

AGENDA REQUEST

FOR: COUNCIL MEETING OF November 19, 2013

**FROM:
CITY COUNCIL MEMBER ALAN LONG**

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

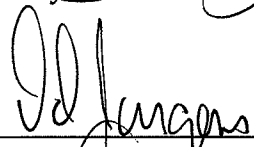
A RESOLUTION TO REAFFIRM THE CITY COUNCIL'S SUPPORT FOR THE EXPANSION OF THE WOOLSEY WET PRAIRIE TO CREATE A WETLAND BANK FOR THE CITY AND POSSIBLY OTHER AGENCIES IF ALLOWED BY THE CORPS OF ENGINEERS

APPROVED FOR AGENDA:



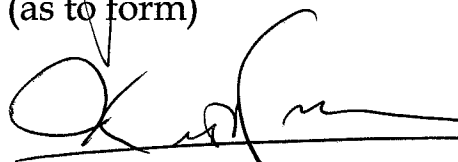
City Council Member Alan Long

11-08-2013
Date



Utilities Director David Jurgens
(as to form)

8 Nov 13
Date



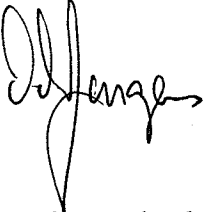
City Attorney Kit Williams
(as to form)

11-8-13
Date

11-12-13A09:45 RCVD



To: Kit Williams, City Attorney

From: David Jurgens, Utilities Director 

Date: November 5, 2013

Subject: Water/Sewer Committee's Request for Wetlands Resolution of Intent

The Fayetteville Water and Sewer Committee, by unanimous vote, has requested the City Attorney draft a resolution of intent regarding the wetlands known as the Woolsey Wet Prairie and surrounding acreage.

The Committee requests the resolution state the following:
The Woolsey Wet Prairie and the lands surrounding the Prairie as a valuable natural resource;

The Committee wishes to request that the administration:

- expand the wetlands into the areas to the west and north, creating a deed restricted wetlands area;
- constructed the expansion as a wetlands bank, with the credits available for sale under requirements from the Corps of Engineers;
- employ the bank as a revenue source for the Water/Sewer fund; and
- pay for the construction of expanded wetlands by the sale of credits from the wetlands bank.

Background

The wetlands north of and adjacent to the West Side Wastewater Treatment Facility (WWTF), now known as the Woolsey Wet Prairie, was constructed in 2005 – 2008 as a wetlands mitigation site as part of the Wastewater System Improvement Project. The wetlands was required to be constructed to comply with the Corps of Engineers 404 permit for the WSIP to mitigate wetlands that were being degraded or destroyed in the construction of sewer lines, pump stations, and the West Side WWTF. All of the construction costs were borne by the WSIP project fund. Per to the Corps of Engineers permit, 43.8 acres were deed restricted for the site.

After the berms were constructed but before any wetlands plants were planted, species counts showed that the wetlands was blossoming without any plantings. There were dormant seeds in the soil that germinated now that the wetlands environment was created (or recreated) through the berming and water controls. As a result, a \$143,000 contract to plant wetlands plants in the area was cancelled. The wetlands has continued to blossom to where 423 species of plants have been identified in an area where, from 2001-2005 when plans were under development, only 47 were found.

Recognizing the enormous potential of the site, in 2009 the City staff, the Mayor and the City Council approved a capital project in the Capital Improvements Program, Number 11013, Wetlands Bank Construction, funding it with \$350,000 in 2011. The project description from the 2010 CIP reads:

"This project is for the construction of an 80+ acre wetlands bank at the Woolsey Wet Prairie area at the west side wastewater treatment plant site. This wetlands bank is adjacent to the existing wetlands mitigation site developed for the Wastewater System Improvement Project. The project will include development of a prospectus to be presented to the Corps of Engineers and for the construction and ongoing maintenance. The credits created in the bank can then be sold to customers within the Illinois River Watershed and other areas as approved by the Corps. The project is expected to be a net revenue generator for the City, with initial funding to be provided from the sale of four acres of the Water & Sewer wastewater treatment plant site to Ozarks Electric and the sale of credits from the existing mitigation site."

In October, 2013, the Corps of Engineers granted the City approval to use credits from Woolsey Wet Prairie as mitigation credits for City owned projects, but will not allow the sale of the credits to outside agencies.

RESOLUTION NO. _____

A RESOLUTION TO REAFFIRM THE CITY COUNCIL'S SUPPORT FOR THE EXPANSION OF THE WOOLSEY WET PRAIRIE TO CREATE A WETLAND BANK FOR THE CITY AND POSSIBLY OTHER AGENCIES IF ALLOWED BY THE CORPS OF ENGINEERS

WHEREAS, during the construction for the West Side Wastewater Treatment Facility, the Woolsey Wet Prairie was constructed to create an historical wetlands and to mitigate the wetlands loss caused by the construction of the treatment plant, new lift stations, and miles of new sewer mains; and

WHEREAS, the Woolsey Wet Prairie did not even need to be planted with historical wetland prairie plants which instead sprouted from long dormant seeds once the wetland prairie was restored with berming and water controls; and

WHEREAS, after the great success in restoring about 44 acres of wet prairie, the Mayor, City Council and City Staff determined in 2009 to expand the Woolsey Wet Prairie to about another 80 acres and funded this construction through the CIP for \$350,000.00 in 2011; and

WHEREAS, the Corps of Engineers has finally granted the City the approval to use credits from the expanded Woolsey Wet Prairie as mitigation credits for City projects (but will not now allow sale of these credits to outside agencies).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby reaffirms the City Council's support for the expansion of the Woolsey Wet Prairie for about 80 additional acres to create a wetlands bank to be used for City projects and, if later approved by the Corps of Engineers, to be sold to other agencies to recover the costs of construction of this addition to the Woolsey Wet Prairie.

PASSED and APPROVED this 19th day of November, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

