

**Notes from Bottomlands Task Meeting
May 16, 2007**

Start time: 5:05 p.m.

Chair and Facilitators: John Wyrwas and Steve Largent

Agenda Item:

Presentation of known elements:

1. Status of DEQ permit

Jim Palowski: Draft permit went into today's mail to county commissioners. Once signed, it will be sent back to DEQ. Once DEQ signs it, the effective date of the permit is that day.

2. Varnum presentation of bottomland ownership (May 22, 2007)

Approval of 4/10/07 meeting minutes: no changes.

Review and approve today's agenda: no additions

Presentation of drawdown plans and management options

Don Tilton provided a PowerPoint presentation of plan. Note that it is a draft plan. ECT is looking to BRDC to provide comment. \$4,000-5,000/acre to revegetate. Need to do some more testing on sediment for barium, selenium, and arsenic. Levels do not indicate human health risk, but there may be an issue for aquatic organisms. No need to drawdown Sabin Pond. Spillway and storage in pond is adequate at this time.

Questions:

Aerial photos from Coast Guard flyovers? **Action: Steve** Largent will check. Yes to further document.

Did GT Band do any tissue sampling during fish sampling? Not to Don's knowledge.

Will additional samples include all parameters or just the metals that were found? Additional sediment samples will be tested for all parameters.

Is there a risk of botchulism in waterfowl? No – because of the sediment and water flow, there won't be a risk of anaerobic activity, which is what causes botchulism to occur.

Is sediment gets into open cut, would it cause an infection? Yes, but that is the nature of soil and bacteria, not because of any of the contaminants found. ECT did not see any leaching of septic tanks.

Don: County will be asked to monitor the pond for stranded fish. Steps will be taken to put fish back into water.

Are the weeds in the pond native or invasive? There is purple loosestrife near the dam. There is natural milfoil and may be some Eurasian milfoil.

What about the sediment that washed down from the old Keystone Dam? Does it stay? A lot of it will stay, some of it washed down during the first drawdown. Some will be retained at the head of the pond. One property owner remembers that much of that sediment was going to be removed.

ACTION: Jennifer: any knowledge of this Army Corps report '05 preliminary restoration plan? He will check his notes as well.

DEQ (Brian) stated that natural vegetation plan is the right track. Monitoring will be the key – for invasive species and stabilization. Don: That is correct. Annual plants are found in the first year of revegetation, followed by perennial plants. Seeding plants in doesn't work well, except in areas of steep slopes.

Will there be growth in the sediment? Yes, and that is good because it stabilizes slopes. Some of this will develop into wetlands. Something may be done in the future (in EFS), but for now, nature will take its course, except for problem areas.

The sediment is not natural – it was washed down the stream after the washout of Keystone pond. It needs to be removed. We haven't decided what the fate of that material is. The EFS will determine what the plan will be for the sediment.

Is there a drawdown rate? Six inches per day would be safe. The planned/proposed drawdown is around one inch per day. This will avoid wave erosion and sediment stabilization.

What will happen to the shallow wells? Don did not study wells, just used boring logs to look at soil types. A shallow well in the sand (12 feet deep) near the bank will likely lose its water. A well 175' back from the river will likely not be affected. So, not sure. Jim Pawloski: not likely that the water level in a well would drop the same amount as the pond is drawn down. Quality of water should be the same because it is groundwater. Ben: shallowest well (based on available well logs) is 38 feet.

List concerns of property owners

- 1. Two-week notice before drawdown**
- 2. Ownership of bottomlands relative to temporary drawdown**

3. **Varnum's opinion and all supporting documents should be available for inspection before permit issuance begins.** Documents will be available for review at Jennifer's office after the May 22 meeting. He is requesting that the signing of the permit after that review takes place. Request that county hold off signing the permit. Dennis: we have the legal document that says the drawdown must be done by August 31, but the engineers are saying that it needs to be drawn down slowly. County won't sign until May 31 until the Board meeting. (ECT will be doing presentation at that meeting). The County Board says a 2-week delay is fine. Around June 10th to begin drawdown would allow for safe and complete drawdown (one inch per day). Bruce Carpenter: 10 working days would be adequate for the property owners to review documents. Dennis: there is no mechanism for the property owners to stop the drawdown, other than an injunction.

If the county fails to complete the drawdown, could there be penalties? Jim Pawloski: yes, possibly. This process has gotten a lot more scrutiny than other similar situations. Property owner (Jim): we don't like to be steam rolled, they have the option of changing law in Lansing.

Is draft permit on line? Subject to FOIA. Dennis will get the letter to Jennifer. **ACTION: Jennifer – please get to Property owners or online.**

Two week notice? Dennis: plan on June 10, 2007.

All documents from Varnum will be available in the library.

Craig – met with Joe Kaltenbach today with some other property owners. One of the things discussed was to move up discussion of retaining the impoundment and look for sources of funding to support that process. Ask scoping team to move up the investigation in the list of the priorities. Jack Murray: ECT will look at three alternatives – remove, retain, alter dams. Mark Johnson: has been added to the agenda for the Scoping Team meeting. Jim McIntyre: temporary drawdown and EFS are two separate issues.

Jim (property owner) TCLP opinion may be suspect because they are profit motivated. Mark: They no longer have a profit at the dams, they don't have FERC license anymore.

4. **Other?**

Communications Update: No report

Identify next steps

Do we need another meeting?

Dennis: How will we address issues of seeding, money, estimated costs, etc.?

Conservation District will help to administer.

Next meeting: reports from intern, Don Tilton, drawdown status, more questions from property owner.

Proposed next meeting date: June 20th from 5 p.m. – 7 p.m. Get questions to Jennifer ahead of time.

Jim: we have a property owner's team. **ACTION:** Reserve WSI Classroom.

Are other owners being copied on all correspondence? **ACTION:** it was agreed to have bottomlands and POIT combined at last meeting. Jennifer: All property owners (river and pond) need to be copied in all email, letters and meeting notices.

Meeting evaluation

What would you change about the meeting?

Steve: Format of the agenda should be changed: action words.

More people

Ron: good meeting, good info from Don. More people, especially property owners.

Craig: Appreciate the input of the county. Need to have copies of the meeting minutes for review

Bruce: Went well, liked answers from Don. No changes

Jim: Informative. Didn't like that BRDC is dictated to by DEQ

Jack: good info, need more people.

Andy: Draft from Don is good. More people. Reach out to public.

Mrs. Rudd: need more county commissioners and from Park and Rec Dept.

Bob Rudd: Appreciate the county's willingness to give the landowners time to review.

Jim McIntyre: Al Morse is in hospice. He would like visitors. Committee that hired ECT did a good job.

DNR: continue to meet together as two groups is good. Better format than two separate groups. Need snacks!

Jim Pawloski: no additions.

Mark Johnson: funding questions might be good to have a financial discussion as it relates to this group. Overall funding picture periodically would be good.

Dennis Aloia: Work product from engineer is good. Press releases would be good to catch up public with our progress.

Don Tilton: liked discussion. ECT needs to get reports to group prior to the meeting.

Ron: Son will do presentation one hour before the BRDC meeting.

Misc:

Bruce Carpenter asked about the definition of bottomlands (is it the land under the original high water mark?). Steve L: flooded area.

ACTION ITEM: We need to ask Varnum for the definition of bottomlands (Jim Mc believes it is in the original Varnum report.

Signs are being prepared.

Paddlers club will be doing a river clean-up this weekend.