

BILL NO. S-24-10-01

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

**AN ORDINANCE** approving the awarding of INDIANA STREAM AND WETLAND MITIGATION PROGRAM (IN SWMP) IN-LIEU FEE (ILF) CREDIT PURCHASE - PROJECT #2024030 – (\$738,000.00) - by the City of Fort Wayne, Indiana, by and through its Board of Park Commissioners and INDIANA DEPARTMENT OF NATURAL RESOURCES for the PARKS AND RECREATION DEPARTMENT

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;**

**SECTION 1.** That INDIANA STREAM AND WETLAND MITIGATION PROGRAM (IN SWMP) IN-LIEU FEE (ILF) CREDIT PURCHASE - PROJECT #2024030 - by the City of Fort Wayne, Indiana, by and through its Board of Park Commissioners and INDIANA DEPARTMENT OF NATURAL RESOURCES for the PARKS AND RECREATION DEPARTMENT, respectfully for:

purchase of credits associated with the Indiana Department of Natural Resource In-Lieu Fee Program to fulfill the mitigation requirements of permits held for the construction of Riverfront Phase II;

involving a total cost of SEVEN HUNDRED THIRTY-EIGHT THOUSAND AND 00/100 DOLLARS - (\$738,000.00) all as more particularly set forth in said INDIANA STREAM AND WETLAND MITIGATION PROGRAM (IN SWMP) IN-LIEU FEE (ILF) CREDIT PURCHASE, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

**SECTION 2.** That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney

\$562,000.00

DNR ILFP

402 W. Washington St., W256  
Indianapolis, IN 46204

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 7/15/2024 | 72        |

|                                                                                     |
|-------------------------------------------------------------------------------------|
| Bill To                                                                             |
| Fort Wayne Parks and Recreation<br>705 East State Boulevard<br>Fort Wayne, IN 46805 |

|                                                                        |            |                |           |              |
|------------------------------------------------------------------------|------------|----------------|-----------|--------------|
|                                                                        | FID        | Terms          | DES #     |              |
|                                                                        |            | Due on receipt |           |              |
| Description                                                            | Permit No. | Quantity       | Rate      | Amount       |
| Maumee Floodway Non-Wetland Mitigation Credits                         | FW-31869-0 | 2.2            | 80,000.00 | 176,000.00   |
| Bank Information ACH<br>STAR Financial Bank<br>400 N. High Street #100 |            | Total          |           | \$176,000.00 |

Bank Information ACH  
STAR Financial Bank  
400 N. High Street #100  
Muncie, IN 47305  
Phone: 765-751-3500  
Account Name: Indiana Natural Resources Foundation  
Routing Number: 074901672  
Bank Account: 41116429

Please include the permit number in your ACH ADDENDA RECORDS or Detail. Additionally, notify Cheryl Hampton at [champton@dnr.IN.gov](mailto:champton@dnr.IN.gov) when sending the ACH.





## Board of Park Commissioners Approval Form

### Indiana Stream and Wetland Mitigation Program (IN SWMP) In-lieu Fee (ILF) Credit Purchase Project: 2024030 Approval Request

**Scope of Work:** The proposed design for Riverfront Phase II includes impacts to 1.1 acres of non-wetland floodway forest, 1000 linear feet of streambank, and .46 acres of forested wetland. Mitigation of these impacts is required by both the Indiana Department of Natural Resources (IDNR) and the Indiana Department of Environmental Management (IDEM); requirements are tied to conditions outlined in the Construction in a Floodway Permit (IDNR) and Section 401 Water Quality Certification Permit (IDEM).

An In-lieu fee program has been established by IDNR that allows for the purchase of credits to meet mitigation requirements set forth by each agency. These credits are to be purchased within the Maumee Service Area, prior to any initiation of work approved under each permit. Credit quantities are determined by each agency, utilizing predetermined multipliers and credit costs.

The following outlines the required ILF credit purchases:

|                                                                                |                                        |
|--------------------------------------------------------------------------------|----------------------------------------|
| Maumee Floodway Non-Wetland Mitigation Credits: 2.2 @ \$80,000.00 per credit:  | \$176,000.00 (1 <sup>st</sup> invoice) |
| Maumee Stream Mitigation Credit: 1,000 @ \$450.00 per credit:                  | \$450,000.00 (2 <sup>nd</sup> invoice) |
| Maumee Jurisdictional Wetland Mitigation Credit: 1.4 @ \$80,000.00 per credit: | \$112,000.00 (2 <sup>nd</sup> invoice) |

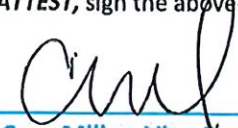
On behalf of the Board of Park Commissioners, and per IDNR purchasing guidelines, we have requested invoices for the purchase of these credits.

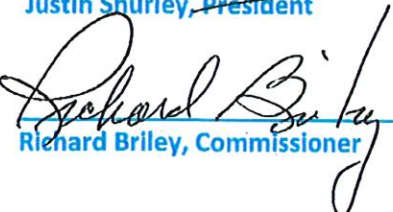
**Board Approval:** At this time, I would like to request approval for payment of Invoice #72 at a total of \$176,000.00, and Invoice #526 at a total of \$562,000.00, for a total of **\$738,000.00** to the Indiana Natural Resources Foundation's IN SWMP utilizing READI funds allocated to Riverfront Phase II.

The Fort Wayne Parks and Recreation and the Board of Park Commissioners, met to host their regularly scheduled monthly Board meeting on **September 12, 2024**, to approve the above-referenced project and contract, in the amount of **\$738,000.00**.

*We, the Board of Park Commissioners, on the date stated, do ATTEST, sign the above-referenced and attached documents, and approve as presented.*

  
Justin Shurley, President

  
Cory Miller, Vice-President

  
Richard Briley, Commissioner

  
Jenna Teuch, Commissioner

  
Steve McDaniel, Director, Board Secretary

# MEMORANDUM

**To:** City Council Members, City of Fort Wayne  
**From:** Chad Shaw  
**CC:** File  
**Subject:** Council Approval of Indiana Stream and Wetland Mitigation Program (IN SWMP)  
In-Lieu Fee (ILF) Credit Purchase  
**Date:** September 18, 2024

The City of Fort Wayne Parks and Recreation Department (FWPRD), on behalf of the Board of Park Commissioners has requested invoices from Indiana Department of Natural Resources (IDNR) for the purchase of ILF Credits as outlined in permit conditions for the construction of Riverfront Phase II.

The proposed design for Riverfront Phase II includes impacts to 1.1 acres of non-wetland floodway forest, 1000 linear feet of streambank, and .46 acres of forested wetland. Mitigation of these impacts is required by both IDNR and the Indiana Department of Environmental Management (IDEM); requirements are tied to conditions set forth in the Construction in a Floodway Permit (IDNR) and Section 401 Water Quality Certification Permit (IDEM).

An In-lieu fee program has been established by IDNR that allows for the purchase of credits in order to meet mitigation requirements set forth by each agency. These credits are to be purchased within the Maumee Service Area, prior to any initiation of work approved under each permit. Credit quantities are determined by each agency, utilizing predetermined multipliers and credit costs. Per the IDNR website: *"An in-lieu fee program involves the restoration, establishment, enhancement and/or preservation of aquatic resources through funds paid to a government or non-profit natural resources management entity to satisfy compensatory mitigation requirements for permits. An in-lieu fee program sells "advance credits" to permittees who purchase these credits in lieu of performing mitigation themselves (i.e., permittee-responsible mitigation). The legal obligation to provide compensatory mitigation is then transferred to the sponsor of the in-lieu fee program (Indiana DNR) upon receipt of funds for sales of wetland and/or stream credits in a service area(s)."* <https://www.in.gov/dnr/land-acquisition/stream-and-wetland-mitigation-program/in-lieu-fee-mitigation-program-how-it-works/>

Construction documents for Riverfront Phase II have been completed, and our project team is working towards project bidding and contract award by the end of the year. The purchase of these credits is required prior to commencement of work per permit conditions.

The following outlines the required ILF credit purchases:

|                                                                                |                                        |
|--------------------------------------------------------------------------------|----------------------------------------|
| Maumee Floodway Non-Wetland Mitigation Credits: 2.2 @ \$80,000.00 per credit:  | \$176,000.00 (1 <sup>st</sup> invoice) |
| Maumee Stream Mitigation Credit: 1,000 @ \$450.00 per credit:                  | \$450,000.00 (2 <sup>nd</sup> invoice) |
| Maumee Jurisdictional Wetland Mitigation Credit: 1.4 @ \$80,000.00 per credit: | \$112,000.00 (2 <sup>nd</sup> invoice) |

We are requesting approval for the purchase of ILF Credits at a total cost of **\$738,000.00** (Invoice #72: \$176,000.00; Invoice #526: \$562,000.00), to be paid using READI funds allocated to Riverfront Phase II.

I will be available at the Council meetings to answer any questions you may have and I can also be reached at 427-6027 at any time before the meeting.

We respectfully request your approval of this contract so that we may proceed with the work. If you have any questions, please feel free to contact me at 427-6027 or the Executive Director, Steve McDaniel at 427-6407.

Thank you in advance.

Chad Shaw  
Superintendent of Parks Planning, Development and Botanical Conservatory – Fort Wayne Parks and Recreation