

Subject: Commitment to Addressing Non-Compliance Issues

January 7, 2025

Melanie Orozco, Florida Communities Trust  
Division of State Lands  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, FL, 32399

Dear Ms. Orozco,

We are writing to affirm our unwavering commitment to addressing the non-compliance issues identified in relation to our grant obligations for the land acquisition of River to Sea Preserve. Our team has developed a comprehensive approach to resolve these matters, which includes a detailed timeline for the work to be performed, updates to our management plan, and a strengthened partnership between the Town of Marineland and Flagler County.

To ensure that all non-compliance issues are resolved promptly and efficiently, the County and the Town have conducted a thorough review of the compliance findings to confirm the scope and details of each issue and mutually developed a detailed corrective action plan. Prior to implementation of corrective actions, the County and Town are seeking feedback from Florida Communities Trust, with the intent to move quickly to resolve these outstanding issues. For your consideration we have established the following timeline and look to schedule a follow-up meeting with your office to confirm compliance and discuss ongoing monitoring.

### **Timeline for Addressing Non-Compliance and Site Improvements**

To address specific non-compliance and site improvements, including the demolition of the bathhouse, repairs to facilities, removal of concrete slabs and associated tasks, we propose the following timeline:

#### **1. Concrete Slabs (Cottage Foundations):**

1. Conduct a survey of the site to identify gopher tortoise burrows and coordinate with licensed wildlife professionals for safe relocation in compliance with state regulations.
  1. December 2024 - Jody Sisk selected by the County and relocation permit applied for on 12/8/2024.
  2. January 2025 – Anticipate receiving gopher tortoise relocation permit
  3. January – February 2025 – Complete relocation of gopher tortoises weather permitting.
2. Demolition and removal of concrete slab and site clean-up with the use of construction equipment and dump trucks for disposal. Work to be performed using Flagler County resources.
  1. December 2024 – Demolition permit obtained
  2. February – March 2025 – Demolition activities to commence following the relocation of gopher tortoises.
  3. March – April 2025 – Complete site clean-up and restoration efforts

2. **Demolition of Bathhouse:** Complete demolition of the bathhouse, ensuring proper disposal of debris in accordance with environmental guidelines.
  1. Solicit quotes and coordinate scope of work with a licensed professional
    1. May 2024 – Received and Reviewed Quotes
    2. July 2024 – Town of Marineland approved the use of CRA funding
    3. August 2024 – LAD Construction selected (by Town)
    4. January 2025 – Anticipate demolition permit being obtained
    5. February 2025 – Demolition complete and site restored
3. **Install Fencing around Lift Station:** Install fencing around sensitive areas to ensure safety of the public and limit access to sanitary sewer.
  1. Solicit quotes and coordinate scope of work with outside contractor
    1. July 2024 – Received and Reviewed Quotes
    2. July 2024 – Town of Marineland approved the use of CRA funding
    3. August 2024 – AAA Fence selected (by Town)
    4. January 2025 – Work is completed
4. **Garage Door Replacement:** Replace the damaged garage door to secure storage areas and improve functionality.
  1. Solicit quotes and coordinate scope of work with outside contractor
    1. June 2024 – Received and Reviewed Quotes
    2. July 2024 – Town of Marineland approved the use of CRA funding
    3. August 2024 – Overhead Door selected (by Town)
    4. December 2024 – Work is completed.
5. **Construct New Restrooms:** Construct new restrooms to replace those previously damaged by the hurricane, ensuring they meet current Building Code and environmental standards. Work to be performed using Flagler County resources.
  1. Use Parks & Recreation standard design to construct two-unit, standalone restroom facilities located in proximity of original facilities for Preserve day users. Funding provided by Flagler County in the Capital Improvement Plan.
    1. January 2025 – Receive updated construction plans from JPA (Joseph Pozzuoli Architect, P.A.)
    2. January – February 2025 - Obtain approval of the site location from FCT
    3. February – March 2025 – Obtain construction permit and secure materials.
    4. March – April 2025 – Continue to secure materials and commence construction.
    5. December 2025 – Restrooms substantially complete.
    6. January 2026 – Obtain certificate of occupancy and begin public use.

## Updates to the Management Plan

To align with grant requirements and address the identified compliance issues, the following updates to the Management Plan have been identified. In addition, as we bring the site into compliance, the County and Town will conduct a thorough review of the Management Plan in coordination with the FCT to revise outdated provisions and to clarify and supplement the plan where necessary:

1. **Removal of Cottages:** Language and provisions related to cottages will be removed to reflect their exclusion from the scope of the River to Sea Preserve.

2. **Inclusion of Annual Events:** We will add language to highlight annual events hosted at the site within Special Management Conditions, emphasizing their alignment with conservation goals and community engagement.
3. **New Restroom Facilities:** We will update the management plan to include the location of the replacement restroom facilities within the preserve.

### **Additional Improvements**

In addition to addressing compliance issues, we would like to take this opportunity to enhance the conservation site further. Proposed improvements include:

1. **Trail Development:** Improve existing trails to enhance accessibility and promote environmental education.
2. **Signage Installation:** Replace existing weathered signage where appropriate and install interpretive signage to provide visitors with information about the site's ecological and historical significance and conservation efforts.
3. **Dead Tree Removal:** Remove and mulch dead trees to improve site safety and ecological health, while preserving habitat features for local wildlife as appropriate.
4. **Invasive Species Removal:** Enhance invasive species management and removal to include invasive species including but not limited to creeping oxeye, St. Augustine grass, Brazilian pepper, cogon grass, silver thorn, giant reed, torpedo grass, asparagus sprengeri fern and monitor for Chinese tallow, to restore and maintain the native ecological balance of the site.

### **Path Moving Forward**

To prevent future compliance issues and strengthen our collaborative efforts, we propose the following steps:

1. **Increased Communication:** Establish regular communication channels between the Town of Marineland, Flagler County, and Florida Communities Trust. This includes quarterly updates and immediate notification of any potential concerns.
2. **Increased Participation:** Flagler County staff will attend the quarterly Town of Marineland CRA Meetings to facilitate collaboration, decision-making, and alignment on management of the River to Sea Preserve.
3. **Updated Management Agreement:** Develop and adopt an updated management agreement between the Town of Marineland and Flagler County. This agreement will clearly define roles, responsibilities, and compliance expectations to ensure alignment with conservation and grant requirements.
4. **Ongoing Monitoring and Evaluation:** Implement a system for ongoing monitoring of grant-related activities and conservation efforts, with regular evaluations to ensure sustained compliance and effectiveness including the potential relocation of Flagler County personnel to shared office space with GTMNERR within the Preserve.
5. **Maintain Annual Reporting:** Ensure that annual revenue reporting is completed by July 31<sup>st</sup> of each year, and that annual stewardship reports are submitted by August.
6. **Miscellaneous Deficiencies:** Take necessary actions to address and rectify any known deficiencies within the Preserve. This includes ensuring that the utility building at the Preserve is cleared of any items that do not belong to the Town or County and maintained in compliance with the management plan. Any discrepancies will be promptly identified and resolved to maintain proper stewardship of public assets.

We are confident that these measures will not only resolve the current issues but also position us for long-term success in managing grant-funded conservation projects. We deeply value the opportunity to work with Florida Communities Trust/Florida Department of Environmental Protection and are committed to maintaining the highest standards of accountability and transparency.

Please do not hesitate to contact us with any questions or additional requirements. We look forward to your feedback on our proposed plan and timeline.

Thank you for your continued support and guidance.

Sincerely,

Heidi Petito  
County Administrator

The Town hereby joins in this communication to the Florida Communities Trust.

Gary Inks, Mayor

Janis Fleet, Town Planner