

**Boardman River Dams Committee
Meeting Minutes - September 14, 2006**

Attendees:

Dennis Aloia, Tom Barker, Annette Benson, Amy Beyer, Anne Brasie, Beverly Cuthbert, Michael Donahue, Brett Fessell, Burr Fisher (via phone), Jim Hoogesteger, Jennifer Jay, Mark Johnson, Todd Kalish, Joe Kaltenbach, Leslie Knopp, Kyle Kruger, Herb Lemcool, Richard Lewis, Jack Murray, John Nelson, Scott Parker, Jim Pawloski, Bill Plough, Ross Powers, Jim Pryor, Tom Rozich, Gabe Schneider, Jim Schramm, Sandra Sroonian, Wayne Swallow, Don Tilton, Tom Wertz, John Wyrwas,

Please refer to the meeting agenda and supporting documents which were reviewed at this meeting. Minutes, agendas, and supporting documents are located on the website: <http://www.theboardman.org>

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. Proposed Resolution from Communications Team

At the August 23, 2006 meeting, the Communications Team for the BRDC discussed decision making related to the planned draw down of Boardman Pond and its impact on the credibility of the Boardman River Dams Committee and process. This discussion took place within the context of a broader discussion of how to foster more public engagement with the BRDC process over the next year-and-a-half while the engineering and feasibility study is underway. The Communications Team drafted a resolution to draw attention to the concern for ongoing credibility of the BRDC process and to publicly communicate support for the BRDC process.

When the members of the Communication Team developed the resolution for BRDC consideration, they did not anticipate that Implementation Team approval would be required and did not intend to create a public position on the issue of the license transfer for Boardman Dam or any associated regulatory or dam safety issues. Rather, the intent of bringing the resolution before the BRDC was to create more public support for the BRDC project and to encourage officials from Grand Traverse County and the Michigan DEQ to support that process to its conclusion.

The BRDC approved the Communication Team recommendation (amended), at its meeting on August 29 following a lengthy discussion of the license transfer and related issues at Boardman Pond. However, the Communication Team believes that the resolution creates unintended conflicts for members of the Implementation Team, and further, that it is not in the best interest of the BRDC and greater community to request Implementation Team support for the resolution as presented on August 29. Thus, the recommendation made is as follows:

"With consideration that the intent of the proposed resolution was to communicate and affirm support for the Boardman River Dams process as designed, not to take a position on regulatory compliance issues, we are not asking for IT action on the Proposed

Resolution, but to allow the resolution to stand as the official position of the Boardman River Dams Committee members as approved on August 29, 2006.”

Boardman River Dams Committee Proposed Resolution

“The members of the Boardman River Dams Committee, in the interest of an open and transparent public process to study all options before determining the fate of the Boardman River dams, request the Michigan DEQ and Grand Traverse County delay taking action that will lower the water level of Boardman Pond, until the Engineering and Feasibility study and public process to study alternatives is complete unless it is demonstrated that there is an imminent safety hazard associated with leaving the pond level at its current level. Both the Michigan DEQ and Grand Traverse County have committed to this process, and the Boardman River Dams Committee believes taking action at this time to lower the level of the pond will undermine public trust for the process now underway.”

Discussion:

The discussion centered primarily on the DEQ decision and how best to communicate the decision. There needs to be discussions seeking clarification on what is propelling the DEQ decision and how to communicate it. There remain many unanswered questions and the DEQ should address these questions at a public meeting. While the process of having the DEQ take over the regulating of the dams was set in place by the Settlement Agreement, yet this issue of safety requirements and the proposed drawdown leaves questions and how those are answered and communicated remains at issue. There are questions as to when the drawdown was first discussed and why and how the message changed from a small drawdown to the current recommendation of 17'. The point was made that the above resolution asks the DEQ to accept liability outside of the dams safety act, and that this is not the place of the BRDC, to ask the DEQ to assume liability and yet wait 2 years for the completion of the Engineering and Feasibility Study for the dams to be in compliance. Further discussion surrounded the FERC standards vs. those of the DEQ and if the DEQ representatives on the Implementation Team failed to disclose State regulations to the BRDC ahead of this decision. Regarding the weight of the proposed resolution, Dennis Aloia, County Administrator stated that the BRDC has established credibility with the County Board. He will take the statement to the County Board and present it, along with safety issues, costs, etc. along with what the BRDC has said about maintaining the integrity of the process. All issues have to be considered. It was also pointed out that the scoping team has asked ECT to work in collaboration with DEQ, and to take this in consideration. The drawdown and ultimately what alternatives exist for the pond is something that could be considered early in the study, and therefore not take the full length of time of the study to learn options. The Implementation Team needs to make sure that everyone's voices are heard. This is an issue that was brought up by the BRDC and it is this type of concern and involvement that makes the BRDC different; it is an inclusive process and people should feel comfortable bringing forward their issues and ideas.

Action:

The IT unanimously agrees (with one member in abstention) to take no action on the resolution, but to allow the resolution to stand on its own merits, representing the views of members of the BRDC on this issue.

2. Public Review of the Revised Scope of Work

After a review of the process used in developing the scope of work and the role of scoping team, the scoping team was recognized for their excellent work.

The role of the Scoping Team is:

- Provide advice and assistance in development of Scope of Work.
- Recommend final draft to Implementation Team and Boardman River Dams Committee.

The Scope of Work Development Process:

- RFQ Review Task Team evaluates response, selects top three firms for interviews (5/17)
- Interview Team evaluates finalists; recommendation accepted by Implementation Team/Boardman River Dams Committee (7/25)
- Initial draft of Scope of Work prepared by consultant team for Scoping Team review/ comment (8/11)
- Revised draft of Scope of Work released for two- week public comment period (8/24)
- All comments considered / incorporated, and responses documented (9/11)
- Final draft endorsed by Scoping Team, with recommendation to approve (9/12)
- Final draft presented to IT/ BRDC for review and discussion (9/14)
- Final draft (and recommendations) presented to IT/ BRDC for formal approval (9/26)
- Contracting process initiated, subject to approval (9/26)

The Scoping Team recommendations are:

- IT/ BRDC should approve Final Draft
- Scoping Team (ST) should have continuing role as contract is developed and study is implemented
- Individual tasks and activities should be prioritized, assigned costs and placed in two categories: 1) those to be completed with *available* funds; and 2) those to be completed with *anticipated* funds

Discussion: Scott Parker, ECT, Inc., thanked those present for entrusting ECT to conduct the study to identify what their wishes for the Boardman river system. ECT worked closely with the scoping team and made the changes requested and then released a draft version for public comment. A version of the Scope of Work showing responses to public comments will be posted on the website. The study process will be collaborative with BRDC and public in general to be sure the end product meets the desires and needs, recognizing that priorities may change. ECT wants to be responsive to that and they do want the scoping team to continue with the process as recommended. The Scope of Work is a process oriented document rather than itemizing what each detail will do. However, it is ECT's belief that all issues raised in the original RFQ have been addressed within the Scope. ECT is aware that all of the funds anticipated are not yet in hand and will help assist in acquisition of funds and work with BRDC to ensure reporting requirements for funds used. ECT understands that this is a public process that needs public input. ECT intends to identify and engage all interest groups, and will also provide information as to what is the status of the study and the process. All of this will be handled in coordination with BRDC/Communication Team/Facilitation Team. BRDC has made a lot of progress in establishing processes and ECT does not intend to reinvent the wheel. In determining and documenting existing conditions, ECT will examine the economic drivers and issues on the cultural side; what does the community see as being

important? ECT will also evaluate existing data and augment as necessary to be sure it is valid. The Engineering and Feasibility study will not be limited by any early decisions made regarding the ponds or any potential lowering or drawdowns.

In identifying alternatives, ECT will use public process to identify what the decision making tool will be. ECT will use modeling and make predictions of what any implementation of an alternative would look like. When it comes to evaluation of alternatives, ECT will present a ranking; it is the function of the BRDC and the public at large to choose what alternative to recommend to the owners of the dams. Alternatives may include

- No action
- Dam removal
- Partial removal or modifications
- Full rehabilitation of dam
- Modifications to existing river / impoundments

Regarding the NEPA (National Environmental Protection Act) process; the process requires discussion of baseline, so the early studies are integral to the NEPA documentation. Predictions of what will be necessary to satisfy NEPA requirements may come early. It is the feeling of ECT that whatever recommendation is made, an environmental assessment will be required. Working closely with USACE, they may want to finalize the NEPA documentation and ECT will work with USACE an BRDC to finalize documentation.

Question: How does ECT intend to establish baselines if there is a drawdown of the pond? Answer: ECT can establish baselines assuming drawdown has not occurred or with reduced water level, which also will not have an impact on the future evaluation. In terms of the work that ECT has been asked to do, the drawdown is really not impactful. Question: What event could trigger the necessity of an environmental impact statement rather than an Environmental Assessment? Answer: Could include a significant impact to endangered species, significant public concern, nature of impact of proposed recommendation.

ECT representative Scott Parker reminds those in attendance that what will be critical in this process is maintaining a collaborative working environment and public input.

Everyone will need to remain engaged and flexible and cooperative. ECT feels very comfortable with the people and the process and is anxious to start the study.

Next steps: this constitutes the formal recommendation to IT from the Scoping Team. This will be presented at the BRDC meeting, September 26th. If adopted, the scoping team is asking the IT to approve a process to prioritize items and work on costing.

3. Meeting Notification

Todd Kalish and Tom Barker review that there is a discrepancy between the Settlement Agreement and the BRDC operational procedures. There are other process issues that it would be appropriate for the BRDC to evaluate how things are working; what needs to change etc. it would be good to take this back to the BRDC meeting for their full consideration. It was suggested that perhaps the people working could also report as to what is working, what isn't. Mailing costs are an issue, ways of distributing information need to be considered. Yet previously people voiced their preference to be US Mail to receive information. The BRDC should request all sub-committees to determine dates in advance. Cost of mailings is also an issue. Meeting notices must be sent, and yet that did not happen for the August 21st meeting. BRDC should consider establishing public

location for postings and determine definitive locations and times of what is going to be where, and when.

Action: The Implementation Team agrees (with one member not agreeing, but accepting) to align the press release requirements for the IT and the BRDC and will discuss this meeting in more detail at a BRDC meeting.

Meeting adjourned 7:33

Respectfully Submitted, September 22, 2006
Jennifer Jay, Project Assistant