



City of Grand Island

Tuesday, March 24, 2009

Council Session

Item G12

#2009-67- Agreement to Allow Project for Invasive Plant Control and River Restoration with the Platte Valley Weed Management Area

Staff Contact: Gary R. Mader, Utilities Director

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Wesley Nespor, Asst. City Attorney/Purchasing

Meeting: March 24, 2009

Subject: Agreement to Allow Project for Invasive Plant Control
and River Restoration with the Platte Valley Weed
Management Area

Item #'s: G-12

Presenter(s): Gary R. Mader, Utilities Director

Background

The City of Grand Island Wellfield property lies within the braided channels of the Platte River. The northern most channel of the river establishes the property boundary and is a significant source of recharge to the underlying aquifer which provides drinking water to the City. A non-native, invasive Phragmites species has become abundant in this channel and threatens to reduce or redirect necessary water flow.

Phragmites Australis is an aggressive invasive plant species. It is a perennial grass found along rivers, streams, flood plains, and lake shores in Nebraska. Up to 20 feet tall, dense stands of these non-native Phragmites species will produce a thick monoculture and quickly displace native vegetation. With an extensive system of rhizomes extending up to 32 feet in length and capable of producing many new shoots, Phragmites can quickly consume a waterway. This invasive species is a hybrid cross of an aggressive imported landscaping cultivar and a native reed.

On April 15th, 2008, the Nebraska Department of Agriculture (NDA) Director Greg Ibach designated non-native Phragmites as a noxious weed. This designation was put in place to help county weed control officials and landowners address areas of high infestation and prevent further spread of this invasive species.

Discussion

The invasive Phragmites now dominates vegetative growth in hundreds of miles of Platte River channels, and over just the past few years, has moved into the channels near the

City's Wellfield. The species is now required by noxious weed designation to be controlled by property owners. Additionally, by its dense level of growth, this hybrid species inhibits river flows adjacent to the Wellfield.

The Platte Valley Weed Management Area (PVWMA) is a group of public and private agencies and land owners working together to coordinate efforts and expertise to combat the spread of invasive and noxious weed species in the central Platte River drainage area. That group initiated efforts to control the invasive Phragmites species and was awarded a grant from the Nebraska Department of Agriculture to assist in that effort. The City entered into an agreement last year to allow the PVWMA to clear the river channels adjacent to the Wellfield. Manual removal of Phragmites was completed last fall in the central reach of the Platte River including the area surrounding the Wellfield. A follow up herbicide application this Spring is recommended to successfully control re-growth in the area. Copies of the data sheets for the herbicides to be used were sent to the Nebraska Department of Health and Human Services (NHHS) Risk Assessment and Toxicology division for determination of possible effects when used near a drinking water supply. Both herbicides, Polaris by Nufarm and Habitat by BASF, and a surfactant, MSO concentrate, are approved for aquatic use by EPA; and are evaluated as not being a threat to water supply by NHHS.

PVWMA is requesting permission to provide follow up treatment for eradication of Phragmites and other invasive species in the North Channel bordering the Wellfield property. The attached agreement is proposed to allow that access and treatment. There is no cost to the City.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the "Agreement To Allow Project For Invasive Plant Control And River Restoration" be approved.

Sample Motion

Motion to approve the "Agreement To Allow Project For Invasive Plant Control And River Restoration" with the PVWMA.



AGREEMENT TO ALLOW PROJECT FOR INVASIVE PLANT CONTROL AND RIVER RESTORATION

REQUESTING SPONSOR:

Platte Valley Weed Management Area (PVWMA)

Organization or Group

9730 Antelope Avenue

Street and/or Box Number

Kearney, NE 68847

City and Zip

Dick Kincaid-Chairman Platte Valley Weed Management Area

(308) 236-1244

Contact Person

Telephone Number

The purpose of this Agreement is to authorize the PVWMA, its employees, agents and assigns to conduct invasive plant control within the river channel of the Platte River, on lands owned by the City of Grand Island and to assure that the City take no action that inhibits conducting this project.

PROJECT DESCRIPTION

The Platte Valley Weed Management Area (PVWMA) encompasses 11 counties and approximately 181 river miles of the Platte River. The PVWMA is an association consisting of county weed superintendents, non-government organizations, environmental organizations and local landowners. The PVWMA received a Nebraska Department of Agriculture grant and Central Platte NRD funds to control and remove invasive species within the Platte River and its side channels. This grant, the central Platte River project will address invasive and noxious weed problems within approximately 135 'river' miles of the Platte River between Gothenburg and Central City Nebraska. Historic and present water development on the Platte River and its tributaries has altered the river's hydrology, reducing flows and changing flow chronology.

Phragmites and other invasive vegetative species have formed dense plant colonies that stabilize riverbanks and sandbars forming 'choke' points within the river channel that restricts water movement downstream. The primary goal of this project is to improve river channel flow conveyance through the eradication and clearing of invasive vegetation.

Specifically within the City of Grand Island well field land the PVWMA used mechanical means to remove invasive vegetation that was invading and choking out the river channels. Mechanical means removed the standing plant biomass and will allow water conveyance. Without further management the pre-existing phragmites will re-grow and reduce over-all long-term success of the project. PVWMA would like to perform a follow-up herbicide treatment on previous shredded phragmites as it re-sprouts from roots. Ground based application will be used from Argo's, ATV's, trucks, and or marsh-masters machines. Herbicide applicators will be limited to the following conditions:

Ground-Based applicators will provide and use the following:

- a. Licenses and Permits: Provide a copy of Nebraska Dept. of Agriculture Pesticide Applicator License.
- b. Herbicide Mixture: 64 oz. Isopropylamine salt of Imazapyr 28.7%, plus 32 oz. methylated seed oil per acre. Brand name Habitat or Polaris herbicides
- c. Application Volume: Sufficient to totally cover target plant without excessive drip, 15 gallon per acre minimum.
- d. GPS Guidance System: Capable of guiding applicator to avoid retreatment of target plants and capable of producing GIS shape files of treated plants.
- e. Spray Nozzles: Capable of droplet-size large enough to accurately control spray application.

Approval is hereby requested to enter within the City of Grand Island right-of-way to perform invasive plant control and river restoration.

AGREEMENT

PVWMA agrees that if granted a permit to do said work, the following stipulations shall govern:

1. This application shall have been approved prior to PVWMA beginning any operations as requested herein.
2. PVWMA agrees to indemnify and hold harmless the City of Grand Island, its officers and employees from all liability, judgment, costs, expenses, and claims growing out of damages, or alleged damages of any nature whatsoever to any person, property, or third party arising out of the performance or non-performance of said work.
3. This permit shall be subject to any laws now in effect, any laws which may be hereafter enacted, and all applicable rules and regulations of local, state, and federal agencies.
4. PVWMA agrees to give the City of Grand Island Utility Department 48 hours notice of intention to start operations. Notification shall be given to the City Utility Director, whose address is 100 East First Street, Grand Island, Nebraska, and whose telephone number is 385-5444 extension 280.
5. PVWMA shall carry on the work as required and authorized by this agreement with serious regard to the safety of the public, adjacent property owners, and volunteers or employees of the PVWMA.
6. PVWMA acknowledges that all personnel involved in this project are directed by the PVWMA and that PVWMA accepts full responsibility for any injuries or damages sustained by or caused by such personnel. The PVWMA acknowledges that they or their employees, agents, and assigns are in no way considered to be employees of the City of Grand Island.
7. PVWMA agrees to conduct their activities in a manner so as to not unreasonably interfere with the City of Grand Island or its lessees' use of the property.
8. Nothing herein shall obligate the PVWMA to expend any funds for the purpose of removing or controlling invasive plant species or re-vegetating City property. Any such expenditure shall be at the sole discretion of the PVWMA and shall be subject to sufficient appropriations and authorizations. Expenditure decisions by the PVWMA are final, binding and not subject to judicial review.
9. Any changes in work scope must be approved, in writing, by the City of Grand Island, Utilities Director prior to implementation.
10. The agency or company entering upon City property will comply with the City's requirements for liability insurance, property damage insurance, and workers'

compensation coverage. Fueling of equipment will not take place on City property and auxiliary fuel tanks will not be brought upon city property so as to minimize the risk of a chemical spill on the City's well field.

The City of Grand Island reserves the right to terminate this agreement when, at the sole judgment of the City, it is found that PVWMA has not met the terms and conditions of this Agreement.

This Agreement shall remain in force from May 15, 2009 to December 31, 2009. PVWMA will be given the option to renew the permit at the end of the Agreement period.

Platte Valley Weed Management Area :

By: _____
Dick Kincaid, Chairman

Date: _____

CITY OF GRAND ISLAND, NEBRASKA

By: _____
Margaret Hornady, Mayor

Date: _____

Attest: _____
RaNae Edwards, City Clerk

Date: _____

The contract is in due form according to law and hereby approved.

Wesley Nespor, Asst. City Attorney

Date: _____

RESOLUTION 2009-67

WHEREAS, the City of Grand Island and the Platte Valley Weed Management Area (the Parties) desire to enter into an agreement to provide follow up treatment for eradication of Phragmites and other invasive species in the North Channel bordering the Wellfield property; and

WHEREAS, manual removal of Phragmites was completed last fall in the central reach of the Platte River including the area adjacent to the Wellfield; and

WHEREAS, the Parties agree and acknowledge that Phragmites are a noxious weed, and can quickly consume a waterway; and

WHEREAS, the Parties desire to enter into an Agreement to for follow up treatment for eradication of Phragmites and other invasive species in the North Channel bordering the Wellfield property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Mayor is hereby authorized to, on behalf of the City, execute the Agreement between the City of Grand Island and the Platte Valley Weed Management Area, in accordance with the terms and conditions generally described above.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 24, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
March 20, 2009 ☐ City Attorney