

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Ernie Barnett, Director, Office of Everglades Policy and Coordination

**DATE:** July 27, 2011

**SUBJECT:** Letter of Support for the Biscayne Bay Coastal Wetlands Phase I Final Integrated Project Implementation Report and Environmental Impact Statement dated July 2011

### **Background:**

The SFWMD and the U.S. Army Corps of Engineers (USACE), with input from other federal, state and local agency staff, have completed the Biscayne Bay Coastal Wetlands Phase I Final Integrated Project Implementation Report and Environmental Impact Statement (PIR/EIS) dated July 2011. The project is intended to improve the quantity, quality, timing and distribution of freshwater discharges to the Biscayne Bay Coastal Wetlands and Biscayne Bay.

The authority for preparation of the Final Integrated PIR/EIS for the Biscayne Bay Coastal Wetlands Phase I Project is contained in Section 601(d) of the Water Resources Development Act of 2000. The Biscayne Bay Coastal Wetlands Phase I Project is currently listed on the Integrated Delivery Schedule (IDS) with a 2010 construction start by the SFWMD, and expedited construction on several project components has begun.

The Recommended Plan described in the Final Integrated PIR/EIS includes implementation of restoration features in three components:

- Deering Estates
- Cutler Flowway
- L-31E Flowway, Wetlands and Tidal Creeks

The estimated cost of implementing the Recommended Plan is \$181 million to be cost-shared 50-50 by the SFWMD and the USACE. Approval of the Final Integrated PIR/EIS is a key step in getting the federal authorizations needed to sign a Project Partnership Agreement that would allow the USACE to credit the SFWMD for its sunk costs.

This action by the Governing Board expresses the Board's non-binding support for the Final Integrated PIR/EIS. The Letter of Support is needed prior to the USACE issuing a Record of Decision on the project. The Letter of Support affirms SFWMD's financial capability to satisfy the obligations of the non-federal sponsor described in the Final Integrated PIR/EIS, should a Project Partnership Agreement (PPA) be executed by the parties.

**How this helps meet the District's 10-Year Strategic Plan:** SFWMD's support of the PIR/EIS is consistent with its support of the Comprehensive Everglades Restoration Plan (CERP), and other District initiatives. It is also a critical step toward execution of a PPA, after congressional authorization and appropriation, which will allow the USACE to

award cost-sharing credit for SFWMD's land acquisition and construction costs incurred to date.

**Funding Source:**

No new funding is associated with this action.

**This Board item impacts what areas of the District, both resource areas and geography:**

The Biscayne Bay Coastal Wetlands Phase I Project is located within southern Miami-Dade County. Planning associated with this project is being managed by the Office of Everglades Policy and Coordination and expedited construction is being managed by the Engineering and Construction Bureau.

**What concerns could this Board item raise?**

Although the letter is non-binding, it affirms SFWMD's financial capability to satisfy the obligations of the non-federal sponsor described in the PIR/EIS. Execution of the PPA is currently scheduled for November 2013 which is contingent upon passage of federal legislation and budgeting for the project. There is potential that during land acquisition of the remaining acreage that the environmental risk assessments will identify the presence of soil impacted by agricultural chemicals that while appropriate for agricultural land use, are at a level unacceptable for environmental restoration. Based on the USACE policy for hazardous substances, the SFWMD would be responsible for any costs associated with remediation of these contaminated soils.

**Why should the Governing Board approve this item?**

The SFWMD has committed to implementation of the CERP, which includes the Biscayne Bay Coastal Wetlands Phase I Project that is intended to improve the quantity, quality, timing and distribution of freshwater discharges to the Biscayne Bay Coastal Wetlands and Biscayne Bay. Approval of the Final Integrated PIR/EIS is a critical step in the federal process toward receiving cost-share credit for prior and ongoing expenditures.

EB/js

Attachments: Resolution, Maps, Letter of Support