

MEMORANDUM

To: PPO Subcommittee
From: Amanda Grint, Water Resources Engineer
Date: August 7, 2020
Re: Wetland Mitigation Bank Credits for Omaha Public Schools

District staff and representatives from Omaha Public Schools (OPS) have met regarding the construction of middle school at 42nd and Y Streets and the need for wetland mitigation for the OPS project.

The District currently does not have any wetland mitigation bank credits available, however, there are several ongoing projects at the District that have the potential to provide credits. A summary follows:

- Remediation work at Rumsey Station has the potential to increase available credits at this site as well as correct a seepage issue for the nearby West Papio Creek levee. The last remaining credits at this mitigation bank site were sold in 2007.
- The District is proposing the construction of the Glacier Creek wetland and stream mitigation bank site in the FY21 budget. This project has been underway for many years and is in conjunction with UNO and Allwine Prairie.
- The District is currently investigating a new mitigation program called In Lieu Fee. This program is new for the Omaha area and would provide for development dollars up front for the construction of wetland mitigation banks.

With these ongoing options, it is possible that the District would have the wetland bank credits available in the future for OPS to use on the new middle school project. OPS has submitted a letter requesting the first right of refusal for any District wetland credits that are available. OPS is not obligated to acquire these future wetland credits but would have the first right to acquire the credits once they are established and priced by the District.

Staff recommends that the Subcommittee recommend to the Board that the General Manager be authorized to present the first right of refusal to Omaha Public Schools for any District wetland bank credits available for the middle school project on 42nd and Y Streets in Omaha.



July 9, 2020

Amanda Grint, PE, CFM
Water Resources Engineer
Papio-Missouri River NRD
8901 South 154th Street
Omaha, NE 68138

RE: Letter of Intent
Papio-Missouri River Natural Resources Districts (NRD) Wetland Bank Credit
Reservation

Dear Ms. Grint,

It is Omaha Public Schools (OPS) intent to complete off-site mitigation, through the purchase of wetland bank credits, for the proposed wetland impacts in association with the new middle school to be constructed at 42nd and Y Street.

The new middle school is located within the Hydrologic Unit Code (HUC) 8 – 10230006. Please refer to the attached Olsson Associates memo and exhibit identifying the wetlands on the respective site, which is located within the HUC 8 vicinity and the Rumsey Station wetland bank site. OPS understands that the individual permitting process through U.S. Army Corps of Engineers (COE) can take significant time and wants to galvanize our intent and our need to secure wetland mitigation bank credits. The mitigation ratio will be coordinated with COE and officially identified prior to reserving Mitigation Bank Credits. We have estimated mitigation ratios of anywhere between 1:1 and 2:1, and so the initial request of the Papio-Missouri River NRD for credit amounts is between 1.27 acres and 2.54 acres of PEMA Wetlands.

Per the Papio-Missouri River Policy Manual Section 17.35 for wetland banking, OPS understands that the following are the responsibility of the applicant, or OPS in this instance:

1. Submission of application on a form provided by the District, and,
2. Submission of Individual Permit Application which includes an initial identification and/or delineation of the wetlands proposed to be impacted or destroyed.
3. Deposit funds in an escrow account in the amount and as specified by the District to pay for the credits applied for. These funds will be reimbursed to the applicant with interest earned if the application is denied for any reason.
4. Receive approval from the U.S. Army Corps of Engineers for the use of wetland mitigation bank credits prior to obtaining a Individual Permit.
5. Provide District a copy of an approved Individual permit.



If OPS completes the above requirements for this project, and per Section 17.35, we understand the Papio-Missouri River NRD will fulfill the below responsibilities:

1. Establish and/or maintain aquatic habitat through restoration, creation, enhancement, and/or preservation at wetland mitigation bank sites owned or managed by the District and approved by the Management according to a Mitigation Bank Review Team (MBRT).
2. Maintain each wetland mitigation bank site in accordance with established maintenance criteria until requirements for closure of the site are met or it is determined that long-term maintenance is unnecessary.
3. Perform all necessary monitoring and prepare an annual report in order to demonstrate compliance with success criteria established in the Banking Instrument.
4. Maintain an accounting procedure that documents the activity of all mitigation bank accounts.
5. Obtain all appropriate environmental documentation, permits, or other authorizations needed to establish and maintain the bank.
6. Establish a total price for each wetland mitigation bank site equal to one hundred and fifty percent (150%) of the estimated cost required to acquire, develop, maintain, and monitor each wetland site.

In previous conversations with the Papio-Missouri River NRD about potential mitigation efforts; there was high level discussion about alternative mitigation, either through a potential in-lieu fee program (still at draft stage) or available credits at the Glacier Creek bank site, also located within the same HUC 8 vicinity. These two additional options are preliminary and presented for information purposes only at this point in time, as the intent of this letter is to secure bank credits at the Rumsey Station bank site.

If OPS is successful in obtaining the COE Individual Permit and can successfully negotiate the purchase price of the bank credits, OPS will, after obtaining any required approval from its Board of Education, apply to purchase the required wetlands mitigation bank credits from the Papio-Missouri River NRD through the proper procedure.

Please place this letter of intent on an upcoming Papio-Missouri River NRD Board Meeting for review and approval that the NRD will work with Omaha Public Schools on providing the first right of refusal for the next available wetland mitigation banking credits within our project HUC 8 vicinity.

Sincerely,

Darwin Rohde
Director of Buildings and Grounds
Omaha Public Schools