

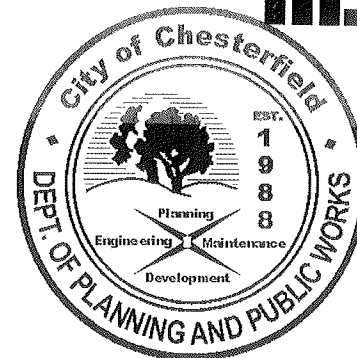
MEMORANDUM

Date: January 31, 2008

To: Mike Herring, City Administrator

From: ^{BM} Brian McGownd, Public Works Director/City Engineer

Re: Chesterfield Valley Wetland Permit – Modification



As you know, in 1997 the U.S. Army Corp of Engineers issued the City a 5-year permit to excavate and fill existing wetlands within Chesterfield Valley. Since all of the identified wetlands were not impacted within five years, the permit was extended in 2002 for another five years. As of December 31, 2007, the expiration date of the extended permit, there were several previously identified wetlands that have still not been impacted.

Rather than extend the permit for another five years, the Corps has required that we modify the existing permit by re-evaluating the remaining non-impacted wetlands from the original permit, as well as, conduct a cursory review of the permit area to identify any previously unidentified jurisdictional wetland areas. In order to perform the necessary work to submit the permit modification to the Corps technical assistance will be required.

Therefore, I request that the Planning & Public Works Committee recommend approval to engage the firm of Midwest Testing for professional services related to preparing a permit modification to the existing Chesterfield Valley Wetland permit, on an hourly cost basis, in an amount not to exceed \$19,000, to be funded from TIF proceeds, and forward to City Council for approval. Personnel from Midwest Testing that will be working on the project have been intimately involved in wetland delineations and permitting in the Chesterfield Valley since the mid-1990's. They have worked closely with Colonel Lee McKinney and the U.S. Army Corp of Engineers in the past on various projects.

If you have any questions, or need additional information regarding this matter, please advise.

cc: Mike Geisel, Director of Planning & Public Works

*ok'd
JSG
2/1/08*

3377 Hollenberg Drive
Bridgeton, Missouri 63044
www.mwtesting.com

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January 31, 2008

City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63317-0760

Attn: Mr. Brian McGownd, P.E.

Re: Proposal (P2343) for Wetlands Consulting Services
Valley-Wide Permit Modification
City of Chesterfield, Missouri

Gentlemen:

In accordance with our meeting with yourself, Mike Geisel, and Lee McKinney on January 25, 2008, we are pleased to submit this proposal to provide wetlands consulting services for the referenced project. The purpose of the work will be to (i) provide the necessary wetlands review and delineation services for the planned request for modification (reauthorization) of Section 404 permit P2032 and the associated Section 401 water quality certification and (ii) seek agency approval of the reauthorization requests. Certain additional technical criteria for this proposal were obtained during a meeting with Danny McClendon of the St. Louis District office of the U.S. Army Corps of Engineers on January 30, 2008.

We believe that Midwest Testing is uniquely qualified to perform these services as our personnel have been intimately involved in wetland delineations and permitting (and in other environmental issues) in the Chesterfield Valley since the mid-1990s. We provided wetland consultation services to several of the major developers in the Chesterfield Valley during the first five-year permit period, including obtaining a modification to the 'Valley-wide' permit for 'straightening' a segment of the Monarch-Chesterfield Levee. Our experienced wetlands personnel have continued to provide wetland and other environmental services in the Chesterfield Valley and nearby areas of the Missouri floodplain.

BACKGROUND INFORMATION

We understand that the Valley-wide permit, P2032, has lapsed after its first 5-year extension ended in December 2007. We understand that, as the permit is now over 10 years old, the U.S. Army Corps of Engineers (Corps) has requested the following:

- A review of the current wetland character of the four remaining originally identified jurisdictional wetlands which have to date not been notified to the Corps as impacted.
- A review of the current wetland character of wetland Areas 3 and 5 of the original permit in order to confirm their inclusion in the list of impacted wetlands.
- A re-evaluation of the coverage area of the original permit for potential jurisdictionality of any wetland areas which may have developed since the original permit date (1997).
- Submittal of a request for a Jurisdictional Determination of the above as part of a request for permit modification.

SCOPE OF WORK

The following tasks, which are listed more or less sequentially, will be performed:

1. Initial document review and project planning, followed by a meeting with the Corps (completed January 30, 2008) to confirm the investigative and informational details needed for the permit reauthorization.
2. Review of recent aerials and maps (to be provided by the City of Chesterfield) in order to identify potential previously unidentified jurisdictional wetland areas. (Constructed stormwater features and temporary, incidental wetlands resulting from construction activities will not be included in this review.)
3. Field visit for a preliminary reassessment of the remaining four non-listed (likely non-impacted) wetlands and wetland Areas 3 and 5 of the original permit.
4. Field visit for a preliminary reassessment of potential 'new' wetlands identified in the aerial review.
5. Present preliminary findings to and hold a field visit with the Corps in order that they can assess any identified wetlands for potential jurisdictionality.

6. Perform detailed '3-parameter' delineations, including boundary determinations, of any wetland areas identified by the Corps as having potential jurisdictionality.
7. Preparation of a short report, summarizing the findings of items 2 through 6, and containing, as appropriate, comments on the likely jurisdictionality of identified waters. This report will be attached to the permit modification request.
8. Confirmation with the City of Chesterfield of the final strategy for submitting the permit modification request .
9. Preparation and submittal of Jurisdictional Determination and Section 404 permit modification requests to the Corps.
10. Preparation and submittal of Section 401 water quality re-certification request to the Missouri Department of Natural Resources (MDNR).
11. Provision of assistance as necessary to the Corps and MDNR in the processing the respective reauthorizations.
12. Upon receipt from the respective agencies, review the Jurisdictional Determination, permit and certification for completeness.

METHODOLOGY

Wetlands investigations will employ methodology established by the Corps for identifying jurisdictional Waters of the U.S., including the document *Corps of Engineers Wetlands Delineation Manual*, dated January 1987 (amended and clarified in 1991, 1992, and 1994), commonly referred to as the '1987 Manual'. The 1987 Manual describes wetlands delineation methodologies acceptable to the Corps.

The Corps also regulates streams under the definition of Waters of the U.S. (33 CFR 328.3). Stream jurisdiction is typically asserted when flowing water has established a continuous drainage bed with a discernible OHWM; such a jurisdictional stream often being referred to as having a 'defined bed and bank'.

Based on the most recent regulatory guidance (June 2007 *U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook* ('Rapanos' Guidance)), the Corps and U.S. Environmental Protection Agency will assert jurisdiction over the following waters:

- 'Traditional Navigable Waters' (TNWs) and wetlands adjacent to TNWs; and
- Non-navigable tributaries of TNWs that are relatively permanent (i.e. the tributaries typically flow year-round or have continuous flow at least seasonally) and wetlands that directly abut such tributaries.

The following waters will also be found jurisdictional based on a fact-specific analysis that they have a significant nexus with a TNW:

- Non-navigable tributaries that are not relatively permanent;
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent; and
- Wetlands adjacent to, but that do not directly abut, a relatively permanent non-navigable tributary.

The significant nexus evaluation includes an assessment of the flow characteristics and functions of the tributary, itself, in combination with the functions performed by any wetlands adjacent to the tributary to determine if they have more than an insubstantial or speculative effect on the chemical, physical and/or biological integrity of the TNWs.

The aerial photograph review for potential new wetland areas will utilize typical wetland 'signatures', such as soil and vegetation color differences, coupled with a comparison with existing topography.

Boundaries of the individual wetlands areas to be delineated in detail will be mapped onto topographic maps (to be provided by the City of Chesterfield) using Global Positioning System equipment.

FEE ESTIMATE

We will perform the work outlined herein on a time-and-expense basis in accordance with the enclosed *Fee Schedule*, with the cost of services estimated at a not-to-exceed total of \$19,000. The majority of the work will be performed by Andrew McCord, MSc, Environmental Manager, and Jonathan Baer, MS CPSSc, Environmental Scientist.

We have included estimated time for a preliminary meeting and a field meeting with the Corps and two project team meetings at the Chesterfield City Hall. The estimated cost assumes that the existing permitted, non-impacted wetlands and several potential new wetlands will be identified by the Corps for detailed delineation; however, depending on the Corps' field assessment, this significant component of the scope may not be required.

This is an estimate and invoices will reflect the actual services performed; however, the estimated amount will not be exceeded without further authorization from the City of Chesterfield.

PROJECT SCHEDULE

We can begin work immediately after receiving notice to proceed. Initial aerial photograph review and preliminary field review will be completed within

Mr. Brian McGownd, P.E.
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approximately three weeks from receipt of the aerials and topographic maps from the City. The subsequent schedule will be highly dependent on Corps response time; however, it is likely that draft copies of the summary report and permit reauthorization requests will be submitted for your review and comment, within four weeks after the Corps field verification visit. Final documents will be completed within approximately one week after receiving comments on the drafts.

AUTHORIZATION

Please provide authorization for this work by signing in the space provided and returning one copy of this proposal to our office.

If you have any questions, please call.

Very truly yours,
MIDWEST TESTING



Andrew J. McCord, MSc
Environmental Manager

We accept the terms and conditions presented herein and authorize the work to proceed. The attached *Fee Schedule* and *General Conditions* are hereby made part of this proposal.

Accepted by _____ Title _____

Organization _____ Date _____