



DATE: May 3, 2021

MEMO TO: Terry Wilke, Chair
Planning Committee

FROM: James L. Anderson
Director of Natural Resources

RECOMMENDATION: Provide Policy Direction regarding development of (i) one or more license agreements with Resource Environmental Solutions, Inc. (RES) for potential mitigation banks at Ray Lake and Prairie Stream Forest Preserves and (ii) one or more declarations of covenants or similar documents granting rights to the Federal Mitigation Bank Interagency Review Team (IRT) related to such mitigation banks.

STRATEGIC DIRECTIONS SUPPORTED: Conservation; Leadership; Organizational Sustainability

FINANCIAL DATA: RES would prepare concept development plans for mitigation banks within Ray Lake and Prairie Stream Forest Preserves. If approved by the District and the IRT, RES will (at no cost to the District) engineer, construct, and (for a period of time) maintain the proposed mitigation banks in accordance with detailed plans based on such concept plans, which would consist of new or restored wetlands and uplands at Ray Lake and Prairie Stream Forest Preserves. As part of the mitigation bank agreements, RES would be required to provide funds for the District's long-term management of the mitigation bank. The District would be required to maintain the bank, in perpetuity, after IRT approves and certifies the bank and all the mitigation credits.

BACKGROUND: At its August 31, 2020, meeting, the Planning Committee gave staff the direction to investigate the possibility of using one or more mitigation banks for the restoration of Forest Preserve land at no cost to the District.

The District solicited Requests for Proposals and received four proposals on January 4, 2021. During the week of February 15-19, 2021 the staff review team interviewed the four firms that submitted proposals:

Burns and McDonnell
Land and Water/Hey and Associates
Resource Environmental Solutions, Inc./Applied Ecological Services
V3 Companies

After conducting the interviews and checking references, the review team recommended Resource Environmental Services, Inc./Applied Ecological Services (RES) as the most qualified firm to implement the proposed mitigation banks.

If policy direction is given to move forward, the staff will begin negotiating a license agreement with RES to develop wetland mitigation banks at Ray Lake and Prairie Stream. The goals of the agreement will be to:

- Restore wetlands in accordance with concept plans that have been approved by the District, at no cost to the District.
- Include a minimum five-year post-restoration maintenance and management period at no cost to the District.
- Provide a sufficient long-term endowment to be used for maintenance of the restored areas.
- Require the licensee to pay license fees to the District, for the use of District land for the mitigation banks, that will either be set aside for future habitat restoration, or used to restore upland areas of Ray Lake and/or Prairie Stream that are outside of the wetland mitigation area.
- Require RES to perform all obligations under the wetland mitigation banking instrument that will be required by the IRT (see below) and other applicable documents.

RES will also be required to enter into a wetland mitigation banking instrument (WBI) with the IRT that will govern the use and operation of the mitigation banks. The District, as the landowner, will likely be required to approve a declaration of covenants (or similar document) granting certain rights to the IRT and acknowledging that the District's lands improved with the mitigation banks are subject to the WBI, applicable permits, and other federal requirements applicable to the mitigation banks.

Any negotiated license agreement and declaration of covenants (or similar document) will come back to the Planning Committee, and the Board of Commissioners for review and approval.

REVIEW BY OTHERS: Executive Director, Chief Operations Officer, Director of Finance, Corporate Counsel.