

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Kenneth G. Ammon, P.E., Deputy Executive Director, Everglades Restoration Resource Area

**DATE:** November 28, 2007

**SUBJECT:** Amendment No. 2 to Village of Wellington Memorandum of Understanding for the Acme Basin B Project, Phase 2 -- Contract 3600000433-A02

**Background:**

Completion of the Acme Basin B Project is mandated by both the EFA (F.S. 373.4592) and the federal Everglades Settlement Agreement (Case No. 88-1886-CIV-MORENO). This contract amendment will allow the District to continue its compliance with these judicious mandates and complete the modifications required under Phase 2 to store Acme Basin B runoff, allowing water quality treatment and a more timely delivery to STA-1E for final treatment prior to discharge into the Arthur R. Marshall Loxahatchee Wildlife Refuge.

The original Memorandum of Understanding (MOU) between the District and the Village of Wellington (VOW) was made and entered into on May 31, 2005, under contract 3600000433. In this original MOU, both parties acknowledged the need to comply with the Everglades Forever Act requirements and the completion of the Acme Basin B project under the Comprehensive Everglades Restoration Plan (CERP).

On June 19, 2007 MOU Amendment No. 1 was executed for the completion of the Phase 1 project. The VOW agreed to design, construct, operate, and maintain Pump Station No. 7 (PS7), the temporary pumps and the remaining engineering/construction works to complete the Phase 1 project (i.e. C-1 Canal and other PS7 project features). The Phase 1 project has been successfully completed and is now under operation by the VOW.

The VOW and the District are ready to move forward with Phase 2 of the Acme Basin B project. Phase 2 work will complete the modifications to the Acme Basin B project as anticipated in the original MOU. The work encompassed in the MOU Amendment No. 2 will be funded by the SFWMD with a maximum cap equivalent to the amount budgeted for this phase of the project. The work will be performed by the VOW and will include the Design, Construction, Operation and Maintenance of the Section 24 Impoundment and Inflow Pump Station #9 (PS9).

The District will convey to VOW the necessary land interests, consisting of fee title to approximately 368.12 acres, for construction and operation of Phase 2 of the Acme

Basin B project, as shown on the attached map. The Governing Board will need to declare such land interests surplus. Title will revert back to the District if the property ceases to be used for the Section 24 Impoundment, in accordance with the Acme Basin B Discharge Project, or if this property is required for possible expansion of Stormwater Treatment Area 1E project purposes.

**How this helps meet the District's 10-Year Strategic Plan:**

The completion and implementation of Phase 2 will complete the Acme Basin B project. It will provide flood protection to Acme Basin B and improve water quality deliveries to the Arthur R. Marshall Loxahatchee Wildlife Refuge via STA-1E.

**Funding Source:** This is Amendment No. 2 to contract 3600000433 with the Village of Wellington for Phase 2 of the Acme Basin B Project in the not-to-exceed amount of \$21,500,000, which is within the established budget and of which dedicated funds (Everglades Restoration Trust Fund) in the amount of \$1,500,000 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY10 budgets.

**This Board item impacts what areas of the District, both resource areas and geography:**

The item will impact the Acme Basin B located within the boundaries of the Village of Wellington in Palm Beach County. Staff from the Everglades Restoration Resource Area's Engineering Division will be implementing this project.

**What concerns could this Board item raise?**

If the District determines that Section 24 is required for expansion of STA 1E, then the District at its own expense shall replace the flood control function of the Section 24 Impoundment to Acme Basin B and provide at least minimal passive recreational features to preserve the Wellington's recreational land comprehensive plan requirements of the Section 24 Impoundment and be in compliance with the District's Master Recreation Plan.

**Why should the Governing Board approve this item?**

The Governing Board should approve this item to complete the modifications required to store Acme Basin B runoff, allowing water quality treatment and a more timely delivery to STA-1E for final treatment prior to discharge into the Arthur R. Marshall Loxahatchee Wildlife Refuge, as required by the Everglades Forever Act.

Attachments – Resolution, Map  
KGA/jj/bh