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From the Executive Director of Parks, requesting authorization to enter into a Project Partnership Agreement with the Department of the Army and the Milwaukee Metropolitan Sewerage District and an Intergovernmental Cooperative Agreement and Permanent Easement with the Milwaukee Metropolitan Sewerage District for a habitat restoration project of the Honey Creek, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, the Honey Creek (the Creek) is tributary to the Menomonee River, which generally flows from South to North, joining the Menomonee River West of North 70th Street, in the City of Wauwatosa; and

WHEREAS, the Creek is within Honey Creek Parkway (the Parkway), which is owned by Milwaukee County (the County); and

WHEREAS, historically, both the County and the Milwaukee Metropolitan Sewerage District (MMSD) constructed a concrete channel (the Channel) in the Creek, and the total length of the concrete channel is 6,700 feet, with 5,560 feet constructed by MMSD, and 1,140 feet constructed by the County; and

WHEREAS, the Channel is at least 50-years old, is structurally deficient, and causes dangerously high flow velocities at flood stages, and these high velocities destabilize the banks and cause erosion where the Channel is not present; and

WHEREAS, the Channel also provides minimal habitat for fish and wildlife; and

WHEREAS, MMSD is undertaking a comprehensive program to address flood risks and improve habitat within the Menomonee River watershed, pursuant to its authority under Section 200.35(8), Wisconsin State Statutes; and

WHEREAS, at MMSD’s request, the Department of the Army, as represented by its United States Army Corps of Engineers (USACE), prepared a Honey Creek Aquatic Restoration Study Draft Integrated Feasibility Report and Environmental Assessment (2021), and this report evaluated options for restoring fish and wildlife habitat and provided a recommended plan; and

WHEREAS, the USACE has funding available for the project under Section 206 of the Water Resources Development Act of 1996; and

WHEREAS, this project will have a total estimated cost of \$14,332,000, and USACE funding will cover 65 percent of project costs, with one or more non-Federal Sponsors providing the remaining funding, as outlined in the Project Partnership Agreement (PPA), which lays out the roles and responsibilities of USACE and the non-Federal Sponsors, i.e., MMSD and the County; and

48 WHEREAS, USACE is willing to undertake the project with the County and
49 MMSD as non-Federal sponsors, according to the PPA; and

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51 WHEREAS, the PPA states that the non-Federal sponsors are jointly and
52 severally responsible for the non-Federal sponsor project costs, projected to be
53 \$4,551,000, and it is not possible to modify this provision in the PPA; and

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55 WHEREAS, USACE also requires the non-Federal sponsors to sign a
56 Self-Certification of Financial Capability for Agreements; and

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58 WHEREAS, MMSD is willing to make all payments required by the PPA, as
59 indicated in the Intergovernmental Cooperative Agreement, which outlines the
60 responsibilities of MMSD and the County in relation to the PPA; and

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62 WHEREAS, the County's responsibilities under the two agreements will be to
63 provide access for the project, cooperate on the project, provide input throughout the
64 project, provide in-kind staff support as needed, grant a permanent easement to MMSD
65 at no cost so that MMSD can preserve the habitat and flood management features, and
66 continue the County's usual maintenance of the area after the project is complete; and

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68 WHEREAS, the Department of Parks, Recreation, and Culture supports the
69 removal of the channels and walls that are structurally deficient, and the restoration of
70 the aquatic ecosystem of the Creek, and recommends approval of these agreements to
71 complete this project; and

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73 **WHEREAS, the County also values the role of public open space and**
74 **recognizes that parcel no. 4070004000, which is included in the project boundary,**
75 **is widely used as a recreational area for nearby residents, and seeks to minimize**
76 **impacts to this turf area; and**

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78 WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of
79 January 25, 2022, recommended adoption of File No. 22-137 as amended (vote 4-0);
80 now, therefore,

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82 BE IT RESOLVED, the Department of Parks, Recreation, and Culture (DPRC) is
83 hereby authorized to enter into a Project Partnership Agreement (PPA) with the
84 Department of the Army, and the Milwaukee Metropolitan Sewerage District (MMSD),
85 and an Intergovernmental Cooperation Agreement (ICA) with MMSD, for a habitat
86 restoration project of the Honey Creek (the Creek); and

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88 BE IT FURTHER RESOLVED, Milwaukee County's (the County) Comptroller is
89 hereby authorized to execute the PPA with the Department of the Army and MMSD, and
90 an ICA with MMSD, for a habitat restoration project of the Creek, as well as the Non-
91 Federal Sponsor's Self-Certification of Financial Capability for Agreements; and

92

93 **BE IT FURTHER RESOLVED, DPRC has confirmed with the Army Corp of**
94 **Engineers that the green space located near the intersection of Rockway and**
95 **Brookside Place on parcel no. 4070004000 shall not be altered as part of this**
96 **project, and DPRC is not authorized to approve any work in this area that would**
97 **impact the long-term preservation of the recreational green space on the County**
98 **owned portion of turf; and**

99
100 **BE IT FURTHER RESOLVED, an informational report that identifies**
101 **anticipated impacts to County green space shall be provided to the Committee on**
102 **Parks, Energy, and Environment following the conclusion of the approximately 2-**
103 **year planning and public feedback process; and**

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105 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
106 hereby authorizes DPRC, the Department of Administrative Services, the Office of
107 Corporation Counsel, and any other department that may be necessary, to execute and
108 record all documents, and perform all actions, as required to effectuate the PPA, ICA,
109 Self-Certification, and Permanent Easement; and

110
111 BE IT FURTHER RESOLVED, the County Executive and County Clerk are
112 authorized to execute any required documents to effectuate the approved permanent
113 easement to MMSD for its ongoing maintenance and management responsibilities
114 under the PPA and ICA.

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119 s:\committees\2022\january\pe&e\resolutions\22-137 honey creek habitat restoration as amended.docx