**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2009 -**

**A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT CONSENTING TO AMENDMENT NO. 1 TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF FLORIDA, THE U.S. DEPARTMENT OF THE ARMY AND THE U.S. DEPARTMENT OF THE INTERIOR FOR ESTABLISHING AND FUNDING AN INDEPENDENT SCIENTIFIC REVIEW PANEL TO REVIEW PROGRESS MADE THROUGH IMPLEMENTATION OF THE COMPREHENSIVE EVERGLADES RESTORATION PLAN, WHICH CONSENT SHALL AUTHORIZE THE DISTRICT TO PROVIDE THE STATE'S 50% COST-SHARE REQUIRED BY THE INTERGOVERNMENTAL AGREEMENT THROUGH THE CERP DESIGN AGREEMENT DATED MAY 12, 2000; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** through enactment of Section 601 of the Water Resources Development Act of 2000 (WRDA 2000), Congress approved the Comprehensive Everglades Restoration Plan (CERP) as a framework for Everglades restoration and authorized the Army Corps to provide 50% cost-share in the implementation of an initial set of projects;

**WHEREAS**, Section 601(j) of the WRDA 2000 requires that the Secretary of the Army, the Secretary of the Interior and the Governor of Florida (Parties) establish an independent scientific review panel (Panel) to be convened by a body such as the National Academy of Sciences (NAS) to review the progress of CERP in achieving its natural system restoration goals;

**WHEREAS,** Section 385.22(3) of the Programmatic Regulations for the CERP (33 CFR Part 385) requires that no later than June 14, 2004, the Secretary of the Army, Secretary of the Interior and the Governor enter into a five-year agreement with the NAS to convene the Panel and that the State account for its 50% cost-share for the Panel in the CERP Design Agreement, dated May 12, 2000, entered into by the South Florida Water Management District and the Army Corps;

**WHEREAS**, the Parties executed an Intergovernmental Agreement to comply with these requirements on June 14, 2009;

**WHEREAS,** pursuant to the terms of the Intergovernmental Agreement, the Army will execute a Cooperative Agreement with NAS on June 17, 2009 to establish the Panel with a mission is to (1) review the progress made through implementation of CERP in achieving its natural system restoration goals and (2) submit a biennial report to Congress on their findings;

**WHEREAS,** the Parties propose to amend the Intergovernmental Agreement to extend the Agreement by five years, through June 14, 2014;

**WHEREAS,** the South Florida Water Management District is not a party to the Intergovernmental Agreement, however, the Governing Board's consent to the Agreement is required so that SFWMD can provide the State's 50% cost-share for the Panel under the CERP Design Agreement dated May 12, 2000 (SFWMD Reference C-11809).

**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 consents to the Intergovernmental Agreement between the State of Florida, the United States Department of the Army and the United States Department of the Interior for establishing an independent scientific review panel to review progress made through implementation of the Comprehensive Everglades Restoration Plan. The State of Florida's 50% share for the costs of the Panel shall be accounted for in the CERP Design Agreement between the South Florida Water Management District and the Army Corps.

**Section 2.** This resolution shall take effect immediately upon adoption.

**PASSED** and **ADOPTED** this 11th day of June, 2009.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chair

ATTEST:

_____

District Clerk/Secretary

Approved as to form:

BY: _____

Office of Counsel