

ST. JOSEPH RIVER BASIN COMMISSION

MINUTES September 1, 2015

The third quarterly meeting of the St. Joseph River Basin Commission was held on September 1, 2015, in the Elkhart County Public Services Building, in Goshen, Indiana. Daragh Deegan, Chairman, called the meeting to order at 10:00 a.m. Roll call was taken and it was noted a quorum was present with the following members in attendance:

MEMBERS PRESENT: Daragh Deegan – City of Elkhart
Dona Hunter – LaGrange County SWCD
Karla Kreczmer – Elkhart County
Jon Roberts – Kosciusko County
Martin Franke – LaGrange County
Alfredo Garcia – LaGrange County
Jeff Moore – Town of LaGrange
Chad Kline – Noble County
Ron Niezgodski – St Joseph County
Paula Reinhold – St. Joseph County
Karl Kopec – City of Mishawaka
Craig Williams – City of Angola

OTHERS PRESENT: Joseph Zakas, Legal Representative, Thorne Grodnik LLP
Marcy Colclough, Southwest Michigan Planning Commission
Roger Nawrot – City of South Bend
Dave Dolezal – Noble County
Gene Lightner – Noble County
Gordon Anthony – West Lakes Association
James Turnwald – MACOG
Jeremy Reiman – MACOG
Lori Ratliff – MACOG
Shirley Czerna – MACOG

MINUTES OF JUNE 2, 2015

There were no corrections or additions to the minutes of the June 2, 2015 meeting. The following action was taken.

MOTION TO APPROVE THE MINUTES OF THE JUNE 2, 2015 MEETING WAS MADE BY RON NIEZGODSKI AND SECONDED BY KARL KOPEC. THE MOTION CARRIED.

FINANCIALS

Budget Transfer

Lori Ratliff explained that in review of the fourth quarter statement of the St. Joseph River Basin Commission, there was a shortfall in line item Travel/Mileage due to meetings in Noble County, St. Joseph River Basin Symposium, and Indiana Watershed Leadership Academy. To avoid a negative balance, it was recommended that \$100.00 be transferred from the Contractual Services line item to the Travel/Mileage line item.

MOTION TO APPROVE THE \$100.00 TRANSFER OF FUNDS FROM "CONTRACTUAL SERVICES" INTO "TRAVEL/MILEAGE" WAS MADE BY MARTIN FRANKE AND SECONDED BY KARL KOPEC. THE MOTION CARRIED.

Financial Report

Lori Ratliff reviewed the SJRBC Financial Report for the period ending June 30, 2015 and then asked for any questions. There being none, Lori asked for the Commission's approval of the June 30, 2015 Financial Report.

MOTION TO APPROVE THE FINANCIAL REPORT AS PRESENTED WAS MADE BY RON NIEZGODSKI AND SECONDED BY PAULA REINHOLD. THE MOTION CARRIED.

Approval of Claims

A list of the quarterly SJRBC claims and a description of the bills paid by MACOG were distributed to the Commission members for their review. Once approved, Ron Niezgodski, SJRBC Second Signatory Treasurer, signed the checks.

MOTION TO APPROVE THE SJRBC CLAIMS FOR THE APRIL, MAY AND JUNE 2015 MACOG REIMBURSEMENTS AND FOR THE SEPTEMBER ATTORNEY FEE WAS MADE BY CRAIG WILLIAMS AND SECONDED BY PAULA REINHOLD. THE MOTION CARRIED.

Lori reported next week, the State Board of Accounts will be conducting a four-year (2011-2015) audit for the SJRBC. In addition, the SJRBC Certificate of Deposit was cashed-in and is currently in a savings account, until a decision is made on a procedure to increase the interest on the funds.

OLD BUSINESS

Basin Updates – Basin Commission Members

Martin Franke announced the LaGrange County Soil & Water Conservation District (SWCD) is holding a Cover Crop Field Day on September 10th from 3 until 6 P.M. with Cameron Mills as the keynote speaker. For more information contact LaGrange County SWCD at (260) 463-3471.

St. Joseph River Basin Filter Strip Initiative

Jeremy discussed the progress of the St. Joseph River Basin Filter Strip Initiative. Previously, the application process and an application template were approved by the Commission members. Since

then, the local county officials in the St. Joseph River watershed were presented the application process that has been developed for landowners to apply through each specific county. The next step is to update the current filter strip brochure to further promote the use of filter strips.

Indiana Watershed Leadership Academy Scholarship

Jeremy reported the application period is now open for the Commission to sponsor a member to attend the 2016 Indiana Watershed Leadership Academy. The application, which was developed by the sub-committee, will be e-mailed to the Commission members today. All applications submitted will be reviewed by the SJRBC's Indiana Watershed Leadership Academy sub-committee. The applications are due by October 1st, with a final candidate being selected by mid-October. The SJRBC will then work with the selected candidate to get fully enrolled with the Academy.

LARE Grant Awarded-- Cobus Creek Watershed Diagnostic Study

Recently, the SJRBC received notice from DNR that the LARE grant request has been accepted to fund a watershed diagnostic study for Cobus Creek Watershed. The grant will cover up to 80% of the cost of the project, with the grant not to exceed \$40,000. The RFP will be posted today for consultant services. In order to keep the project moving forward and to meet the completion date of July 2017, James requested that the Commission allow the review committee, Daragh Deegan, James Turnwald, and Jeremy Reiman, to approve the contract and select a consultant based on the RFP and the scoring mechanism.

MOTION TO ALLOW THE REVIEW COMMITTEE TO APPROVE THE CONTRACT AND SELECT A CONSULTANT FOR THE COBUS CREEK WATERSHED DIAGNOSTIC STUDY WAS MADE BY KARL KOPEC AND SECONDED BY RON NIEZGODSKI. THE MOTION CARRIED.

Noble County Lake Gauges

In June, a letter was sent to the Indiana Department of Natural Resources (IDNR) inquiring about the future financial status of the Sylvan Lake monitoring gauge and other lake gauges within the St. Joseph River Basin. It was confirmed that IDNR will no longer be able to fund the eight gauges in northern Indiana, including the Sylvan Lake gauge. The Sylvan Lake gauge is particularly important, because it provides valuable information to the Noble County Emergency Management Agency (EMA) related to the dam operation and flooding downstream. As a result of the letter send by the SJRBC, IDNR has committed to \$1,000 of the \$4,000 yearly cost to help fund the Sylvan Lake gauge.

James asked the Commission for their thoughts on possibly providing mini grants or gap financing for this particular incident or similar situations that exist in the Saint Joseph River Basin. Many of the Commission members thought it should be more the responsibility of the local government and local residence of Sylvan Lake and West Lakes to help fund the gauge, especially since the SJRBC has limited funding. Gordon Anthony, President of the West Lakes Association, reported that Mick Newton, Noble County EMA said Noble County had approved \$2,000 for the lake gauge project, along with the \$1,000 from DNR. The West Lakes Association is planning to provide the final \$1,000 to cover the yearly cost of the gauge, in order to create time to study the effect it has on the people who live in the West Lakes Area.

Daragh encouraged future conversations concerning the defunding of lake gauges, since the data obtained from the gauges is valuable not only from a water quantity perspective, but also the apparent effects on water quality.

Water Monitoring Program Update

Jeremy distributed an updated report of the 20 sampling sites selected for Phase II of the water monitoring program. Following four months of monitoring, the data results look very good compared to Phase I. However, it is too early to form any conclusions.

NEW BUSINESS

West Chain of Lakes Flooding – Noble County

Jeremy reported that over the past month the Commission received over 100 post cards and letters from members of the West Lakes Association, concerning substantial flooding that occurred this year due to heavy rain. They asked the Commission for help to resolve this ongoing multi-county drainage issue. The Commission suggested reviewing the 2010 Silver Jackets report that was done in the West Lakes Area that looked at flooding issues and identified potential projects to help alleviate flooding in the area. Using the information given in the Silver Jackets report, the Commission could play a key role in uniting stakeholders and local officials to work on putting projects and programs in place at the local level to help improve flooding issues.

Several people from Noble County expressed their perspective on how to resolve the West Lakes flooding issue. Daragh advised Noble County to devote their energy upstream, because that is where the problem exists. James suggested focusing on three main recommendations from the Silver Jackets report, which are voluntary elevation programs, voluntary buyout programs, and flood insurance education. Daragh said there are no easy solutions to solving the problem and encouraged Jeremy to stay involved with the situation. Even though this is not a water quality issue, it definitely ties into the work the Commission does.

Pokagon Band of Potawatomi Wetland Restoration Project

The Pokagon Band of Potawatomi has acquired funding to perform 40 acres of wetland mitigation in the St. Joseph River watershed. The projects would be to restore or preserve wetlands, with an emphasis on forest and wetland. If anyone on the Commission knows of a project or has a place in mind that needs wetland mitigation, contact Jeremy for further information.

Fawn River Cost-Share Letter of Support

Martin Franke reported that the LaGrange County Soil & Water Conservation District (SWCD) just completed a 205j watershed management plan grant for the Fawn River drainage area. To further implement the management plan, a Fawn River watershed cost-share implementation 319 grant application has been submitted to IDEM. At the request of the LaGrange County SWCD and with the permission of the Commission, the SJRBC submitted a letter of support to help clean up the Fawn River watershed. Daragh commended the efforts of LaGrange County, which not only benefits the Fawn River area, but the St. Joseph River Basin watershed in general.

PRESENTATION

Dowagiac River Restoration, Pucker Street Dam Removal – Marcy Colchough, Southwest Michigan Planning Commission

Marcy Colchough, Southwest Michigan Planning Commission, explained that the City of Niles is working with several partners to restore the Dowagiac River to a free flowing river by removing the Pucker Street Dam. The unsafe and deteriorating structure has been out of operation since the early 1990's. In 2013, the Michigan Department of Environmental Quality (MDEQ) rated the dam as a significant hazard, and gave the City of Niles the option to either remove or repair the dam within five years. The city council decided to remove the dam, after concluding it was too expensive to restore. Besides, removal of the dam would contribute to the overall goal of expanding and enhancing a unique and popular large cold water fishery. It would also reconnect over 180 miles of stream and tributaries to the St. Joseph River and improve hydrologic conditions and water quality in southern Michigan.

It is expected to take as long as two and a half years to complete the project. The actual demolition of the dam could start as early as next spring. Thus far, the city has accumulated \$2 million in grant funds to pay for the dam removal, with the latest overall cost estimate being \$3.5 million or more. As the project evolved, two shallow natural gas pipelines were discovered upstream of the dam that would need to be relocated. TransCanada estimated the cost to relocate the two pipelines would be between \$4-5 million. The city hopes to cost-share the expense with TransCanada.

Martin Frank asked how long it takes fish to reestablish themselves in areas of the river that have been closed off for years and then reopened. Marcy said not long, usually fish start colonizing immediately. Karl Kopec asked if the pipeline issue could jeopardize the entire project. Marcy said the city is moving forward, hopeful that TransCanada will fund a portion of the additional expense through cost-share. Daragh spoke words of encouragement to continue the advancement of this vital project, despite the many obstacles. To follow the progress of the project, visit www.swmpc.org/puckerstdam.aspx.

ITEMS FROM THE FLOOR

Craig Williams wanted to make the Commission aware of a rider on the FY16 Budget Bill that is currently out of committee and is on the floor of the Senate. [Section 428 of S. 1645](#) incorporates language expressly prohibiting combined sewer overflow discharges from treatment facilities that discharge to the Great Lakes, even if that discharge is in compliance with the 1994 National CSO Policy. The process would directly affect the Angola Wastewater Utility, its ratepayers, and future development and growth to their community. It would also affect several communities with combined sewer overflow systems and long-term control plans in the St. Joseph River watershed.

The primary issue here is that most communities that are within the Great Lakes watershed already have long term plans to address CSO discharges. A few, such as the City of Angola, have already fully implemented a long term control plan, and have met the requirements set forth by the Indiana Department of Environmental Management (IDEM) and the United States Environmental Protection Agency (USEPA). The Senate Bill directly contradicts and undermines over 20 years of regulation and legislation and would impose catastrophic economic burdens on communities with a result in negligible water quality improvement.

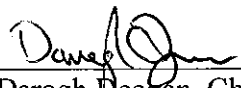
The Basin Commission voted to write a letter to our government representatives expressing that the Commission does not support Section 428 of Senate Bill 1645.

MOTION TO WRITE A LETTER TO OUR GOVERNMENT REPRESENTATIVES EXPRESSING THAT THE COMMISSION DOES NOT SUPPORT SECTION 428 OF SENATE BILL 1645 WAS MADE BY MARTIN FRANKE AND SECONDED BY KARL KOPEC. THE MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Basin Commission, the following action was taken.

MOTION TO ADJOURN WAS MADE BY RON NIEZGODSKI AND SECONDED BY PAULA REINHOLD. THE MEETING WAS ADJOURNED.



Daragh Deegan, Chairman