



Legislation Details (With Text)

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Title: Consideration of an Amendment to the Agreement Regarding Wetland Mitigation for the Potomac Yard Metrorail Station Between the National Park Service and the City of Alexandria.
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Attachments: 1. 19-1488_ Attachment 1 _ Wetland Agreement Amendment for City Council Review, 2. 19-1488_ Attachment 2 Executed Wetlands Agreement

Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 5, 2018
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Consideration of an Amendment to the Agreement Regarding Wetland Mitigation for the Potomac Yard Metrorail Station Between the National Park Service and the City of Alexandria.

ISSUE: Consideration of amendment to the Agreement Regarding Wetland Mitigation for the Potomac Yard Metro Between the National Park Service (NPS) and the City of Alexandria ("Agreement").

RECOMMENDATION: That City Council authorize the City Manager to enter into an amended Agreement consistent with the proposed amendments to the 2016 Wetland Mitigation Agreement (Attachment 1) between the City of Alexandria and the National Park Service.

BACKGROUND: The NPS and the City entered into the Agreement on November 1, 2016 to provide for the mitigation of up to 4.37 acres of wetlands under the jurisdiction of the NPS resulting from the construction of the Potomac Yard Metrorail Project ("Project"). The Agreement currently states NPS will be compensated \$1 million per permanently impacted acre of wetlands; up to a maximum of \$4.37 million. The 2016 Agreement called for the mitigation to occur at Dyke Marsh, as requested by NPS at that time.

DISCUSSION: Since executing the Agreement, design work for Phase I of the Dyke Marsh project has been completed and Phase I

is currently under construction. Phase II of the project, which included the restoration of the marsh, has not been approved at this time through the permitting process with the Virginia Marine Resources Commission (VMRC). Consultation between the NPS and VMRC continues and the results of such consultation will have a bearing on the final design for any proposed wetlands restoration work at Dyke Marsh. Because of the uncertainty associated with Phase II of Dyke Marsh, according to NPS the project is not currently suitable as designated mitigation for the Project.

When infrastructure or other capital projects impacts NPS property or property interests, NPS evaluates wetlands within the NPS National Capital Region to identify a viable project with similar wetlands types (emergent, forest wetlands, etc.) and enough acreage to carry out the necessary mitigation. To be appropriate for mitigation for any project, the mitigation site must be of sufficient size, must be of similar wetland types and must be a viable project. At NPS's request, the Wetland Mitigation Agreement is proposed to be revised to remove Dyke Marsh as the stated location of the mitigation and to add language allowing NPS to determine a mitigation location, based on their established criteria, which will meet the mitigation requirements.

Many members of the community have reasonably expressed concern regarding the redirection of funds away from the Dyke Marsh project, and the possibility that these funds may be used in different areas of the National Capital Region (NCR). While staff shares these concerns and would prefer these mitigation funds to be used as close as possible to Alexandria, NPS has indicated that these mitigation funds will need to be utilized in an area within the NCR region which needs mitigation and which meets wetland type, cost and timing criteria and constraints. Hence, the 2016 Agreement must be amended per NPS request in order to avoid impacts to the overall project schedule. Per the Environmental Impact Statement for the Project, prior to construction activities being performed that will impact NPS wetlands, the Agreement must be executed, and funds committed.

FISCAL IMPACT: The Agreement established that the total temporary and permanent impacts to wetlands would be compensated at no less than a 1:1 ratio at Dyke Marsh, and that the City of Alexandria would provide funds for the compensation for the actual cost of the mitigation up to \$1 million per impacted acre (up to \$4.37 million). If the cost to the NPS for construction of the mitigation is less than \$1 million per acre, or if the actual impacts due to the project are less than 4.37 acres, the City will pay the actual cost of the mitigation for the impacted area.

ATTACHMENTS:

1. Agreement Regarding Wetland Mitigation for the Potomac Yard Metro Between the National Park Service and the City of Alexandria.
2. Executed Agreement Regarding Wetland Mitigation for the Potomac Yard Metro Between the National Park Service and the City of Alexandria

STAFF:

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