

The Recommendations of the Beach Management Working Group on Program Effectiveness

- ❖ Stephen Boutelle, Lee County, Natural Resources Division
- ❖ Michael Barnett, P.E., Dept. of Environmental Protection
- ❖ Lisa Armbruster, FL Shore & Beach Preservation Association

Presentation Overview

- **The Legislative Charge, the Committee, the Report and Recommendations**
- **How will this Change the way DEP does Business? Rule-making, Agency Practice and Current-year Proviso**
- **What, if Anything, is Next?**

Proviso Language

2008/09 General Appropriations Act

Specific Appropriation 1748

“With oversight and organizational support from the executive Office of the Secretary of the Department of Environmental Protection, a working group for the following purposes shall be formed to review the effectiveness of Florida’s statewide beach management program, pursuant to Chapter 161, Florida Statutes. Review shall include, but is not limited to, the following:

2008/09 GAA Proviso Language

THE CHARGE

- *The responsiveness and timeliness of the permitting process associated with beach and dune nourishment projects;*
- *Beach management project selection and funding procedures, contract management, and expenditure accountability associated with all beach management projects pursuant to s. 161.101, F.S.;*
- *Current post-construction project monitoring requirements for beach projects in terms of consistent monitoring protocol, justification, required frequency, usefulness of data, and elimination of duplication; and*
- *The pursuit of regional mitigation plans with a pilot plan in southeast Florida, and a balanced mitigation strategy for projects declared to be in the public interest.*

2008/09 GAA Proviso Language

THE COMMITTEE

“Representation on this working group shall include: The Secretary of the Department of Environmental Protection or designee, representatives from city and county general government associations, a beach governmental-based association representative, a university coastal processes expert, a biological expert, a coastal-engineering professional, a local coastal government representative, a multi-program contract manager, and an environmental/coastal stakeholder.”

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[Janet Llewellyn, Director](#)
[Division of Water Resource Management](#)

[Alternate, Michael Barnett, P.E., Chief](#)
[Bureau of Beaches and Coastal Systems](#)

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Scott Dudley, Senior Legislative Advocate
Florida League of Cities, Inc.
Working Group, Vice-Chairman

Alternate, Rebecca O'Hara, Legislative Director
Florida League of Cities, Inc.

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Diana Ferguson, Legislative Staff Attorney
Florida Association of Counties

Alternate, Rosie Byrd, Legislative Coordinator
Florida Association of Counties

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Debbie Flack, Director of Governmental Affairs
Florida Shore & Beach Preservation Association (FSBPA)

Alternate, Lisa Armbruster, Asst. Director of Governmental Affairs
FSBPA

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Robert Dean, Sc. D, P.E.
University of Florida

Alternate, Todd L. Walton, Ph. D, P.E., Director
Beaches and Shores Research Center

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Craig Kruempel, Senior Scientist
Tetra Tech EC, Inc.

Alternate, Cheryl Miller, President, Principle Scientist
Coastal Eco-Group, Inc.

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Al Browder, Ph. D., P.E., Senior Coastal Engineer
Olsen Associates, Inc.

Alternate, Chris Creed, P.E., Senior Coastal Engineer
Olsen Associates, Inc.

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Steve Boutelle, Marine Operations Manager
Lee County, Natural Resources Division
Working Group, Chairman

Alternate, Virginia Barker, Watershed Program Manager
Brevard County Natural Resources Management Office

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Don Donaldson, P.E., Public Service Director
Martin County

Alternate, Kathy FitzPatrick, P.E., Coastal Engineer
Martin County

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Gary Appelson, Policy Coordinator
Caribbean Conservation Corp.

Alternate, Julie Brashears Wraithmell, Wildlife Policy Coordinator
Audubon of Florida

2008/09 GAA Proviso Language

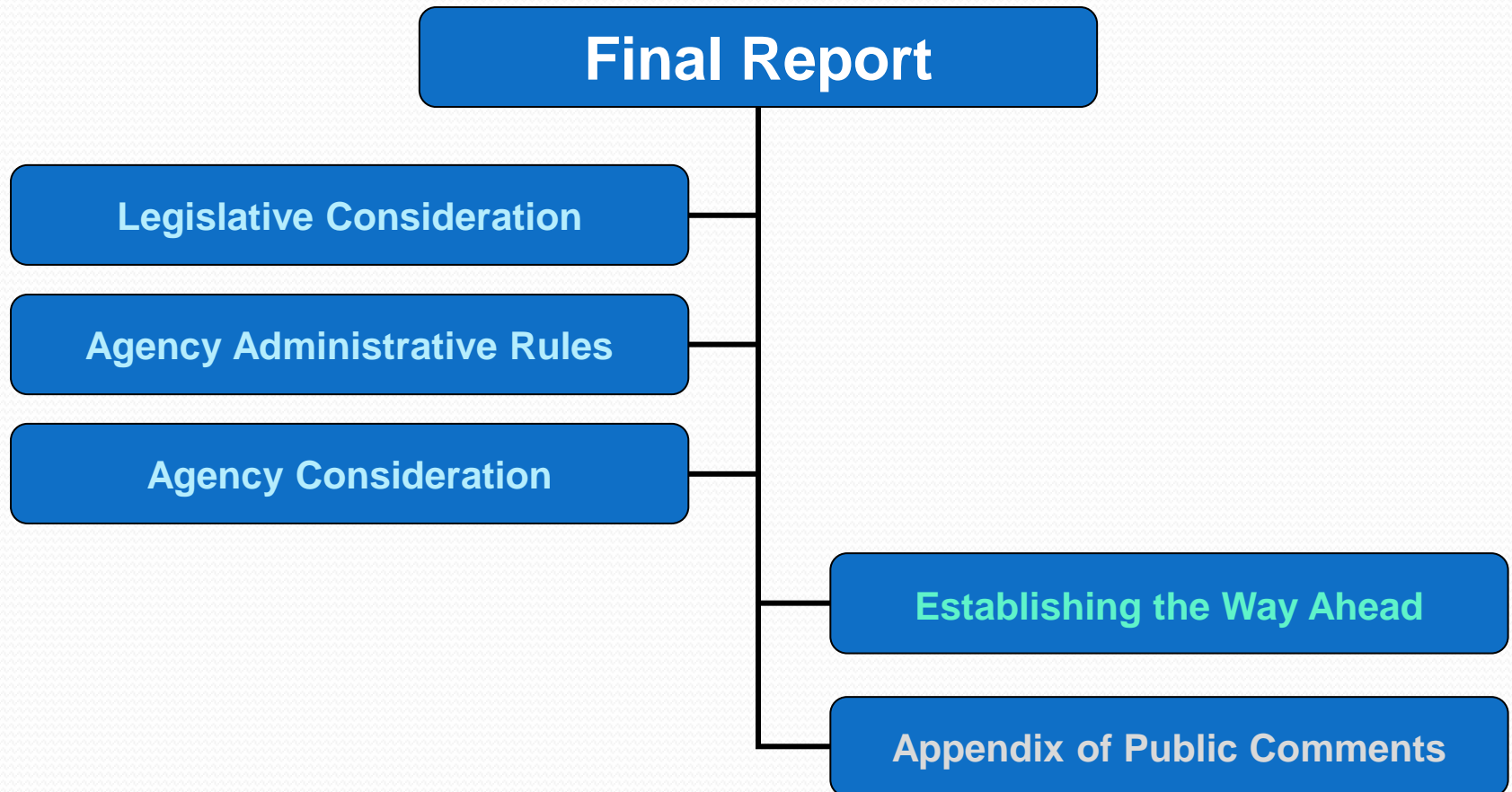
THE REPORT

*This group shall submit a report to the President of the Senate, the Speaker of the House, and the Office of the Governor, by **January 15, 2009**, with recommendations regarding statewide and regional beach management planning improvements, possible changes to Chapter 161, F.S., and associated rules to enhance program efficiency, and a formalized project review mechanism with external review team.”*

BMWG Meeting Schedule

- September 18, 2008, Tallahassee
- October 1, 2008, Tallahassee
- October 15, 2008, Orlando
- October 29 and 30, 2008, Tallahassee
- November 13, 2008, Tallahassee
- December 11, 2008, Tallahassee
- January 8 and 9, 2009, Tallahassee
- January 12, 2009 Teleconference - Discussion of final report

RECOMMENDATIONS OF THE BEACH MANAGEMENT WORKING GROUP



BMWG REPORT PART I

Legislative Consideration

- Permitting
 - Listed species authority
 - Permit submittal standard
 - New exemptions
 - Biological Opinions

BMWG REPORT PART I

Legislative Consideration

- Project Management
 - Ranking Criteria
 - Readiness-to-proceed
 - Cost effectiveness
 - Redefine regionalization
 - Consideration of prior ranking/award
 - Remove inlet effect ranking

BMWG REPORT PART I

Legislative Consideration

- Project Management
 - Funding Provisions
 - Monitoring expense cap
 - Credit for unshared expenses
 - Feasibility expense cap

BMWG REPORT PART I

Legislative Consideration

- Project Management
 - Accountability and Transparency
 - Integrity of the process / list
 - Returned funds
 - Legislature noticed on changes
 - DEP annual summary
 - External review team

BMWG REPORT PART I

Legislative Consideration

- Monitoring
 - No legislative changes recommended, only agency actions
- Mitigation
 - Define a transferable protocol that can be adapted as necessary
 - Ensure funding to complete the ongoing research and apply lessons learned

The Florida Beach Management Program

How will the BMWG Recommendations Change the way DEP does Business?

Rule-making, Policies and 2009 Legislative Proviso



Michael R. Barnett, P.E., Chief , Bureau of Beaches & Coastal Systems

Overview

- **BMWG (Part II) Recommendations for Consideration in Agency Administrative Rules**
- **BMWG (Part III) Recommendations for Agency Consideration**
- **2009 General Appropriations Act Proviso for DEP's Beach Management Program**

BMWG REPORT PART II

Proposed Changes to DEP Rules

- **Joint Coastal Permitting Process—62B-49, F.A.C.**
 - *Pre-application meetings*—provide a structured format for meetings to improve productivity and agency/applicant concurrence
 - *Standard Mixing Zone for Turbidity*—evaluate an appropriate standard and reduce or eliminate need for variances

BMWG REPORT PART II

Proposed Changes to DEP Rules

- **Project Management—62B-36, F.A.C.**
 - *Project Ranking Criteria*
 - Local Government Funding Request
 - Provide additional ranking points to Local government sponsors who submit quarterly reports and billings on time
 - Consider reweighting ranking criteria based on issues of overriding importance

BMWG REPORT PART II

Proposed Changes to DEP Rules

- **Project Management—62B-36, F.A.C.**
 - *Project Ranking Procedures*
 - Delete provision that places a formerly ranked project that has waived funding allocation back on the project priority list for the following year
 - Add a formal process that allows Local Governments to review their draft ranking scores for each project

BMWG REPORT PART II

Proposed Changes to DEP Rules

- **Project Management—62B-36, F.A.C.**
 - *Project Ranking Procedures & Funding Provisions*
 - Eliminate the requirement that local governments submit budget estimates in their Long Range Budget Plan for planning years 5-10
 - Consolidate the costs of the first year of post-construction monitoring with the funding request for project construction
 - Consolidate the post construction monitoring funding requests for post construction years 2 and beyond into a single budget category for submittal to the Legislature

BMWG REPORT PART II

Proposed Changes to DEP Rules

- **Mitigation**—Uniform Mitigation Assessment Methodology (UMAM), 62B-345, F.A.C.
 - Include descriptors that are specific to coastal projects, such as “Proximity Support”, “Persistence and Recruitment”, and “Habitat Structure”

BMWG REPORT PART III

Proposed Changes to DEP Policies

- **Joint Coastal Permitting Process**
 - *Improve Interagency Coordination*
 - Provide permit processors with sufficient time after resource agencies have provided comments on the application to process a coherent and concise RAI response
 - Foster improved relationships with resource agencies

BMWG REPORT PART III

Proposed Changes to DEP Policies

- **Project Management**

- *Contracting and Scopes of Work*

- Implement the use of change orders for minor modifications to contracts to include the following:
 - *Changing Project Manager*
 - *Modifying deliverable due dates*
 - *Modifying Scope of Services*
 - Retain the use of contract amendments for changes that involve increases in overall cost or time extensions
 - Encumber legislative appropriations into local government contracts in a timely and diligent manner

BMWG REPORT PART III

Proposed Changes to DEP Policies

- **Post-Construction Monitoring**

- Develop guidelines for Applicants to use as reference materials. Guidelines include:
 - Biological Monitoring (Hardbottom and Seagrass Surveys)
 - Physical Monitoring
 - Turtle / Shorebird Protection and
 - Turbidity Mixing Zone Variances
- Aerial Photography requirements no longer required as part of the physical monitoring program—there are exceptions
- Loggerhead sea turtle monitoring requirements-
 - REDUCED!!

2009 Legislative Session

- Provided DEP \$15 million for projects on the 2009-2010 priority list
- Developed *Proviso* to establish a process for DEP to use when encumbering these funds:
 - “...Funds shall be allocated to those projects on the 2009-2010 Priority Projects List with a federal cost-share, according to their readiness-to-proceed and in such a manner as to maximize the federal dollars leveraged.”

2009 General Appropriations Act *Proviso & the BMWG*

The Proviso states that the

*“...department shall implement those [BMWG] recommendations pertaining to the project management provisions addressing **funding, accountability, and transparency**, for the 2009-2010 fiscal year.”*

2009 General Appropriations Act

Proviso

- **Part I Recommendations for Legislative Consideration**
 - *Project Funding Provisions* adopted via the Proviso:
 - Cap state cost-sharing for post-construction monitoring after Year 1 at 10%
 - Cap state cost-sharing for feasibility and design studies for new projects, including those for inlet management activities, at 10%

2009 General Appropriations Act *Proviso*

- **Part I Recommendations for Legislative Consideration**
 - **Adopted *Accountability and Transparency Provisions*:**
 - Notify the Governor's Office and the Legislature when a local sponsor releases appropriated project dollars
 - Notify the Legislature of any significant project funding changes made by DEP
 - Prepare an annual summary of project activities for the current fiscal year, their funding status, and changes to annual project lists as part of the DEP budget submission

What, if Anything, is Next?

❖ Lisa Armbruster, FL Shore & Beach Preservation Association

The Last Chapter – Establishing the Way Ahead

- Utilize university resources more effectively
- Environmental Monitoring Approaches
- Documentation of More Extreme Long Term Impacts
- Nearshore Hardbottom Considerations
- Research Needs

Research Needs

- Better beach fill evolution models
- Alternative designs of hardbottom mitigation
- Beach tilling and sand compaction
 - Alternatives for measuring sand compaction
 - Examination of the success of beach tilling
 - Significance of compaction on nesting behavior
 - Relationship between compaction and percent carbonate composition
- Examination of appropriate buffer dimensions around borrow areas

What, if Anything, IS Next?

Thank You

Report may be found at:

<http://www.dep.state.fl.us/beaches/news/pdf/BMWGRptFin.pdf>

