

Memorandum

To: Jerry Bohnsack, Interim City Administrator
City of Breezy Point

From: Paul Sandy, Project Manager
WSB, LLC

Date: 02/03/2025

Re: WSB Project No. 022038-000 Buschmann Road and Ranchette Drive Reconstruction
Authorize Solicitation of Tree Removal Quotes

The City Council will be adjourning to a closed session to deliberate on the acquisition of right-of-way for multiple parcels located along Buschmann Road and Ranchette Drive. This session will address securing both permanent and temporary easements necessary for the planned infrastructure project. Upon successful acquisition of all required easements, WSB intends to present the City Council with competitive quotations for tree removal services essential to facilitate construction. The total area designated for tree removal within the project footprint amounts to 3.05 acres, with 2.60 acres situated along Buschmann Road and 0.45 acres along Ranchette Drive. These removals are necessary to accommodate the grading of earthen materials, the placement of fill, and to establish a clear zone extending 10 feet from the white edge line of Buschmann Road and Ranchette Drive where no physical, non-breakaway barriers exist. This requirement applies to both curb and gutter sections as well as non-curbed areas. The proposed tree removals represent the minimum necessary extent, as determined by City staff, to enable the construction of the project while ensuring compliance with safety and engineering standards.

Recent regulatory updates from the U.S. Fish and Wildlife Service have introduced new guidance concerning tree removals in relation to the Northern Long-Eared Bat (NLEB). These guidelines, which became effective on April 15, 2024, also extend to the proposed listing of the tricolored bat as an endangered species. Below is a summarized overview of the key provisions under the new guidance:

According to the revised guidelines, tree removal should be avoided in areas identified as suitable habitat for the Northern Long-Eared Bat during critical seasonal periods, specifically the spring swarming, pup-rearing, and fall swarming seasons. The specific timeframe for these seasons varies by state. In Minnesota and North Dakota, tree removal activities within suitable habitats are generally permissible from November 1 to April 14 and again from May 15 to May 31 without requiring additional surveys. However, tree removals scheduled between April 15 and May 14, as well as from June 1 through October 31, would necessitate the completion of habitat surveys. Moreover, the removal of potential roost trees should be strictly avoided during the pup-rearing season unless a formal presence/probable absence survey confirms that no bats are present. In both

Minnesota and North Dakota, the designated pup-rearing season spans from June 1 to August 15.

Definitions of habitat suitability are as follows:

Suitable Habitat: Trees that fall under this classification require surveys before removal if work is conducted during the active season of the Northern Long-Eared Bat.

- Live or dead trees with a diameter at breast height (DBH) of at least 3 inches and exhibiting exfoliating bark, cracks, crevices, or cavities.
- Individual trees possessing exfoliating bark, cracks, crevices, or cavities located within 1,000 feet of forested or wooded areas.

Unsuitable Habitat: Trees that meet any of the following criteria are exempt from survey requirements and may be removed at any time:

- Individual trees located more than 1,000 feet from forested or wooded areas.
- Trees situated within highly developed urban environments, such as downtown streets, boulevard plantings, or other non-forested urban settings.
- Homogeneous stands of trees with a DBH of less than 3 inches that are not interspersed with larger trees.

To advance the project timeline, the proposal includes soliciting competitive bids from multiple contractors within the region to conduct the necessary tree removals. This process will commence following the finalization of all required permanent and temporary easements. The goal is to present these quotations for review and authorization at the March City Council meeting. Additionally, this meeting will provide an opportunity for the City Council to approve any remaining parcel acquisitions based on ongoing negotiations throughout February.

Should negotiations progress ahead of schedule and agreements for all remaining parcels are reached well in advance of the March City Council meeting, WSB would recommend that the City Council consider convening a special session. This would allow for an expedited approval of project plans and specifications, as well as an early authorization to proceed with the bidding process in February, rather than waiting until March.

In the event that right-of-way acquisition is not finalized by the March City Council meeting, further discussions will be necessary to evaluate alternative strategies for securing the remaining parcels. These discussions will be critical in ensuring that the project remains on schedule for its planned construction commencement in 2025.