

# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## RESOLUTION NO. 2009- \_\_\_\_\_

**A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVING AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND THE U.S. ARMY CORPS OF ENGINEERS (ACOE) FOR THE PURPOSE OF ACCEPTING FUNDS PURSUANT TO CHAPTER 373.4135 F.S. FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO CONDUCT MITIGATION ACTIVITIES ON BEHALF OF FDOT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 373.4135 F.S. provides that money may be donated to water management districts or FDEP to fund environmental creation, preservation, enhancement or restoration projects to provide mitigation. Pursuant to this section, a Memorandum of Agreement (MOU) shall established between the agency sponsoring the projects ( the District) and the regulating agency (FDEP).

**WHEREAS**, FDOT has submitted Environmental Resource Permit application number 070330-6 for the widening of 14 miles of a roadway known as Krome Avenue (State Road 779) in Miami-Dade County which would result in direct impacts to 173.20 acres of wetlands and 213.32 acres of secondary impacts to wetlands ;

**WHEREAS**, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act and 33 U.S.C Section 1344, the District shall be responsible for ensuring that mitigation requirements are met for the Krome Avenue project;

**WHEREAS**, FDOT has agreed to make two separate payments for a total \$24,411,432 to the District for the permitting, construction and perpetual management of two projects (C-110 filling and S.W. 472<sup>nd</sup> St road removal) located in Miami-Dade County that will provide wetland mitigation for the Krome Avenue project. The first payment of \$12,205,716.14 is to be paid within 6 months of the execution of the MOU. The second payment of \$12,205,716.15 is to be paid within 1 year of the execution of the MOU.

**WHEREAS**, if funds remain after the completion of these two projects, there is also the potential to complete a portion of the restoration work for a third project (L-31W Canal plugging). However, the C-110 filling and the S.W. 472<sup>nd</sup> Street road removal provide more than enough mitigation to offset the impacts of the proposed Krome Avenue project;

**WHEREAS**, the MOU among the parties is attached as Exhibit 1.

**Now therefore**

**BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

**Section 1.** The Governing Board of the South Florida Water Management District hereby approves the MOU attached as Exhibit 1.

**Section 2.** The Governing Board hereby agrees to accept \$24,411,432.29 from the Florida Department of Transportation. The Governing Board further agrees that the District shall be responsible for the mitigation described in the mitigation plan attached to the MOU.

**Section 3.** This resolution shall take effect immediately.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

By:

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Chair Person

ATTEST:

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Secretary

Approved as to form:

By:

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Office of Counsel