

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: A-4
DATE: May 10, 2007
SUBJECT: Contract with Jones & Stokes
Mitigation Plan Options for LID-97-1
CONTACT PERSON: Rick Cisar, Community Development Director

ISSUE:

The City Council is requested to authorize the Mayor to sign a contract for \$45,870.00 with Jones and Stokes for the completion of revised mitigation plan for LID-97-1.

SUMMARY:

The City received a letter (Attachment 1) dated December 7, 2006 from Kristina G. Tong, Regulatory Branch, Department of Army Corps of Engineers, inquiring about the status of the Wetlands Mitigation Plan that was to be completed in March 17, 2003.

In the response letter (Attachment 2), the city noted that work on the Mitigation Plan was halted due to the difficulties encountered in obtaining the necessary easements from the adjoining property owners. The City requested a meeting with Ms. Tong to discuss potential options to our original Mitigation Plan obligations.

On February 28, City Staff met with Ms. Tong and then toured the areas disturbed by the construction of the sewer line and the original properties identified for enhancement in the approved Mitigation Plan. City Staff also identified optional sites for mitigation which the City could acquire in light of past difficulties with the original properties.

City Council and staff discussed this issue at a previous council meeting with the council directing staff to contact the Army Corps of Engineers to investigate optional mitigation sites that may be acceptable to the Corps.

On April 2, 2007 the City received a response from Ms. Tong, indicating that the optional sites suggested by City Staff may be appropriate and recommended the City proceed with the preparation of a Compensatory Mitigation Plan for the Department of Army, Corps of Engineer's review. Ms. Tong requested the City consultant contact her office no later than May 31, 2007 to discuss the plan requirements and schedule for completing the plan.

City Staff contacted Mr. Brian Higgins of the consulting firm of Jones and Stokes, who prepared the Mitigation Plan for LID-97-1, to discuss the response the City received from Ms. Tong. The staff asked Mr. Higgins to prepare a contract and cost estimate (Attachment 3) for their services to assist the City in the development of an optional Mitigation Plan that the Army Corps of Engineers may find acceptable.

The City Engineer and City Staff have reviewed the proposed cost estimate and find the contract amount of acceptable for the detailed Mitigation Plan and Environmental analysis required for this project.

FISCAL IMPACT:

The contract amount of \$45,870.00 is funded from the LID-97-1 current Mitigation Plan Budget, which has sufficient funds to cover the cost of this contract.

ANALYSIS:

The contract is necessary to complete the revised Mitigation Plan obligations for LID 97-1 and satisfy the Department of Army Corps of Engineers to avoid enforcement actions against the City.

ALTERNATIVES:

1. Authorize the Mayor to sign the contract with Jones and Stokes in amount of \$45,870.00 to develop an alternative Mitigation Plan for LID-97-1. This alternative will assist the City in meeting the City's obligations associated with the Sewer LID-97-1 project and avoid enforcement actions by the Department of Army Corps of Engineers.
2. Do not authorize the Mayor to sign the contract the contract with Jones and Stokes for the development of Mitigation Plan options for LID-97-1. This alternative would further delay the completion of the Mitigation Plan for LID-97-1 and cause enforcement actions by Department of Army Corps of Engineers.
3. Do not authorize and direct City Staff to areas of concern.

RECOMMENDED ACTION:

Authorize Mayor to sign a contract with Jones and Stokes in the amount of \$45,870.00 for the completion of Mitigation Plan options for LID-97-1.

RECOMMENDED MOTION

Motion to authorize Mayor to sign a contract with Jones and Stokes in the amount of \$45,870.00 for the completion of alternative Mitigation Plan for LID-97-1.

COUNCIL ACTION:

DATE:

ATTACHMENTS:

1. December 7, 2006 – Letter from the Department of Army Corps of Engineers
2. January 4, 2007 – Response Letter from the City of Sultan
3. May 4, 2007 - Jones and Stokes - Scope of Work/Cost Estimate



City of Sultan

January 4, 2007

Ms. Christina Tong
Regulatory Branch, Department of the Army
Seattle District, Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

Dear Ms. Tong:

The City of Sultan is in receipt of your letter dated December 7, 2006 inquiring about the status of wetland mitigation that was to be completed in association with the City's Sewer LID 97-1 project (Reference 199900025). In addition, the Corps requested delivery of the as-built drawings and status report on the mitigation.

The City of Sultan initiated the construction of corridor restoration (on-site mitigation) in January 2005. Initial efforts including clearing the sewer line easement of scrubby vegetation, regrading of Wetland 3, removal of the borehole pipes on either side of Wagley's Creek in the same vicinity, and restoration of the hydrologic connection between Wagley's Creek and Wetland 17. The intent of this was to complete the initial clearing of those areas where the City still maintained easements while permanent easements were negotiated with the landowners to complete the off-site wetland mitigation that was to occur on private property. However, the work halted when the City recognized that obtaining the necessary permission from the landowners would be an obstacle to completing both the on-site and off-site wetland mitigation.

While completing the mitigation as described in the *Conceptual Offsite Wetland Mitigation Plan*, City of Sultan LID-97 Sewer Line is likely not possible at this time, the City is committed to providing compensation for the wetland impacts associated with this project and would like to request a meeting with the Corps to discuss potential options for meeting this requirement. Please contact Rick Cisar at (360) 793-2231 or via email rick.cisar@ci.sultan.wa.us upon receipt of this letter to schedule a meeting.

Sincerely,

Rick Cisar
Director of Community Development

cc: Deborah Knight, City Administrator
Brian Higgins, Jones & Stokes



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

RECEIVED

DEC 08 2006
CITY OF SULTAN
FINANCE DEPT.

Regulatory Branch

DEC 7 2006

City of Sultan
Mr. William Tippet
Post Office Box 1199
Sultan, Washington 98294

Reference: 199900025
Sultan, City of

Dear Mr. Tippet:

A recent review of our records has revealed that we have a pending compliance action with the City of Sultan on the above referenced action. On June 8, 2000, we notified you that there was a permit deviation which included exceeding the 40-foot width limit impact to wetlands for the construction project, End Sewer LID. The proposed resolution to this permit deviation was your implementation of a mitigation project. On March 17, 2003, we approved the mitigation plan *Conceptual Offsite Wetland Mitigation Plan, City of Sultan LID-97 Sewer Line* and addendums.

As-built drawings and a status report on mitigation construction were due no later than September 2003. As of the date of this letter, we have not received either. Also, we recently inspected two of the three mitigation areas and we did not observe any mitigation work.

You must submit as-built drawings and a status report on the mitigation construction within 30 days from the date of this letter. If you do not submit this information, we will proceed with the appropriate enforcement action based on the available information. If you have any questions, please contact Ms. Kristina Tong at (206) 764-6913 or via email Kristina.G.Tong@usace.army.mil.

Sincerely,

Kristina G. Tong
for
Michelle Walker
Chief, Regulatory Branch

EXHIBIT A

SCOPE OF WORK

CITY OF SULTAN

SEWER LID 97-1 WETLAND MITIGATION COMPLIANCE SERVICES

May 4, 2007

Introduction

Jones & Stokes has previously assisted the City of Sultan (City) with obtaining state and federal permits, developing mitigation plans, preparing construction documents for the selected mitigation for the City's Sewer LID 97-1 project, and responding to the Army Corps of Engineers regarding wetland permit compliance.

The City has received a letter (dated December 7, 2006 – Attachment 1) from the Army Corps of Engineers (Corps) requesting an update on wetland mitigation that was to be completed in association with the construction of the City's Sewer LID 97-1 project. The City of Sultan met with the Corps to discuss compliance with the Corps' request. In an April 2, 2007 email from the Corps to the city of Sultan, the Corps has recommended that the City of Sultan prepare a revised wetland mitigation plan to satisfy the compensation required as a condition of their permit (199900025). The purpose of this scope is to specifically assess and evaluate Sites 1 and 2 (Attachment 2) to determine their capacity to meet the compensation requirements and develop a conceptual wetland mitigation plan per the current Corps and Ecology guidance documents.

Task 1 – Review of Background Information: Previous Reports and Impact Site Wetlands

Jones & Stokes project manager and wetland biologists will review previously generated documents describing wetland mitigation proposals for Sites 1 and 2, compliance correspondence received from the Corps, Ecology, and WDFW, and other relevant plans and documents pertaining to the compensatory mitigation needed for the project and previous mitigation planning drawings and documents to verify requirements and help determine whether Sites 1 and 2 are appropriate to support the required compensatory mitigation.

This review will include a determination of the wetland functions and values lost as a result of wetland impacts during the Sewer LID 97-1 project, including documentation through the Ecology Wetland Rating System, per current Corps and Ecology requirements. Jones & Stokes will also review the adequacy of the available aerial photos and site topographic information.



Assumptions: If detailed topography is not available for the proposed mitigation sites, the City of Sultan will need to separately contract for a topographic survey and will need to transmit that information to Jones & Stokes in order for Task 4 to be completed.

Deliverable: See Task 2

Task 2 –Existing Conditions, Wetland Delineation and Mitigation Feasibility Analysis

Site 1 (Lowe) and Site 2 (Hammer) were included as components of previous conceptual wetland mitigation plans for the Sewer LID 97-1 project and have previously had portions of their properties delineated for wetlands. Jones & Stokes wetland biologists will visit both sites to update previous wetland delineations and will hang new flagging at boundaries. Investigations at both sites will be confined to the areas between Highway 2 and the south bank of Wagley Creek. It is estimated that the total acreage to delineate would be less than 4 acres between the two sites.

This task includes travel time to and from Bellevue to Sultan. Field notes describing the wetland characteristics will be prepared and converted to Corps Wetland Data Forms. The currently required Ecology Wetland Rating System forms will be completed for the potential mitigation sites as part of this evaluation. Approximate boundaries will be mapped using existing topography and aerial photos.

Based upon the delineation, review of the mitigation requirements stipulated in the Corps permit, and the constraints of the site, Jones & Stokes will inform the City as to whether or not these two sites have the potential to meet their wetland mitigation compensation requirements.

Assumptions: Surveying the flagged boundaries of the wetlands will be the responsibility of the City. These files will be made available to Jones & Stokes as quickly as possible following the delineation, as this information is necessary in order to complete Task 4.

Updating or drafting new Wetland Delineation reports are specifically excluded from this Scope of Work (SOW). If Sites 1 and 2 do not have enough capacity to meet the City's wetland mitigation compensation requirements, a new Scope of Work will be required to review the potential of any additional wetland mitigation sites.

Deliverable for Tasks 1 and 2: Corps Wetland Data Forms and Rating System forms for Sites 1 and 2; sketch maps of wetlands; and memorandum of findings regarding wetland functions and values and mitigation potential of Sites 1 and 2.

Task 3 – Agency Coordination

At the request of the City, Jones & Stokes will attend up to two meetings in Sultan for the purposes of meeting with the Corps and/or Ecology as part of this task. This scope includes up to 8 hours of agency coordination time for such meetings, as well as email and telephone coordination for the project manager and the lead wetland biologist.

Task 4 – Prepare Conceptual Wetland Mitigation Plan

Task 4 will be completed only if Task 1 and 2 findings determine that Sites 1 and 2 have the ecological potential to meet the required wetland compensatory mitigation requirements as outlined by the Corps and Ecology.

Jones & Stokes will prepare a conceptual wetland mitigation plan according to the guidelines set forth in Wetland Mitigation in Washington State - Part 2: Developing Mitigation Plans (March 2006). This document will include the following elements:

- Project Description – includes location, responsible parties, description of overall project, summary of wetland impacts
- Ecological Assessment of Impact Site (*see Assumption below*)
- Mitigation Approach – mitigation sequencing, goals and objectives
- Proposed Mitigation Sites – site descriptions, ownership, rationale for choice, ecological assessment of mitigation site, constraints
- Preliminary Site Plans – preliminary plant species list, quantities, plan view drawings showing plant communities and required grading and cross-sections
- Monitoring Plan – performance standards, monitoring methods
- Site Protection

Assumptions: This task assumes that existing descriptions of the wetland impacts from the previous *Conceptual Offsite Wetland Mitigation Plan* will be sufficient for the updated Conceptual Wetland Mitigation Plan. This task includes time to allow for internal QA/QC, peer review, editing, and production of the document and plan sheets.

Deliverable: A draft copy of the conceptual wetland mitigation plan will be delivered to the City for one round of review and comment. Jones & Stokes will provide one electronic copy and five bound copies of the Conceptual Wetland Mitigation Plan for Sewer LID 97-1 to the City for its use.

Task 5 – Project Management

The Jones & Stokes project manager will be responsible for project administration tasks (including contract management and invoicing), handling project communications

(phone, fax, email) with the City, coordinating project staff, scheduling site visits, and overseeing project deliverables.

Assumptions: This task allows for one on-site meeting with the City and/or representatives from the Corps separate from coordination outlined in Task 3.

Deliverable: Monthly progress reports and invoices; miscellaneous emails and correspondence.

Schedule

Upon a fully executed contract and notice to proceed from the City, Jones & Stokes will meet with the City to prepare a schedule. The City will verify with the Corps that the schedule is acceptable.

Cost Estimate

The cost estimate to complete this scope of work is presented in Table 1 attached.

Exclusions to this Scope of Work

Elements specifically excluded from this Scope of Work include the following:

- Wetland Delineation Reports
- Field investigation of any other sites or portions of Sites 1 and 2 other than what has been described herein
- Topographic survey
- Final Wetland Mitigation Plan
- Construction drawings or specifications for bid purposes
- Response to Agency comments on Conceptual Wetland Mitigation Plan
- Long-term monitoring or construction observation

These services can be provided to the City under a Contract Amendment or separate Scope of Work.

Table 1. Cost Estimate for City of Sultan Wetland Mitigation Compliance Services

Task	Consulting Staff										Labor Total	Direct Expenses	Total Price		
	Higgins B Project Manager	MacEwan P Wetland Biologist	Fiedor B GIS Specialist	Ives J Project Director	Stratten D CAD Specialist	Luiting V Wetland Bio	Cooper L Sr Editor	Fernando M Pub Spec	Butler L FPA						
Task 1 - Review Existing Background Information	8	8	8	2		8							\$3,280		
Task 2 - Assess and Evaluate Existing Conditions of Sites 1 and 2	8	24				24							\$6,560		
Task 3 - Agency Coordination	8			2		8							\$2,400		
Task 4 - Prepare Conceptual Wetland Mitigation Plan	18	40	16	8	24	120	16	8					\$29,140		
Task 5 - Project Management	16	2	2	4	2	2	2						\$4,200		
Total hours	58	74	18	16	26	162	18	8							
Jones & Stokes billing rates	\$130	\$110	\$110	\$200	\$90	\$120	\$120	\$70							
Subtotals	\$7,540	\$8,140	\$1,980	\$3,200	\$2,340	\$19,440	\$2,160	\$560	\$220				\$45,580		
Direct Expenses															
523.02 Reproductions														\$24	
523.04 Postage and Delivery														\$40	
523.05 Travel, Auto, Incd. Mileage at current IRS rate (.485/mile)														\$200	
Mark up on all non-labor costs and subcontractors: 10%														\$26	
Direct expense subtotal														\$290	
Total price															\$45,870