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**PRRIP – ED OFFICE MEMORANDUM**

**TO:** FINANCE COMMITTEE  
**FROM:** EXECUTIVE DIRECTOR'S OFFICE  
**SUBJECT:** HABITAT RESTORATION WORK BY BROADFOOT SAND AND GRAVEL  
**DATE:** FEBRUARY 8, 2011  
**CC:**

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*The ED Office is requesting Finance Committee approval to pay Broadfoot Sand and Gravel Co., Inc. of Kearney, NE \$69,250.00 to rework a portion of PRRIP property 2009008 to create additional off-channel sand & water nesting area for least terns & piping plovers. Funding for the project will come from FY 2011 Budget Line Item LP-2, "FSM/MCM Actions at Habitat Complexes." The remaining available budget in LP-2 is \$483,000. The work would be considered to be a part of the Program's existing agreement with Broadfoot related to mining operations on the property.*

Broadfoot Sand & Gravel Co., Inc. is the sand & gravel mining, hauling, and construction company from which the Program purchased Tract 2009008 (Broadfoot Newark) in 2009. We have executed an agreement with Broadfoot under which they continue to mine the property and pay the Program royalties for the material. In December of 2010, the Governance Committee approved 2011 restoration and management tasks on this property. One of the major tasks consists of reworking the west side of the west gravel mine create/restore a significant amount of tern and plover nesting habitat. Engaging the current mine operator (Broadfoot) to perform the work provides the Program with advantages related to United States Army Corps of Engineers (USACE) Section 404 Regulations. Currently, the Omaha District of the USACE does not assume Section 404 jurisdiction over mining operations until a mine has been inactive for five years. Once a mine has been inactive for five years, any wetlands are considered to be jurisdictional by the USACE and are subject to Section 404 permitting requirements. The west mine where this work would take place has been inactive for less than five years. *Engaging the current mine operator to move spoil material and reshape the mined area would allow the Program to classify the mine as active and effectively reset the five-year jurisdiction waiting period. This would provide the Program with significantly more management flexibility over the next five years.*

The agreement with Broadfoot Sand & Gravel would be for \$69,250 out of budget line item LP-2. The 2011 approved budget for LP-2 is \$483,000 and none of that amount has been obligated. The cost proposal provided by Broadfoot exceeds the 2011 Fort Kearny Complex work plan estimate of \$50,000 for this work that was based on a coarse quantity estimate. Since development of the work plan, the ED Office has generated more detailed design drawings and quantity estimates that formed the basis of the Broadfoot cost proposal. While the proposal is higher than estimated in the work plan, the unit prices quoted by Broadfoot are in line with similar work contracted by the Program in 2010. Broadfoot has indicated the work would take four to six weeks to complete, depending on weather. With Finance Committee approval in February, this work would be completed in time for the 2011 tern and plover nesting season.

The Broadfoot cost proposal and a project design overview are attached.

**BROADFOOT SAND & GRAVEL CO., INC.**

**716 Second Avenue South**

**Kearney, Ne 68847**

**EIN 47-0459090**

**Phone: 308-236-5301**

**Fax: 308-237-2845**

**Proposal**

**Date: 19 Jan 2011**

**To: Headwaters Corporation, Justin Brei**

**Re: Excavation of two channels and grading approximately  
10 acres at Newark pit.**

**Site work items included from Headwaters Corporation  
quantity estimates:**

**Mobilization and explosive lake bank stabilization during  
construction only = \$1500.00.**

**Channel excavation of cut 1 and cut 2,  
26,000 cubic yards at \$2.00 = \$52,000.00**

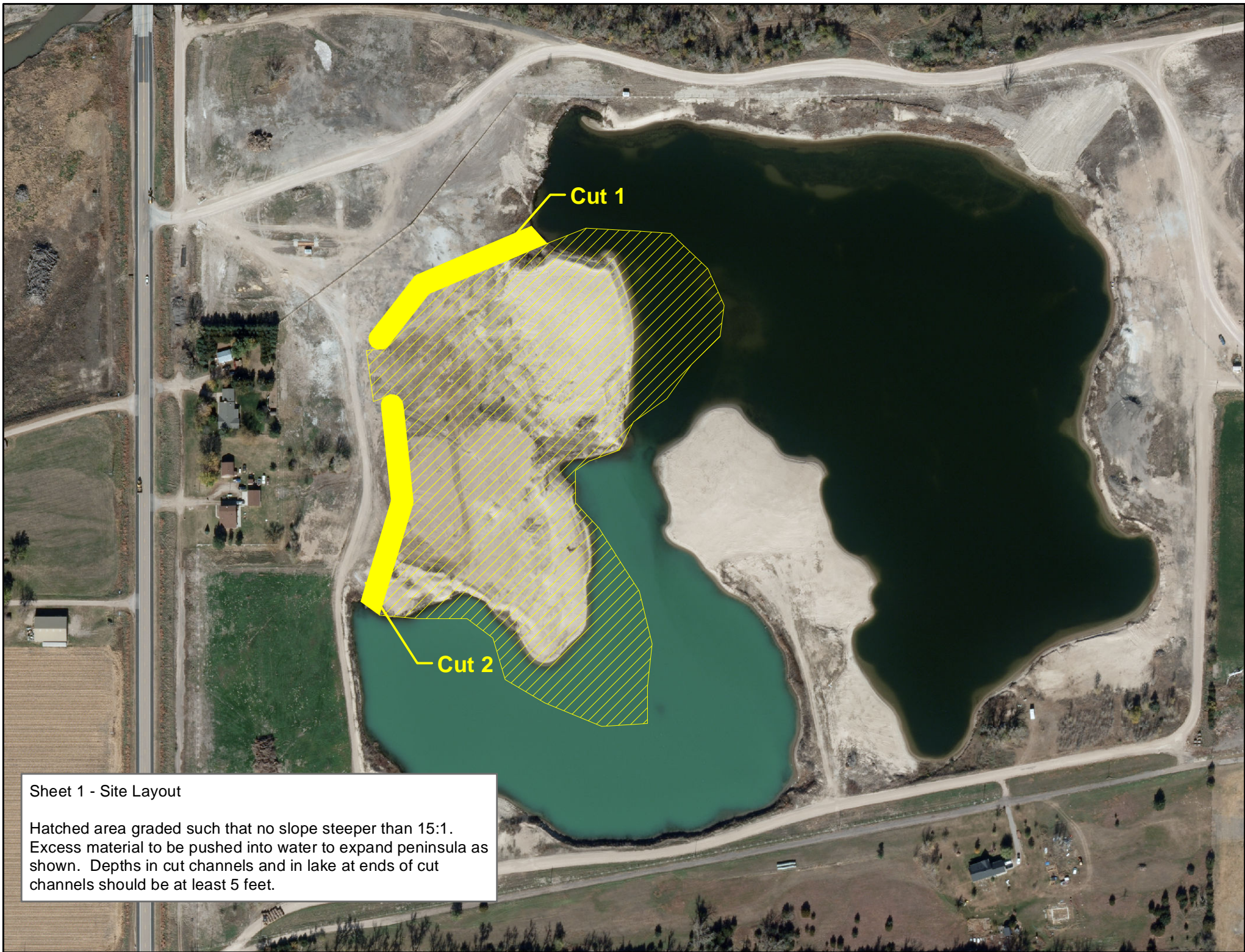
**Grade approximately 10 acres including pushing  
approximately 5,000 cubic yards in lake at 1575 per acre=  
\$15,750.00.**

**Total lump sum estimate of \$69,250.00**

**Items not included:**

**Permits, erosion control, staking,**

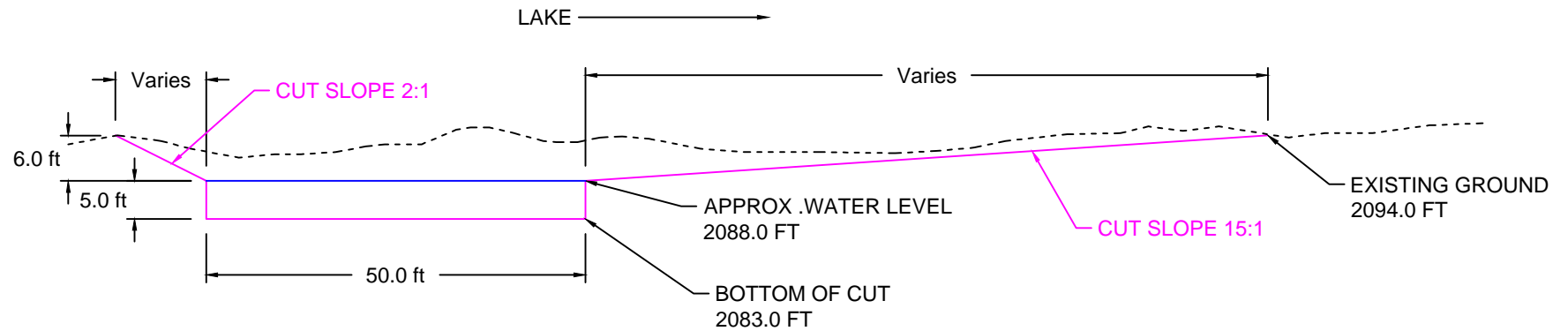




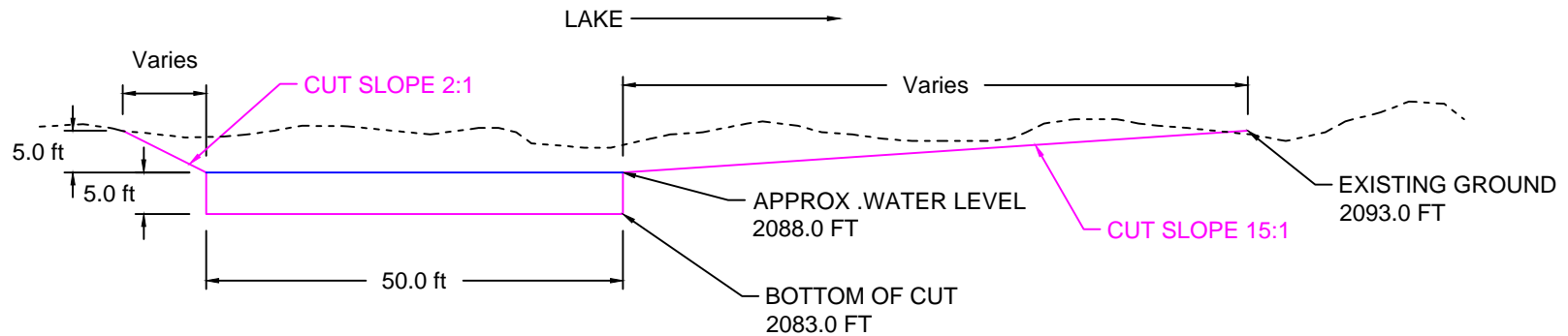
### Sheet 1 - Site Layout

Hatched area graded such that no slope steeper than 15:1.  
Excess material to be pushed into water to expand peninsula as shown. Depths in cut channels and in lake at ends of cut channels should be at least 5 feet.

## CUT 1 (NORTH)



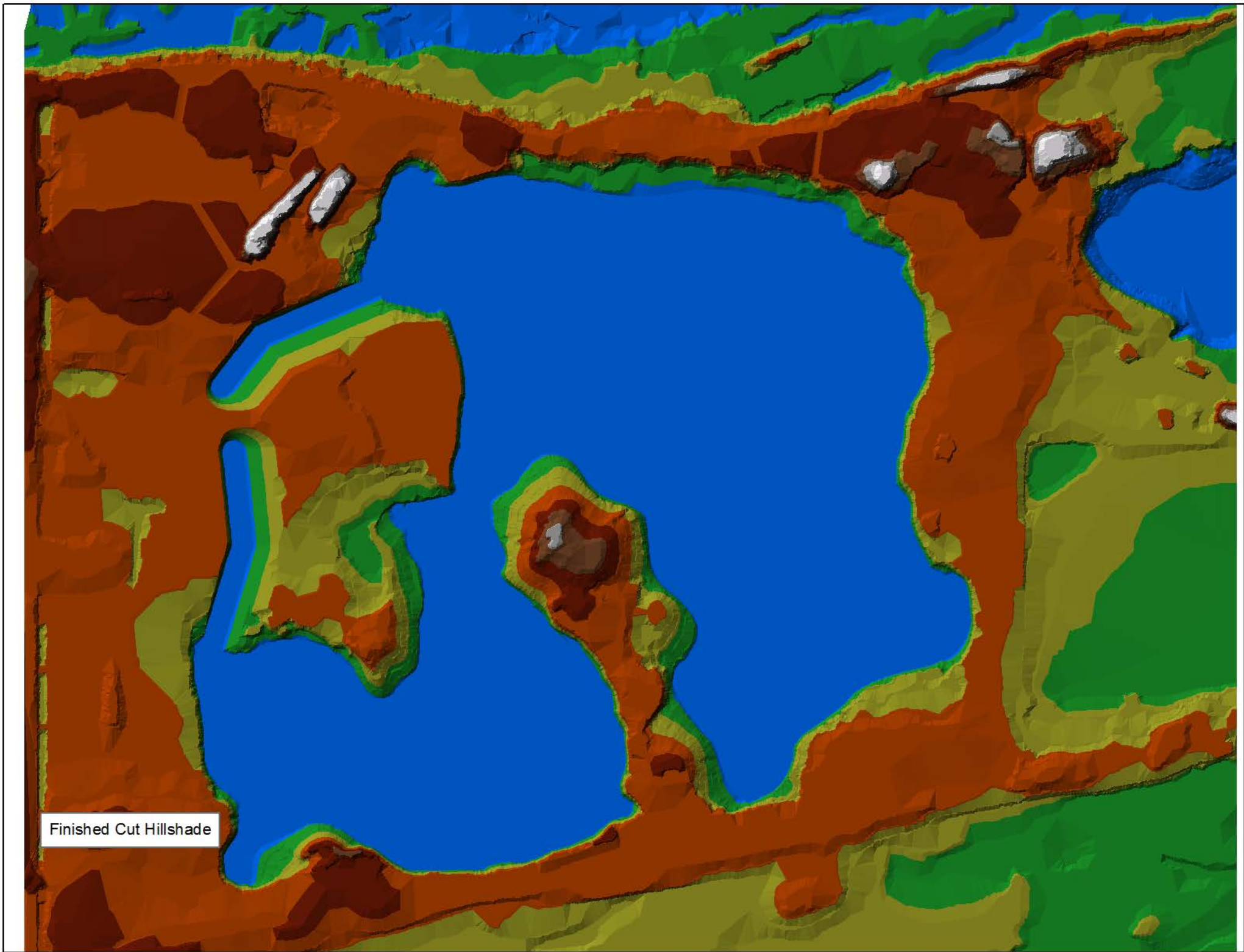
## CUT 2 (SOUTH)



### Channel Cut Cross Sections

- Total approx cut volume = 26,000 C.Y.
- Peninsula (eastern) cut slopes graded to 15:1
- Opposite (western) cut slopes graded to 2:1
- Project Engineer will flag top and bottom of cut slopes prior to beginning work.





Finished Cut Hillshade