MEMORANDUM

To: Council Members
From: Staff
Date: May 20, 2016 Council Meeting
Subject: Intergovernmental Coordination and Review Log

The Intergovernmental Coordination and Review process serves, in part, as an early warning system for the federal government to determine if a federally funded project or program is consistent with plans and ongoing community initiatives of local governments and the regional planning council. The review process is intended to inform the applicant of potential concerns or inconsistencies regarding the proposed activity. Council’s statutory role is to coordinate the state’s required review at the local level. Council has requested comments from potentially affected local governments in an effort to avoid duplication of efforts, funding, services, and to ensure the efficient use of resources. The attached Intergovernmental Coordination and Review Log presents a summary and recommendations on the following applications:

<table>
<thead>
<tr>
<th>TCRPC Number</th>
<th>Project Description</th>
<th>Applicant</th>
<th>Funding Agency</th>
<th>Federal Funding Requested</th>
<th>Total Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-SL-03-01</td>
<td>Draft Environmental Assessment - Ten Mile Creek Preserve Area Critical Project Transfer</td>
<td>U.S. Army Corps of Engineers</td>
<td>None</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>16-PB-03-02</td>
<td>5311 Federal Funding for Operating Assistance</td>
<td>Palm Beach County</td>
<td>Federal Transit Administration</td>
<td>$307,535</td>
<td>$615,070</td>
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<tr>
<td>16-PB-03-03</td>
<td>Community Development Block Grant Consolidated Plan</td>
<td>Palm Beach Gardens</td>
<td>U.S. Department of Housing and Urban Development</td>
<td>$177,740</td>
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</tr>
<tr>
<td>16-FL-03-04</td>
<td>Proposed Rule for Negotiated Noncompetitive Agreements for Use of Outer Continental Shelf Sand, Gravel and Shell Resources</td>
<td>Bureau of Ocean Energy Management</td>
<td>None</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>16-MC-04-01</td>
<td>Community Development Block Grant – Housing Rehabilitation</td>
<td>Martin County</td>
<td>U.S. Department of Housing and Urban Development</td>
<td>$750,000</td>
<td>$750,000</td>
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<tr>
<td>Total</td>
<td></td>
<td></td>
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<td>$1,235,275</td>
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</table>
**Recommendation**

Council should approve the comments in the attached report and authorize their distribution.

Attachments
The U.S. Army Corps of Engineers (Corps) has submitted a draft Environmental Assessment (EA) for the Ten Mile Creek Water Preserve Area Critical Project Transfer. The Ten Mile Creek project is an above ground reservoir located in St. Lucie County. The project was authorized by the Water Resources Development Act of 1996 and construction was completed in 2006. In December 2015, the Corps was directed by the Consolidated Appropriations Act of 2016 to transfer the project to the non-federal sponsor, the South Florida Water Management District (SFWMD). Upon execution of the transfer agreement, the Ten Mile Creek project will no longer be federally authorized. The transfer agreement requires SFWMD to operate the project as an environmental restoration project to provide water storage and water treatment options. The draft EA describes the effects of the transfer and de-authorization of the project.

The Ten Mile Creek project was designed to capture and retain water for gradual release into Ten Mile Creek, which flows west to east across on the north side of the project. The project was designed to provide water quality improvements in Ten Mile Creek and regulate the delivery of fresh water to the North Fork of the St. Lucie River and Indian River Lagoon. The original intent was for the reservoir to capture peak stormwater flows from Ten Mile Creek and route them to a stormwater treatment area. The water would then be released back to the creek to moderate salinity levels in the downstream river and estuaries.

During project testing and monitoring in 2012, the Corps identified significant design and construction-related problems. The reservoir has been drawn down to minimize the potential risks to public health, safety, and property damage. The project cannot be operated as originally designed. However, the proposed transfer of the project requires SFWMD to operate the project to provide a portion of the original purpose and benefits of the project. These include: 1) capturing and storing stormwater runoff during wet periods to reduce excessive freshwater flows to the St. Lucie River and Estuary; and 2) treatment of water in the storm water treatment area to improve water quality before releasing it back to Ten Mile Creek during dryer periods. Any further
changes in the project features or operation after the project is transferred will be addressed by SFWMD in subsequent permitting actions.

The option of full remediation of the project would require structural fixes necessary to enable the reservoir to obtain maximum operating water levels. This alternative was not fully evaluated in the EA, because it is contrary to the direction from Congress and is not supported by the SFWMD. The draft EA concluded the proposed transfer of the project will not significantly impact quality of the human environment and does not require a full Environmental Impact Statement to be prepared in accordance with the National Environmental Policy Act.

**Funding Agency:** N/A

**Estimated Funding:** N/A

**Recommendations:** No adverse effects on regional resources or facilities and no extraterritorial impacts have been identified. The proposed project is consistent with Resolution #16-01 adopted by Council on February 19, 2016, and Council’s top 2016 legislative priority to restore the Everglades and eliminate harmful freshwater discharges to the region’s estuaries and lagoons. Council offers its appreciation to everyone involved with accomplishing the project transfer.

**Agencies Contacted:**

Martin County
St. Lucie County
City of Fort Pierce
City of Port St. Lucie
Town of St. Lucie Village
Ten Miles Creek Water Preserve Area Local Map

Project Layout
2016 Legislative Priorities

Restore the Everglades and Eliminate Harmful Freshwater Discharges into the St. Lucie River Estuary and Indian River and Lake Worth Lagoons

Legislative Initiatives in Support of these Priorities Include:

- significantly increasing the long-term use of Land Acquisition Trust Fund (Amendment 1) monies for Everglades restoration, including bonding these monies;
- restoring historic flows south to Everglades National Park;
- creating significant additional storage in the Caloosahatchee and St. Lucie River/Indian River Lagoon Estuary basins;
- establishing water management system interconnections between the St. Johns River Water Management District and South Florida Water Management District beneficial to Everglades and regional estuary restoration, and protection of the Region’s drinking water supply;
- creating significant additional storage in the Northern and Southern Everglades;
- adequately funding local government efforts to comply with Total Maximum Daily Load regulations and targets contained in the Florida Department of Environmental Protection Basin Management Action Plans;
- supporting local and regional efforts to increase water storage, aquifer recharge and the health and longevity of the Region’s ground and surface fresh water supply;
- better managing Lake Okeechobee and improving the Herbert Hoover Dike;
- increasing freshwater flows to the Northwest Fork of the Loxahatchee River; and
- increasing funding for and reduce the cost of converting coastal septic systems to central sewer systems and provide incentives for property owners and local governments to encourage conversions.

For additional information:
Michael J. Busha, AICP
Executive Director, TCRPC
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772-221-4060
mbusha@tcrpc.org
RESOLUTION #16-01

A RESOLUTION OF THE TREASURE COAST REGIONAL PLANNING COUNCIL REPRESENTING THE 54 LOCAL GOVERNMENTS OF INDIAN RIVER, MARTIN, PALM BEACH, AND ST. LUCIE COUNTIES, FLORIDA SUPPORTING HOUSE BILL 989 AND SENATE BILL 1168 FOR EVERGLADES RESTORATION AND REDUCING HARMFUL FRESHWATER DISCHARGES TO THE ST. LUCIE AND CALOOSAHATCHEE RIVER ESTUARIES AND THE INDIAN RIVER AND LAKE WORTH LAGOONS

WHEREAS, the Everglades, Lake Okeechobee, St. Lucie and Caloosahatchee River estuaries, and Indian River and Lake Worth lagoons are imperiled ecosystems and waters of the state; and

WHEREAS, the health of these ecosystems are critical to the economy and quality of life of the Treasure Coast Region and all of southern Florida; and

WHEREAS, House Bill 989 and Senate Bill 1168 should result in actions to restore the long-term health and ecological and economic productivity of these ecosystems of statewide and national importance; and

WHEREAS, House Bill 989 and Senate Bill 1168 are in support of and consistent with the Treasure Coast Regional Planning Council’s 2016 legislative priorities.

NOW, THEREFORE, BE IT RESOLVED THAT TREASURE COAST REGIONAL PLANNING COUNCIL FULLY SUPPORTS HOUSE BILL 989 AND SENATE BILL 1168 TO RESTORE THE EVERGLADES ECOSYSTEM AND ELIMINATE HARMFUL FRESHWATER DISCHARGES TO THE ST. LUCIE AND CALOOSAHATCHEE RIVER ESTUARIES AND THE INDIAN RIVER AND LAKE WORTH LAGOONS.

DULY ADOPTED by the Treasure Coast Regional Planning Council this 19th day of February 2016.

Michael Davis  
Chairman

Michael J. Busha  
Executive Director
### TREASURE COAST REGIONAL PLANNING COUNCIL
#### INTERGOVERNMENTAL COORDINATION AND REVIEW LOG

**TCRPC Number:** 16-PB-03-02

**Applicant:** Palm Beach County

**Project Description:** 5311 Federal Funding for Operating Assistance

Palm Tran is the agency designated by Palm Beach County to provide public transportation. Palm Tran is requesting funds from the Section 5311 Non-Urbanized Area Formula Program for operating assistance for their transportation programs in the non-urbanized areas of Palm Beach County.

The Section 5311 Non-Urbanized Area Formula Program provides Federal operating or capital assistance to eligible recipients who operate/contract public transportation service in non-urbanized areas. Palm Tran will utilize the funds exclusively for operational expenses that include: administrative, management, and operation costs (wages and fuel) directly incidental to the provision of public transportation services provided in non-urbanized areas on a regular and continuing basis.

**Funding Agency:** Federal Transit Administration

**Estimated Funding:**

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**Recommendations:** No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

**Agencies Contacted:**

- All Palm Beach County Local Governments
- Palm Beach Metropolitan Planning Organization
# TCRPC Number: 16-PB-03-03

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The City of Palm Beach Gardens is planning to receive Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). To receive CDBG funding, the City must assess local housing and community development needs and resources, and socioeconomic impediments toward building viable neighborhoods.

Every five years HUD requires the development of a consolidated plan for the city to use in determining community needs and to provide a community-wide dialog about affordable housing and community development priorities. The city has completed its initial consolidated plan for Fiscal Years 2015-2019. Based on the needs assessment, over the next five years the city will focus on preserving existing affordable housing stock; providing funding for public facilities and improvements; and promoting economic development activities in the city.

For Fiscal Year 2015, the city is requesting $177,740 in CDBG funding. The funding allocation will be used to carry out priority needs projects, especially housing rehabilitation and general planning/program administration within the city.

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</tr>
</tbody>
</table>
The U.S. Department of Interior, Bureau of Ocean Energy Management (BOEM) has submitted a proposed rule providing regulations to address the use of Outer Continental Shelf (OCS) sand, gravel, and shell resources for shoreline protection, beach restoration, and other restoration projects. The rule applies to projects by federal, state, or local government agencies, or use in construction projects authorized or funded by the federal government.

The Outer Continental Shelf Lands Act authorizes BOEM to enter into a negotiated agreement when the use of OCS sand, gravel and shell resources is authorized for qualifying projects. This negotiated agreement will take the form of a lease or a Memorandum of Agreement (MOA), depending on the identity of the applicant(s) requesting use of OCS sand, gravel and shell resources. If a non-federal entity requests the use of OCS sand, gravel and shell resources, the negotiated agreement required by the Act would generally take the form of a lease. If a federal agency requests the use of OCS sand, gravel and shell resources, BOEM and the federal agency, as well as their federal, state or local government agency counterparts on the project, would enter into a MOA. In either case, BOEM would ensure that appropriate environmental analysis and review is completed. The negotiated agreement in each of these situations would describe the project and procedures that would be followed and identify environmental and administrative requirements that must be met. Also, the agreements would identify the location, type and volume of OCS sand, gravel and shell resources allowed to be used.

Previously, BOEM and its predecessor agencies have been exercising statutory authority regarding OCS sand, gravel and shell resources under the Act pursuant to written guidelines, without the benefit of implementing regulations. BOEM believes that the promulgation of regulations at this time is advisable in order to provide additional clarity and certainty and to help ensure continuity of the Marine Minerals Program. BOEM indicated the proposed rule does not materially change the existing requirements for the use of OCS sand, gravel and shell resources through leases or MOAs for shore protection, beach or wetlands restoration. The purpose of the proposed rule is to refine and
formally adopt procedures for entering into negotiated noncompetitive agreements for the use of OCS sand, gravel and shell resources. Formalizing the existing conveyance process will provide certainty to the public entities requesting noncompetitive leases or MOAs for OCS sand, gravel and shell resources. The rule would not apply to competitive leasing of minerals, including oil, gas, and other associated resources.

**Funding Agency:** None

**Estimated Funding:** N/A

**Recommendations:** No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

**Agencies Contacted:** All Local Governments in the Region
PART 583—NEGOTIATED NONCOMPETITIVE AGREEMENTS FOR USE OF OUTER CONTINENTAL SHELF SAND, GRAVEL AND SHELL RESOURCES

Subpart A—General

§ 583.100 What is BOEM’s authority for information collection (IC)?

§ 583.101 What is the purpose of this part and to whom does it apply?

§ 583.102 What is BOEM’s authority for this part?

§ 583.103 What definitions do I need to know?

§ 583.104 Who is qualified for a project?

§ 583.105 How do I appeal an unfavorable decision by BOEM?

§ 583.106 What are the minimum contents of an agreement to use OCS sand, gravel, and shell resources?

Subpart B—[Reserved]

Subpart C—Outer Continental Shelf Sand, Gravel, and Shell Resource Negotiated Agreements

§ 583.300 How do I submit a request for an agreement?

§ 583.301 How will BOEM determine if a project qualifies?

§ 583.302 What process does BOEM use to technically and environmentally evaluate a qualified project?

§ 583.303 What is the process for negotiating and executing an agreement?

§ 583.304 What kinds of information must be included in an agreement?

§ 583.305 What is the effective date of an agreement?

§ 583.306 How will BOEM enforce the agreement?

§ 583.307 What is the term of the agreement?

§ 583.308 What dry bulk or suspension obligations apply to transactions and contracts related to a project?

§ 583.309 What is the process for modifying the agreement?

§ 583.310 When can the agreement be terminated?


Subpart A—General

§ 583.110 What is BOEM’s authority for information collection (IC)?

The information collection requirements contained in the new part 583 have been approved by the OMB under 44 U.S.C. 3501 and assigned clearance number 1010—XXXX. The information is being collected to determine if the applicant for a negotiated noncompetitive agreement (agreement) for the use of sand, gravel and shell resources on the Outer Continental Shelf (OCS) is qualified to enter into such an agreement and to determine if the requested action is warranted. Applicants and parties to the agreement are required to respond to requests related to information collection activities.

§ 583.101 What is the purpose of this part and to whom does it apply?

The regulations in this part provide procedures for a negotiated noncompetitive program for utilization of OCS sand, gravel and shell resources. The rules of this part apply exclusively to negotiated noncompetitive use of OCS sand, gravel and shell resources and do not apply to competitive leasing of minerals, including oil, gas, sulphur, geopressed-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from "public lands" as defined in section 103 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.).

§ 583.102 What is BOEM’s authority for this part?

(a) Pursuant to authority granted by the Outer Continental Shelf Lands Act (OCSLA, or the Act), as amended (43 U.S.C. 1331 et seq.), the Secretary has authority to negotiate an agreement for the use of OCS sand, gravel and shell resources:

(1) For use in a program of, or project for, shore protection, beach restoration, or coastal wetlands restoration undertaken by a Federal, State, or local government agency; or

(2) For use in a construction project, other than a project described in paragraph (1), that is funded in whole or in part by or authorized by the Federal Government.

(b) The Secretary has authorized BOEM to administer the negotiated noncompetitive agreement provisions of the Act and prescribe the rules and regulations necessary to carry out those provisions.

§ 583.103 What definitions do I need to know?

When used in this part, the following terms will have the meaning given below:

Act means the OCSLA, as amended (43 U.S.C. 1331 et seq.).

Agreement means a negotiated noncompetitive agreement that authorize a person to use OCS sand, gravel and shell resources in a program of or project for shore protection, beach restoration or coastal wetlands restoration undertaken by one or more Federal, State or local government
Regional Director means the BOEM officer with responsibility and authority for a Region of the United States. Secretary refers to the Secretary of the Interior.

§ 583.104 Who is qualified for a project?
(a) BOEM may enter into an agreement with any person proposing to use OCS sand, gravel and shell resources for a program or project for shore protection, beach restoration, or coastal wetlands restoration undertaken by a Federal, State, or local government agency or in a construction project that is funded in whole or in part by or authorized by the Federal government. (b) To qualify for an agreement under this part, the applicant must be:
(1) A Federal, State, or local government agency.
(2) A citizen or national of the United States.

§ 583.105 How do I appeal an unfavorable decision by BOEM?
(a) After being notified of disqualification, or disapproval of an agreement or modification, an unsuccessful applicant, or adversely affected party to an agreement, may apply for reconsideration by the Director.
(b) The Director must submit within 30 days of being notified of disqualification, or disapproval of an agreement or modification, a statement of reasons for the requested reconsideration, with one copy to the appropriate office as the subject of the reconsideration.

§ 583.110 What are the minimum contents of an agreement to use OCS sand, gravel, and shell resources?
Any use of OCS sand, gravel and shell resources in an agreement will be negotiated on a case-by-case basis. The agreement will specify, at a minimum, who may use the OCS sand, gravel and shell resources; the nature of the rights granted; and the location, type, and volume of OCS sand, gravel and shell resources. Any authorization to use OCS sand, gravel and shell resources identified in an agreement is not inclusive. BOEM may authorize other entities to use OCS sand, gravel and shell resources from the same borrow area.

Subpart C—Outer Continental Shelf Sand, Gravel, and Shell Resources Negotiation Agreements

§ 583.300 How do I submit a request for an agreement?
Any person may submit a written request to BOEM to obtain an agreement for the use of OCS sand, gravel and shell resources for use in a program or project for shore protection, beach restoration, or coastal wetlands restoration undertaken by a Federal, State, or local government agency, or in a construction project that is funded in whole or in part by or authorized by the Federal Government. The written request must include:
(a) A detailed description of the proposed project or program for which the OCS sand, gravel and shell resources will be used and how it qualifies as a program or project eligible under the Act to use OCS sand, gravel and shell resources;
(b) A description of the proposed borrow area(s) and placement area(s), along with maps with geographic coordinates depicting the location of the desired borrow area(s), the OCS block number(s), OCS Planning Area(s), OCS Protection Diagram Designations, and the placement area(s). These should include:
(1) A detailed set of hardcopy maps with coordinates and navigation features of the desired OCS project area (including borrow area and other project features) and
(2) Digital geo-referenced spatial and tabular data depicting the borrow area with features, such as geological sampling locations and any hard or live-bottom benthic habitat present;
(c) Any available geological and geophysical data used to select, design, and delineate the borrow area(s) and potential borrow areas considered but not selected for final design in digital format, geo-referenced where relevant.

These may include:
(1) Sediment sampling (sediment core and grab sample) data such as physical description sheets.
photographs, core locations, and grain size analysis; and
(2) Geophysical data such as subbottom profiler, marine magnetometer, and sidescan sonar data, and bathymetry including geo-referenced navigation survey tracklines, shotpoints, and/or timestamps;
(d) Any other uses of the OCS in the
(borrow area that are known to the
applicant at the time of application
submission;
(e) A description of the environmental
evaluations and corresponding
documents that have been completed or
are being prepared, that cover all
offshore and onshore components of
the project, as applicable;
(i) A target date or data range when
the OCS sand, gravel and shell resources
will be needed;
(g) A description of the person or
government entities undertaking
the project;
(h) A list of any permits, licenses or
authorizations required for the project
and their current status;
(i) A description of any potential
inconsistencies with state coastal zone
management plans and/or other applicable
state and local statutes, regulations or
ordinances;
(j) The name, title, telephone number,
mailing address and email address of
any points of contact for any Federal
agencies, State or local governments,
and contractor(s) with whom the
applicant has contracted or intends to
contact;
(k) A statement explaining who
authorized the project and how the
project is to be funded, indicating
whether the project is federally funded,
in whole or in part, and whether the
project is authorized by the Federal
government;
(l) For any other Federal, State or
local government agency identified in
the application, the name, title, mailing
address, telephone number, and email
address of both a primary and a
secondary point of contact for the
agency.

§ 583.301 How will BOEM determine if a
project qualifies?
BOEM will make a determination as
to whether the project, as described in
section 583.300, qualifies for use of OCS
sand, gravel and shell resources under
the Act. Within 15 business days of
receipt of the application, BOEM will
determine if the application is complete
or will request additional information.
After it has determined the application
is complete, BOEM will begin the
application review process and notify
the applicant in writing whether the
project qualifies for an agreement. In
determining whether a project qualifies
for an agreement, BOEM will consider,
among other criteria, the following:
(a) The project purpose;
(b) Other uses of OCS sand, gravel and
shell resources from the same borrow
area that are currently or were
previously authorized by BOEM for
other projects or programs, including
the location, type and volume of such
resources;
(c) The project funding source(s)
and amount;
(d) The proposed design and
feasibility of the project;
(e) Any potential environmental
and safety risks;
(f) Other Federal interests located near
or within the specified borrow area;
(g) Comments received from
potentially affected State or local
governments, if any;
(h) The applicant's background and
experience working on similar projects
or activities;
(i) Whether the project operations can
be conducted in a manner that protects
the environment and promotes orderly
development of OCS mineral resources;
(j) Whether activities can be
conducted in a manner that does not
pose a threat of serious harm or
damage to, or waste of, any natural resource,
any life (including fish and other aquatic
life), property, or the marine, coastal,
or human environment; and
(k) Whether the project is consistent
with the requirements of applicable
statutes and their implementing
regulations, which may include, but are
not limited to, the Endangered Species
Act (ESA) (16 U.S.C. 1531 et seq.), the
Marine Mammal Protection Act
(MMPA) (16 U.S.C. 1361 et seq.), the
Marine Debris Research, Prevention,
and Reduction Act (MDPRA) (33
U.S.C. 1851 et seq.), the Marine Plastic
Pollution Research and Control Act
(MPPRCA) (33 U.S.C. 1991 et seq.), the
Federal Water Pollution Control Act
(FWPCA) (33 U.S.C. 1361 et seq.), and the
International Convention for the
Prevention of Pollution from Ships
(MARPOL), MARPOL-Annex V Treaty.

§ 583.202 What process does BOEM use to
technically and environmentally evaluate a
qualified project?
(a) Once BOEM has determined a
project qualifies for an agreement,
BOEM will begin the project evaluation
process to decide whether to enter into
a negotiated noncompetitive agreement,
(b) BOEM will coordinate with
relevant Federal agencies, State, and
local governments and any potentially
affected federally recognized Indian
Tribes in the project evaluation.
(c) BOEM will evaluate the project
and additional information provided
pursuant to sections 30 CFR 583.300
and 583.301, to determine if the
information is sufficient to conduct
the technical and environmental
reviews to comply with the
requirements of applicable statutes and
regulations, which may include, but are
not limited to, OCSLA (43 U.S.C. 1331
et seq.), the National Environmental
Policy Act (NEPA) (42 U.S.C. 4321 et
seq.), the ESA (16 U.S.C. 1531 et seq.),
the MMPA (16 U.S.C. 1361 et seq.), the
Magnuson-Stevens Fishery
Conservation and Management Act
(MSCMA) (16 U.S.C. 1801 et seq.), the
National Historic Preservation Act
(NHPA) (34 U.S.C. 20001 et seq.), and the
Coastal Zone Management Act
(CZMA) (16 U.S.C. 1431 et seq.).
(d) If BOEM decides not to enter into
a negotiated noncompetitive agreement
with the applicant until information
requested for the evaluation has been
provided and evaluated.

§ 583.303 What is the process for
negotiating and executing an agreement?
(a) Upon completion of the technical,
environmental and other evaluations
established in 30 CFR 583.301 and
10 CFR 583.302, BOEM will decide
whether to enter into a negotiated
noncompetitive agreement with the
applicant for use of OCS sand, gravel or
shell resources for its project.
(b) If BOEM decides not to enter into
such an agreement, BOEM will inform
the applicant of its decision.
(c) If BOEM has decided to enter into
a negotiated noncompetitive agreement
with the applicant, BOEM will
negotiate the terms and conditions of
the agreement with the applicant and
prepare a draft agreement for the
applicant's review.
(d) After considering comments and
suggestions from the applicant, BOEM,
at its discretion, may finalize the
agreement and distribute it to the
applicant for signature.
(e) Upon receipt of the agreement
with the applicant's signature, BOEM
will execute the agreement. A copy of
the executed agreement will be mailed
to the parties.

§ 583.304 What kinds of information
must be included in an agreement?
Every agreement is negotiated on a
case-by-case basis, but at a minimum,
must include:
(a) An agreement number, as assigned
by BOEM;
(b) The purpose of and authorities for
the agreement;
(c) Designated and delineated borrow
area(s);
(d) A project description, including the timeframe within which the project is to be started and completed;

(e) The terms and conditions of the agreement, including any reporting requirements;

(f) All obligations of the parties; and

(g) The signatures of appropriate individuals authorized to bind the applicant and BOEM.

§583.305 What is the effective date of an agreement?

The agreement will become effective on the date when all parties to the agreement have signed it.

§583.306 How will BOEM enforce the agreement?

(a) Failure to comply with any applicable law or any provision, term, or condition of the agreement may result in the termination of the agreement and/or a referral to an appropriate Federal and/or State agency/agencies for enforcement. Termination of the agreement for noncompliance will be in the sole discretion of the Director.

(b) The failure to comply in a timely and satisfactory manner with any provision, term or condition of the agreement may delay or prevent BOEM’s approval of future requests for use of OCS sand, gravel and shell resources on the part of the parties to the agreement.

§583.307 What is the term of the agreement?

(a) An agreement will terminate upon the following, whichever occurs first:

(1) The agreement expires by its own terms unless the term is extended prior to expiration under §583.309;

(2) The project is terminated, as set forth in §583.310; or

(3) A party to the agreement notifies BOEM, in writing, that sufficient OCS sand, gravel and shell resources, up to the amount authorized in the agreement, have been obtained to complete the project.

(b) Absent extraordinary circumstances, no agreement will be for a term longer than 5 years from its effective date.

§583.308 What debarment or suspension obligations apply to transactions and contracts related to a project?

The parties to an agreement must ensure that all contracts and transactions related to an agreement issued under this part comply with 2 CFR part 180 and 2 CFR part 1480.

§583.309 What is the process for modifying the agreement?

(a) Unless otherwise provided for in the agreement, the parties to the agreement may submit to BOEM a written request to extend, modify, or change an agreement. BOEM is under no obligation to extend an agreement and cannot be held liable for the consequences of the expiration of an agreement. With the exception of paragraph (b) of this section, any such requests must be made at least 180 days before the term of the agreement expires. BOEM will respond to the request for modification within 30 days of receipt and request any necessary information and evaluations to comply with 30 CFR §583.301. BOEM may approve the request, disapprove it, or approve it with modifications subject to the requirements of 30 CFR §583.301.

(b) If BOEM approves a request to extend, modify, or change an agreement, BOEM will draft an agreement modification for review by the parties to the agreement in the form of an amendment to the original agreement. The amendment will include:

(i) The agreement number, as assigned by BOEM;

(ii) The modification(s) agreed to;

(iii) Any additional mitigation required; and

(iv) The signatures of the parties to the agreement and BOEM.

(c) If BOEM disapproves a request to extend, modify, or change an agreement, BOEM will inform the parties to the agreement of the reasons in writing. Parties to the agreement may seek the BOEM Director for reconsideration in accordance with 30 CFR §583.105.

(b) By written request, for strictly minor modifications that do not change the substance of the project or the analyzed environmental effects of the project, including but not limited to, the change of a business address, the substitution of a different Federal, State or local government agency contact, or an extension of less than 30 days, parties to the agreement may memorialize the minor modification in a letter to BOEM to the parties indicating the request has been granted.

§583.310 When can the agreement be terminated?

(a) The Director will terminate any agreement issued under this part upon proof that it was obtained by fraud or misrepresentation, after notice and an opportunity to be heard has been afforded to the parties of the agreement.

(b) The Director may immediately suspend and subsequently terminate any agreement issued under this part when:

(1) There is noncompliance with the agreement, pursuant to 30 CFR §583.309(a); or

(2) It is necessary for reasons of national security or defense; or

(3) The Director determines that:

(i) Continued activity under the agreement would cause serious harm or damage to natural resources; life (including human and wild life); property, the marine, coastal, or human environment; or sites, structures, or objects of historical or archaeological significance;

(ii) The threat of harm or damage will not disappear or decrease to an acceptable level within a reasonable period of time; and

(iii) The advantages of termination outweigh the advantages of continuing the agreement.

(c) The Director will immediately notify the parties to the agreement of the suspension or termination. The Director will also mail a letter to the parties to the agreement at their record post office address with notice of any suspension or termination and the cause for such action.

(d) In the event that BOEM terminates an agreement under this section, none of the parties to the agreement will be entitled to compensation as a result of expenses or lost revenues that may result from the termination.

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BILLING CODE 4310-AR-P
The Community Development Block Grant (CDBG) program was created by Congress through the Housing and Community Development Act of 1974. This federal program, which is administered by the Department of Housing and Urban Development, provides funding opportunities to local governments in small urban and rural areas for projects. In Florida, the Department of Economic Opportunity administers the state’s program through the Small Cities Community Development Block Grant Program.

Martin County is applying for CDBG funding to rehabilitate, or demolish and replace, a minimum of eleven housing units. Of the eleven housing units, no less than three of the housing units will be low income, and no less than two housing units will be classified as very low-income households. This project furthers the national objective to benefit low- and moderate-income persons. Additionally, the proposed funding budget includes allocations for administration and temporary relocation activities.

Funding Agency: U.S. Department of Housing and Urban Development

Requested Funding: $750,000

Recommendations: No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Agencies Contacted: Town of Jupiter Island
Town of Ocean Breeze
Town of Sewall’s Point
City of Stuart