

**Programs, Projects & Operations
Subcommittee Meeting
June 7, 2005
7:00 p.m.
Agenda**

Programs, Projects & Operations:

John Conley, Chairman
Rich Tesar, Vice-Chairman
Fred Conley
Rick Kolowski
Joe Neary

Alternate Members: Dorothy Lanphier
Jim Thompson

Staff Liaison: Gerry Bowen
Martin Cleveland
Ralph Puls
Dick Sklenar *
Paul Woodward

1. Meeting Called to Order – Chairperson John Conley
2. Quorum Call
3. Adoption of Agenda
4. Proof of Publication of Meeting Notice
5. Review and Recommendation on Development Agreement for Shadow Lake and Midland Lake Flood Control and Sediment Control Projects – Nancy Pridal, Lamp-Rynearson Associates and Paul Woodward
6. Review and Recommendation on Amendments to Pigeon/Jones Watershed Site 15 Professional Services Contract with Olsson Associates – Jason Farnsworth, Olsson Associates, and Ralph Puls
7. Review and Recommendation on Draft Supplemental Watershed Plan for Rehabilitation of P.L. 566 Structures S-27, S-31 and S-32 – Chuck Leinen, NRCS, and Martin Cleveland
8. Review and Recommendation on Amendments to District’s Wetland Mitigation Bank Instrument – Paul Woodward
9. Review and Recommendation on State Contract Purchase of GPS Survey Equipment – Jean Tait
10. Other Items of Interest
11. Adjourn

Memorandum

To: Programs, Projects, and Operations Subcommittee
From: Paul Woodward, Water Resources Engineer
Date: June 3, 2005
Re: Amendments to approved Agreement for Shadow Lake and Midlands Lake Flood and Sediment Control Projects

Last month, the Board considered and approved the referenced agreement, under which the NRD would share the costs of design and construction of a flood detention structure (Shadow Lake) and a grade control structure (Midlands Lake) on Midlands and South Midlands Creek, just South of Highway 370 between 72nd and 84th Street southeast of Papillion.

Please see the attached memo from last month and attached map for further information regarding this agreement.

The agreement in the form approved by the Board was not executed by the General Manager. Subsequent to the Board's approval, several amendments to the agreement were proposed that could be viewed as substantive. Therefore the agreement in amended form is being submitted to the Board for approval.

The proposed amendments do not alter the intent of the agreement or change the responsibilities of the NRD. They include changes in terminology and changes in easement terms, and also provide that the construction that will be cost-shared by the NRD will be performed by contractors retained by SID 264 using the SID's statutory competitive bidding procedures.

In summary, the amendments do not change the intent or thrust of the agreement. The District still will provide 75% of the costs of design and construction of Shadow Lake and 100% of the cost of design and construction of Midlands Lake, for a maximum total of \$3,417,278.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the form of the agreement with the City of Papillion, 370 L.L.C., SID 267, Shadow Lake Development L.L.C., and SID 264 for the Shadow Lake and Midlands Lake Flood and Sediment Control Projects, as now presented.

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

FROM: Ralph Puls, Land and Water Programs Coordinator

SUBJECT: Amendment to Professional Services Contract for Pigeon/Jones Watershed Site #15

DATE: May 27, 2005

In July 2004, the District entered into a professional services contract with Olsson Associates to prepare a pre-feasibility report and funding proposal for Multi-purpose Structure Site # 15 on Jones Creek in the Pigeon/Jones Creek Watershed in Dakota County. The Board of Directors at their January 13, 2005 meeting approved the Pre-Feasibility Report and recommended that it be submitted to the Department of Natural Resources (DNR) for consideration for funding through the Nebraska Resources Development Fund (NRDF). The Natural Resources Commission (NRC) considered the Pre-Feasibility Report at their March 24, 2005 meeting and authorized the P-MRNRD to proceed with an application and feasibility report for the Project. This was followed with a letter from the NRC stating that NRD funding of 60 % to 70 % of the total eligible local project cost may be appropriate.

Since then, staff has met and negotiated with Olsson Associates for an amendment to their Professional Services Contract to complete a feasibility study and NRDF application. The study will analyze the technical, environmental and economic feasibility of the project. This study will be completed within a year.

Attached is the proposed contract amendment No. 1, a scope of services, schedule and time and cost estimate prepared by Olsson Associates for the Subcommittee's Review and Recommendation. The contract amendment totals \$228, 289.00.

Management recommends that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed amendment No. 1 to the Pigeon/Jones Creek Watershed Site #15 professional services contract with Olsson Associates, for preparation of a Nebraska Resources Development Fund Feasibility Study and Application, for a maximum fee of \$228,289.00.

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

FROM: Martin P. Cleveland

SUBJECT: Papiro Creek Watershed PL566 Structures #S-27, 31, 32
Rehabilitation Assistance
Supplemental Watershed Plan and Environmental Assessment and Papillion
Creek Watershed Agreement No. 7

DATE: May 26, 2005

Approximately four years ago, the USDA – Natural Resources Conservation Service (NRCS) initiated a dam rehabilitation assistance program to address the needs of aging dams throughout the United States, in particular those dams built through their Public Law (PL) 566 Program. The PL 566 Program has been designing/building dams for about 65 years.

The District owns/operates 70 dams, 50 of which were built via the PL 566 Program. The District's PL 566 dams built in the period from 1962 to 1997. In May 2003 the District initiated dam rehabilitation with NRCS on Papillion Creek Watershed PL 566 Structures S-27, S-31, and S-32 via execution of Memorandums of Understanding for rehabilitation assistance.

The NRCS has sent you a copy of Draft Supplemental Watershed Plan and Environmental Assessment (EA) for the referenced structures. This plan must be approved by local sponsor (NRD) prior to it being forwarded to NRCS headquarters in Washington, DC.

Enclosed is the Papillion Creek Watershed Supplemental Watershed Agreement No. 7 for structures S-27, S-31, and S-32 for your review. This agreement provides for rehabilitation (with cost share and estimated costs for referenced dams (S-27, S-31, S-32.) This agreement is subject to NRCS and NRD funding.

The estimated total rehabilitation project costs to be paid by sponsor (NRD) and NRCS are as follows:

<u>Works of</u>			<u>Estimate</u>
<u>Improvement</u>	<u>Sponsors (NRD)</u>	<u>NRCS</u>	<u>Project Costs</u>
Rehabilitation			
Of GSS S-27	\$ 133,350	\$247,650 ^{1/}	\$ 381,000
Rehabilitation			
Of GSS S-31	\$ 245,700	\$456,300 ^{2/}	\$ 702,000
Rehabilitation			
Of GSS S-32	\$ 213,150	\$395,850 ^{3/}	\$ 609,000

Total	\$592,200^{d/}	\$1,099,800	\$1,692,000
	35%	65%	100%

1/ Estimated Project Costs exclude \$142,000 in NRCS Engineering and Project Administration costs. NRCS pays 100% of planning and engineering costs.

2/ Estimated Project Costs exclude \$216,000 in NRCS Engineering and Project Administration costs.

3/ Estimated Project Costs exclude \$146,000 in NRCS Engineering and Project Administration costs.

4/ Sponsor (NRD) is required to secure land rights for these structures and this cost is credited towards sponsor's 35%.

It is Management's recommendation that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Papillion Creek Watershed Supplemental Agreement No. 7 with NRCS rehabilitation for PL 566 Grade Stabilization Structures S-27, S-31, and S-32, subject to changes deemed necessary by the General Manager and approved to as to form by District Legal Counsel.

Memorandum

To: PPO Subcommittee
From: Paul Woodward, Water Resources Engineer
Date: May 31, 2005
Re: Amendments to Wetland Mitigation Banking Instrument

The District's Wetland Mitigation Bank Program was formed under an umbrella banking instrument that was dated April 2000 and approved by the US Army Corps of Engineers (USACE) in concurrence with the Mitigation Bank Review Team (MBRT) in December 2000. This instrument establishes guidelines for the establishment, use, operation, and maintenance of Wetland Mitigation Bank sites.

The District's first Wetland Mitigation Bank Site under these guidelines was the Rumsey Station Wetland Mitigation Bank located directly south of the West Papillion Creek between Papillion and Bellevue, approximately 54th to 62nd Street (see attached map). The enclosed site plan is designed to create 11 acres of Wetland Bank credit that can be sold to parties that need to mitigate for disturbed wetlands. To date, the bank has been approved for 5.31 acres of credit. Of these 5.31 acres, 2.13 acres has been debited for various projects including developments, a City of Omaha street, and the District's West Papio Channel (see attached ledger). In accordance with the Board's direction in February 2003, 1.77 of these acres have been sold to developers and Omaha at a cost of \$52,500 per acre, amounting to a total income of about \$93,000.

While investigating the possibility of creating wetland bank sites in conjunction with structures planned in the Silver Creek Watershed in Burt County, District staff meet with the USACE, and they noted that revisions to the District's Wetland Mitigation Banking Instrument are needed in order to be consistent with the Corps of Engineers Omaha District Mitigation Banking Guidance effective February 2005. These suggested amendments will change the effective service areas where wetland credits can be established and debited and the success criteria of bank sites, as well as the crediting ratios and monitoring provisions. These proposed amendments along with a map of the different service areas within the District are enclosed for your consideration. However, please note that these changes apply only to future bank sites and the Rumsey Station Wetland Mitigation Bank will continue to operate under the guidance of the previous instrument.

In conclusion, staff agrees that these proposed amendments required by the USACE are necessary, but also acknowledges that the establishment and operation of the Rumsey Station Wetland Mitigation Bank will be grandfathered under the previous Wetland Banking Instrument.

Management recommends that the subcommittee recommend to the Board that the General Manager be authorized to incorporate the proposed Amendments into the District's Wetland Mitigation Banking Instrument, subject to approval by the US Army Corps of Engineers, Omaha District.

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

SUBJECT: State Contract Purchase of the GPS Survey Equipment

DATE: June 2, 2005

FROM: Jean Friends Tait, Purchasing Agent

On May 10th, 2005 the Equipment Committee briefed the PPO Subcommittee the 2006 Equipment Requirements List. GPS Survey Equipment was on this list with an estimated purchase price of \$40,000. In December of 2004, District staff members researched prices for the GPS survey equipment for possible purchase in the 2006 fiscal year; but District projects and timelines necessitated the rental of said equipment. The District's need to extend the rental of this equipment include levee system surveys, survey of the Dam Site 13 conservation pool, additional floodplain remapping, to name a few.

The Nebraska Purchasing Department awarded the state contract for this equipment to A&D Technical Supply, contract number CA-6212, for the period of April 22, 2004 through April 30, 2006 as low bidder. The District contacted A&D Technical Supply for equipment rental (identifying the state contract) and was able to convince A&D to apply 80% of the rental fee towards the purchase price of this equipment *if* the Board approved the purchase of this item. The monthly rental fee for this equipment is \$2,800 per month. Having rented this equipment since December allows the District to reduce the purchase price of the GPS Survey Equipment from \$40,000 to \$25,077.51.

Some of the jobs that have been completed or are affected by the use of this GPS equipment follows.

Jobs affected by the use of GPS					
Firm or Agency	Project	Cost with GPS	Cost without GPS	Approximate Cost to Outsource	\$ Savings using GPS VS outsourcing
C.O.E.	Vencils Island layout	\$152.00	Needed GPS to meet job deadline	\$1000.00	\$848.00
NRD	Decatur Bend	\$5,191.31	15,574.50	\$28,000	\$22,808.69
HDR	Floodplain remapping x-sections	\$5,320	GPS needed to complete this project	\$15,000	\$9,680.00

NRD	Dam Site 13 conservatio n pool layout ASAP	\$400.00	Not enough lead time to complete without GPS	\$1,200	\$800.00
NRD	Walnut Creek Amphitheater	\$115.00	Due to other ongoing projects, the survey crew would not have had time to complete this job w/o GPS	Not enough lead time to outsource as survey control was already set by NRD Surveyors	N/A
NRD	West Branch ROW with property pins and legal surveys	\$8,000	\$15,000	\$40,000- \$50,000	\$32,000
NRD	Sloderbeck ALTA survey	No GPS at the time of survey	Other project deadlines, required us to out- source this job	Actual cost: \$4,500	

I contacted the Nebraska Purchasing Department on Tuesday, May 17, 2005, to verify the bid process for State Contracted items. The State of Nebraska does not advertise or formally bid any items that are covered by State Contract as the State has already negotiated the lowest price for contracted items. As purchasing agent, I use the State Contracts whenever it is in the best interest of the District. As in this case, the lowest price for the GPS survey equipment.

It is staff's recommendation to follow the State policy to NOT advertise and directly purchase the GPS Survey Equipment under State Contract number CA-6212, for a cost of \$25,077.51 from A&D Technical Supply.