

## Wetland Restoration Fund

The McHenry County Stormwater Management Ordinance (SMO) initiates the wetland mitigation hierarchy and fee-in-lieu mitigation for the wetland restoration fund (WRF). The WRF is administered and implemented for impacts to Isolated Waters of McHenry County (IWMC) in accordance with the provisions of the SMO. The County Board of McHenry County (County Board) has adopted this Ordinance for implementing the WRF:

1. Purpose and Applicability: The purpose of the WRF is to collect fees and disperse funds to compensate for wetland impacts exceeding the mitigation thresholds. The WRF must help McHenry County achieve its goal of “no-net-loss” of wetland acreage.
  - Two WRFs are established for McHenry County.
    - A Fox River WRF exists to collect fees for wetland impacts and disperse funds for suitable projects in the Nippersink Creek Watershed, the Upper Fox River Watershed, and the Lower Fox River Watershed.
    - A Kishwaukee River WRF exists to collect fees for wetland impacts and disperse funds for suitable projects in the Piskasaw Creek Watershed, the Kishwaukee River Watershed, and the Coon Creek Watershed.
  - A permit applicant does not have the option to mitigate a wetland impact by paying into a WRF if the wetland impact is in the same watershed as a mitigation bank in existence at the time the WRF is established, as long as the mitigation bank has available mitigation credits. The four mitigation banks in existence at the time the WRF is established are:
    - Sybaquay Girl Scout Camp – Kishwaukee River Watershed
    - Kishwaukee Bottoms – Kishwaukee River Watershed
    - Marengo – Kishwaukee River Watershed
    - Slough Creek – Nippersink Creek Watershed
2. Mitigation Ratios: The mitigation acreage to impact acreage ratio is set by the minimum requirements of the SMO and applies to the entire impact acreage once the mitigation threshold is surpassed.
3. Calculation of Fee-in-lieu of Mitigation Fees: The Fee-in-lieu is set by the County Board as a fee (in dollars per acre) for mitigation credit needed. The fee-in-lieu is not specified in the SMO but will be updated periodically by the County Board. The fee-in-lieu is calculated using estimated costs for planning, land acquisition, design, construction, monitoring, maintenance, and administration. Since the value of land varies across McHenry County, separate in-lieu fees are established for each watershed. The fee-in-lieu will not necessarily match fees charged by mitigation banks, since those fees are often negotiable.
4. SMO Review Process:
  - A. **For Unincorporated Areas and Non-Certified Communities:** Upon written request by a permit applicant, as part of the review process, MCSC shall approve the IWMC impact acreage and inform the applicant of the in-lieu fee amount. The in-lieu fee shall be due prior to permit issuance.
  - B. **For Certified Communities:** Upon written request by a permit applicant, as part of the review process, the Certified Community shall approve the IWMC impact acreage and inform MCSC of the IWMC impact location and acreage. The Certified Community shall then direct the permit applicant to pay the in-lieu fee amount to MCSC. MCSC shall provide the permit applicant with a receipt for payment of the in-lieu fee. The permit applicant must submit this receipt to the Certified Community prior to permit issuance.

Exhibit A

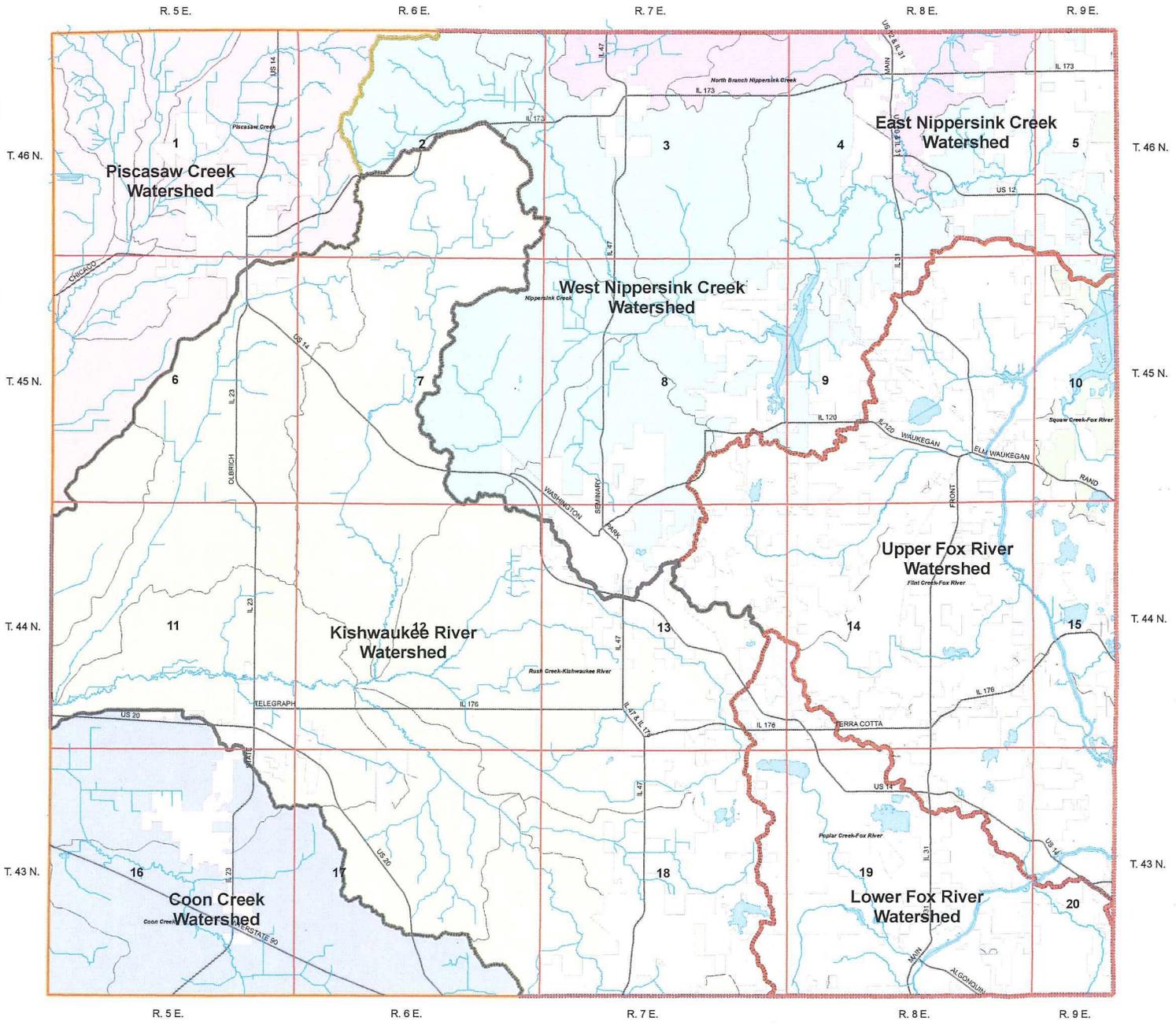
5. Dispersal of Funds: Fees paid in-lieu of wetland mitigation shall be expended for projects that will restore, create or enhance wetlands.
- Funds shall only be expended for projects located entirely within McHenry County.
  - Funds shall only be expended for projects that will be managed in perpetuity by a qualified conservation management agency under a conservation easement or as approved by the MCSC. Conservation management agencies desiring to be considered qualified must submit a statement of their qualifications to MCSC for review and consideration. The statement of qualifications must:
    - Demonstrate the technical expertise of the conservation management agency to restore, create, and/or enhance wetlands; and
    - Demonstrate a long-term funding mechanism for the continual monitoring and maintenance of completed projects.
  - The TAC shall establish a WRF sub-committee. The responsibilities of the WRF sub-committee shall be to:
    - Annually make a public call for projects;
    - Evaluate each project application;
    - Make project recommendations to the TAC; and
    - Maintain a list of potential projects.Conservation management agencies that have submitted a statement of qualifications to MCSC for eligibility to receive funds shall not be considered for membership on the WRF sub-committee.
  - TAC members representing conservation easement management agencies shall abstain from voting on all project recommendations.
  - The TAC shall make project recommendations for final approval by the MCSC.
  - Upon approval of a project by the MCSC, the applicant may submit requests for payment to the MCSC. Payments shall be made for work performed after the approval date and for a dollar amount not to exceed that approved by the MCSC.
6. Fund Tracking and Accountability: An annual report shall be prepared summarizing deposits to and disbursements from each account. The report shall also track the impact acreage in each watershed, along with the restoration, creation, and enhancement acreage in each watershed.
7. Project Schedule and Timing: MCSC shall approve the allocation of monies in the WRF accounts on suitable projects no more than five years after an account has a balance exceeding \$75,000. If an account exceeds \$75,000, and no suitable project has been identified within five years, MCSC may approve the purchase of mitigation credits from a mitigation bank.

Wetland Restoration Fund  
In-Lieu Fees

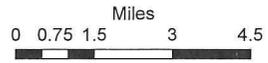
Watershed	Land Cost (\$/ac)	Restoration Cost (\$/ac)	Fee (\$/ac)
Lower Fox River	\$ 50,000	\$ 45,000	\$ 95,000
Upper Fox River	\$ 35,000	\$ 45,000	\$ 80,000
Nippersink Creek East	\$ 20,000	\$ 45,000	\$ 65,000
Nippersink Creek West	\$ 12,000	\$ 45,000	\$ 57,000
Kishwaukee River	\$ 15,000	\$ 45,000	\$ 60,000
Piscasaw Creek	\$ 15,000	\$ 45,000	\$ 60,000
Coon Creek	\$ 12,000	\$ 45,000	\$ 57,000

# APPENDIX A

## McHenry County Wetland Restoration Fund - Watershed Map



KISHWAUKEE RIVER WATERSHED DIVIDE  
 FOX RIVER WATERSHED DIVIDE



TOWNSHIPS				
CHICAGO	ALLEN	METLA	BOONVILLE	
DAVING	WATLAND	WISCONSIN	WISCONSIN	
WISCONSIN	WISCONSIN	WISCONSIN	WISCONSIN	
WISCONSIN	WISCONSIN	WISCONSIN	WISCONSIN	

**McHenry County Stormwater Management Commission  
Wetland Restoration Fund**

**Subject: PROJECT NAME – ADDRESS (PIN XX-XX-XXX-XXX)**  
**Permit Number: XXXXXX**

I \_\_\_\_\_ am hereby requesting the purchase of wetland mitigation credits from the McHenry County Stormwater Management Commission Wetland Restoration Fund. Ordinance NO. 0-201010-10-053 Dated October 19, 2010.

The wetland credits will be used to compensate for a proposed development occurring at ADDRESS, CITY, TOWNSHIP (PIN XX-XX-XXX-XXX). The project consists of XXXXX. The proposed development requires an **impact of XX acres** of an Isolated Waters of McHenry County. This type of wetland has a mitigation ratio of XX:1 resulting in a **mitigation requirement of XX acres**.

The subject wetland is located within the XXXXX Watershed which has a mitigation credit cost of \$XX,000/acre per Ordinance NO. 0-201010-10-053 Wetland Restoration Fund In-lieu Fees. Based on the mitigation requirements for this type of a wetland in this watershed a **total cost of \$XX,XXX** to purchase the required mitigation credits will be paid.

X \_\_\_\_\_ /\_\_\_/\_\_\_\_\_  
**NAME**, Property Owner date

X \_\_\_\_\_ /\_\_\_/\_\_\_\_\_  
**NAME**, Design Engineer date

X \_\_\_\_\_ /\_\_\_/\_\_\_\_\_  
Joanna Colletti, PE, CFM, Chief Stormwater Engineer date  
McHenry County Planning and Development

Please provide the following documents to request use of the Wetland Restoration Fund for mitigation requirements based on a permit application.

- formal request, in letter form addressed to McHenry County Stormwater Management Commission, for use of the Wetland Restoration Fund
- executed copy of signature page (property owner, design engineer)
- site plan depicting proposed development
- wetland delineation of existing on-site wetland
- wetland impact map
- calculation of wetland impact acreage and mitigation ratio