

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: January 20, 2009

Date Submitted: January 7, 2009

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Timothy Barden, Assistant County Administrator  
Ray Gray, Director, Parks and Recreation Department

Subject: Request Board Approval to Advertise an Invitation to Bid (ITB) for the Construction of Rock Landing Dock and Boat Ramp Per Engineered Specifications

---

### **Statement of Issue:**

This agenda item requests Board approval to advertise an Invitation to Bid (ITB) for the construction of Rock Landing Dock and Boat Ramp per engineered specifications. After the update to the Board on October 6, 2008, staff has acquired necessary permitting. This item requests Board approval to advertise an ITB for the construction of Rock Landing dock and boat ramp per engineered specifications.

### **Background:**

In Florida, permitting for projects such as the Rock Landing Boating Facility is performed by the Florida Department of Environment Protection (FDEP). The FDEP works jointly with the United States Corp of Engineers (USCOE) on reviewing and permitting federally regulated activities such as submerged lands leases, which the County needs for the Rock Landing Boating Facility. FDEP derives its regulatory power from the Florida Legislature and the powers are defined in the Florida Statutes. The FDEP in its regulatory capacity is required to protect the natural resources of the state, such as the air, the water and the land to ensure that these resources will be healthy and in abundance for present and future generations. The term regulatory grants specific governmental powers to an entity of the government, such as FDEP, to regulate our property, both private and public, to some specific degree, for the greater good of the public as a whole. The term proprietary basically means ownership and all the lands in the state that are in public ownership fall within FDEP's permitting jurisdiction.

Additionally, all the submerged lands in the state that existed when Florida became a state in 1845 are considered sovereign, and in accordance with the Constitution of the State of Florida, these lands are held in trust by the state for all the people. This means that all the people of the state are part land owners in all of the sovereign submerged lands. This concept of public ownership of sovereign submerged lands was developed and instituted by the Roman Empire in the fifth century A.D. and this concept today, has come to be known as the public trust domain. Essentially, this doctrine holds that the sovereign submerged lands of the state, including all its aquatic resources belong to all the people and should be managed for the greater benefit of the people.

The Governor and Cabinet, as the Board of Trustees of the Internal Improvement Trust Fund for the State of Florida, are designated by the State Legislature, as the trustees of these sovereign submerged lands and associated aquatic resources. As trustees, the Governor and Cabinet are responsible for the protection, reservation and management of these lands. The Governor and Cabinet have “proprietary” ownership of these lands. The FDEP acts as staff to the trustees, so the Department too, has regulatory and proprietary requirements as they may apply to a proposed activity. Projects that are not located on sovereign submerged lands, only have to meet FDEP normal regulatory requirements, however, projects, such as the Rock Landing Boating Facility, that are located on sovereign submerged lands, have to meet both, regulatory and any proprietary requirements, that are stipulated by the trustees.

In October 2006, Rock Landing Dock was closed to the public due to the extreme deterioration of the dock pilings and a subsequent engineering report stating that the dock was not safe for pedestrian or vehicle traffic. Quotes were obtained for repair of the dock, however; it was determined that the best alternative was to replace the dock with a new docking facility. A conceptual drawing of the new docking facility was provided by a resident professional, certified engineer in Panacea and the Board directed staff to submit an application for funding to the Florida Wildlife Conservation Commission (FWC) and to begin the permitting process for the facility.

Additionally, on April 16, 2007 the Board approved an application to the Florida Boating Improvement Program (FBIP) for construction of the new facility. On August 3, 2007, staff received a letter from the Florida Boating Improvement Program advising that the application was approved in the amount of \$522,685. Subsequently, on December 10, 2007, the grant agreement was signed by the FWC.

On March 24, 2008 at its regular meeting, the Board granted approval to waive the purchasing policy which allowed staff to obtain competitively based quotes from various contractors capable of expediting the demolition work in compliance with FDEP’s emergency permit. On March 25, 2008 signage was posted at Rock Landing closing the facility from March 31, 2008 through April 10, 2008.

The Parks and Recreation Division secured three quotes for the dock removal and the bid was awarded to the most responsive and lowest bidder. The dock was removed within 10 days of the bid award. Removal was conducted in a manner that did not disturb the natural vegetation as designated by the FDEP permit. As of October 17, 2008 the necessary permitting has been received from the permitting agency retained by the County, Florida Environmental & Land Services and the Army Corp of Engineers. Currently, staff is awaiting the Storm Water Exemption Letter from the Northwest Florida Water Management District and DEP.

Staff met with the Panacea Waterfronts Committee Tuesday, October 7, 2008 to update them on the proposed progression and timeline of the project. From October 17<sup>th</sup> to November 19<sup>th</sup> several meetings took place in reference to the parking lot design, traffic flow and maximum focus on the preservation. Citizens from the Panacea Waterfronts Committee, commercial fisherman and Mr. Hand an Arborist Specialist and professor from FAMU, all were involved in the final design.

On November 20, 2008 staff met with Mr. Hand to finalize removal of designated trees, as well as the placement of ground pavers. These pavers will identify entries, protect the tree root base and are environmentally friendly. With the consensus on installation of the pavers, Mr. Hand approved the parking area design.

On December 17, 2008 the record of engineer was replaced with a local engineering firm, Hydra Engineering, Inc. Hydra is currently subcontracted with Preble-Rish which is contracted with the County. Additionally, Hydra is currently performing the activities of the conceptual design relating to the dock.

On January 5, 2009 a special meeting was called (Attachment #2) by the Panacea Waterfronts Committee to review the proposed design of the dock and boat ramp expansion. In support of the proposal, a unanimous vote of the members present agreed to move forward on the project.

**Analysis:**

Since the emergency removal of the dock, County staff has continued to work diligently with Florida Environmental & Land Services to secure the required Individual, and Conceptual, Environmental Resource Permits from federal and state agencies that includes a submerged land use permit from the Florida Department of Environmental Regulation (FDEP) and the United States Corp of Engineers (USCOE). The Florida Environmental and Land Services Consulting Group is an engineering and consulting firm that provides environmental and land development services.

Currently, the off land submerged land use permits have been acquired and the County has been authorized to begin core sampling for the dock pilings. In addition, the upland stormwater exemption permit for the parking area, traffic flow and boat launch area are anticipated to be received prior to the January 20, 2009 Board Meeting. The stormwater permits will not hold up the bidding process, now that the submerged land use permits are acquired.

In summary, now that all necessary permits have been acquired or soon to be received, staff recommends approval to advertise an ITB for construction of Rock Landing Dock and Boat Ramp per engineered specifications (Attachment #1). Additionally an agenda item will come back to the Board at a future Board meeting for approval to award the bid.

Agenda Request: Request Board Approval to Advertise an Invitation to Bid (ITB) for the Construction of Rock Landing Dock and Boat Ramp Per Engineered Specifications  
January 20, 2009

Page 4

---

**Options:**

1. Approve to advertise an ITB for the construction of Rock Landing Dock and Boat Ramp per engineered specifications.
2. Do not approve to advertise an ITB for the construction of Rock Landing Dock and Boat Ramp per engineered specifications.
3. Board Direction.

**Recommendation:**

Option #1

**Attachment(s)**

1. Conceptual Engineer Design
2. Panacea Waterfronts Committee Letter of Approval and Minutes of the January 6, 2009 meeting