

HRA Regular Session

6. 2.

Meeting Date: 01/11/2011

By: Tim Himmer, Engineering/Public Works

Title:

Consider agreement with the Lower Rum River Water Management Organization (LRRWMO) related to the transfer of permit responsibilities for the existing RTC wetland mitigation plan

Background:

Ramsey Town Center LLC had a wetland mitigation plan approved by the LRRWMO in October of 2005. That plan allowed for 4.05 acres of wetland impacts in Ramsey Town Center (RTC), requiring 8.10 acres of mitigation; portions of which have been implemented to date. The HRA is now the master developer of the COR (formerly RTC), and staff has been working with our consultant URS and the LRRWMO for the past year to bring the project wetland impacts into compliance with the approved plan. Attached is a map illustrating the locations of three wetland mitigation areas that were originally proposed to be created or enhanced to satisfy the requirements of the original permitted impacts.

The Charter School Wetland and the NW Wetland have been graded to establish wetland hydrology, but still require vegetation management and monitoring before they can be accepted as mitigation. The WNW wetland, which was created as a mitigation area during the construction of Bunker Lake Boulevard (orange hatched area), was proposed to be expanded and enhanced under the original permit and was to remain on the site as part of the greenway corridor through the development. With the evolution of the COR it is anticipated that this western portion of the site will be re-guided and utilized for a big box type of use, and include the establishment of a larger water feature/lake.

Based upon HRA direction in February of 2010 staff was to negotiate a revised permit with the LRRWMO to include implementation of a vegetative establishment and monitoring plan for the Charter School and NW Wetlands, and the purchase 105,602 S.F. of off-site wetland banking credits in lieu of creating the WNW mitigation area enhancements (thereby opening up additional developable land in the NW corner of the COR).

Observations:

On June 1, 2010 the HRA directed staff to finalize the process of revising the mitigation permit with the LRRWMO, and concurrently investigate the option of calling on the bond from the previous development team that secured the original permit. The revised permit was accepted by the LRRWMO in September and correspondence was exchanged with the bonding company beginning in October. Staff met with representatives of the bonding company in December and negotiated a settlement agreement of \$59,000 to perform the on-site mitigation work from the original permit; the NW and Classroom wetlands. The City will be required to purchase the off-site banking credits, which was completed prior to the end of the 2010 calendar year (in the amount of \$50,609.76). Attached is a summary of the estimated costs to complete the revised permit requirements that the HRA will be assuming.

If the HRA agrees with this approach the attached agreement will be presented at the January 20, 2011 LRRWMO board meeting for final approval. Once approved staff can begin the design and construction process for the existing on-site mitigations areas that are already substantially completed. Following construction activities the required five year monitoring period would begin; including annual reports, final accounting, restrictive covenants, and as-built plans showing conformance to the approved permit. Staff would like the ability to negotiate an amendment to the existing contract with URS in an amount not to exceed \$25,000 for the preparation of plans and specifications, bidding assistance, and all required monitoring to complete this project. Once the plans are finalized they will be brought back to the HRA for approval and authorization to solicit quotes for the implementation.

One item of note from the LRRWMO negotiations on the amended permit is the fact that the Technical Evaluation

