

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
February 19, 2025

Agenda Item:

Estero River Sediment Analysis EC 2019-36 Change Order #2

Motion to approve Change Order No. 2 to Contract No. 2019-36 with Coastal Engineering Consultants, Inc. for additional services needed to respond to additional FDEP permit questions and prepare an emergency dredging application.

Authorize the Village Manager to sign Change Order No. 2 on behalf of the Village of Estero Council.

Background:

In August 2019 the Village contracted with Coastal Engineering Consultants (CEC) to survey sediment accumulations within the Estero River downstream of US-41, sample and analyze the sediment accumulations, prepare preliminary plans for the safe removal of the sediment accumulations, and prepare the necessary environmental permit applications with the Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE). The contract included the preparation of responses for one set of Requests for Additional Information (RAI) from each agency. The preliminary plans were prepared, permit applications were submitted, and the expected RAIs were received, and responses submitted.

On January 4, 2023, Change Order #1 (CO#1) was approved for CEC to perform additional work required to address environmental permit application questions from the FDEP in their RAI #2. CEC prepared responses to FDEP's RAI #2 which led to several subsequent meetings with FDEP staff and the creation of RAI #3 by the FDEP. The sediment sample coring and analyses in CO#1 were not initiated by CEC because FDEP could decide on the number and location of the required sediment cores. That information was not provided by FDEP until January 30, 2025.

During the summer of 2024 the Estero River was flooded by storm surge from hurricanes Helene and Milton. Subsequently, additional complaints have been received about the need to dredge portions of the Estero River to remove sediments and obstructions that

are impacting boating. Following Hurricane Milton, the governor issued Executive Order (EO) 24-214 which was amended by EO 24-215 and subsequently had the time frame extended by EO 24-264 and EO 25-26.

After the issuance of EO 24-214, the FDEP issued Emergency Final Order (EFO) 24-2580 for Hurricane Milton. The EFO in Section C.1.a.(2) allows for the *restoration (regrading, dredging, or filling) by local, regional, state, and federal governments of upland surfaces, wetlands, and submerged land contours to the conditions and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the restoration does not result in any expansion or addition of land or deepening of waters beyond that which existed immediately prior to the Storm.* The FDEP waives Rule 62-330.020, F.A.C. to the extent that those identified activities are authorized to be conducted under the EFO without notification to the FDEP or water management district.

The Village's consultant, CEC, has already contacted the USACE and confirmed that the USACE is able to approve emergency dredging operations following the 2024 hurricanes.

Description:

The proposed Change Order #2 will help the Village address two issues:

- Additional funding to respond to FDEP's RAI #3 and continue the standard dredging permit application approval process
- Additional funding to authorize CEC to proceed with the necessary bathymetric surveying to identify current sediment levels in the Estero River and compare that with the pre-lan sediment levels that are part of the standard dredging permit application. If CEC and Village staff determine there is a sufficient sedimentation volumetric increase to justify emergency dredging, CO#2 also includes the necessary funding in Tasks 15 through 18 for the required USACE permitting, dredging plans preparation, construction observation, and post-dredging documentation.

CO#2 is a fixed fee per task-based amount. If CEC and Village staff determine that there is not sufficient sedimentation difference to justify proceeding with the emergency dredging, Tasks 15 through 18 will not be activated.

The governor's EO 25-26 expires on April 1, 2025, unless further extended. If the emergency dredging is going to occur, the dredging company must start work by March 31, 2025, and can then proceed through to completion. CEC is aware of the short time constraints.

Action Requested:

Motion to approve Change Order No. 2 to Contract No. 2019-36 with Coastal Engineering Consultants, Inc. for additional services needed to respond to additional FDEP permit questions and prepare an emergency dredging application.

Authorize the Village Manager to sign Change Order No. 2 on behalf of the Village of Estero Council.

Financial Impacts:

The fiscal impact of Change Order #2 is \$71,310. This will increase the total amount of contract EC 2019-36 to a not-to-exceed amount of \$212,470. The additional cost will be funded using unallocated general funds. A budget amendment will be required to allocate the unincumbered general funds to this project.

Prepared by: Robert Wiley, P.E., CFM

Attachments:

1. Contract EC 2019-36 Change Order #2
2. Location Map