



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 1277, **Version:** 1

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### **Subject:**

Interlocal Agreement between Brevard County and the St Johns River Water Management District (District) related to the Crane Creek/M-1 Canal Restoration Project (Districts 3 and 5)

### **Fiscal Impact:**

The proposed agreement supports a District-managed \$9,186,500 stormwater treatment and diversion project that was approved by the County Commission in 2018 to receive \$2,033,944 of local cost share from the Save Our Indian River Lagoon Trust Fund.

### **Dept/Office:**

Natural Resources Management

### **Requested Action:**

Approve the Interlocal Agreement between Brevard County and the St Johns River Water Management District (District) related to the Crane Creek/M-1 Canal Restoration Project. Authorize the Chair to sign the Agreement upon receipt of a signed copy of the Agreement from the District. Authorize the Chair to sign the Easement in Exhibit D to the Agreement in substantially the same form of the attached draft, pending receipt of the new legal description necessary for the access portion of the easement

### **Summary Explanation and Background:**

The M-1 Canal is a century old, man-made flood control feature that cuts through the coastal ridge diverting stormwater flow from approximately 5,300 acres of the historic St. Johns River basin to the Indian River Lagoon through Crane Creek. The project will restore M-1 Canal baseflows and small stormflows west of Evans Road back to the St. Johns River basin. It will provide an environmental benefit by reducing Total Nitrogen, Total Phosphorus, excess freshwater, and sediment load in the Indian River Lagoon while restoring historic drainage patterns.

Brevard County cost share for the project was recommended by the Citizen Oversight Committee and approved by the County Commission in the 2018 Update of the Save Our Indian River Lagoon Plan. The Crane Creek/M-1 Canal Restoration Project will include the following four main components:

- (1) Operable weir structure located near the natural coastal ridge,
- (2) Stormwater pump station located just east of I-95,
- (3) Stormwater force main under I-95, and
- (4) Stormwater treatment west of Interstate 95 within the County's floodplain compensating storage area.

The weir structure, stormwater treatment area, and portions of the stormwater force main will be constructed on property owned by the County. The District has been working with County staff in Natural Resources, Public

Works and the County Attorney's Office to design the project in such a way that it can use a County-owned floodplain compensatory storage area to provide nutrient reduction without infringing on the County's primary use of this land. The County requested an Intergovernmental Agreement to memorialize each entity's roles and responsibilities with respect to the facilities that will be constructed on County property. A copy of the draft agreement is attached, and a summary of the roles and responsibilities is as follows:

#### County Responsibilities

- Grant an easement to the District for construction, operation, and maintenance of the stormwater treatment area
- Grant additional necessary licenses or other authorizations to use County property if necessary
- Provide information and reasonable assistance necessary for the District to obtain required permits and authorizations
- Review the operating plan and manual

#### District Responsibilities

- Design, construct, operate, and maintain the facilities
- Avoid impact of the project on County floodplain compensation activities
- Obtain and renew all permits or other necessary authorizations, including necessary County permits or authorizations
- Serve as the point of contact for stakeholder questions or concerns about the project
- Provide copies of stormwater models for final operations manual to County

The District's Governing Board will consider the draft Intergovernmental Agreement at its February 13, 2020 meeting.

### **Clerk to the Board Instructions:**

Wait for a signed copy of the agreement to be provided by the District. The complete easement document with legal sketch and description may be provided separately at a later date. Return executed document to Natural Resources.