

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2009- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING ENTERING INTO A PROJECT PARTNERSHIP AGREEMENT WITH THE U.S. DEPARTMENT OF THE ARMY FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT AND REHABILITATION OF THE PICAYUNE STRAND RESTORATION PROJECT, A COMPONENT OF THE COMPREHENSIVE EVERGLADES RESTORATION PLAN, AT A TOTAL ESTIMATED CONSTRUCTION COST OF \$438,000,000 AND AN ESTIMATED ANNUAL OPERATIONS AND MAINTENANCE COST OF \$3,700,000, FOR WHICH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT WILL BE RESPONSIBLE FOR PROVIDING 50 PERCENT COST-SHARE, AND FOR WHICH FUNDING, IF ANY, IS SUBJECT TO GOVERNING BOARD APPROVAL OF FUTURE FISCAL YEAR BUDGETS; PROVIDING AN EFFECTIVE DATE. (CONTRACT NUMBER 4600001760)

WHEREAS, the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers completed a Project Implementation Report in September 2004 recommending restoration of natural water flows and levels within the 55,000-acre Picayune Strand State Forest; and

WHEREAS, the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan, was authorized by Congress in Section 1001(15) of the Water Resources Development Act of 2007; and

WHEREAS, the SFWMD desires to enter into a Project Partnership Agreement with the U.S. Department of the Army for the Picayune Strand Restoration Project (Contract No. 4600001760) to set forth the parties' responsibilities for the construction, operation, maintenance, repair, replacement and rehabilitation of the Picayune Strand Restoration Project; and

WHEREAS, the Florida Department of Environmental Protection, on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, will be acquiring lands needed for the project at an estimated State expenditure of \$160,000,000, which will be dedicated to the Picayune Strand Restoration Project and certified to the SFWMD under a Cooperative Agreement (Contract No. 4600001758); and

WHEREAS, the SFWMD has completed construction of certain project features included in the Picayune Strand Project Implementation Report at a cost of approximately \$15 million; and

WHEREAS, the SFWMD and the U.S. Department of the Army will execute a Pre-Partnership Credit Agreement (Contract No. 4600001761) establishing eligibility for the SFWMD to receive credit for the \$15 million in early construction costs; and

WHEREAS, the Governing Board authorized entering into the Project Partnership Agreement for Picayune Strand on June 11, 2009 in Resolution 2009-617; and

WHEREAS, numerous changes to the Project Partnership Agreement were negotiated subsequent to Board approval which require consideration by the Board; and

WHEREAS, under the Project Partnership Agreement for the Picayune Strand Restoration Project, the SFWMD will receive credit toward the SFWMD's 50 percent share of project construction costs for the early construction costs as well as for the Florida Department of Environmental Protection's land costs.

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 authorizes the execution of Contract No. 4600001760 as revised with the U.S. Department of the Army for construction, operation, maintenance, repair, replacement and rehabilitation of the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan, at a total estimated construction cost of \$438,000,000 and an estimated annual operations and maintenance cost of \$3,700,000.

Section 2. Pursuant to Section 902 of the Water Resources Development Act of 1986 (Public Law 99-662), the Project Partnership Agreement allows the total project cost to increase by the total of: a) 20 percent of the total project cost authorized by Congress (\$375,330,000) to accommodate changes in design, additional land requirements, and construction of additional features that the parties agree are necessary and do not change the scope of the authorized project; and b) inflation through the period of construction. The maximum allowable project cost, without further authorization from Congress, is currently \$571,000,000. This calculation is based on the Corps' current implementation and funding schedule which anticipates completion of construction in 2018.

Section 3. No additional funding by SFWMD is anticipated for the Project. Any funding for cash contributions or additional construction by SFWMD is subject to Governing Board approval of future fiscal year budgets.

Section 4. The Governing Board acknowledges that the Picayune Strand Project Partnership Agreement is subject to the subsequent approval and execution by the Assistant Secretary of the Army. Any substantive changes to the Project Partnership Agreement by the Department of the Army will require the approval of the Governing Board.

Section 5. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this _____ day of _____, 2009.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

District Clerk/Secretary

Approved as to form:

By:

Office of Counsel