

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2011- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE ENTERING INTO A 10 YEAR LEASE/PROJECT AGREEMENT WITH LYKES BROS, INC. AND AUTHORIZE A SOLE SOURCE AS AN EXCEPTION TO THE GENERAL STANDARDS OF COMPETITION, FOR THE STRATEGICALLY LOCATED NICODEMUS SLOUGH WATER MANAGEMENT PROJECT DESIGNED TO PROVIDE SIGNIFICANT REGIONAL WATER STORAGE AND TREATMENT ON APPROXIMATELY 16,000 ACRES OF WHICH 14,000 ACRES WILL BE LEASED IN THE NORTHERN EVERGLADES AND ESTUARIES PROTECTION AREA AND AUTHORIZE FUNDING TO BE DISBURSED IN INCREMENTS FOLLOWING DESIGN, PERMITTING, AND CONSTRUCTION IN AN AMOUNT NOT-TO-EXCEED \$4,900,000; WITH PARTIAL LEASE PAYMENTS COMMENCING DURING CONSTRUCTION IN MULTIPLE INCREMENTS BASED ON THE PERCENTAGE OF LAND THAT CANNOT BE USED FOR CATTLE PRODUCTION AND ANNUAL PAYMENTS THEREAFTER NOT-TO-EXCEED \$2,500,000 FOLLOWING COMPLETION OF CONSTRUCTION TO COVER LEASE, OPERATION AND MAINTENANCE COSTS OVER THE REMAINING TERM OF THE 10 YEAR LEASE, SUBJECT TO ANNUAL ADJUSTMENTS OF 3% OR THE CPI, WHICHEVER IS GREATER; OF WHICH \$350,000 IS BUDGETED FOR FY11 FROM DEDICATED FUNDS – SAVE OUR EVERGLADES TRUST FUND (SOETF) – WITH THE REMAINDER SUBJECT TO FUTURE BUDGET APPROVALS FOR FISCAL YEARS 2012 THROUGH 2021; PROVIDING AN EFFECTIVE DATE (Contract No. 4600002358) (Benita Whalen, ext. 2957)

WHEREAS, the Lake Okeechobee is listed under section 303(d) of the Clean Water Act (40 CFR, Part 130) as a Florida impaired water body. In 2000, the Florida Legislature enacted the Lake Okeechobee Protection Act;

WHEREAS, In October 2005, then Governor Jeb Bush announced the Lake Okeechobee and Estuary Recovery Plan from which the District initiated a search for interested private partners to store water on their lands. Lykes Bros. Inc. responded in 2006 with a preliminary expression of interest for its Nicodemus Slough Water Management Project to be considered by the District as a water management facility. As part of the Northern Everglades Protection program, “The Lake Okeechobee Watershed Construction Project Phase II Technical Plan” (P2TP) was submitted to the Florida legislature in February 2008 whereas River Watershed Protection Plans for the St. Lucie and Caloosahatchee River Watersheds were submitted to the Florida Legislature on January 1, 2009. All three Plans include efforts which have the goal of reducing the volume of excess water and amount of nutrients to Lake Okeechobee and the Estuaries. The P2TP recommended that feasibility studies be conducted for the Northern Everglades sub-watersheds to quantify restoration goals and identify projects to meet those goals;

WHEREAS, Lake Okeechobee restoration planning efforts (initiated over 10 years ago) have included searching for potential private partners to implement cost-effective water resource projects to meet program restoration goals. All of those efforts have not resulted in the identification of an equivalent water management project. The project will support the Dispersed Water Management program listed in the District’s Annual Work Plan which is linked to the 10-Year Strategic Plan and is the most efficient utilization of resources to achieve program goals;

WHEREAS, The Nicodemus Slough Water Management Project has unique technical attributes not available from any another source and working with private landowners as partners results in cost savings to the public. The approval of the agreement is the most efficient manner to achieve the Northern Everglades water quality improvement and water storage/retention goals, which is critical to the health of the watersheds; and

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 referenced lease/project agreement 4600002358 to the agreement.

Section 2. This resolution shall take effect immediately, or if applicable, after review by the Office of Fiscal Accountability and Regulatory Reform.

PASSED and **ADOPTED** this _____ day of _____, 2011.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chair Person

ATTEST:

Secretary

Approved as to form:

By:

Office of Counsel