

**Wetland Restoration Fund Implementation Guidance Document  
Lake County Stormwater Management Commission**

Revision #2 - July 2022  
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## **Wetland Restoration Fund Implementation Guidance Document Lake County Stormwater Management Commission**

### **1.0 Introduction**

The Lake County Board adopted the Lake County Stormwater Management Commission's (SMC) Wetland Restoration Fund (WRF) on November 8, 2005. The SMC administers and implements the WRF for impacts to Isolated Waters of Lake County (IWLC) that exceed the mitigation threshold in watersheds where mitigation bank credits (i.e., acres) are unavailable. The SMC created separate WRF accounts for each major watershed, including the Fox River, Des Plaines River, North Branch of the Chicago River, and Lake Michigan. The SMC collects fees during the permit review process and deposits these fees into the watershed-specific account. The SMC originally approved the implementation guidance document on January 4, 2007, and subsequently approved Revision #1 of the document on February 4, 2010.

This document provides internal SMC WRF implementation guidance once fees are deposited into the watershed-specific account, including:

- Request for Proposals (RFP) process and requirements;
- RFP Evaluation and Project Selection;
- Mitigation Project Performance Standards and Project Success Criteria; and
- Contract Negotiation Guidance.

#### 1.1 WRF Goals

The WRF goals are to (1) meet Lake County's "no-net-loss" of wetland acreage per watershed on a programmatic basis within five years of wetland impact, (2) provide wetland mitigation alternatives for smaller impacts, and (3) further SMC's mission to provide desired community services toward the primary goals of flood damage reduction and surface water quality improvement (from SMC's 2002 Lake County Comprehensive Stormwater Management Plan).

#### 1.2 How the WRF Will Meet the Goals

To meet the WRF goals, the SMC may (1) award contracts for projects that will meet or exceed the required wetland mitigation acreage or (2) purchase credits (i.e., on an acreage basis) from a wetland mitigation bank as specified below. For all RFPs, SMC will follow the process described in this document.

*RFP Process:* SMC will distribute a request for proposals (RFP) for qualifying wetland restoration, creation and enhancement projects. **In general, projects that restore historic wetland areas and demonstrate the highest likelihood of meeting the wetland mitigation performance requirements will be given priority.** The sample RFP is included as Appendix A, and the sample WRF Application Form is included as Appendix B.

*Mitigation Bank Credit Purchase Process:* This option may be used when SMC or U.S. Army Corps of Engineers-approved wetland mitigation bank credits (acres) become available, prior to initiating the project RFP process within a watershed having already collected funds in the WRF account. SMC will solicit sealed bids for wetland mitigation bank credit costs (see Appendix C for a template of notice). The award of the bank credit purchase agreement will be made to the lowest responsible bidder to provide the required mitigation acreage.

## 2.0 WRF Project Information

### 2.1 Eligibility

Eligibility is open to landowners (public or private) whose ownership property lies within Lake County, Illinois, and within the watershed described in the RFP. Landowners can include single owners; multiple owners; not-for-profit corporations; federal, state, or local agencies; or local units of government, including park districts and forest preserve districts. SMC will require a signed letter from each property owner for those entities representing multiple property owners.

Projects required as part of a regulatory permit or an enforcement action are not eligible for WRF funding. **The wetland acreage created, restored, or enhanced using WRF monies cannot be utilized or sold as a wetland mitigation credit.**

### 2.2 RFP Submittal Requirements

#### 2.2.1 Project Narrative and Plans

Applicants shall submit a completed WRF Application Form (Appendix B) signed by the site owner or designated agent; a project narrative describing the items listed in Sections B and C of the Lake County Watershed Development Ordinance (WDO) Appendix N; site concept plans; Appendix C (WRF-Project Match Summary); and an estimate of probable cost. These sections contain the submittal requirements for WRF projects and include information on the proposed mitigation site (e.g., site location, physical description, land use, ownership, and significant biological resources) and the proposed mitigation design (e.g., topography, hydrology, soils, and planting plan). The site design plans can be conceptual at the time of RFP but should include enough information to support that the site will be successfully restored, created or enhanced as wetland and will be sustained as a wetland in the long term.

The narrative must include supporting documentation on the applicant's capability and experience in designing, constructing, maintaining, and successfully carrying-out a wetland mitigation project. SMC may also require more site-specific background information including, but not limited to, a wetland determination report meeting the WDO's requirements, a written, valid jurisdictional determination for any existing on-site wetlands/waters, a drain-tile survey, information on proximity to other wetland or natural areas, or site-specific soils study.

#### 2.2.2 Monitoring and Management

Refer to WDO Appendix N, Section I for the minimum five-year management and monitoring requirements. The proposal submittal must contain information on the anticipated management and monitoring plan for the mitigation site. Such plan shall include, at a minimum, a description of the sampling methodologies to be followed for evaluating hydrology in the mitigation wetlands and assessing vegetation in the mitigation wetlands and buffers, the frequency of sampling, and the report(s) to be generated.

The five-year management plan shall include a description of the anticipated management practices to be employed each year to meet the performance standards in WDO Appendix N, Section H (or as otherwise approved by SMC and established in the project agreement), and a schedule of all proposed management and monitoring practices (i.e., a calendar indicating month and year of activity). In addition, the plan shall identify the entity that will assume responsibility for long-term management of the mitigation wetlands and wetland buffers after the five-year performance period and the dedicated source of funding for long-term management.

### 2.2.3 Long-Term Protection Requirements

All mitigation wetlands, as well as other preserved wetlands or waters and wetland buffers on the mitigation site, must be protected in perpetuity by a deed or plat restriction and recorded with Lake County Recorder of Deeds. The site owner shall provide the SMC with a statement of acknowledgement and sketch of the proposed deed or plat restricted areas.

### 2.2.4 Financial Assurance

The applicant must acknowledge they will provide SMC with a financial surety prior to construction [WDO Appendix N, Section F]. The surety amount shall equal 110% of the total estimated cost for construction, monitoring, and management of the mitigation wetlands and wetland buffers. See Section 4.3 for further details.

## 2.3 Wetland Mitigation Credit Generation

The mitigation acreage shall be credited on the following basis:

1. 100% credit for each acre of wetland restored or created. *Wetland restoration* refers to the re-establishment of wetland conditions in areas that were wetland in historical times but which have been filled, drained, or otherwise manipulated to the extent the areas no longer exhibit wetland characteristics. *Wetland creation* refers to the construction of new wetlands in historically upland areas. Unless compensating directly for open water impacts specified in the RFP, no credit will be given for open water creation. The term “open water” is defined in WDO Appendix A. When allowed, open water creation shall be credited at 100% for in-kind mitigation (e.g., one acre of open water created for one acre of open water impacted). No mitigation credit shall be given for open water creation to compensate for non-open water impacts.

2. 25% for each acre of non-farmed wetland enhanced. *Wetland enhancement* refers to altering the physical characteristics of an existing wetland such that it permanently improves one or more specific wetland functions and values. Enhanced wetlands must meet the same vegetative performance criteria as restored or created wetlands.
3. 100% for each acre of farmed wetland enhanced. Enhanced farmed wetlands must meet the same vegetative performance criteria as restored or created wetlands.
4. All created, restored and enhanced wetlands on the project site shall meet the buffer requirements in WDO Article 5, Section 505.
  - A. Created or restored wetland edges used to meet the buffer requirements shall be credited at 75% for each acre created or restored.
  - B. Enhanced upland areas or enhanced wetland edges used to meet the buffer requirements shall be credited at 25% for each acre enhanced. No credit shall be given for upland enhancement outside the buffer limits.

A maximum of 30% of the total mitigation credits (acres) to be generated by the project may consist of enhanced buffers.

#### 2.4 Mitigation Performance Standards and Success Criteria

The vegetative performance standards for mitigation projects are contained in WDO Appendix N, Section H (or as otherwise approved by SMC and established in the project agreement). At the time of RFP submittal, the project narrative shall reference the proposed performance standards and provide supporting documentation on how those requirements will be met. The project contract documents shall reference the approved performance standards.

The narrative shall provide an acknowledgement of the mitigation project success criteria as specified in Section K of WDO Appendix N.

#### 2.5 Fund Expenditures

On a per-watershed basis, the WRF program requires that SMC expend or encumber account monies no more than three (3) years from first receipt of an account deposit unless the account has less than \$125,000. Once the account exceeds \$125,000, or three years have elapsed from receipt of first payment if the account has less than \$125,000, SMC will, within 180 days, either initiate a request for project proposal or solicit bids from wetland mitigation banks. If an agreement cannot be reached by the period specified above, SMC may approve a one (1) year extension. Once SMC approves a project or encumbers all available funds per watershed, the three-year time period expires and then re-starts with the next receipt of an account deposit.

In the event a wetland mitigation bank approved by SMC or the U.S. Army Corps of Engineers (Corps) becomes available within a watershed having a WRF-established account, fee expenditures may include payments into the wetland mitigation bank in

addition to the uses above. In this case, SMC may forgo the RFP process and make payment(s) to the mitigation bank to obtain all or a portion of the mitigation needed in a specific watershed. Once mitigation bank credits are available within a watershed that contains a WRF account, SMC will no longer collect WRF fees but will direct applicants to the appropriate wetland bank contact.

Appropriate WRF expenditures include costs to administer, plan, design, construct, improve, acquire property, manage and monitor wetland mitigation sites in the specified watershed. Regulatory fees are not reimbursable WRF expenditures but may be used toward the project match (see Section 2.6).

Project expenses incurred prior to RFP selection, except for land value, do not qualify for WRF funds. However, these expenditures may apply to the local project funding match requirement.

Project expenses incurred between project selection and contract execution, in response to SMC request, are eligible for reimbursement.

SMC will deduct an administrative fee from the WRF watershed-specific account and credit the SMC wetland permit fees account as follows: (1) 10% of the account balance for each RFP process or (2) 5% of the account balance for each mitigation bank credit purchase process.

## 2.6 Project Match Requirement

The WRF requires that applicants provide a cost share match of at least 30% of the total project cost. Direct project-related expenditures that qualify for match may include land value, in-kind services such as volunteer or donated professional time, feasibility study costs, regulatory fees, and site evaluation study costs conducted no more than three (3) years prior to or during the WRF application process.

Applicants shall provide an estimate of probable cost for the project, including the applicant's cost share match and a completed WRF Project Match Summary (Appendix C). The estimate of probable cost shall include expenses of reasonable expected costs and summary total of anticipated matching expenditures. Regulatory fees are not waived and are the sole responsibility of the applicant. The project budget should include all regulatory fees as they count toward the minimum cost-share requirement. Contact SMC's regulatory staff for estimated review fees.

## **3.0 Selection Criteria**

### 3.1 Pre-Screening

The WRF selection team described in Section 3.3 below will pre-screen applications and reject, or return to the applicant for additional information, those submittals that do not include the following:

1. A completed and signed WRF Application Form and

2. A mitigation project narrative that incorporates the submittal requirements listed in the Section 2 above.

SMC may require more specific site background information including, but not limited to, a wetland determination report meeting the WDO's requirements, a written, valid jurisdictional determination (JD) for existing on-site wetlands/waters, a drain-tile survey, information on proximity to other wetland or natural areas, or site-specific soils investigation.

SMC will encourage WRF applicants to hold a pre-application meeting with the selection team. The pre-application meeting will provide applicants with specific RFP requirements, answer questions concerning acceptable match expenditures, and can be used to refine proposed projects.

### 3.2 Project Evaluation Criteria

The WRF selection team will evaluate and rank the projects that have passed the pre-screening criteria in Section 3.1 above. Projects will be ranked and scored based upon the project evaluation criteria shown on Table 1. The WRF selection team may recommend multiple projects during the RFP evaluation to meet overall program goals.

The evaluation criteria contain both primary and secondary evaluation factors. The primary evaluation factors place emphasis on projects that contain a higher degree of restoration of formerly drained wetland areas as these projects have the greatest success likelihood. Secondary criteria are those factors that are not primary to mitigation success but help make projects easier to administer.

### 3.3 RFP Selection Team and Process

SMC's three (3) member selection team normally includes at least one Wetland Specialist. This team will review and evaluate proposals submitted in response to the RFPs, complete the scoring matrix, and select the proposed project(s). The team will then present the selected project(s) to SMC's Executive Director and Chief Engineer for preliminary approval. The Executive Director will submit the selected project(s) to the Commission for final approval.

## **4.0 Project Refinement and Contracting**

### 4.1 Project Refinement

The WRF selection team may meet with the applicant(s) of the selected project(s) to refine the scope of the project to meet program goals or applicant objectives. At that time, the selection team may ask for a revised project cost estimate or revisions to the submitted estimated costs based on scope refinements.

#### 4.1.1 Project Scope

An important objective of the negotiation process is to reach a complete and mutual understanding of the project scope and the required performance measures. The

scope and conceptual plans developed during the selection process may be too broad to serve as the contract scope of service. The negotiation process offers the opportunity for refinement, amendment and clear definition of the services to be rendered, as well as the areas of responsibility and liability for those services. Mutual understanding on these points, at the negotiation stage, can minimize the possibility of misunderstanding as the project progresses. Specific elements of the contract to be established during negotiation include:

1. Project approach
2. Project schedule
3. Areas of responsibility/liability
4. Detailed definition of “deliverables”
5. Financial Items:
  - i. Budget – detailed estimate of probable cost
  - ii. Payment schedule (amount of payment for partial completion of work)
  - iii. Financial assurance
6. Performance measures and compliance
7. Project completion criteria

#### 4.2 Contracts or Agreements

Legally binding agreements or contracts shall be executed between SMC and the owner/applicant for mitigation projects. All subcontractors or sub consultants shall be subject to approval by SMC. If SMC can reach an agreement with the applicant and the fee is within range of the budget, SMC will proceed to finalize the contract. If problems arise with the scope of the project or the fee, further discussion and clarification may be required.

If SMC and the applicant cannot agree on the scope and fee, SMC will cease negotiations with the top-ranked applicant and continue the process with the second-ranked applicant. This process will continue until a mutual accord has been reached. Generally, this accord will likely be reached with the first- or second-ranked applicant.

#### 4.3 Financial Assurance

The applicant or applicant's contractor must provide SMC with a financial surety prior to construction [WDO Appendix N, Section F]. The surety amount shall equal 110% of the total estimated cost for construction, monitoring, and management of the mitigation wetlands and wetland buffers. The financial surety may be in the form of a performance bond, irrevocable letter of credit, irrevocable trust, escrow account, or other approved surety.

The amount of the financial surety shall be based upon the detailed estimate of probable cost for completing the approved mitigation plan. The estimate shall include earthwork, soil erosion/sediment control measures, planting, and monitoring and management. The monitoring and management costs shall be estimated for a minimum of five (5) full growing seasons after planting is completed. The cost estimate shall be provided to the SMC for approval prior to obtaining the financial surety.

The financial surety shall be held by the SMC until the mitigation site meets the performance standards in WDO Appendix N, Section H (or as otherwise approved by SMC and established in the project agreement). Such surety may be phased out or reduced, up to a maximum of 70%, upon receipt and approval of a revised estimate of probable cost and the applicable items in Section 5.

SMC will release the final surety upon verification that the mitigation site is functionally mature and/or self-sustaining in accordance with the performance standards in WDO Appendix N, Section H (or as otherwise approved by SMC and established in the project agreement).

## **5.0 Project Compliance and Completion**

Project compliance and completion measures follow WDO Appendix N, Section K, and as specified below.

### **5.1 Project As-Builts**

As-built plans follow the requirements of WDO Appendix N, Section G requirements. Upon the completion of earthwork, but prior to planting, the awardee shall provide an as-built topographic survey to the SMC for approval. If the SMC determines the as-built plan and site inspection are in conformance with the approved design, the SMC shall issue a written approval of the as-built plan and planting activities may commence.

Upon the completion of planting activities, the awardee shall provide the SMC with lists and locations of the species actually planted in the mitigation wetlands and wetland buffers, including the common and scientific name of each species, the quantity of each species planted (e.g., weight of seeds/acre, number of plugged plants/acre), the source of the seeds/plants, the planting method(s) used, and the date(s) seeding or planting occurred. Any substitutions shall be approved by the SMC prior to installation.

### **5.2 Project Completion**

The awardee's responsibility for the project area, including mitigation wetlands and wetland buffers, shall be released in writing by the SMC as follows. After all performance criteria are satisfied, the awardee shall provide written notification to the SMC along with following information: 1) a scaled plan (min. 1 in. = 100 ft.) showing the post-project delineated boundaries and actual acreages of the mitigation wetlands (by type, e.g., creation, restoration, enhancement) and wetland buffers; 2) a summary of performance standard attainment for each wetland and buffer, preferably in tabular format (see Appendix B); and 3) a copy of the recorded restriction for the mitigation area.

Upon notification, the SMC shall review the submitted information and perform a site inspection to verify the success of the mitigation site. If SMC confirms the mitigation goals and performance standards have been met, the SMC shall notify the awardee in writing that the responsibility for the mitigation site is released. A copy of the written release also shall be provided to the entity designated for long-term management of the mitigation site.

If the SMC determines that the mitigation goals or performance standards have not been met based on the information submitted and site inspection, the SMC shall notify the awardee in writing of the specific shortfalls. The awardee shall be granted a specified time limit to address any and all identified shortfalls. Failure to fully respond to the identified shortfalls within the specified time limit may result in SMC's use of the financial surety to correct the shortfalls.



STORMWATER MANAGEMENT COMMISSION

**Table 1. Wetland Restoration Fund Scoring Matrix**

SMC Approved January 4, 2007

Revision #1 July 15, 2008

**Revision #2 August 4, 2022**

Project: \_\_\_\_\_

Criteria	Score Range	Project measure	Score	Weight Factor	Subscore	Max Score
<b>Primary Evaluation Factors:</b>						
<b>Mitigation Type:</b>		WRF RFP Mitigation Goal (Minimum) = _____ Acres				
Wetland Restoration Percent (restoration acreage/RFP Acreage goal)	1 for every 10% up to 100% of RFP Acreage goal, then 0.25 point for every 10% above goal			3		NA
Wetland Creation Percent (creation acreage/RFP Acreage goal)	1 for every 10% up to 100% of RFP Acreage goal, then 0.25 point for every 10% above goal			2		NA
Farmed Wetland Enhancement Percent (FW enhancement acreage/RFP Acreage goal)	1 for every 10% up to 100% of RFP Acreage goal, then 0.25 point for every 10% above goal			3		NA
Non-Farmed Wetland Enhancement Percent (NFW enhancement acreage/RFP Acreage goal)	1 for every 10% up to 100% of RFP Acreage goal, then 0.25 point for every 10% above goal			1		
Buffer Enhancement (buffer area to be enhanced/RFP Acreage goal)*	1 for every 10% up to 100% of RFP Acreage goal, then 0.25 point for every 10% above goal			1		NA
<b>Proposed Site Characteristics:</b>						
Soils	1 through 5 (1 for extensive grading, 5 for native drained hydric in-situ)			2		10
Vegetation Community Type & Quality	1 through 5 (1 for lower diversity/quality, 5 for highest diversity/quality)			2		10
Hydrology	1 through 5 (1 for artificial, 5 for permanent, or ground water)			2		10
Beneficial proximity to other wetland/natural areas	1 through 5 (e.g. upstream/downstream distance and quality)			1		5
<b>Submittal Information</b>						
Plans	1 through 5 (1 for incomplete/disorganized, 5 for complete/well organized)			1		5
Project Narrative	1 through 5 (1 for incomplete/lacks detail, 5 for complete/detailed)			2		10
Project Match Summary	1 through 5 (1 for incomplete/lacks detail, 5 for complete/detailed)			1		5
Estimate of Probable Cost	1 through 5 (1 for incomplete/lacks detail, 5 for complete/detailed)			1		5
Educational/Stewardship	1 through 5 (1 for little/none, 5 for high potential)			1		5
<b>Long-Term Protection:</b>						
Type of protection	1 for deed restriction, 3 for public ownership, 5 for conservation easement			2		10
Total size protected (percent of total project size)**	1 for <25%, 5 for 25% to 50%, 10 for >50%			1		10
Maintenance Plan	1 through 5 (1 for incomplete/lacks detail, 5 for complete/detailed)			1		5
Monitoring Plan	1 through 5 (1 for incomplete/lacks detail, 5 for complete/detailed)			1		5
<b>Secondary Evaluation Factors:</b>						
Has two or fewer principal landowners	1 for No, 5 for Yes			1		5
Contains two or fewer contiguous mitigation areas	1 for No, 5 for Yes			1		5
Preserves existing HQAR*** wetlands	1 for No, 5 for Yes			2		10
Flood damage reduction benefits	1 for No, 5 for Yes			2		10
Meets Watershed Planning Goal or Action Plan Item (if applicable)	1 for No, 5 for Yes			3		10
Identified as PRW on Lake County Wetland Restoration & Preservation Plan	1 for No, 5 for Yes			3		
				<b>TOTAL SCORE =</b>		

\* A maximum of 30% of the total mitigation credits may consist of enhanced buffers.

\*\*Note that all area for restoration/creation/enhancement credit needs to be deed restricted or protected.

\*\*\*High Quality Aquatic Resource (HQAR) as defined in WDO Appendix A and L.

<u>WRF Summary</u>	<u>Proposed Acreage</u>	<u>Mitigation Credit</u>	<u>WRF Goal (ac)</u>
Restoration/Creation/FW Enhancement	= _____	_____	_____
Non-FW Enhancement	= _____	_____	_____
Buffer Enhancement	= _____	_____	_____
<b>Total</b>	<b>= _____</b>	_____	_____

## APPENDIX A

### REQUEST FOR PROPOSALS (RFP) SAMPLE SMC Wetland Restoration Fund

#### (Fox River)(Des Plaines River)(North Branch of the Chicago River)(Lake Michigan) Watershed

**Issued: (date)**

**Closes: (date)**

The Lake County Board adopted the Lake County Stormwater Management Commission's (SMC) Wetland Restoration Fund (WRF) on November 8, 2005. The SMC administers and implements the WRF for Isolated Waters of Lake County (IWLC) impacts exceeding the mitigation threshold in watersheds where mitigation bank credits (i.e., acres) are unavailable. At this time, we are issuing this Request for Proposals (RFP) for wetland mitigation projects using WRF funds within the (Fox)(Des Plaines)(North Branch of the Chicago River)(Lake Michigan) Watershed to provide a minimum of x.xx acres of mitigation. At least x.xx acres of mitigation must be in the form of wetland creation or restoration to compensate 1:1 for IWLC impacts in the watershed (i.e., "no-net-loss" of wetlands). The remaining x.xx acres of mitigation may be in the form of wetland creation, wetland restoration, or enhancement of existing wetlands or buffers. Approximately \$\_\_\_\_\_ will be available for project(s) under this RFP.

#### 1. Who is Eligible to Apply?

Eligibility is open to any landowner (public or private) whose ownership property lies within Lake County, Illinois, and within the \_\_\_\_\_ watershed (Click [here](#) for watershed map & info). Landowners can include single owners; multiple owners; not-for-profit corporations; federal, state, or local agencies; or local units of government including park districts and forest preserve districts. SMC will require a signed letter from each property owner for those entities representing multiple property owners.

The wetland acreage created, restored, or enhanced using WRF monies cannot be utilized or sold as a wetland mitigation credit.

#### 2. How Can Funds Be Used?

WRF monies may be used to restore, create or enhance wetlands on project sites located in the specified watershed within Lake County, Illinois. Appropriate WRF expenditures include costs to administer, plan, design, construct, improve, acquire property, manage and monitor the wetland mitigation site(s). For potential mitigation sites, applicants are encouraged to reference the *Lake County Wetland Restoration & Preservation Plan* online decision support tool (SMC 2020: Click [Here](#)) and the \_\_\_\_\_ *Watershed-Based Plan* (Click Here). Note that these references are for screening purposes, and other potentially viable sites may exist that are not included in these references.

Project expenses incurred prior to RFP selection, except for land value, do not qualify for WRF funds. However, these expenditures may apply to the local project funding match requirement. Regulatory fees are not waived and are the sole responsibility of the applicant. The project budget should include all regulatory fees, as they count toward the minimum cost-share requirement. Contact SMC's regulatory staff for estimated review fees.

The WRF requires that applicants provide a cost share match of at least 30% of the total project cost. Expenditures that qualify for match include land value, in-kind services such as volunteer or donated professional time, feasibility study costs, regulatory fees, and site evaluation study costs conducted no more than three (3) years prior to or during the WRF application process.

### **3. How Many Mitigation Credits (Acres) Are Needed?**

For this RFP, a minimum of x.xx acres of wetland mitigation is needed. Of this, at least x.xx acres must be in the form of wetland creation or restoration to compensate 1:1 for IWLC impacts in the watershed (i.e., maintain "no-net-loss" of wetlands in Lake County). The remaining x.xx acres of mitigation may be in the form of wetland creation, wetland restoration, or enhancement of existing wetlands or buffers. Mitigation credit acreage is generated as described in Section 4 below.

### **4. How Are Credits Generated?**

The mitigation acreage shall be credited on the following basis:

- a. 100% credit for each acre of wetland restored or created. **Wetland restoration** refers to the re-establishment of wetland conditions in areas that were wetland in historical time but which have been filled, drained, or otherwise manipulated to the extent the areas no longer exhibit wetland characteristics. **Wetland creation** refers to the construction of new wetlands in historically upland areas. Unless compensating directly for open water impacts specified in the RFP, no credit will be given for open water creation. The term "open water" is defined in the Lake County Watershed Development Ordinance (WDO) Appendix A. When allowed, open water creation shall be credited at 100% for in-kind mitigation (e.g., one acre of open water created for one acre of open water impacted). No mitigation credit shall be given for open water creation to compensate for non-open water impacts.
- b. 25% for each acre of non-farmed wetland enhanced. **Wetland enhancement** refers to altering the physical characteristics of an existing wetland such that it permanently improves one or more specific wetland functions and values. Enhanced wetlands must meet the same vegetative performance criteria as restored or created wetlands.
- c. 100% for each acre of farmed wetland enhanced. Enhanced farmed wetlands must meet the same vegetative performance criteria as restored or created wetlands.

- d. All created, restored and enhanced wetlands on the project site shall meet the buffer requirements in WDO Article 5, Section 505.
  - i. Created or restored wetland edges used to meet the buffer requirements shall be credited at 75% for each acre created or restored.
  - ii. Enhanced upland areas or enhanced wetland edges used to meet the buffer requirements shall be credited at 25% for each acre enhanced. No credit is provided for upland enhancement outside of the buffer limits.

A maximum of 30% of the total mitigation credits (acres) to be generated by the project may consist of enhanced buffers.

## **5. What Performance Standards Must Be Met?**

The vegetative performance standards for mitigation projects are contained in WDO Appendix N, Section H (or as otherwise approved by SMC and established in the project agreement). At the time of RFP submittal, the project narrative shall reference the proposed performance standards and provide supporting documentation on how those requirements will be met. The project contract documents shall reference the approved performance standards.

## **6. Do We Require Long-Term Protection?**

All mitigation wetlands, as well as other preserved wetlands or waters and wetland buffers on the mitigation site, must be protected in perpetuity by a deed or plat restriction and recorded with Lake County Recorder of Deeds. In response to this RFP, the site owner shall provide the SMC with a statement of acknowledgement and a sketch of the proposed deed or plat restricted areas.

## **7. Does the Project Require Management and Monitoring?**

Refer to WDO Appendix N, Section I for the minimum five-year management and monitoring requirements. The proposal submittal must contain information on the anticipated management and monitoring plan for the mitigation site. Such plan shall include, at a minimum, a description of the sampling methodologies to be followed for evaluating hydrology in the mitigation wetlands and assessing vegetation in the mitigation wetlands and buffers, the frequency of sampling, and the report(s) to be generated.

The five-year management plan shall include a description of the anticipated management practices to be employed each year to meet the performance standards in Appendix N, Section H (or as otherwise approved by SMC and established in the project agreement), and a schedule of all proposed management and monitoring practices (i.e., a calendar indicating month and year of activity). In addition, the plan shall identify the entity that will assume responsibility for long-term management of the mitigation wetlands and wetland buffers after the five-year performance period and the dedicated source of funding for long-term management.

## **8. How Are Projects Evaluated?**

Projects will be evaluated by the SMC in accordance with the guidance contained in the Commission-approved *SMC Wetland Restoration Fund Implementation Guidance Document, Section 3.0 (Revision #2 dated \_\_\_\_\_, 2022)*. **In general, projects that restore historic wetland areas and demonstrate the highest likelihood of meeting the wetland mitigation performance requirements will be scored the highest.** Please refer to the attached Wetland Restoration Fund Scoring Matrix containing the specific evaluation criteria (see Appendix A).

## 9. What Do I Need To Submit For Funding?

Applicants shall submit a completed WRF Application Form (attached) signed by the site owner or designated agent; a project narrative describing the items listed in Sections B and C of the WDO's Appendix N; site concept plans; Appendix C (WRF-Project Match Summary); and an estimate of probable cost. These sections include information on the proposed mitigation site (e.g., site location, physical description, land use, ownership, and significant biological resources) and the proposed mitigation design (e.g., topography, hydrology, soils, and planting plan). The site design plans can be conceptual at the time of the RFP but should include enough information to support that the site will be successfully restored, created or enhanced as wetland and will be sustained in the long term.

The narrative also needs to contain supportive documentation on your capability and experience to implement a wetland mitigation plan including design, construction, and management and monitoring. Further, the applicant must acknowledge that, upon awarding, they will provide SMC with a financial surety prior to construction of an amount equal to 110% of the total estimated cost for construction, monitoring, and management of the mitigation wetlands and wetland buffers, as approved by SMC. The narrative also needs to include an acknowledgement of the mitigation project compliance and completion criteria as specified in WDO Appendix N, Section K.

Please note that SMC may require more specific site background information including, but not limited to, a wetland determination report meeting the WDO's requirements, a written, valid jurisdictional determination (JD) for existing on-site wetlands/waters, a drain-tile survey, information on proximity to other wetland or natural areas, or site-specific soils investigation.

SMC encourages WRF applicants hold a pre-application meeting with the SMC selection team. The pre-application meeting will provide applicants with specific RFP requirements, answer questions concerning acceptable match expenditures, and can be used to refine proposed projects.

## 10. Who Do I Send Information To:

Application materials shall be submitted to SMC by the **Close of Business (4:00 pm)** on \_\_\_\_\_, as follows:

- If electronically (PDF) via e-mail: send application to \_\_\_\_\_.

- If hard copies via U.S. mail or expedited courier, send application to:

Wetland Restoration Fund Application

Attn: \_\_\_\_\_

Lake County Stormwater Management Commission

500 W. Winchester Road, Suite 201

Libertyville, IL 60048



STORMWATER MANAGEMENT COMMISSION

SMC Use Only

Received \_\_\_\_\_  
Received \_\_\_\_\_

## Appendix B Wetland Restoration Fund Application Form

Watershed:			
Site Location:			
Property ID Number (PIN):		Total Site Size (Acres):	
Owner/Authorized Agent Name:		Owner/Agent Phone:	
Address:			
City, State Zip:		Applicant Name:	
Email:		Applicant Phone:	

### Proposed Mitigation Credit Summary

Mitigation Type	Acres	Credit Ratio	Mitigation Credits (ac)
<b>Wetland Areas:</b>			
<input type="checkbox"/> Restoration		100%	
<input type="checkbox"/> Creation		100%	
<input type="checkbox"/> Enhancement			
<input type="checkbox"/> Non-Farmed Wetland		25%	
<input type="checkbox"/> Farmed Wetland		100%	
<b>Buffer Areas:</b>			
<input type="checkbox"/> Wetland Restoration / Creation (including Farmed Wetlands)		75%	
<input type="checkbox"/> Non-Farmed Wetland Enhancement*		25%	
<input type="checkbox"/> Upland Enhancement*		25%	

**Total Mitigation Credits (acres)\* =**

\* No more than 30% of the Total Mitigation Credits may consist of enhanced buffer. Percent enhanced buffer acreage =

### Jurisdiction & Impacts

JD / PJD done? Yes  No  If yes, date of JD / PJD:

Will the Project Impact?

Waters of the U.S.?  No  Yes – Acres:

Corps Permit Issued?  No  Yes

Isolated Waters of Lake County?  No  Yes – Acres:

WDP / IWCC Permit Issued?  No  Yes

### Mitigation Project Description

**Project Description** (use additional sheets if necessary):

*(Clarify if project includes design, permitting, bidding, construction, monitoring and management (or other combination). Include a basic description of mitigation design elements such as grading, water control, revegetation, etc.)*

<b>Cost Summary:</b>	Est. Project Total Cost: \$	WRF Percent (%):
	Est. Applicant Cost: \$	Applicant Percent Match (%):

<b>Schedule:</b>	Est. Start Date:	Est. Completion Date:
------------------	------------------	-----------------------

**Summary of Project Benefits** (relating to water quality improvement, natural resource enhancement or flood damage reduction; use additional sheets if necessary)

<b>Checklist of Requested Attachments</b>											
<input type="checkbox"/> Completed and signed WRF Application Form (i.e., this form)	<input type="checkbox"/> Documentation on Applicant capability and experience in wetland mitigation design, construction, maintenance & monitoring										
<input type="checkbox"/> Location Map (note existing wetlands/natural areas on map)	<input type="checkbox"/> Proposed method of Long-term Protection and sketch of proposed restricted area(s)										
<input type="checkbox"/> Signed letter from each property owner (for entities representing multiple property owners)	<input type="checkbox"/> Site Plans (may be conceptual)										
<input type="checkbox"/> WRF Project Narrative describing each item listed in WDO Appendix N, Sections B [Site information] & C [Design information]: <table style="width:100%; border: none;"> <tr> <td style="width:50%;"><input type="checkbox"/> Site Location</td> <td style="width:50%;"><input type="checkbox"/> Topography</td> </tr> <tr> <td><input type="checkbox"/> Physical Description</td> <td><input type="checkbox"/> Hydrology</td> </tr> <tr> <td><input type="checkbox"/> Land Use (current)</td> <td><input type="checkbox"/> Soils</td> </tr> <tr> <td><input type="checkbox"/> Ownership</td> <td><input type="checkbox"/> Planting Plan</td> </tr> <tr> <td><input type="checkbox"/> Significant Biological Resources</td> <td></td> </tr> </table>	<input type="checkbox"/> Site Location	<input type="checkbox"/> Topography	<input type="checkbox"/> Physical Description	<input type="checkbox"/> Hydrology	<input type="checkbox"/> Land Use (current)	<input type="checkbox"/> Soils	<input type="checkbox"/> Ownership	<input type="checkbox"/> Planting Plan	<input type="checkbox"/> Significant Biological Resources		<input type="checkbox"/> Completed Appendix C – Project Match Summary <input type="checkbox"/> Estimate of Probable Cost ( <i>This is in addition to the Project Match Summary</i> ) – includes all reasonable expected costs, e.g., costs to administer, plan, design, acquire property, construct, and improve (management and monitoring for a minimum of 5 full growing seasons after planting) the mitigation site
<input type="checkbox"/> Site Location	<input type="checkbox"/> Topography										
<input type="checkbox"/> Physical Description	<input type="checkbox"/> Hydrology										
<input type="checkbox"/> Land Use (current)	<input type="checkbox"/> Soils										
<input type="checkbox"/> Ownership	<input type="checkbox"/> Planting Plan										
<input type="checkbox"/> Significant Biological Resources											
<input type="checkbox"/> Statements (see next section)											
<input type="checkbox"/> Monitoring & Management Plan, including: <table style="width:100%; border: none;"> <tr> <td style="width:50%;"><input type="checkbox"/> Proposed performance standards (e.g., a reference to WDP App. N, Section H, or as otherwise proposed)</td> <td style="width:50%;"><input type="checkbox"/> Description of anticipated management practices to be employed each year to meet performance standards</td> </tr> <tr> <td><input type="checkbox"/> Field sampling methodologies for wetland hydrology and vegetation (wetland &amp; buffer areas)</td> <td><input type="checkbox"/> A Schedule (i.e., calendar indicating month/year of activity) for proposed management &amp; monitoring practices for a min. 5-year period)</td> </tr> <tr> <td><input type="checkbox"/> Reporting requirements</td> <td><input type="checkbox"/> Dedicated source of funding for long-term management</td> </tr> <tr> <td><input type="checkbox"/> Identification of long-term management entity</td> <td></td> </tr> </table>	<input type="checkbox"/> Proposed performance standards (e.g., a reference to WDP App. N, Section H, or as otherwise proposed)	<input type="checkbox"/> Description of anticipated management practices to be employed each year to meet performance standards	<input type="checkbox"/> Field sampling methodologies for wetland hydrology and vegetation (wetland & buffer areas)	<input type="checkbox"/> A Schedule (i.e., calendar indicating month/year of activity) for proposed management & monitoring practices for a min. 5-year period)	<input type="checkbox"/> Reporting requirements	<input type="checkbox"/> Dedicated source of funding for long-term management	<input type="checkbox"/> Identification of long-term management entity				
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<input type="checkbox"/> Reporting requirements	<input type="checkbox"/> Dedicated source of funding for long-term management										
<input type="checkbox"/> Identification of long-term management entity											

**Statements and Signatures**

Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Statement of Financial Security Acknowledgement:</b> I/we recognize that a financial surety is required prior to construction equal to 110% of the estimated cost of project construction, monitoring & management for the mitigation wetlands and buffers.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Statement of Compliance:</b> I/we confirm the proposed WRF mitigation project will comply with all applicable ordinances, laws, and SMC policies.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Statement of Acknowledgement for Compliance/Completion Criteria:</b> I/we acknowledge the mitigation project compliance and completion criteria as specified in WDO Appendix N, Section K.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Statement of Long-Term Protection Acknowledgement:</b> I/we the site owner(s) acknowledge the mitigation area will have long-term protection by a recorded deed or plat restriction and reflecting language approved by the SMC.

Signature of Site Owner/Authorized agent	Printed Name
Signature of Applicant (date)	Printed Name



STORMWATER MANAGEMENT COMMISSION

## Appendix C

### Wetland Restoration Fund - Project Match Summary\*

SMC APPROVED January 4, 2007  
Revision #1 August 4, 2022

Project: \_\_\_\_\_

Budget Item	WRF COSTS: (\$) (Place costs in this column if not being used as match)	MATCH COSTS: (\$) (Place costs in this column if being used as match)	TOTAL COSTS: (\$) (Sum row)
<b>Administrative</b>			
<b>Planning &amp; Engineering</b>			
<b>Construction</b>			
<b>Planting</b>			
<b>Management &amp; Monitoring</b>			
<b>Land Value</b>			
<b>Column Subtotal (without contingency)</b>			
<b>Contingency</b>		NA	
Column Subtotal----->			
<b>PROJECT TOTAL (sum WRF and Match costs) =</b>			
<b>% Match-----&gt;</b> (min. 30% required)			

\* This form is to be completed in addition to the more detailed estimate of probable cost.  
 \*\* Example budget items provided are for guidance only. Your project may have additional expenses.  
 For these items, place the item within the closest topic category above.

Appendix D – Notice of Invitation to Bid

**NOTICE OF INVITATION TO BID**

**SMC Wetland Restoration Fund – XXX Watershed  
Lake County, Illinois**

The Lake County Stormwater Management Commission (SMC) desires to purchase a minimum of x.xx acres of *standard* wetland mitigation bank credits or a minimum of [x.xx] acres of *certified* wetland mitigation bank credits from a [U.S. Army Corps of Engineers (USACE) or SMC] permitted mitigation bank in the XXX Watershed within Lake County, Illinois.

Notice is hereby given that SMC is seeking **sealed bids** from qualified wetland mitigation bank administrators for the purchase of the above referenced wetland mitigation bank credits. The deadline for submission of sealed bids is xx, 20xx at xx:00 A.M. (CST) at the SMC office at 500 West Winchester Road, Unit 201, Libertyville, Illinois, 60048. At that time, the bids will be publicly opened and read. Sealed envelopes or packages containing bids shall be clearly marked or endorsed: "*Wetland Mitigation Credits – XXX Watershed*".

**Sealed bids must contain the following:**

- (1) Copy of Page 2 of this Notice with all information completed, including original signature of authorized representative;
- (2) Copy of USACE or SMC permit for the mitigation bank from which credits will be purchased; and,
- (3) Copy of USACE or SMC documentation confirming release/availability of mitigation credits at the mitigation bank from which credits will be purchased.

Award of Purchase Agreement: The award of the bank credit purchase agreement will be made to the lowest responsible bidder to provide the required mitigation acreage. SMC reserves the right to reject any and all non-conforming, non-responsive, unbalanced, or conditioned bids, and to reject the bid and any bidder if SMC believes that it would not be in the best interest of the SMC to make an award to that bidder. SMC also reserves the right to waive irregularities or information or informalities at its discretion. SMC also reserves the right to negotiate the purchase of additional credits at the unit price contained in the bid of the selected bidder

Contact XXX, SMC Chief Engineer, at 847-xxx-xxxx or  
[XXX@lakecountyil.gov](mailto:XXX@lakecountyil.gov) with any questions.

## NOTICE OF INVITATION TO BID – PAGE 2

### SMC Wetland Restoration Fund – XXX Watershed Lake County, Illinois

Name of Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone/E-Mail: \_\_\_\_\_

Name of Mitigation  
Bank\*: \_\_\_\_\_

Bank Approval:                    USACE            or            LCSCM                    (circle one)

Type of Mitigation  
Credit Available\*\*  
(Standard or  
Certified): \_\_\_\_\_

Unit Price (\$ per acre): \_\_\_\_\_

Total Price (Unit Price x Credit Acreage Needed): \_\_\_\_\_

Authorized Representative:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

\* Include copy of USACE or SMC permit for referenced mitigation bank.

\*\* Include USACE or SMC documentation confirming release/availability of mitigation credits at referenced mitigation bank.