




LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581 | P: 402.476.2729 • F: 402.476.6454 | www.lpsnrd.org

Memorandum

Date: March 20, 2019
To: Each Director
From: Paul D. Zillig, General Manager 
Subject: Executive Subcommittee Meeting Minutes

The Executive Subcommittee met at 4:00 pm on Tuesday, March 19, 2019 at the NRD Office in Lincoln. Subcommittee members present included Larry Ruth, Deborah Eagan, Milt Schmidt, Dan Steinkruger, Bruce Johnson, and Ray Stevens. Others present included Caleb Pharris & Roger Severin from Olsson, Steve Seglin, Dan Schulz, David Potter, and myself.

Chair Ruth opened the meeting and the Subcommittee then reviewed Legislation. I reported that the Directors will be provided a summary of the status of the Legislative Bills of interest to the NRD (Agenda Item #17). The Subcommittee discussed LB 103, the NRD Opposed this bill as introduced due to deadlines that were impossible to meet. LB 103 was amended with realistic deadlines and the emergency clause, this bill was approved and signed by the Governor. The Subcommittee discussed LB 243 (Create the Healthy Soils Task Force) and that it is now on General File. I reported that LB 302 was now in Final Reading and the Subcommittee reviewed the other bills supported by LPSNRD (LB 134, 150, 177, 283, 336, and 552).

The next item on the agenda was to consider a request from John Rallis to purchase wetland credits from the Blue Heron Wetland Bank (as outlined in the March 14th memo to the Board). Schulz reviewed the history of the bank and Caleb Pharris of Olsson presented the request from Rallis. Attached to the memo was a letter from Pharris explaining the project and need to acquire the wetland credits, Stevens pointed out that Exhibit B in Pharris' letter included an email from the Corps for a different project, the correct email is attached.

It was moved by Stevens and seconded by Ruth to recommend the Board authorize selling 0.418 total credits from the NRD's Blue Heron Wetland Bank for \$20,000 to John Rallis for the Rallis Residential Development. Discussion followed. Steinkruger expressed his concern with the request and felt that the Subcommittee needed a bigger discussion on the purpose of our wetland bank. The Subcommittee discussed whether to have that discussion (before or after considering this application). The Subcommittee reviewed the history of credits sold, discussed mitigation on site,

and water quality requirements and improvements. The motion to **recommend the Board of Directors authorize selling 0.418 total credits from the NRD's Blue Heron Wetland Bank for \$20,000 to John Rallis for the Rallis Residential Development** was approved on a vote of 5 "yes" and 1 "no" (Steinkruger).

There being no further business the meeting adjourned at 4:55 pm.

PDZ/pz

pc: Steve Seglin

Caleb Pharris

From: Nebel, Adam R CIV USARMY CENWO (US) <Adam.R.Nebel@usace.army.mil>
Sent: Thursday, January 3, 2019 1:11 PM
To: Caleb Pharris
Subject: NWO-2018-02082-WEH / Rallis Construction - Incomplete Application

Good Afternoon Caleb,

I have reviewed the above referenced application/PCN received in our office on December 7, 2018. Based on my review of the information received, I have determined the application is incomplete. I am requesting additional information on the items below.

1. The PCN package did not contain a complete delineation. It ends with the first page of the data form for sample point 10 and Appendix C was not included. Please provide the second page of sample point 10 and the photos (Appendix C). (Also, please note that the coordinates provided in section 2 of the PCN and section 1 of the delineation are incorrect.)
 - a. There are only two sample points within the areas delineated as PFO wetlands on the east side of the property. How were the boundaries of PFO wetlands on the western half of the property determined without representative sample points?
 - b. I will need to conduct a site visit to verify the wetland delineation. Please provide me written permission to access the property.
2. The project description for the proposed residential development is not complete. How many residential lots will be constructed?
 - a. What is the length and width of the proposed road impacting wetlands?
 - b. How many linear feet of roadway fill will occur in wetlands?
 - c. What fill material will be used for the project?
3. The sheet titled "Figure 5" does not show the entire proposed development. Please provide the layout of the entire development on an aerial.
4. Figure 5 shows "limits of construction" as dashed white lines that end abruptly within wetlands near "site 4" and "site 6". Additionally, the pink line for "Roads" continues on the west side through wetlands, but ends abruptly on the east side in wetlands. Exhibit 1 shows a road (S. 93rd St.) in this location connecting to a proposed roundabout. Who is responsible for construction of the roundabout and what are the limits of construction for the roundabout?
 - a. How are the limits and wetland impacts of this Rallis Construction project differentiated from the limits and impacts of the roundabout?
 - b. Please provide the proposed impacts to wetlands due to the entirety of this proposed S. 93rd St. road, and revise Figure 5 to display the entirety of impacts due to the proposed road.
 - c. Who is responsible for construction of the access drive from A Street to S. 91st St.?
 - d. Exhibit 1 also shows roads that come to a dead end on the south and west edges of the property. Will these roads continue to another development proposed by Rallis?
5. No discussion of avoidance and minimization was provided in the PCN. Please describe how impacts have been minimized, and please explain if impacts can be minimized further. If impacts exceed 0.5 acre, this will have to be evaluated as an individual permit.
 - a. Can the lot associated with the impacts labeled "site1" and "site2" be eliminated to minimize impacts?
 - b. Can the lots associated with impact "site 3" be reduced to minimize impacts?
 - c. Can the proposed footprint of the road be minimized, or change the location to minimize impacts?
6. The project proposes to impact 0.273 acre of PEM wetlands and 0.21 acre of PFO wetlands. The proposed mitigation plan to purchase credits from the LPSNRD Blue Heron Wetland Mitigation Bank (WMB) does not appropriately compensate for the impacts, as there are not enough in-kind PFO credits available. The Blue Heron

WMB currently has PEMF, PSSA and a small amount of PFOA credits available. The wetland impacts for this project have to be mitigated in kind. PEMF or PSSA credits cannot be used to compensate for PFO impacts.

- a. Any mitigation using the PEMF credits from Blue Heron WMB that is out-of-kind for the water regime (PEMA/C), will have to be debited at a 2:1 ratio. What is the water regime of the PEM and PFO wetlands proposed for impacts?
 - b. For any impacts that are not able to be mitigated in-kind at Blue Heron WMB, an in-kind, permittee-responsible mitigation site is required (on-site, or off-site if justification is provided why on-site mitigation is not available).
7. The PCN mentions preliminary coordination with NGPC and USFWS was conducted – please provide this documentation.
 8. Has a cultural resources survey been completed on the property. If so, please provide. If not, please note that a cultural resources survey may be required once we have received a complete application.

Please provide the information requested above within 30 days of the date of this email, in order to continue our review of this application. If this information is not received within the 30 days, your application will be withdrawn. Please let me know if you have any questions.

Thank you,

Adam Nebel
U.S. Army Corps of Engineers
Nebraska Regulatory Office-Wehrspann
8901 South 154th Street, Suite 1
Omaha, Nebraska 68138-3621
Phone: 402-896-0896
Fax: 402-896-0997



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Memorandum

Date: March 14, 2019
To: Each Director
From: Paul Zillig 
Subject: Executive Subcommittee Meeting – Background Information

The Executive Subcommittee will meet at 4:00 pm on Tuesday, March 19th in the NRD Office in Lincoln. There is one action item they will consider. Listed below is some background information.

#8a. Consider a request by John Rallis to purchase wetland credits from the Blue Heron Wetland Bank. I have attached a letter of request from Caleb Pharris of Olsson on behalf of Mr. Rallis. The Rallis property is located just south of 94th & “A” Street, in the Stevens Creek watershed. The property is being developed into residential housing and will be annexed into the City of Lincoln. The development needs to have access off of “A” Street and will need to cross a small drainageway that impacts existing wetlands. The attached material includes the direction from the US Army Corps to consider purchasing Blue Heron Wetland Bank credits. Mr. Rallis is requesting to purchase 0.418 acre of PEMF wetland mitigation credits. I have also attached a diagram generally showing features and examples of these types of wetland habitats.

Enc. 1

pc: Steve Seglin
Dan Schulz



Dan Schulz
Lower Platte South Natural Resources District
3125 Portia Street
Lincoln, Nebraska 68521

February 13, 2019

Dear Mr. Schulz:

This letter is regarding the Rallis Residential Development located in Lincoln, Nebraska. More specifically the project is in Section 35, Township 10 North, Range 7 East at latitude 40.796891° and longitude -96.594516° (Figures 1 and 2, Attachment A). In accordance with your email from January 24, 2019, this letter is intended to provide you with the required information for review of the purchase of Palustrine Emergent Semi-Permanently Flooded (PEMF) wetland credits from the Lower Platte South Natural Resources District's (LPS-NRD) Blue Heron Mitigation Bank.

The project owner and Section 404 Nationwide Permit (NWP) applicant is Mr. John Rallis. Mr. Rallis will also be the purchaser of the mitigation credits. Olsson Inc. (Olsson) is acting as the authorized agent in processing the Section 404 NWP.

Applicant/Purchaser

John Rallis
2600 S 56th Street
Lincoln, Nebraska 68506

Authorized Agent

Caleb Pharris, Environmental Scientist
601 P Street, Suite 200
Lincoln, Nebraska 68521

The scope and purpose proposed project would create a residential development including lots, roads, and associated utilities. Grading would be required to create buildable lots and local roads for the development. A 4-foot by 12-foot by 50-foot reinforced concrete box culvert with a concrete pad will be installed over an intermittent channel. Type B rock rip-rap will be placed on Geotextile filter fabric on the east (downstream) side of the culvert and a concrete pad on the west (upstream) side of the culvert. This grading for roads and lots and construction of the culvert would result in unavoidable impacts to approximately 0.209 acre of Palustrine Emergent (PEM) wetlands, 0.1842 acre of Palustrine Forested (PFO) wetlands for a total of 0.3932 acre of wetland impacts, and 0.012 acre of intermittent stream channel for a total of 0.4052 acre of fill impacts to WOTUS. Excavators and dozers will be used to do the grading. Large equipment will stay out of WOTUS which are not shown as having permanent impacts.

The United States Army Corps of Engineers (USACE) project number for this application is NWO-2018-02082-WEH. This project will qualify for an NWP 29 – Residential Developments. Project impacts have been avoided and minimized as much as possible while still meeting design and zoning regulations. However, unavoidable permanent impacts still exceeded the 0.1-acre threshold, therefore, wetland mitigation is required. The project will impact approximately 0.209 acre of Palustrine Emergent Temporarily/Seasonally Flooded (PEMA/C) wetlands and 0.3684 acre of Palustrine Forested Temporarily Flooded (PFOA) wetlands. Impacts are due to grading for residential lots and associated roads, utilities, and other infrastructure.

Mr. Rallis acknowledges that no PEMA/C credits are currently available and out-of-kind PEMF credits will need to be purchased. Mr. Rallis is requesting to purchase out-of-kind PEMF credits as mitigation for the impacts to the 0.209 acre of PEMA/C wetland impacts as there are no PEMA/C credits currently available at the bank. Based on conversation



with the USAE and an email dated January 3, 2019, the credits will need to be purchased at a 2:1 (2 acres purchased: 1 acre impacted) because the wetlands available at the Blue Heron Mitigation Site have a different water regime (i.e. Semi permanently Flooded [F], Temporarily/Seasonally Flooded [A/C]) than those of the wetland impacts (USAЕ Email, Attachment B). Therefore, Mr. Rallis would like to purchase 0.418 acre of wetland mitigation credits. The cost for the credits is based on guidance received from the LPS-NRD (Attachment C). Based on this guidance, Mr. Rallis will purchase the minimum of 0.5-acre credits at a cost of \$20,000.

This project will require a floodplain permit from the City of Lincoln and a National Pollution Discharge Elimination System permit from the Nebraska Department of Environmental Quality.

The funding for the purchase of the mitigation credits will come directly from Mr. Rallis.

Project construction is planned to begin in the Spring of 2019 and end in the fall of 2020.

Olsson is committed to an unrivaled level of service and communication and looks forward to working with the LPS-NRD. Should you have any questions, please contact me at 402.458.5689 or at cpharris@olsson.com.

Sincerely,

A handwritten signature in cursive script that reads "Caleb Pharris".

Caleb Pharris
Olsson Project Manager

Encl.

Attachment A – Figures

Attachment B – USACE Email

Attachment C – LPS-NRD Administrative Procedure for Blue Heron Wetland Mitigation Bank

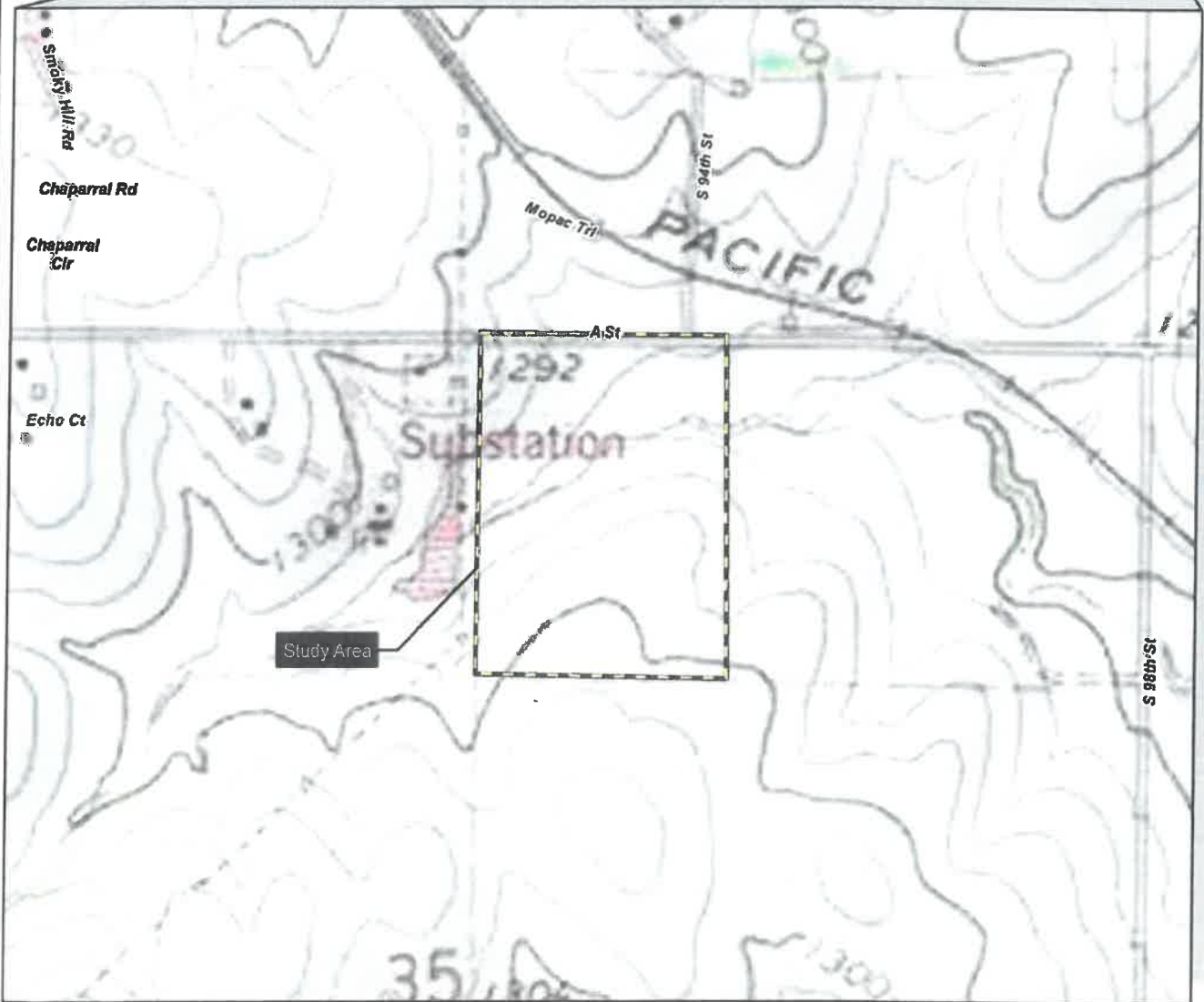
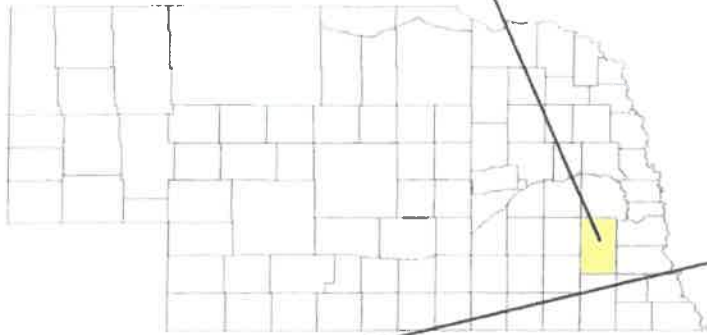


Attachment A
Figures

NEBRASKA

LANCASTER COUNTY

Project Location



F:\2017\3001-3500\017-3094\40-Design\GIS\20171023_NRPL_Wetland Delineation Maps_CP.mxd PUBLISHED BY: epharris DATE: November 19, 2018



0 170 340 680

1" = 625'
Original Published Resolution
WGS 1984 ARC System Zone 11
ESRI USA Topographic Map

Rallis Residential Development
Wetland Delineation Report
Lancaster County, Nebraska
Location Map

FIGURE

1

F:\2017\3001-3600\017-309\440-Design\GIS\20171023_NIRPL_Wetland Delineation Maps_CP.mxd PUBLISHED BY: opharris DATE: November 18, 2018



Legend
Project Area



N
0 62.5 125 250
1" = 242'
Original Published Resolution
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
ESRI World Imagery

Rallis Residential Development
Wetland Delineation Report
Lancaster County, Nebraska
Site Map

FIGURE

2



Attachment B
USACE Email

Caleb Pharris

From: Pedrick, Sarah D CIV USARMY CENWO (USA) <Sarah.D.Pedrick@usace.army.mil>
Sent: Tuesday, January 8, 2019 2:27 PM
To: Caleb Pharris
Subject: RE: 2018-01948, Van Dorn Street (UNCLASSIFIED)

Follow Up Flag: Follow up
Flag Status: Flagged

CLASSIFICATION: UNCLASSIFIED

Caleb,

Please address the following:

1. Page 4 (6) Mitigation Plan:
 - a. As discussed, PEM credits are not appropriate for the amount of PFO wetlands that are being impacted; these impacts will need to be mitigated in-kind. Please correct this on the table.
 - b. **Based on aerial review and information provided, it appears that the wetlands present onsite are PEMA/C. Blue Heron Wetland Mitigation Bank does not have PEMA/C wetland credits available. If wetlands are mitigated for at this bank, the credits would be for PEMF and the mitigation ratios would increase. A 2:1 ratio is required for mitigation of a different Cowardin, but within the same Nebraska subclass and watershed. A 4:1 ratio for mitigation of a different Cowardin and Nebraska subclass, but within the same watershed will be accepted for this project. Please update the mitigation ratios and table accordingly.**
2. Please provide an aerial photo indicating where the existing right-of-way and new right-of-way (including any easements for construction) will be. Also, please provide the associated impacts to wetlands and/or channel within the boxed out area where the triple RCPs are being placed. The Corps will likely consider all impacts associated with grading and construction of the new roundabout under this permit.
3. Please provide a more detailed design plan and description of Site 3. You stated that approximately 30 feet will be added to the existing 4-foot by 9-foot box culvert. How is this only impacting 10-linear feet of channel?

Thanks,

Sarah D. Pedrick
Regulatory Project Manager
8901 S 154th Street Suite 1
Omaha, NE 68138
402-896-0896



Attachment C

***LPS-NRD Administrative Procedure for Blue Heron
Wetland Mitigation Bank***

**Administration Procedure
Blue Heron Marsh Wetland Mitigation Bank**

The following shall be the Procedure by the Lower Platte South Natural Resources District for the Administration of the Blue Heron Marsh Wetland Mitigation Bank:

- Wetland mitigation credits shall be available for sale to public and private parties in accordance with the approved Banking Instrument
 - Within the Nebraska portion of Major Land Resource Area 106
 - For projects determined by the Corps of Engineers to be eligible for mitigation under Section 404 from this Bank
- Pricing for sale of mitigation credits shall be a minimum of \$20,000 for 0.5 credits or less and prorated from 0.51 credit to \$40,000 for 1.0 credit
- Each credit sale request shall be reviewed by the Executive Subcommittee and presented to the Board of Directors for final consideration.

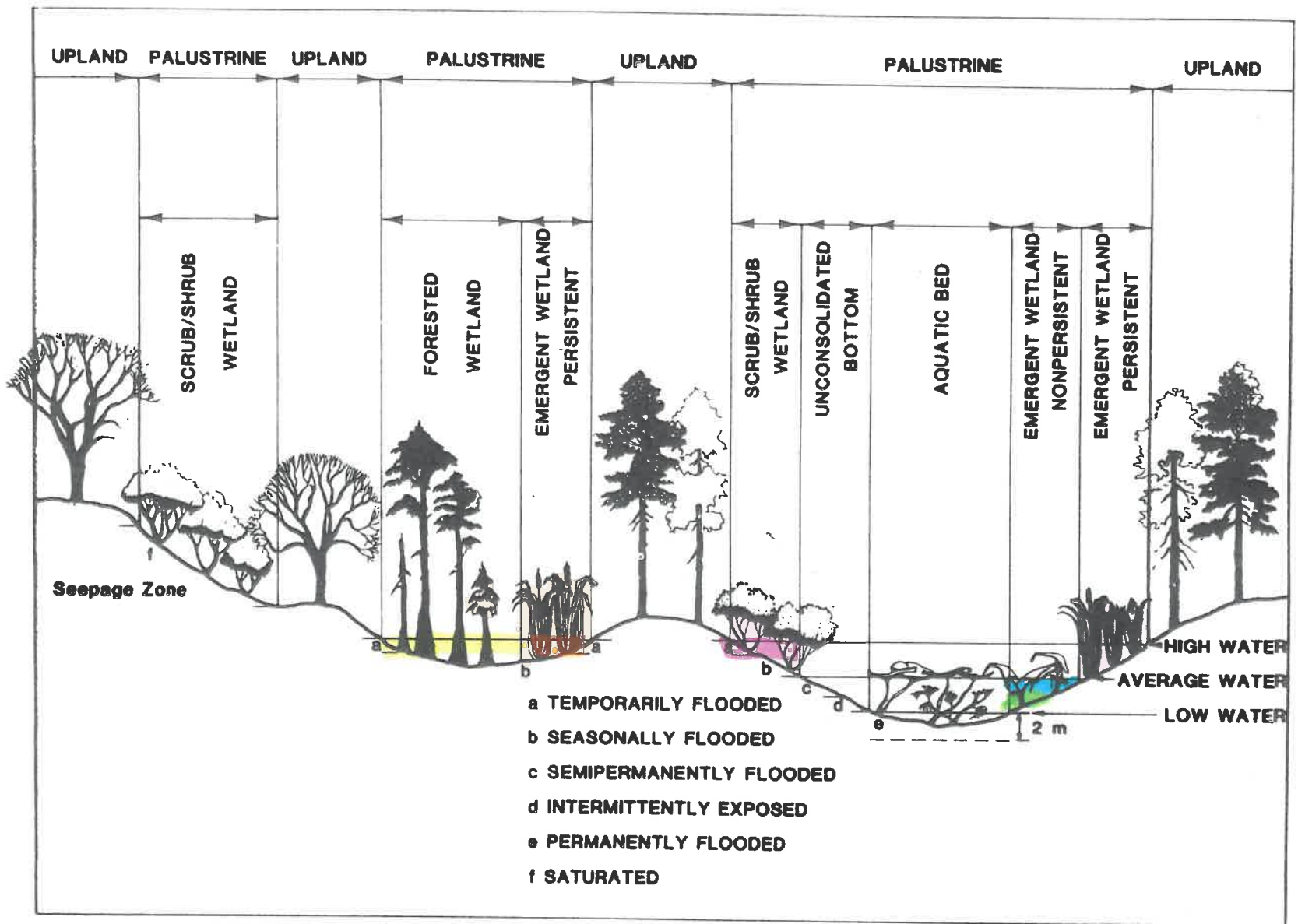


Fig. 6. Distinguishing features and examples of habitats in the Palustrine System.