



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: August 18, 2015

TITLE: Motion to Grant a Beach Storm Reduction Consent of Use Form to
Broward County, Florida for the Segment II Broward County Shore
Protection Project

Recommendation

It is recommended that the City Commission grant a Beach Storm Reduction Consent of Use Form (Exhibit 1) to the Board of County Commissioners of Broward County, Florida for the Segment II Shore Protection Project.

Background

The Segment II Shore Protection Project consists of nourishing approximately 4.94 miles of critically eroding shoreline between Hillsboro Inlet and Port Everglades. Approximately 3.54 miles is within the City of Fort Lauderdale (the City), specifically from Flamingo Avenue and south to Terramar Street. The project will consist of 750,000 cubic yards of sand being placed within Segment II and 550,000 cubic yards of that will be placed in the City portion.

Broward County (the County) is the local non-federal sponsor of the Segment II Shore Protection Project. As partners within the same jurisdiction, the County is asking the City to complete and submit the Beach Storm Reduction Consent of Use Form. This form is required by the U.S. Army Corps of Engineers (USACE) for federal participation in the project. This is a standard form the used by the USACE across the nation for renourishment projects.

Specifically, this form grants the following:

- 1) The right to construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public beach and dune system and other erosion control and storm damage reduction measures.

- 2) The right to deposit sand, to construct berms and dunes, to nourish and renourish periodically, to move, store, and remove equipment and supplies; to

erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment, and maintenance of the Broward County Shore Protection Project.

- 3) The right to plant vegetation on dunes and berms; to facilitate preservation of dunes and vegetation; to remove debris and obstructions within the limits of the easement reserving, however, to the City the right to construct beach access structures in accordance with any applicable federal, state, or local laws or regulations, provided that: such structures shall not violate the integrity of the dune in shape, dimension, or function; prior approval of the plans and specifications for such structures is obtained from the designated representative of the County; and such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation, and replacement of the project.

The Beach Storm Reduction Consent of Use form will be in effect for 50 years beginning on the date the County awards the first contract for construction. The form will also automatically terminate if the County fails to award the contract by December 21, 2016.

Based on the latest project costs, the value of full federal participation at 55% is \$30.58 million out of \$55.6 million. With full federal participation, the City cost share of the project is \$1.61 million. Without federal participation; the City cost share jumps to \$8.38 million. This form will need to be executed by project partners as required by the USACE if there is to be federal cost share participation.

The City Attorney's Office has expressed concern regarding potential consequences of executing the form as written. However, Broward County staff has noted that these are standard USACE forms and any modification of them will be challenging and may create delays in the project.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Commission Annual Action Plan* priority, included within the Policy Agenda.

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Business Development Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 3: Advance beach resiliency and re-nourishment.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Ready*.

Attachments

Exhibit 1 – Beach Storm Reduction Consent of Use Form

Prepared by: Todd Hiteshew, Environmental Services Manager

Department Director: Hardeep Anand, P.E., Public Works