

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Kenneth G. Ammon, P.E., Deputy Executive Director,   
Everglades Restoration and Capital Projects

**DATE:** June 28, 2010

**SUBJECT:** Cooperative Agreement for the Dedication and Certification of Lands for the Melaleuca Eradication and Other Exotic Plants – Implement Biological Controls Project – Contract Number 4600002151

**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), The University of Florida Board of Trustees (UNIVERSITY) and the United States Department of Agriculture – Agricultural Research Service (USDA-ARS), at no cost to the SFWMD, for the dedication and certification of lands needed for the Melaleuca Eradication and Other Exotic Plants – Implement Biological Controls Project (Project).

Under the Project Partnership Agreement between the SFWMD and the U.S. Army Corps of Engineers (Corps) for implementation of the Project (Contract No. 4600002148), the SFWMD will be responsible for providing the 0.19 acres of land needed for construction of the Project prior to the Corps awarding the contract for construction of the Project. The property needed for the Project is owned by the BOARD, leased to the UNIVERSITY, and subleased to the USDA-ARS.

The purpose of this Cooperative Agreement is to formalize a commitment from the BOARD, UNIVERSITY and USDA-ARS to provide the SFWMD with a land certification document that will allow the SFWMD to certify the property to the Corps for construction. Under this Cooperative Agreement:

- The BOARD will certify that it owns the property needed for the Project
- The BOARD, UNIVERSITY and USDA-ARS will dedicate the property to the Project for the 24-year life of the Project, and each party commits that it will not convey, transfer, alter or otherwise encumber the property without written consent from the SFWMD and Corps.
- The BOARD, UNIVERSITY and USDA-ARS authorize the SFWMD and Corps to enter the property for construction, operation and maintenance purposes, subject to compliance with the terms of their lease and sublease agreements

The Cooperative Agreement commits the SFWMD to enter into dispute resolution with the Corps if the BOARD or UNIVERSITY determines that the Corps is not fulfilling its

obligations under the Project Partnership Agreement between the SFWMD and the Corps.

**How this helps meet the District's 10-Year Strategic Plan:** This Agreement provides the property needed for the Melaleuca Eradication and other Exotic Plants – Implement Biological Controls Project, at no cost to the SFWMD. This Project is a component of CERP, which is a major component of the 10-year Strategic Plan.

**Funding Source:** No SFWMD funds are needed for implementation of this Agreement.

**This Board item impacts what areas of the District, both resource areas and geography:** By supporting the implementation of the Melaleuca Eradication and Other Exotic Plants – Implement Biological Controls Project, this Agreement will help provide restoration benefits to entire South Florida ecosystem.

**What concerns could this Board item raise?** Staff is not aware of any concerns with regard to this Agreement.

**Why should the Governing Board approve this item?** Governing Board approval of this Agreement will allow the Corps to move forward with construction of the Mass Rearing Annex which will greatly enhance the long-term control and management of invasive exotic plants in South Florida. The Corps has a time-limited opportunity to use funding provided by the American Recovery and Reinvestment Act of 2009 for construction of this Project. In order to qualify for this funding, the construction contract must be awarded by the Corps before September 30, 2010.

Attachment – Resolution  
KGA/pw