

**Programs, Projects & Operations
Subcommittee Meeting
January 11, 2011
6:30 p.m.
Agenda**

Programs, Projects & Operations:

John Conley, Chairman
Fred Conley, Vice-Chairman
David Klug
Rich Tesar
Jim Thompson

Alternate Members: Gus Erickson
Tim Fowler

Staff Liaison: Gerry Bowen *
Martin Cleveland
Amanda Grint
Ralph Puls
Dick Sklenar

1. Meeting Called to Order – Chairperson John Conley
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson John Conley
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on Changes to District Program 17.17 – Urban Drainageway Program – Gerry Bowen and Emily Holtzclaw, CH2M Hill
7. Review and Recommendation on Missouri River Trail – Phase 2 – Resolution and Supplemental Agreement No. 4 – Jim Becic
8. Review and Recommendation on Graham and Gilmore Elkhorn River Bank Stabilization Issue – Directors Klug and Tesar, John Winkler, Gerry Bowen and Amanda Grint
9. Review and Recommendation on Amendment to Engineering Contract with Lamp Rynearson on MoPac Trail (Hwy 50 to Chalco Hills) – Gerry Bowen and Scott Austin and Brett Wawers, Lamp Rynearson
10. District Levee and Dam Mowing Schedule and Policy – John Winkler
11. Adjourn

MEMORANDUM

To: Programs, Projects, and Operations Subcommittee

From: Gerry Bowen, Lori Laster

Date: 1/11/2011 **Revised**

Re: Recommended Changes to the District's Urban Drainageway Program (Policy 17.17)

Recent Urban Drainageway Projects such as Cole Creek Restoration and Whitted Creek Rehabilitation have been successful in using a natural channel design rather than more traditional methods of channel stabilization. These designs are more sustainable as well as more esthetically pleasing to the public. Also, the Papillion Creek Watershed Partnership (PCWP) has placed a priority on working together to inventory, improve aquatic habitat, and improve water quality of waterways and creeks in the metro area. Therefore, District staff has been working with CH2M Hill, Inc. to develop changes to the Urban Drainageway Program (UDP) to facilitate that effort and encourage more projects such as these in our urban streams.

CH2M Hill developed a Technical Memorandum (attached) as documentation for and a supplement to the UDP Policy. It provides guidance to the design community on the approaches to stream restoration the District would like to encourage.

Staff is proposing to incorporate three levels of design with three cost share levels in the program guidelines. Level 1, Restoration, is the highest level. A Level 1 project would be similar to Cole Creek. These projects will use as many of the natural channel design elements as possible and involves enhancing stream meanders and floodplain reconnection. Level 2, Rehabilitation, is the mid-level project. These projects, similar to Whitted Creek, will use as many natural channel design elements as possible, but does not involve altering the existing stream alignment. Level 3, Stabilization, will be a project where repairs/treatment are done in critical areas using predominately traditional bank stabilization methods such as riprap, along with some bioengineering techniques.

Proposed Levels of Design

	Level 1 <i>Restoration</i>	Level 2 <i>Rehabilitation</i>	Level 3 <i>Stabilization</i>
Reach Length	Continuous or having a significant impact on the reach	Continuous or having a significant impact on the reach	Spot treatment/ repairs in critical areas that do not have a significant impact on the reach
Stream Channel Modification	In a predominately unconfined or historical stream channel	Confined in modified channel pattern	Can be in an unconfined or historical stream or modified/confined channel
Stream improvement Techniques	Majority are bio-engineering techniques, habitat enhancement, flow redirection, and (if possible) flow retention	Bioengineering and/ or structural techniques, habitat enhancement, flow redirection, and (if possible) flow retention	Bioengineering and/or structural techniques
Hydraulic Impact	Will restore hydraulic connection to floodplain	May restore hydraulic connection to floodplain	Will not affect hydraulic connection to floodplain

Note: Both Level 1 and Level 2 will accelerate natural stream stabilization processes.

In order to encourage more Level 1 and Level 2 projects, staff is recommending the following changes to the cost share structure:

Level	Cost Share
1-Restoration	75%
2-Rehabilitation	60%
3-Stabilization	40%

Most projects in the metro area could easily be modified to meet the requirements of a Level 2 project, hence the cost share level remains at the current program percentage, 60%. In order to encourage applicants to consider more green solutions, staff is recommending that Level 1 projects be given additional funding at 75%. Staff also recognizes that stabilization projects will still be necessary. In order to allow funding for these projects, but not encourage them, Level 3 projects would be funded at 40%.

In addition, the revised guidelines place a limit on District funds expended on any single project. The current policy limits total project cost to \$1.5 million. For example, currently the District could expend \$900,000 per project (60% of the project cost with the project total no more than \$1.5 million). Using the techniques which we are encouraging can be more costly than traditional stabilization methods, which is the reason for the increase in District funds. However, these techniques are designed to be more of a sustainable solution, than the traditional stabilization methods.

In order to be eligible for a Level 1 or Level 2 project, it is also recommended that the applicants must apply for Nebraska Environmental Trust funds and EPA 319 funds. The District would reimburse the project sponsor for a given percentage of the local costs, excluding state and federal funding.

- **Management recommends that the Subcommittee recommend to the Board of Directors that the proposed changes to the Urban Drainageway Program Policy 17.17 be approved and be incorporated into the Director's Policy Manual.**

Memorandum

To: Programs, Projects and Operations Subcommittee

Re: Nebraska Department of Roads Supplemental Agreement Number 4 – Missouri River Trail – Phase 2; State Control No: CN 22252; Project No: ENH-28(89).

Date: January 3, 2011

From: Jim Becic and Gerry Bowen

The attached Resolution and Supplemental Agreement Number 4 is for the Missouri River Trail – Phase 2 Project. The Resolution needs to be adopted by the Board of Directors, which authorizes the General Manager to sign the Supplemental Agreement Number 4 and commits the District to provide the local match.

The significant change in this Supplemental Agreement Number 4 from previous Agreements is that the federal funding cap has been removed (originally set at \$500,000.00) and the State will now reimburse the District "...for 80 percent of the actual eligible costs of the improvement."

- **It is management's recommendation that the Programs, Projects and Operations Subcommittee recommend to the Board of Directors to adopt the Resolution and authorize the General Manager to sign the Supplemental Project Program Agreement with the Nebraska Department of Roads for the Missouri River Trail – Phase 2 Project.**

Memorandum

To: Programs, Projects and Operations Subcommittee

Subject: Elkhorn River Erosion – Graham/Gilmore Area

Date: January 5, 2011

From: Gerry Bowen

In July, the Board authorized Management to proceed with a cooperative agreement with the Natural Resources Conservation Service (NRCS) on an Emergency Watershed Protection Project (EWP) on the Elkhorn River near the Douglas-Sarpy County line, the Graham-Gilmore area. The action also authorized Management provide the necessary professional engineering services for such an EWP project should one develop.

As you may recall, an NRCS EWP project was installed in the same vicinity in 1993. The District was the sponsor of the project that extended approximately one mile along the Elkhorn River left bank at this location. The project performed as designed until the flood in 2010. The design drawings are attached for your reference. The District acquired the necessary rights-of-way for the project and received cost sharing from Sarpy County since the project's main purpose was to protect a county road. The 2010 flood overwhelmed and flanked approximately 1000 feet of the 1993 project and damage to private property resulted. The photographic documentation provided in July is also attached for your reference.

NRCS reviewed the damage area and prepared a Damage Survey Report (attached) indicating eligibility for an EWP Project at a projected cost of \$502,200, plus engineering. The cost share rate for this NRCS program is 75%. The District received word in December that EWP funding is indefinitely delayed. So, the attached letter was sent to the landowners to keep them informed of funding progress. Staff will continue to work with NRCS to provide EWP funding for this project.

Recent discussions with the US Army Corps of Engineers' Regulatory Office were conducted regarding obtaining a 404 permit for Elkhorn River bank stabilization in this area. Several scenarios were discussed. The first was to fill in the channel and restore the river to its location prior to the flood events this past summer and repair the 1993 EWP stabilization project. This could possibly be completed as maintenance on the original project and in that instance no permit would be necessary. A second alternative would be to perform a new bank stabilization project in the river's current location. This new project would be over 500 linear feet, requiring a new time-consuming individual 404 permit and would require that the project sponsor complete an alternatives analysis. Finally it was discussed that there was a possibility of receiving a readily available nationwide 404 permit for the bank stabilization if natural channel stabilization could be utilized (e.g. root wads instead of rock jetties and riprap).

If the Board desires to proceed with haste on this project without NRCS EWP assistance, Management's recommendation for a first step would be to hire a consultant to investigate potential solutions and prepare a design and cost estimate to stabilize the Elkhorn river bank at the Graham/Gilmore site. It is anticipated that the cost of these services would exceed \$20,000 so "District Policy 15.2 – Purchasing Professional Services" would be waived. Management also

recommends that since protection of a county road has been the basis of the District's involvement in this area, cost sharing by Sarpy County on the engineering and construction of this project should be required. Cost sharing by the immediately benefitted landowners (Graham and Gilmore) should also be considered. The responsible parties for operation and maintenance will also need to be defined prior to commencing construction.

- **It is recommended that the Subcommittee recommend to the Board that the General Manager be authorized to select and negotiate with a consultant to provide professional engineering services for a bank stabilization project at the Graham/Gilmore site along the Elkhorn River, and that the General Manager seek a cost sharing agreement with Sarpy County for engineering and construction of such a project; both such contract and agreement to be brought to the Board for approval prior to execution.**

Memorandum

To: Programs, Projects and Operations Subcommittee

Subject: Mopac Trail (Hwy. 50 to Chalco Hills) Professional Services – Request for Increased fees from Lamp Rynearson & Associates, Inc.

Date: January 5, 2011

From: Gerry Bowen

In November, 2010, the Board decided to proceed with the Mopac Trail (Hwy. 50 to Chalco) without using federal funds. The delay due to federal rules and procedures being implemented by the Nebraska Department of Roads (NDOR) was one of the reasons cited by the Board for rejecting federal assistance. Following this action, a revised schedule for the project was prepared (attached) indicating construction this coming summer and fall.

In 2007, the District contracted with Lamp Rynearson & Associates (LRA) to design and provide construction engineering services for this project. The consultant is experiencing increased cost for delays and out-of-scope work.

The attached January 5, 2011 letter from LRA details their additional work dealing with NDOR to keep the project moving forward and the increased wages for over three years of project delays. They are requesting an increase in the “not-to-exceed” amount of the professional services contract from \$279,370 to \$332,714, an increase of \$53,334.

The additional fees relate to the following items:

1. Additional coordination with NDOR concerning the proposed crossing of Highway 50 of the trail. A surface crossing was originally anticipated, but a requirement by NDOR that a grade-separated crossing, either above or below the highway be used. The fees associated with this effort amount to \$26,470.
2. The original contract with LRA was executed in 2007 and anticipated design to be completed in early 2008. Wage rates used to calculate the contract amount are different now. LRA estimates that the additional fee amount for wage increase to be \$14,084.00.
3. Thirdly, construction of the project was anticipated for 2008-09 and wage rates for construction engineering were estimated accordingly. Construction is now anticipated for summer and fall of 2011. Current wage rates are higher for the employees to be used for these services. LRA estimates that the new rates will add \$12,790.00 to the contract amount.

Staff recommends approval of the request.

- **It is recommended that the Subcommittee recommend to the Board that the “not-to-exceed” amount on the professional services contract with Lamp Rynearson & Associates for the Mopac Trail (Hwy. 50 to Chalco) Trail Project be increased from \$279,370 to 332,714.**

Agenda Item 10

From: Winkler, John
Sent: Thursday, December 09, 2010 11:18 AM
To: Scott Japp [mailto:sjapp@huntel.net]
Subject: John - Mowing policy

Director Japp:

I will place the agenda item you requested on the January subcommittee and Board agendas.

The NRD has had a policy for many years to not mow dam sites and levees, except immediately along trails (due to trail use need) until after the spring nesting and birth season for birds and animals (pheasants, turkeys, migratory birds, deer, etc.) is complete and the birds/animals and young can safely move out the way of mowing equipment. It is generally accepted that the nesting/birth period is complete by the end of June. The only exception to that rule is where we have a newly built dam or levee and we need to mow the weeds prior to seed formation in late June. The levees/channels are mowed from July 1 to October 30 (or later) and this usually means one mowing in rural areas and two mowing in urban areas. We start mowing in urban areas due to trail use. The Corps and NRD staff inspect levees/dams in late summer/early fall, so we need to mow them before the inspection, otherwise the inspections are difficult. The dams are mowed after the levees/channel s are mowed, so often mowing occurs in late fall. We mow high hazard dams yearly (e.g. Site 6) and low hazard dams (e.g. W-20) on a 5 year rotation, unless we have weed or tree issues.

Dams are inspected in late fall by O/M staff and on a 5 year cycle in spring by engineering staff/NRCS staff (for low hazard dams; high hazard dams are done yearly by engineering staff), so a fall mowing works well for spring inspections and late fall inspections. It is difficult to see cracks, rodent holes, etc. on dam surface with 3 ft. tall grass cover, during inspections. In addition, mowing removes trees and other unwanted vegetation which may cause safety issues with the dams.

One of the District's missions is creating habitat, however, the District also has a greater responsibility to protect lives and property and to guarantee that our dams and other structures are safe. Dam Safety should not be compromised and in fact mowing of these structures is the first line of defense in finding problem areas on the structure. The District must be responsible and not shirk its duty to protect the people of not only Washington County but the people of the entire District as a whole.

Thank you.

Regards,

John Winkler

From: Scott Japp [mailto:sjapp@huntel.net]
Sent: Thursday, December 09, 2010 9:38 AM
To: Winkler, John
Subject: John - Mowing policy

John

Put on next month's agenda regarding the mowing of NRD property. We may need to add it to our policy manual. Apparently common since is not being used. I was contacted by residents in my area that the NRD was mowing dams site area this week and destroying the winter habitat for the wildlife and their hunting areas.

A little was is going on here. I saw a NRD employee at New Port landing mowing the damsite the first of Nov. He stated to me they were going to go mow dam sites in Washington Co. I contacted the residents of Washington Co, if they wanted there dam sites mowed. They stated no, do to the lateness of the year for the lack of regrowth for the wildlife habitat for the winter. I contacted Ron L and stated to him that the residents of Washington Co, do not want their damsite mowed this time of the year.

Apparently common since did not prevail since our staff was mowing in Washington Co. I thought one of our missions it wildlife habitat? Explain to me why are we destroying the winter cover of the wildlife and hindering people hunting areas? If weeds on the site were and issue then they should have been address earlier in the growing season preferably in the summer.

A proper dam inspecting can still be accomplish without destroying the vegetation on the site.

Scott Japp