



Legislation Details (With Text)

File #: 23-1521 **Version:** 1

Type: Resolution **Status:** Agenda Ready

File created: 12/28/2023 **In control:** City Council

On agenda: 1/16/2024 **Final action:**

Title: Adopt the resolution approving the Wetland Credit Agreement and payment of \$223,200 to Mill Creek Wetland Bank, LLC for off-site wetland mitigation for the North Aurora Road Underpass project

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Agreement

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 1/16/2024 | 1 | City Council | adopted | Pass |

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Adopt the resolution approving the Wetland Credit Agreement and payment of \$223,200 to Mill Creek Wetland Bank, LLC for off-site wetland mitigation for the North Aurora Road Underpass project

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: William J Novack, Director/City Engineer

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

The City of Naperville and project partners, Naperville Township and the City of Aurora, are completing the design and permitting for the improvements to the North Aurora Road underpass at the Canadian National railroad. The underpass is located approximately one mile west of Illinois Route 59. There are existing wetlands within the project limits that will be impacted and cannot be mitigated as part of the project. The only mitigation option available is to purchase wetland credits from an approved wetland bank.

DuPage County and the US Army Corps of Engineers are the regulatory agencies responsible for wetland permitting. Both agencies have agreed that wetland banking is appropriate for this project. A wetland mitigation banking fee must be paid to both agencies for this project because there are no available wetland banks in the West Branch of the DuPage River watershed.

On January 17, 2023, a wetland mitigation banking fee of \$162,750 was approved for payment to DuPage County to satisfy their permitting requirements.

DISCUSSION:

The Army Corps has recently approved the establishment of the Mill Creek Wetland Bank (located in the Des Plaines River watershed) with wetland mitigation credits now available for purchase.

The project impacts 0.62 acres of wetland. Due to the quality of the wetland, Illinois Department of Transportation (IDOT) has determined a mitigation ratio of 2 to 1 is required. At \$180,000 per acre, the fee to Mill Creek Wetland Bank, LLC is \$223,200 which will satisfy the Army Corps permitting requirements.

The Mill Creek Wetland Bank, LLC requires entering into an agreement to purchase wetland mitigation credits. Attached is the agreement to purchase wetland mitigation credits from the Mill Creek Wetland Bank, LLC.

The Intergovernmental Agreement with our project partners stipulates that the three partners will equally share in the cost of the wetland mitigation. Since the City of Naperville is the lead agency for the project, it will pay the full amount but will then be reimbursed by the partners for two-thirds of the cost.

FISCAL IMPACT:

CIP #: BR005

Wetland mitigation fees will be expensed to the Infrastructure accounts listed below as a part of capital improvement project BR005 - North Aurora Road Underpass at the CN Railroad. The 2024 budget includes \$12,200,000 for engineering and construction costs. The City will pay the \$223,200 fee, and then be reimbursed a total of \$148,800 from the City of Aurora and Naperville Township.

| Account Number | Fund Description | Total Budget Amount |
|-----------------------|-------------------------|----------------------------|
| 30282200-531301 | Capital Projects Fund | \$3,225,010 |
| 30282200-551502 | Capital Projects Fund | \$29,448,000 |