

Memorandum



Date: December 8, 2008

RCA

Agenda Item No. 4(D)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Interagency Agreement with the South Florida Water Management District for the Deering Rehydration Addition/Deering Estate Flow Way Project and Temporary Construction and Access Easement

Recommendation

It is recommended that the Board adopt the attached resolution approving an Interagency Agreement with the South Florida Water Management District (SFWMD) for the Deering Rehydration Addition/Deering Estate Flow Way Project (Attachment A) and the granting of a Temporary Construction and Access Easement (Attachment B) and authorizing the County Mayor or County Mayor's designee to execute the agreement and easement.

Scope

The project is within the Deering Rehydration Addition at 16500 SW 74 Avenue on the west side of Old Cutler Road adjacent to the Charles Deering Estate at Cutler, in Commission District 8. Implementation of the project will have a positive regional impact as well as a positive impact on the natural areas of the Charles Deering Estate by restoring areas of freshwater wetland habitat in the historic Cutler Slough.

Fiscal Impact/Funding Source

All capital and operating costs will be provided by the SFWMD under an agreement with the Army Corps of Engineers as a part of the Comprehensive Everglades Restoration Plan (CERP).

Track Record/Monitor

The Park and Recreation Department (MDPR) will coordinate with the SFWMD to assure compliance with the terms of the agreement and easement.

Background

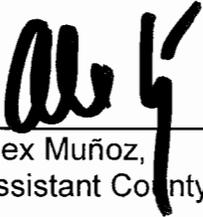
The Deering Rehydration Addition was acquired to establish a connection between the C-100 Spur Canal and the Charles Deering Estate to develop a means to convey freshwater through the addition to the remnants of the historic Cutler Slough within the Estate. The site is subject to the conditions of the Deering Estate Cutler Glade Management Plan as approved by the Florida Department of Community Affairs.

The SFWMD identified the rehydration as contributing to the Biscayne Bay Coastal Wetlands element of the Comprehensive Everglades Restoration Plan (CERP). Working with the County, feasibility studies, preliminary design and engineering constructability reviews have been successfully completed. This Interagency Agreement and Easement will enable SFWMD to

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
Page 2

construct the necessary facilities for the Deering Estate Flow Way that will accomplish the intent of the Deering Estate Cutler Glade Addition Management Plan and the Biscayne Bay Coastal Wetland Project.

Attachments

A handwritten signature in black ink, appearing to read 'AM', is written over a horizontal line.

Alex Muñoz,
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE:

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

RESOLUTION NO. _____

RESOLUTION APPROVING AN INTERAGENCY AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE DEERING REHYDRATION ADDITION/DEERING ESTATE FLOW WAY PROJECT; GRANTING OF A TEMPORARY CONSTRUCTION AND ACCESS EASEMENT AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EASEMENT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves an interagency agreement with the South Florida Water Management District (SFWMD) for the Deering Rehydration Addition/Deering Estate Flow Way Project and a Temporary Construction and Access Easement in favor of the SFWMD, in substantially the forms attached hereto and made a part hereof; and authorizes the County Mayor or County Mayor's designee to execute the agreement and easement.

The foregoing Resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and being put to vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Martin W. Sybblis

ATTACHMENT A

INTERAGENCY AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE DEERING REHYDRATION ADDITION/DEERING ESTATE FLOW WAY PROJECT

This Interagency Agreement for the Deering Rehydration Addition/Deering Estate Flow Way project is made this _____ day of _____ 2008 by **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, its successors and assigns, whose mailing address is 111 NW First Street, Miami, Florida 33128, hereinafter referred to as the "County", with the **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**, a public corporation of the State of Florida, and its successors and assigns, hereinafter referred to as the "SFWMD", with its principal office at 3301 Gun Club Road, West Palm Beach, Florida for the purpose of perpetual flowage, inundation, channel and facility construction, maintenance and facility operation needed to provide rehydration of Coastal Wetlands in conjunction with the Comprehensive Everglades Restoration Plan (CERP), Biscayne Bay Coastal Wetlands Project.

WITNESSETH:

WHEREAS, the County acquired the property known as the Cutler Glade Rehydration Addition to the Deering Estate at Cutler, identified by folio number 30 5026 000 0040, and located at 15850 Old Cutler Road, Miami, Florida, hereinafter called the Premises, with partial funding from the Florida Communities Trust ("FCT"), and the Premises are subject to certain limitations provided in the FCT Grant Award Agreement recorded in Official Record Book 21069, Page 3404, Public Records of Miami-Dade County, Florida (the "FCT Agreement," Attachment A1); and

WHEREAS, as part and condition of the FCT funding, the County provided and the FCT approved the Deering Estate Cutler Glade Rehydration Addition Management Plan for the Florida Communities Trust, Florida Department of Community Affairs, prepared January 2003 by the Miami-Dade Parks and Recreation Department, with FF1 Award number 01-043-FF1 (the "Management Plan" Attachment A2), which Management Plan applies to the Premises. The FCT Agreement and the Management Plan are hereby incorporated herein by reference and made a part hereof; and

WHEREAS, the County and SFWMD intend that the conservation and recreation values of the Premises be preserved and enhanced in accordance with the Management Plan, as it may be amended from time to time after review and approval by the FCT; and

WHEREAS, the County and SFWMD agree that all activities by the County and SFWMD must be consistent with the FCT Agreement and Management Plan, and

WHEREAS, the County and SFWMD have jointly agreed to the attached plans, Deering Flow Way Project: Site Plan (Exhibit A), and proposed pump station design (Exhibit B) to develop the ditches, canals and channels (not for navigational purposes), pumping stations and other elements (the Project Structures) needed to provide rehydration of Coastal Wetlands in conjunction with the Comprehensive Everglades Restoration Plan (CERP), Biscayne Bay Coastal Wetlands Project

NOW THEREFORE,

The County agrees:

1. To provide to SFWMD a Temporary Construction and Access Easement, including, but not limited to, the right to move, transport, store, operate, and stage equipment, materials and supplies, on the Premises, for purposes deemed by SFWMD to be necessary or incident to, or in connection with the construction and implementation of the Project Structures. (Attachment B: Temporary Construction and Access Easement).
2. To assure that during the period of the Temporary Construction and Access Easement the Temporary Construction and Access Area shall at no time be obstructed by any object or activity which would in any manner interfere with the purposes of this Agreement without the prior written consent of SFWMD
3. To provide to the SFWMD, upon completion of the development of the Project Structures, a Permanent Maintenance Easement for the purposes of maintaining and operating the Project Structures.
4. To assure that on completion of the project, the Permanent Maintenance Easement shall at no time be obstructed by any object or activity which would in any manner interfere with the purposes of this Agreement without the written consent of SFWMD.
5. To ensure that any future design and construction of a boardwalk will serve as an educational and recreational amenity will not interfere with the purposes of this Agreement or the CERP.
6. To allow SFWMD to utilize contractors, subcontractors, SFWMD employees, employees of other governmental entities, as well as other persons and entities in connection with SFWMD's exercise of the interests, rights, privileges, and powers conveyed and granted to SFWMD under this Interagency Agreement.
7. To indemnify and hold harmless the SFWMD to the extent and within the limitations of Section 768.28, Fla. Stat., subject to the provisions of that Statute whereby the County shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of \$100,000, or any claim or judgments of portions there of, which, when totaled with all other occurrences, exceeds the sum of \$200,000, from any and all personal injury or property damage claims, liabilities, losses and causes of action which may arise solely as a result of negligence of the County. However, nothing herein shall be deemed to indemnify the SFWMD from any liability or claim arising out of the negligent performance or failure of performance of the SFWMD or any unrelated third party.
8. In the temporary and permanent easements to include the following: Grantee acknowledges its liability for torts to the extent provided and allowed under Section 768.28, Florida Statutes. To the extent permitted by law, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the Grantee shall defend, indemnify and hold Grantor harmless from any and all claims, liability, losses, expenses and causes of action, including but not limited to reasonable attorney's fees and costs, which may arise out of the Grantee's own negligence in connection with this Agreement. The foregoing indemnification shall neither alter the Grantee's waiver of sovereign immunity nor extend the Grantee's liability beyond the limits established in Section 768.28, Florida Statutes. Furthermore, the foregoing indemnification shall not be construed to constitute agreement by the Grantee to indemnify Grantor for Grantor's negligent or willful acts or omissions.

9. That this Easement may be assigned in whole or in part by the SFWMD for use in connection with any of the purposes above mentioned, but only to an agency of the State of Florida or the United States of America.

The District agrees:

1. To construct the Project Structures substantially in accordance with the plans attached as Exhibits A and B.

2. To make reasonable efforts to maintain the undisturbed portions of the Temporary Access and Construction Easement Area by mowing and performing ordinary care and, upon the termination of the Temporary Access Period, to return the area to substantially the same, or better, condition than it was prior to the commencement of the County's activities under this Agreement, reasonable wear and tear excepted.

3. That the County shall have no responsibility to remedy, repair or replace loss or damage caused by acts outside of the control of the County or caused by SFWMD's use of the Temporary Construction and Access Easement Area.

4. That the primary purpose of the Project Structures and the interests, rights, privileges, and powers conveyed and granted to SFWMD under this Agreement are for the routing of water for the rehydration of coastal wetlands and not for SFWMD's water management functions of flood control, drainage protection or saltwater intrusion protection.

5. To operate and maintain the structures at all times in such a way that assures their safety and appearance.

5. To ensure that any and all Project Structures are operated at a maximum flow rate of 100 cubic feet per second ("100 CFS") so that the natural resources of the Deering Estate are not negatively impacted by excessive flow. .

6. To assist the County in developing an Adaptive Resource Monitoring and Management Plan (hereinafter called the "Adaptive Management Plan") to help carry out the requirements and objectives of the Management Plan, as well as, or in addition to, carrying out the purposes and intents of the Statutes of the State of Florida relating to the South Florida Water Management District. Where any conflict in language may exist, the Management Plan shall take priority.

7. That once completed, the Adaptive Management Plan will be submitted jointly by the County and SFWMD to the CERP Project Delivery Team for incorporation as an Appendix to the Project Implementation Report (hereinafter called the "PIR").

8. That the Adaptive Management Plan will provide for periodic assessment of the impact of the flowage on the natural resources of the estate

9. To make any needed adjustments in the operation of the facilities to address negative impacts on the natural resources of the Estate.

10. To allow the County to design and construct a boardwalk and other improvements to serve as a recreational and educational amenity.

11. To indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses, or damages, including attorneys' fees and cost of defense, which the County or its officers, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the SFWMD or its employees, agents, servants, partners principals or subcontractors. The SFWMD shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits, or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. The SFWMD expressly understands and agrees that any insurance protection required by this Contract of otherwise provided by the SFWMD shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided.

12. That this Agreement may be assigned in whole or in part by the SFWMD for use in connection with any of the purposes above mentioned, but only to an agency of the State of Florida or the United States of America.

IN WITNESS WHEREOF, this Interagency Agreement has been executed by the County whose hand and seal is affixed hereto, the date first above written.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

Reviewed by: _____
County Manager

WITNESS SIGNATURE

PRINT NAME

County Mayor

(Corporate Seal)

WITNESS SIGNATURE

PRINT NAME

ATTEST:

Clerk

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY, that on this day personally appeared before me _____ and _____, Chairperson and Clerk, respectively, of Miami-Dade County, a political subdivision of the State of Florida, to me known to be the persons described in and who executed the foregoing easement deed and acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal at _____ in the State and County aforesaid, this _____ day of _____, 2008.

Notary Public

My Commission Expires: _____

Exhibit A

Deering Flow Way Project: Site Plan

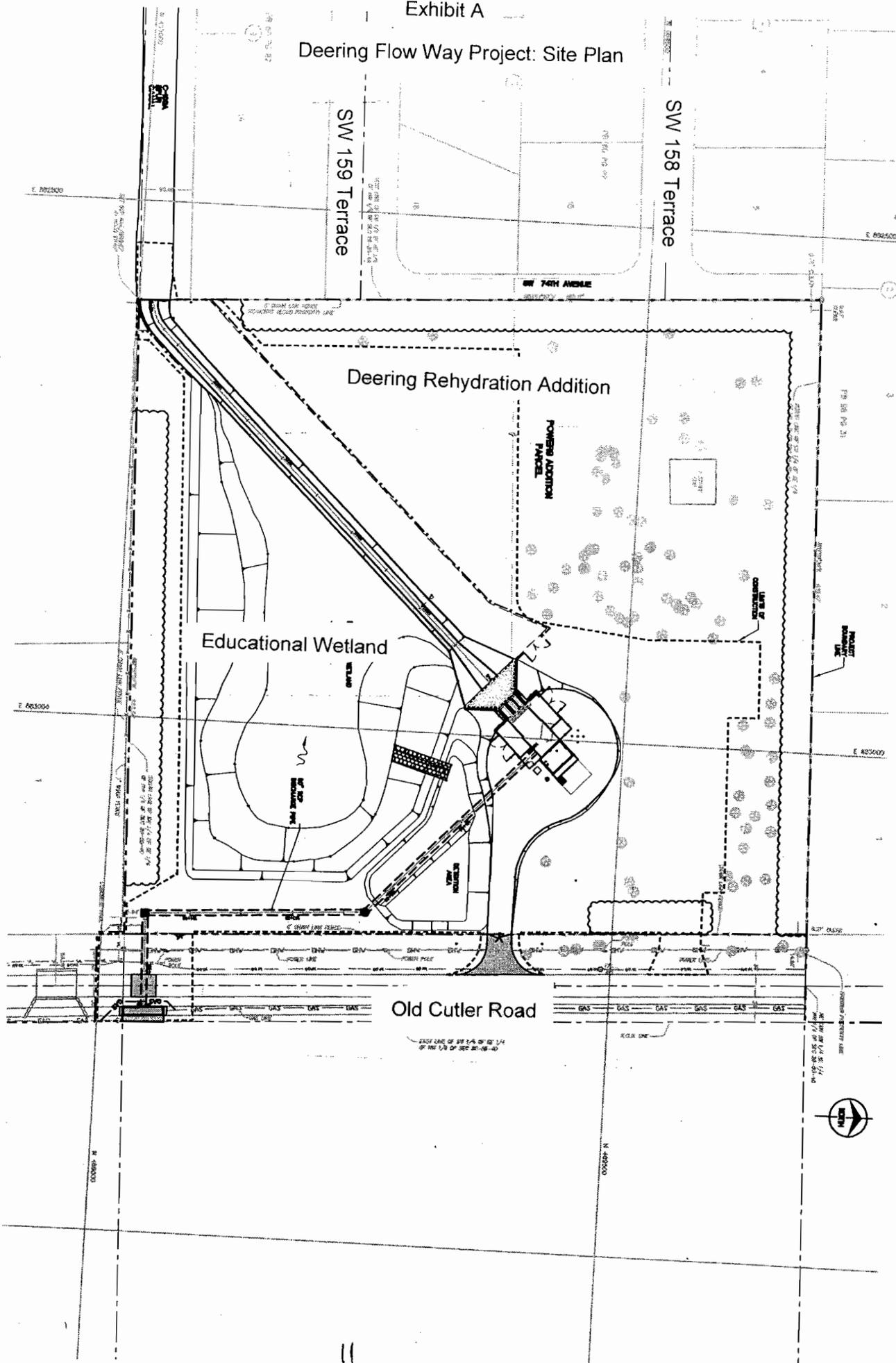
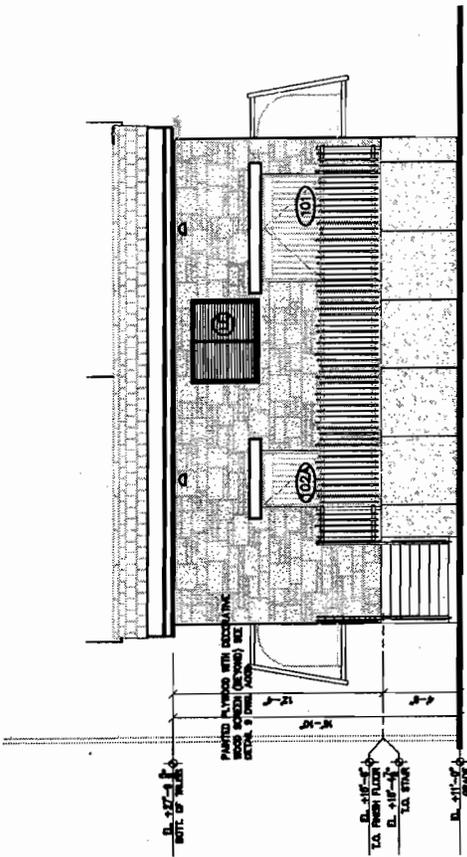
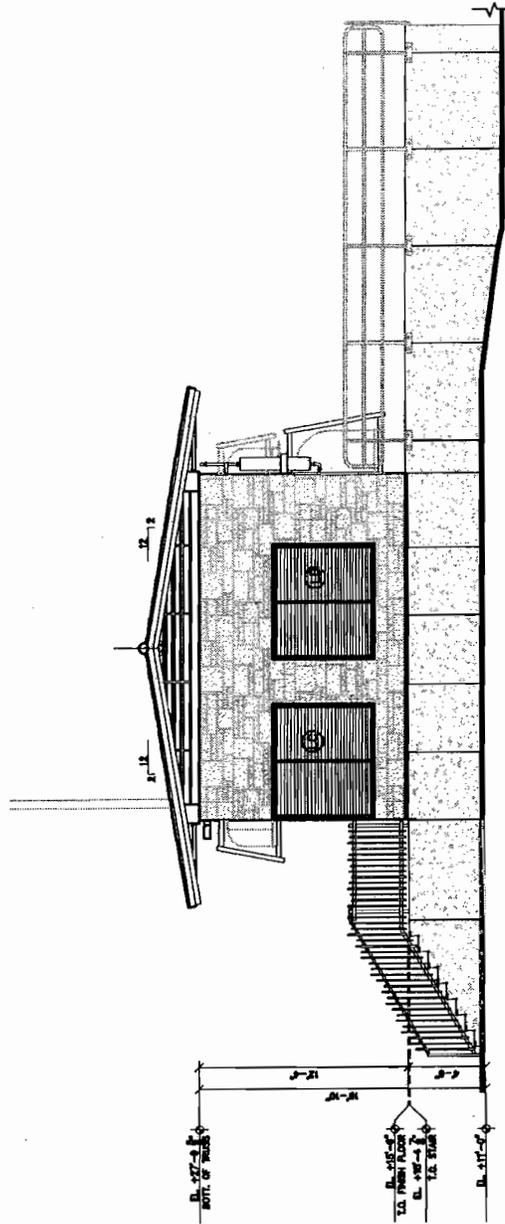


Exhibit B

Proposed Pump Station Design



East Elevation



North Elevation



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Attachment A-1

This document prepared by:
 Ann J. Wild
 Florida Communities Trust
 Department of Community Affairs
 2555 Shumard Oak Blvd.
 Tallahassee, FL 32399

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FLORIDA COMMUNITIES TRUST
 FF1 AWARD #01-043-FF1
 FCT Contract# 03-CT-34-01-FI-JI-043

GRANT AWARD AGREEMENT

THIS AGREEMENT is entered into this 27th day of JANUARY, 2003, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and MIAMI-DADE COUNTY, a political subdivision of the State of Florida ("Recipient"), in order to impose terms, conditions, and restrictions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds and as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Chapters 259.105, 259.1051, and 380, Florida Statutes.

WHEREAS, Part III Chapter 380, Florida Statutes, the Florida Communities Trust Act, creates a nonregulatory agency within the Department of Community Affairs, which will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, Section 259.105(3)(c), F.S., of the Florida Forever Act provides for the distribution of twenty-two percent (22%) less certain reductions of the net Florida Forever Revenue Bond proceeds to the Department to provide land acquisition grants to local governments and nonprofit environmental organizations through the FCT for acquisition of community-based projects, urban open spaces, natural resource conservation areas, parks, greenways and outdoor recreation areas to implement local comprehensive plans;

WHEREAS, the Bonds were issued as tax-exempt bonds, meaning that the interest on the Bonds is excluded from the gross income of Bondholders for federal income tax purposes;

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B

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WHEREAS, Rule Chapter 9K-7, Florida Administrative Code (F.A.C.), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding in accordance with Rule Chapter 9K-7, F.A.C.;

WHEREAS, the FCT has approved the terms under which the Project Site is acquired and the deed whereby the Recipient acquires title to the Project Site shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, such covenants and restrictions shall be imposed by an agreement which shall describe with particularity the real property which is subject to the agreement and shall be recorded in the county in which the real property is located; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to its acquisition using funds from the Florida Forever Trust Fund award.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and Recipient do hereby contract and agree as follows:

I. GENERAL CONDITIONS.

1. Upon execution and delivery by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of Miami-Dade County, Florida, and in such manner and in such other places as FCT may reasonably request, and shall pay all fees and charges incurred in connection therewith.

2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection will forward this Agreement to Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax exempt status of the Florida Forever Bonds is not jeopardized, FCT and Recipient shall amend the Agreement accordingly.

3. This Agreement may be amended at any time. Any amendment must be set forth in a written instrument and agreed to by both the Recipient and FCT.

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4. This Agreement and the covenants and restrictions contained herein shall run with the Property herein described and shall bind, and the benefits shall inure to, respectively, the FCT and the Recipient and their respective successors and assigns.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, with respect to both substantive rights and with respect to procedures and remedies.

6. Any notice required to be given hereunder shall be given by personal delivery, by registered mail or by registered expedited service at the addresses specified below or at such other addresses as may be specified in writing by the parties hereto, and any such notice shall be deemed received on the date of delivery if by personal delivery or expedited delivery service, or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Executive Director

Recipient: MIAMI-DADECOUNTY
Park and Recreation Department
275 NW 2nd Street
Miami FL 33128
ATTN: Resource Development Section Manager

7. If any provision of the Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

II. PROJECT SITE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375, AND CHAPTER 380, PART III, FLORIDA STATUTES.

1. If any essential term or condition of this grant agreement is violated by the Recipient or by some third party with the knowledge of the Recipient and the Recipient does not correct the violation within 30 days of notice of the violation, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund. The FCT shall treat such property in accordance with Section 380.508(4)(e), Florida Statutes.

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2. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee, containing such covenants, clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

3. The interest, if any, acquired by the Recipient in the Project Site will not serve as security for any debt of the Recipient unless FCT approves the transaction.

4. If the existence of the Recipient terminates for any reason, title to all interest in real property it has acquired with the FCT award shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund, unless FCT negotiates an agreement with another local government or nonprofit organization which agrees to accept title to all interest in and to manage the Project Site.

5. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with the FCT any insurance proceeds or any condemnation award, and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. The FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from the FCT, the FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT will have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

III. PROJECT SITE OBLIGATIONS IMPOSED BY FCT ON THE Recipient.

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Project Plan as approved by FCT.

2. The Recipient shall prepare and submit to FCT an annual stewardship report as required by Rule 9K-7.013, F.A.C.

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3. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation, or outdoor recreation uses as appropriate. If an amendment to the Recipient's comprehensive plan is required to comply with this paragraph, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

4. Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

5. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the FCT approved project plan.

6. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

7. All buildings, structures, improvements, and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and/or major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. The approval by FCT of the Recipient's management plan addressing the items mentioned herein shall be considered written approval from FCT.

8. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Florida Statutes. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site will be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

9. The Recipient shall ensure that the Project Site is identified as being publicly owned and operated as a passive, natural resource-based public outdoor recreational site in all signs, literature and advertising regarding the Project Site. The Recipient shall erect a sign(s) identifying the Project Site as being open to the public and as having been purchased with funds from FCT and Recipient.

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IV. OBLIGATIONS INCURRED BY Recipient AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the Recipient, to any of the below listed activities or interests, the Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and shall provide to FCT such information with respect hereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest:

- a. any lease of any interest in the Project Site to a non-governmental person or organization;
- b. the operation of any concession on the Project Site to a non-governmental person or organization;
- c. any sales contract or option to buy things attached to the Project Site to be severed from the Project Site, with a non-governmental person or organization;
- d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;
- e. a management contract of the Project Site with a non-governmental person or organization; and
- f. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

2. Recipient agrees and acknowledges that the following transaction, events, and circumstances may not be permitted on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law:

- a. a sale of the Project Site or a lease of the Project Site to a non-governmental person or organization;
- b. the operation of a concession on the Project Site by a non-governmental person or organization;
- c. a sale of things attached to the Project Site to be severed from the Project Site to a non-governmental person or organization;
- d. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of bonds from which the disbursement is to be made;

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- e. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;
- f. a management contract of the Project Site with a non-governmental person or organization; and
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE Recipient AND OTHER GOVERNMENTAL BODIES, NOT FOR PROFIT ENTITIES, OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE Recipient OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

V. CONDITIONS THAT ARE PARTICULAR TO THE PROJECT SITE AS A RESULT OF THE FCT APPROVED MANAGEMENT PLAN.

- 1. Two or more resource-based outdoor recreational facilities including a nature trail and picnic area shall be provided on the Project Site. The facilities shall be designed and located with minimal impact to natural resources on the Project Site.
- 2. A permanent recognition sign shall be maintained in the entrance area of the Project Site. The sign shall acknowledge that the Project Site is open to the public and was purchased with funds from the Florida Communities Trust Program and Miami-Dade County.
- 3. Interpretive signage shall be provided to educate visitors about the natural environment of the Project Site.
- 4. At least 24 environmental education classes or programs shall be conducted annually at the Project Site by trained educators or resource professionals.
- 5. A biological inventory of the natural communities found on the Project Site, including the dominant and listed plant and animal species, shall be conducted prior to any site development. The inventory shall be used to ensure the protection of biological resources and be updated periodically.
- 6. The Project Site shall be managed in a manner that will protect and enhance the habitat for native wildlife species that utilize or could potentially utilize the site. The development

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of the Management Plan shall be coordinated with the Florida Fish and Wildlife Conservation Commission's Office of Environmental Services to ensure the preservation and viability of native wildlife species and their habitat.

7. The degraded rockland hammock on the Project Site shall be restored to a natural condition in terms of biological composition and ecological function.

8. The degraded freshwater wetland glade on the Project Site shall be restored to a natural condition in terms of biological composition and ecological function. Alternatives for reestablishing the natural hydrology of the wetland glade including the historic directional flow and seasonal fluctuations shall be investigated and implemented if feasible.

9. The quality of surface runoff from the Project Site shall be improved through the restoration of the site's natural hydrology including the historic directional flow and seasonal fluctuations.

10. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the Project Site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The Management Plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the Project Site.

11. The Project Site shall be managed as an addition to the Deering Estate.

12. Prior to the commencement of any proposed development activities, measures shall be taken to determine the presence of any archaeological sites. All planned activities involving known archaeological sites or potential site areas shall be closely coordinated with the Department of State, Division of Historic Resources in order to prevent the disturbance of significant sites.

13. Pedestrian and bicycle access to the Project Site shall be promoted through the provision of pedestrian oriented walkways and bicycle facilities that link the Project Site with adjacent residential neighborhoods. Bike parking stands shall be installed at the Project Site to provide an alternative to automobile transportation to the Project Site.

14. Proposed site improvements shall be designed and located to minimize or eliminate the long term risk of storm damage or flooding in conjunction with appropriate hazard mitigation agencies or experts.

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15. The requirements imposed by other grant program funds that may be sought for activities associated with the Project Site shall not conflict with the terms and conditions of this agreement.

This Agreement including Exhibit "A" embodies the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

[Signature]
Print Name: Suzel Alvarez-Tagle

[Signature]
Print Name: Gladys Fernandez

MIAMI-DADE COUNTY

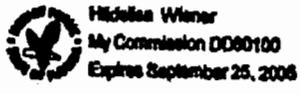
By: [Signature]
Print Name: Alina Tejada Hudak
Title: Assistant County Manager

Date: 11/6/03

Approved as to Form and Legality:
By: [Signature]
Print Name: Mariela Martinez Cid

STATE OF FLORIDA
COUNTY OF Dade

The foregoing instrument was acknowledged before me this 7 day of January, 2003, by Alina Hudak as Assistant County Manager of Miami Dade County and who is personally known to me.



[Signature]
Notary Public
Print Name: Hilda Lisa Wiener
Commission No. DD60100
My Commission Expires: Sep. 25, 2005

21069PG3413

Witness:

[Signature]
Print Name: BRYAN W. S. [unclear]

[Signature]
Print Name: JERRY TABER

FLORIDA COMMUNITIES TRUST

By: [Signature]
Janice Browning,
Executive Director

Date: 1/28/03

Approved as to Form and Legality:
By: [Signature]
Ann J. Wild, Trust Counsel

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 28th day of January, 2003, by Janice Browning as Executive Director of Florida Communities Trust. She is personally known to me.

[Signature]
Notary Public

Print Name: _____

Commission No. _____

My Commission Expires: _____



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EXHIBIT "A"

The Southwest ¼ of the Southeast ¼ of the Northwest ¼ of Section 26, Township 55 South,
Range 40 East, Dade County, Florida.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUMIN
CLERK, CIRCUIT COURT

GAA\01-000-FF1
12/17/02

Prepared for
The Florida Communities Trust
Florida Department of Community Affairs

By
Miami-Dade Park and Recreation Department

January 2003

FF1 Award Number 01-043-FF1

ACKNOWLEDGMENTS

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Table of Contents

SECTION	PAGE
I. INTRODUCTION	1
A. Project Name	1
B. Location	1
C. Background	1
II. PURPOSE FOR ACQUISITION	2
A. Management Objective	4
III. NATURAL RESOURCES	5
A. Natural Communities	5
B. Listed Animal Species	6
C. Soils	7
D. Surface and Groundwater	7
E. Unknown Resources	8
IV. SITE USE	8
A. Existing	8
B. Proposed Improvements	9
C. Access Improvements	10
V. RESTORATION	10
A. Restoration Techniques and Management	10
Rehydration	10
Hammock	13
VI. MONITORING AND REPORTING	14
Rehydration	14
Hammock	15
VII. SITE PLAN	16
VIII. MANAGEMENT NEEDS	16
IX. ARCHEOLOGICAL AND HISTORICAL RESOURCES	18
A. Surveys/Monitoring	18
X. EDUCATION	19
A. Interpretive Signage	19
B. Programs	19
XI. MANAGEMENT COORDINATION	21
A. Incorporation of Site Into Deering Estate At Cutler	21
B. Inter-Agency Coordination	21
C. Planning	21
D. Construction	22
E. Post Construction	22
XII. Cost	22
XIII. Implementation Schedule	23
LIST OF TABLES	24
1. Endangered Flora of the Deering Estate	

SECTION

PAGE

2. Endangered Fauna of the Deering Estate
3. Implementation Cost for Management Activities
4. Operation Cost for Management Activities
5. Implementation of Management Activities

LIST OF EXHIBITS

34

1. Map of Powers Addition Location
2. General Plan of Deering Estate
3. Map of Deering Estate Parcel Ownership
4. Map of Powers Addition Boundary
5. Map of Existing Vegetative Communities
6. Map of Historic Glade and Spur Canal
7. Map of Existing Vegetative Communities in the Addition
8. Connection to South Dade Greenway Network
9. Preliminary Site Plan
10. Existing Condition of Site

LIST OF APPENDICES

45

- A. Grant Award Agreement
- B. Recorded Deed and Other Closing Documents
- C. Rehydration Feasibility Study
- D. Florida's Most Invasive Species
- E. Florida Natural Areas Inventory
- F. Division of Historical Resources Letter
- G. Exotic Species Management Guidelines

I. INTRODUCTION

A. Project Name

Deering Estate – Cutler Glade Rehydration Addition
FCT Project #01-043-FF1

B. Location

The Project is located in southeastern Miami-Dade County at 16500 SW 74 Avenue on the west side of Old Cutler Road adjacent to the **Charles Deering Estate at Cutler** on Biscayne Bay (Exhibit 1). This is found in Section 26, Township 55 South and Range 40 East.

C. Background

The Charles Deering Estate in its entirety is a State and County owned property operated and maintained by the County's Park and Recreation Department with the purpose of achieving an appropriate balance between protecting the natural and cultural resources while providing public access and compatible resource based recreational opportunities (Exhibit 2). The 430-acre property consists of lands purchased by the State's Conservation and Recreational Lands Program (CARL) with subsequent purchases made by the County through its Safe Neighborhood Parks Bond (SNP), Environmentally Endangered Lands (EEL) Program and with funds provided by the Florida Communities Trust (FCT) (Exhibit 3).

The 9.66-acre Deering Estate-Cutler Glade Rehydration Addition (a.k.a. the Powers Property) was acquired in 2000 as an addition to the Charles Deering Estate at Cutler. The purchase of the Rehydration Addition was facilitated through the Trust for Public Lands with funding from Miami-Dade County Safe Neighborhood Parks Bonds Program, the Environmentally Endangered Lands Program and the Wetland Enhancement Trust Fund. In 2002-2003, grant funding was also provided by the Florida Communities Trust through its Florida Forever Program to reimburse Miami-Dade County for 40% of the allowable acquisition costs. This management plan has been developed in accordance with Grant Award Agreement and in furtherance of the purpose of the grant.

The project site was part of the Cutler Glade, which was historically connected to the hammocks, mangroves, and salt marsh communities of the Deering Estate. The Glade originally ran through the project site, into the Deering Estate and finally into the Biscayne Bay. The wetland area of the Glade was isolated from its water source during the 1960's when the C-100 canal was constructed. After the wetland was drained, the area was used for agricultural purposes. The property owners established a house on the northern section of the property and the pine rockland was slowly invaded by invasive exotic species. The northern section of the project site currently

contains approximately 2 acres of disturbed pine rockland and 2 acres of rockland hammock. The southern section contains 5 acres of cleared glade currently being used to grow mangos and avocados.

The acquisition has established a linkage to the water source of the C-100 Spur Canal and provides the opportunity to reestablish higher levels of freshwater flow and historic drainage patterns through the Deering Estate (Exhibit 4).

The rehydration and restoration project is a one-of-a-kind opportunity that allows the restoration of a historically significant freshwater feature, and enhances all of the various natural resource habitats remaining at the Deering Estate and in Biscayne Bay. The rehydration project will redirect water from the C-100 Canal system through the existing C-100 Spur Canal into the Cutler Glade on the project site and within the Deering Estate, thus restoring a portion of the historic freshwater flow through the Deering Estate and into Biscayne Bay. The South Florida Water Management District (SFWMD) has demonstrated strong support for the project since the acquisition. SFWMD partnered with the Miami-Dade County Park and Recreation Department to fund a feasibility study for rehydration. That study was completed in January 2002 and provides the Department with the necessary parameters to move forward with the engineering phases of the project - estimated to begin in 2003. The SFWMD has made a long-term commitment to the implementation of the project through in-kind technical support. The Department has recently received notification of grant awards from the Miami-Dade Wetland Trust Fund and the U. S. Fish and Wildlife Service (USFWS). This funding will enable the Department to move forward with the engineering phase and begin Phase One of implementation.

II. PURPOSE FOR ACQUISITIONS

The purpose of the acquisition is to establish a connection between the C-100 Spur Canal and the Deering Estate, and to develop a means to convey freshwater through the addition to the remnants of the historic Cutler Slough within the Estate. The intent of the rehydration is to restore areas of freshwater wetland habitat in the historic slough on both the acquisition parcel and within the Deering Estate. Increased humidity will also assist to reestablish rare ferns and orchids within the hammocks, and to promote the regeneration of other native species dependent on higher levels of freshwater. In addition, it is predicted that hydrologic restoration will be beneficial to the pine rocklands by increasing the hydrology of those areas to levels closer to ones found before construction of canal system. Decreasing the salinity in the mangroves and sea grass beds of the Deering Basin will enhance the estuary and improve breeding and foraging grounds for fish, crustaceans, wading birds and the federally endangered American crocodile (*Crocodylus acutus*). Freshwater and marine foraging areas,

combined with areas suitable for the re-establishment of rookeries, make this property an ideal site for wading birds. Additionally, this project may recharge underground channels that feed freshwater springs within the Deering Estate, as well as further out in the Bay.

The current land use and zoning designation will be amended to reflect the future use of the site for open space, conservation and outdoor recreation. Required documents, including the management plan, will be submitted to the Miami-Dade County Department of Planning and Zoning by August 2003. An amendment to the Comprehensive Development Plan stating the designation change from Estate Density Residential to Environmentally Protected Parks will be reviewed October 2003. Upon approval of the ordinance, the new site designation will be recognized October 2004. Documentation of the approved ordinances changing the designation will be forwarded to the Florida Communities Trust.

The acquisition of the site will assist Miami-Dade County in implementing a number of goals, objectives, and policies, adopted in its Comprehensive Development Master Plan (CDMP), which are briefly described below.

1. Recreation and Open Space Policy 1A provides that areawide parks and open spaces shall be provided, and that they shall be established in conjunction with regionally significant natural and historic resources.

The project assists the County in meeting facility standards for areawide parks, which include metropolitan parks, natural area preserves, special activity area, and/or greenways. The site will be managed as part of the Deering Estate due to its importance to the hydrologic restoration of the natural areas on the Estate. The project furthers CDMP objectives calling for the provision of areawide parks for residents and tourists.

2. Recreation and Open Space Policy 1A provides that parks and open spaces shall be established in areas of regionally significant natural, historic, or tourism resources. **Recreation Policy 3C** directs the County to maximize public ownership of coastal resources. **Coastal Management Policy 9C** instructs the County to consider undeveloped land in areas most vulnerable to storm surges for public or private recreational uses and open space, including restoration of coastal natural areas.

The project allows for the preservation of open space in an extensively developed residential area subject to 100-year flood, and provides for the restoration and protection of a historic uplands and wetlands (Cutler Glade) within an existing areawide park, the Charles Deering Estate. It also allows the County to continue acquiring sensitive coastal areas for public use, including western portions of the drainage slough that support eastern coastal flats in Biscayne Bay State Aquatic Preserve. The acquisition of the property furthers

County policies related to acquisition and preservation of coastal wetlands for environmental and recreational purposes.

3. **Conservation Policy 7D** supports development of management plans to protect natural resources. **Coastal Management Policy 7D** supports restoration of natural areas and removal of invasive plant species. **Conservation Element Policy 9E** directs the conservation of upland wildlife habitats, and **Conservation Policy 9F** directs that future open space and wetland mitigation areas protect wildlife habitats.

Acquisition of the property insures that both intact and remnant native vegetative communities on the site will be preserved, protected, restored and managed. Moreover, acquisition furthers County policies related to managing environmentally sensitive areas and restoring natural areas, and removing exotic species. Public ownership and professional resource management of the property insures that actions to protect listed animal species and habitat are prioritized. Clear evidence of this can be demonstrated in the expanding lists of animal and bird sightings within the adjacent Charles Deering Estate. Since inception of public management of the property in 1985, staff biologists have documented a growing list of rare and endangered species that otherwise would not be protected. Without public acquisition, further encroachment or expansion of exotic species would continue as native habitat is destroyed. County policies that are furthered by this acquisition include conservation of wildlife habitats and restoration of vulnerable natural areas with intact resources.

All literature and advertising associated with the site will identify that "Funding for the acquisition of this site was proved by the Florida Communities Trust." This shall include property identification signage, funding acknowledgements of the acquisition and site improvements and program promotional material related to this specific project at the Charles Deering Estate at Cutler.

A. Management Objectives

The objectives of this project are to restore historic freshwater flows back into the Deering Estate and to preserve and protect its natural forest resources, wetlands and endangered species habitat. By doing so, the project shall maintain and/or improve the water quality of the Biscayne Bay Aquatic Preserve by reducing the single point of freshwater discharge currently occurring at the C-100 Canal. Increasing levels of freshwater into the mangrove forest, salt marsh and sea grass beds of the Deering Estate shall enhance the ecological functions and biological diversity of these areas.

Monitoring changes in habitat and water quality during the process of rehydration shall provide a source of data that will allow the Department to adjust management objectives and establish future goals for habitat restoration and predict obtainable rehydration levels. The project shall be

managed in a manner that will restore and protect the natural communities of the Deering Estate, provide an educational resource to the community and provide appropriate public access and enjoyment of the sites resources.

The key management objectives for the Deering Estate – Cutler Rehydration Addition include:

1. To restore, enhance and maintain the wetlands and hammock communities that were historically present on the Deering Estate site.
2. To maintain and promote the freshwater marsh/wet prairie and pineland/hammock habitats and to prevent colonization by invasive exotic species.
3. To maintain the current populations of listed species and promote population increases and reestablishment of listed species where possible and appropriate.
4. To maintain the current populations of unlisted rare and endemic species, subspecies, and varieties of plants and animals and promote increase of those species where possible and appropriate.
5. To coordinate management activities with archeological and historical preservation.
6. To collect and evaluate data during the management of the site that may assist in future rehydration and natural areas restoration efforts.
7. To provide outdoor recreation and public education where consistent with the protection of natural and cultural resources on the site.

III. NATURAL RESOURCES

A. Natural Communities

The project site historically contained approximately 5 acres of critically imperiled pine rockland. The two remaining acres of this community have been impacted by fragmentation, invasive exotic plant species and fire exclusion. Severe disturbance has altered the pine rockland in such a way that restoration of this habitat is no longer feasible. Therefore, this area will be allowed to succeed to rockland hammock through the absence of fire, invasive exotic control, and supplemental planting of native hammock vegetation. The southern portion of the site contains hydric soils and is part of a former transverse glade that once extended from the west through the Deering Estate and out to Biscayne Bay. The glade portion of the site was never filled, but was cleared in the past. The transverse glade will be restored as water is allowed to flow through the canal and rehydration occurs (Exhibit 5).

The adjacent Deering Estate harbors 105 acres of pine rockland (critically imperiled globally) and 142 acres of rockland hammock (State imperiled). These vegetative communities are protected by active resource management practices conducted by the Department's Natural Areas Management Division

(NAM). The rockland hammock will benefit from the restoration of the Cutler Glade and the freshwater flow from the project site because surface levels will rise and humidity will increase. Numerous hammock species, especially ferns, orchids, bromeliads, mosses, liverworts, and lichens prefer higher humidity. The pine rockland will also benefit from an increase in groundwater levels. Lowering groundwater levels have negatively impacted slash pines and other plant species that typify pine rockland habitat. Although the viability and quality of these plant communities at the Deering Estate is good, it would be improved by rehydration of the project site.

B. Listed Animal Species

The Rehydration Addition provides habitat for Ospreys (*Pandion haliaetus*), American Kestrels (*Falco sparverius*), White-Crown Pigeons (*Columba leucocephala*), Atala Hairstreaks (*Eumaeus atala*), Forest Snails (*Drymaeus multilineatus*), Short-tailed Hawks (*Buteo brachyurus*), Black-whiskered Vireos (*Vireo atiloqueus*), Cooper's Hawks (*Accipiter cooperi*), Prairie Warblers (*Dendroica discolor*), Florida Tree Snails (*Liguus fasciatus*), Banded Tree Snails (*Orthalicus floridensis*), and Florida Purplewings (*Eunica tatila*). Listed species using the project site will be protected by preservation and enhancement of habitat through the management of the subject site, rehydration of the Cutler Creek, restoration of the glade vegetation (fresh water marsh/prairie and the hammock), and management of invasive exotic vegetation and animals.

The 9.66-acre project site does not currently contain sufficient habitat recognized by State or Federal agencies as suitable for listed animal species; however, once restored it will provide 4 acres of rockland hammock and approximately 5 acres of freshwater marsh/wet prairie as recognized by the Florida Committee on Rare and Endangered Plants and Animals as suitable habitat for listed species (Table 1). The listed species currently utilizing the site are found in the open grassy area, fruit trees and the disturbed pine rockland. Once rehydrated, the project site is expected to be used by migrating birds and as a nesting and feeding area.

The adjacent Deering Estate does contain recognized critical habitat for thirty-nine listed animals. Table 2 documents all listed species known to use the Deering Estate with notation included for species using the project site. The project site is adjacent to a Strategic Habitat Conservation Area located in the Deering Estate's salt marsh and tidal mangrove forests. The restoration of the freshwater flow through the Cutler Glade will have far reaching impacts. The aquatic habitat adjacent to the project site harbors a significant population of American Crocodiles, *Crocodylus acutus*, a State and Federally listed endangered species. Supplying fresh water to the Deering Estate will enhance habitat for American Crocodiles. The dispersal of crocodiles into additional satellite breeding groups can be enhanced by providing quiet areas with freshwater inflows in remote locations – far from major marinas and

residential developments. The restoration of freshwater flow through the Cutler Glade is extremely important because it will contribute to lower salinity conditions, which are essential to the survival and growth of hatchlings. While the viability of the listed species is good, additional freshwater flow will enhance food availability along the tidal swamp bordering Biscayne Bay, which is a prime foraging habitat for hatchling and juvenile crocodiles. The tidal swamp habitat is 100 acres and is protected by State and County agencies as a designated preserve.

C. Soils

Although disturbed, the site is unique in that approximately 5 acres of the site contain hydric soils and its original contour as part of a former transverse glade that once extended from the west through the Deering Estate and out to Biscayne Bay.

The 1996 Soil Survey of Dade County Area, describes the Rehydration Addition as Krome very gravelly loam. Typically, the soil is dark brown and about seven inches thick. Hard porous limestone bedrock is at a depth of about seven inches. Solution holes in the limestone extend to a depth of about ten inches. They contain silty clay loam or silty clay. The water table in areas of the Krome soil is within the limestone bedrock. It is at a depth of 40-60 inches in most years. Permeability is moderate. All areas have been rock-plowed or mechanically scarified and cultivated at some time in the past.

The description of the soil type given in the soil survey, however, does not appear to be consistent with the soils observed on the site. It is perhaps more reasonable to assume that the soil types found on the site are consistent with the adjacent soil types found on the Estate. Opa-locka rock outcrop complex is found in the pine rockland areas of the Estate and abuts the northern half of the Rehydration Addition in the area of the historic pine rockland. Matecumbe muck is the soil type recorded for the hammock and Cutler Glade areas of the Estate, where it abuts the Rehydration Addition on the southern portion of the property where the Glade was located. The low former glade portion of the site was never filled, but was cleared in the past for agriculture. This is in stark contrast to the course of the former glade to the west, which has been modified through dredging and excavation of the C-100 canal extension, and the filling of adjacent lands along the canal banks for construction of homes.

D. Surface and Groundwater

Historical documents indicate that the Estate was being developed during the late 1800's and extensive drainage modifications took place after the Estate was established in the late 1800's and early 1900's. Impacted lands include a habitat continuum ranging from pine rockland and rockland hammock to tidally influenced mangrove wetlands. Drainage activities included

modifications to the primary inflow area to the historic Cutler Slough, which conveyed freshwater through what is now known as the Deering Glade (Glade) (Exhibit 6). Dredging operations created an outflow channel leading from the property out to the Biscayne Bay, and are believed to have significantly modified the natural hydroperiod of the Slough by directing inflows deeper into the wetland/floodplain and creating a channelized surface outflow route that historically did not exist. The net result of these actions has accelerated pass through of waters drained from the watershed to the west, and most likely, a drying out of the lands to the immediate south where the actual Deering Estate buildings and agricultural activities were centered.

Prior to these drainage activities, historical outflows from the Glade appear to have been primarily through subsurface routes, except during wet-weather periods when surface flows likely took place over the rock ridge bounding the western margin of the mangrove wetlands. During the 1960s, freshwater that historically flowed into the Glade was largely diverted by the development of the C-100, C-100A, and C-100C Canals. These canals capture drainage from the watershed and shunt it directly into the Biscayne Bay via the S-123 water control structure, which is on the south property line of the Deering Estate.

Despite the regional lowering of groundwater levels and the channelization of surface water flows, hydric soils and wetland vegetative communities have persisted in portions of the Glade, increasing the possibility for slough restoration through Glade rehydration. Until recently, the feasibility of Glade rehydration was limited by the inability to re-connect the Glade to the regional surface water management system. However, the purchase of the rehydration addition has secured the final link necessary for re-connection.

E. Unknown Resources

Miami-Dade County will maintain constant monitoring and periodic inventory to record the change in natural communities and identify any unknown resources.

IV. SITE USE

A. Existing

The north portion of the site contains approximately 2 acres of disturbed pine rockland and 2 acres of rockland hammock (Exhibit 7). A vacant home and pump house are located in the upland area of the property with a driveway through the pine rockland and rockland hammock connecting the house to Old Cutler Road. The southern portion of the property contains 5 acres of Glade that were cleared for agricultural use. Currently this area contains mango and avocado trees with a band of exotic species along the southern and western property boundaries (Exhibit 8). An 8-foot chainlink fence provides access control along the eastern edge of the property.

B. Proposed Improvements

The 5-acre glade will be restored to a demonstration wetland community with boardwalks and educational displays highlighting the historical Glade and its restoration. Portions of the disturbed pine rockland will be allowed to succeed to rockland hammock and merge with a restored rockland hammock. There will be an allowance of open space for picnic areas, nature interpretation areas, trails and minimal bicycling and vehicle parking.

The site will contain 2 rain shelters and a picnic area with 2 picnic tables and 4 benches. The site will also provide five parking spaces, including one accessible space, and a 10-person bicycle rack located at the entrance. The parking area will incorporate pervious material wherever feasible. The trail system, which will be approximately 85 linear feet, will extend from the entrance at Old Cutler Road through the hammock and into the wetland area. A boardwalk will be constructed on sections of the trail that pass along side or into the wetland area and a 300 to 350 square foot covered overlook platform will be constructed at the end of the trail section located in the wetland area. A trash receptacle will be placed at the trailhead and near the parking lot and educational facility. If feasible, the existing residence, approximately 3,000 square feet, will be restored and used for educational purposes with restrooms and other support amenities. If the existing building is found structurally unsound and a new facility is required, the total area of all enclosed facilities on the site will not exceed the footprint of the original residence and pump-house (370 square feet). FCT review and approval is required for any additional site alterations or physical improvements and proposed modifications not stated in the management plan.

The educational activities at the site will be integrated into the programs at the Deering Estate, and interpretive signage following the Estate's signage program will be placed along the trails at environmentally significant points and at the education building. Interpretive trails will avoid areas known to encompass listed species to limit potential impacts. Permanent recognition signs identifying the project site as being open to the public and purchased with funds from FCT, and any other contributors will be placed at the entrance. The sign will be at least 2'x 3' in size. It will incorporate the FCT logo in its design and include a statement that the site was purchased in 2000 with funds provided by Florida Communities Trust, Miami Dade County Safe Neighborhood Parks Bond Program, Miami-Dade County Environmentally Endangered Lands Program, the Miami Dade County Wetland Enhancement Trust Fund, and through the assistance of the Trust for Public Lands.

The trails and amenities within the project site will connect to the Old Cutler Bike Path, which runs along Old Cutler Road from Cocoplum Circle at SW 72 Street south to SW 216 Street. Signage will guide users of the bike path across Old Cutler Road into the project site through a designated entrance adjacent but separate from the vehicular entrance. The Old Cutler Bike Path

Dade Greenway Network near the County's Matheson Hammock Park. . Both the Biscayne Trail and Black Creek Trail (trails within the South Dade Greenway Network) connect to the Old Cutler Bike Path (Exhibit 9).

C. Access Improvements

The site is currently accessible from the east by Old Cutler Road and the Old Cutler Bikeway, which links to the South Dade Greenway Network at Old Cutler and SW 87 Avenue. Access improvements will include: 1) vehicular, pedestrian and bicycle access from Old Cutler Road; 2) tram service from the visitor center at Deering Estate; 3) public transportation – Miami-Dade Transit Service; and 4) Canoe landing.

V. RESTORATION

Objective 1: Rehydration

The objective of the rehydration is to decrease the overall salinity in the Deering Basin, reduce fluctuations in salinity levels after fresh water release events, and increase the time over which the benefits of lower levels of salinity are seen. The rehydration of the Cutler Glade shall benefit the natural resources in the area by reducing the point source discharges of freshwater into Biscayne Bay from the S-123 structure located near the mouth of the C-100 Canal - immediately south of the Deering Estate. The discharge of fresh water shall be dispersed along the coast of the Deering Estate, increasing the period of time over which fresh water is delivered into the Bay. Additionally, rerouting water through the Glade will remove nutrients and decrease the total suspended solids in the water reaching the Bay, which will in turn benefit the fauna and flora in the basin and improve water quality.

Objective 2: Hammock Restoration

The Department shall restore the rockland hammock on the project site as part of an overall natural areas management and preservation effort at the Deering Estate. This restored natural area shall provide additional suitable habitat for listed species.

A. Restoration Techniques and Management Procedures

Rehydration

Historically, the Cutler Slough provided a freshwater outlet for the C-100 Basin, with the majority of the discharge occurring via underground connections to the Biscayne Bay. The current South Florida Water Management District system of drainage canals conveys much the water through the C-100 Basin, with a single discharge point to the bay through the S-123 water control structure. The proposed project will provide a more natural flow of fresh water through the Cutler Glade, restore a remnant freshwater wetland on approximately 5-acres of the project site, and enhance approximately 30-acres of wetlands within the slough located on the Deering

Estate. In addition, increased levels of freshwater, both on the surface and below grade, will benefit the other natural communities of the Estate. A water delivery schedule will be implemented that coincides with the "normal" wet and dry seasons of South Florida –volume and frequency of delivery and will mimic the annual water cycle.

Rehydration will occur through a phased-approach to infrastructure installation due to the extremely complex hydrogeology of the Glade; the inability to forecast the levels of restoration success, water surface elevations and environmental impacts following rehydration; and limited available topographic information. In Phase One components shall be constructed to allow rehydration through rainfall. Monitoring and additional site testing will be conducted during this phase that will provide crucial data for the design and construction of subsequent phases. The second phase will extend the C-100 Spur Canal through the project site where water will flow across the restored wetland and delivered into the Estate through pipes running under Old Cutler Road. The flow of water in this phase shall be facilitated via gravity. Phase Three supplements the first two phases with a submersible pump station. This will increase operational flexibility and provide additional local flood protection.

In January 2002, the Department completed the Deering Glade Rehydration Feasibility Study. A copy of the study report is included in this management plan as Appendix C. The study provides viable options for the re-establishment of hydrologic connections between the Glade and the C-100 Basin, while still maintaining the water balance within the basin. Three alternatives are presented that provide the structure for the three phase approach that will allow for additional data collection and monitoring needed to refine the rehydration implementation and management approach.

Phase One (Alternative A)

Phase One includes the installation of a weir near the existing ridge on the Deering Estate property. The purpose of this "plug" is to create a freshwater head in the slough as a first step towards Glade rehydration and to improve (reduce) salinity conditions by precluding saltwater intrusion (see Exhibit 3-1). Emphasis shall be placed on designing a weir that will blend with the natural landscape, to the extent possible, and on constructing the structure in such a way as to minimize disturbance to the surrounding area.

Preliminary engineering studies indicate that the structure should be designed as a broad-crested weir, with a crest elevation set equal to the mean high-tide elevation. The weir would be adjustable to allow operation at varying water depths (i.e., raise to maximize rehydration or lower under potential flood conditions). Rehydration, during this phase will be

accomplished solely by rainfall, as diversion from the Spur Canal will not occur during this phase. In summary, Phase One entails:

- An adjustable weir near the bridge on Old Cutler Trail that enables Park and Recreation staff to protect historic, cultural, and/or environmental resources within the Glade.
- Rainfall-driven rehydration.
- No diversion from the Spur Canal.
- Preclusion of saltwater intrusion.
 - Minimum: 2.0 feet NGVD
 - Maximum: 3.5 feet NGVD
 - Set to correspond with S-123 elevations

Monitoring and Data Collection Component of Phase One:

Soil borings will be conducted to estimate the conductivities within the slough. These findings will possibly explain how much water will be retained in the Glade following rehydration. Additional topographic information will be obtained to ascertain potential historical locations within the Glade that may be impacted by increased water levels. An accurate cross-sectional profile of the eastern end of the C-100 canal will be determined. This will be needed for the final design of the weir leading into the Glade and for the development of accurate grading plans for the created wetlands.

Phase Two (Alternative B)

Phase Two builds on the elements of Phase One with the following with the following additional features:

- **Spur Canal Extension:** The Spur Canal would be extended through the new 10-acre rehydration parcel to Old Cutler Road.
- **Weir Construction:** A weir will be constructed at the end of the Spur Canal extension to allow water to flow by gravity into the Glade. The conceptual design includes a sharp-crested weir with three rectangular openings of variable height that uses vertical sheet piles with sharpened edges. The design includes a pollution retardant baffle to prevent exotics from entering the Glade to the extent possible. The weir design will be based on estimated elevations of the Spur Canal using available hydrologic data within the basin.
- **Jack and Bore:** A 50-foot jack and bore under Old Cutler Road, using two 42-inch ductile iron pipes enclosed within the steel

casings. Water flow will pass through the wetland area, over the weir, and then be delivered to the Glade through these two pipelines. A fundamental assumption of this phase is that the topography between the proposed work location and the Glade is adequate to allow open channel flow via gravity. Permitting and coordination with Florida Department of Transportation and Miami-Dade Public Works will precede this work.

- **Creation of Wetland Habitat:** The northern bank of the Spur Canal extension through the project site will be graded to allow for a littoral zone and the recreation of a remnant wetland community. Soils will be scraped removing exotic species and planting native wetland species that occurred historically within the Cutler Slough. A boardwalk will be extended through the wetland area.

Phase Three (Alternative C)

Phase Three adds a submersible pump station to the project if the fully gravity-driven system cannot provide the desired levels of rehydration. The pump station will contain irrigation-type pumps and be sized to deliver approximately 15 cubic feet per second (cfs) of supplemental flows. Other potential benefits include increased operational flexibility and additional local flood protection. A consumptive use permit will be required from the South Florida Water Management District to remove more than excess from the basin. Whether water is withdrawn from the Spur Canal with a pump or a weir, the withdrawals are recommended to be equal to or less than flows observed at S-123 to maintain water balance within the basin.

Restoration of the wetland area will be initiated in March 2003, beginning with the monitoring phases (gauges, water quality, benthic elevation, vegetation, and archaeological). Construction is scheduled to begin July 2004 with the installation of the weir, phase 1. The canal extension, phase 2, will begin in early 2006 and the pump installation, phase 3, will begin in early 2007. Restoration of the wetland should be complete by the end of 2007.

Hammock

Approximately 4 acres of the existing disturbed transitional rockland hammock area located on the project site will be restored. A comprehensive plant list for the site will be compiled prior to restoration activities. Information on the occurrence of listed species will be sent to the Florida Natural Areas Inventory (FNAI). Biological evaluations of the site will be conducted annually and will consist of surveys of vegetation and wildlife, including documentation of any new listed or exotic species. The services of the Fish and Wildlife Conservation Commission will be requested to review the annual survey and provide additional information and support when necessary.

Exotic removal and natural areas management crews will refer to the "Exotic Pest Plant Council's List of Florida Most Invasive Species" during restoration and site management (Appendix D). The Park Department's natural areas management crews under the direction of FLEPPC Exotic Pest Plant List Committee member, Joe Maguire, are kept apprised of any additions to the list. They are trained in the most current and best management practices of the eradication and control of invasive species.

To insure protection, staff biologists will conduct a baseline survey of plant and animal species, documenting occurrences of listed species. Information will be gathered using surveys developed by the Florida Natural Areas Inventory (Appendix E). These surveys will be routinely updated. Mapping and monitoring of listed species populations will be conducted where possible and appropriate. Interpretive trails will be sited to avoid areas known to encompass listed species to limit potential impacts.

Protection and enhancement of the native vegetative communities will be greatly furthered through the planned eradication and control of exotic invasive species. Management of the hammock will first focus on the control of aggressive exotic species. In areas with dense exotic vegetation, individual trees will be cut down and stumps will be treated with herbicide. Seedlings will be pulled and herbicide applied to trees in less dense areas. Treated trees will be left to decompose in place to provide snags for roosting birds, as well as cover for smaller animals.

Restoration of the pine rockland and hammock areas will begin June 2004 with initial exotic species removal. Once exotic plant removal is properly implemented, the hammock will be regenerated with native plants recruited from the near by Deering Estate. The restoration of the hammock and pine rockland, including native plantings, would begin in 2007. The hammock will undergo routine maintenance for exotic plant control by the Departments Natural Areas Management (NAM) Division.

VI. MONITORING and REPORTING

The Department will prepare an annual stewardship report, due every January 30, that evaluates implementation of the management plan. Any revisions to the management plan will first require review and approval by the Florida Communities Trust. Any proposed modification of the Management Plan and/ or undertaking any site alterations or physical improvements that are not addressed in the Recipient's approved Management Plan requires prior FCT review and approval.

Rehydration

A sound monitoring plan during the early phases of this project is crucial to obtaining the management objectives. Biological surveys will document the reaction of vegetative communities and threatened and endangered species

as hydrologic restoration proceeds. Frequent water level monitoring within the Glade will allow refinement of future operational schedules and minimize potential impacts of the historical areas. Given the uncertain geologic conditions, real-time monitoring during rehydration periods will be the best informational source on how much water is required for successful rehydration to occur.

Coupled with hydrologic monitoring, a baseline water quality-monitoring program should be initiated. Water quality data from within the C-100 Basin is of good quality overall; however, additional data collection efforts should focus on the Spur Canal to better assess the quality of the source water at that point in the basin. The monitoring program may consist of bi-weekly collection of nutrient and general parameters (i.e., total suspended solids, alkalinity, salinity, pH, etc.) both within the Spur Canal extension and in the rehydrated portions of the Glade. In addition, salinity testing of the adjacent waters of Biscayne Bay will document the ancillary rehydration benefits from improved conveyance of freshwater through the Slough.

Hammock

Monitoring of biological communities is an important management tool in restoration efforts and will be a component of the management activities at the addition. The site will be integrated into Miami-Dade County's vegetation monitoring program established by the Parks Department and the Department of Environmental Resources Management (DERM).

Base line vegetation and soils data will be collected. Photo points will be established in conjunction with monitoring plots. Sampling of monitoring plots will be repeated periodically throughout the restoration process. In addition, natural areas in the project site will undergo routinely scheduled maintenance for exotic plant control.

County biologists will monitor the use of the natural areas by birds and other wildlife by surveying the site twice a year. If rookeries are discovered, they will be monitored for nesting and breeding activities. While nesting activities are occurring, signs will be posted restricting access to designated areas, and trails may be temporarily closed to reduce disturbance.

The Deering Estate has a biologist and environmental interpreters on staff who will frequent the project site. Any visible environmental changes will be noted on an ongoing basis, not only during scheduled semi-annual surveys.

Feral Animals

Currently, feral animals do not present a problem at the project site; however, in other areas of the estate this is an issue that is addressed on an ongoing basis – specifically as it applies to feral dogs, cats and pigs. The Department has a policy in place that it will follow in the event that feral animals become a

problem at the project site. The Park and Recreation Department has worked with local Animal Control, the Humane Society and independent agencies such as the Cat Network to develop and implement removal and adoption programs where appropriate (Appendix G).

VII. SITE PLAN

A conceptual site plan was developed to illustrate all of the elements for the project site. These elements include the restored freshwater glade and hammock, canal extension, interpretative trail, canoe launch, parking, picnic and rest areas, and an interpretative center (Exhibit 10).

VIII. MANAGEMENT NEEDS

Natural Resource Protection and Monitoring

- Map and monitor listed plant species.
- Document listed fauna observed on sight.
- Semi-annual biological evaluations consisting of surveys of vegetation and wildlife.
- Surface water quality monitoring.
- Document and monitor exotic species.

Exotic Species Removal and Natural Areas Restoration

(Within Hammock/Upland Area of Site)

- Removal of exotic plant species to obtain a maintenance status for natural areas.
- Supplemental planting of native hammock species to ensure regeneration.
- Routine maintenance for exotic species control including additional staff to carry out increased maintenance schedule.

(Within Wetland Area of the Site)

- Removal of exotic invasive plant species, specifically along the southern and western property lines.
- Removal of fruit trees and exotic turf.
- After initial site work is completed, an ongoing exotic/invasive species control program is required.
- A water quality monitoring program.
- An exotic fauna monitoring program.

Archeological and Historical Resource Protection

- An assessment of archaeological and historical resources prior to the implementation of restoration activities.

- Systematic subsurface testing of the site to detect the presence of archaeological materials.
- Protection plan, if cultural features are found during assessment.

Environmental Education Program

- Additional staff to conduct education programs.
- Interpretative training for staff and volunteers.
- Interpretive signage and other visitor guides and material.

Maintenance

- Additional staff to maintain the property - Trash removal, site cleanup, and routine facilities upkeep.

Security

The site will be protected by restricting access to the entrance located on Old Cutler Road and securing a fence around the perimeter of the property boundary. Access into the preserve areas of the site will be carefully regulated to minimize damage to sensitive natural and archeological features. In addition, the site will be closed to the public during non-operating hours.

Access control will be provided at the project site to curtail use of the property after park operating hours. The Miami-Dade County Park and Recreation Department has implemented a security force that monitors activity in all County-owned and operated park and recreation facilities. The Deering Estate provides it own security personnel that will conduct regular patrols of the project site, and can reach the site within minutes in the event of an emergency. Security will be available as required for special events or programs. Vehicular access will be confined to the improved areas of the park. Pedestrian trails and park areas will be clearly marked. Access into the site will be carefully controlled to maximize recreational use in the improved areas of the park and to minimize damage to sensitive natural areas. To fully operate the site the following security needs will be addressed.

- Additional access control devices.
- Additional security personnel.
- Lighting.
- Signage.

Staffing

The Park and Recreation Department and volunteers will provide staffing for the management of the project site. Much of the staff is currently in place; however, once the site is open to the public on a daily basis additional staff will be required. These staff may included the following:

- Security.

- Education (Naturalist).
- Biologist.
- Maintenance Crew for Routine Maintenance.
- Natural Areas Management Crew.

IX. ARCHAEOLOGICAL AND HISTORICAL RESOURCES

There is a high probability of finding archaeological and historical features on site, since the site is located adjacent to the Deering Estate and contains uplands that historically stood adjacent to a fresh water source (the slough). The Deering Estate has 15 sites, which have been recorded by the Miami-Dade County Historic Preservation Board, and is included on the National Register of Historical Places. The Tequesta Indians lived in the boundaries of the Deering Estate and used Cutler Creek to travel between Biscayne Bay and the Everglades. Until a full archaeological assessment is completed, the westward boundary of Tequesta sites cannot be readily established.

The project site will be incorporated and managed as part of the greater Charles Deering Estate. The Estate contains several historical resources including the site of the historic late 19th and early 20th century settlement of Cutler, five historic and architecturally significant buildings, boat turning basin, historic landscape and an historic roadway.

A. Surveys/Monitoring

An archeological assessment of the site will be conducted to identify possible prehistoric and historic sites and features prior to implementation of project elements within the site's boundary. In the event that a culturally significant site is identified, the historic resources will be protected against vandals and collectors and erosion. Planned development and natural resource management activities will be designed and conducted to protect any known sites. Public interpretation of the most significant historic resource will be done in a manner that does not conflict with preservation of historic or other cultural resources. The Miami-Dade County Park and Recreation staff at the Deering Estate and its Natural Areas Management section will coordinate archaeological monitoring with natural areas restoration activities. Monitoring will be conducted as needed by trained members of the Park and Recreation Department or the Miami-Dade County Historic Preservation Division.

All archaeological resources located as a result of the survey or during future management activities will be documented and protected in compliance with Sections 267.061 (Section 2a and b) of the Florida Statutes. The location of archaeological sites and features will be carefully documented, but will not be openly advertised so as not to encourage looting of artifacts. The County Archaeologist will be consulted prior to any management undertaking, which may adversely affect the site's cultural resources and will be asked to make recommendations as to how to avoid any such impacts. Access to

particularly sensitive areas, by both management personnel and the general public, will be restricted as necessary.

The Division of Historical Resources will review all archeological surveys and oversee any activities affecting historic resources (Appendix F). The collection of artifacts or the disturbance of archaeological and historic sites located on the property will be prohibited unless prior authorization is obtained from the Department of State, Division of Historical Resources (DHR).

X. EDUCATION

A. Interpretive Signage

As the site is integral to the rehydration of the Deering Estate, the educational display and interpretive signs planned for the site will concentrate on the historic Cutler Glade, its restoration and its impacts on the associated ecosystems within the Deering Estate and Biscayne Bay. The site will provide an opportunity to educate the public on historical drainage patterns in Southeast Florida and the interrelationship with natural communities. The nature trail will include interpretive signs to describe the transitional pineland/hammock and its succession to rockland hammock.

B. Programs

The Rehydration Addition will be incorporated into the overall environmental education programs offered on a regular basis at the Deering Estate. There will be in excess of 24 educational programs conducted on the site yearly. Specialized program elements will be developed by Staff and other partner entities to provide public nature walks and interpretive presentations, bird counts, butterfly counts, fresh water habitat restoration monitoring, natural areas restoration demonstration, as well as passive recreational activities. The existing house will be used as an educational facility, providing educational programs, activities and a rest area for visitors. The building will provide space for demonstrations, exhibitions and a classroom type setting to provide education programs related to the slough, hammock and other environmental or historic features of the Estate.

Summer and holiday break youth day camp activities that currently take place at the Deering Estate will incorporate the new resources created by the Cutler Slough rehydration. Elements will include those listed above and the employment of environmentally educational games and physical activities as the open space available here is conducive to these. Picnic tables may be added to expand sites for outdoor lunch meetings, outdoor classrooms and passive nature reflection and wildlife observation.

Along with or subsequent to the Slough rehydration project, on-site educational displays that highlight the historical slough and its restoration will be installed. These displays will enhance environmental education opportunities at the Estate and allow staff to include issues of hydrologic restoration, wetland plant identification and wetland habitat education in scheduled public programs for adults and children. They will also provide for self-guided tours when interpretive staff is unavailable or visitors do not wish to participate in formal educational programs.

Scheduled programs for public and private group tours, as well as "teachable moments" that occur during other activities on the site, will be used to educate patrons about the natural and historic wonders of the Deering Estate and Biscayne Bay. Interpretation of this project provides an excellent opportunity to show visitors the importance of water in our everyday lives, the ecosystem changes that have resulted from water management efforts, how the system can be reconstructed to mimic natural conditions and the effects that modifying and restoring water deliveries have on terrestrial, freshwater, and coastal natural communities, Biscayne Bay and their associated wildlife.

The Park's site-specific, interdisciplinary and hands-on oriented middle school curriculum will be expanded to include activities specifically utilizing the rehydration project. Overall, the slough restoration project will serve as a public education demonstration site involving water related issues. Within the middle school curriculum, new and modified educational activities coordinated to meet or exceed the "Sunshine State Education Standards" will be developed. These activities shall combine fieldwork and hands-on data collection using state-of-the-art equipment within an interdisciplinary framework. Activities to be developed may include grade-specific math, science, social studies, language arts and fine arts learning elements.

Research activities involving the Cutler Slough restoration by undergraduate, graduate, faculty and research associates will be promoted, and methodology and findings from these studies will be incorporated through public programs such as the Public Lecture Series and daily Natural Areas Tours, which can emphasize issues of hydrologic restoration and resource protection and conservation. The Cutler Slough Restoration provides a unique opportunity to interpret transverse glade systems and water management issues.

All of these activities will be regularly available at the Deering Estate. The Cutler Slough restoration will serve to broaden the range of the Park's current educational opportunities. Target groups include the general public visiting the Estate (national and international patrons) as well as public and private school groups, university students and researchers.

XI. MANAGEMENT COORDINATION

A. Incorporation of Site Into Deering Estate At Cutler

The project will enable the restoration of freshwater flow through the Cutler Glade on the project site and into the adjacent Deering Estate to the east. This rehydration of the glade will reestablish the associated natural communities in the Deering Estate. Increasing the flow of fresh water into the historic slough will improve the biological diversity and ecological functions of the natural communities throughout the Estate. The project site along with the various parcels of the park will be integrated into one general site and master management plan.

The opportunities presented during the process of rehydration and natural areas restoration at the project site will be integrated into the ongoing environmental education programs offered at the Deering Estate. The distinct characteristics of the rehydration project will broaden the range of educational opportunities at the Estate. Once the wetland is restored, interpretive education sessions about water related issues, including the benefits to the Biscayne Aquatic Preserve will be held at site.

B. Inter-Agency Coordination

The site has a history of inter-agency coordination. The initial purchase was facilitated by the Trust for Public Lands and Miami-Dade County. Original funding for the acquisition was obtained through the Safe Neighborhood Parks Bond Program, Environmentally Endangered Lands Program and the County's Wetland Trust Fund. Forty percent (40%) of the original acquisition cost will be reimbursed by the Florida Communities Trust - Florida Forever Program.

C. Planning

During pre-purchase analysis of the site, the Park and Recreation Department collaborated with The County's Department of Environmental Resources Management, the South Florida Water Management District, U.S. Fish and Wildlife Service, Army Corps of Engineers and Florida Fish and Wildlife Conservation Commission to determine the rehydration opportunities that this property would provide if annexed into the public lands of the Deering Estate. With the potential of using the C-100 spur canal to convey water into the slough of the Estate, the property was purchased. Immediately following its purchase South Florida Water Management District partnered with the Department to complete a feasibility study (Appendix C) to define goals for the project, constraints, possible impacts to the Deering Estate and adjacent properties, potential benefits and probable cost of the project. The feasibility study and with its preliminary planning phase has enabled the Department to apply and secure funding from the Miami-Dade Wetland Trust Fund to complete planning and design phases and move forward with permitting. During this phase of the project the Department will also receive technical

assistance from the South Florida Water Management District and DERM. The Department's Natural Areas Management Division will act as lead project manager during future planning and implementation phases; however, the Planning and Research Division, the Deering Estate Staff and the Environmentally Endangered Lands Program will be very much involved throughout the project.

The Department will coordinate with the Miami-Dade County Building and Zoning Department or the newly incorporated city of Palmetto Bay for building permits and the Department of Environmental Resources Management, South Florida Water Management District, Department of Environmental Protection and the U. S. Army Corps of Engineers to obtain the required environmental permits for the rehydration project.

D. Construction

The project managers will coordinate with agencies responsible for the protection of listed species, including the Florida Natural Areas Inventory, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection's Office of Protected Species Management, Miami-Dade County Department of Environmental Resources Management, and the U.S. Fish and Wildlife Service, when appropriate. The project manager will coordinate with the County's Archeologist prior to the initiation of work at the site, to prevent the disturbance of any known potential archeological sites.

The Department has recently entered into a cooperative agreement with the U. S. Department of Interior Fish and Wildlife Department (FWD) for Phase One construction of the project. Funding in the amount of \$63,000 has been granted to the Department by the FWD agency for weir installation in the slough.

E. Post Construction

Education programs will be developed and conducted by the Miami-Dade County Park and Recreation Department. It is anticipated that the Department's educational programs will be enhanced through collaborative venture with the South Florida Water Management District, Miami-Dade County's Department of Environmental Resource Management, Miami-Dade County Public Schools and area Universities.

XII. COST

The actual acquisition cost for the site of \$1.4 million comes from EEL, SNP and SAMP, with a \$576,000 reimbursement from FCT. A breakdown of the implementation costs associated with the proposed management activities is provided in Table 3. Operational costs for management activities are given in Table 4. The EEL Management Trust Fund, Safe Neighborhood Parks Bond

Program, the Department's General Fund will be the funding source for natural areas management activities. Every effort will be made to continue and develop new management partners for the site. The requirements imposed by other grant program funds that may be secured in the future will be consistent with the terms and conditions of the FCT award.

XII. IMPLEMENTATION SCHEDULE

A list of management activities required to complete the project are provided in Table 5.

Temporary Construction and Access Easement

Sec 26 Twp 55 Rge 40

Folio No.
30 5026 000 0040

This Instrument Prepared By
Name: Randy Koper
Co. Name: Miami Dade County
Park & Recreation
Address: 275 NW 2nd Street
Suite #430
Miami, FL 33128

Reserved for Recording

PROJECT: BISCAYNE BAY COASTAL WETLANDS ACCELER8

The undersigned Grantor, Miami Dade County, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, does hereby grant and convey to the Grantee, the South Florida Water Management District (SFWMD) the following:

1. a temporary construction and access easement (hereinafter referred to as the "Easement") with respect to the real property described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Premises"), and
2. the right to construct improvements, equipment, pumps, ditches, canals and channels (not for navigation purposes), pumping stations, pipes, berms, and other works and facilities ("Project Structures"), on, over, across, and through the Flow Way Footprint Area, described in Exhibits "A" and "B" attached hereto and made a part hereof, together with all right, title, and interest in and to the Project Structures, for the purpose of the rehydration of coastal wetlands and/or in connection with the Comprehensive Everglades Restoration Plan, Biscayne Bay Coastal Wetlands Project (hereinafter the "Project").

This Easement also grants the perpetual unrestricted right at any time to enter upon and access the Flow Way Footprint Area, with any and all vehicles, equipment, materials and supplies, including but not limited to, the right to: (1) cut, fell, remove and dispose of any and all timber, trees, vegetation, underbrush, exotic vegetation, silt, spoil, improvements and/or other obstructions and/or (2) excavate, dredge, cut away, and remove any and all of said land as long as any said land is not stored on the Premises but is removed expediently from the Premises and is not sold to non-governmental persons or organizations, and to place thereon, subject to applicable environmental laws and regulations, dredge or spoil material, in connection with the construction and implementation of the Project Structures,

And

The County and SFWMD acknowledge that this Easement shall terminate and have no further force and effect at such time when the Project Structures as described in the Deering Estate Flow Way Biscayne Bay Coastal Wetlands are completed and operational and that at that time the County and the SFWMD will approve a permanent easement for the operation and maintenance of the Project Structures. The time period until the easement rights of SFWMD associated with this Easement are so terminated shall be hereinafter referred to as the "Easement Term".

Additionally, with respect to the portion of the Premises identified in the Plans as the "Educational Wetlands", this Easement also grants to SFWMD the right to create wetlands substantially in compliance with such work described in the Plans.

This Easement may be assigned in whole or in part by the SFWMD for use in connection with any of the purposes above mentioned, but only to an agency of the State of Florida or the United States of America. All the covenants, terms, and agreements herein contained run with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective successors, and assigns.

IN WITNESS WHEREOF the Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

Reviewed By: _____
County Manager

By: _____
Deputy Clerk

By: _____
Mayor

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2008.

Temporary Construction and Access Easement: Project: Biscayne Bay Coastal Wetlands Acceler8: Deering Flow Way