

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Kenneth G. Ammon, P.E., Deputy Executive Director,  
Everglades Restoration Resource Area

**DATE:** April 9, 2009

**SUBJECT:** Dedication and Certification of Lands for the Picayune Strand Restoration Project – Contract Number 4600001758

**Background:** Staff requests Governing Board approval to enter into a Cooperative Agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees), at no cost to the SFWMD, for the dedication and certification of lands owned by the Board of Trustees to the Picayune Strand Restoration Project. The Agreement commits the Board of Trustees to the following:

- Continued acquisition of lands needed for the Picayune Strand Restoration Project;
- Dedication of lands in the Board of Trustees ownership to the Picayune Strand Restoration Project for as long as the Project remains authorized as a federal project;
- Commitment to provide timely certifications of land ownership to the SFWMD based on the U.S. Army Corps of Engineers (Corps) construction schedule, as well as certification that land acquisition was performed in accordance with Federal Uniform Relocation and Real Property Policies Act, Public Law 91-646, as amended;
- Authorization for the SFWMD to enter the Board of Trustees' lands for construction, operation and maintenance purposes and for the SFWMD to allow the Corps to enter the lands for project implementation purposes;
- Approval for the SFWMD to receive credit for the Board of Trustees' land acquisition costs toward the SFWMD's 50 percent share of project construction costs under the Project Partnership Agreement with the U.S. Department of the Army for the Picayune Strand Restoration Project (Contract No. 4600001760).

This Cooperative Agreement commits the SFWMD to enter into dispute resolution with the U.S. Army Corps of Engineers if the Board of Trustees determines that the Corps is not fulfilling its obligations under the Picayune Strand Project Partnership Agreement.

**How this helps meet the District's 10-Year Strategic Plan:** This Agreement provides lands, at no cost to the SFWMD, that are needed for implementation of the Picayune Strand Restoration Project, a component of CERP, which is a major component of the 10-year Strategic Plan.

**Funding Source:** At this time, no SFWMD funds are needed for implementation of this Agreement.

**This Board item impacts what areas of the District, both resource areas and geography:** The restoration benefits of this project will accrue to Southwest Florida, including the Picayune Strand State Forest, the Ten Thousand Island National Wildlife Refuge and Fakahatchee Strand State Preserve. Staff from the Everglades Restoration Resource Area will manage this contract.

**What concerns could this Board item raise?** SFWMD staff will need to work closely with the Florida Department of Environmental Protection and the Florida Division of Forestry to ensure that the Picayune Strand State Forest lands continue to be managed in a manner that is consistent with the federal project purposes, and that the State of Florida continues to receive the necessary funding for acquisition of the necessary lands. The SFWMD will be fully accountable under the Project Partnership Agreement with the U.S. Department of the Army for acquisition and provision of the necessary lands, and for ensuring that the lands are maintained in a manner that is compatible with federal project purposes.

**Why should the Governing Board approve this item?** Governing Board approval of this Agreement will allow the SFWMD to receive credit for over \$160 million in the State's expenditures toward fulfilling the SFWMD's 50 percent cost-share obligation under the Picayune Strand Project Partnership Agreement with the U.S. Department of the Army.

Attachment – Resolution  
KGA/pw