DRAFT January 12, 2009

Memorandum of Understanding for the Proposed Paynes Prairie Sheetflow Restoration Project

Signatories:
City of Gainesville (COG)
Florida Department of Environmental Protection Division of Land and Recreation (FDEP)

Purpose of MOU

The City of Gainesville (COG) and Florida Department of Environmental Protection Division of Land and Recreation (FDEP) are undertaking a collaborative partnership in order to implement the proposed Paynes Prairie Sheetflow Restoration project. This project will achieve several goals and provide multiple environmental benefits for Paynes Prairie Preserve State Park (PPPSP), the COG and the citizens of Florida. The purpose of this Memorandum of Understanding is to develop preliminary agreement between the primary partners, the COG and FDEP, on project components and concepts to the extent practical in order to facilitate timely and efficient completion of the project.

Whereas, PPPSP is of significant natural and historic landmark which is recognized as an Outstanding Florida Water;

Whereas, the natural sheetflow of Sweetwater Branch onto PPPSP has been disrupted by the historic channelization of Sweetwater Branch, which has contributed to the dehydration of approximately 1,300 acres of wetlands on the prairie;

Whereas, the quantity of water flowing into to PPPSP has been reduced by the man-made diversion of natural flows from Newnans Lake to Camps Canal;

Whereas the greater quantity of water flowing into PPPSP from Sweetwater Branch helps to restore the hydrologic balance of the state park's wetlands;

Whereas, portions of PPPSP have also been adversely impacted by the of deposition of sediments, debris, and nutrient pollutants resulting from the urbanization of the downtown Gainesville area;

Whereas, Alachua Sink, located within PPPSP, has been identified by the State of Florida as an impaired water, and a Total Maximum Daily Load (TMDL) has been developed which requires reduction in nitrogen loads to Alachua Sink from various sources;

Whereas, the City of Gainesville is responsible for reducing nitrogen loads to Alachua Sink resulting from urban stormwater runoff and municipal treated wastewater effluent which enter Sweetwater Branch;

Whereas, the proposed Paynes Prairie Sheetflow Restoration project will re-establish the sheetflow of high quality, low-nutrient water from Sweetwater Branch into Paynes Prairie, restore 1,300 acres of degraded wetlands in PPPSP, improve water quality in Alachua Sink and the Floridan aquifer, meet the City's TMDL requirements for Alachua Sink, and help to restore the hydrologic balance of PPPSP;

Whereas both parties wish to work cooperatively to achieve the substantial environmental restoration benefits that are expected to result from implementation of the proposed Paynes Prairie Sheetflow Restoration Project, they agree to the following:

Project Goal

The goal of the proposed project is to restore 1,300 acres of degraded wetlands and improve the water quality in Alachua Sink in Paynes Prairie Preserve State Park by re-establishing sheetflow of high quality, low-nutrient water from Sweetwater Branch into the state park.

Project Description

The proposed project is described in *A Conceptual Plan for Sweetwater Branch/Paynes Prairie Sheetflow Restoration* (Conceptual Plan). Major project components are summarized below and shown in Figure 1, with the exception of the public access facilities (Item 6):

1. City of Gainesville Main Street Water Reclamation Facility upgrades;

2. Sweetwater Branch Upstream Channel Enhancements;

3. Construction of the Sweetwater Branch Enhancement Wetland (approximately 125-150 acres in total area).

4. Construction of a Sheetflow Distribution Channel;

5. Removal/Backfilling of Existing Sweetwater Canal;

6. Construction of public access facilities in conjunction with the Sweetwater Branch Enhancement Wetland;

Project Objectives

1. Restore (re-hydrate) approximately 1,300 ac of formerly impacted wetlands in PPPSP;

2. Remove floating trash and debris from Sweetwater Branch flow in order to protect the PPPSP Sheetflow Restoration Area, Alachua Sink and the Floridan aquifer;

3. Naturally assimilate nutrients, sediments and other pollutants in the Sweetwater Branch flow in order to protect the PPPSP Sheetflow Restoration Area, Alachua Sink and the Floridan aquifer;

4. Cost-effectively meet the City of Gainesville's requirements for reduction in total nitrogen discharges from the municipal separate storm sewer system, the Main Street Water Reclamation Facility and the J.R. Kelly Power Generating Station, set forth by the Total Maximum Daily Load (TMDL) for Alachua Sink, which was approved by the United States Environmental Protection Agency on December 20, 2006.

5. Create approximately 125 acres of high quality wetland habitat and public use area for bird watching and nature study in conjunction with the Sweetwater Branch Enhancement Wetland; and

6. Reduces the current water deficit on Paynes Prairie, resulting from diversion of water from the Prairie at Camps Canal.

I. Land Exchange

1. The Edwards property consists of approximately 276 acres of land adjacent to the south side of Paynes Prairie Preserve State Park, and east of US Highway 441, near the COG. The COG and SJRWMD will convey their 2/3 interest in the Edwards property as described in the Participation Agreement with the St. Johns River Water Management District to the Trustees of the Internal Improvement Trust Fund, in exchange for the land easements listed under section II below.

2. The project will not proceed without the exchange of land for the land easements listed under section II below.

II. Land Easements

1. FDEP will grant all easements needed and appropriate to allow COG to complete construct, operate, and maintain project components for which COG is responsible including future public use facilities that may include trails and public use structures over the approximately 225 acre project site included in the easement sketch, Figure 2.

2. FDEP will provide a Flowage Easement to the COG which will ensure the ability of the COG to discharge flow from the proposed system onto PPPSP.

3. FDEP will release Alachua County from their land management agreement for the portion of the Alachua County Forever property that will be developed as public access facilities in conjunction with the Sweetwater Branch Enhancement Wetland.

4. Should there be excess fill material available from the Sweetwater Canal spoil banks following the filling and leveling of the Sweetwater Canal (5), FEDP will agree to surplus the excess fill material. The excess fill may be used by the COG for the construction of the Sweetwater Branch Enhancement Wetland (3). The COG will be responsible for disposal of unsuitable and/or excess fill material off site, subject to FDEP approval.

III. Project Design & Construction

1. Design and construction of Main Street Wastewater Reclamation Facility Enhancements (1), Sweetwater Branch Upstream Channel Enhancements (2), Sweetwater Branch Enhancement Wetland (3), and Sheetflow Distribution Channel (4) shall be the responsibility of COG (see Figure 1). COG will include FDEP in design process as appropriate to ensure the design is consistent with all of the project objectives outlined in the Conceptual Plan;

2. Sweetwater Branch Upstream Improvements including the sediment and debris removal facilities (2) will be included within the Project Site.

3. A 20 foot wide maintenance buffer area south of the Distribution Channel and within the Sheetflow restoration area will be maintained by the COG and will be included within the Project Site.

4. FDEP will be responsible for the design and construction of the Sweetwater Canal restoration (5). COG will provide to FDEP an engineering estimate of the fill volume to be removed in order to restore the canal to the level of the surrounding terrain. If geotechnical test results indicate that the excess fill is suitable, it may be used for the construction of the Sweetwater Branch Enhancement Wetland (3). The scope of work for the Sweetwater Branch Canal restoration shall be similar in magnitude of work effort to that specified in the Vortac scope of work, Attachment A. The scope of work for the Sweetwater Canal restoration will be mutually acceptable to both FDEP and COG.

5. COG will provide engineering support for the removal or backfilling of the existing Sweetwater Canal (5) that will include surveying, soils testing, and volume determinations. Excess material from the removal of the existing Sweetwater Canal (5) will be used for the construction of the Sweetwater Branch Enhancement Wetland (3), if additional fill material is needed and if soil testing indicates that the material is suitable.

IV. Funding

1. COG shall be responsible for securing funds for project components (1) through (4) (Main Street Wastewater Reclamation Facility improvements, Sweetwater Branch upstream improvements, Sweetwater Branch wetland and distribution channel), and for administering funds for these components. Funding may be provided via COG funds, TMDL program grants, special legislative appropriations through SJRWMD's Orange Creek Basin SWIM program, SJRWMD's stormwater grants program, and other grant sources and funding partners.

2. COG shall provide funding for that portion of Sweetwater Canal Restoration (5) that is not otherwise funded by grants and FDEP and COG in-kind matching funds. The canal restoration will be COG's top funding priority within the Orange Creek Basin SWIM funding request

3. FDEP shall support COG efforts to secure grant funding for the Sweetwater Canal Restoration (5) to the extent possible.

V. Construction Permitting

Project partners will work together to ensure that appropriate construction-related permits are obtained on a timely basis. As appropriate, consultants may be used to assist in the permitting process.

1. The COG will apply for construction permits that will include (but are not limited to) SJRWMD Environmental Resource Permits and permits from the U.S. Army Corps of Engineers for project phases 1 through 4. The St Johns River Water Management District will incorporate the project's water quality goals into Environmental Resource Permit as a special condition.

2. FDEP will obtain a noticed general construction permit from the St. Johns River Water Management District for the Removal/Backfilling of Existing Sweetwater Canal (5).

VI. Water Quality Goals

1. The system will be designed and operated to meet the following water quality goals at the point of discharge from the Sheetflow Distribution Channel to the Paynes Prairie Sheetflow Restoration Area (Figure 1)
    a. Annual Average TN: 3 mg/l
    b. Annual Average TP: 0.3 mg/l
    c. Removal to the maximum extent practicable floating trash and debris

2. Water quality goals will be incorporated into the St Johns River Water Management District Environmental Resource Permit as a special condition.

VII. Operation and Management

1. COG will be responsible for all operation and maintenance costs associated with the MSWRF plant improvements (1), Sweetwater Branch upstream improvements (2), enhanced wetland system (3) and distribution channel (4). This includes monitoring and managing vegetation, structures, water quality, etc. as required to ensure that the system functions properly and meets the water quality goals of the project as specified in the Environmental Resource Permit for the project. COG will not be responsible for management of areas outside those described above;

2. COG will be responsible for conducting periodic sampling at the Sheetflow Distribution Channel discharge on a routine basis. COG will also perform process monitoring within the enhanced wetland system which is reasonable and appropriate, based on COG discretion, to ensure the system is functioning properly and to allow appropriate management actions to be taken to ensure the water quality goals specified in the ERP permit are met;

3. FDEP will be responsible for managing the sheetflow restoration area and the restored SWB canal area (5) (shown Figure 1). This includes any required vegetation management, re-grading, etc. The COG will not be responsible for any management activities within the sheetflow restoration area.

4. FDEP will be responsible for collection of water quality samples within the sheetflow restoration area. COG will be responsible for sample analysis. The water quality sample collection and analysis within the sheetflow restoration area will be coordinated with the water quality sample schedule for the Sheetflow Distribution Channel.

VIII. Annexation of Project Site

FDEP will apply for annexation of the area included in the project easement into the corporate limits of the COG at a future time when the Gainesville urban reserve boundary is adjusted to include the project site.

IX. Amendments to MOU

Amendments to this MOU shall be in writing and approved by all parties.

DRAFT January 12, 2009

For City of Gainesville:

_____ Date_____
Robert E. Hunzinger, General Manager for Utilities

_____ Date_____
Russ D. Blackburn, City Manager

For Florida Department of Environmental Protection

_____ Date_____
Robert Ballard, Deputy Secretary for Land and Recreation

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Figure 1.
Proposed Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project.

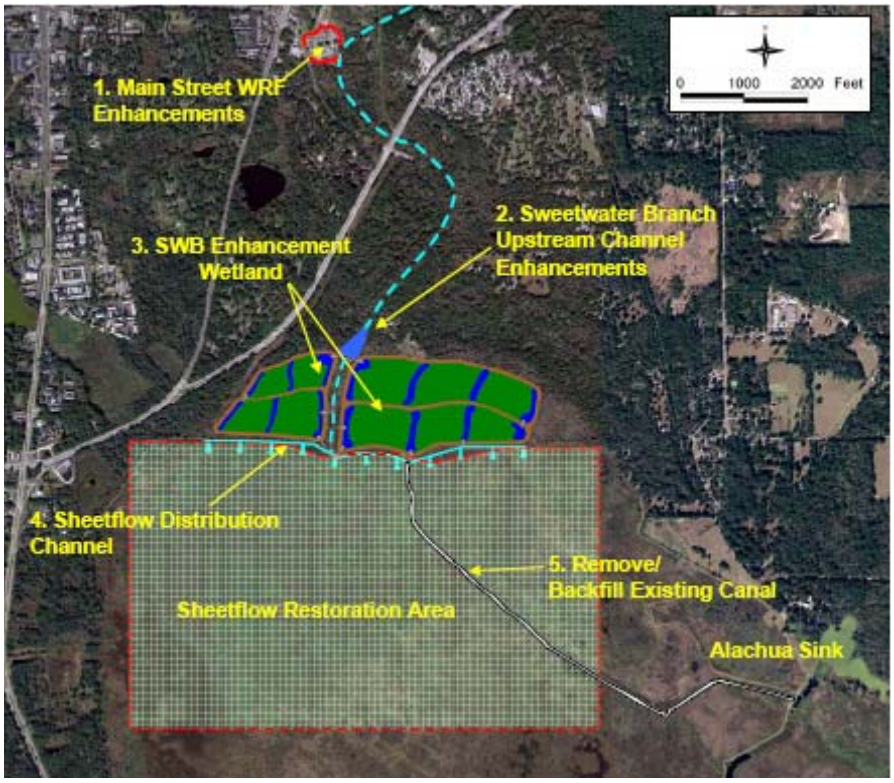

Figure 2.
Easement Sketch