



Item Number: 10



CITY OF GRAND RAPIDS AGENDA ACTION REQUEST

DATE: December 3, 2024

TO: Mark Washington, City Manager

COMMITTEE: Committee of the Whole
LIAISON: Mark Washington, City Manager

FROM: Mary Kate Berens, Deputy City Manager
Executive Office

SUBJECT: **Resolution authorizing execution of the Second Amendment and Restatement of the Memorandum of Agreement for the Grand River Upper Reach Project with the Great Lakes Fishery Commission, Grand Rapids Whitewater, Inc, and the US Fish and Wildlife Service.**

In 2019, the City and Grand Rapids Whitewater entered into the Adjustable Hydraulic Structure Memorandum of Agreement (the AHS MOA) and a First Amendment to that agreement. The AHS MOA established a working partnership among the parties for the purpose of achieving the vision of restoring the rapids in the Grand River while ensuring important ecological protections against invasive sea lamprey. Sea lamprey are currently prevented from travelling further into the Grand River by the 6th Street dam. This work has been reliant on progress on the Lower Reach, in order to ensure consistency with requirements around flood protection, hydraulic modeling and ecological considerations.

Since 2019, the parties have worked collaboratively on the concepts outlined in the AHS MOA, including securing funds to pursue work, exploring best practices, sharing design details and outlining the required federal environmental review process for the Grand River Upper Reach project.

As a result of the experience and design detail emerging from the Grand Rapids Whitewater/City of Grand Rapids work on the Lower Reach, the parties agree that changes to the AHS MOA are warranted.

The proposed Second Amendment and Restatement MOA clarifies the role of the Great Lake Fisheries Commission, City, Grand Rapids Whitewater and US Fish & Wildlife service in the design phase of the Upper Reach project. These roles respond to greater certainty at the federal level on how the environmental review process will work, as led by the Great Lakes Fisheries Commission in partnership with the US Army Corps of

Engineers. Great Lakes Fisheries, as the organization responsible for Great Lakes sea lamprey control, has a clear mission and the Upper Reach project must include design features that create a sea lamprey barrier. Those features may or may not include an adjustable hydraulic structure. A design team will include alternative designs for the environmental review process, and the partners will select a preferred alternative based on the information developed through that process. For that reason, the MOA no longer specifies the adjustable hydraulic structure as the sole design satisfying the sea lamprey control requirement.

Additional clarifications and revisions are driven by lessons learned through the Lower Reach permitting process, including the preference for a single applicant for necessary permits. The parties anticipate continuing to keep the state regulatory agencies (primarily Michigan Department of Environment, Great Lakes and Energy, and the Michigan Department of Natural Resources) closely informed of the design work, a strategy that worked well in for the revision to Lower Reach design. The City's commitment under the proposed Second Amendment and Restatement MOA is commitment of staff time to contribute to design team work, review and discussion as the parties work to identify a project design that meets all parties objectives. Those objectives are outlined in the agreement, and for the City and Grand Rapids Whitewater serve to further the shared vision of restoring the rapids to the Grand River, creating a river with opportunities for the full community, both within the river, and along the river. That transformation has started with the Lower Reach. The work continues under the proposed Second Amendment and Restatement of the MOA with the additional international and federal parties.

Once a preferred design is identified through the work outlines in the Second Amendment and Restatement of the MOA, subsequent agreements would be required to identify the roles of each party in permitting, construction, and operations of the final sea lamprey barrier feature. Those agreements would return to the City Commission at future phases of the project for consideration and action.

The proposed modifications have been developed by the parties and are recommended; if approved by the City and other three parties, it is anticipated that the parties would sign the Second Amendment and Restatement at the planned Steering Committee meeting later in December.

Your COMMITTEE OF THE WHOLE recommends the adoption of the following resolution authorizing execution of the Second Amendment and Restatement of the Memorandum of Agreement for the Grand River Upper Reach Project with the Great Lakes Fishery Commission, Grand Rapids Whitewater, Inc, and the US Fish and Wildlife Service clarifying the governance structure, roles and design and environmental review processes for the Upper Reach project, including sea lamprey control, dam removal, habitat restoration and recreational opportunities..

WHEREAS:

1. The Great Lakes Fishery Commission, U.S Fish and Wildlife Service, Grand Rapids Whitewater, Inc. and the City of Grand Rapids share a joint interest in the Upper Reach of the Grand River, including restoring natural features, restoring habitat, enhancing recreational opportunities and ensuring control of invasive sea lamprey; and
2. The parties desire to develop a preferred design to move the Upper Reach project forward; and
3. The parties first entered into the Memorandum of Agreement and First Amendment and Restatement to the MOA in 2019; therefore

RESOLVED:

1. That a proposed Second Amendment and Restatement to the Memorandum of Agreement for the Grand River Upper Reach Project with the Great Lakes Fishery Commission, Grand Rapids Whitewater, Inc, and the US Fish and Wildlife Service is hereby approved; and
2. That upon approval as to form by the City Attorney, the Mayor and the City Clerk are authorized to execute the Second Amendment and Restatement to the Memorandum of Agreement for the Grand River Upper Reach Project.

CORRECT IN FORM

DEPARTMENT OF LAW