



CITY of NOVI CITY COUNCIL

Agenda Item I
July 22, 2019

SUBJECT: Approval of a Property Access Agreement for Treatment of Invasive Species between the City of Novi and Oakland County Cooperative Invasive Species Management Area (OC CISMA) and the Six Rivers Land Conservancy, to allow access to Rotary Park for the purpose of removing Japanese Knotweed, an invasive species that has been found in the park, and an expenditure of \$2,250 to allow treatment for the remaining 1.5 acres not covered by the grant funds.

SUBMITTING DEPARTMENT: Community Development, Planning

CITY MANAGER APPROVAL: *AX*

EXPENDITURE REQUIRED	\$ 2,250
AMOUNT BUDGETED	\$ 25,000
APPROPRIATION REQUIRED	\$ 0
LINE ITEM NUMBER	210-211.00-939.110

BACKGROUND INFORMATION:

The City of Novi has been selected by the Oakland County Cooperative Invasive Species Management Area (OC CISMA), of which the City of Novi is a member, to receive treatment for removal of Japanese Knotweed from certain areas in Rotary Park. The purpose of the treatment is to remove the invasive plants, prevent further spread through the watershed, and to help to restore wildlife habitat. The treatment areas in Rotary Park (near Roethel Drive and Ashbury Drive) are shown on the attached map. The areas with Japanese knotweed are completely different from the areas where the City has removed buckthorn (although there is also buckthorn in the areas with Japanese knotweed).

The attached agreement indicates that the plants will be chemically treated by a licensed contractor to be hired and paid for by OC CISMA (with grant money from the State of Michigan). Unfortunately, only chemicals have proven effective in removing large populations of Japanese Knotweed. Physical means (pulling, cutting) are not effective as new plants regenerate from root fragments that invariably remain after physical removal. The chemicals used are selected for use in situations adjacent to water bodies. They are not harmful to people, animals or other wildlife when applied correctly by licensed applicators.

Although most of Rotary Park is covered by a conservation easement, the areas shown on the attached map are primarily outside of the area covered by the conservation easement. Planning staff has been in contact with Michigan EGLE (previously the MDEQ) to inform the State of the work that is being proposed, since the work is being proposed close in a small portion of the easement and along the branch of the Rouge River. Over the winter, City Parks employees cut down large stands of old plants to make future removal procedures more efficient (see photos below). In June, the City hired a contractor with Drain Funds to cut the plants down as part of the process to weaken the

plants, to make them more susceptible to the chemicals that will be used by the OC CISMA contractor. That cutting alone would not kill the plants.

If the Agreement is approved by the City Council, the intent is for the contractor to begin work this fall. The proposed treatment area would consist of no more than 0.5 acres, but there is clearly more area that would benefit from the treatment. If the City wishes to participate in the costs of the removal of the entire area covered, and not just the first 0.5 acres, the cost is estimated to be about \$1500 per acre. The estimated area of coverage is 2 acres, so the additional cost would be approximately \$2,250. If additional treatment is needed (which is likely), and if additional grant funding is acquired by the agencies or is approved by the City, another treatment may be completed in 2020. The City Attorney's office has reviewed the proposed agreement and with the verification that the City will be specifically named as an "additional insured" on OC CISMA's insurance policy, the Agreement is in the form that may be approved.

Japanese knotweed, Giant Knotweed and Bohemian Knotweed are large, highly invasive alien plants (all related) that can form monocultures in areas where it takes root, crowding out native species. For ease of discussion, they are all grouped together as Japanese Knotweed. The plants spread by seed, runner, and plant parts that are transported via water and other means to new areas. Numerous populations have been found in Rotary Park, along the banks of the Walled Lake Branch of the Rouge River.



Rotary Park – Central section – cut



Rotary Park – North section - cut

More information about Japanese Knotweed and its removal can be found at this location:

https://www.michigan.gov/documents/dnr/knotweed_BCP_372280_7.pdf

RECOMMENDED ACTION: Approval of a Property Access Agreement for Treatment of Invasive Species between the City of Novi and Oakland County Cooperative Invasive Species Management Area (OC CISMA) and the Six Rivers Land Conservancy, to allow access to Rotary Park for the purpose of removing Japanese Knotweed, an invasive species that has been found in the park, and an expenditure of \$2,250 to allow treatment for the remaining 1.5 acres not covered by the grant funds.



Property Access Agreement for Treatment of Invasive Species

This Agreement, made this 22nd day of July, 2019, by and between The City of Novi (“Owner”) and Six Rivers Land Conservancy (SRLC), a Michigan non-profit organization, for the purposes of treatment invasive plant species and helping restore wildlife habitat, at the Owner’s request, establishes consent to access the Owner’s property at Rotary Park (Roethel Drive and Ashbury Drive) and having Parcel Identification Number(s) 50-22-35-176-019, 50-22-35-127-014, 50-22-35-200-008, 50-22-35-200-014, 50-22-35-200-016 (the “Property”).

Owner agrees to allow the Oakland County Cooperative Invasive Species Management Area (OC Cisma) and/or SRLC, their employees, agents, contractors and volunteers access to the Property to perform the work described above from the date of final signature through December 31, 2020. Notice of treatments will be provided to landowner 24 hours in advance of scheduled treatment date.

This project may be funded in whole or in part by the Michigan Invasive Species Grant Program through the Departments of Natural Resources, Environment, Great Lakes, and Energy, and Agriculture and Rural Development. An invasive species is one that is not native and whose introduction causes harm, or is likely to cause harm to Michigan’s economy, environment, or human health. Owner agrees to not knowingly introduce invasive plant species on the Property.

Owner has requested, and hereby consents and agrees to the physical, chemical or biological removal of invasive species from the Property by SRLC and/or OC Cisma (including their respective elected officials, employees, volunteers, agents, contractors, partners, and consultants). Treatment may include applying herbicides at the recommended label rates and in accordance with all label direction under the direction of licensed, certified commercial applicators; hand pulling or cutting, or other accepted best practice control methods. Treatment may also occur under permit by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) where applicable and will adhere to requirements under said permit, including filing any treatment amendments, all necessary posting of property prior to treatment, and all follow-up paperwork required.

To the fullest extent permitted by law, the Owner agrees to defend, pay on behalf of, indemnify, and hold harmless SRLC, OC Cisma, OC Cisma partners and their respective elected and appointed officials, employees, agents and volunteers and others working on behalf of SRLC or OC Cisma against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from SRLC, by reason of personal injury,



including bodily injury or death and or property damage, including loss of use thereof, which arises out of, or is in any way connected to or associated with the treatment of the Property as described in this agreement.

This instrument contains the entire agreement between SRLC and Owner. No verbal agreement, conversation, or representation by or between any officer, agent, or employee of the parties hereto, either before or after the execution of this Agreement, shall affect or modify any of the terms or obligations herein contained.

Any changes in the provisions of this Agreement must be in writing and signed by SRLC and Owner. No waiver of any term or condition of this Agreement shall be binding and effective unless in writing and signed by all parties, with any such waiver being limited to that circumstance only and not applicable to subsequent actions or events. If Owner sells or transfers Property before the end of this agreement. Owner will notify SRLC in writing at P. O. Box 80902 Rochester, MI 48308-0902.

Signed _____ Date _____

Pete Auger, City Manager

Signed _____ Date _____

Cortney Hanson, City Clerk

Signed _____ Date _____

SRLC by its authorized representative

Contact Information for Treatment and Access Notification

Owner Name(s): _____ Office Phone: _____

Address: _____ Cell Phone: _____

City, State, Zip: _____ Email: _____

Rotary Park - Approximate Areas of Knotweed



MAP INTERPRETATION NOTICE
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor or as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



Map Print Date:
6/5/2019



City of Novi
 45175 Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org

Rotary Park – Areas of Infestation – 2019 (in green)