

August 27, 2018

Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL 33401

Via email: dmealy@townofpalmbeach.com

Re: Environmental Permitting Consulting Services for the Town of Palm Beach Town Docks Replacement Project

Dear Mr. Mealy,

Pursuant to our recent discussions, Edgewater Resources (Edgewater) is pleased to provide this revised DRAFT proposal for environmental permitting services in support of the Town of Palm Beach Town (Town) Docks project located at 500 Australian Avenue in Palm Beach, FL 33480. The scope of services provided herein includes two permitting phases, as well as other consulting services required to secure project permits. We look forward to discussing this DRAFT proposal with you at the meeting scheduled for August 27, 2018. The following tasks present the scope of services to be provided by Edgewater to the Town. Additionally, attached to this proposal, is the scope of services to be provided by Morgan and Eklund in support of securing proprietary authorization from the Florida Department of Environmental Protection (FDEP) for use of sovereign submerged lands and conducting jet probes to support engineering design. No work will be conducted on any task presented herein until specifically authorized by the Town.

Task 1 – Phase 1 Permitting and Required Surveys

Task 1 includes preparation of the Marine Resource Survey Report, preparation of FDEP and U.S. Army USACE of Engineers (USACE) regulatory authorization requests for geotechnical investigations, and processing of the FDEP Notice of Intent to Use an Environmental Resource General Permit and USACE Nationwide Permit Verification request.

a. Marine Resource Survey Report

Edgewater will prepare a Marine Resource Survey Report documenting the observations made during our pro-bono survey conducted on Friday, July 27, 2018. The Project Engineer will provide a boundary survey, tied to the State Plane Coordinate System (if available), for use in preparation of the survey basemap. The Survey Report will detail survey methodology and observations and will reference photographs taken during the field investigation. The Survey Report will also reference the basemap depicting the location of surveyed areas. This Survey Report will be utilized to support permit applications prepared under both Phase I and Phase II permitting described herein. This task includes approximately 18 hours of consulting services.

Task 1(a): Hourly, not to exceed \$3,106.00

b. Permit Applications and Processing – Geotechnical Investigation

Conducting geotechnical investigations typically qualifies for FDEP General Permit §62-330.407 - General Permit for Geotechnical Investigations in Wetlands or other Surface Waters and USACE Nationwide Permit No. 6 (NW-6) - Survey Activities. These authorizations are required prior to



conducting jet probes, geotechnical borings, and test pilings within the marina, as necessary for engineering design.

Edgewater will prepare form 62-330.402(1) - Notice of Intent to Use an Environmental Resource General Permit, to request authorization from FDEP to conduct the required geotechnical investigations under General Permit 62-330.407. Edgewater will also prepare form ENG 4345, as required to request a NW-6 Permit Verification from the USACE to authorize the geotechnical investigations. The National Marine Fisheries Service (NMFS) Protected Resources Division (PRD) checklist will be completed with information provided by the Project Engineer in support of NMFS PRD consultation, required pursuant to the Endangered Species Act (ESA). The Project Engineer will provide permit sketches to support the General Permit and Nationwide Permit verification requests.

Edgewater will process the General Permit request through the FDEP and the NW-6 Permit Verification request through the USACE towards issuance of a General Permit and NW-6 Verification. The FDEP may coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) during their review process. Similarly, the USACE will coordinate with the National Marine Fisheries Service (NMFS) Protected Resources Division (PRD) during their review, as required by federal laws including the Endangered Species Act. Edgewater will respond to agency Requests for Additional Information (RAIs) during the permitting process to address any agency questions or concerns. This task includes approximately 54 hours of staff time. Please refer to the attached rate schedule for staff rates. The Town shall provide the FDEP General Permit fee, estimated at \$250.00; there is no fee for a NW-6 Permit verification.

Task 1(b): Hourly, not to exceed \$9,316.00

Task 2 – Phase 2 Permitting

Task 2 includes pre-application meetings with the FDEP and USACE, as well as their respective commenting agencies. This Task also includes preparation of permit applications and processing for the marina dredging and construction project to secure both regulatory and proprietary authorization.

a. Pre-application Meetings

Edgewater Resources will coordinate and participate in two pre-application meetings; one with the FDEP and one with the USACE, to present the proposed project. Attendance by appropriate staff from applicable departments at each agency, as well as commenting agencies, will be requested. The selected conceptual design from the Master Plan will be presented, along with the Marine Resource Survey Report, for review and feedback. In addition to soliciting comments from the FDEP pursuant to regulatory review, submerged lands authorizations will be discussed. During the USACE meeting, regulatory permitting will be discussed, as well as consent-to-easement authorization for the encroachment into the federal right-of-way. Meeting minutes will be prepared documenting the discussions during the meetings and they will be provided to the agencies for inclusion in the public records. This task includes approximately 18 hours of consulting time.

Task 2(a): Hourly, not to exceed \$3,462.00

b. Permit Applications

Edgewater will prepare a Joint Environmental Resource Permit (ERP) Application [SWERP Form 62-330.060(1)] and submit it to the FDEP. The Joint ERP application will request authorization from FDEP for the Project to include the marina reconstruction, marina dredging, and the surface water



management (SWM) system, pursuant to Chapter 62-330.054 F.A.C. The application will also request a Sovereign Submerged Lands Lease modification pursuant to 18-21.008 and a Public Easement pursuant to 18-21.009. Surveys required to support the SSL and Public Easement Authorization Application will be prepared under Task 3(d) below.

Edgewater will also prepare form ENG 4345 to request authorization from the USACE for the Project pursuant to 33 CFR Part 325, under an Individual Permit. Edgewater will coordinate with the Project Engineer to obtain the construction methodology for all components of the project including bulkhead installation, dock demolition, dredging, disposal of dredged spoil, disposal of excavated rock, and disposal of demolition debris.

The Project Engineer shall provide Edgewater with permit sketches for the dock replacements and dredging, and SWM system plans and calculations for the parking lot improvements. The Project Engineer shall also provide construction methodology for all components of the project including bulkhead installation, dock demolition, dredging, disposal of dredged spoil, disposal of excavated rock, and disposal of demolition debris.

The Town shall provide signed application forms and the FDEP permit application fee, which is estimated at \$10,000.00. This task includes approximately 72 hours of consulting services.

Task 2(b): Hourly, not to exceed \$13,384.00

c. FDEP Permitting

Edgewater will confer with FDEP staff to advise them of the details of the Project and to address staff comments or Requests for Additional Information (RAIs). Edgewater will maintain telephone contact with agency staff to expedite their review and processing of the permit application. Edgewater will confer with the Town and the Project Engineer as to questions, revisions, or additional items that may be required by FDEP staff. Edgewater will review and coordinate submittal of responses to FDEP RAIs. This scope of services anticipates responding to two (2) comprehensive RAIs during the FDEP permitting process. Edgewater will represent the Town Docks Project towards securing an ERP.

As the Project is proposed over Sovereign Submerged Lands owned by the Board of Trustees (BOT) of the Internal Improvement Trust Fund (TIITF) and an existing Lease has been issued for the existing marina, a Lease Modification will be required to provide proprietary authorization for the proposed Project. Additionally, a Public Easement is required to provide proprietary authorization for the dredging north of the Brazilian Dock and south of the Peruvian Dock. Edgewater will assist the Town in securing a Lease Modification and Public Easement for the Project from the FDEP and BOT. Morgan & Eklund will provide a signed and sealed survey and a legal description for the new lease footprint, as well as the Public Easement footprint required for the Project under Task 3(d). The Town will provide evidence of upland riparian interest. Edgewater will confer with the Town and Project Engineer relative to affirming any terms and conditions required for the Lease and Easement.

This scope includes time and travel expenses for one trip to Tallahassee to represent the Lease Modification and Public Easement in front of the BOT in Tallahassee, FL. The fee for this task provides approximately 100 hours of consulting services.

Task 2(c): Hourly, not to exceed \$19,332.00



d. USACE Permitting

Edgewater will confer with USACE staff to advise them of the details of the Project and to address staff comments or RAls, including comments from the U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (FWS), and/or the National Marine Fisheries Service (NMFS). This scope of services assumes informal consultation pursuant to the Endangered Species Act with the FWS and formal consultation with NMFS Protected Resources Division (PRD) for species under their purview. This scope also assumes that the NMFS Habitat Conservation Division (HCD) and the EPA will not elevate any environmental concerns. This scope of services recognizes that the proposed structures will not be a minimum of 100 feet from the near bottom edge of the Intracoastal Waterway (ICW), and are proposed within the USACE Right-of-Way. As such, Edgewater will coordinate with the USACE Construction Operations Division and Real Estate Division to secure a Consent-to-Easement for this encroachment.

Edgewater will maintain telephone contact with USACE staff to expedite their review and processing of the permit application. Edgewater will confer with the Town and Project Engineer as to questions, revisions, and additional items that may be required by USACE staff. Edgewater will review and coordinate submittal of responses to agency RAls. This scope of services anticipates responding to up to two (2) comprehensive RAls during the USACE permitting process. Edgewater will represent the proposed Project before USACE staff to assist the Town in securing an Individual Permit. The fee for this task provides approximately 92 hours of consulting services.

Task 2(d): Hourly, not to exceed \$16,072.00

Task 3 – Additional Permit Related Services

Task 3 provides time and budget for additional services associated with the Town Docks project. These services include conducting an updated bathymetric survey of the marina (if required); preparing surveys to support State lands use authorizations; participating in meetings with the Town, County, Contractor, or others as requested by the Town; securing authorization to use the Tarpon Cove site for disposal of dredged spoil and demolition debris; and permit compliance during and after completion of construction.

a. Establishment of Horizontal and Vertical Control for Town Docks

Morgan & Eklund will establish horizontal and vertical control for the Town Docks. This will be used to support all surveys specified herein including the State Lands Lease Survey, the Public Easement Survey, the Side Scan Sonar Surveys, the Jet Probes, and the Bathymetric Survey (if required). Please refer to attached proposal from Morgan & Eklund.

Task 3(a): Hourly, not to exceed \$3,080.00

b. Bathymetric Survey (if required)

The environmental regulatory agencies typically require a hydrographic survey conducted within six months of permit application. If an updated survey is required, Edgewater will conduct a hydrographic survey of the project area, sufficient for engineering design and permitting of the Project. Edgewater will utilize survey control established under Task 3(a). Edgewater will perform hydrographic surveys along profiles spaced sufficiently to provide one foot depth contours. Hydrographic survey data will be collected using an RTK Global Positioning System. All survey data will be in U.S. survey feet and will be horizontally referenced to U.S. State Plane Florida East, NAD 1983. All elevations will be vertically referenced to NAVD88. Data collection methods will meet or exceed applicable survey standards.



Hydrographic survey data will be obtained using a shallow draft survey vessel, equipped with a fully automated hydrographic survey system. Bar check calibration of the fathometer will be taken at the start and end of the survey. Tide readings will be taken from local tide staffs prior to and after completion of the survey as a quality control check of the RTK collected data. The hydrographic survey data will be reduced to the horizontal coordinate system and vertical datum established for this Project. The data will be processed to reflect one foot elevation contours. The fee for this task includes equipment rental and reimbursable expenses. The fee for this task includes 50 hours of consulting services.

Task 3(b): Hourly, not to exceed \$8,476.00

c. Rock Probes of TOPB Marina

Morgan & Eklund will conduct up to 64 jet probes, as specified by the Project Engineer, during one full day of field work, within the Town Docks project footprint. The jet probes will be used to verify the historical geotechnical information obtained by Baird and Associates, which was collected in the 1960's. The jet probes will confirm the volume of unconsolidated material to be dredged from within the marina basin, as well as the elevation of the top of rock below the substrate. This information will be provided to the Project Engineer to confirm dredging quantities and confirm engineering design. Please refer to attached proposal from Morgan & Eklund. This task includes mobilization, demobilization, equipment rental, and approximately two (2) hours of consulting services in support of the Town Docks project.

Task 3(c): Hourly, not to exceed \$6,700.00

d. Submerged Lands Lease Survey and Public Easement Survey

Morgan & Eklund will establish horizontal and vertical control under Task 3(a) above for the survey area, prior to conducting the submerged lands lease and public easement surveys of the submerged lands. Once the controls are established, Morgan & Eklund will conduct the submerged lands lease survey (per SLER 0950) and public easement survey (per SLER 0960), as required by FDEP. The survey will be sufficient to acquire submerged lands authorizations. Please refer to attached proposal from Morgan & Eklund. This task also includes approximately 8 hours of consulting services in support of the Town Docks project.

Task 3(d): Hourly, not to exceed \$5,820.00

e. Side Scan Sonar Survey of Tarpon Cove Disposal Site

Morgan & Eklund will conduct a side scan sonar survey of the Tarpon Cove Disposal site. The survey will be sufficient to locate existing area of the site for placement of dredged sediment. Please refer to attached proposal from Morgan & Eklund. This task also includes approximately 2 hours of consulting services in support of the Town Docks project.

Task 3(e): Hourly, not to exceed \$9,216.00

f. Tarpon Cove Site Approval

Edgewater will coordinate with Palm Beach County, the FDEP, and the USACE to secure approval for disposal of the dock demolition debris and dredged material in the Tarpon Cove site. Palm Beach County has already secured FDEP and USACE permits for restoration work at Tarpon Cove. Edgewater will work with the Project Engineer to ensure that the material to be disposed of at Tarpon



Cove meets all permit conditions and ensure that the disposal methodology is consistent with permit requirements. The Project Engineer will provide geotechnical and chemical analyses to confirm that the material meets the criteria for disposal at this site. This task provides approximately 60 hours of consulting services in support of project related meetings.

Task 3(f): Hourly, not to exceed \$11,312.00

g. Marine Resource Survey of Tarpon Cove Pipeline Corridor

Edgewater will conduct a marine resource survey along the 0.5 mile long pipeline corridor between the Town Docks and the Tarpon Cove restoration site. The Project Engineer shall provide the preferred route for pipeline placement. The qualitative survey will include transects spaced at sufficient intervals to adequately assess whether marine resources would be impacted by pipeline placement. The survey will document any submerged beds of seagrasses or macroalgae, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom dwelling marine organisms. The percent cover will be estimated, species will be documented, and location maps depicting the survey location and the location of any submerged resources will be prepared. This task includes equipment rental and reimbursable expenses, as well as approximately 46 hours of staff time.

Task 3(g): Hourly, not to exceed \$6,610.00

h. During Construction Permit Compliance and Construction Close-out

During construction, Edgewater will coordinate with the contractor and Project Engineer to ensure permit compliance such as submittal of pre-construction notification and to address any permit compliance related items that may arise such as turbidity exceedances during dredging operations. Edgewater will also coordinate with the contractor to ensure that manatee observation reports and turbidity sampling logs are submitted as required by FDEP and USACE permits. Edgewater will assist the Project Engineer and Contractor with close-out of the environmental permits through submittal of required as-built drawings, certifications documenting compliance with permit conditions, and transfer of the SWM permit from construction to operation phase. This task provides approximately 52 hours of consulting services in support of project related meetings.

Task 3(h): Hourly, not to exceed \$9,712.00

i. Additional Consulting Services Requested by Town

During the course of the Town Docks Project, additional environmental consulting service requirements are anticipated to arise. Edgewater will provide additional environmental consulting services, as specifically requested by the Town, under this task. These services may include providing support for FIND Grant funding efforts, coordinating with FDOT regarding construction adjacent to their Right-of-Way, providing updates to Town staff, and other consulting services that may be necessary during the permitting process that are not directly related to permit application processing. This task provides approximately 64 hours of consulting services as needed for additional consulting services requested by the Town, not specifically addressed under the tasks detailed above.

Task 3(i): Hourly, not to exceed \$12,264.00



The services and rates provided herein are valid for 60 days from the date of this letter. If you would like to contract these services, please provide a Contract and Purchase Order, which will serve as our Authorization to Proceed. The services detailed herein will be invoiced monthly on a time and materials basis. Payment shall be provided within 30 days of receipt of an invoice. Please refer to the rate schedule, fee calculation, and fee table attached hereto.

Edgewater Resources looks forward to working with the Town of Palm Beach on this important Town project. Should you have any questions or require additional clarification, please contact me at 954-401-2578 or pcutt@edgewaterresources.com.

Sincerely,

Penny Cutt
Senior Associate
Director of Environmental Sciences

cc: Ronald E Schults, PE, Edgewater Resources

Attachments: Edgewater Resources Rate Schedule
Fee Calculation
Fee Table
Morgan & Eklund Proposal
