direction deemed necessary.

GENERAL INFORMATION

The Town has been fortunate to again see a large amount of sand placed on the beach this calendar year to maintain storm protection. The recently completed Inlet Maintenance Dredging Project included nearly 300,000 cubic yards of beach sand placed in Reaches 1 and 2 at no cost to the Town. Had the Town trucked in this volume of sand, it would have a cost exceeding \$12 million. The only obligation that the Town has in order to receive this sand is to provide heavy equipment access to the beach. While the nighttime sea turtle nesting monitoring was performed using the Town's contractor, as they hold the state permit on our beaches to do so, these efforts were funded by the U.S. Army Corps of Engineers (CORPS). The purpose of the additional monitoring, which started on February 10 as required under the Biological Opinion for the project, identified any new nests within the project area and relocated them from the fill placement area. The scheduled completion of the work on the beach was April 30.

Due to an excessive amount of rough weather during the project, the CORPS received regulatory approvals from both the Florida Department of Environmental Protection (FDEP) and the U.S. Fish & Wildlife Service to continue the work through the month of May 2022 in order to maximize dredging efforts in the inlet and the beneficial use of the dredged sand on our beaches. During dredging operations, seven nests were relocated to a section of the beach approved by Florida Fish and Wildlife Conservation Commission (FWCC). Any new nests where fill placement was completed were left in place and temporarily marked for avoidance. During the project, 64 nests were marked. This increase is due to the higher density of nesting as we approached the height of sea turtle nesting season. Once all demobilization efforts were completed, the markings were removed from the beach. Monitors have confirmed that no sea turtles were injured or killed during this project.

As an added effort with the Inlet Maintenance Dredging Project, the Town was able to mechanically move approximately 15,000 cubic yards of sand from the Reef Road area to the beaches between Merrain Road and Colonial Lane. This Sand Forepassing project was the first time that the Town was able to place sand through much of this area as a result of FDEP's Beach Management Agreement (BMA). Although appropriate sloping of the sand was performed to promote sea turtle nesting, rough weather, including that from Tropical Depression One a few days ago, caused some escarpments to form. These escarpments are expected to slough off naturally as the early summer beach-building weather conditions become more prominent and move the sandbar into shore. Should the escarpments be persistent, FWCC has the ability to direct the Town to use heavy equipment and knock them down.

The Town's Coastal Management Program has one of the most robust data collection efforts in the state with respect to sea turtle nesting. One of the eco-system benefits of the BMA was to collect data. The data collected in the various zones of the Town are helpful for both FDEP and FWCC to learn more about sea turtle nesting behavior in differing shoreline managed conditions. In order to accomplish this regulatory-required data collection effort, the use of ATV's on the beach is essential. ATV practices are standardized and utilized throughout Florida beaches for sea turtle nesting surveys. FWCC provides training and instruction each year to the marine turtle permit holder on proper ATV use for sea turtle surveys. Because many of the areas are deemed "non-marking zones", the monitor uses ATV tracks to cross-over and mark false crawls and encircle nests. This procedure has been in place since 2014. The monitors are well-trained and the ATV's are specially configured with sea turtle friendly lights and tire pressure at or below 5 psi. No harming of sea turtles occurs as a result of these monitoring efforts.

Aside from our sea turtle monitors, Ocean Rescue, and the Police Department, the only other vehicles that have regularly been authorized on the beach during nesting season year after year are the beach cleaners. Beach cleaners hold an FDEP permit to use a tractor to remove and bury seaweed along the wet beach. The Town has a beach cleaner that performs this work on Mid-Town and Phipps beaches. Based on the volume of seaweed to be maintained, this work is performed generally on Mondays and Fridays. Private properties hire permitted beach cleaners to perform this work as well including all the condominiums in Reaches 7 and 8 in the southern limits of the Town. In these areas, the Town's sea turtle nesting monitor works with these beach cleaners to best ensure that any nests within 10 feet of the seaweed line are marked and that the beach cleaners remain only on the wet beach. Monitors have confirmed that no sea turtles have been injured or killed as a result of these ongoing permitted activities.

The Town of Palm Beach continues to have strong partnerships with the state and federal agencies when it comes to our Coastal Management Program, as of all our activities, including both sea turtle nesting monitoring and beach cleaning, are consistent with the views of the regulatory and advisory agencies, and are consistent with FDEP's Strategic Beach Management Plan.

cc: Shore Protection Board
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 12, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Award of Selection Committee Recommendation for RFP No. 021-04, Sea Turtle Nesting Monitoring to D.B. Ecological Services, Inc. in the amount of \$241,952 and a proposed five year contract of \$1,292,840, based on satisfactory vendor performance and budget authorizations, **Resolution No. 001-2021**

DATE: 17 December 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council adopt the Resolution to Approve the Award of Selection Committee Recommendation for RFP No. 021-04, Sea Turtle Nesting Monitoring to D.B. Ecological Services, Inc. in the amount of \$241,952 and a proposed five year contract of \$1,292,840, based on satisfactory vendor performance and budget authorizations.

WHY THIS ACTION IS REQUIRED NOW

The previously awarded contract was issued in 2012. Per State Statue, the maximum timeline for an award is five years. This contract was resolicited to meet all required guidelines.

GENERAL INFORMATION

The RFP sought qualified firms to conduct daily monitoring of marine turtle nests from March 1st to October 31st as required by the Florida Department of Environmental Protection (FDEP).

The Scope of work includes daily monitoring and documentation of all nesting activity including identification and categorization of false crawls and reporting of nesting success and hatching success. Reporting includes all requirements specified by the DEP permit. Monitoring to conform to the protocol established by the Florida Fish & Wildlife Conservation Commission, Marine Turtle Guidelines.

This contract includes:

- A. Monitoring/reporting of sea turtle nesting activity in the project areas
- B. Monitoring/reporting of lighting sources visible from the beach berm elevation
- C. Monitoring/reporting of escarpment formations

D. Nest marking for the purpose of nest avoidance by beach cleaning equipment

The previously awarded contractor was D.B, Ecological Services, Inc. who was ranked with outstanding vendor performance ratings.

The solicitation was broadcast to 524 suppliers, of which five (5) downloaded the solicitation. Only two (2) actually submitted a proposal. The Solicitation was broadcast on DemandStar, Public Purchase, the Town website, and the Palm Beach Post.

FUNDING/FISCAL IMPACT

Funding for the award will be from the Coastal Protection Fund.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Paul Brazil, Public Works Director
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Project Manager
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 13, 2018

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Authorization to Extend Sea Turtle Nesting Monitoring Contract
Resolution No. 21-2018

DATE: January 21, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 21-2018, authorizing a contract extension for sea turtle nesting monitoring to D.B. Ecological Services, Inc. (D.B. Ecological), in the amount of \$177,780, and establishing a project budget of \$200,000 for the 2018 sea turtle nesting monitoring period.

GENERAL INFORMATION

The Town of Palm Beach is required by both FDEP and USACE to monitor sea turtle nesting because of our sand placement projects and to comply with our Beach Management Agreement (BMA) requirements. Due to sand placement projects, the Town has monitored the following locations for sea turtle nesting activity:

- Reach 1, due to USACE inlet channel maintenance sand placement on dry beach.
- Mid-Town (Reaches 3 & 4), approximately between El Mirasol and Banyan Road.
- Phipps Ocean Park (Reach 7) and Reach 8, between Sloan's curve and the south Town limits, excluding Lake Worth Municipal Beach.

The above locations total a shoreline distance of 6.5 miles. Four (4) line items for sea turtle monitoring are included in the Town Council adopted 10-year Coastal Management Program Budget. These line items (19, 27, 34, and 42) total \$129,000. The budgeted amount of \$129,000 has been sufficient to cover the \$126,280 cost of the project-related sea turtle nesting monitoring services.

In September 2013, both FDEP and the Florida Fish & Wildlife Conservation Commission signed the Palm Beach Island Beach Management Agreement (BMA) Pilot Project with both the Town of Palm Beach and Palm Beach County. One of the Town's obligations under the BMA is to perform sea turtle monitoring along the entire shoreline. The portions outside of the Town's beach nourishment project areas were required to be included in order to create a continuous data set for the shoreline. The additional monitoring effort within the Town's limit has included monitoring Reaches 2, 5, and 6 to address the data gaps. This resulted in an additional 5.5 miles of beach to be monitored. On January 24, 2014, D.B. Ecological provided a cost proposal of \$51,500 for the additional services needed in Reaches 2, 5, and 6 for the 2014 sea turtle nesting monitoring period. D.B. Ecological has confirmed, as done in 2017, that the cost for the BMA required services in 2018 will remain consistent with 2014.

The first year of sea turtle nesting monitoring was 2014. The Town awarded a contract to D.B. Ecological Services, Inc through a competitive bid process (Bid Number 2012-10) in 2014. In 2016, Robbin Trindell, Ph.D., Biological Administrator for Imperiled Species Management, Florida Fish and Wildlife Conservation Commission (FWC), requested that the Town utilize the same monitoring protocol with the same monitoring firm for the first five (5) years of data collection for the BMA because the BMA is re-evaluated every five (5) years. On October 10, 2016, Town Council accommodated FWC's request to waive the current expiration of the contract with D.B. Ecological (2016) and add two (2) additional years to the existing contract (2016 until 2018). Bid Number 2012-10 was extended from five (5) years to seven (7) years through Resolution No. 193-2016. D.B. Ecological has informed the Town that they will continue to honor the current fixed annual cost for 2018.

FUNDING/FISCAL IMPACT

The FY 2018 budget is sufficient to fund the project-related sea turtle nesting monitoring activities and BMA requirements.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided and has approved the content.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution and approved for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2016

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Authorization to Waive Procurement Requirements and Extend Sea Turtle Nesting
Monitoring Contract
Resolution No. 193-2016

DATE: September 26, 2016

STAFF RECOMMENDATION

Town staff recommends that Town Council provide direction regarding the Florida Fish and Wildlife Conservation Commission request to temporarily waive the expiration of the current 5-year contract for sea turtle nesting monitoring.

If Town Council waives the contract expiration, staff also recommends that Town Council approve Resolution No. 193-2016, authorizing a contract extension for sea turtle nesting monitoring to D.B. Ecological Services, Inc. (D.B Ecological), in the amount of \$177,780, and establishing a project budget of \$200,000 for the 2017 sea turtle nesting monitoring period, as required by the Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE).

GENERAL INFORMATION

The Town of Palm Beach is required by both FDEP and USACE to monitor sea turtle nesting because of our sand placement projects as well as to meet our Beach Management Agreement (BMA) requirements.

Robbin Trindell, Ph.D., Biological Administrator for Imperiled Species Management, Florida Fish and Wildlife Conservation Commission (FWC), has requested that the Town utilize the same monitoring protocol with the same monitoring firm for the first five (5) years of data collection for the BMA because the BMA is re-evaluated every five (5) years. The first year of BMA implementation was 2014. Accommodating FWC's request would require Town Council to waive the current expiration of the contract with D.B. Ecological, Inc. (2016) and add two (2) additional years to the existing contract (2016 until 2018). Therefore, Bid Number 2012-10 would need to be extended from five (5) years to seven (7) years.

D.B. Ecological, Inc. has informed the Town that they would honor the current fixed annual costs for the two (2) additional years.

Should Town Council not accept FWC's request, Town staff would need to prepare a new bid solicitation.

The following is a summary of the required monitoring:

PROJECT-RELATED SEA TURTLE MONITORING

Due to sand placement projects, the Town has monitored the following locations for sea turtle nesting activity:

- Reach 1, due to USACE inlet channel maintenance sand placement on dry beach.
- Mid-Town (Reaches 3 & 4), approximately between El Mirasol and Banyan Road.
- Phipps Ocean Park (Reach 7) and Reach 8, between Sloan's curve and the south Town limits, excluding Lake Worth Municipal Beach.

The above locations total a shoreline distance of 6.5 miles.

D.B. Ecological has successfully performed permit required sea turtle monitoring services for the Town over the ten (10) years. This firm provided these services for five (5) years following award of the lowest qualified bidder for Sealed Bid No. 2007-21 and is currently providing services for the fifth year following award of the lowest qualified bidder for Sealed Bid No. 2012-10. The current contract with D.B. Ecological allows for annual extensions up to five (5) years, through the 2016 sea turtle nesting season, at a fixed annual cost of \$126,280.

Four (4) line items for sea turtle monitoring were included in the Town Council adopted 10-year Coastal Management Program Budget. These line items (19, 27, 34, and 42) total \$129,000. The budgeted amount of \$129,000 has been sufficient to cover the \$126,280 cost of the project-related sea turtle nesting monitoring services.

BMA-RELATED SEA TURTLE MONITORING

In September 2013, both FDEP and the Florida Fish & Wildlife Conservation Commission signed the Palm Beach Island Beach Management Agreement (BMA) Pilot Project with both the Town of Palm Beach and Palm Beach County. The BMA allows for quicker individual project approvals by FDEP for several coastal projects on Palm Beach Island. As a BMA participant, one of the Town's obligations is to perform sea turtle monitoring along the entire shoreline.

In order to create a continuous data set for the shoreline, the portions outside of our beach nourishment project areas were required to be included. The additional monitoring effort within the Town's limit has included closing data gaps in Reaches 2, 5, and 6. This additional 5.5 miles of beach has required the use of additional personnel in order to have the beaches surveyed before 9:00 a.m. Due to cost efficiencies with the work being done in the Town already, the total cost is not linear with the shoreline distances set to be monitored. On January 24, 2014, D.B. Ecological provided a cost proposal of \$51,500 for the additional services needed in Reaches 2, 5, and 6 for the 2014 sea turtle nesting monitoring period. D.B. Ecological has confirmed, as done in 2016, that the cost for the BMA required services in 2017 will remain consistent with 2014.

FUNDING/FISCAL IMPACT

With the BMA requirements put in place in the months following adoption of the 10-year plan, an additional cost of \$51,500, plus contingency, has increased the cost beyond the planned figure. For FY 2014 and FY 2015, sufficient funds existed in the Coastal Protection Fund to cover the additional annual costs.

The Town Council approved FY 2016 budget included \$200,000 for sea turtle monitoring. This approval was \$71,000 over the 2013 adopted budget for sea turtle monitoring. The FY 2017 budget, like FY 2016, is sufficient to fund the project-related sea turtle nesting monitoring activities, as well as the additional BMA requirements plus a small contingency.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided and has approved the content.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution and approved for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Robert Weber, Coastal Program Manager
Adis Pedraza, Purchasing Manager