

**Boardman River Dams Committee  
Meeting Minutes  
May 22, 2007; 6:00 – 8:00PM**

**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.”*

**Attendees:**

Tom Allerton, Dennis Aloia, Ron Alpers, Robin Beardsley, Susanne Biteman, Dave Brezina, Christopher Buday, Bruce Carpenter, Beverly Cuthbert, Michael Donahue, Becky Ewing, Brett Fessell, Burr Fisher (via phone), Carole Groves, James Hoogesteger, Bruce Hooper, Meral Jackson, Jennifer Jay, Mark Johnson, Sarah Johnston, Zara Julin, Todd Kalish, Joe Kaltenbach, Andy Knott, Bill Lane, Herb Lemcool, Mark Lewis, Richard Lewis, Ed Martell, John Nelson, Scott Parker, Jim Pawloski, Jim Pryor, Craig Poddig, Tom Rozich, Bill Scharf, Dana Schindler, Gabe Schneider, Jim Schramm, Tim Schreiner, Bill Scharf, Sandra Sroonian, Don Tilton, Rob Tubbs, Jim VanEenenaam, Rolf von Walthausen, Tom Wertz, John Wyrwas, Pete Zirnhelt, (others – no name recorded)

**I. Introductions**

**II. Review Agenda**

Additional announcement: Sci-Ma-Tech Class projects May 31: ROV (remote operating vehicles) from 7 a.m. to 9:30 a.m. test run to determine if ROV's will work to survey Boardman Pond and downstream of dam. Meet at Boardman Pond boat launch. Note: Loons are nesting on the pond. Volunteers welcome. Contact Jennifer.

**III. Approve or Amend April Minutes**

Meeting minutes from April were approved as written. *\*\*A later addition was made to reflect the attendance of Ron Alpers at the April meeting.*

**IV. Implementation Team Review of BRDC Operating Structure and Decision Making Process**

Discussion at April meeting regarding the way BRDC makes decisions. BRDC recommended modification of decision-making process: eliminate “thumb check” by Implementation Team and replace with whole group decisions at monthly BRDC meetings, which will make each monthly meeting an Implementation Team meeting. If BRDC cannot come to consensus, the chair of the appropriate task team will send the decision to the Implementation Team. Task teams are responsible for making recommendations and providing information. If this recommendation is approved, this is the last time for the IT to use a “thumb check”. *(refer to complete issue statement, available on request or at [www.theboardman.org](http://www.theboardman.org))*

Comments: This is informal, efficient and effective. Will not require a 14-day notice, decisions will be made at the BRDC meeting. The IT unanimously approves this recommendation. This means that all decisions will be made by the whole BRDC in attendance at monthly meetings. This signals a truly community-driven process

**V. Consultant Team Update – Don Tilton and Scott Parker, ECT, Inc.**

Discussion regarding the proposed drawdown plan resulted in some questions: Will the purple loosestrife be removed? Yes, either by volunteers, beetles or contractor. We can pull smaller ones, use low impact herbicides or beetles. Silver Lake is doing this. How do we stabilize the steambank? Stabilize the bank above the point of erosion. What about Brown Bridge? Won't be drawdown, so there won't be a management plan at this time. Can students work on streambank stabilization? Identify students and look to BRDC to help with their involvement. Many projects could be helped by students.

Brown Bridge pond – there is a potential safety concern because turbines can't be pulled out yet. There is also an issue with the historical commission. Need to pull flow back underneath as opposed to over.

Regarding the status of work orders: Drawdown of Boardman Pond – plan was reviewed at the Bottomlands Management and Property Owners Issues Team meeting; is also available at tonight's meeting; is also being presented to Grand Traverse County Commissioners at their monthly meeting.

ECT is beginning to look at economics of what community values as part of the Economic Baseline work order. Economist is looking at other sources of information on this.

The Grand Traverse Band Tribal Wildlife grant will be used toward the environmental baseline effort; examining aquatic resources, fish and wildlife, habitat. Much work has been done previously, so ECT is surveying what has been done and where the gaps are. The contract with the Band is also in cooperation with the efforts of the Army Corps of Engineers, who will apply their expertise to do hydraulic monitoring and sediment transport modeling. An additional work order is needed to perform the cross-section work needed for this part of the study. The engineering baseline work will also use Tribal Wildlife grant money.

## **VI. Standing and Task Team Updates**

### **Finance Team Report – Brett Fessell**

A matrix for funding opportunities has been developed and posted to the website. A case for support is being developed to assist with fund-raising efforts. The Finance Team is asking the Communication Team to look at developing layperson's perspective for scopes of work. Finance Team is working to prioritize the work of the EFS and will likely be pursuing additional funds from City and County. Finance Team approved funding for the loon platform \$290.00. The team will establish a spending plan and a process to deal with contingencies like the platform. The team approved funding for a summer intern, Andrew Schwab, who will be assisting ECT with photographing the Boardman Pond on a weekly basis throughout the summer and monitoring the vegetation. The next Finance Team meeting is June 19 in Jennifer's office (Room 211, University Center).

### **Scoping Team Report – Robin Beardsley, Peter Zirnhelt and Michael Donahue**

The Scoping Team adopted a resolution to accelerate the identification of options for the disposition of dams and evaluate them in accordance with the EFS. We invite and need the entire BRDC to discuss all options of dams disposition. Suggest using the project website to list options from all aspects of the dams – environmental, social, economic, etc., the list to date will be presented at next BRDC meeting, though the request for options will be ongoing.

The Scoping Team also reviewed a scope of work for cross section survey work and recommended that it be moved forward. Survey information is critical to the hydrological work by the Army Corps. No next meeting date set. Both actions were approved unanimously.

The Scoping and Finance teams together recommend the approval of a \$13,000.00 work order to complete the cross section work. No concerns noted. Hearing none, it is approved.

In the future such proposals will be presented by the chairs of the teams recommending them and will include issue statements and details with the intent of fully informing the whole BRDC and the chairs will facilitate discussion about these proposals.

### **Bottomlands Management and Property Owners Issues Team – Steve Largent**

The Property Owners team have combined with Bottomlands at this time. This may be a temporary situation and can be evaluated for effectiveness as we move forward. The drawdown permit has been issued. Drawdown would not begin before June 11. This gives property owners ample time to remove boats and review legal opinion from Varnum. According to the agreement, the drawdown must be completed by August 31. The intention is to draw it down as slowly as possible. Engineering study indicates that slope will be stable at a rate 10 times proposed rate. The monitoring plan will be in place to ensure that corrective actions can be taken to protect slope stability.

The next meeting is scheduled for June 20.

#### **Communication Team Report – Sandra Sroonian**

The Communications Team did not have a formal meeting last month. Presentations were given to Boardman Neighborhood Association and the Association of Engineers and the Methodist Men's group. BRDC information was available at the NMC BBQ. Central High School Environmental Science teacher is working with Sandra on a presentation for his students. New speaker's bureau presentations continue to be scheduled; upcoming events include Leelanau Rotary, East Bay Township and Old Town Neighborhood Association. Herb Lemcool gives an update at each County Commission meeting.

The Communications Team is asking for input regarding the time and date of the monthly BRDC meetings; please provide feedback tonight using index cards, speaking with a Communications Team member of Jennifer, or via email to Jennifer.

Next Communications Task Team meeting: June 20<sup>th</sup>.

#### **Property Ownership Legal Opinion – Nyal Deems, (Varnum Riddering, Schmidt, Howlett)**

The results from the title/abstract search reveal that the property on west and north is owned by the County. Title work completed previously shows that County owned bottomlands on Boardman Pond. Nyal was asked to go back to the beginning of accumulation of property in late 1800's to see if there were any differences. Information on Sabin Pond was also gathered. Early 1890's was when Boardman Pond went in. The more extensive title work still shows that the County owns the bottomlands and riparian rights. Regarding Sabin Pond: title work shows that the County owns that property and the associated bottomlands.

Riparian (littoral) rights are common law (as opposed to statutory). If a property is riparian, it remains riparian forever. This deals with natural water courses (before it was dammed). When you create an artificial channel or pond, property rights are not riparian unless the boundary extended to the natural water course. In this case, the title and flowage rights were obtained by the electric company. Subsequently, in the chain of title, conveyance of impoundment land was given to the electric company in exchange for the uplands (what is now known as Keystone subdivision).

The County gave an easement to TCLP to operate the dams, which was subsequently surrendered back to the county when TCLP stopped operating the dams. Some deeds indicate riparian rights and others do not; however, in terms of riparian rights, they (property owners of Keystone subdivision) do not have any. When asked if property owners can make a case claiming adverse use, Nyal responded that one cannot get adverse possession against the government in the State of Michigan, and the 15 years usage would have to have occurred prior to the county's acquisition of title.

Nyal will address additional questions after the meeting and will send a letter documenting this to Jennifer Jay.

Call for Agenda Items for June 26 BRDC meeting

- ECT update
- Team reports
- Army Corps Update (tentative)
- Daniel Alpers presentation
- List of options
- Have copies of Jim Schram's white paper

Meeting Evaluation

(Content, process and relationships)

Compliment IT for relinquishing authority to BRDC

Discussion whether status reports should move to end of the meeting, issues should be at the beginning of the meeting; diverse opinions, will leave as is and evaluate again at each meeting. It would be more helpful to have a brief recap of team meetings rather than reciting what is available in the packets (meeting notes, etc.). While helpful to have a verbal recap, perhaps not the level of detail if everyone can just read the minutes.

**Next BRDC monthly meeting: June 26, 2007, Civic Center, 6 pm**

**Meeting Adjourned: 8:00 p.m.**