

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: March 17, 2023

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Guy D. Smith, Executive Director, Milwaukee County Parks

Subject: From the Executive Director of Milwaukee County Parks, requesting authorization to execute and perform all actions required to participate in the Wisconsin Agricultural Mitigation Bank program administered by the Wisconsin Department of Natural Resources, which will implement a wetland mitigation site, protected by a conservation easement, on park property located east of the intersection of E Puetz Rd and the railroad line in the City of Oak Creek.

File Type: Action Report

REQUEST

The Executive Director of Milwaukee County Parks requests authorization to execute and perform all actions required to implement the Wisconsin Agricultural Mitigation Bank program, including entering into a perpetual conservation easement, for the implementation of a wetland mitigation site on park property located east of the intersection of E Puetz Rd and the railroad line in the City of Oak Creek.

POLICY

§ 59.17(2)(b)3., Wis. Stats., states that the “county board may continue to exercise the authority under s. 59.52(6) with regard to land that is zoned as a park...”. In the law of property, authority over “land” includes authority over all rights appurtenant to the land.

Wisconsin State Statutes:	§ 59.17(2)(b)3.
Milwaukee County Code of General Ordinances:	
Specific Adopted Budget:	
Specific Adopted Budget Amendment:	
Specific Adopted Capital Project:	

BACKGROUND

The Wisconsin Agricultural Mitigation Bank (WAMB) is overseen by the U.S. Department of Agriculture’s Natural Resources Conservation Service (NRCS) and administered by the Wisconsin DNR’s Wisconsin Wetland Conservation Trust (WWCT) through an NRCS grant received by the WWCT. The purpose of the WAMB is to provide a mitigation option to Wisconsin farmers who impact NRCS wetlands to stay in compliance with the Swampbuster Provisions of the Food Security Act. Essentially, wetland mitigation banking uses a market-based approach to restore, create, or

enhance wetlands in one place to compensate for unavoidable impacts to wetlands at another location. If a farmer wishes to mitigate impacts to wetlands they can purchase a mitigation credit from a credit holder, in this case the County.

Milwaukee County Parks and the WDNR have located a site that is suitable for the WAMB program located to the east of the intersection of E Puetz Rd and the railroad line in the City of Oak Creek. This site is part of the County's agricultural lands and has been too wet to farm in recent years.

The proposed site is in an environmental corridor and restoration of a wetland in this area will help Parks meet a primary objective of the Milwaukee County Park and Open Space Plan, which was adopted by the Milwaukee County Board of Supervisors in File No. 22-132, is the protection of primary environmental.

Wetlands are important resources for the ecological health and diversity of the County. They provide essential breeding, resting, and feeding grounds and escape cover for many forms of fish and wildlife. Wetlands also contribute to flood mitigation, may also serve as groundwater recharge and discharge areas, and help to protect downstream water resources from siltation and pollution by trapping sediments, nutrients, and other water pollutants.

Construction of the wetland mitigation site will consist of site planning, site implementation, restoration activities, and a five-year period of management and maintenance to establish the site, and the long-term management of the site. The WDNR will fund all contracted mitigation site planning, site implementation activities, restoration, and the five-year management period. Parks will enter into any necessary agreements needed by the WDNR's contractual partners and will provide long-term management of the site after the five-year management period.

Once the wetland is constructed, per WAMB program requirements, the site must be protected in perpetuity by recording a conservation easement on the property. The easement shall restrict activities to protect the restoration actions undertaken onsite. The conservation easement does not prohibit low impact outdoor activities (such as hunting, trapping, fishing, hiking, cross-country skiing, snowshoeing, wildlife viewing, research, and education).

Credits play a critical role in the function of the WAMB. The NRCS will release credits for sale as milestones and restoration performance standards are met at the mitigation site as follows:

- 20% of credits are released upon receipt of as-builts and recorded conservation easement
- 20% after two growing seasons and hydrology performance standards being met
- 30% after two growing seasons and interim vegetation standards being met
- 30% after one growing season after the interim vegetation standards has been met.

Typically, one acre of wetland restoration will generate somewhere between 0.5-1 credit. These credits, once generated, will then be made available for producers to purchase to offset any wetland impacts that result from an agricultural activity. The use of mitigation credits by a producer must be approved by NRCS and WDNR.

Credits prices are based on market demand and long-term management costs and must be reasonable. Credit prices typically range from \$10,000 - \$30,000 per credit. Credit prices may be adjusted for inflation. A portion of the credits must be reserved for the long-term maintenance obligations. All revenue from credit sales will be placed in the County's natural areas trust fund for long-term maintenance of the wetland mitigation site and to benefit other natural areas.

Related File No's:	22-132
Associated File No's (Including Transfer Packets):	
Previous Action Date(s):	

ALIGNMENT TO STRATEGIC PLAN

Describe how the item aligns to the objectives in the [strategic plan](#):

- 2A: Determine what, where, and how we deliver services to advance health equity
- 2C: Apply a racial equity lens to all decisions
- 3A: Invest "upstream" to address root causes of health disparities
- 3B: Enhance the County's fiscal health and sustainability

Wetlands are important resources for the ecological health and diversity of the County. Improving the health of the environment is essential for a healthy county. Additionally, the wetland mitigation site will be constructed at no cost to the County and revenue from mitigation credits will improve the fiscal health and sustainability of the County.

FISCAL EFFECT

- WAMB mitigation credits range from \$10,000 - \$30,000 per credit. Each acre is one credit, and this site will be approximately 20 acres. Funding will be used to support maintenance of the wetland and the County's other natural areas.
- The mitigation site will be constructed at no cost to the County.

TERMS

- WDNR, with approval from County, will construct a 20-acre wetland on park property (the "mitigation site")
- WDNR will fund project, no funding from County
- County will enter into any needed agreements to complete program activities
- County will be required to provide a perpetual conservation easement
- WDNR will provide five years of management of the mitigation site
- After the five-year establishment period, County will provide all long-term management of the mitigation site.

- County will set and receive revenue from credit sales
- Revenue from credit sales will be placed in the County's natural areas trust fund for the support of natural areas and to meet the long-term maintenance obligations at the site

VIRTUAL MEETING INVITES

Erica Goblet, Contracts Manager, Milwaukee County Parks

Brian Russart, Natural Areas Supervisor, brian.russart@milwaukeecountywi.gov

Nathan Dhuey, WDNR, nathan.dhuey@wisconsin.gov

Joshua Brown, WDNR, joshuaa.brown@wisconsin.gov

PREPARED BY:

Erica Goblet, Contracts Manager, Milwaukee County Parks

APPROVED BY:

Guy Smith, Executive Director Milwaukee County Parks

Guy D. Smith

ATTACHMENTS:

Resolution

Fiscal Note

Draft Memorandum of Understanding

Example Conservation Easement

Aerial Map

CC:

David Crowley, County Executive

Mary Jo Meyers, Chief of Staff, County Executive's Office

Sheldon Wasserman, Supervisor District 3, PEEC Chair

Steven Shea, Supervisor District 8, PEEC Vice Chair

Felicia Martin, Supervisor District 7, PEEC Member

Juan Miguel Martinez, Supervisor District 12, PEEC Member

Steve Taylor, Supervisor District 17, PEEC Member

Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors

Janelle M. Jensen, Legislative Services Division Mgr, Office of the County Clerk

Aaron Hertzberg, Director, Department of Administrative Services

Joseph Lamers, Fiscal & Budget Director, DAS

Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS

Pamela Bryant, Capital Finance Manager, Comptroller's Office

Justin Rodriguez, Capital Finance Analyst, Comptroller's Office

Kelsey Evans, Committee Coordinator, Office of the County Clerk

Ciara Miller, Research & Policy Analyst, Office of the Comptroller

Anthony Rux, Budget & Management Analyst, DAS-PSB