

~~September 27, 2002 Draft~~

INTERAGENCY AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF NAPLES REGARDING MARINE TURTLE MONITORING ASSOCIATED WITH THE 2003 MAINTENANCE DREDGING OF GORDON PASS

THIS AGREEMENT, is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2003, by and between the City of Naples, hereinafter referred to as "CITY" and the Florida Department of Environmental Protection, an agency of the State of Florida, hereinafter referred to as "DEPARTMENT."

RECITALS:

WHEREAS, the U. S Army Corps of Engineers has received the requisite permits and engaged a contractor to maintenance dredge Gordon Pass; and

WHEREAS, the DEPARTMENT has issued Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization number 0176979-001-JC for the project; and

WHEREAS, CITY is the local sponsor of the project and Specific Condition 5 of the permit requires the Corps of Engineers to coordinate with CITY and DEPARTMENT to ensure agreement that CITY will be responsible for conducting monitoring and beach maintenance activities for protection of nesting marine turtles, their hatchlings and their habitat and, in the event that CITY does not conduct all necessary marine turtle protection and monitoring requirements, the Corps of Engineers is still responsible for those activities; and

WHEREAS, CITY has coordinated marine turtle monitoring tasks with the Collier County Natural Resources Department, the Collier County Public Works Engineering Department, and the Conservancy of Southwest Florida;

NOW, THEREFORE, BASED UPON THE MUTUAL COVENANTS AND PREMISES PROVIDED HEREIN, AND OTHER VALUABLE CONSIDERATION, IT IS MUTUALLY AGREED AS FOLLOWS:

1. SCOPE OF WORK: CITY will be responsible for conducting monitoring and beach maintenance activities for protection of nesting marine turtles, their hatchlings and their habitat and, in the event that CITY does not conduct all necessary marine turtle protection and monitoring requirements, the Corps of Engineers is still responsible for those marine turtle

protection measures specified by the applicable U. S. Fish and Wildlife Service Biological Opinion and the plans and specifications for the project.

~~7.2.~~ NOTICES: All notices from DEPARTMENT shall be in writing and deemed duly served if mailed by registered or certified mail to CITY at the following address:

Jon C. Staiger, Ph.D., Natural Resources Manager  
City of Naples  
735 8th Street South  
Naples, Florida 34102

All notices from CITY to DEPARTMENT shall be in writing and deemed duly served if mailed by registered or certified mail to CITY to:

Mr. Michael Sole, Chief  
Bureau of Beaches and Wetland Resources  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

CITY and DEPARTMENT may change the above mailing addresses at any time upon giving the other party written notification pursuant to this Section.

3. TERMINATION: DEPARTMENT or CITY may cancel this Agreement with or without cause by giving 30 days advance written notice of such termination pursuant to Section 8 and specifying the effective date of termination.

~~13.4.~~ TERM: This agreement shall become effective on \_\_\_\_\_ and shall remain effective until completion of the maintenance-dredging project.

~~14.5.~~ AMENDMENTS: This Agreement may only be amended by mutual agreement of the parties.

~~15.6.~~ This Agreement shall be recorded in the public records of Collier County.

IN WITNESS WHEREOF, CITY and DEPARTMENT have each respectively, by an authorized person or agent, hereunder set their hands and seals on the date and year first above written.

ATTEST: BUREAU OF BEACHES AND WETLAND RESOURCES  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
Michael Sole, Bureau Chief

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Approved as to form and  
Legal sufficiency:

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Office of General Counsel

BY: \_\_\_\_\_  
Bonnie R. MacKenzie, Mayor

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Robert D. Pritt  
City Attorney

CITY OF NAPLES

(Corporate Seal)

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