

**Boardman River Dams Committee
Meeting Minutes - September 26, 2006**

Attendees:

Claudia Agemak, Dennis Aloia, Ron Alpers, Tom Barker, Robin Beardsley, Amy Beyer, Susanne Biteman, Rick Buckhalter, Bruce Carpenter, Beverly Cuthbert, Michael Donahue, Tim Dunlop, Brett Fessell, Burr Fisher, Jennifer Jay, Todd Kalish, Joe Kaltenbach, Leslie Knopp, Bill Lane, Steve Largent, Herb Lemcool, Richard Lewis, Katrina Mueller, Troy Naperala, John Nelson, Scott Parker, Jim Pawloski, Jim Schramm, Sandra Sroonian, John Sych, Don Tilton, Peter Zirnhelt

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. Introductions

As attendees entered the meeting they were randomly assigned to a seat. Introductions were handled at each table. Each attendee was asked to state affiliation or reason for their interest in the Boardman River Dams Committee, and the number of years they have been in the area. Each table assigned a recorder and a spokesperson who then introduced their table to the group. The facilitators explained that this exercise was to support and encourage relationship building as the BRDC moves into the next phase of the project.

2. Scoping Team Recommendations and Implementation Team Action

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 members of the Scoping Team are:

- Tom Wertz
- Kevin McElyea
- Steve Largent
- Jim Pawloski
- Mark Johnson
- Sarah Johnston
- Jack Murray
- Peter Zirnhelt
- Robin Beardsley

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., reviewed the components of the Scope of Work and explained that ECT is anticipating changes and emphasizes the need for flexibility of all involved. ECT will assist with fund development and the necessary reporting. ECT will actively involve and solicit public input. Their efforts will be in close cooperation with the facilitation team and the BRDC. In determining and documenting existing conditions, ECT will use existing data but will validate and augment as necessary so that there is a firm data source.

ECT will use public process to identify alternatives, and what the decision making tool will be. There is no pre-determined outcome to this study. Alternatives may include

- No action
- Dam removal
- Partial removal or modifications
- Full rehabilitation of dam, which could include hydropower production
- Modifications to existing river / impoundments

Evaluating the alternatives will include evaluating monetary and non-monetary impacts and futures of each alternative. ECT is aware of the concerns on moving sediment and the impact that may have on the fishery as a whole. Regarding the NEPA (National Environmental Protection Act) process; the documentation to support the NEPA process is ongoing and will start at the very beginning of the process. ECT is committed to working closely with USACE throughout the process.

Todd Kalish, Implementation Team Chair thanks the Scoping Team for their efforts and work on this process. The QBS process has been followed throughout this process. The Implementation Team will make a decision with input from the BRDC members whether to finalize the Scope of Work. Once finalized, the next step is to move into the contract negotiations.

Meeting process: The IT will participate in group discussions with those in attendance at the meeting prior to any thumb checks for decision items to assure optimal public participation throughout the entire process.

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1. The Boardman River Dams Settlement Agreement stipulates that an engineering and feasibility study will be conducted that incorporates community input.
2. The Qualifications Based Selection (QBS) process will be used to determine the most qualified consulting firm to conduct portions of the engineering and feasibility study.

Background Narrative

At the request of the Implementation Team (IT) and Boardman River Dams Committee (BRDC), a Scoping Team (ST) was established to 1) assist the technical coordinator and consultant team in the development and refinement of a Scope of Work; and 2) recommend a final draft Scope of Work for approval by the IT and BRDC. Toward this end, the ST met on several occasions via in-person and conference call meetings to review and comment on various drafts, and consider comments received during a two week public comment period. The ST is satisfied that all such comments have been carefully considered and incorporated, as appropriate, in the final draft document. The ST subsequently approved a final draft and accompanying set of recommendations.

Recommendations

The final draft of the project Scope of Work is recommended for approval by the IT and BRDC at their September 26, 2006 meeting.

The ST recommends that they remain intact, and continue to support and assist the IT, BRDC and consultant team, as needed, in the study implementation process.

Upon approval of the Scope of Work, the IT and BRDC should work with the consultant team to prioritize and cost out all tasks and activities, and determine 1) those that must be accomplished with study funds already secured; and 2) those that should be accomplished with any additional funds that might be secured. Given its familiarity with the Scope of Work elements, the ST recommends its involvement in the prioritization and budgeting process.

Decision-making process

The Implementation Team will openly consult with the Boardman River Dams Committee regarding this recommendation and conduct a thumb-check, will live with, decision-making process for these two issues.

Discussion: The question is raised regarding the process of a recommendation being presented to the Implementation Team before going back to the full BRDC first. It is explained that the meeting held September 14th was open to the public and the purpose was to present the recommendation to the BRDC at that time. This meeting is also a BRDC meeting and if there are any concerns from the BRDC members they should be brought forward. It is recommended that in the future, meeting announcements emphasize or clarify that a BRDC meeting will include an IT action. The question was asked whether the SOW includes the 29 structures that are in the floodplain. It is answered that this was included in the RFQ and thus it will have to be answered. All of the issues in the RFQ will be addressed.

Action:

Decision item 1: Scope of Work

The IT unanimously agrees to approve the Scoping team recommendation to finalize the Scope of Work and begin contract negotiations with ECT. Rationale for this decision is stated as: the Scoping Team has done a very thorough job, and the Scope of Work reflects the RFQ.

Discussion: The BRDC Finance Team and Scoping Team will be working together to determine the budget and the contract negotiations will be conducted with the Scoping Team. ECT is putting together a Scope that includes everything. Priorities will then be set within the Scope elements within the budget and it will be clear what other funds will be necessary to complete the Scope of Work. The question is raised whether this phase also needs to be brought to the full BRDC prior to moving forward with an IT action at the October 24th meeting. It is suggested that the process needs to move forward without delay. Also, the process is being documented and if a step in the process has been skipped, that will also be documented. The BRDC is asked if there are objections to moving forward but specifically documenting that this is both a BRDC and an IT meeting to review SOW and to move forward. No objections are presented. The BRDC is asked if there are any objections to having the Scoping Team work with ECT to develop a contract that will be brought to the BRDC and finalized at the October 24th meeting. No objections are presented. It is mentioned that once completed, there will need to be a legal review of the contract.

Action:

Decision Item 2: Retention of the Scope of Work team to be involved in continuing contract negotiations consistent with the QBS process.

Providing the rationale that the Scoping Team has done an excellent job and the BRDC did not present any objections to moving forward, the IT unanimously agrees with the Scoping Team's recommendation for continued involvement in the negotiations process consistent with QBS.

3. Project Updates – License Surrender Process

Jim Pawloski, Michigan DEQ, discusses the Boardman Dam. Please refer to the PowerPoint presentation, slides 4-12, on the website for complete details.

<http://www.theboardman.org/b/2006/10/02/brdc-meeting-september-26-2006/>

Clarification is offered that the High Hazard Potential classification does not have anything to do with current condition of a dam but that it meets this criteria: "Where a failure may cause serious damage to inhabited homes, agricultural buildings, campgrounds, recreational facilities, industrial or commercial buildings, public utilities, main highways or class 1 carrier railroads, or where environmental degradation would be significant, or where danger to individuals exists with the potential for loss of life."

The inundation map for failure of the Boardman Dam was shown. (slide 7) The map shows how long it would take for flood wave to move and the depth of the water at each location. It was noted that this map shows water levels of 5'-6' over the road at Logan's Landing. The map was prepared by Mead and Hunt in 1999. Question arose about the color codes shown in the map. Yellow is normal flow, orange is flood conditions. It is noted that the map reflects that there is not much difference between normal flow failure and flood condition. Jim Pawloski clarified, when asked, that while the dams were regulated by FERC, the DEQ was required to not be involved with the dams or their regulation. Once FERC requested it, the DEQ began inspecting the dams for their purposes. Joe Kaltenbach, TCL&P, stated that FERC would have insisted on changes

at Boardman Dam once the mandated work at Brown Bridge was complete. It was explained that while it was believed and had been stated that the Boardman Pond would have to be drawdown a few feet, that was before any engineering study had been conducted and was stated prematurely. When the analysis was examined, it became clear that even drawing down the pond 17' under the state requirements the dam would still not pass a ½ probable maximum flood. Some members of the BRDC expressed frustration with the position of the DEQ and questioned whether the DEQ was trying to get the dams removed. Jim Pawloski stated that the DEQ has no position on the fate of the dams, but they do now have to regulate them. **All BRDC members are asked to write their questions for the DEQ and submit them to the facilitation team at or before the October 24th meeting so that they can be documented, presented, and answered.**

The question was asked whether the licenses were assets of Traverse City and if so, should this question of delicensing been brought to a public vote? Is the charter of TC being violated because the licensed have been relinquished? This will be asked of Richard Lewis, City Manager, and answered at the October meeting. It was asked how long TCLP operated the county dams and who owned the licenses before TCLP took them over. Joe Kaltenbach explained that Consumers Energy surrendered licenses on both facilities because they did not want the liability, and sold them to GT County for \$1 each. TCLP reinstated the hydro licenses but they were granted 2 exemptions in exchange for TCLP putting in the trap and transfer station and the fish ladder.

4. Discussion of BRDC Process, Progress and Needs

There are process/procedure/system questions that have come up and issues that have been raised regarding process. The facilitation team takes these concerns seriously and suggests that it is time to evaluate the process and needs as we move into the next phase of the project. An evaluation form was distributed asking three questions: To insure that the BRDC is truly community-driven, has in place effective processes and systems, and has the capacities it needs to achieve its purpose, what is working well and should be continued? What is not working well and should be adjusted or stopped? And, what is not in place that should be addressed? All BRDC members are encouraged to provide thoughtful feedback to present at the October 24th meeting. It was noted that there currently is not have a process in place for approving and amending minutes. Also discussed is that many people don't come to BRDC meetings anymore or that others should be interested and are not, how do we make this committee really work so that people feel that their time is well spent working on this committee? It is suggested that there is a great deal of information to learn and that it is difficult to simply "jump in". Perhaps there should be a more thorough orientation than just the pre-meetings and participating members could suggest names of people to invite. People should feel empowered in this process and decision making effort, yet there is a feeling in the community that the decision is already made. Frustrations are expressed that issues have been raised and it has been stated that they will be addressed at a next meeting, and then the issue either doesn't appear on the agenda or there isn't time to address. When these things happen, it doesn't help instill faith in the process. We should be able to bring up and address issues at the same meeting. Regarding the issues of approving and amending minutes, it is suggested that this could be the first item of each meeting. Another suggestion is for a small sub-committee be formed to address this issue and other process issues as they arise. It is stated that much of what is brought up reflects a deeper frustration and suspicion of the process, and yet all are committed to an open process with results based on science, input, etc.

Disappointment was expressed with regards to the part of the September 14th meeting addressing the resolution brought forward by the Communications Team. A review of the minutes from the August 29th meeting shows that IT action was requested. Subsequent to the August 29th meeting the Communications Team elected to request that the IT take no action but allow it to stand. If there is a process, it must be followed. It was agreed that in order to ensure the integrity of the BRDC process, this resolution will be brought back to the BRDC on October 24th for further discussion.

Meeting adjourned at 8:27PM

Respectfully Submitted, October 2, 2006
Jennifer Jay, Project Assistant