

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20061443

1. ACTION REQUESTED/PURPOSE:

Authorize the chairwoman to sign Task Assignment SW-099 on Contract SL 893 between the Florida Department of Environmental Protection (DEP) and Lee County for upland exotic plant control at Popash Creek Preserve. Approve Budget Amendment in the amount of \$261,680.

2. WHAT ACTION ACCOMPLISHES:

To allow exotic control work to be done at Popash Creek Preserve.

3. MANAGEMENT RECOMMENDATION:

The contract set up the mechanism for Lee County to receive funding on a reimbursement basis for exotic plant control performed through this contract on a task assignment basis.

4. Departmental Category: 11

CIIA

5. Meeting Date: 11/07/06

6. Agenda:

- Consent**
- Administrative**
- Appeals**
- Public**
- Walk-On**

7. Requirement/Purpose: (specify)

- Statute**
- Ordinance**
- Admin. Code**
- Other**

8. Request Initiated:

Commissioner
Department Parks & Recreation
Division

By: John Yarbrough

John Yarbrough

9. Background:

The DEP Bureau of Invasive Management provides funding for exotic plant control to government agencies.

Lee County Parks and Recreation has been approved for \$261,680 in funding from DEP for exotic plant control at Popash Creek Preserve. NaturChem, Inc. will be performing the hand work while John Brown and Sons, Inc. will be performing the mechanical work at this site. Including Popash Creek Preserve, Lee County has received funds from DEP for projects at Caloosahatchee Regional Park, Six Mile Cypress Slough Preserve, Conservation 2020-Yucca Pens, Charlotte Harbor Flatwoods, and San Carlos Bay/Bunche Beach Preserve totaling \$528,170.

Funding will be made available in account #KH5722030105.503190

10. Review for Scheduling:

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager/P.W. Director |
|---------------------|-------------------------|-----------------|-------|------------------------|--------------------|--------------------|--------------------|--------------------|------------------------------|
| | | | | | Analyst | Risk | Grants | Mgr. | |
| <i>10-24-06</i> | | | | <i>Wesley L. Baird</i> | <i>CP 10/23/06</i> | <i>MT 10/25/06</i> | <i>MS 10/25/06</i> | <i>MR 10/25/06</i> | <i>[Signature]</i> |

11. Commission Action:

- Approved**
- Deferred**
- Denied**
- Other**

RECEIVED BY
COUNTY ADMIN: *CP*
10/24/06
4:10 *mp.*
COUNTY ADMIN
FORWARDED TO: *AL*
10/24/06
10 *mp*

Rec. by CoAtty
Date: 10/24/06
Time: 3:15pm
Forwarded To:
County Admin
10/24/06 4:03pm

RESOLUTION

Amending the Capital Improvement Environ. Sensitive Land Mgt. Budget, Fund 30105 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2006-2007.

WHEREAS, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Capital Improvement Environ. Sensitive Land Mgt Budget, Fund 30105 for \$261,680 of the unanticipated revenue from Grant funding and an appropriation of a like amount for grant expenditures and;

WHEREAS, the Capital Improvement Environ. Sensitive Land Mgt. Budget, Fund 30105 shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES

| | | |
|----------------------------------|--------------------|--------------|
| Prior Total: | | |
| Additions | | \$26,106,384 |
| KH5722030105.334720.9003 | Contributions-FDEP | \$ 261,680 |
| Amended Total Estimated Revenues | | \$26,368,064 |

APPROPRIATIONS

| | | |
|------------------------------|-----------------------------|--------------|
| Prior Total: | | |
| Additions | | \$26,106,384 |
| KH5722030105.503190 | Other Professional Services | \$ 261,680 |
| Amended Total Appropriations | | \$26,368,064 |

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Capital Improvement Environ. Sensitive Land Mgt. Budget, Fund 30105 is hereby amended to show the above additions to its Estimated Revenue and Appropriation Accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

DOC TYPE YA
LEDGER TYPE BA

**TASK ASSIGNMENT NOTIFICATION FORM
DEP CONTRACT NO. SL-893**

Date: October 9, 2006

Task Assignment Number: SW-099
Contractor Name: Lee County Parks and Recreation

Project Title: Popash Creek Preserve
MA#:

Contractor Contract Manager: Roger Clark

Phone #: (941) 338-3343

Contractor Ground Crew Supervisor: _____

Cellular #: () -

DEP Contract Manager: Greg Jubinsky

Phone #: (850) 245-4821

DEP Site Manager: Jeff Anderson

Phone #: (239) 461-7455

Task Description and Payment Schedule. Exhibit 1 describes the scope of work for this project. The Contractor is not authorized to perform work on any additional sites or plant species until such time as the DEP and the Contractor have fully executed a Change Order for said additional work. ~~_____~~ Any work performed by the Contractor contrary to this Task Assignment shall be at the Contractor's expense. **Contractor is authorized to subcontract.**

Jo 10/11/06

Deliverables:

- 100% of target vegetation identified in the attached scope of work shall be treated to prevent re-sprouting. If 95% control is not achieved for any area of the project after two months following project completion, one additional thorough treatment of the area will be the responsibility of the Contractor at no cost to the contracting entities.
- Control is defined as treatment effective in preventing re-sprout of treated target vegetation.
- Upon Site Manager approval, the Contractor is authorized to control incidental occurrences of any current EPPC category one or category two invasive exotic plant species encountered within the Project Site(s). Costs for these control operations shall in no case exceed the total Task Assignment value and must not jeopardize the Contractor's ability to achieve the required level of control for the primary target species within the designated area(s) and time frame. It is the responsibility of the Contractor to determine that all control operations do not exceed the established Task Assignment amount.

Task Assignment Term: Execution of Task Assignment through **June 1, 2007**

Task Assignment Type: Fixed

Amount Not To Exceed:

Mechanical mowing in Phases 2, 3, & 4 = \$140,970.00. Herbicide work costs equal: Phase 2 = \$5850.00; Phase 3 = \$43840.00; Phase 4 = \$31,060.00; Phase 5 = \$39960.00

TOTAL TASK ASSIGNMENT VALUE:

\$261,680.00

FUNDING INFORMATION:

| ORG CODE | EO | OBJECT CODE | MODULE | SPEC. CAT. | PROJECT # | YEAR | AMOUNT |
|---------------|----|-------------|--------|------------|-----------|-------|--------------|
| 3710-2800-222 | Q7 | 139904 | | 102334 | SW-099 | 06-07 | \$261,680.00 |
| | | | | | | | |

CONTRACTOR

Contract Manager Date

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

[Signature] 10/9/06

DEP Contract Manager Date

[Signature] 10/10/06

BIPM Cost Center Admin. Date

SITE MANAGER

Date

[Signature] 10/10/2006

BIPM Bureau Chief Date

[Signature] 10.12.06

Division Director or designee Date

TASK ASSIGNMENT RESPONSIBILITIES

RESPONSIBILITIES OF THE CONTRACTOR:

Unless otherwise established in the Task Assignment, the Contractor shall complete all work as set forth in the attached Scope of Work in full compliance with the terms of the Contract. The responsibilities of the Contractor include but are not limited to:

1. The Contractor shall notify the designated site manager no less than seven (7) days prior to initiating work and, after initiating work, shall maintain communication with the site manager on progress and/or problems and work completion;
2. The certified ground crew supervisor, employed by the contractor and designated on page one of the Task Assignment must be present at all times when work on the site is underway;
3. Ground crew supervisors shall be responsible for all plant control activities and crew safety on project sites. Every effort shall be made by the Contractor to avoid damage to native vegetation and wildlife, which includes site disturbance;
4. Ground crew supervisors shall be pesticide applicators possessing current certification by the Florida Department of Agriculture and Consumer Services (FDACS) in the Natural Areas, Forestry, Aquatics, or Right-of-Way categories. A copy of each supervisor's FDACS certification will be provided to the site manager prior to initiation of on-site supervisory duties;
5. Ground crew supervisors may supervise a maximum of eight (8) field employees at any given time, unless otherwise noted in the Task Assignment;
6. Ground crew supervisors shall be responsible for the collection, recording, and timely submission of all data and reports required. At weekly intervals and at the completion of initial treatments and site reassessment, a complete report will be submitted to the site manager detailing sites treated, number of plants or size of area treated, and type of treatment used. These data will be recorded on the "Daily Progress Report" (DPR); it is the responsibility of the Contractor to submit complete and correct DPR(s) to the DEP;
7. The Contractor will strictly adhere to all herbicide label application, precautionary, and safety statements, and shall be liable for damage due to a herbicide spill or contamination;
8. The Contractor shall submit an original invoice and fully completed and signed DPR to the Bureau of Invasive Plant Management, 3900 Commonwealth Boulevard, MS 705, Tallahassee, Florida 32399-3000.
9. To ensure that the selected Contractor provides the best service to public conservation land managers, the DEP has instituted a "Three Points Rule." Failure to fulfill the above responsibilities shall subject the Contractor to an assessment of "points" as set forth in the Contract. An accrual of three points will make the selected Contractor ineligible to participate in any new pre-quote meetings for one year.

| ISSUE | PENALTY |
|--|---------|
| 1 Incomplete invoice package | ½ |
| 2 Unacceptable non-target damage | 2 |
| 3 Herbicide contamination/spill | 1 |
| 4 Inability to complete the task specifications within completion date | ½ |
| 5 Unacceptable site disturbance | 1 |
| 6 Absence of certified ground crew supervisor | 1 |
| 7 Failure to notify Site Manager no less than seven (7) Days prior to initiating work (unless authorized by DEP) | ½ |
| 8 Failure to maintain communication with site manager on progress/problems and work initiation or completion | ½ |
| 9 Failure to obtain 95% control within a given project area | 1½ |
| 10 Failure to obtain approval to subcontract | ½ |

RESPONSIBILITIES OF THE SITE MANAGER:

1. The Site Manager shall be responsible for instructing the Contractor on the areas and plants to be controlled and provide necessary maps and other pertinent information to locate work sites;
2. The Site Manager reserves the right to inspect, at any time, the Contractor's procedure, spray system(s), spray solution(s), and other ancillary equipment, and to approve operating personnel. Inspection, however, will not relieve the Contractor of any obligations or responsibilities nor will it transfer any liability to the lands listed under "Project Location."
3. Before signing the DPR(s) the Site Manager shall verify that the content of the DPR(s) reflect control operations observed in the field and outlined in the approved scope of work. It is the responsibility of the Contractor to submit complete and correct DPR(s) to the DEP.

**POP ASH CREEK PRESERVE
Conservation 20/20 Program
Invasive Exotic Plant Removal/Control**

Working Group:

Southwest Florida Invasive Exotic Plant Working Group

Site Manager:

Cathy Olson, Conservation 20/20 Senior Supervisor

Lee County Parks and Recreation
Conservation 20/20 Program
3410 Palm Beach Boulevard
Fort Myers, Florida 33916
Phone: (239) 461-7455
FAX: (239) 461-7460
E-mail: colson@leegov.com

Method of Control:

Contractual Work

Project Goals:

This project will remove and provide initial control of melaleuca (*Melaleuca quinquenervia*), from the majority of a Conservation 20/20 Preserve located east of I-75 in north central Lee County.

Acreage of melaleuca control:

201.7 acres

SCOPE OF WORK

❖ **Project Location**

The project area, managed by Lee County Parks and Recreation, consists of Management Units 1-5, and a small portion of unit 6 within Pop Ash Creek Preserve located north of Nalle Grade and west of Nalle Road in North Fort Myers. The preserve is located in Section 3 of Township 43S and Range 25E. The entire Pop Ash Creek Preserve is 307 acres located south of the Charlotte County line and east of I-75 (Exhibit A).

❖ **Project Description**

The Pop Ash Creek Preserve is a Lee County Conservation 20/20 preserve that was acquired in 2003. The Pop Ash Creek Preserve Land Stewardship Plan, completed in 2006, describes the native plant communities that provide habitat for listed species such as herons, egrets, wood storks, and bald eagles.

Pop Ash Creek Preserve has been divided into six management units for ease of managing and performing restoration projects (Exhibit B). Units 2, 3, 4, and 5 are the first to be targeted for invasive exotic plant control according to the Land Stewardship Plan. Melaleuca is the dominant exotic plant species throughout the preserve, but Brazilian pepper (*Schinus terebinthifolius*) also is prevalent in the southern portion of the preserve. The invasive exotic plants within the remaining management units will be brought to a maintenance level based on a priority schedule and funding as outlined in the Management Action Plan in the Land Stewardship Plan.

The project site (management units 1-5 and a small portion of unit 6), totals 201.7 acres and consists of mesic flatwoods, wet flatwoods, wet prairie, hydric hammock, a blackwater stream and several melaleuca monocultures (Exhibit C). The management units within the project area have melaleuca densities that range from mature dense monocultures to saplings that cover less than 25% (Exhibit C). Melaleuca will be treated on 63.5 acres within portions of units 2 and 3 as part of a Charlotte Harbor National Estuary Program (NEP) Research and Restoration grant (Exhibit D). The NEP grant will be used as a match for this funding request on the remaining 138.2 acres.

❖ **Work Specifications**

Lee County Parks and Recreation will select a contractor(s), from the County's list of approved contractors, or a DEP approved contractor, to conduct the initial work, with assistance and supervision from staff. Follow-up work will be conducted with contractor(s) and in-house staff.

Melaleuca: Mulching equipment will be used in units 2, 3 and 6 in the mesic and wet flatwoods to mulch the large melaleuca down to grade. The resulting mulch layer will be left in place. Melaleuca monocultures along the blackwater stream and eastern border will be removed with a feller buncher or similar equipment. Stems will be mulched on the upland portions of the preserve or hauled away. Portions of unit 5 have young melaleuca at approximately 75% of the cover. These areas will be mowed and resprouts will be treated with the appropriate herbicide. Hand crews utilizing cut stump methodology will cover the remaining portions of the preserve where young melaleuca cover is less than 50%. A limited foliar application of a mix of an appropriate herbicide, applied per label rates, will be used on any resprouts that reach 6-12" in height and there is no standing water. Resprouts and new seedlings in the mulched areas will be treated 6 months after initial control.

❖ **Other Requirements and Provisions**

Prior to commencement of this invasive exotic plant removal project, Lee County Parks and Recreation staff will meet on site with the contractor to identify specific logistical issues such as working around native plants and wetlands, access routes for each area of the site and location of listed species. Melaleuca control will be limited to the dry season in the more hydric portions of the site.

❖ **Project Time Frame**

The heavy equipment work should begin in the dry season once grant funding has been allocated and follow-up chemical treatment will occur 6 months after completion. The initial hand work will be started as soon as grant funding can be obtained.

ADDITIONAL PROPOSAL INFORMATION

❖ **Conservation Land Qualification**

This project site was acquired in 2003 through the Lee County Conservation Land Acquisition Program, Conservation 20/20. Pop Ash Creek Preserve is listed in Florida Natural Areas Inventory Florida Conservation Lands.

In November of 1996, Lee County residents approved a referendum, agreeing to increase their property taxes by a one-half mil for the next seven years. Currently, approximately \$20 million is generated annually for the program, of which 90% is spent on acquisition. The remaining 10%, is placed in an interest bearing account, <10% is used for management of the acquired properties. The account will provide a perpetual source of funds for Conservation 20/20 land stewardship activities. The properties acquired through the program are to be preserved in perpetuity for wildlife habitat, water resource protection and passive recreation. The current Future Land Use Map classification is currently Density Reduction/Groundwater Resource and the current zoning is Agriculture 2, Mobile home-2 and Commercial. The Future Land Use Map will be amended to Conservation Lands and the zoning will be changed to Environmentally Critical in the near future.

❖ **Ability To Maintain Site After Initial Treatment**

Seven full time staff is available for planning, coordinating and implementing land stewardship activities on all Conservation 20/20 preserves. As described above, there are funds set aside for the perpetual management of all Conservation 20/20 preserves, including Pop Ash Creek Preserve. Conservation 20/20 staff is currently treating cogon grass (*Imperata cylindrica*) which is limited to several acres in Management unit 6. Conservation 20/20 staff will be able to provide maintenance once the initial melaleuca treatments have occurred.

❖ **Restoration Plan for Native Plants**

Supplemental planting will not be conducted since there is an abundance of native vegetation in the area for natural recruitment.

❖ **Threatened or Endangered Species or Habitats**

The Pop Ash Creek Preserve Land Stewardship Plan describes the ecological significance of the preserve due to the presence of numerous native plant communities that provide habitat for listed species including, herons, egrets, wood storks (*Mycteria americana*), and bald eagles (*Haliaeetus leucocephalus*). There are no known rookeries or bald eagle nests on the preserve

which could be impacted by exotic removal. However, removal of melaleuca will enhance the wetlands for foraging wading birds.

❖ **Public Education Program**

Lee County Parks and Recreation has an established environmental education program. The program's staff incorporates newly acquired preserves into educational programs as these preserves open to the public.

The site is currently open to the public for hiking, horseback riding, fishing, photography and nature study. A public parking area with interpretative signage is planned in 2010.

❖ **Regional Criteria Issues**

With the exception of several dense stands of melaleuca, the majority of Pop Ash Creek Preserve contains young melaleuca. It is especially important to control melaleuca at this stage to keep the communities intact and to keep control costs down. Removal of the mature melaleuca stands will reduce the seed source on the preserve.

The preserve is an important ground water recharge area. Removal of the melaleuca will increase the amount of water available to recharge the groundwater and will enhance much of the native communities found on site.