



# ***Everglades Restoration Update***

***Tommy B. Strowd, P.E.  
Assistant Deputy Executive Director,  
Everglades Restoration Resource Area***





# Presentation Overview

- **C-111 Spreader Canal**
- **Lakeside Ranch Stormwater Treatment Area**
- **Model Pre-partnership Agreement  
Credit Agreement**

# C-111 Spreader Canal





# C-111 Spreader Canal Emerging Issues

- Recent incremental cost effectiveness analysis yielded unanticipated results which could affect plan selection
  - Analysis appears insufficient to support the Aero-Jet component
- Issues to address may include;
  - Pumps sizes and costs
  - Real estate costs
  - Re-modeling with corrected pump sizes, etc.
  - Re-evaluating the cost effectiveness analysis
- Anticipate cost-benefit convergence
- Team is working to compress scheduled tasks to allow construction in fall of 2009



*Questions?*



# Lakeside Ranch STA

- Involves construction of a 2,700-acre wetland area, adjacent to Lake Okeechobee in western Martin County,
  - 9 to 19 metric tons of phosphorus load reduction.
- The project has been split into two phases,
  - Design is complete and construction is scheduled to begin for STA North in early 2009.





# Permitting Issues

- The US Fish and Wildlife Service (FWS) identified two pairs of Crested Caracara which use Lakeside Ranch STA project area for foraging habitat
- FWS will require monitoring (via satellite tracking) of these two nesting or breeding activities
  - The cost of the monitoring will be approximately \$75,000
  - Costs were significantly reduced from \$300,000 with assistance from FWS in identifying an entity willing to allow us to use their devices
- To reduce costs, District staff will be assisting with the monitoring and analysis of the data
- Department of Environmental Protection (DEP) permit for Lakeside Ranch STA is expected the week of January 19, 2009
- The Army Corps of Engineers (USACE) permit will be issued in February 2009



***Questions?***



# ***Comprehensive Everglades Restoration Plan***

## ***Model Pre-Partnership Credit Agreement***

Governing Board Workshop – January 12, 2009

# Overview

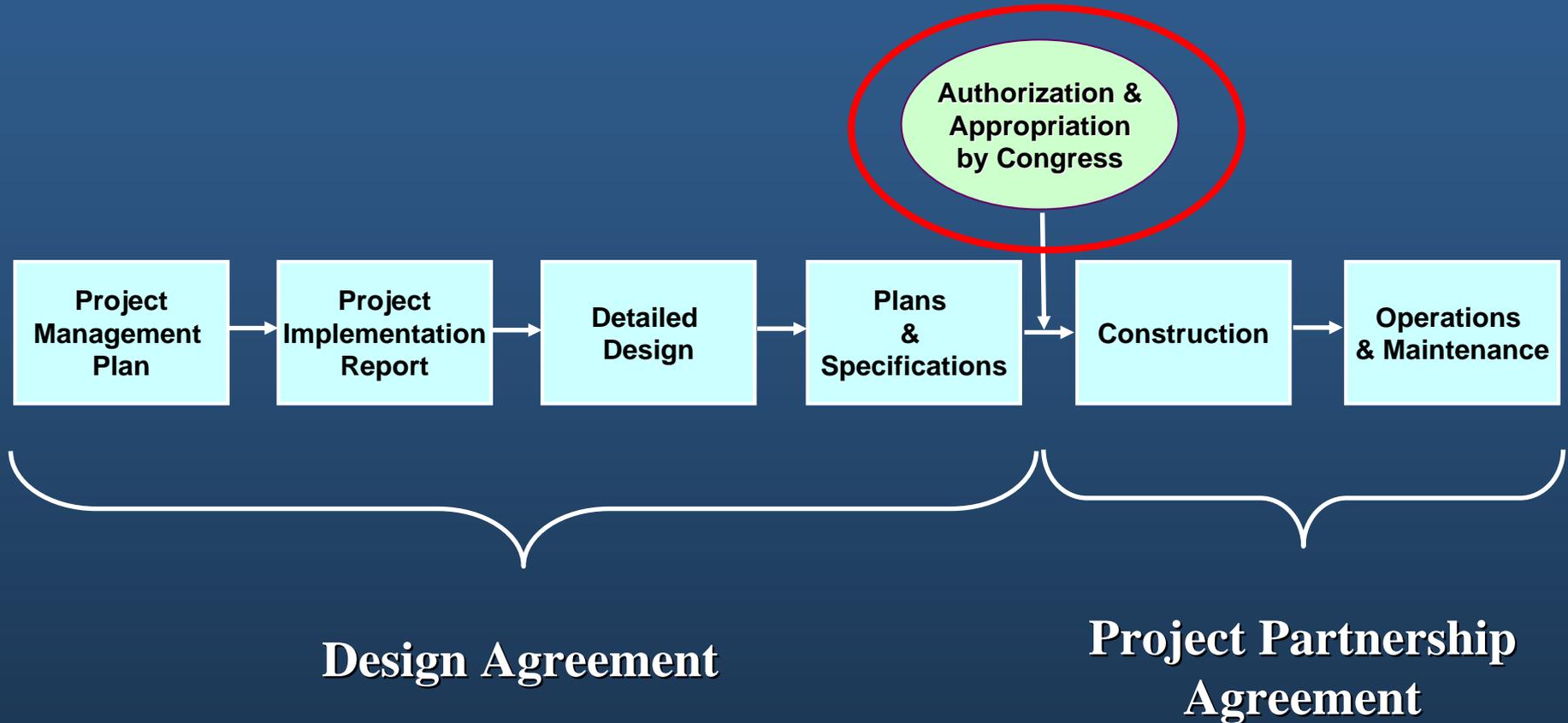
*Rescuing an Endangered Ecosystem:  
The Plan to Restore America's Everglades*



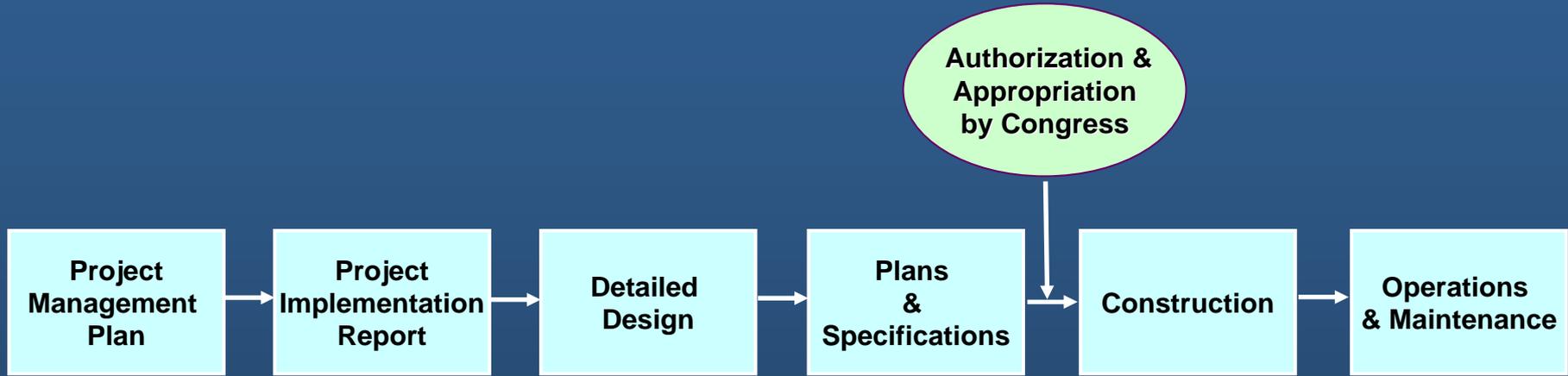
*The Central and Southern Florida Project  
Comprehensive Review Study (The Restudy) July 1999*

- **New crediting provision provided by WRDA-2007**
- **Key concepts in Model Pre-Partnership Credit Agreement**
- **Relationship to award of contract for Lakeside Ranch Stormwater Treatment Area**

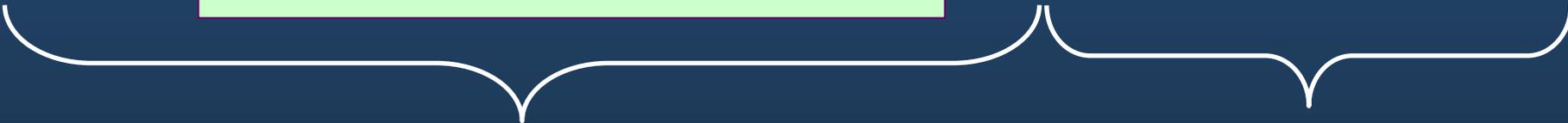
# CERP Cost-Share Agreements



# Pre-Partnership Credit Agreement Implements New WRDA-2007 Authority



Construction by SFWMD prior to signing a Project Partnership Agreement



**Pre-Partnership  
Credit Agreement**  
*(New)*

**Project Partnership  
Agreement**



# Pre-Partnership Credit Agreement Timing for Agreement Execution

- For construction started after November 2007, an Agreement must be signed before awarding construction contract, e.g.,
  - Lakeside Ranch Stormwater Treatment Area
  - C-111 Spreader Canal – Phase 1
  - C-43 Storage Reservoir
  
- For construction started before November 2007, an Agreement must still be signed, but the Agreement can be retroactive, e.g.,
  - Picayune Strand
  - Indian River Lagoon South (C-44 Reservoir and STAs)
  - L-8 Reservoir and northern Palm Beach County structures



# Model Pre-Partnership Credit Agreement

- Defines terms and conditions to maintain eligibility for credit; no actual credit is provided
- Actual credit will be provided under a future Project Partnership Agreement, if the Corps determines that:
  - SFWMD's constructed features are integral to the authorized Federal project
  - Costs are reasonable, necessary, allowable, allocable and auditable
  - Construction complies with Federal standards
  - Construction was performed in accordance with applicable State and Federal laws and regulations



# **Model Pre-Partnership Credit Agreement *(continued)***

- **Costs for the following will not be eligible for cost-share:**
  - **Clean-up of hazardous materials regulated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**
    - **Conceptual agreement on exception for special circumstances**
  - **Interest or price-level adjustments**
  - **Land management**
  - **Operations and maintenance prior to signing a Project Partnership Agreement**
- **SFWMD conditioned the above credit exclusions on the Assistant Secretary of the Army approving use of the national land valuation and crediting policy for future CERP projects**



# **Model Pre-Partnership Credit Agreement** *(continued)*

- **Execution of Agreement shall not:**
  - **Commit the Corps to:**
    - **Include the proposed work as integral to the Federal project**
    - **Sign a Project Partnership Agreement for the proposed work**
    - **Reimburse or credit costs for the proposed work**
  - **Alter any process for determining the requirements for planning or design to achieve the Federal project purposes**
  - **Prevent the Corps from modifying the Federal project in a way that results in the proposed work becoming no longer integral**



# Status of Model Pre-Partnership Credit Agreement

- Corps and SFWMD staff tentatively agreed to terms and conditions in April 2008, subject to Army approving use of national land valuation and crediting policy for CERP
- Assistant Secretary of the Army approved Model Agreement in October 2008
- SFWMD staff agreed to request Governing Board approval of the Model Agreement after Army approves a change in land valuation and crediting policy for CERP



# Status of CERP Land Valuation Policy Change

- **April 2008:** Staff from Corps, SFWMD and Assistant Secretary of the Army for Civil Works (ASA-CW) Office conceptually agreed to policy change; Army was to solicit Secretary Woodley's approval
- **August 2008:** SFWMD submitted letter to ASA-CW requesting expedited approval of policy change
- **November 2008:** Drafts of policy change approval letter from ASA(CW) exchanged between Corps and SFWMD
- **December 2008:** ASA-CW Office notified SFWMD that approval of the policy change was being postponed for review/action under the next Administration
- **January 2009:** Corps is preparing information for discussions with the Office of Management and Budget (OMB)



# Lakeside Ranch Stormwater Treatment Area

- Anticipate requesting Governing Board approval to award construction contract in March 2009
- Must sign a Pre-Partnership Credit Agreement prior to contract award to maintain credit eligibility in accordance with WRDA-2007
- Corps' concerns about signing Agreement
  - Timing - status of project plan development
  - Perception – may imply intent to cost-share water quality features before completing policy review
- Awaiting policy decision by Corps regarding execution of an Agreement



# Potential Decisions for March Governing Board Meeting

- **Scenario 1: Corps decides not to sign Agreement for Lakeside Ranch STA**
  - **Decision: Approve Staff to proceed with construction at higher risk of receiving no future credit under CERP?**
- **Scenario 2: Corps decides to sign Agreement but does not approve land valuation policy change by March 12**
  - **Decision: Approve signing a single Agreement for Lakeside Ranch, but postpone approval of Model Agreement until after land valuation policy change approval?**



# Potential Decisions for March Governing Board Meeting

- **Scenario 3: Corps decides to sign Agreement and approves land valuation policy change by March 12**
  - **Decision: Approve entering into an Agreement for Lakeside Ranch and approve using Model Agreement for future projects?**



***Questions?***