

**Bottomlands Management and Property Owners Issues
Meeting Minutes -7/18/07**

Attendance: Tom Rozich, Todd Kalish, Jennifer Jay, John Wyrwas, Steve Largent, Andy Schwab, Jim Pryor, Bruce Carpenter, Landa Alpers, Ron Alpers, Jack Murray, Dennis Aloia, Mark Johnson, Herb Lemcool, Scott Parker, Sarah Johnston, Andy Knott, Carole Groves

Agenda Item:

Amendment of June minutes:

Add Steve Largent and Ben Purdy to attendance.

Review and approve agenda: no additions

High Water Mark Information

Jennifer obtained the following information from Traverse City Light & Power:

The operating level at Boardman Dam for TCL&P was 654.8. For TCL&P anything over the operating level was considered high and steps were taken to remediate it. The 2005 Supporting Technical Information Document for Boardman Hydroelectric Project, prepared by Gannett Fleming, is available in the project office for review or can be brought to meetings on request.

ACTION: Jennifer will ask DEQ whether or not the Homeland Security Act still prohibits the copy and distribution of these documents.

Discussion regarding safety reports, complete with calculations, from DEQ not being made available yet, though requested from the DEQ. This is causing frustration.

ACTION: This team will request the safety report, the information and calculations upon which the DEQ based their requirements to draw down the pond. This documentation is requested to be delivered by the Tuesday, July 24th BRDC meeting. Jennifer will also bring the FERC documents regarding the Boardman Pond to the July 24th meeting.

Discussion regarding the use of information provided by TCL&P – Jim Pryor feels this should be viewed as suspect, due to the multiplier that was being used was incorrect and this error was accepted by TCL&P and those calculations were passed on to FERC and accepted by FERC. It appears as though FERC never looked at the information closely enough until the license was dropped and DEQ finally reviewed the report and realized that the numbers don't make sense. When TCLP was operating they shared numbers with FERC that were accepted; DEQ discovered that the numbers were not correct. It is felt that obtaining the documents from DEQ upon which they based their decision will help clarify.

Update on status of drawdown - Dennis Aloia

The drawdown is at about 99" as of 7/17/07. The transducer was lowered an additional 3' so monitoring can still happen for another 3'; then monitoring will have to be done differently.

Steve Largent reports that Bruce Carpenter sent photos of children climbing and jumping from the old dock by the boat launch, this is unsafe, so the dock was moved to the parking lot for the time being. The Grand Traverse Conservation District is also adding to the canoe take out area to accommodate. Bruce Carpenter has additional photos that he will share with us.

Report from intern and update on drawdown process – Andy Schwab, intern and Scott Parker, ECT

The drawdown is now exposing garbage; beer cans etc., how can we clean this up? The Paddle Club has done an annual clean-up, perhaps they should be contacted. For safety reasons perhaps we should wait until the drawdown is complete and the earth stabilizes to clean it up. Question as to how long it will take to dewater and consolidate, Scott says several months at least. So clean up should be done as a coordinated effort. Jim Pryor shares that Crawford County stated that it could take a year to solidify. It was asked if we need to fence some areas off or just put up more signs. The concern is that people canoeing don't see signs, so they need to be placed in view of recreational users upriver from the pond, perhaps in the Beitner park area. It was decided that there needs to be a press release to warn kayakers, etc. to take out before entering the pond. Conservation District will place signs at the culvert at Beitner and other put in points. There will be continued discussion about coordinating a clean-up. Carole Groves, Communications Team member will draft a press release and Jennifer will distribute.

Property owners determination of next steps as a group – Jennifer Jay and John Wyrwas

Jennifer opened the discussion by presenting a draft process for consideration that would guide the BRDC through the Boardman Pond bottomlands management/use issues. Jennifer stated that GT County has indicated they would like to see the BRDC develop options for the bottomlands. Jim Pryor indicated that he sent a list of 13 questions to GT County on March 30 regarding potential options for bottomlands management and has not received a response. Dennis Aloia indicated that he distributed the letter to the GT County Board and the Board agreed they could not succinctly answer the questions until the E&F study is complete. Aloia also indicated that he attempted to answer the questions (some of which were not questions, but statements) at the April BRDC regular meeting. Jennifer Jay sent a request on July 18, 2007 to Aloia for the County to address the bottomlands issue at their next board meeting. Aloia reiterated that some of the questions can't be answered until the E&F study is complete. The County Board does not want to confer a commitment to any particular dam disposition option, especially when nobody knows what the final dam disposition option will be until the E&F study is complete. In addition, the County is now involved in a lawsuit regarding the Boardman Pond drawdown, which further inhibits any potential deliberation regarding potential bottomland management options.

Jennifer Jay indicated there are three known dam disposition options 1) dam retention which includes all the options associated including hydropower reinitiating 2) dam modification which includes all the options associated including rerouting the river and 3) dam removal. The BRDC should do what the County is asking: present all options including the pros and cons of each. Jim Pryor indicated that there should be a fourth option of more electric costs. Jay indicated that this alternative is included in the dam retention option. Jim Pryor indicated that hydropower is the cheapest form of electricity. Tom Rozich disagreed and noted that TCLP decommissioned the hydro facilities due to financial burden. Jim Pryor expressed his displeasure with the IT indicating that Jim Schramm is pro nuclear power and nobody on the IT owns property in Grand Traverse County. Jim Pryor also stated that we need to go through the process that Jay has drafted.

Jennifer Jay reiterated that this task team's current charge is not to currently recommend removal, modification, or retention. Our current charge is to develop a process to explore Boardman Pond bottomlands management issues and to gather input throughout this process from all interests. This mirrors the process of determining options for the whole river system, but focuses on this area so that this team can be productive and move forward in their discussions.

Herb Lemcool stated that GT County made the decision to help the community come together to make an informed recommendation on the fate of the dams, and if the County made a determination about bottomlands management it would take away from the community process. He wants the community to make the decision. John Wyrwas stated that the property owners are not trying to force the county to take a position, they just want clarification and a chance to discuss the management options. Aloia stated that Lemcool's comments reflect the position of the Board that they do not want to circumvent the process by deciding certain issues before the E&F study is complete. Lemcool stated that the BRDC should formulate bottomlands management options.

Bruce Carpenter asked if we know how much dam modification or removal will cost. He asked how many dams have to be removed for the construction of a whitewater park. He indicated there is a whitewater park website at: whitewaterpark.com and there are cities out west that have spent 1 ½ million dollars to repair a spillway and spent ½ million dollars to construct a whitewater park. Jay stated that construction of a whitewater park will be evaluated in the E&F study.

Jay and Scott Parker reiterated that the most important thing right now is to develop a process to discuss and determine various dam disposition options pros and cons, again the BRDC will work on this for the whole Boardman River as well.

Pryor stated that someone needs to open up a dialogue regarding this issue with the County, this process is a start. Jay stated that the end result of this process may be a dialogue with the County.

Jay provided an overview of the draft bottomlands management process: 1) the process will be outlined tonight and shared with the entire BRDC on July 24 at their regular meeting 2) this issue will be a BLOG on theboardman.org 3) Jay and the Communication Team will distribute the process to the entire BRDC mailing list and send a press release 4) Jay will bring comments on process back to this team at their August meeting. Ron Alpers indicated that we need to include the GT Conservation District and the Reserve Advisory Committee in our process mailing list. Jay stated that we need to determine stakeholder's interests NOT their positions. Jay stated that bottomlands management options will be discussed and prioritized, examples could include: if Boardman Pond is dewatered, the County could sell the bottomlands to the property owners, but retain a conservation easement of 100 feet from the rivers edge. Aloia indicated that we should not accelerate the public process that was formed by making decisions about options that we don't have enough information on, but will once the E&F study is complete. Andy Knott stated that there are a lot of groups out there that are not currently involved because they are waiting for the completion of the E&F study. Knott also stated that we should talk about options and we should not go outside the process to make initial decisions. Scott Parker stated that the BRDP is a very deliberate decision-making process and we need to hear from the community as to what their desires are. Rozich asked whether or not the property owners would live with waiting until the E&F study is complete for a determination from the County as to how they will manage the bottomlands.

Ron Alpers stated that we need to run some ideas about bottomlands management through the BRDC.

Lemcool stated that we need to gather information for four dams and we need to look at the whole dam disposition picture rather than one dam at a time. When a decision is made we need to make sure the community is involved.

Aloia stated that the BRDC needs to tell the County what the purpose of developing options is.

Jay stated that we need to guide this team through a process and word needs to get out to everybody – the full BRDC and beyond - regarding initiation of the process.

Jim Pryor suggests the drawdown lawsuit be dropped.

Lemcool stated that we need work plan and timelines from the Corps, DNR, ECT, etc. Knott asked when ECT will develop work plan priorities. Parker indicated that work plan timelines and priorities have already been determined in the Scope of Work.

Jack Murray indicated that we haven't talked much about the bottomlands issues at this meeting. Parker indicated that the drawdown is going good and that most of the revegetation is native species with the exception of small amounts of purple loosestrife. Don Tilton will provide a full overview at the regular meeting July 24. Carpenter stated that none of the exposed sand and sediment is stable. Alpers stated that some of the exposed banks next to the river are severely eroded and there are big chunks of sediment posed to fall into the river and some that have already fallen into the river which poses a safety hazard. Largent stated that this team decided to put more signage warning people of potential hazardous areas.

Other:

Todd Kalish was contacted by Howard Walker's office and a rep. from his office would like a tour; Todd asks for volunteers to go along.

Meeting Evaluation:

Comments included: went pretty well and nobody is afraid of speaking out. We need to work on process; like a decision making style, we did make decisions but you probably couldn't tell how, and it would be nice to have a formal decision making process. It was a good meeting, but agenda jumped a little. Very encouraged though that the tone was one of working together towards success. There was a lot of good dialogue and everybody got to speak their piece. Everybody spoke up, but we do need less of people talking all at once. Good to hear from property owners and for property owners to hear from County. It was a very constructive meeting. It's good that people can talk it out and it was constructive. Parts of the meeting rambled, but it was overall good and good to get back on track. We need to know where the property owners interests are. A lot of people are antsy about not knowing what to expect from the County until the full study is complete; it's hard to watch your shoreline change and not want an answer sooner. It was one of the better meetings. Property owners are not trying to circumvent the process and they apologize if questions were raised too soon, but they need to be answered. (this was later clarified by Dennis Aloia that it's not that the property owners are circumventing the process, but that the process timetable changed when the determination of property ownership was moved to earlier in the whole study.) There was laughter tonight and that is good and if we need to ramble to laugh, OK. There is frustration when people keep bringing up the same subject over and over just because they don't like the answer they heard. It's good to discuss framing the dialogue with the county... hopefully everyone understands that there are not adversarial relations here; we are all on the same team. Good meeting but really think we need to get going on the clean up of the pond. The meeting worked out

pretty good; we had a little fun and we have a little work to do. This is a complex issue but the property owners would like to retain their property and I feel that most of the public would agree that they don't want the government to take away private property. The issue of bottomlands ownership is an emotional one and some are trying to sell their homes and are encountering difficulty doing so because they need an answer from the County. It is good when others in attendance can bring the group back on topic. We should have a note taker to take notes on flip charts during the meeting so people see their comments in writing. Perhaps there should be a team rule stating that all team members must keep their shoes on during the meeting.

The next meeting will be August 15th at 5:00 PM; location to be announced.