



# COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 17-D

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DEO TRANSMITTAL, JULY 26, 2017

## I. General Data

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**Project Name:** Port of Palm Beach Master Plan

**Element:** Transportation Element & Coastal Management Element

**Project Manager:** Maria Bello, Senior Planner

**Staff Recommendation:** Staff recommends *approval* based on the findings and conclusions presented in this report.

## II. Item Summary

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**Summary:** This proposed amendment would revise the Transportation and Coastal Management Elements to incorporate by reference Section A, Goals, Objectives and Policies, 2017-2022\_Future Improvements Map, and 2017-2022\_Capital Improvement Program of the Port of Palm Beach Master Plan, which were adopted by the Port of Palm Beach Commission on April 20, 2017.

**Assessment:** This amendment will incorporate by reference the Goals, Objectives, and Policies, Future Improvements Map and the Capital Improvements Program of Port of Palm Beach's Master Plan, as adopted on April 20, 2017, into the County's Comprehensive Plan. There were no inconsistencies identified with policies in the Comprehensive Plan, and no changes to the Unified Land Development Code are anticipated.

### III. Hearing History

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**Local Planning Agency: *Approve***, motion by Michael Peragine, seconded by Marcia Hayden passed in a 11-0 vote at the June 16<sup>th</sup> public hearing. There was minimal discussion and no public comment.

**Board of County Commissioners Transmittal Public Hearing: *Transmit***, motion by Commissioner Berger, seconded by Commissioner Bernard passed in a 7-0 vote at the July 26<sup>th</sup> public hearing. There was minimal board discussion and no public comment.

**State Review Agencies:**

**Board of County Commissioners Adoption Public Hearing:**

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## **IV. Intent**

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The intent of this amendment is to incorporate by reference into the Coastal Management Element and the Transportation Element of the County's Comprehensive Plan, the most recent updates to the Port of Palm Beach Master Plan, adopted by the Port Commission on April 20, 2017. The recently adopted revisions are provided in Exhibit 2.

## **V. Background**

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Florida Statutes require that each deepwater port prepare a strategic plan or comprehensive master plan, and that the "appropriate" local government include the port plan in the Coastal Management Element of the local government's Comprehensive Plan. If both the County and a municipality have responsibility for the area in which the deepwater port lies, the "appropriate" local government is the county. This is the case with the Port of Palm Beach, which lies in both the City of Riviera Beach and the unincorporated County.

The Port's Master Plan has been incorporated by reference in the County's Comprehensive Plan since its adoption in 1989, with updates adopted in Amendment Rounds 97-1, 05-2, 09-1, and 13-1. The Palm Beach County Comprehensive Plan incorporates the adopted portions of the Port Master Plan, which are found in Section A of the Port Master Plan:

- Goals, Objectives and Policies;
- 2017-2022 Future Improvements Map;
- 2017-2022 Capital Improvement Program.

These are incorporated by reference in Goal 4 of the Coastal Management Element of the County's Plan; in addition, the County's ongoing coordination with the Port is referenced in both the Transportation Element and the Intergovernmental Coordination Element.

Per Florida Statutes, "To the extent feasible, the port strategic plan must be consistent with the local comprehensive plans of the units of local government in which the port is located." When Port of Palm Beach Master Plan updates are proposed, the County's Planning Division coordinates a review by County departments, to ensure that the proposed changes are not inconsistent with the goals, objectives and policies of the County's Comprehensive Plan. The County coordinates with the Port regarding any inconsistencies, and also provides comments and suggestions for items not related to Plan consistency. No inconsistencies with the County's Comprehensive Plan were identified in this recent update adopted by the Port.

## **VI. Data and Analysis**

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This section provides background information regarding the proposed amendment, and consistency of the proposed changes with the Comprehensive Plan.

### **A. Proposed Text Amendment**

This amendment proposes to update references to the Port of Palm Beach Master Plan located in the Coastal Management and Transportation Elements of the County's Comprehensive Plan. The updated references will reflect the recent revisions to the Goals, Objectives, and Policies,

Future Improvements Map, and Capital Improvements Program of the Port of Palm Beach's Master Plan, recently adopted by the Port Commission of the Port of Palm Beach.

## **B. Background and Supporting Information**

Port staff have indicated that the recently adopted revisions modify the goals, objectives, and policies to adapt them to the Port's current expectations, and to eliminate redundant or obsolete language, including for completed or changed projects. The revised policies address port planning and operations, as well as transportation, dredging, environmental resources, and Peanut Island. A large majority of the revisions are to make minor grammatical changes and updates, and to generalize policies by removing specific examples. According to Port staff, the recent updates were primarily intended to allow the Port to continue to obtain funds and grants for any needed improvements. Port staff have also indicated that a comprehensive evaluation and update of the Master Plan is anticipated in the next several years, as the current Port Master Plan will be approaching 20 years since its adoption in 2004.

Port staff have indicated that, in addition to the County, the neighboring local governments of Palm Beach Shores, Palm Beach, Riviera Beach, and West Palm Beach were provided the opportunity to review and comment on the revisions to the Port Master Plan, and the Port staff met with the local governments that wished to comment. Additional public comment was provided by several interested parties in the course of the Port Master Plan public hearing process. Letters received from interested parties, as well as response letters from the Port, are provided in Exhibit 3.

## **C. Consistency with the Comprehensive Plan**

Several provisions in the Future Land Use Element (FLUE) of the Comprehensive Plan are applicable to this amendment, and are listed below:

1. **CME Policy 4.1-a:** The County shall coordinate with the Port of Palm Beach and other governmental entities to plan for and to resolve problems and outstanding issues related to transportation, development and land use, emergency management and natural resources management, including the bypassing of sand at the Lake Worth Inlet. The Intergovernmental Coordination Element shall provide the basis for resolution of disputes related to the incorporation of the Port of Palm Beach Master Plan into this Comprehensive Plan, and to resolve several environmental observations and inconsistencies between the Comprehensive Plan and the Port Master Plan, as identified in the Support Documents.

**Staff analysis:** The Port provided the draft revisions to the County for review and comment prior to finalization and adoption, allowing for the identification and resolution of issues. None were identified in the County's review.

2. **CME Policy 4.1-b:** The County shall promote and help ensure the orderly development and use of the Port of Palm Beach through the intergovernmental coordination processes identified in the Intergovernmental Coordination Element and environmental review activities of the Department of Environmental Resources Management.

**Staff analysis:** In addition to the Port's direct coordination with neighboring local governments regarding the Master Plan updates, the County distributed notice of this amendment through the Intergovernmental Plan Amendment Review Committee process. No inquiries were received from any local governments. All County departments were

invited to review the proposed changes, and the Department of Environmental Resources Management, the Parks and Recreation Department, and the Engineering Departments were specifically requested to review the proposed changes. As noted above, no issues of inconsistency with the County's Comprehensive Plan were identified.

3. **CME Policy 4.1-c:** The County shall review future amendments to the Port's Master Plan for consistency with the County's Comprehensive Plan, and will initiate action to amend the Comprehensive Plan to reflect County-approved Master Plan revisions. As required by section 163.3178(5), Florida Statutes, the appropriate dispute resolution process provided under section 186.509, Florida Statutes must be used to reconcile inconsistencies between the Port's Master Plan and the County's Comprehensive Plan.

**Staff analysis:** as noted above, this review was conducted and no inconsistencies were identified.

#### **D. ULDC Implications**

This proposed amendment will not result in subsequent changes to the Unified Land Development Code.

#### **E. Department Review**

County departments were invited to review the proposed changes, and the Department of Environmental Resources Management, the Parks and Recreation Department, and the Engineering Departments were specifically requested to review the proposed changes. As noted above, no issues of inconsistency with the County's Comprehensive Plan were identified.

### **VII. Public and Municipal Review**

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**Intergovernmental Plan Amendment Review Committee (IPARC):** Notification was sent to the County's Intergovernmental Plan Amendment Review Committee (IPARC), a clearing-house for plan amendments, on June 2, 2017. At the time of the printing of this report, no calls or written requests for information or objections to the amendment had been received.

**Other Notice and Comments:** To date, the County has received one phone call and two associated emails regarding the proposed amendment. In addition, several comment letters were received by the Port through its public hearing process. These letters, as well as the Port's letters in response, are provided in Exhibit 3.

### **VIII. Staff Assessments and Conclusions**

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This amendment will incorporate by reference the Goals, Objectives, and Policies, Future Improvements Map and the Capital Improvements Program of Port of Palm Beach's Master Plan, as adopted on April 20, 2017, into the County's Comprehensive Plan. There were no inconsistencies identified with policies in the Comprehensive Plan.

Staff recommends **approval** of this amendment.

## **Attachments**

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Exhibit 1 – Proposed changes in strike out and underline format	E - 1
Exhibit 2 – Port of Palm Beach Master Plan Documents - As Adopted on April 20, 2017	E - 2
Exhibit 3 – Correspondence	E- 21

## Exhibit 1

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### A. **Transportation Element**, Port of Palm Beach Master Plan Update

**REVISIONS:** To revise the date of the Port of Palm Beach Master Plan to reflect the latest revisions. The revisions shown with the added text underlined, and the deleted text ~~struck-out~~.

#### **OBJECTIVE 1.8 Port of Palm Beach**

Palm Beach County has incorporated Section A, Goals, Objectives and Policies, 2017-2022 Future Improvements Map, and 2017-2022 Capital Improvement Program of the Port of Palm Beach Master Plan ~~2012-2022, March 28, 2013~~ adopted April 20, 2017, into the Coastal Management Element of its Comprehensive Plan. The County shall continuously seek to achieve consistency and coordination between the Goals, Objectives and Policies of the Port Master Plan and this Comprehensive Plan.

### B. **Coastal Management Element**, Port of Palm Beach Master Plan Update

**REVISIONS:** To revise the date of the Port of Palm Beach Master Plan to reflect the latest revisions. The revisions shown with the added text underlined, and the deleted text ~~struck-out~~.

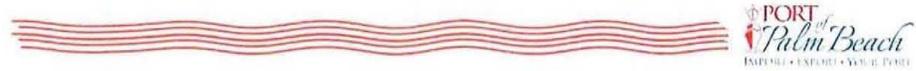
#### **GOAL 4: PORT OF PALM BEACH**

##### **OBJECTIVE 4.1 Port of Palm Beach**

Palm Beach County hereby incorporates Section A, Goals, Objectives and Policies, 2017-2022 Future Improvements Map, and 2017-2022 Capital Improvement Program of the Port of Palm Beach Master Plan ~~2012-2022, March 28, 2013~~ adopted April 20, 2017, into this Element of its Comprehensive Plan. The County shall continuously seek to achieve consistency and coordination between the Goals, Objectives and Policies of the Port Master Plan and this Comprehensive Plan. Palm Beach County shall monitor the implementation of the master plan and adopt any future modification or update to the plan.

## Exhibit 2 – Port of Palm Beach Master Plan

As Adopted April 20, 2017

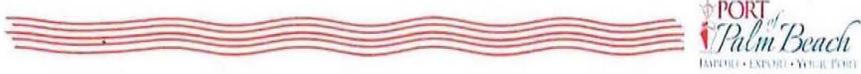


### SECTION A ADOPTED PORTIONS OF THE 2017 PORT OF PALM BEACH MASTER PLAN UPDATE

The following section includes portions of the Plan that are expected to be approved by the Port of Palm Beach Commission and adopted by the Palm Beach County Commission on **APRIL 20, 2017** as part of their Comprehensive Plan.

This section includes:

- A1 Goals, Objectives and Policies
- A2 Future Improvements Map
- A3 5-Year Capital Improvement Program



**A-1 Goals, Objectives and Policies**

The Port of Palm Beach has established the following goals, objectives, and policies to guide development and management of port facilities, as required under Chapter 163, Florida Statute. Per the requirements of Chapter 163.3178 for ports located in more than one jurisdiction, these goals, objectives, and policies are adopted in the Palm Beach County Coastal Management Element and, together with the adopted Capital Plan and the Port's Future Projects Improvements Map, form the Port's growth management strategy for the next five- and ten- year (2022 and 2027) planning periods.

**Goal 1: Port Expansion and Regional Economic Development**

The Port of Palm Beach will provide the region's intermodal link to waterborne commerce through operation, maintenance, and expansion of its deepwater port facilities and continued support of inland intermodal logistics centers, including furtherance of container, bulk, and passenger services, with the goal of facilitating trade, creating and sustaining jobs, providing economic benefits, supporting key industries, and assisting Port tenants in an atmosphere of respect for adjacent communities and sensitive natural resources.

**Objective 1: Port Facility Expansion**

The Port will maintain and expand its facilities as required to fulfill intermodal transportation needs, including purchase and lease of new properties for the movement of people and goods, storage and manufacturing, and facilitation of trade, and the improvement of existing and new properties to maintain and expand cargo and passenger throughput. The Port will remain in compliance with applicable laws, regulations, ordinances, and contractual agreements with neighboring municipalities with regard to the any limits on the Port's future expansion.

**Policy 1.1 Land Acquisition and Leasing Program**

The Port will give priority consideration in its land acquisition and leasing program to properties identified in, and consistent with, this Master Plan and found to be reasonable and economically feasible in meeting demonstrated Port needs.

**Policy 1.2 Policy 1.2 is combined with Policy 6.3 into new Policy 1.8.3 below**

~~The Port will maintain long-term spoil disposal management options on Peanut Island through its continued ownership of the southern portion of the island, and by continuing to support and press for completions of the current United States Corps of Engineers dredged material management study (Policy 1.2 will be combined with Policy 6.3)~~

**Policy 1.8.3 Use of Peanut Island for Disposal Material**

~~The Port will maintain long-term spoil disposal management options on Peanut Island through its continued ownership of the southern portion of the island and~~ The Port will continue to work utilize the United States Army Corps of Engineers USACE-established on the study of the creation of a dredged material management site on the south half of Peanut Island in order to diversify material management options available during emergency or regular maintenance dredging events. The Port will seek alternate uses of this site for receiving and placing materials from non-Port related projects where applicable and appropriate for the Port including coordination with the Florida Inland Navigational District (F.I.N.D.).



## **Objective 2: Coordination of Expansion Plans**

The Port will achieve its future development program in a manner which minimizes potential adverse impacts to adjacent communities, including the City of Riviera Beach, **the City of West Palm Beach, the Town of Palm Beach, Palm Beach Shores, and** Palm Beach County.

### **Policy 2.1 Community Outreach**

The Port will identify major stakeholders potentially impacted by new proposed projects, including Palm Beach County, the City of Riviera Beach, **and** the City of West Palm Beach, **the Town of Palm Beach, Palm Beach Shores,** and **as appropriate** engage them **these communities** in a dialogue about the project, its impacts, and potential project modifications or impact mitigation, during the planning stages of the project. The Port will not consider impact mitigation that is not demonstrably related to the project; further, the Port will consider the costs and benefits of any identified mitigation measures in overall project feasibility.

### **Policy 2.2 Sensitivity to Off-Site Environments**

The Plan **Port** will endeavor to implement improvements to landscaping, screening and entrance signage for existing Port perimeter areas, subject to available funding sources. As the Port considers new development and redevelopment of facilities, it will ensure that buildings are located to reflect off-site relationships, properly designed site improvements are installed and aesthetic compatibility with surrounding properties is considered. A high priority will be given to protecting the living environment of residential neighborhoods abutting Port properties. In the City of Riviera Beach, screening and landscaping will be given the highest priority along the Old Dixie Highway **President Barack Obama Highway** corridor.

### **Policy 2.3 Support of City of Riviera Beach's Community Redevelopment Area Initiatives**

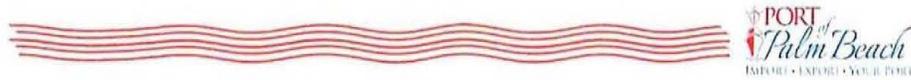
The Port recognizes the Community Redevelopment Area (CRA) in the City of Riviera Beach, which includes the portions of the Port located within the City of Riviera Beach. The Port will strive to support CRA planning efforts, strategies and development, **which that** are consistent with the operation of a thriving Port integrated with a vibrant neighborhood and business district. Coordination will be achieved through regular dialogue with the City of Riviera Beach and **the** CRA.

### **Policy 2.4 Exchange of Master Plan Information with Adjacent Municipalities**

~~Within one year of adoption and approval of~~ **Through** the Master Plan and amendments, the Port will provide relevant Master Plan ~~portions~~ **sections** to adjacent municipalities and coordinate with these municipalities to accommodate necessary future land **use** map and policy changes consistent with the Port Commission-approved Master Plan.

### **Policy 2.5**

~~The Port will provide information on economic development properties at or on the Port and cooperate with all concerned parties in achieving economic development goals of the region as opportunities arise during the regular conduct of business and community outreach. "Joan, is this needed?"~~



### **POLICY 2.65 Marketing Program**

The Port will continue to undertake an effective marketing program which supports the economic development programs of the region.

### **Objective 3: Port Facilities**

The Port will aggressively improve existing facilities and maintain new facilities to ensure that the Port has adequate the security, capacity and operational efficiency needed to accommodate future growth in cargo and passenger services.

### **Policy 3.1 Future Project Types**

The Port will construct ~~and~~ as well as support tenant-user of third-party-funded improvements, including but not limited to, berthing areas, cargo yards, rail and truck routes, gates, terminals, warehouses, utility infrastructures, and inland intermodal logistics centers, necessary to accommodate more efficient use of land and a diverse customer base for future growth. Future types of projects are expected to include the following types of projects:

- Security - Security Access Gates;
- Expansion - Port expansion projects, such as cargo expansion/cargo laydown, passenger terminal, and parking garages and supporting passenger venues/facilities. Projects;
- Redevelopment - Redevelopment and improvements to slips and berthing areas, such as Slip 3 Redevelopment and Slip 2.
- Redevelopment and Enhancement - Property and land improvements bulk/container yard improvements.
- Rail - Rail and switching yard improvements, such as On-Port and Off-Port Intermodal rail Improvement Projects;
- Passenger facility improvements - Including passenger terminal and garages.
- FPL - Power line relocation.
- Federal - Harbor and channel improvements, including Federal Harbor Project and Dredged Material Management studies, processes and projects;
- Transportation - Improvements related to on- and off-port transportation and intermodal projects including development and operation of inland intermodal logistics centers.

Projects at the Port's waterfront complex are shown on the Future Improvements Map. The Port will support inland intermodal logistics centers, ~~will be located at a site yet to be determined within western Palm Beach County communities or counties adjoining Lake Okeechobee and counties adjacent to these counties.~~ The site will utilize rail, highway and inland waterway transportation modes. Project construction is dependent upon coordination activities, permitting, and funding availabilities from federal, state, local and private sources. Projects will be scheduled in the Port's Capital Improvement Plan. To the extent feasible, joint public use agreements should be considered with the adjoining municipalities to enhance efficient land uses.

### **Policy 3.2 Upgrading of Intermodal Facilities**

The Port will work collaborate collaboratively ~~upgrading of~~ with the upgrading of the intermodal facilities, in accordance with or as an enhancement of the Five-Year Transportation Plan and Long Range Transportation Plan of the Palm Beach County Metropolitan Planning

Organization, the Florida Department of Transportation, and the City of Riviera Beach, including:

- a. Widening of SR 710 from two to four lanes between I-95 and Old Dixie Highway, collaborating with the City of Riviera Beach/CRA to minimize adverse community impacts;
- b. Improved connectivity between SR 710 and I-95;
- c. Extension of Tri-Rail along the FEC line (Florida East Coast) and construction of new stations;
- d. Development of Inland Intermodal Logistics Centers, and
- e. Improving connectivity to the Marina District.

**Policy 3.3 Transportation Feasibility Studies**

The Port will support and cooperate in the feasibility studies of the following specific transportation improvements, as well as other improvements identified by the Port Commission as being consistent with this Master Plan:

- a. Off-Port Intermodal Rail Improvements including relocating/shifting of FEC switching facilities to the South to reduce impacts at crossings within the City of Riviera Beach;
  - Improved switching facilities between CSX Railroad and FEC Railroad near the Port.
  - Improved SR 710 connection to I-95.
  - Avenue C connection to 13 Street.
  - Blue Heron Boulevard and US 1 intersection improvements.
  - 45<sup>th</sup> Street and US 1 intersection improvements.
  - Atlantic Commerce Corridor improvement projects, including **associated with the Port of Palm Beach**:
    - FEC Reconstruction of rail line north of 13<sup>th</sup> Street to alleviate SR 710 blockages
    - FEC Expand and rebuild Trailer on Flat Car (TOFC) facilities in Fort Pierce
    - FEC Upgrade tracks to increase train speed in West Palm Beach and Lake Worth through crossing and signal improvements;
    - FEC Potentially close at grade crossings at various locations throughout the corridor within Palm Beach County.
  - Development of inland intermodal logistics centers in western Palm Beach County communities or counties adjoining Lake Okeechobee and counties adjacent to these counties.
  - Redevelopment initiated by the City of Riviera Beach/CRA in its Marina District and in the surrounding Port neighborhoods.
  - Improved connectivity to the Marina District.

**Policy 3.4 Foreign Trade Zone**

The Port will support maintenance and expansion of Foreign Trade Zones 135 within the Port region, so long as the trade zones support the mission of the Port.

**Policy 3.5 Facility Use Diversification**

The Port will promote diversification in the use of the Port its facilities to assure its economic stability.

**Policy 3.6 Cruise and Ferry Passenger Terminals**

The Port will continue to maintain the **competitiveness** of its cruise and ferry passenger terminal facilities **in its niche market**, convenient and as safe as those of other ports.

**Policy 3.7 Compliance with Federal and State Requirements**

The Port will comply with mandated federal and state security requirements, as manifested through its maritime Facility Security Plan (FSP) through construction of capital improvements and operational policies. Improvements include, but are not limited to redevelopment and construction of gates, installation of identification systems, access control, and establishment of restricted access areas.

**Policy 3.8 Regulatory and Management Tools**

The Port will adopt and maintain appropriate regulatory and management tools to mitigate the threat to human life and to control development/ and redevelopment projects to protect residential neighborhoods and the coastal environment, and to give consideration to cumulative impacts.

**Policy 3.9 Cutting-Edge Technology and Services** The Port will endeavor to incorporate developments in maritime shipping technology and business trends into its strategic planning practices and its on-going operations so that the Port continues to be on the cutting edge of maritime services.

**Policy 3.10 Inland Intermodal Logistics Centers** The Port will continue to cooperate with Palm Beach County (and/or adjacent counties as appropriate), the Florida Department of Transportation, the Florida Department of Environmental Protection (South Florida Water Management District where applicable), and the FEC Railroad and CSX Railroads in the development of inland intermodal logistics centers, (a.k.a., Inland Ports) to serve as links to Port of Palm Beach and other Florida Ports to accommodate all transportation modes and to provide off-port staging and storage of cargoes to relieve on-port land area constraints of the limiting capacity of south Florida ports. The Inland Intermodal Logistics Centers will be located in cooperation with County and State agencies to maximize intermodal efficiencies, and with the goal of facilitating trade, creating and sustaining jobs, providing economic benefits, supporting key industries, and assisting Port tenants. The Centers will have adequate land area to support cargo storage, supporting cargo consolidation and repackaging, cargo staging for intermodal transfer, and long term growth.

**Objective 4: Efficiency**

The Port will encourage increased productivity and efficiency of existing land areas, and the production of port-related jobs and economic impact related to the Port through assessment programs of existing tenants and by ensuring that new agreements require factors such as throughput minimums which discourage payment of guarantees in lieu of active port use.

#### **Policy 4.1 Long-Term Tenant Agreements**

In order ~~To~~ prevent underutilization of land, the Port by year-end 2015 will **continue to** review its long-term agreements with existing tenants to determine if these agreements are offering the Port and **the** region substantial and sustained benefits through **the growth of** revenue, throughput, and job creation. The Port will encourage tenants to improve their contributions in all areas through a proactive management system. Future agreements under this policy will consider past performances in excess of contractual minimum guarantees and will have a positive impact on future agreements.

#### **Policy 4.2 New Customer Agreements**

Prior to entering into new customer agreements, the Port will ensure that the agreements **are** offering the Port and region substantial and sustained benefits through revenue, throughput, and job creation.

#### **Objective 5: Harbor Improvements**

The Port will address navigational constraints, including channel width, depth, and configuration, which impact existing and future shipping, either as maintenance events or as authorized expansion activities.

#### **Policy 5.1 United States Army Corps of Engineers Feasibility Studies**

**Previously completed studies by the United States Army Corps of Engineers (USACE) have identified navigational and berthing constraints at the Port and suggested the desirability of potential improvements to allow the Port to serve the fleet of ships likely to call at the Port in the future.** The Port will address **future** shipping and navigation constraints through financial participation with the **USACE in continuing studies**. The purpose of the study **was and will continue** to assess benefits and measure cost impacts associated with each potential improvement, and to determine if there is long-term federal and local interest in constructing the future improvements. Port participation **has will included** coordination with the USACE on avoidance and minimization of impacts (including secondary and cumulative impacts) to wetlands, water quality, wildlife habitat, living marine resources, and beach and dune systems and assistance with coordination of impact assessment and mitigation with regulatory agencies and affected parties, as identified through the study process. The study was initiated year-end 2005, with anticipated study completion by year-end 2014.

#### **Policy 5.2 Environmental Mitigation on Federal Harbor Project**

Through its role as a local sponsor for the federal harbor project, the Port will emphasize the construction of environmental mitigation projects which are consistent with the Palm Beach County Lake Worth Lagoon Management Plan.

#### **Policy 5.3 Channel Expansion and Improvements**

The Port will participate in channel expansions and improvements identified **in any continuing studies if** and **when** approved by the Port Commission.

#### **Policy 5.4 Interagency Meetings Relative to Harbor Improvements**

The Port will **continue to participate in** lead interagency meetings with the **United States Army Corps of Engineers** ~~USACE and Port~~, and, as issues dictate, with Palm Beach County, **the** Town of Palm Beach, **Palm Beach Shores**, the City of Riviera Beach and/or

other affected governments, agencies or parties, to discuss dredged material management, Lake Worth Lagoon enhancement, and potential Port expansion issues.

#### **Objective 6: Dredged Material Management**

The Port will continue to participate in lead a collaborative effort between among affected parties to ensure that preventative maintenance measures are developed and that priorities for placement of dredged materials are established that favor beach placement of material.

#### **Policy 6.1 Placement of Beach-Compatible Sand**

The Port will continue to request the United States Army Corps of Engineers USACE to prioritize placement of dry beach-compatible sand onto Palm Beach Island beaches ~~or at a near-shore disposal site~~, in collaboration with the Port, the Town of Palm Beach, and Palm Beach County.

#### **Policy 6.2 Sand Management Improvement Projects**

The Port will support projects which reduce the need for maintenance dredging and improve sand management at the inlet.

~~**Policy 6.3 Use of Peanut Island for Disposal Material**~~ Combined with Policy 1.2 into new Policy 1.8.3 above.

~~The Port will continue to work with utilize the United States Army Corps of Engineers USACE established on the study of the creation of a dredged material management site on the south half of Peanut Island in order to diversify material management options available during emergency or regular maintenance dredging events. (Policy 1.2 will be combined with Policy 6.3.)~~

#### **Objective 7: Environmental Protection**

~~The Port shall undertake c~~Construction and operation activities by the Port shall be undertaken in a manner which protects the marine environment and associated wildlife habitat by avoiding impacts whenever possible and, when avoidance is not possible, by minimizing impacts and providing appropriate environmental mitigation.

#### **Policy 7.1 Turbidity Control**

Policy 7.1 is combined with Policy 9.3 into new Policy 2.1.1 below

~~The Port will see that Turbidity control by best management practices will be utilized for turbidity control during construction, as necessary, to ensure compliance with water quality standards administrated by the Florida Department of Environmental Protection. (Policy 9.3 will be combined with Policy 7.1)~~

#### **Policy 2.1.1 Turbidity Control**

~~The Port will see that Turbidity control by best management practices will be utilized for turbidity control during construction, as necessary, to ensure compliance with water quality standards administrated by the Florida Department of Environmental Protection and will analyze sediments along wharfs and in slips prior to maintenance dredging, expansion or redevelopment activity to ensure that potential contaminants are identified and managed properly to minimize waterborne suspension turbidity.~~

#### **Policy 7.2 Impact Minimization and Mitigation**

The Port will see that environmental studies identifying protected habitat will be are conducted as appropriate during the planning stage of projects. Impacts to resources (such as corals, seagrasses, etc.) will be avoided if possible; if avoidance is not possible, impacts will be minimized and appropriate mitigation options will be provided. Mitigation will be consistent with the Lake Worth Lagoon Management Plan, as applicable. The Port will utilize construction methods and materials which minimize adverse environmental impacts will be utilized by the Port for all development projects.

**Policy 7.3 Monitoring and Sampling Programs**

The Port will see that monitoring and sampling programs will be are accomplished in compliance with environmental permit conditions for Port development and maintenance activities.

**Policy 7.4 Minimization of Lighting Impacts on Sea Turtles**

The Port of Palm Beach will continue to cooperate with the Palm Beach County's Department of Environmental Resources Management and other appropriate agencies regarding methods to minimize lighting impacts on sea turtles. As the Port implements new lighting projects, this lighting must also will be consistent with the Port's operational, safety and security obligations as the Port implements new lighting projects. The Port will install cut-off fixtures on any new high mast lighting installed and phase the modification of existing lights to have cut-off fixtures/shielding or to be replaced with more direct LED fixtures and pole systems. By July 2013 the Port will provide an implementation schedule for installation of shielding on existing high mast lights.

**Objective 8: Protection of Beaches**

The Port will cooperate with federal, state and local government agencies in multi-jurisdictional programs for proper use and conservation of coastal resources to reduce the impacts of inlet stabilizing structures on beaches and dunes as well as to protect and restore impacted beaches and dunes south of the inlet.

**Policy 8.1 Sand Transfer**

The Port endorses effective maintenance practices and improvements to the inlet and sand transfer plant to bypass transfer sand efficiently and protect adjacent beach areas.

**Policy 8.2 Beach Renourishment**

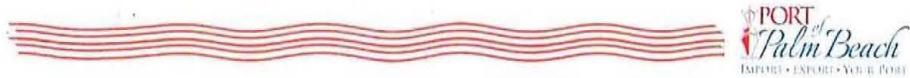
The Port will endeavor to support the use of suitable dredged materials for beach renourishment purposes to the maximum extent feasible, the Port will lead interagency discussions as identified in Objective 6 and its related policies.

**Objective 9: Water Quality**

The Port will manage its facilities, operations, and existing and future development, in a manner which maintains or improves the water quality of Lake Worth Lagoon.

**Policy 9.1 Surface Runoff Treatment**

The Port will maintain or improve surface runoff treatment facilities, as identified and scheduled in its Master Drainage Plan to meet or exceed evolving water quality standards applicable to the Port.



**Policy 9.2 Stormwater Runoff Management**

The Port will manage stormwater runoff originating on Port facilities and closely monitor tenants' compliance with required standards for treatment of stormwater runoff into Port basins.

**Policy 9.3** Combined with Policy 7.1 into new Policy 2.1.1 above

~~The Port will analyze sediments along wharfs and in slips prior to maintenance dredging, expansion or redevelopment activity to ensure that potential contaminants are identified and managed properly to minimize waterborne suspension turbidity. (Policy 9.1 will be combined with Policy 7.1, Turbidity Control.)~~

**Policy 9.4 Adherence to Permit Conditions**

~~The Port~~ Development activities by the Port will adhere to environmental permit conditions and mitigation requirements in its development and operational activities.

**Objective 10: Material Handling and Clean-up**

The Port will ~~minimize~~ encourage the proper handling and storage of hazardous materials and ensure that clean-up procedures are in place to address unintentional spills.

**Policy 10.1 Clean-up Procedures**

The Port will operate its facilities in accordance with the provisions of MARPOL 73/78 and the United States Coast Guard' early action clean-up procedures in order to prevent the discharge of oil into the water and promptly clean up accidental spills.

**Policy 10.2 Spill Response Coordination**

The Port will continue to ensure that there is a coordinated response with all regulatory jurisdictions having authority, including the City of Riviera Beach, if applicable to significant oil spills at the Port of Palm Beach.

**Policy 10.3 Inspection and Review of Hazardous Materials and Plans**

Policy 10.3 is combined with Policy 11.1 into new Policy 3.3.1 below

~~The Port will continue to assign a Safety Officer to inspect and review Port and tenant hazardous materials and plans. The Safety Officer will regularly meet and coordinate with the United States Coast Guard and Florida Department of Environmental Protection regarding hazardous materials issues and potential compliance problem areas. The Safety Officer will maintain emergency evacuation plans and coordinate with the United States Coast Guard and the City of Riviera Beach Fire Department regarding plan implementation. (Policy 10.3 will be combined with Policy 11.1.)~~

**Policy 3.3.1 Hazardous Material Inspection Program**

The Port will continue to assign a Safety Officer to administer its ongoing program for periodic inspection of hazardous material handling and storage facilities, including underground tanks to ensure compliance with applicable federal and state regulations as well as accepted safe practices and to inspect and review Port and tenant hazardous materials and plans The Safety Officer and will regularly meet and coordinate with the United States Coast Guard and Florida Department of Environmental Protection regarding hazardous materials issues and potential compliance problem areas. The Safety Officer will maintain emergency evacuation

plans and coordinate with the United States Coast Guard and the City of Riviera Beach Fire Department regarding plan implementation.

**Objective 11: Hazardous Materials**

The Port will prohibit the improper storage, handling, transporting and disposal of hazardous materials.

**Policy 11.1 Hazardous Material Inspection Program**

Combined with Policy 10.3 into new Policy 3.3.1 above

~~The Port will continue to designate a Safety Officer to administer its ongoing program for periodic inspection of hazardous material handling and storage facilities including underground tanks to ensure compliance with applicable federal and state regulations as well as accepted safe practices. (Policy 10.3 will be combined with Policy 11.1.)~~

**Policy 11.2 Tenant Requirements**

The Port will require tenants to develop and maintain approved plans to assure compliance with Port safety standards for storage, handling, transporting, and disposal of hazardous materials.

**Objective 12: Manatee Protection**

The Port will continue to assist in the protection of manatees in the Port vicinity relating to Port operations, construction, or expansion pursuant to active U.S. Fish and Wildlife Service requirements and other authorities having jurisdiction.

**Policy 12.1 Manatee Protection Plan Process**

The Port of Palm Beach will participate in the Manatee Protection Plan process, as lead led by Palm Beach County. As part of this participation, the Port will determine how best to support education and information systems for Port users and protect manatees from berthing impacts.

**Policy 12.2 Manatee Protection Guidelines**

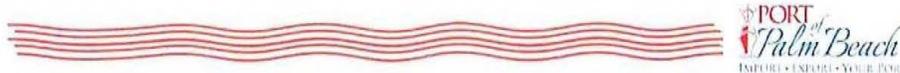
The Port will take necessary measures to ensure that construction activities do not threaten the safety and well-being of manatees, including at a minimum implementing standard manatee protection guidelines.

**Policy 12.3 Manatee-Friendly Fenders**

The Port of Palm Beach will continue to improve all berths so that they have manatee-friendly fenders by maintaining the existing fender system or the rehabilitation efforts and by installing appropriate fenders at unimproved areas, as part of reconstruction.

**Policy 12.4 Manatee Protection Consensus-Building**

The Port will continue to participate in and lead the consensus-building process with key groups and regulatory agencies including and Florida Power & Light, Palm Beach County, the City of Riviera Beach, the City of West Palm Beach, the Town of Palm Beach, and Palm Beach Shores the Florida Department of Environmental Protection, the Florida Fish and Wildlife Commission, and Save the Manatee Club, prior to expansion of dredging or replacement of waterfront structures into waters adjacent to FP&L and to the south of the Port's current boundaries.



**Objective 13: Historic and Archaeological Resources**

The Port will help achieve conservation of historic and archaeological resources.

**Policy 13.1 Historical and Archeological Artifacts**

The Port shall notify the appropriate state and local governmental agencies in the event of ~~discovery~~ of historical and archeological artifacts **are discovered** during the course of dredging and construction activities undertaken by the Port.

**Policy 13.2 Cultural Resource Surveys**

As part of the permitting process, the Port will conduct cultural resource surveys of undisturbed bay bottom areas prior to Port expansion into those areas, as required through project-specific coordination with the Florida State Historic Preservation Officer. The Port will coordinate with the United States Army Corps of Engineers to ensure that such surveys are conducted for expansion of the federal harbor, as required through project specific coordination with the Florida State Historic Preservation Officer.

**Objective 14: Financial Planning**

The Port will schedule and prioritize necessary studies, improvements, acquisitions and leases in its capital **improvement** plan to ensure that adequate revenue sources exist to support studies, improvements and expansions.

**Policy 14.1 Capital Improvement Plan**

The Port will adopt annually a balanced annual budget which includes a five-year capital improvement plan.

**Policy 14.2 Inclusion of Funding Sources in Capital Improvement Plan**

The **Port** capital improvement plan will include funding sources **in its capital improvement plan** for required infrastructure to support funded development and redevelopment.

**Objective 15: Prioritization of Water-Dependent Uses**

As a deepwater port facility, the Port of Palm Beach is a water-dependent facility which must have immediate intermodal access to deep water and to upland modes of transportation. Port uses will be priority uses along the waterfront and will take precedence over other land uses that are not port-related and which have a weaker relationship to the water, or which conflict with port uses due to public safety or security issues.

**Policy 15.1 Water-Dependent Facilities**

**The Port has established** the following land use priorities are established:

- Port facilities as defined by Section 315.02(6) Florida Statutes and,
- Other water-dependent facilities.

Uses which are not port-related or water-dependent are not priority uses for the waterfront area in the port vicinity.



**Policy 15.2 Public Access**

Policy 15.2 is combined with Policy 18.3 into new Policy 3.1.3 below

**The Port shall control** public access and water-oriented recreation activities within the Port and immediate wharf area shall be prohibited in the interest of **so as to ensure** public safety and security.

**Policy 3.1.3 Public Access**

**The Port shall control** public access and water-oriented recreation activities within the Port, and **The** immediate wharf area shall be prohibited in the interest of **so as to ensure** public safety and security.

**Objective 16: Hurricane Plan and Post-Disaster Redevelopment**

The Port will coordinate hurricane planning and evacuation needs with federal and local agencies and will provide for post-disaster recovery redevelopment in the event of a catastrophic event.

**Policy 16.1 Annual Updating of Hurricane Plan**

The Port of Palm Beach will maintain and annually update its hurricane plan in coordination with the United States Coast Guard regarding hurricane preparedness, procedures, and evacuation policies. **The Port will work with tenants to ensure each tenant complies with the requirements of the hurricane plan.**

**Policy 16.2 Post-Disaster Activities**

In the event of damage or disaster, the Port of Palm Beach will **repair**, redevelop, and improve its facilities. The Port will ensure that all new development meets or exceeds applicable coastal construction standards. Further, redevelopment will focus on restoration of maritime activities as a priority redevelopment activity.

**Objective 17: Integration with Transit**

The Port will improve transit options for Port and Port-related employees in the short and long term.

**Policy 17.1 Transit Coordinator**

The Port will continue to assign transit coordination responsibilities to an existing employee. The Port's Transit Coordinator will meet with South Florida Commuter Services and/or similar organizations to assess existing services and determine if additional services, through Palm Tran or others, would be appropriate, and also to determine a method for better education of Port and Port-related employees about transit options. The Port will continue coordination efforts throughout the planning period.

**Policy 17.2 Tri-Rail Station and Other Regional Transit Projects**

The Port will participate in discussions with Palm Beach County and the South Florida Regional Transportation Authority regarding the proposed Tri-Rail station in the City of Riviera Beach as well as other regional transit projects with relevance to the Port or Port-related employees.



**Objective 18: Catalyst for Economic Growth and Development**

The Port of Palm Beach will be a catalyst to for the economic growth and development of Palm Beach County and the State of Florida.

**Policy 18.1 Jurisdictional Standards Compliance**

The Port will be subject to the standards of entities **(including but not limited to Palm Beach County, the City of Riviera Beach, and the Town of Palm Beach)** having jurisdiction within the boundaries of the Port property, located on Lake Worth Harbour bounded by Old Dixie, 40<sup>th</sup> Street, 41<sup>th</sup> Street and 59<sup>th</sup> Street.

**Policy 18.1.1 Infrastructure Adequacy for Demand**

The Port will endeavor to and to the extent required by law, shall ~~to~~ maintain procedures to coordinate with other agencies that are providing services to the port Port to ensure that infrastructure will be available coincident with the demands created by development or redevelopment.

**Policy 18.1.2 Capital Improvement Plan**

The Port shall ~~will~~ maintain a five-year capital improvement program plan (CIP), **update the CIP and CIB each year by dropping the first year and adding a 6<sup>th</sup> sixth year with new or readjusting rescheduled events/projects, and submit the updated CIP to the local government annually.**

and a capital improvements budget (CIB). The CIP is a ranking of proposed capital projects scheduled for a five-year period. The CIB is the budget document showing those projects that are intended to be funded over a five-year period. All projects in the CIB must be in the CIP. A project in the CIP may not necessarily be included in the CIB.

**Policy 18.1.3**

The Port will update the CIP and CIB each year by dropping the first year and adding a 6<sup>th</sup> ~~sixth~~ year with new projects or readjusting scheduled events/projects **and will submit the updated CIP to the local government annually.**

**Policy 18.1.4 Efforts to Secure Grants and Share Expenses**

The Port will continue its efforts to secure grants and/or share expenses with other governmental agencies, **and/or Port tenants, and/or other third-party entities** in developing the Port.

**Policy 18.2 Coordination of Planning Activities**

The Port will endeavor to coordinate planning activities with other governmental agencies **including:**

**Policy 18.2.1**

The Port will endeavor to coordinate Coordination with existing resource protection plans such as resource planning and management plans, aquatic preserve management plans, and estuarine sanctuary plans.

**Policy 18.2.2**

The Port will endeavor to resolve Resolution of any inconsistencies between the local government comprehensive plan (Palm Beach County) and the Port of Palm Beach Master Plan through the dispute resolution process, as provided under Section 186.509, F.S where appropriate.



**Policy 18.2.3**

The Port will endeavor to coordinate **Coordination** with other local governments to ensure adequate sites for water-dependent uses, prevent estuarine pollution, control surface water runoff, protect living marine resources, and reduce exposure to natural hazards.

**Policy 18.2.4**

The Port's Board **Commission** or their Designee shall be responsible for ensuring the effective governmental coordination of matters within the Port and shall coordinate with staff level personnel from Palm Beach County and each municipality within the county as appropriate to discuss matters of mutual concern.

**Policy 18.3** Combined with Policy 15.2 into new Policy 3.1.3 above

~~Consistent with operation, safety, and federal, state and local security requirements, the port shall address the amount of public access to shorelines consistent with the Port's charter.~~

**Objective 19: Hazard Mitigation**

**Objective 19.1 Natural Hazard Mitigation**

The Port shall adopt and implement measures to mitigate hazards.

**Policy 19.1.1 Exposure Reduction Measures**

The Port shall adopt, maintain and implement tariffs, regulations, and programs including building codes, floodplain regulations, beach and dune protection, stormwater management, sanitary sewer, and land use to reduce the exposure of human life and public and private property to natural hazards.

**Policy 19.1.2 Hazard Mitigation Reports**

The Port shall consider and where appropriate incorporate the recommendations of the hazard mitigation annex of the local peacetime emergency plan and applicable existing interagency hazard mitigation reports.



Item 2:

Port of Palm Beach 2017–2022 Master Plan Future Improvements Map

Aerial image © 2016 Google Earth, Earth Point.



- Project 1: FPL Overhead Line Relocation
- Project 2: Container Yard/Bulk Improvement
- Project 3: Berth 17
- Project 4: Cargo Expansion – Cargo Lay-down/Annex Property Development
- Project 5: On-Port Intermodal Rail Improvements
- Project 6: North Wharf Improvements
- Project 7: Passenger Terminal & Garage
- Project 8: Dredged Material Management, Planning & Project Implementation
- Project 9: Cargo Storage on FP&L R/W
- Project 10: Harbor and Channel Improvements
- Project 11: Slip No. 2 Redevelopment & Enhancement
- Project 12: Waterside Cargo Terminal Redevelopment
- Project 13: Western Cargo Terminal Redevelopment
- Project 14: Slip 1 Redevelopment

LEGEND

- Port Boundary
- Project Boundary



Item 3:

Port of Palm Beach 5 year Capital Improvements Program 2017–2022



PORT OF PALM BEACH  
5-YR CAPITAL IMPROVEMENTS PROGRAM  
FY 2017 - 2022

Updated: 29 Mar 16

Project #	Description	Estimated Project Cost	Priority as of March 29, 2017	FY16-17 FY 17	FY17-18 FY 18	FY18-19 FY 19	FY19-20 FY 20	FY20-21 FY 21	FY21-22 FY 22	Cumulative Total Thru FY21-22	Balance after FY22-23	Funding to Date	Unbilled Balance	Funding by
3	Berth 17	\$ 12,200,000.00	1	\$ 11,200,000.00	\$ 1,000,000.00					\$ 12,200,000.00	\$ -	\$ 12,200,000.00		FY21 (FDOT / PFB)
5	On Port Intermodal Rail Improvements	\$ 7,000,000.00	2	\$ 900,000.00				\$ 3,050,000.00	\$ 3,050,000.00	\$ 7,000,000.00	\$ -	\$ 1,000,000.00	\$ 7,000,000.00	FY23 (FDOT / PFB)
6	North Wharf Improvements (Berth 1)	\$ 6,644,000.00	3	\$ 300,000.00	\$ 344,000.00	\$ 4,000,000.00	\$ 2,000,000.00			\$ 6,644,000.00	\$ -	\$ 700,000.00	\$ 6,644,000.00	FY23 (FDOT / PFB) waiting on construction funds
12	Waterside Cargo Terminal Redevelopment	\$ 4,800,000.00	4	\$ 300,000.00	\$ 3,500,000.00	\$ 1,000,000.00				\$ 4,800,000.00	\$ -	\$ 4,800,000.00	\$ 4,800,000.00	FY23 (FDOT / PFB) waiting on construction funds
4	Cargo Expansion - Cargo Laydown / Annex Property Development	\$ 3,000,000.00	5			\$ 1,500,000.00	\$ 1,500,000.00			\$ 3,000,000.00	\$ -	\$ -	\$ 3,000,000.00	
9	Cargo Storage on FPL Right of Way	\$ 2,000,000.00	6					\$ 2,000,000.00		\$ 2,000,000.00	\$ -	\$ -	\$ 2,000,000.00	
1	FPL Overhead Line Relocation	\$ 2,250,000.00	7							\$ -	\$ 2,250,000.00	\$ -	\$ 2,250,000.00	
7	Intermodal Cruise Terminal Transfer Facility	\$ 28,400,000.00	8							\$ -	\$ 28,400,000.00	\$ -	\$ 28,400,000.00	
2	Container Yard / Bulk Improvements	\$ 25,000,000.00	9					\$ 2,500,000.00	\$ 2,500,000.00	\$ 5,000,000.00	\$ 20,000,000.00	\$ -	\$ 25,000,000.00	
13	Western Cargo Terminal Redevelopment	\$ 15,000,000.00	10					\$ 1,000,000.00	\$ 1,250,000.00	\$ 2,250,000.00	\$ 12,750,000.00	\$ -	\$ 15,000,000.00	
14	Slip No. 1 Redevelopment	\$ 25,000,000.00	11							\$ -	\$ 25,000,000.00	\$ -	\$ 25,000,000.00	
11	Slip 2 Redevelopment & Enhancement	\$ 30,000,000.00	12					\$ 1,000,000.00	\$ 1,500,000.00	\$ 2,500,000.00	\$ 27,500,000.00	\$ -	\$ 30,000,000.00	
8	Dredged Matl Mgmt Planning & Implementation	\$ 3,500,000.00	13							\$ -	\$ 3,500,000.00	\$ -	\$ 3,500,000.00	
10	Harbor & Channel Improvements	\$ 10,000,000.00	14							\$ -	\$ 10,000,000.00	\$ -	\$ 10,000,000.00	
<b>Grand Total</b>		<b>\$174,734,000</b>		<b>\$12,700,000</b>	<b>\$4,844,000</b>	<b>\$6,500,000</b>	<b>\$3,500,000</b>	<b>\$7,550,000</b>	<b>\$10,300,000</b>	<b>\$45,334,000</b>	<b>\$125,400,000</b>			

## Exhibit 3 - Correspondence

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**From:** GERALD M. WARD [mailto:wardgm@gate.net]  
**Sent:** Tuesday, April 25, 2017 8:58 AM  
**To:** Maria Bello <MBELLO@pbcgov.org>  
**Cc:** LISA INTERLANDI <lisa@evergladeslaw.org>; KEITH BEATY <kdbeaty@gmail.com>; memsenior <memsenior@aol.com>; cbbwrb@comcast.net; TODD REMMEL <tremmel@surfriderpbc.org>; kunuty <kunuty@bellsouth.net>; TBradford <TBradford@TownofPalmBeach.com>  
**Subject:** Re: FW: Port of Palm Beach Amendment to the Comprehensive Plan

MS BELLO

THANKS FOR YOUR CALL YESTERDAY AFTERNOON RETURNING MY VOICE MAIL OF FRIDAY ADVISING THAT THE PORT GOVERNING BOARD DID ADOPT WHAT THEY WISH TO REFER AS "MASTER PLAN UPDATES" (TO BE INCORPORATED INTO PBC COMPREHENSIVE PLAN AMENDMENTS) ON LAST THURSDAY EARLY EVENING (ALTHOUGH SOMEWHAT CURTLY).

WE DO WISH TO PARTICIPATE IN THE COUNTY PROCESS AND WILL BE SUBMITTING DOCUMENTATION. AS YOU ARE ABLE TO DETERMINE A POTENTIAL SCHEDULE WE WOULD APPRECIATE BEING PLACED UPON A LIST OF CITIZENS TO RECEIVE SUCH. I HAVE INCLUDED ON THIS EMAIL COPY LIST SOME THAT MAYBE INTERESTED FOR THEM TO REPLY TO YOU, SUCH INTEREST

AS WE DISCUSSED THE PORT STAFFING AND THEIR CONSULTANTS HAVE CHANGES. IT IS MY RECOMMENDATION THAT CARL BAKER, PORT OPERATIONS OFFICER BE CONTACTED AT 842-4201 TO DETERMINE THE DESIRED PORT CHAIN OF COMMAND.

THANKS AGAIN FOR YOUR INTEREST.

GERRY WARD,  
GERALD M. WARD, PE  
PO BOX 10441  
RIVIERA BEACH, FLORIDA 33419  
2135 BROADWAY, #5  
RIVIERA BEACH, FLORIDA 33404  
561/863-1215  
[wardgm@gate.net](mailto:wardgm@gate.net)  
1703PPBDMB

## Maria Bello

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**From:** GERALD M. WARD <wardgm@gate.net>  
**Sent:** Sunday, May 14, 2017 8:30 AM  
**To:** memsenior; vmwolve; MARTY MURPHY JR; cbbwrb@comcast.net  
**Cc:** CDCONENG; CDENGINEER; kunuty; mcrosley; JANET ZIMMERMAN; gscambler; Charles Isiminger; KEITH BEATY; LISA INTERLANDI; mbusha; TODD REMMEL; Bryan Davis; Patricia Behn; Stephanie Gregory; Khurshid Mohyuddin; Lorenzo Aghemo; Maria Bello  
**Subject:** Fw: PORT OF PALM BEACH DISTRICT Berth 1 Update Report  
([http://portofpalmbeach.com/AgendaCenter/ViewFile/Agenda/\\_05182017-227?html=true](http://portofpalmbeach.com/AgendaCenter/ViewFile/Agenda/_05182017-227?html=true))

FOLK

LAST PORT OF PALM BEACH BOARD MEETING ON 20 APRIL 2017, I TOTALLY MISSED A STAFF MEMBER KACZWARA IN HER FIRST SENTENCE (T: LINES 23-24, PAGE 29) SAY SHE HAD HANDED OUT A ONE PAGE (TO THE BOARD ONLY) DESCRIBING THE PROCESS **AND RESPONSES CRITIQUES** OF SOLICITING APPARENTLY LONG TERM LEASE FOR USE OF HALF OF THE PASSENGER TERMINAL BERTHING SPACE (BERTH ONE). THE ATTACHED PDF FILE IS THAT DOCUMENT AS WE ADVISED MEM WAS REQUESTED FRIDAY EARLY AFTERNOON.

ONE MORE RE-PLANNING OF THE PORT BY PORT STAFF WITHOUT PROCESS. (APPARENTLY THERE ARE PENDING APPLICATIONS TO THE FDEP/CORPS PROVIDING FOR THREE DRYDOCKS PERPENDICULAR TO THE WHARF FOR BERTH ONE EXTENDING TO THE WEST LINE OF FIND'S RIGHTS-OF-WAY.) CURRENTLY, THE PASSENGER TERMINAL BERTHING IS ONLY TWENTY FIVE PERCENT USED BY THE FERRY (GRAND CELEBRATION) TO FREEPORT. THE DOCUMENT INDICATES ONLY ONE OF THE TWO PROPOSALS RECEIVED COMPLIED WITH THE RFP.

IN AS MUCH AS LAST MONTHS AGENDA AND THIS MONTH'S (MAY) ARE ALSO DEALING IN DEMOLITION OF THE MARITIME OFFICE BUILDING (MOB) AND SOME UNKNOWN ADJACENT SURFACE VEHICLE PARKING AND USE OF BERTH ONE BY INDUSTRIAL ACTIVITIES ON A LONG TERM, THE PORT HAS NOT HAD ANY PUBLIC PLANNING OF VEHICLE PARKING FOR THESE ACTIVITIES. (THERE HAS BEEN IN THE LAST COUPLE OF MONTHS FURTHER REVISIONS TO THE APPLIED FOR USES OF FDOT'S STATE ROAD 710 CONNECTOR RIGHTS-OF-WAY FROM US1/SR5 TO PRESIDENT OBAMA HIGHWAY (COUNTY ROAD THENCE NORTH) TO EXISTING STATE ROAD 710 BEING UNDER RECONSTRUCTION BY FDOT. CURIOLUSLY, RIVIERA BEACH CDEC'S "CURRENT SITE PLAN APPLICATIONS" WEB PAGE CONTINUES TO OMIT THOSE APPLICATIONS: <http://www.rivierabch.com/content/24507/24555/32907.aspx>) THE RECENT REVISIONS MAKE MORE CLEAR THAT THE TEMPORARY USE OF THE RIGHTS-OF-WAY CAN BE USED FOR PRIVATE VEHICLES APPARENTLY BEING SHUTTLED FROM THE FERRIES USING WHAT ARE THE SLIPS ON THE SOUTH AND EAST SIDE OF THE PORT OFFICE BUILDING AND PASSENGER TERMINAL. NO TRAFFIC STUDY SEEMS TO BE AVAILABLE TO SUPPORT HIGH PEAK HOUR SHUTTLE OPERATIONS IN A COUPLE OF BLOCKS FOR UNLOADING AND THEN LOADING THE FERRIES. (FURTHER, TRAFFIC STUDIES ARE NOT ADDRESSING TRUCK RESTRICTIONS ON THE 13TH STREET BUILT BY THE PORT/COUNTY FOR THE CITY WHICH RESULTS IN TRUCK TRAFFIC FOR SR 710 BEING DIVERTED TO BLUE HERON BOULEVARD (SR 708).)

FLORIDA INLAND NAVIGATION DISTRICT NEEDS TO ADDRESS THE DRY DOCK CONCEPTS FOR NAVIGATIONAL IMPACTS TO ITS INTRACOASTAL WATERWAY CHANNEL AND FDEP NEEDS TO ADDRESS THE HYDROGRAPHIC IMPACTS OF LONG TERM VESSEL STORAGE IN A TIDAL CURRENT DEMONSTRATED SAND MOVEMENT AREA. ALL OF THESE (AND MORE) PROJECTS ARE PART OF THE PORT'S SO-CALLED "COMPREHENSIVE PLAN UPDATE" ADOPTED BY THE PORT BOARD AT THEIR APRIL MEETING (20 APRIL 2017) AND SUBMITTED TO **PALM BEACH PLANNING DEPARTMENT** ON 28 APRIL 2017.

GERRY  
1703PPBDBERTH1

## PORT OF PALM BEACH

### BERTH 1

#### UPDATE REPORT

April 18, 2017

- RFP was advertised throughout many publication segments, through both copy and electronic means (e-blasts and e-newsletters). The exact distribution, views/readership cannot be determined in every case.
- Newspaper distribution: Palm Beach Post, Sun Sentinel (Palm Beach Edition), Sun Sentinel (Broward Edition), Miami Herald, Tampa Tribune
- Industry distribution: Port tenants, users and companies, American Association of Port Authorities, PBC Marine Industries Association and other marine companies
- Government based distribution: US Coast Guard, Lockheed Martin, Autec, Pratt Whitney
- Cruise distribution: Cruise Industry News, Baleria, Viking Princess, Circle Line, Creative Cruise Projects Inc.
- Marine/Shipyard distribution: Rybovich, Viking Marine, BAE Shipyard, Billfish Marine, Bradford Marine, Broward Shipyard, 1 Performance Marine

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#### DISTRIBUTION

- (14) email inquiries with follow-up reply phone calls and emails
- (3) requests for tours of berth
- Largest distribution with stats – Over 1.8 million in distribution:
  - America Journal of Transportation – 874,273 impressions/631 clicks
  - S FL Business & Wealth – 707,000 distribution
  - Maritime Executive – 104,189 email blasts received/3658 clicks
  - Cruise Industry News – 28,286 viewers/4592 clicks
  - AAPA – 320 viewers received
  - Port tenants/users/companies – 320 viewers received

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#### RESULTS

- (1) Letter of Proposal. RFP Submittal requirements format and information are not fully met. The minimum term requirement of 5-years is not met.
- (1) Formal Proposal. RFP Submittal requirements appear to be included. Complex proposal - requires financial and operational review.

**Port Management will provide a recommendation at your May 2017 Board meeting.**

**The following comment letters were sent to the Port of Palm Beach at the time of the adoption of their Master Plan and the final three letters are Port's response to these comments letters:**

**Peggy Gandiaga**

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**From:** Lisa Interlandi <lisa@evergladeslaw.org>  
**Sent:** Thursday, December 15, 2016 11:08 AM  
**Subject:** master plan

Good morning gentlemen,

I've had a chance to review the proposed master plan update and had a couple questions and thoughts.

The Master Plan Future Improvements Map references "Project 10", the description for which reads as very out of date (referencing the Feasibility Study as something that should be done in the future) and is concerning with reference to channel deepening, blasting, etc. There is no specific description of any project, just vague references to potential expansion and the impacts thereof. This section should be rewritten to accurately describe the project (if any) that the Port is proposing to undertake in the next 5 years (2017-2022). As written, it is not at all clear what is being proposed within "Project 10".

It also seems that the description of the Feasibility Study and other policies within Objective 5 should be updated to more accurately reflect the Port's current position on this issue, such as the Port's desire to maintain existing authorized channel depths, rather than seek the deepening and major expansion described in the Study.

One other point that I raised at the public workshop - in the document, anywhere it says "The Port will see that . . ." should be replaced with "The Port will ensure that . . .". See new Policy 2.1.1, Policy 7.2, Policy 7.3, etc.

I am also interested in the Port's proposed timeline on this and would encourage a thoughtful and thorough approach. This is 5 year planning document that is intended to address all major issues for the Port from 2017-2022. It is important that it accurately reflect the Port's current intentions, as far as proposed expansions and otherwise, for the planning period. I hope that the Port will continue to take its time and refine this document while providing additional opportunities for public input going forward.

Thank you,

Lisa

-----  
Lisa Interlandi  
Everglades Law Center  
561-310-2772  
[www.evergladeslaw.org](http://www.evergladeslaw.org)

**GERALD M. WARD, P.E.**  
*Consulting Engineer*  
*Coastal - Environmental*  
P.O. Box 10441  
Riviera Beach, Florida 33419  
561/863-1215  
[wardgm@gate.net](mailto:wardgm@gate.net)

Office Location:  
2135 Broadway, #5  
Riviera Beach, Florida 33404

VIA EMAIL & Signed Copy Later  
VIA HAND DELIVERY

8 December 2016

MEMORANDUM:

TO: Peggy S. Gandiaga, Director of Commission Affairs/District Clerk  
Port of Palm Beach District

FM: Gerry Ward

RE: COMPREHENSIVE PLAN 2017/2018 UPDATE  
PORT OF PALM BEACH DISTRICT

Given the minimal public notices of this subject the prime representative of the Port's adjacent north business has been out-of-town unavailable since the PUBLIC HEARING which started at 0930 on 29 November 2016! Martin E. Murphy of JAMCO, INC. (Cracker Boy Boat Works) has asked me to relay some of his and my own comments to you for the Board's Agenda for their consideration supplementing my comments at the PUBLIC HEARING. I will as my normal practice also relay many comments verbally for the Port's agenda item(s) next week, however, some of the serious issues are presented herewith for incorporation into the Comprehensive Plan Update:

As usual when government attempts to limit required "planning" efforts the result is conflicts with the public over timeliness and content. The Port of Palm Beach District initiated in the early 1970s substantial "visionary" planning during the same era that Palm Beach County accomplished its first "comprehensive plan" (1972). Administrative management moved on and the Port fell into a sorted history of planning until to date. The end of last century (mid 1990s) produced expensive landside projects which have yet to be completed as then agreed by the Port. Most notable is the failure to reconnect State Road 710 from State Road 5 (United States Highway One) Broadway to now Barack Obama Highway and State Road 710 to the west to Okeechobee City.

Regardless of the mis-guided attempts of Port administrative and consulting staff to attempt to restrict or limit future planning concepts for this next five years of what should be **the** Port planning. The public expects the Port to include new (or old) concepts and proceed to evaluate comprehensive planning as orders to the Staff.

Page 2

RE: COMPREHENSIVE PLAN 2017/2018 UPDATE  
PORT OF PALM BEACH DISTRICT  
8 December 2016

At the poorly noticed and attended 29 November 2016 PUBLIC HEARING we and an equally unprepared Everglades Law Center legal representing the Sierra Club, Florida Wildlife Federation, Save Our Inlet Coalition and other groups that have an interest in the expansion and protection of the inlet area did have an hour and ¾ of discussion with staff and now a good transcript of the proceeding. That transcript should be used to supplement the listings below of changes, deletions and additions to the staff and consultant draft languages.

As stated earlier, the lead-off was the PURPOSE which seems to be somewhat limiting in the minds of staff and the consultant that was present. Most importantly what is totally missing is the dollar projections of the Capital Improvement Program! Since staff discussions on the Capital Improvement Program were reported only to resume this month, the schedule of the Comprehensive Plan Update needs to be revised and go forward only after the public has had at least two more PUBLIC HEARINGS on such. Given the holidays and responsible notice to the public it seems January is an optimistic start on the stated most important PURPOSE of this work. (Objective 14 and Policy 18.1.2)

**Issues to be addressed:**

- 1) The PORTS' Civil Works Project must be modified! (Goal 1, Objective 1, Objective 5) **ADD:** "Within six months the PORT shall initiate a request to "ALTER THE US ARMY CIVIL WORKS PROJECT" (EC 1165-2-216) or determine that a request be made in the same timeframe to the US Congress to modify their latest Act authorizing such."

**2) FUTURE IMPROVEMENTS PLAN:**

Project 6. – North Wharf Improvements Converts unlisted Project 15 on PREVIOUS PLAN from a trapezoid shape to a rectangle without discussions with the Florida Inland Navigation District or any justifications (other than it is not triangular anymore!). Until justifications and discussions occur **DELETE.**

Project 8 – DMM (Peanut Island) Needs to be specific as to reuse of the DMM and conversion of much of the PORT owned area to a usable slip for flowable product. More importantly, given the lack of coordination with the Florida Inland Navigation District (FIND) specific languages needs to be included to require close documented coordination with FIND. **ADD in Policy 1.8.3 after USACE:** "...and Florida Inland Navigation District (FIND)" and at the end "Joint DDM usage shall be studied in addition to PORT commerce uses within two years."

Page 3

RE: COMPREHENSIVE PLAN 2017/2018 UPDATE  
PORT OF PALM BEACH DISTRICT  
8 December 2016

**Issues to be addressed (continued):**

Project 10 – Harbor and Channel Improvements makes modifications to the Intracoastal Waterway area south of the Turning Basin without justifications. Most importantly the depiction does not continue future joint use of FPL potential straightline wharfage, **RECONFIGURE**.

Project 10 –Harbor and Channel Improvements Map shall be extended to entire Inlet **DEPICTION to be expanded:** About Page 15 of the Transcript of the 29 December 2016 PUBLIC HEARING consultant and administrative staff refused to speak to the issues of the current Federal Project for Harbor expansion (widening & deepening issues). Without question a flawed FEIS and Feasibility process by the Jacksonville District has resulted in issues that will restrict PORT improvements until revised. This Comprehensive Plan process will provide the “vehicle” that will substantially impede PORT progress into the next decade unless addressed.

Project 11 –Slip No. 2 Redevelopment & Enhancement is unclear as to directions to staff to include the increase in shallow draft (5 meters depth) waterfront berthing expansion to Project 13 as part of the 1990s justification of the SKYPASS. **DEPICT as “cloud” or “arrows” an ADD in Policy 3.1:** “Slip No. 2 Expansion to Project 13 as depicted on the FUTURE IMPROVEMENTS PLAN shall be planned and permitting initiated as long term permits, to be completed prior to next Comprehensive Plan Update.”

Section 4.5 – Project Descriptions were not provided in the 29 November 2016 PUBLIC HEARING packet. When do they become available??? Delay any further proceeding with Palm Beach County until after 60 days from the list availability.

Objective 1 – Port Facility Expansion: REVERT CHANGE: to “any”!  
The current wording is in accord with the Interlocal Agreement with the City of Riviera Beach.

Objective 2 and Policy 2.1/12.4 – REORDER: the towns of Palm Beach and Palm Beach Shores to follow the City of West Palm Beach.. The most adversely affected municipalities should get first attention by the lower level PORT government.

Policy 2.3 Transportation Studies: **ADD:** “Reconnection of State Road 5 to State Road 710 to complete the PORTs agreement(s) as part of SKYPASS.”

Policy 3.4 – Foreign Trade Zones: Explain the deletion of qualifying language? Or **RETAIN.**  
Page 4

RE: COMPREHENSIVE PLAN 2017/2018 UPDATE  
PORT OF PALM BEACH DISTRICT  
8 December 2016

**Issues to be addressed (continued):**

Policy 5.1 – United State Army Corps of Engineers Feasibility Study: is now most probably an obsolete policy. As our lead-in of Issues requires, substantial revision is required.

Policy 5.4—Interagency Meetings Relative to Harbor Improvements: **RETAIN** the word “lead”! The Corps is the PORT’s Contractor for the Civil Works Project! You hire them and you supervise them! Read the Civil Works Act!

Policy 9.2 -Stormwater Runoff Management: **STRIKE** “originating on Port facilities”! Or revise with additional languages to address upstream discharges mandated by law or agreement!

Policy 9.4—Adherence to Permit Conditions (poor terminology!): **ADD** words “and operating” after the word development.

Objective 10—Material Handling and Cleanup: **REVERT** to original language.

Objective 12—Manatee Protection: All subject to Striking, if USFWS acts in near future prior to the adoption process completion.

Not sure where this should be, however, the Port’s Operating structure needs revision. Progress has been made in the last year or so about supervising the maintenance of the navigation channel and turning basin. Continued revisions need to be made to assure that existing laws are followed and implemented for Harbor Safety, Navigation Maintenance and Waterway Development projects. Existing navigation can be enhanced by Port supervision of and mandating operational control.

The above are just part of the changes required. As the 29 November 2016 PUBLIC HEARING discussed the process has not had good public involvement, so the obvious necessity for delay in a January 2017 submittal date will have to occur.

/s/ Gerry Ward /s/

8336PPBDMASMASTERPLAN1 Gerald M. Ward, P.E.  
CC: JAMCO, INC. Attn: Martin E. Murphy  
Palm Beach County Planning Zoning & Building Department Planning Division:  
Attn: Lisa Amara, Senior Planner (Interim POC “PPBD Update”)  
City of Riviera Beach Electeds and Staff



January 18, 2017

Dear Chairman Ciklin and Port of Palm Beach Commissioners,

Thank you for accepting our input on the Port of Palm Beach's Master Plan update.

We understand that the Port Commission has elected to modify the existing plan which was last updated in 2012, rather than a complete update. Therefore, our comments here will primarily address the proposed plan modifications.

Never the less, we believe this modification process, while it may legally satisfy the State and County requirements for planning, is woefully inadequate as it relates to managing the Ports activities over the next five years. The Port Commission is obligated to direct the strategies, port activities and staff activities from a fully informed and up to date position.

The 2012 plan was based on market data through the year 2010. The significant global, state, and regional changes in both economic and market conditions since 2010 make this data obsolete. In addition, the completed and impending changes, expansions, and strategic plans that have occurred at other ports serving the South East Florida market are significant and must be factored into the Port of Palm Beach's competitive position. Since current Port capital improvements call for spending over \$128 million, much of which would come from taxpayer funds, we believe a complete update to the plan is required.

Comments are specifically directed to areas where additional information is needed or changes should be made.

**Comments on Port 5yr Plan Update:**

Based on [Master Plan Update – Public Meeting 2 – Handout](#).

Under Old Business Item G-1 for the Dec. 8, 2016 Port Commission meeting, the Ports Executive Director states "The purpose of a Master Plan Update is to assist the port in maintaining an up to date projection of project needs and capital improvements ....". This supports the case for a thorough review of the economic and competitive environments. Port Commissioners cannot cast a fully informed vote on this update without understanding what activities the Port needs to pursue to be successful in the markets served.

**Objective 2:**

Adding the Town of Palm Beach and Palm Beach Shores to Objective 2 is fully supported and an important change to the plan.

Objective 2 notwithstanding, the communities surrounding the Port should be consulted on significant operational matters, not only consulted as it relates to a future development projects. Guidelines should be established to determine what operational decisions should be discussed with surrounding communities.

**Objective 3: (and others)**

Emphasis is continually given to accommodating future growth as if such accommodation is unlimited. The restrictions to growth that are caused by the small geographic area controlled by the Port and the close proximity to surrounding residential and commercial neighborhoods should be specifically recognized and incorporated into the Port's planning process.

The Port should strive to keep vessel size and Port tenant operations within limits compatible with surrounding communities and the residential and commercial neighborhoods.

Maintenance dredging which is needed to maintain existing service levels should be specifically addressed as part of any operational plan. A detailed plan for determining when such dredging is needed, how it can be scheduled, who will perform the dredging, how it will be monitored by the Port, and how it will be funded should be developed.

**Objective 4  
Policy 4.2**

The Port should have defined and specific goals for the types of customers or tenants. In addition to those enumerated in the Plan, criteria for evaluating customers should include financial strength, environmental impacts including light and noise, and compatibility of operations with surrounding communities and businesses.

**Objective 5: Harbor Improvements**

This section should be modified to include the Port's and the community's current position on the USACE inlet expansion project. In addition, the feasibility study referred to was flawed in its analysis, particularly the economic impacts, and is now outdated.

**Section 4.5 Project Descriptions.  
Project 10, Harbor and Channel Improvements**

This section should be modified to reflect realistic expectations for the Port's continued operations with the limited land available and the limits on vessel size caused by physical constraints.

The description for this project seems to be very out of date and should be corrected. It references the USACE Feasibility Study on inlet expansion but there is not specific description. This section should be rewritten to accurately describe the project as it is currently being proposed and to reflect the Port's current position on the feasibility study for inlet and turning basin expansion.

**Project 11: Slip 2 Redevelopment and Enhancement (and other sections on Slip Redevelopment)**

This project and several others refer to increasing slip length to add berth space to accommodate longer and wider slips. Port customers, surrounding communities, political representatives, the marine and recreational industry, and environmental interests have all indicated there is no support for the Ports proposed inlet and turning basin expansion presented in the USACE Feasibility Study. This led to the Port's decision not to pursue the expansion project. The Plan should recognize that all slip Redevelopment and Enhancement should be designed based on the vessel size limitations that the current inlet and turning basin configurations require.

The comments provided here are specifically directed at the proposed Update documents the Port provided to the public. We request that each of them be given serious consideration and welcome any feedback or questions you may wish to discuss.

Sincerely yours,



Keith D. Beaty  
President

cc. Manuel Almira



**Board of Commissioners**

Blair J. Ciklin  
Jean L. Enright  
Peyton W. McArthur  
Wayne M. Richards  
Katherine M. Waldron

**Executive Director**  
Manuel Almira, PPM®

April 19, 2017

Lisa Interlandi  
Everglades Law Center  
378 Northlake Blvd, #105,  
North Palm Beach, FL 33408

Ms. Interlandi,

We are in receipt of your email dated December 15, 2016 which provided comments regarding the Port of Palm Beach Master Plan Update. After a series of staff and internal meetings reviewing your comments, other stakeholder's and community member's correspondence, we offer the following responses and / or comments. Please note that we have numbered your statements and comments in the order in which they appear in your letter, followed by our response.

**Interlandi - Comment 1:** The Master Plan Future Improvements Map references "Project 10", the description for which reads as very out of date (referencing the Feasibility Study as something that should be done in the future) and is concerning with reference to channel deepening, blasting, etc. There is no specific description of any project, just vague references to potential expansion and the impacts thereof. This section should be rewritten to accurately describe the project (if any) that the Port is proposing to undertake in the next 5 years (2017-2022). As written, it is not clear what is being proposed with "Project 10".

**Response 1:** The "Project 10" description has been updated since November and rewritten to be more current, but was left purposely indefinite to give the Port flexibility and options. The feasibility study was a study and not an approval project. Please note there is an extensive permitting process for each project before it actually is built. All projects must go through public meetings, environmental reviews and substantial mitigation efforts to be approved at all levels. The public and communities will have a say in the process, regardless of whether projects are in the Port's Master Plan or not.

**Interlandi - Comment 2:** It also seems that the description of the Feasibility Study and other policies within Objective 5 should be updated to more accurately reflect the Port's current position on this issue, such as the Port's desire to maintain existing authorized channel depths, rather than seek the deepening and major expansion described in the Study.

**Response 2:** This Objective's description has been updated and rewritten to be more current but was left purposely indefinite to give the Port flexibility and options.

**Interlandi - Comment 3:** One other point that I raised at the public workshop – in the document, anywhere it says “The Port will see that . . .” should be replaced with “The Port will ensure that . . .”. See new Policy 2.1.1, Policy 7.2, Policy 7.3, etc.

**Response 3:** Noted. We elected to leave language as is.

**Interlandi - Comment 4:** I am also interested in the Port’s proposed timeline on this and would encourage a thoughtful and thorough approach. This is 5 year planning document that is intended to address all major issues for the Port from 2017-2022. It is important that it accurately reflect the Port’s current intentions, as far as proposed expansions and otherwise, for the planning period. I hope that the Port will continue to takes its time and refine this document while providing additional opportunities for public input going forward.

**Response 4:** The Port has one major capital project underway and another in planning (Berth 1). These two projects are needed to complete the Port's waterfront update / replacement. The large capital expenditures over the past decade have left the Port with bonds and debt that need to be reduced. As a result, no major projects are planned beyond those reflected in the capital projects list. The Port plans to implement a new, more detailed master planning process in 2020-2021 after a slow period of construction and spending.

We appreciate your input and hope that our responses help clarify the Port’s position and the Port’s commitment to grow the Port and the Community all while minimizing environmental impacts and capital.

Should you have any questions or require any additional information, please don’t hesitate to contact me.

Regards,



Manuel Almira  
Executive Director



**Board of Commissioners**

Blair J. Ciklin  
Jean L. Enright  
Peyton W. McArthur  
Wayne M. Richards  
Katherine M. Waldron

**Executive Director**

Manuel Almira, PPM®

April 18, 2017

Gerald M. Ward, P.E.  
PO Box 10441  
Riviera Beach, FL 33419

Mr. Ward,

We are in receipt of your letter dated December 8, 2016 with provided comments regarding the Port of Palm Beach Master Plan Update. After a series of staff and internal meetings reviewing your comments, other stakeholder's and community member's correspondence, we offer the following responses and / or comments. Please note that we have numbered your statements and comments in the order in which they appear in your letter, followed by our response.

**Ward - Comment 1:** As usual when government attempts to limit required "planning" efforts the result is conflicts with the public over timeliness and content.....Administrative management moved on and the Port fell into a sorted history of planning until to date. The end of last century (mid 1990s) produced expensive landside projects which have yet to be completed as then agreed by the Port. Most notable is the failure to reconnect State Road 710 from State Road 5 (United States Highway One) Broadway to now Barack Obama Highway and State Road 710 to the west to Okeechobee City.

**Response 1:** The SR 710 connector was ruled by the FDOT, the MPO and FEC to be financially infeasible for many factors. These are all outside of the Port's control and its removal does not impact the Port's current operations. We recognize your opinion that the Port has a responsibility to complete this project. In the short term, and even in the mid-range years to come, the Port does not have a need for this roadway but is not opposed to it. The Port will continue to support the transportation leadership, both at the state level and locally, to assist in necessary road plans and expansions in the areas surrounding the Port, including SR5 / SR710 extension.

**Ward - Comment 2:** The public expects the Port to include new (or old) concepts and proceed to evaluate comprehensive planning as orders to the Staff.

**Response 2:** Noted. These can be reviewed and considered in a future clean slate Master.

**Ward - Comment 3:** At the poorly noticed and attended 29 November 2016 PUBLIC HEARING we an equally unprepared Everglades Law Center legal representing the Sierra Club, Florida Wildlife Federation, Save Our Inlet Coalition and other groups that have an interest in the expansion and protection of the inlet area did have an hour and ¾ of discussion with staff and now a good transcript of the proceeding. That transcript should be used to supplement the listings below of changes, deletions and additions to the staff and consultant draft languages.

**Response 3:** Noted.

**Ward - Comment 4:** The PORTS' Civil Works Project must be modified! (Goal 1, Objective 1, Objective 5)  
**ADD:** "Within six months the PORT shall initiate a request to "ALTER THE US ARMY CIVIL WORKS PROJECT" (EC 1165-2-216) or determine that a request be made in the same timeframe to the US Congress to modify their latest Act authorizing such."

**Response 4:** The Port will take this under advisement and address these matters with the ACOE and other regulators in the near future.

**Ward - Comment 5: Project 6: North Wharf Improvements:** Converts unlisted Project 15 on PREVIOUS PLAN from a trapezoid shape to a rectangle without discussions with the Florida Inland Navigation District or any justifications (other than it is not triangular anymore!). Until justifications and discussions occur **DELETE**.

**Response 5:** The project description clearly gives the Port flexibility to dredge the area, add structures and replace any aging bulkhead. The Port needs to keep the flexibility to maintain its operations and to adapt to new and current business opportunities.

**Ward - Comment 6: Project 8. DMM (Peanut Island):** Needs to be specific as to reuse of the DMM and conversion of much of the PORT owned area to a usable slip for flowable product. More importantly, given the lack of coordination with the Florida Inland Navigation District (FIND) specific languages needs to be included to require close documented coordination with FIND . . . .

**Response 6:** Material placement is addressed partially in Policy 6.1 and 1.8.3. Expanded language has been added to address your comment.

**Ward - Comment 7: Project 10: Harbor and Channel Improvements:** Makes modifications to Intracoastal Waterway area south of the Turning Basin without justifications. Most importantly the depiction does not continue future joint use of FPL potential straightline wharfage, **RECONFIGURE**.

**Response 7:** This project will be reconsidered in the next clean slate Master Plan planned for the 2020 time frame. It was removed in 2012 due to property ownership issues, the expansion of the FPL power plant and the other potential leasing constraints in that area.

**Ward - Comment 8: Project 10. Harbor and Channel Improvements:** Map shall be extended to entire Inlet **DEPICTION to be expanded:** About Page 15 of the Transcript of the 29 December 2016 PUBLIC HEARING consultant and administrative staff refused to speak to the issues of the current Federal Project for Harbor expansion (widening & deepening issues). Without question a flawed FEIS and Feasibility process by the Jacksonville District has resulted in issues that will restrict PORT improvements until revised. This Comprehensive Plan process will provide the "vehicle" that will substantially impede PORT progress into the next decade unless addressed.

**Response 8:** The project description mentions the channel and defines it to the Atlantic Ocean. This project description has been updated and rewritten to be more current, but was left purposely indefinite to give the Port flexibility and options. The feasibility study was a study and not an approval. Please note there is an extensive permitting process for each project. They must all go through public meetings, environmental reviews and substantial mitigation efforts to be approved at all levels. The public and communities will have a say in the process, regardless of whether projects are in the Port's Master Plan or not.

**Ward - Comment 9: Project 11. Slip No. 2 Redevelopment & Enhancement:** It is unclear as to directions to staff to include the increase in shallow draft (5 meters depth) waterfront berthing expansion to Project 13 as part of the 1990s justification of the SKYPASS. **DEPICT as "cloud" or "arrows" and ADD in Policy 3.1:** "Slip No. 2 Expansion to Project 13 as depicted on the FUTURE IMPROVEMENTS PLAN shall be planned and permitting initiated as long term permits, to be completed prior to next Comprehensive Plan Update."

**Response 9:** Noted. As long-term leases expire and land constraints become more significant, this type of more extreme project will be considered in the next clean slate Master Plan planned for the 2020 time frame.

Also, 3.1 already addresses Slip No. 2.

**Ward - Comment 10: Section 4.5 – Project Descriptions:** were not provided in the 29 November 2016 PUBLIC HEARING packet. When do they become available??? Delay any further proceeding with Palm Beach County until after 60 days from the list availability.

**Response 10:** The Port posted the handout packets within the required notice period.

**Ward - Comment 11: Objective 1 – Port Facility Expansion:** REVERT CHANGE: to "any"! The current wording is in accord with the Interlocal Agreement with the City of Riviera.

**Response 11:** The use of the word "any" makes it stricter and requires the Port to comply with "any" limits not just "the" limits. "The" limits - is undefined whereas "any" is "all".

**Ward - Comment 12: Objective 2 and Policy 2.1/2.4:** REORDER: the towns of Palm Beach and Palm Beach Shores to follow the City of West Palm Beach. The most adversely affected municipalities should get first attention by the lower level PORT government.

**Response 12:** This has been fixed in the text.

**Ward - Comment 13: Policy 2.3 Transportation Studies:** ADD: "Reconnection of State Road 5 to State Road 710 to complete the PORTs agreement(s) as part of SKYPASS."

**Response 13:** The SR 710 connector was ruled by the FDOT, the MPO and FEC to be financially infeasible for many factors. These are all outside of the Port's control and its removal does not impact the Port's current operations. We recognize your opinion that the Port has a responsibility to complete this project. In the short term and even in the mid-range years to come the Port does not have a need for this roadway but is not opposed to it. The Port will continue to support the transportation leadership, both at the state level and locally, to assist in necessary road plans and expansions in the areas surrounding the Port including SR5 / SR710 extension.

**Ward - Comment 14: Policy 3.4 Foreign Trade Zones:** Explain the deletion of qualifying language? Or **RETAIN.**

**Response 14:** The Foreign Trade Zone is not limited to Port property and may extend to other parts of Palm Beach County or even other counties. The Port does not want to be limited in the ability to use the FTZ.

**Ward - Comment 15: Policy 5.1 United State Army Corps of Engineers Feasibility Study:** is now most probably an obsolete policy. As our lead-in of Issues requires, substantial revision is required.

**Response 15:** This Objective description has been updated and rewritten to be more current, but was left purposely indefinite to give the Port flexibility and options.

**Ward - Comment 16: Policy 5.4 Interagency Meetings Relative to Harbor Improvements:** RETAIN the word "lead"! The Corps is the PORT's Contractor for the Civil Works Project! You hire them and you supervise them! Read the Civil Works Act!

**Response 16:** Participation can mean lead or attend. The Port is not going to lead all activities on harbor improvements if they do not benefit or originate with the Port (i.e., sand transfer or beach nourishment project). The Port however will always participate in discussions and items that impact the harbor.

**Ward - Comment 17: Policy 9.2 Stormwater Runoff Management:** STRIKE "originating on Port facilities"! Or revise with additional languages to address upstream discharges mandated by law or agreement!

**Response 17:** The Port does not have any control over the storm water entering the Port from the City or on Port property. The Port treats and manages all storm water and runoff that falls on Port property and is routed to the storm drainage system within the Port. The Port does not regulate the City's supply that falls on properties outside the Port. Should, through the Port's monitoring, storm water entering the Port from off Port property be determined to be irregular, the Port will address with the City for further compliance correction.

**Ward - Comment 18: Policy 9.4 Adherence to Permit Conditions (poor terminology!):** ADD words "and operating" after the word development.

**Response 18:** This was added in.

**Ward - Comment 19: Objective 10 Material Handling and Cleanup:** REVERT to original language.

**Response 19:** No. The Port cannot control the actions of their tenants. The Port can encourage and try to enforce as best as possible.

**Ward - Comment 20: Objective 12 Manatee Protection:** All subject to Striking, if USFWS acts in near future prior to the adoption process completion.

**Response 20:** Noted.

**Ward - Comment 21: General Comment:** Not sure where this should be, however, the Port's operating structure needs revision. Progress has been made in the last year or so about supervising the maintenance of the navigation channel and turning basin. Continued revisions need to be made to assure that existing laws are followed and implemented for Harbor Safety, Navigation Maintenance and Waterway Development projects. Existing navigation can be enhanced by Port supervision of and mandating operational control.

**Response 21:** Noted. The Port will continue to look into these options and ideas.

Thank you for taking the time to meet with our consultant (Casey Long – CH2M) and Port staff member (Carl Baker) to go over your comments. We appreciate your input and hope that our responses help clarify the Port's position and the Port's commitment to grow the Port and the Community all while minimizing environmental impacts and capital.

Should you have any questions or require any additional information, please don't hesitate to contact me.

Regards,

A handwritten signature in cursive script that reads "Manuel Almira". The signature is written in black ink and is positioned to the right of the word "Regards,".

Manuel Almira  
Executive Director



**Board of Commissioners**

Blair J. Ciklin  
Jean L. Enright  
Peyton W. McArthur  
Wayne M. Richards  
Katherine M. Waldron

**Executive Director**  
Manuel Almira, PPM®

April 18, 2017

Keith D. Beaty  
President  
101 N. Clematis Street, #220  
West Palm Beach, FL 33401

Mr. Beaty,

We are in receipt of your letter dated January 18, 2017 providing comments regarding the Port of Palm Beach Master Plan Update. Following a series of staff and internal meetings to review your comments and additional comments from other stakeholders and community members, we offer the following responses and / or comments to the "Save Our Inlet" comments. Please note that we have numbered your statements and comments in the order in which they appear in your letter, followed by our response.

**SOIC - Comment 1: General Comment:** Never the less, we believe this modification process, while it may legally satisfy the State and County requirements for planning, is woefully inadequate as it relates to managing the Ports activities over the next five years. The Port Commission is obligated to direct the strategies, port activities and staff activities from a fully informed and up to date position.

**Response 1:** Policies have been updated in this Master Plan Update process to continue to provide direction and expectations. The capital plan has been reduced in the next five years to allow for a reduced spending period after a heavy capital financial outlay. Areas that require an update were made while others were left unaddressed in anticipation of a clean slate Master Plan at the start of the next decade.

**SOIC - Comment 2: General Comment based on Master Plan Update – Public Meeting 2 - Hand Out:** Under Old Business Item G-1 for December 8, 2016 Port Commission meeting, the Ports Executive Director states that "The purpose of a Master Plan Update is to assist the port in maintaining an up to date projection of project needs and capital improvements..." This supports the case for a thorough review of the economic and competitive environments. Port Commissioners cannot cast a fully informed vote on this update without understanding what activities the Port needs to pursue to be successful in the markets served.

**Response 2:** Port staff has received and managed commitments on all land areas within the Port. These commitments extend for the next few years. Separately, Port Staff has many other opportunities to pursue that fall within the Port's operating model. A cruise market assessment has recently been conducted and is in place for the Executive Director's use. Delaying a clean slate Master Plan for a few years will allow time for the current leases to mature and expire, thus leaving a bigger opportunity for vision and planning.

**SOIC - Comment 3: Objective 2:** Adding the Town of Palm Beach and Palm Beach Shores to Objective 2 is fully supported and an important change to the plan.

**Response 3:** Noted. These communities were added to the text.

**SOIC - Comment 4: Objective 3 (and Others):** Emphasis is continually given to accommodating future growth as if such accommodation is unlimited. The restrictions to growth that are caused by the small geographic area controlled by the Port and the close proximity to surrounding residential and commercial neighborhoods should be specifically recognized and incorporated into the Port's planning process.

The Port should strive to keep vessel size and Port tenant operations within limits compatible with surrounding communities and the residential and commercial neighborhoods.

Maintenance dredging which is needed to maintain existing service levels should be specifically addressed as part of any operational plan. A detailed plan for determining when such dredging is needed, how it can be scheduled, who will perform the dredging, how it will be monitored by the Port, and how it will be funded should be developed.

**Response 4:** The Port needs to keep up with the growth of the community, the industry and the ships. If the Port does not stay informed, then the ships will all pass by the Port. The term "growth" does not mean the Port will get bigger in foot print immediately on the water front. It has multiple definitions such as growth in revenue, growth in through-put, growth in ship calls, growth in tonnage, etc. This "growth" could mean an inland port partner or connection, reconfiguration of the laydown yards to store more cargo, upgrades at Peanut Island, deepening and widening of the channel or modifications of the slips to be wider and able to handle two larger ships simultaneously. The Port, given its land-size constraints, must continue to be efficient and seek ways to become more efficient. The Port must remain flexible in land-uses and berthing capabilities to remain relevant in the market.

With respect to dredging, the Port has been working with the ACOE on maintenance dredge concerns and ways to better establish more routine dredging events to ensure the Port will not have depth restrictions which impact ship calls. Currently the Port pilots monitor the inlet constantly to confirm there are no navigational constraints. Separately and in consideration of your comments and other community member's comments on dredge monitoring, the Port will look into options and ideas for more efficiently monitoring dredge depths to stay ahead of the events and will further establish an internal plan which will help determine when such dredging is needed, how it can be scheduled, who will perform the dredging, how it will be monitored by the Port, and how it will be funded should it be developed.

**SOIC - Comment 5: Objective 4 Policy 4.2:** The Port should have defined and specific goals for the types of customers or tenants. In addition to those enumerated in the Plan, criteria for evaluating customers should include financial strength, environmental impacts including light and noise, and compatibility of operations with surrounding communities and businesses.

**Response 5:** The senior staff at the Port seeks in all situations to maximize revenue from tenants and to maintain a balanced \$/SF revenue across the Port. The Port has a general lease document that is used as a guideline during negotiations. During negotiations, the staff focuses on a \$2 per SF minimum revenue where possible. In addition, tenants are required to comply with local ordinances and laws. Potential tenant financial strength and the operational impacts on other tenants are considered during the Port's vetting process. Options for customers are limited

because of vessel size constraints and land area availability at the Port. As a result, the Port considers all tenant opportunities that present themselves and then conducts an internal vetting process. Currently, there are still a couple of long-term leases in place that will remain in place for another decade that do not follow this model and that constrain the Port's ability to maximize revenue in certain spaces. As long-term leases expire and more options become available, a more prescriptive definition of goals and customer types will be considered. This can be completed in the next clean slate Master Plan, scheduled for the 2020 time frame.

**SOIC - Comment 6: Objective 5 – Harbor Improvements:** This section should be modified to include the Port's and the community's current position on the USACE inlet expansion project. In addition, the feasibility study referred to was flawed in its analysis, particularly the economic impacts, and is now outdated.

**Response 6:** The "Objective" description has been updated and rewritten to be more current but was left purposely indefinite to give the Port flexibility and options.

**SOIC - Comment 7: Section 4.5 Project Descriptions – Project 10 Harbor and Channel Improvements:** This section should be modified to reflect realistic expectations for the Port's continued operations with the limited land available and the limits on vessel size caused by physical constraints.

The description for this project seems to be very out of date and should be corrected. It references the USACE Feasibility Study on Inlet expansion but there is not specific description. This section should be rewritten to accurately describe the project as it is currently being proposed and to reflect the Port's current position on the feasibility study for inlet and turning basin expansion.

**Response 7:** This project description has been updated and rewritten to be more current but was left purposely indefinite to give the Port flexibility and options. The feasibility study was a study and not an approval project. Please note there is an extensive permitting process for each project before it is actually built. All projects must go through public meetings, environmental reviews and substantial mitigation efforts to be approved at all levels. The public and communities will have a say in the process regardless of whether projects are in the Port's Master Plan or not.

**SOIC - Comment 8: Slip 2 Redevelopment and Enhancement (and other sections on Slip Redevelopment):** This project and several others refer to increasing slip length to add berth space to accommodate longer and wider slips. Port customers, surrounding communities, political representatives, the marine and recreational industry, and environmental interests have all indicated there is no support for the Ports proposed inlet and turning basin expansion presented in the USACE Feasibility Study. This led to the Port's decision not to pursue the expansion project. The Plan should recognize that all slip Redevelopment and Enhancement should be designed based on the vessel size limitations that the current inlet and turning basin configurations require.

**Response 8:** Vessel size may not always be limited by the channel, but may be limited by the slip or slip capability to handle two wider and longer ships simultaneously. Such ships can make it through the channel currently but there is limited berthing space for multiple ships of this size simultaneously. To remain flexible and relevant, the Port may need to look at berthing capacity (length and width), regardless of channel improvements. The Port cannot simply decide not to remain flexible for future waterfront modifications. Please note there is an extensive permitting process for each project. They must all go through public meetings, environmental reviews and

substantial mitigation efforts to be approved at all levels. The public and communities will have a say in the process, regardless of whether they are in the Port's Master Plan or not.

Thank you for taking the time to meet with our consultant and Port staff to go over your comments. I look forward to meeting with you in May to further discuss your concerns. We appreciate your input and hope that our responses help clarify the Port's position and the Port's commitment to grow the Port and the Community all while minimizing environmental impacts and capital.

Should you have any questions or require any additional information, please don't hesitate to contact me.

Regards,

A handwritten signature in black ink that reads "Manuel Almira". The signature is written in a cursive style with a large, prominent initial "M".

Manuel Almira  
Executive Director