

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 12, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Submittal of Annual Local Government Funding Request to Florida Department of Environmental Protection
Resolution No. 080-2022

DATE: June 29, 2022

STAFF RECOMMENDATION

Town staff recommends Town Council approve Resolution No. 080-2022, expressing the Town's intent to provide the necessary local funding share for the projects listed in the Florida Department of Environmental Protection (FDEP) FY 2023 - FY 2024 budget which begins on July 1, 2023.

GENERAL INFORMATION

Annually, the Town prepares a ten (10) year cost estimate for the Town's Coastal Management Program. This document is submitted to FDEP as a funding request for State cost sharing under their Beach Management Funding Assistance (BMFA) Program. The funding request document is submitted annually to FDEP in preparation for the State's fiscal year planning which starts on July 1st of the following year. The FDEP BMFA Program allows up to 50% cost sharing on the non-Federal portion of beach and dune, and nourishment projects for eligible shorelines, based on public accessibility. Through 62B-36.003, Florida Administrative Code (F.A.C.), inlet sediment bypassing and the adjacent shorelines impacted by inlets are eligible for up to 75% cost sharing through the BMFA program and do not have to provide for public access.

The percentage of participation is calculated using guidelines contained in 62B-36, F.A.C. Despite applicability to the State's Strategic Beach Management Plan, there are no guarantees that Town coastal projects will receive State funding until a grant agreement is in place. FDEP utilizes all the information contained in the local government submittals to determine a ranking of project priorities for either beach projects or inlet related projects. Only after appropriations by State Legislature for the BMFA Program are approved will FDEP know how many projects, if any, can be cost shared. Please note that this is a budget planning document and does not obligate the Town financially until we enter into a contract with FDEP for a specific project. The annual funding request is consistent with the projects initially identified within Town Council's adopted 10-Year Coastal Management Plan in 2013.

Submitted tasks within this year's Town funding request include the various physical, biological, and sea turtle nesting monitoring efforts as required by the Town's Palm Beach Island Beach Management Agreement (BMA) with FDEP, and any remaining eligible reimbursement for recent

construction of the 2020 Federal Mid-Town Beach Nourishment Project and construction of the 2021 Phipps Ocean Park Beach Nourishment Project. As a result of the last four (4) local government funding requests submitted by the Town to FDEP, the Town has received cost-share grants to reimburse all eligible State funding for monitoring and construction of both the 2015 Mid-Town and 2016 Phipps Ocean Park beach nourishment projects totaling over \$15 million.

A full copy of the Town's submittal will be available for public viewing in the Town Manager's office and in the Public Works Department. In summary, the FY 2021-2023 funding request includes:

Lake Worth Inlet Section, including Reaches 1 & 2

Non-federal cost share anticipated at 75% State and 25% Town, consistent with 62B-36.003 for inlet management activities related to mitigating a critically eroded beach along an eligible shoreline. Total task costs of \$697,000 consists of the various required monitoring efforts including physical, sea turtle nesting, biological, as well as tilling and escarpment removal. The Town will request 75% reimbursement for these tasks in the amount of more than \$500,000.

Mid-Town Section, including Reaches 3 & 4

Cost share percentage is based on existing public accessibility and the project limits, as defined in the BMA. Mid-Town is currently eligible for 40.95% State cost sharing of any non-federal cost. The Town is planning a sand search to locate and develop offshore borrow areas to support the Mid-Town and Phipps projects. The estimated cost of the two-year effort is \$1,450,000. Splitting this effort between the two projects, the Town will request 40.95% of half of the project which could result in reimbursement of nearly \$300,000. Due to recent public accessibility changes, the eligible shoreline percentage is currently being reviewed by FDEP and may be adjusted accordingly.

Phipps Ocean Park Section, including Reach 7

The Phipps shoreline is eligible for 39% State cost sharing of any non-federal cost. With respect to a sand search, the Town will request 39% of half of the project which could result in reimbursement of nearly \$280,000.

FUNDING/FISCAL IMPACT

As required within 62B-36.005(d), F.A.C., a Resolution is presented for consideration which states "The Town Council hereby expresses its commitment to provide the necessary local funding share for the projects requested for State FY 2022-FY 2023" (Section 3, Resolution 077-2021).

Once a contract is executed for a particular project, the Town is obligated to front the full funding for the project and then be reimbursed after the fact for the State cost share. State reimbursement payments replenish the Town's Coastal Capital Fund balance and reduce the amount of future year requests for transfers from the General Fund.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

cc: Shore Protection Board
Jane Le Clainche, Director of Finance
Dean Mealy, Purchasing Manager
Robert Weber, Coastal Program Manager