

RESOLUTION NO. 18991

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE, JORDAN,
TIBBS AND SHEALY

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT FOR WETLANDS MITIGATION BANKING BETWEEN THE CITY OF BOISE AND THE WETLANDS GROUP LLC ALLOWING THE WETLANDS GROUP TO INCLUDE CERTAIN PARKLANDS WITHIN ITS PROSPECTUS APPLICATION TO THE U.S. ARMY CORPS OF ENGINEERS; PROVIDING ACCESS TO SUCH PARKLANDS SITES FOR FUTURE MITIGATION BANKING ACTIVITIES SUBJECT TO NEGOTIATION OF INDIVIDUAL SITE LICENSES; PROVIDING THAT PENDING NEGOTIATION OF INDIVIDUAL SITE LICENSES THE AVAILABILITY OF THE CITY'S PARKLANDS SHALL BE ON A NON-EXCLUSIVE BASIS, AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Memorandum of Agreement for Wetlands Mitigation Banking, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

Section 2. That pursuant to the provisions of said Memorandum of Agreement, the denominated parklands may be included in The Wetlands Group's Prospectus Application to the U.S. Army Corps of Engineers subject to future negotiation of individual site licenses.

Section 3. That pending negotiations and approval of individual site licenses the availability of the City's parklands for wetlands mitigation banking purposes shall be on a non-exclusive basis.

Section 4. That this resolution shall be in full force and effect immediately upon its adoption and approval

ADOPTED by the Council of the City of Boise City, Idaho, this 28th
day of February, 2006.

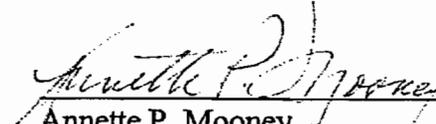
APPROVED by the Mayor of the City of Boise, Idaho this 28th day of
February, 2006.

APPROVED:

ATTEST:



David H. Bieter
Mayor


Annette P. Mooney
City Clerk

**MEMORANDUM OF AGREEMENT
FOR
WETLANDS MITIGATION BANKING**

THIS MEMORANDUM OF AGREEMENT is hereby entered into this 28th day of February, 2006, by and between the City of Boise City ("City"), an Idaho municipal corporation, and The Wetlands Group LLC ("The Wetlands Group"), an Idaho limited liability company established to serve as a Fee-In-Lieu Provider for mitigation banking as regulated by the U.S. Army Corps of Engineers ("COE"), to provide for the designation of certain City-managed park and open space properties as prospective mitigation receiving sites via the bank's prospectus and providing for general terms of agreement for the licensing, planning, construction and management of fee-in-lieu wetlands on specified park and open space properties.

WHEREAS, the City has developed and adopted the Boise River Riparian Study that identifies certain City park and open properties where construction of functioning wetlands, riparian areas, trout spawning habitat and flood proofing features are appropriate and desirable, and,

WHEREAS, the City wishes to provide for protection, enhancement and long-term management of wetlands and related riverine functions for purposes of water quality, flood proofing, trout spawning, habitat functions and passive recreation on lands and waters located within its jurisdiction.

WHEREAS, The Wetlands Group wishes to provide for inclusion of identified City properties in a Fee-In-Lieu Provider Prospectus for consideration by the U.S. Army Corps of Engineers for purposes of establishing a mitigation bank.

WHEREAS, the The Wetlands Group wishes to enter into agreements with the City for certain park properties managed by City for purposes of conducting mitigation banking activities including financing, planning, permitting, construction and monitoring of wetlands.

WHEREAS, the Wetlands Group LLC and the City wish to provide opportunities for mitigation banking and ensuring compliance with all applicable federal requirements of same s as administered through and by the COE,

NOW, THEREFORE, in consideration of the foregoing the City and The Wetlands Group hereby agree as follows:

1) Each party shall assign staff to provide for administration, supervision, and coordination of activities and technical expertise as necessary to meet its respective responsibilities and complete the terms of this agreement as follows:

For the City:

Superintendent of Parks: Thomas Governale
Address 1104.Royal Blvd.
Boise, Idaho 83706
Phone: 384-4060 x318
E-mail: Tgovernale@cityofboise.org

For The Wetlands Group:

Principal: Kurt Wald
Address 5220 N. Sawyer,
Suite G
Garden City, Idaho 83714
Phone: 863-4286
E-mail: kurt.wald@wetlandsnorthwest.com

- 2) The City shall:
- a) Authorize and reserve portions of the following parklands for potential mitigation banking activities as part of The Wetlands Group's Prospectus application to the COE:
 1. Willow Lane Athletic Complex Greenbelt lands
 2. Julia Davis Park Cottonwood Creek flume
 3. Warm Springs Park natural areas
 4. Warm Springs Golf Course Greenbelt lands
 5. Marianne Williams Park open space areas
 6. Hyatt Hidden Lakes Reserve
- 3) The City May provide access to these sites for future potential mitigation banking activities to The Wetlands Group subject to negotiation of the terms and conditions of individual site licenses.
- 4) Until the negotiation of individual site licenses this memorandum does not provide exclusive use of the parkland sites for mitigation banking activities.

For Boise City



David H. Bieter
Mayor

ATTEST:


Annette P. Mooney
City Clerk



For The Wetlands Group LLC


Kurt Wald
Principal

State of Idaho
County of Ada

On this 9th day of March, 2006, Kurt Wald personally appeared before me, whose identity I proved on the basis of satisfactory evidence, to be the signer of the above instrument, and he acknowledged that he executed it.

Elizabeth M Matlock

Notary Public

Residing at Boise, Idaho

My commission expires 3/5/2011.

