

Meeting Date
August 23, 2016



AGENDA	
Section	New Business
Item No.	VI A 5

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Certification of Lands for the Brevard County Shore Protection Project, Mid Reach Segment Mitigation Phase (D4 and D-5)
DEPT/OFFICE	Natural Resources Management Department (NRM)

Requested Action:

It is requested that the Board authorize the Chairman to execute a Certification of Lands for the mitigation reef area of the Brevard County Shore Protection Project, Mid Reach Segment substantially in the form of Attachment A, subject to County Attorney and Risk Management approval.

Summary Explanation & Background:

On July 12, 2016, the Board authorized a Project Partnership Agreement (PPA) between Brevard County and the Department of the Army for construction of the Mid Reach segment of the Brevard County Shore Protection Project (BCSPP). Based on this approval, the Army Corps of Engineers (ACOE) began seeking bids for the mitigation phase of this project on August 10, 2016. In order to construct federal projects, the ACOE requires proof that use of land required for project construction is fully authorized. The mitigation reef will be constructed on sovereign submerged state lands. Prior to releasing the bid package, ACOE staff believed our state permit authorization to use state land for the mitigation reef was sufficient proof. On August 18, 2016, the ACOE notified staff that an executed lands certification is required from the County prior to September 2, 2016, in order to avoid a bid opening delay.

The land to be certified by this document is all submerged land owned by the State of Florida. The land, identified as ten "reef sites" on the attached map, is where coquina topped mitigation reefs will be placed. Construction of these reefs on state bottom land is authorized, and required, by the state permit for the Mid Reach project.

**Fiscal Impact:** There is no direct fiscal impact by executing Certification of Lands, though failure to execute the document will leave \$6.9 million federal dollars currently dedicated to the project at risk.

**Name:** Mike McGarry (x52696) or Virginia Barker (x52435), NRM

Clerk to the Board instruction: Originals will be provided for execution upon final County Attorney review

Exhibits Attached: **Attach A:** Certification of Lands package for Mid Reach Segment

Contract /Agreement (If attached): Reviewed by County Attorney **PENDING** Yes  No  PR

County Manager  Stockton Whitten	Assistant County Manager	Department Director / Extension  Virginia Barker Director/ X 5-2435
--	--------------------------	--



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

August 24, 2016

MEMORANDUM

TO: Virginia Barker, Natural Resources Management Director Attn: Mike McGarry

RE: Item VI.A.5., Brevard County Shore Protection Project, Mid Reach Segment Mitigation Phase for Certification of Lands

The Board of County Commissioners, in regular session on August 23, 2016, executed Certification of Lands for the mitigation reef area of the Brevard County Shore Protection Project, Mid Reach Segment substantially in the form of Attachment A, subject to County Attorney and Risk Management approval. Enclosed is a fully-executed Certification of Lands and Attorney's Title Certificate for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)

cc: Contracts Administration  
Budget  
Finance

## CERTIFICATION OF LANDS

**Certificate Number: 01**

**Project Name: Brevard County Shore Protection Project**

**Segment: Mid Reach/Mitigation Phase**

The Board of County Commissioners of Brevard County, Florida, hereinafter referred to as "Brevard County", as Project Sponsor of the Brevard County Shore Protection Project authorized by Public Law 110-114, Section 3045(b) of the Water Redevelopment Act of 2007 under Project Partnership Agreement Dated \_\_\_\_\_, 2016, does hereby certify that the below described lands, are approved for use in the Brevard County Shore Protection Project/Mid Reach Mitigation Phase and Brevard County shall take no action to alter or encumber the land use permissions without express written consent of the Department of the Army acting by and through the Assistant Secretary of the Army for Civil Works or his designated representative.

Brevard County is vested with a Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization No. 0254479-001-JC/Permit Modification No. 0254479-004-JN issued by the Florida Department of Environmental Protection. This permit authorizes the construction of 10 mitigation reefs on sovereign submerged lands at the sites depicted on the attached map, as required for the Mid Reach/Mitigation Phase.

No private lands are required for the Mid Reach/Mitigation Phase, so no persons or businesses have been displaced in connection with this Project.

Brevard County does hereby grant to the Department of the Army an irrevocable right to enter for purposes of construction, inspection and, if necessary, for the purpose of completing, operating, repairing, maintaining, replacing, or rehabilitating the Project upon lands which Brevard County controls pursuant to the use granted by the Florida Department of Environmental Protection.

Dated: Aug. 23, 2016

Attest:



Scott Ellis, Clerk

Board of County Commissioners of  
Brevard County, Florida



By: Jim Barfield, Chairman

(As approved by the Board on August 23, 2016)

## ATTORNEY'S TITLE CERTIFICATE

**Title Certificate Number: 01**

**Project Name: Brevard County Shore Protection Project**

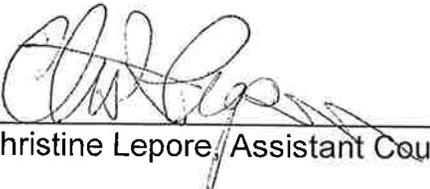
**Segment: Mid Reach/Mitigation Phase**

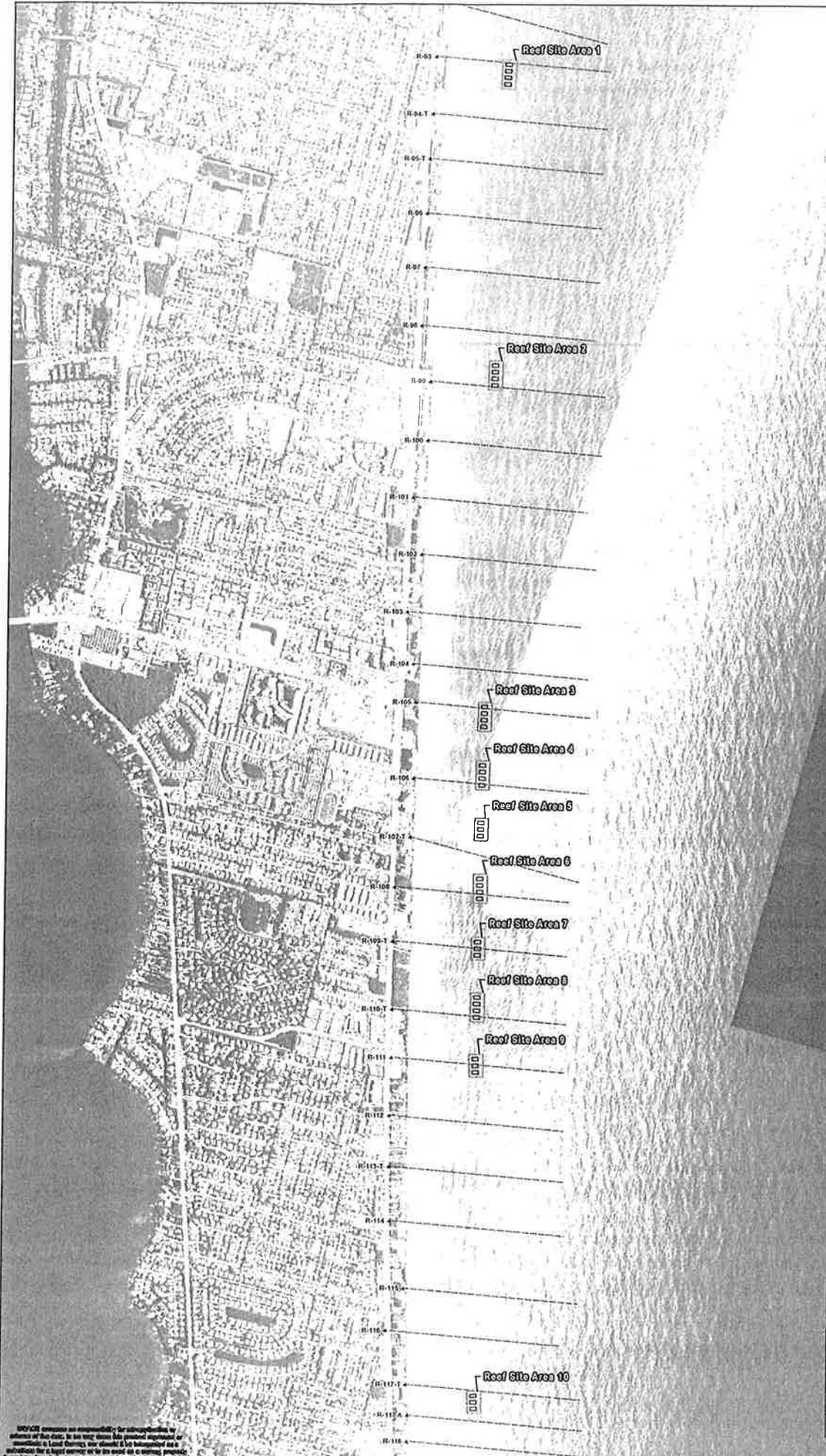
I, Christine Lepore, Assistant County Attorney for the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, hereinafter referred to as Brevard County, with its principal office at 400 South Street, Titusville, Florida, do hereby certify that Brevard County is vested with a Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization No. 0254479-001-JC/Permit Modification No. 0254479-004-JN issued by the Florida Department of Environmental Protection. This permit authorizes the construction of 10 mitigation reefs on sovereign submerged lands at the sites depicted on the attached map, as required by the Brevard County Shore Protection Project Mid Reach/Mitigation Phase.

There are no encumbrances, other than as stated in the permit issued by the Florida Department of Environmental Protection, that affect or limit the construction or performance of the Brevard County Shore Protection Project Mid Reach/Mitigation Phase.

I, Christine Lepore, do certify that the person who executed Certification No. 1 for the Mid Reach/Mitigation Phase was empowered to execute same on behalf of Brevard County.

Dated and Signed this 2nd day of August, 2016.

  
\_\_\_\_\_  
Christine Lepore, Assistant County Attorney



NOTICE: This map is intended for informational purposes only. It is not to be used as a basis for any legal action or as a substitute for a legal survey. No warranty is made by the State of Florida regarding the accuracy, completeness, or timeliness of the information presented on this map. The user assumes all responsibility for the use of this map.

**PRELIMINARY DRAFT**

Data Source:  
 Mitigation Feature data is preliminary.  
 Preliminary Plan Document:  
 #25498-DEMR11\_ATRPlanPlan.pdf

- Florida Coastal Range Measurement
- Roof Site Area
- Roof Site Risk Area (R-Block)
- Range Measurement Profile Line

Department of the Army - South Atlantic Division  
 Fort Belvoir, Georgia Corps of Engineers

**Hurricane and Storm Damage  
 Reduction Project  
 Mid-Reach Segment Mitigation Feature**

Brevard County, FL  
 Map Date: 06/17/2010  
 Scale: 1" = 100' (approx.)  
 Document Name: Brevard\_MidReachStormProtect  
 SHEET 1 of 1