

**Boardman River Dams Committee
Meeting Minutes
March 28, 2006; 6:00 – 8:30PM**

Attendees:

Dennis Aloia, Kyle Axtell, Tom Barker, Amy Beyer, Mark Breederland, Wally Chappel, Tim Dunlop, Burr Fisher, Ed Flees, Joe Kaltenbach, Kevin Keizer, Todd King, Stu Kogge, Kyle Kruger, Bruce Kuffer, Carlos Labadia, Steve Largent, Herb Lemcool, Mark Lewis, Mac McClelland, Kevin McElyea, Jack Murray, Troy Naperala, Peter Neithercut, John Nelson, Scott Parker, Jim Pawloski, Dustin Ramoie, Gabe Schwarz-Schneider, Jim Schramm, Adam Segerlind, Michael Slater, Wayne Swallow, Thomas Wertz, Nate Winkler, Sharon Wise, Peter Zirnhelt Mike Donahue, Russ Knopp, Leslie Knopp, Todd Kalish, Jennifer Jay

Please refer to the attached agenda and supporting documents which were followed and reviewed at this meeting.

Boardman River Dams Committee Statement of Purpose:

“To engage all interests in assessing and recommending the fate of the dams on the main stem of the Boardman River based upon a thorough analysis of options, including long and short-term economic, social, environmental, aesthetic, transportation and ecological impacts upon the community, individuals and riparian owners.”

1. Implementation Team Action

This is an Implementation Team action meeting and a decision will be made whether or not to approve the operating structure and procedures of the BRDC. Implementation Team members present this evening: Todd Kalish, Joe Kaltenbach, Burr Fisher, Dennis Aloia, Jim Pawloski, Jim Schramm (absent: Brett Fessel).

Discussion: *Review of (attached) Operating Structure and Roles; Operating Procedures; Boardman Dams Process Criteria. No questions or comments from Implementation Team or Boardman River Dams Committee (referred to from this point as BRDC).*

ACTION: Implementation Team reaches consensus to formalize the BRDC Roles, Responsibilities and Operating Procedures. This decision and supporting documents will be posted on the website.

2. Clarification from Traverse City Light and Power regarding the license surrender

Traverse City Light and Power (referred to from this point as TCL&P) representative, Joe Kaltenbach, informs BRDC that on March 17th, FERC issued a conditional surrender of license. TCL&P has 30 days to respond with a decommissioning plan and schedule to decommission all three dams and to report what needs to be done to meet DEQ safety standards.

Discussion: *The issue of license surrender may need further discussion to be sure that the options of BRDC are not limited by such an action. Issues of the FERC requirements and the timing of meeting those requirements, as well as the short-term, continued operation of the dams without meeting those requirements; transfer of license and thus all obligations (to City of Traverse City, Grand Traverse County, or another entity) rather than the license surrender; etc. may need to be further discussed. Since this recommendation to further explore these issues involves deviating from the purpose of the Implementation Team to facilitate the license surrender, such an action needs be carried out by and through the Implementation Team. Thus, the following motion was made and consent was reached to pass the motion, with two dissenting opinions:*

Motion: BRDC requests the Implementation Team to meet with representatives from the City of Traverse City, Grand Traverse County and TCL&P and potentially a representative from FERC to explore the possibility and engage in discussion of sending a letter to FERC requesting abeyance of surrender of license, on the condition that such an action would not be overly burdensome to TCLP in terms of monies or other risks.

Discussion: The Settlement Agreement is a legally binding document and its intent is clear. Does the above recommendation countermand the purpose of the Implementation Team? Answer from Chair of Implementation Team, Todd Kalish: The Settlement Agreement has two main purposes, one of which is to facilitate the license surrender process. However, the Implementation Team will convene, at the request of the BRDC, to provide additional clarification on this issue.

ACTION: The Implementation Team will meet on April 12th, 2006, 1:00 – 3:00PM at the Hagerty Center, Room 112 to provide guidance to the BRDC regarding this issue. This meeting will be a discussion resulting in a response from the Implementation Team to the BRDC request for more information. The meeting is open to the public.

Discussion: Does the decommissioning plan include the sale of the assets such as generators? Answer from TCL&P representative: Not at first; some of the equipment is still needed as long as the dams are in existence. Depending on how water is spilled, this is also true of the generators.

3. Standing Team and Task Team Updates:

Discussion: Review of (attached) team updates.

No questions or comments regarding **Finance Team**.

Communications Team requests membership from at least one riparian owner.

A letter was mailed to all riparian owners inviting them to meet one-on-one with the facilitators. This provides another opportunity for property owners to share thoughts and concerns. These individual meetings are part of the scope of work of the facilitators and the recommendation to extend the invitation to meet was discussed in November and January at BRDC meetings. Much discussion regarding the process for sending this letter and the involvement of other teams prior to sending.

ACTION: A copy of the letter sent to Property Owners is attached to these minutes.

The RFQ Team meets next on April 18th with a concise recommendation and summary of evaluations of the RFQ submissions on May 1st.

Discussion: More discussion needed to determine how to proceed after the RFQ team recommendation is made. The US Army Corps of Engineers (referred to from this point as USACE) is going through section 506 process. USACE is currently finalizing their support plan, which are the guidelines for the 506. This is in Washington and needs to be signed off, expected to be complete shortly. Once done the 506 projects can move forward. Regarding the portions from the RFP that the USACE will accomplish, is it possible to recommend that they put their money into our process so that there is one project rather than two of the same?. If they decide to contract their part of the process out could the BRDC recommend that they go with the recommended E&F study firm? USACE should be ready by the same time we are (summer). Once we have a firm on board, we will organize meetings between that firm and the USACE. As the USACE determines their process they may want to consider the option of partnering with us rather than having two separate processes. If the abeyance of the license surrender is approved by FERC, does this impact the involvement of the USACE or the 506 monies? The BRDC requests that the County and City request clarification from USACE on these issues.

Action: We will ask that a USACE representative be present at our next meeting.

Action: The City and the County has the full support of the BRDC to send a letter seeking this clarification from USACE.

Property Owners Issues Team updates focus on getting a legal opinion on ownership of bottomlands. More property owner involvement is desired. Next meeting is April 5th, room 112 at Hagerty. All property owners are invited and encouraged to attend. The Property Owners Issues team will make the final recommendation of a law firm, (who, what they will do, how much it will cost, etc.) and that recommendation will go before BRDC for approval. The budget for legal fees is yet to be determined, but this is supported by the County, so funding approval for this is likely.

4. Facilitation Team Updates:

The website is nearing completion and will be up by April 7th. The web address is <http://www.theboardman.org>. As soon as it is up and working there will be a notice to all BRDC members and a press release issued.

Jennifer Jay, Project Assistant, has an office established at the University Center. She is available to help with BRDC needs and issues and can be reached at 231-995-2617 or by email: jjay@nmc.edu. Jennifer's contact information will appear on all minutes and communications sent to the BRDC committee.

5. Request for Agenda Items for next meeting, April 25, 2006:

- Request to have presentation on Qualifications-Based Selection process for consultants for the Engineering and Feasibility study.
- Website review
- Finalized budgets
- Role of expansion of RFQ team
- Update from the Implementation Team regarding the BRDC recommendation (above)
- Discussion with representative of USACE regarding alignment of projects.

6. Other Business:

USACE is sponsoring a workshop on the 24th and 25th regarding Dam removal, retention, legal issues, etc. Free and open to the public, agendas will be emailed to this committee.

Meeting adjourned at 7:50PM

Submitted:

April 3, 2006

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