

## Property Owners Issues Team/Bottomlands Task Team Meeting Notes

**Location: Room 112, Hagerty Center**

**Time: 6:00-8:00 PM, Tuesday, April 10, 2007**

**Facilitators: John Wyrwas and Steve Largent**

**Meeting Purpose:** 1) List concerns of POIT regarding “temporary drawdown of Boardman Pond and record assignments of who will be responsible for handling those concerns. 2) Initiate dialogue regarding access of Property Owners to Boardman River in the event that A): Dams are “removed” and B) Exposed lands are legally determined to be property of GT County.

### **Introduction of attendees:**

Mark Stenke, Don Tilton, Bruce Hooper, Jim McIntyre, Ben Purdy, Mark Johnson, Hunter Brauer, Mike Slater, Lew Coulter, Mark Johnson - CRA, Bob Rudd, Dana Schindler, Glenn Neihardt, David Kelley, Jim Schramm, Ron Alpers, Tom Wertz, Sarah Johnston, Brian Bury, Bill Lane, Larry Burns, Craig Poddig, Margaret Underwood, Todd Kalish, Naomi Ochodnicki, Dave Brezina, Steve Largent, Jim Pawloski, Andy Knott, Becky Ewing, Bruce Carpenter, Jim Pryor, Dennis Aloia, Ross Powers, Dick Thomas, Chris Maxbauer, Jennifer Jay.

### **Review of agenda**

There were no changes or additions to the agenda.

### **Review of rules for good meeting participation**

The facilitator described meeting rules

### **Review “givens” of POIT actions regarding involvement of attorneys**

Jim McIntyre described the “givens”:

1. Varnum was selected by the POIT to present an unbiased legal opinion as to who owns the Boardman Pond bottomlands.
  - a. Varnum’s initial opinion is that the bottomlands are owned by GT County.
  - b. Varnum was asked to produce a complete title history, and are in the progress of doing so.
  - c. Varnum *estimates* completion by the May 22 BRDC meeting.
2. The Bottomlands Task Team created a work order (which was finalized by the IT) to proactively manage the exposed bottomlands at Boardman Pond.
3. The loons have returned to Boardman Pond.
  - a. The new Artificial Nesting Structure has been installed as requested by the Bottomlands Task .
4. The GT Cons. District placed signs around Boardman Pond warning of potentially dangerous exposed bottomlands.
5. There is concern with the recent snowfall that the “dangerous” areas of the exposed bottomlands are hard to see and distinguish from hard sand.

**Solicit and record concerns of Property Owners regarding temporary drawdown**

Steve Largent, Bottomlands Taks Team Chair facilitated a brainstorming session to gather concerns with regards to the Boardman Pond drawdown:

<b>Concern/question</b>	<b>Responsibilities/assignments for addressing/answering questions/concerns</b>
Hard to discern where the soft bottomlands are with the snow cover	Communications Team: potentially put an ad in the paper
One property owner indicated that his well has significantly lost pressure and volume after the 3 foot draw down.	A plumber in the audience indicated that a loss of pressure could be attributed to many things beyond the drawdown. GT County has collected all the well logs for the Boardman Pond property owners and has submitted these to ECT and the Bottomlands Task Group. It was suggested that we may want to enlist the services of a qualified expert to monitor the wells throughout the drawdown.
Spawning areas for numerous fish species are high and dry due to the drawdown. The drawdown will cause the lagoon at the NE part of the pond to dry up. The lagoon is a nursery/sanctuary for a variety of wildlife species including ducks, geese, perch, and northern pike.	ECT
The drawdown will disrupt an ecosystem that has been there for over 100 years, and will likely never return to what it was prior to the dam	ECT
Need to have somebody documenting the effects of the drawdown.	ECT has been monitoring the drawdown since it began.
Jim Pryor has noticed a lot of newly exposed garbage in the bottomlands.	Bottomlands Task Team
Is there a plan for the additional 14 ft. drawdown.	The DEQ has not issued a permit to date. If a permit is issued then a plan will be a part of the permit stipulations.
There was concern that the 3 foot drawdown was not monitored 24/7.	The 3 foot drawdown was predicated by a leak at the Boardman Dam. The County and DEQ monitored the progress remotely 24/7 and had personnel on site app. every 2-4 hours.
Does GT Conservation District have any plans to extend the boat launch so that it will be usable throughout the drawdown?	The GT Conservation District has plans to extend the canoe launch, but not the boat launch at this time.
Did the 3 foot drawdown occur before ECT	ECT began monitoring the drawdown

had a chance to adequately monitor it?	without a signed Scope of Work. ECT now has a signed Scope of Work and will continue to monitor the drawdown and provide a report of suggestions for continued monitoring. They will also evaluate sediment stabilization options.
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**Side comments:**

GT County Parks and Rec. does not have any current plans for developing a trail system in the exposed bottomlands.

Jim Pryor indicated that he researched the riparian rights issue at the Salling Dam in Crawford County. He indicated that the Register of Deeds and Crawford County contend that if the waterfront property owners on Salling Pond had riparian rights before the dam was removed, then those rights were retained after removal.

A fisherman observed very little silt transport downstream of the dam during the drawdown. However, he is concerned that the additional drawdown will transport a lot of sediment.----ECT will evaluate best practices for sediment mitigation during the drawdown.

**POIT meeting. Brainstorm questions/concerns for the County**

1. What does access mean (personal vs. private).
2. Is the County willing to relinquish their ownership of the bottomlands?
3. Will the County allow public access between waters edge and current property line?
4. County should restore/give/sell riparian rights to the property owners.
5. What will the County do with the bottomlands.
6. Is it possible to maintain the current water level in the pond and remove portions of the dam?
7. Does the County already have ideas formulated?
8. Don't want something obstructive between current property line and newly formed waters edge.
9. Can the County put signs up where the park stops for no trespassing?
10. Require conservation easements for no development in a portion of the newly created riparian area.
11. Don't require any conservation easements.
12. Will some of the property owners be denied access since their current property will no longer border the river if the dam is removed?
13. Have the waterfront property owners been paying waterfront taxes?
  - a. If so, what are the retroactive tax implications during the drawdown?

## **Public Comment**

-It looks like the County will own the bottomlands. We need to have a balanced discussion as to how the bottomlands resource will be managed. We need a balanced discussion that involves both the waterfront property owners and the general public.

-Is rerouting the river still being explored? Yes, ECT will explore this option, and the 17 ft. drawdown does not preclude it.

-Consider consolidating the Bottomlands and POIT teams.

Everyone in the audience will live with consolidating these teams

-This consolidation does not have to be permanent. We will try it for a while and evaluate its effectiveness.

-The County needs to document what they intend to do with the bottomlands to give the waterfront property owners something to work with.

-Riparian rights only apply to natural bodies of water.

-We should try to avoid legal expenses regarding the bottomlands issue to the greatest extent possible. If we can all come to some kind of agreement then we will avoid very hefty legal fees.

## **Next Steps**

-It may be premature to think the County will answer our questions until the engineering and feasibility study is complete

-Can property owners post the exposed bottomlands? The County is open to the idea if there is a public safety issue. However, they may not be able to post public land.

-ECT employees will be walking the bottomlands in the near future. They will be wearing identifying clothing.

-The POIT/Bottomlands Team will meet in app. 6 weeks. Draft agenda items are:

1. Discuss Varnum opinion.
2. Discuss drawdown plan.
3. Discussion of questions generated at the 4/10/2007 meeting.
4. Discuss bottomlands management options

-The Grand Traverse Band of Ottawa and Chippewa Indians will be conducting a fisheries survey of Boardman Pond the week of April 16. They will set nets on Apr. 17 and pull them on Apr. 19. There was concern that the survey may negatively affect the loons. The survey crew is cognizant of the loons and will take every precaution to not affect them.

-The bottomlands sign by the fishing platform need repair. Jim McIntyre/Steve Largent will investigate.

-We need a way to distribute the answers to the questions generated tonight to all the stakeholders. We will work with the Communications Team to assure adequate distribution.