

## DRAFT

### Boardman River Dams Committee Joint meeting between the Bottomland Management/Property Owners Task Group and the Scoping Team Notes

Location: Grand Traverse County Civic Center

Date: 01/20/2008

Time: 5:30-7:00 PM

Chair: Steve Largent

Facilitator: Mike Donahue

Notes: Todd Kalish

**Bottomland Task Team Mission:** *To ensure issues relating to those areas of bottom lands exposed due to the drawdown of the impoundments, including, economic, social and environmental concerns, are addressed in an open and equitable process resulting in community accepted and ecologically sound management practices.*

#### **Known Elements:**

1. Boardman Pond has been lowered approximately 15 feet and Grand Traverse County has received written approval that this satisfies the MDEQ mandated drawdown level.
2. Varnum has presented their opinion that the Boardman Pond bottomlands are owned by the County.
3. The team will use a modified (per 6/20/07) Labeled Decision Making process.
4. Boardman pond front property owners have joined the Bottomlands Task Team.

**Joint Meeting Objective:** To begin to incorporate the Bottomland Disposition options with the selected Dam Disposition Alternatives that the Scoping Team will recommend to the BRDC on February 26, 2008 for more detailed analysis. This packet contains a list of the bottomland disposition alternatives that were generated from October, 2007 and the January, 2008 meetings.

#### **Givens:**

1. A DEQ permit has been filed to lower Boardman Pond 17 feet.
2. Varnum has rendered their opinion that the bottomlands of Boardman Pond are owned by Grand Traverse County.

The team will be using the Labeled Decision Making process. The abbreviations are as follows:

#### **Labeled Decision Making (LDM)**

**II.A.** Consulting Decision: Leader consults with group, then makes decision.

## DRAFT

**II.B.** Will Live With Decision: After discussion a decision is proposed and each member decides, out loud, they will live with that decision (requires back-up decision style).

**III.A.** Hand-over Decision: Leader gives authority to an individual or group.

The meeting attendees were: ???

### ***5:30-5:40-Introductions Review and Approve Agenda (Steve)***

Todd agreed to take notes. Martel questioned why the Bottomlands Team and Property Owners teams are combined. Carpenter stated that the BRDC and the teams agreed to the merger last year. Martel stated that if it's true that we cannot drain regulated wetlands, why would we proceed with the BRDC? The Bottomlands/Property Owner's mission was reiterated, and it's not the responsibility of this team to determine whether or not permits are required for various management actions. This issue falls within the jurisdiction of the DEQ. Carpenter questioned whether or not common law was affirmed or not affirmed in Varnum's Boardman bottomland ownership opinion, and stated that there is a cloud around Varnum's opinion. Pryor indicated that Varnum is a very reputable firm, and the BRDC, the Property Owner's Team, and the IT, all agreed to accept the opinion rendered by Varnum. The BRDC applied a comprehensive public process to hire Varnum. It was also stated that every Boardman Pond riparian property owner received a certified letter informing them of meeting dates and locations regarding the process which eventually lead to the selection of Varnum.

### ***5:40-5:50-Overview and purpose of meeting (Todd)***

Todd described the purpose of the joint meeting, which was two-fold:

1. To develop suggestions regarding the merging of the Bottomlands disposition options with the Boardman Dams disposition options.
2. To share ideas, processes, and expertise and enhance relationships between two BRDC teams that have the same ultimate goal.

Todd also distributed a draft culmination of the process for bringing recommendations from task/standing teams to the BRDC, and the process used at BRDC meetings to finalize or enhance these recommendations. Alpers noted that the Property Owners team does have a final mission statement, and the one listed does not appear to be correct. Todd will get the final mission statement and incorporate it into the document.

### ***5:50-6:00-Review of Recommended List of Dam Disposition Options (Mike D.)***

Donahue provided an overview of the Scoping Team's recommendation to the BRDC regarding the dam disposition alternatives. The Scoping Team is recommending keeping the original six alternatives, and adding option 80. Donahue noted that no option will be taken off the table for analysis, but these seven options will provide adequate data to evaluate the pros and cons of all 81 options. Pryor asked if the Scoping Team plans to

## DRAFT

address any of the written comments that were submitted from the 95 respondents. Donahue indicated that the comments will be collated and responded to in an appropriate manner. Martel stated that half of these alternatives require wetland mitigation, and the BRDC needs to determine whether or not mitigation is required. Tilton responded that we have just begun evaluating alternatives, and potential wetland mitigation will be addressed in the final report. There was discussion about DEQ wetland mitigation and Alpers stated that he had to mitigate at 4 to 1. Donahue stated that alternatives 7 and 52 are modifications of option 43 and the assessment of 43 will provide adequate information to assess 7 and 52.

### ***6:00-6:05-Review of draft list of Bottomland Disposition Options (Steve)***

Largent presented the draft list of Boardman bottomland disposition options. There were no additions or deletions to the list.

### ***6:05-6:35-Determine the Bottomland Disposition Options for Each of the Recommended Dam Disposition Alternatives to be Recommended to the BRDC for Further Analysis (Steve)***

Pryor read an excerpt from his most recent Consumers Energy bill which discussed a balanced energy initiative. Wertz asked for more clarification on a Conservation Easement. Heiman stated that Cons. Eas. Are deed restrictions on property where public access is typically not granted but can be negotiated, a vegetative buffer of some sort is usually included, and they are a perpetual/permanent document. Wertz asked if the County could dispense of property taxes if the Boardman Property owners are given or sold the bottomlands. Aloia stated that this is a Township issue. Heiman stated that Conservations Easements alleviate tax burdens. Heiman requested that the phrase “if lake level changes” to all alternatives. Martel asked where the natural river channel is. Tilton stated that we can estimate it based on the bathymetry data. Wertz indicated that we need to determine what “modification” is. The Scoping team will address this issue at their next meeting. Martel asked if a DEQ permit is required for an emergency drawdown. Once again, this question is not within the current mission of the Bottomlands/Property Owners team. There is a contested case hearing regarding this issue at Garfield Township Hall, beginning on Feb. 25 at 1:00.

### ***6:35-6:45-Next Steps (Group)***

- The Scoping Team will address the issue of dam “modification” at their March meeting.
- The Bottomlands/Property Owners team will apply disposition options to Brown Bridge and Sabin at the March meeting.
- The Scoping Team will develop a mission statement at their March meeting.
- Bill Lane stated that the water level of Boardman Pond has recently fluctuated by nine feet. Aloia was unaware of such fluctuations, and will report on this issue at the March meeting.
- Scoping team will address whether or not ECT should look at dam disposition cost options at their next meeting.
- Pryor indicated that the County spent ~\$20,000 on a Boardman Pond bottomland ownership opinion, and we should stick behind that opinion.

## DRAFT

### *6:45-7:00-Meeting evaluation (Steve)*

Steve asked all participants to comment on the meeting content, process, and relationships, and the comments were:

- Joint meetings are good
- Diverse opinions are good
- Good to get all the opinions on the table
- Need to stick to the agenda
- Diverse expertise is good
- Comfort level was high, everybody was willing to express their opinions
- Several team members helped keep the meeting on track
- Change wording of consensus building with from “does anybody object” to “who objects”
- All thoughts expressed at meetings accomplish something
- Todd should try to minimize the process discussions
- Honor and respect is good
- The BRDC process is not the right way of doing things
- Glad Heiman was present to provide expertise
- Appreciate Tilton’s presence
- Would like to see more people attend the meetings. It is our responsibility to spread the word about all the work the BRDC does.
- Heiman is here as an interested citizen, not as an employee of the Leelanau Conservancy
- Great to have County Commission representation on the teams, and disheartening that the City Commission is rarely represented.
- Should include objectives on the agenda
- Diversity and respect were great
- Need to stay on topic