

DEP MOA No. DRP NA01
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AMENDMENT NO. 2

THIS AGREEMENT as entered into on the 25th day of March 2002, and amended on the 9th day of July 2003, by and between the Florida Department of Environmental Protection, whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 (hereinafter referred to as the "DEPARTMENT") and Nassau County Board of County Commissioners as the governing body of the South Amelia Island Shore Stabilization Municipal Service Benefit Unit a political subdivision of the State of Florida, whose address is Post Office Box 1010, Fernandina Beach, Florida 32035 (hereinafter referred to as the "COUNTY"). The original AGREEMENT recognizes in Section 6, Page 3, the need for an amendment in the event that funding either from the Florida Legislature or the County became available for Phase II of the long-term stabilization of South Amelia Island and related post-construction activities, (hereinafter referred to as the "Project"). Therefore the AGREEMENT is amended as follows:

1. The DEPARTMENT, through the Division of Recreation and Parks will make applications as required to the Division of Water Resource Management, Bureau of Beaches and Coastal Systems, for cost share funding for the Project's permit required post-construction activities. These activities shall include but not be limited to environmental monitoring, remediation and impact mitigation. The cost share percentages are to be determined by the Bureau of Beaches and Coastal Systems and the annual amounts may vary; and
2. The COUNTY agrees to provide ^{through the SAISS MSBU funds *Z.V.*} the local sponsor's cost share of the post-construction activities as determined by the Bureau of Beaches and Coastal Systems; and
3. Paragraph 4. is amended extending the AGREEMENT termination date, from the 1st day of June 2005 until the expiration date of Permit No. 0187721-002-JC and amendments, and may be further amended by written notice and mutual agreement between the parties to further extend the termination date

IN ALL OTHER RESPECTS, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have duly executed this 25th day of

October 2004

For Nassau County Florida, as governing body of
the South Amelia Island Shore Stabilization
Municipal Service Benefit Unit

Secretary's signature of designee for Florida
Department of Environmental Protection,
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

By: _____



(Print Name) Floyd L. Vanzant

*Chairman, Board of County Commissioners,
As Chairman of the South Amelia Island Shore
Stabilization Municipal Service Benefit Unit*

By: _____



Dana C. Bryan

*Chief, Bureau of Natural and Cultural
Resources*

October 25, 2004

(Date)

Nov. 15, 2004

(Date)

Post Office Box 1010

(Address)

Approved as to form and legality:

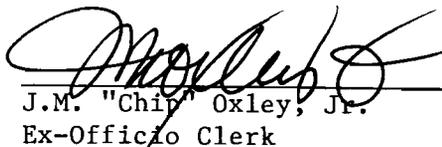
Fernandina Beach, FL 32035

(City, State and Zip)



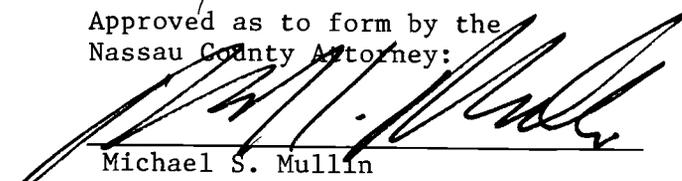
(DEP Attorney)

ATTEST:



J.M. "Chip" Oxley, Jr.
Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



Michael S. Mullin



NASSAU COUNTY
BOARD OF COUNTY COMMISSIONERS
P.O. Box 1010
Fernandina Beach, Florida 32035-1010

Nick Deonas
Ansley Acree
Vickie Samus
Floyd L. Vanzant
Marianne Marshall

Dist. No. 1 Fernandina Beach
Dist. No. 2 Fernandina Beach
Dist. No. 3 Yulee
Dist. No. 4 Hilliard
Dist. No. 5 Callahan

J. M. "Chip" OXLEY, JR.
Ex-Officio Clerk

MICHAEL S. MULLIN
County Attorney

November 1, 2004

Mr. Marshall W. Flake
NCR Coastal Project Coordinator
c/o Bureau of Design and Recreation Services
3540 Thomasville Road, MS520
Tallahassee, FL 32309

Re: Amendment No. 02 to Agreement No. NA01

Dear Mr. Flake:

Enclosed are three executed originals of the referenced amendment as approved on October 25, 2004 by the Nassau County Board of County Commissioners as governing body of the South Amelia Island Shore Stabilization Municipal Service Benefit Unit. Please note that the Board approved an addition to paragraph 2 on page 1 which was initialed by the Chairman.

Please return one fully executed original to our office, and we'll forward a certified copy to Mr. Bill Moore. We appreciate your assistance, and if we may furnish any additional information, please let us know.

Sincerely,

J. M. Oxley, Jr. (mgm)

J. M. "Chip" Oxley, Jr.
Ex-Officio Clerk

jgb

cc: Mr. William Moore

548-4660
(904) 321-5703, 879-1029, (800) 958-3496

An Affirmative Action / Equal Opportunity Employer

SAISSA

South Amelia Island Shore Stabilization Association, Inc.

P.O. Box 3000, Amelia Island, Florida 32035-1307

904.277.5122 Fax: 904.277.5921

April 3, 2002

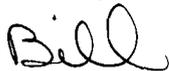
Joyce Bradley
Nassau County Clerks Office
191 Nassau Place
Yulee, FL 32097

RE: MOA between Florida DEP
and Nassau County BOCC

Dear Joyce:

Attached is an executed original copy of the Memorandum of Agreement between the Department of Environmental Protection and the Board of Nassau County Commissioners. One copy has been retained by FDEP.

Sincerely,



William R. Moore

Cc: Mike Mullin
Walt Gossett
Conny Allen
Ed McCabe

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF RECREATION AND PARKS and NASSAU COUNTY, FLORIDA**

MEMORANDUM OF AGREEMENT NUMBER - DRP NA01

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as the AGREEMENT) as entered into between the Florida Department of Environmental Protection (hereinafter referred to as DEPARTMENT) by and through its Division of Recreation and Parks (hereinafter referred to as the DIVISION), and Nassau County, a political subdivision of the State of Florida, as governing body of the South Amelia Island Shore Stabilization Municipal Service Benefit Unit (hereinafter referred to as the County):

WHEREAS, the DEPARTMENT and the County have agreed to combine efforts to provide beach fill and stabilize the south end of Amelia Island (hereinafter referred to as the PROJECT);

WHEREAS, this PROJECT has the long term goal of stabilizing the shoreline at the south end of Amelia Island;

WHEREAS, the Florida Department of Environmental Protection, Office of Beaches and Coastal Systems (hereinafter referred to as OFFICE) identified Five Hundred Thousand Dollars (\$500,000) to initiate the beach restoration permitting, engineering, and design portions of the PROJECT;

WHEREAS, the Florida Legislature appropriated funds to the OFFICE in the amount of Five Million Dollars (\$5,000,000) through line item 1724(a) of the 2001 General Appropriations Act from the Land Acquisition Trust Fund to "Save South Amelia Island State Park;"

WHEREAS, the OFFICE entered into a Memorandum of Agreement (hereinafter referred to as MOA) with the DIVISION, dated June 13, 2001, for Five Hundred Thousand Dollars (\$500,000) to perform beach restoration permitting, engineering and design (identified in the MOA as Phase 1: Beach Restoration Tasks 1-3). Said MOA was amended by the OFFICE and DIVISION on October 9, 2001 to incorporate the Five Million Dollars (\$5,000,000) appropriated by the Legislature to "Save South Amelia Island State Park" (identified in the MOA as Phase I: Beach Restoration Tasks 4-6 and Emergency Erosion Control Activities);

WHEREAS, these funds were encumbered by the MOA for performance of the PROJECT and those responsibilities defined therein. Said PROJECT shall be performed consistent with the Legislature's intent; and

WHEREAS, the County has agreed to make available Three Million Dollars (\$3,000,000) to fund its portion of the PROJECT (known as Phase I: Beach Restoration Tasks 1-6 and Phase II: Long-Term Stabilization), including \$155,280 paid or committed to Phase I, Task 4.

NOW THEREFORE in consideration of the mutual covenants contained herein the DEPARTMENT and the County agree as follows:

The DEPARTMENT and the County (through the South Amelia Island Shore Stabilization Association, Inc., a Florida corporation (hereinafter referred to as SAISSA), its contract manager) shall perform the following services for the PROJECT:

1. The activities to be performed are as follows:

a. Phase I: Beach Restoration - Tasks 1-3

The DIVISION shall be responsible for the performance of all services necessary to design and permit beach restoration for Phase I of the PROJECT. Services for beach restoration shall include: Task 1 (borrow site development); Task 2 (design development, permitting and environmental analysis); and Task 3 (liaison with the US Army Corp of Engineers to apply diagnostic modeling system).

b. Phase I: Beach Restoration - Task 4-6

The DIVISION and the County shall be responsible for the performance of all services necessary to complete Task 4 (final design, plans, specifications and bidding assistance), Task 5 (construction administration), and Task 6 (construction activities) of the PROJECT pursuant to DEPARTMENT Permit No. 0187721-001-JC.

2. The estimated costs of the above activities are:

- Phase I: Beach Restoration Tasks 1-3 \$ 500,000
 - Phase I: Beach Restoration Tasks 4-6;
and Emergency Control Activities \$ 8,000,000
- Total: \$ 8,500,000

3. The DEPARTMENT shall provide funds in the amount of Five Million Five Hundred Thousand Dollars (\$5,500,000) and the County shall provide Three Million Dollars (\$3,000,000) to accomplish the services set forth in Paragraph 1. All funds provided by the County shall be from the South Amelia Island Shore Stabilization Municipal Service Benefit Unit assessment.

4. This AGREEMENT shall become effective on the date of execution by both parties and shall terminate on June 1, 2004, unless extended for good cause upon agreement by the County and the DEPARTMENT.

5. All PROJECT matters and notices shall be directed to the PROJECT Managers for appropriate action or disposition as identified below:

The DIVISION's Co-Project Managers:
Don Gerteisen (construction issues)
Division of Recreation and Parks
3900 Commonwealth Boulevard, MS #585
Tallahassee, Florida 32399
(850) 488-3543, extension 147

SAISSA Project Manager:
William R. Moore
SAISSA, Inc.
c/o Amelia Island Plantation
P.O. 3000
Amelia Island, Florida 32035

and

Mark Latch
Division of Recreation and Parks
3900 Commonwealth Boulevard, MS #530
Tallahassee, Florida 32399
(850) 488-8666

A copy shall also be sent to:

Walt Gossett
Nassau County Coordinator
P.O. Box 1010
Fernandina Beach, Florida 32035

6. All DEPARTMENT and County funds, if any, remaining after completion of Phase I shall be applied to Phase II: Long-Term Stabilization and any post-construction activities required by permits. Should further funding by the Legislature or the County become available for Phase II: Long-Term Stabilization and post-construction activities, the DEPARTMENT and the County shall amend this AGREEMENT to accomplish the additional work.
7. The DIVISION and SAISSA as co-permittees have joint responsibility for monitoring and post-construction activities required under permits. Therefore, this AGREEMENT shall be amended to further define the DEPARTMENT and SAISSA's obligations for completion of Phase I after a contractor for Phase I beach restoration has been selected.
8. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.
9. The DEPARTMENT may terminate this MOA at any time in the event of the failure of the County to fulfill any of its obligations under this MOA. Prior to termination, the DEPARTMENT shall provide ten (10) calendar days written notice of its intent to terminate and shall provide the County an opportunity to consult with the DEPARTMENT regarding the reason(s) for termination.

The DEPARTMENT may terminate this MOA without cause and for its convenience by giving thirty (30) calendar days written notice to the County.

IN WITNESS WHEREOF, the DEPARTMENT and the County have executed this Amendment on the 25th day of March, 2002.

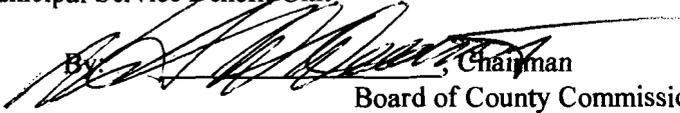
By: Dana C. Bryan Title: Chief, Bureau of Natural and Cultural Resources,
Department of Environmental Protection

Print Name: Dana C. Bryan

APPROVED AS TO FORM AND LEGALITY:

Jerome L. Johnson
DEP Attorney

Nassau County, Florida, as governing body of the South Amelia Island Shore Stabilization
Municipal Service Benefit Unit

By:  , Chairman

Board of County Commissioners
As Chairman of South Amelia Island Shore Stabilization Municipal
Service Benefit Unit

Print Name: Nick D. Deonas

DEP MOA No. DRP NA01
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AMENDMENT NO. 1

THIS AGREEMENT as entered into on the 25th day of March 2002, by and between the **Florida Department of Environmental Protection**, whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 (hereinafter referred to as the "Department") and **Nassau County Board of County Commissioners** as the governing body of the **South Amelia Island Shore Stabilization Municipal Service Benefit Unit** whose address is Post Office Box 1010, Fernandina Beach, Florida 32035 (hereinafter referred to as the "County"), a political subdivision of the State of Florida, recognized in Section 6., Page 3 of the AGREEMENT, the need to amend the AGREEMENT in the event that funding either from the Florida Legislature or the County became available for Phase II of the long-term stabilization of South Amelia Island and related post-construction activities, (hereinafter referred to as the "Project"). Therefore the AGREEMENT is amended as follows:

1. The Department agrees to provide \$4,830,114.00 for Phase II of the Project and to expend these funds first for design, construction, and other Project related expenses; and
2. The County agrees to provide an additional \$1,000,000.00 for Phase II of the Project for design, construction, and other project related expenses; and
3. The Department and County agree that any Project funds remaining after all design and construction costs have been met may be used for post-project expenses to include, but not be limited to, post-construction monitoring, remediation and/or other permit required activities; and
4. Both parties recognize that an administrative case, Sierra Club Northeast Florida Group, et al v. the Florida Department of Environmental Protection, DOAH Case No. 03-2162, is pending. If the result of this case is adverse to either party, either party may terminate this agreement after ten days written notice to the other party ; and
5. Paragraph 4. is amended extending the AGREEMENT termination date for one year, from June 1, 2004 to June 1, 2005, and may be further amended by written notice and mutual agreement between the parties to extend the termination date past June 1, 2005.

IN ALL OTHER RESPECTS, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have duly executed this 9th day of

July, 2003.

For Nassau County Florida, as governing body of
the South Amelia Island Shore Stabilization
Municipal Service Benefit Unit

Secretary's signature of designee for Florida
Department of Environmental Protection,
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

By:



(Print Name) Vickie Samus

*Chairman, Board of County Commissioners,
As Chairman of the South Amelia Island Shore
Stabilization Municipal Service Benefit Unit*

By:



Dana C. Bryan

*Chief, Bureau of Natural and Cultural
Resources*

July 9, 2003

(Date)

(Date)

Post Office Box 1010

(Address)

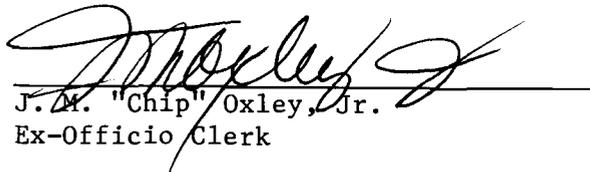
Approved as to form and legality:

Fernandina Beach, FL 32035

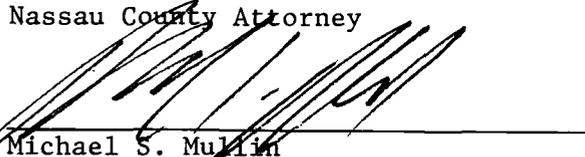
(City, State and Zip)


(DEP Attorney)

ATTEST:


J.M. "Chip" Oxley, Jr.
Ex-Officio Clerk

Approved as to Form by the
Nassau County Attorney


Michael S. Mullin