

Little Calumet River Basin Development Commission

8149 Kennedy Avenue Highland, Indiana 46322 (219) 923-1118

SANDY

MICHAEL DOYNE, Chairman
Governor's Appointment

JOHN DEMEO, Vice-Chairman
Governor's Appointment

DOYLE NIEMEYER, Treasurer
Governor's Appointment

ARLENE COLVIN, Secretary
Mayor of Gary's
Appointment

CHARLES AGNEW
Governor's Appointment

CLYDE BAUGHARD
Governor's Appointment

GEORGE CARLSON
Mayor of Hammond's
Appointment

DONALD DURAN
Governor's Appointment

JERRY PAGAC
Dept. of Natural Resources'
Appointment

JACK R. SWIKE
Lake County Commissioners'
Appointment

WILLIAM TANKE
Porter County Commissioners'
Appointment

DAN GARDNER
Executive Director

M E E T I N G N O T I C E

THERE WILL BE A MEETING OF THE
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
AT 6:30 P.M. THURSDAY, DECEMBER 3, 1987
AT THE DEVELOPMENT COMMISSION OFFICE
8149 KENNEDY AVENUE, HIGHLAND, INDIANA

A G E N D A

Page

1. Call to Order by Chairman Michael Doyne
2. Recognition of Visitors, Guests
3. Approval of minutes of October 29, 1987 meeting
4. Appointment of nominating committee for 1988 Officers slate
5. Reports of Standing Committees

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A. Finance/Policy Committee - Doyle Niemeyer, Chairman

- Short 10 minute meeting following regular meeting
- Current Financial status report
- Approval of claims for November, 1987
- Other issues

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8-11

B. Legislative Committee - George Carlson, Chairman

- Report of meeting with State Budget Agency held on October 30
- Mailing to State legislators - Projects status
- Report of presentation to Hammond Optimist Club on November 18

C. Land Acquisition/Management Committee - Charles Agnew, Chairman

- Committee meeting at 5:30 p.m.
- Appraisals, offers, acquisitions, recommended actions
- Letter response to Town of Munster re: land acquisition
- Other issues

Same

D. Interim Flood Control/Planning Committee -
Arlene Colvin, Chairman

- Review of list of identified local responsibility river improvement projects - status
- Review of State Highway projects - status
- 1988 work plan - Lake County Drainage Board
Little Calumet River Basin
Commission
Little Calumet River Basin
Development Commission
participation
- Other issues

E. Breakwaters/Marina Committee -
Bill Tanke, Chairman

- Committee meeting at 6:00 p.m.
- Status update on projects
- Coast Guard response to request for brighter navigation aid lights
- Other issues

6. Remarks to the Board by Col. Jess J. Franco, new Chicago District Engineer
7. Other Business
8. Statements to Board from the floor
9. Set date for next meeting, adjournment

BLUE
SHEET

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 12:00 NOON THURSDAY, OCTOBER 29, 1987
AT THE COMMISSION OFFICES
8149 KENNEDY AVENUE, HIGHLAND, INDIANA

The meeting was called to order at 12:00 p.m. by Chairman Michael Doyne. Seven Commissioners were present. Guests were recognized and quorum was declared.

Development Commissioners:

Michael Doyne
George Carlson
Clyde Baughard
Jack Swike
Charles Agnew
William Tanke
Arlene Colvin

Visitors:

Barbara Waxman - NIRPC &
LMMDC
Ricky Austin - Black Oak
Citizens for Better Governmt
John Blee - " "
Dorothy Swike
Tim Swike
Matt Swike
Dave Hunter - Corps of
Engineers
Charlotte Read - Save the
Dunes Council
Rev. Harry Boer
Don Ewen
John Laue - Cong. Visclosky's
Office
Tom Knightly - Post Tribune

Staff:

Dan Gardner
Bruce Stouffer
Lou Casale
Sandy Mordus

Clyde Baughard made a motion to approve the minutes of the October 1st meeting as presented; Arlene Colvin seconded the motion; motion passed unanimously.

Finance/Policy Committee - In Treasurer Doyle Niemeyer's absence, Clyde Baughard presented the current financial status report for October. Mr. Baughard made a motion to approve the October claims as presented; Charles Agnew seconded. There were two additional claims for approval that were submitted by Lou Casale; they are retainer services for October for \$283.33 and land acquisition legal services for October for \$2,016.00; motion passed unanimously.

Legislative Committee - Committee Chairman George Carlson deferred to Dan Gardner for legislative update information. Mr. Gardner referred to letter in packet addressed to Col. Franco in which certain areas of interest to the Commission needed to be addressed. Mr. Dave Hunter from the U. S. Army Corps of Engineers was introduced and Mr. Hunter proceeded with reading a letter from the Col. addressed to the Commission in which he spoke to those concerns. Letter is attached to these minutes as ATTACH. A.

Mr. Hunter stated that Col. Jess Franco would be present at the next Development Commission meeting on December 3.

Mr. Gardner stated that the Commission would be making a presentation to the State Budget Agency on October 30 to the State Budget Agency staff. Staff has been working with the Corps on projected construction schedule, which holds construction start at 1990.

Dave Hunter, Corps of Engineers, talked on the construction plan for the levees. Commissioner Carlson expressed concern that the dredging of the channel between Indianapolis and Kennedy is not being considered in the plan and would receive no Corps credit if work was done there. Mr. Hunter stated that recreation plans will be re-evaluated. Plans may be altered from a recreation standpoint and not a flood control standpoint. He stated that the Chicago Corps has not yet received their final guidelines from Washington. Their position is that credit only be given to the local sponsor for local items specifically in the authorized plan.

Land Acquisition/Management Committee - Committee Chairman Chuck Agnew gave the land acquisition report. He reported that appraisals on DC124 and DC125 have been received. Mr. Agnew made a motion that the Commission accept the appraisals and staff proceed to send options; Jack Swike seconded motion; motion passed unanimously. He also reported that a signed option has been received on DC71-75.

Three quotes have been received for roofing repair on the Garcia house. They are (1) Gusco Roofing \$573; (2) DeCero Roofing \$880 (rolled) and \$1050 (shingles); and (3) R&R Roofing \$575. Mr. Agnew made a motion to employ R&R Roofing to perform the needed repair; motion seconded by Clyde Baughard; motion passed unanimously. Although Gusco Roofing's quote was slightly lower, Mr. Curran (operator of Gusco) is in arrears in his rent to the Commission and has proven he may not be reliable. Attorney Casale added it was not a responsible or responsive bid.

Interim Flood Control Planning Committee - Committee Chairman Arlene Colvin referred to a response letter in packet to Bill Henderson, Deputy Lake Co. Surveyor in reply to the suggestion of a joint venture with the Lake County Drainage Board, the Little Calumet River Basin Commission and the Development Commission for an amount of approximately \$50,000 each. This \$150,000 is the preliminary cost estimates for the sediment excavation of the Little Calumet River between Indianapolis Blvd. and Kennedy Avenue. The response letter stated the Commission's non-participation in this project. Although the Commission was in agreement that it is a very worthy project and supported the Drainage Board's efforts in continuing this project, the Commission does not receive any Corps credit toward the project.

An engineering study and permit application completed by Ten Ech on Penn Central R.R. culverts has been submitted to the Corps of Engineers in Detroit for approval.

Commissioner Colvin referred to a Public Notice Process No. 8716-93G stating an after-the-fact permit application has been submitted to the Corps for approval. Staff's comments regarding this notice is included in packet. Mr. Gardner stated that the Corps has notified him that his response has been sent on to the property owner.

Commissioner Carlson announced that the Hammond Park Board committed to the removal of debris under the Erie R.R. bridge.

Rip-rap work has been completed at Indianapolis Blvd. bridge.

Breakwaters/Marina Committee - Committee Chairman Bill Tanke referred to letter in packet addressed to Midwest Steel concurring with the minutes of the September 23rd meeting held with them and the Corps. Mr. Tanke also referred to letter in packet from the Save the Dunes Council.

A letter was sent to the Coast Guard requesting navigation aid lights be replaced with brighter lights. Complaints have been received because aid lights are not bright enough and the Commission realizes lighting is essential to ensure proper safety.

Mr. Tanke questioned Dave Hunter on the statement he read from the Colonel's letter stating he declared the breakwater project physically complete as of July 8, 1987. Mr. Hunter stated that this letter was the Commission's notice that the Corps has assumed responsibility.

Mr. Tanke asked Dave Hunter to relay the Commission's concerns to the Colonel and requested a meeting be scheduled in Chicago with the Colonel, the legal staff and engineering staff to resolve some of the pending questions regarding claims submitted by the contractor. He requested the meeting be held before December 3.

Charlotte Read, Save the Dunes Council, inquired when the five year monitoring program of the impact on the beach because of the breakwaters construction would begin. Mr. Hunter stated that the Engineering Project Manager is now putting the scope of work together and will try to start the survey as soon as possible.

Discussion was held on the retention of water at flood stages.

John Laue, representative of Congressman Visclosky's office, asked what the next step was after submitting permit application for Penn Central R.R. to the Corps. Mr. Gardner replied that a funding source to perform the culvert work at Penn Central is not identified at this time. \$120,000 was the estimated cost to perform this work.

The next meeting was scheduled for Thursday, October 29, 1987. There being no further business, the meeting adjourned 1:00 p.m.

/sjm

ENGROSSED HOUSE BILL 1230

DIGEST

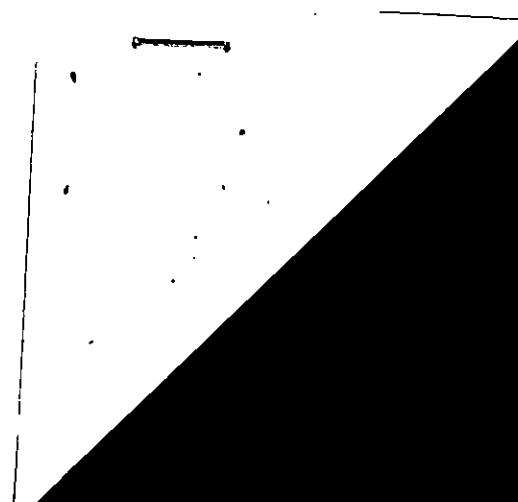
Citations Affected: IC 6-6-1.1; IC 8; IC 9-4-1-57.

Synopsis: Changes the name of the toll finance authority to the transportation finance authority. Permits the new authority to issue bonds to finance construction of state highways (the current bonding authority for toll roads is retained without change). Provides that these bonds may not be issued after July 1, 1993, and imposes a cap on the total amount of bonds that may be issued in any state fiscal year. Provides that debt service on the bonds is to be paid with lease rentals collected from the department of highways. Increases the gas tax by \$0.01 and dedicates the increase to the state highway road construction and improvement fund. Provides that money in the fund may be used by the department of highways to: (1) pay for construction or reconstruction of state highways; or (2) pay lease rentals owed by the department to the transportation finance authority. Requires the transportation finance authority to consider economic enhancement as a factor in finding a toll road feasible.

Effective: April 1, 1988.

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MERCANTILE NATIONAL BANK

JANUARY 1, 1987 - OCTOBER 31, 1987

CASH POSITION - JANUARY 1, 1987

Checking Account	
Land Acquisition	\$ 15,096.80
General Fund	39,355.18
Tax Fund	10,020.23
Investments	<u>935,000.00</u>

\$999,472.21

RECEIPTS: January 1, 1987 - October 31, 1987

Lease Rents	\$ 41,482.16
Interest	45,253.48
Land Acquisition	130,961.15
Travel & Mileage	192.60
Taxes	412.76
Meeting Expense	150.00
Income re: Billboards	880.00
Income re: Sand Mining	<u>3,997.70</u>

TOTAL RECEIPTS:

\$223,329.85

DISBURSEMENTS: January 1, 1987 - October 31, 1987

1988 Expenses paid in 1987	\$ 31,254.81
Per Diem	4,100.00
Legal Service	2,789.97
NIRPC	42,152.76
Bonds & Insurance	5,727.76
Printing & Advertising	365.94
Meeting Expense	388.71
Tax Payments	11,422.66
Travel & Mileage	619.07
L/A Legal Services	21,557.09
L/A Professional Services	
(a) Appraisal Services	7,807.00
(b) Surveying Services	1,500.00
(d) Land Purchase Contractural	23,391.85
(e) Operational Contractural	16,212.44
L/A Land Purchase Cost	19,971.96
L/A Land Capital Improvements	119,408.38
L/A Property/Structures Insurance	<u>12,016.30</u>

TOTAL DISBURSEMENTS:

\$320,686.70

CASH POSITION - OCTOBER 31, 1987

Checking Account	
Land Acquisition	\$ 14,354.07
General Fund	29,695.59
Tax Fund	{434.30}
Investments	<u>858,500.00</u>

\$902,115.36-



**NORTHWESTERN INDIANA
REGIONAL
PLANNING COMMISSION**

8149 Kennedy Ave. 219-923-1060
Highland, Indiana 46322 312-731-2646

DATE: November 6, 1987

ORGANIZATION: LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION

PROJECT: FOR SERVICES PERFORMED DURING OCTOBER 1987

CONTRACT NO: 87.10

CONTRACT CODE: 952

INVOICE NO: 87.10.10

I N V O I C E

Project Salaries (Dan Gardner/Sandy Mordus) @ 75%	\$ 3,493.80
Associated OH Charges @ 35% of Project Salaries	1,222.83
Staff Mileage/Expenses	123.06
Room Rental (December 1987)	200.00
Graphics/Printing Time @ \$14/hr. (Attachments)	38.50
Telephone: Local Service	60.00
Telephone: Billable Charges (Attachments)	86.23
Postage	64.49
Copying Charges @ \$.05 per copy	41.50
Material Costs (Attachments)	9.46
Other Costs (Attachments)	-0-
Total October 1987 Due	\$ 5,339.87
Outstanding Payment Due	-0-
Total Payment Due	\$ 5,339.87

Robert B. Stouffer

14803 GERRY PLACE, CROWN POINT, INDIANA 46307

November 6, 1987

TO: Dan Gardner, Executive Director
Little Calumet River Basin
Development Commission
8149 Kennedy Avenue
Highland, Indiana 46322

Please accept this statement as billing to the Development Commission for payment of \$16.00 per hour as per contract for work performed as Land Acquisition/Management Agent for the Little Calumet River Basin Development Commission.


October 23	-	7 hours	-	\$112
October 26	-	7 hours	-	\$112
October 27	-	7 hours	-	\$112
October 28	-	7 hours	-	\$112
October 29	-	7 hours	-	\$112
November 3	-	7 hours	-	\$112
November 4	-	7 hours	-	\$112
November 5	-	7 hours	-	\$112
November 6	-	7 hours	-	<u>\$112</u>

Total hours. . .63 hours

Total payment due \$1008


Robert B. Stouffer

APPROVED:


Dan Gardner
Executive Director
Little Calumet River Basin
Development Commission

Robert B. Stouffer

14803 GERRY PLACE, CROWN POINT, INDIANA 46307

November 6, 1987

TO: Dan Gardner, Executive Director
Little Calumet River Basin
Development Commission
8149 Kennedy Avenue
Highland, IN 46322

Please accept this statement as billing to the Development Commission for reimbursement of mileage at \$.25 per mile as per contract for travel incurred for work performed as Land Acquisition/Management Agent for the Little Calumet River Basin Development Commission. Mileage vouchers enclosed.

October 7 through October 31, 1987:


Total miles - 658 miles @ \$.25 = \$164.50

Meal reimbursement -	\$ 60.00
(Expense voucher enclosed)	<hr/>

TOTAL	\$224.50
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Robert B. Stouffer

APPROVED:


Dan Gardner
Executive Director
Little Calumet River Basin
Development Commission

Robert B. Stouffer

14803 GERRY PLACE, CROWN POINT, INDIANA 46307

November 19, 1987

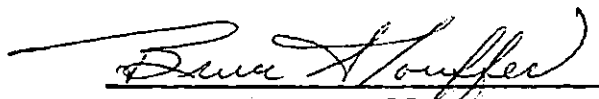
TO: Dan Gardner, Executive Director
Little Calumet River Basin
Development Commission
8149 Kennedy Avenue
Highland, Indiana 46322

Please accept this statement as billing to the Development Commission for payment of \$16.00 per hour as per contract for work performed as Land Acquisition/Management Agent for the Little Calumet River Basin Development Commission.


November 9	-	7 hours	-	\$112
November 10	-	7 hours	-	\$112
November 11	-	7 hours	-	\$112
November 12	-	3 hours	-	\$ 48
November 16	-	7 hours	-	\$112
November 17	-	7 hours	-	\$112
November 18	-	7 hours	-	\$112
November 19	-	<u>7 hours</u>	-	<u>\$112</u>

Total hours. . . 52 hours

Total payment due \$832


Robert B. Stouffer

APPROVED:


Dan Gardner
Executive Director
Little Calumet River Basin
Development Commission

REMAINING RIVER MAINTENANCE PROJECTS

LOCAL RESPONSIBILITY

-
- PROJECT: Removal of 3 support piers beneath Erie R.R. bridge to afford some 30'+ free flow channel.

Benefits: Benefits will be from eliminating debris accumulation at bridge which restrict flow.

Location: Hammond/Highland border

Cost Estimate: \$18,500 for removal of 3 piers

Implementation Responsibility: Little Calumet River Basin or Development Commission
-
- PROJECT: Dredge 30'+ clear channel from Indianapolis Blvd. bridge eastward to Kennedy Avenue bridge. 2,800 ft of work

Benefits: Primary benefit will be a clear flow channel consistent with upstream and downstream. River canoeing and appearance will also be improved.

Location: Hammond/Highland border

Cost Estimate: \$75,000 - \$100,000 after clearing/snagging is complete

Implementation Responsibility: Lake County Drainage Board - Funding support from Little Calumet River Basin Commission
-
- PROJECT: Dredge river channel to a 30-40' bottom width in the Chase Street area.

Benefits: Dredging of the channel for a total 3,600 ft. east and west of Chase St. would provide for a consistent channel capacity in the final river area still constricted. This work would connect the wider natural channel west of Chase St. to the previously dredged channel east of Chase St.

Location: Gary

Cost Estimate: No estimate is available at this time. Dredge area borders illegal dumping area so assessment of required environmental safeguards is needed.

Implementation Responsibility: Lake County Drainage Board Funding support by Little Calumet Basin & Development Commission

- PROJECT: Construct improved culverts at Penn Central R.R. crossing

Benefits: Project would provide for relief discharge for river flow in high water - low level flood events. Project is so engineered to not adversely impact downstream areas during high water or wetlands during low water.

Location: Gary

Cost Estimate: \$120,000

Implementation Responsibility: Lake County Drainage Board - permit applicant.
Funding support from Little Calumet River Basin and Development Commissions
Project concurrence by ConRail Corp.

- PROJECT: Dredge river channel from Penn Central R.R. to Deep River confluence

Benefits: Project should be initiated after Penn Central culverts are improved. Intent is to provide added capacity in river channel east of Penn Central culverts to accept greater flows in flood periods.

Location: Gary/Lake Station

Cost Estimate: Has not been estimated; project would be for a length of approximately 7,200 feet.

Implementation Responsibility: Lake County Drainage Board -
Funding support from Little Calumet River Basin and Development Commissions

● PROJECT: Reconstruct Chase Street culverts

Benefits: The flow capacity at Chase St. would be increased for heavy rain periods and low level flood events by additional culverts, new box culverts structure or low clearance bridge. This channel width would be consistent with dredged channel up and down stream. Greater flood levels would have to be handled by road closure structures and setback levees, due to the extreme low topography of bridge approaches.

Location: Gary .

Cost Estimate: \$150,000 - \$200,000

Implementation Responsibility: Lake County Highway Department

● PROJECT: Remove Taft Street Culverts

Benefits: Removal will eliminate obstruction to flow in the central section of the river. Channel has been dredged east and west of culverts location.

Location: Gary

Cost Estimate: Project has been contracted by Lake County Highway Dept. with local contractor Don Ewen

Implementation Responsibility: Project is underway

● **PROJECT:** Remove Virginia Street crossing obstruction

Benefits: Removal will clear channel of obstructed privately constructed crossing which today only serves to provide access to potential dumpers. Right-of-way does not serve private property owners. Crossing can also trap debris in higher river stages, causing obstruction to flow.

Location: Gary

Cost Estimate: \$5,000 - \$15,000 rough estimate

Implementation Responsibility: Lake County Highway Department -
County right-of-way
City of Gary property coordination needed due to
city-owned property on both sides of crossing.

STATE HIGHWAY PROJECTS STATUS

- Replace Grant St. culverts with bridge

- Project is on the State's 1986-88 Biennial Highway Improvement Program and was scheduled for construction in 1988. Recent inter-departmental memo moves project letting back to 1992 due to lack of funds.

- Project cost estimated at \$1,000,000

- Replace Indianapolis Blvd. bridge with improved structure

- Project is also on State's 1986-88 Biennial Highway Improvement Program. Originally scheduled for 1993, new letting date now scheduled for 1994; however, the State notes that the \$1,874,000 cost exceeds projected available funds.

- Construct improved river crossings flow capacity at Georgia Street culvert and I-80/94 culvert

- Projects have been discussed, but no firm commitments have been obtained as to date of project start or estimated cost.

- Improve I-65 culvert flow capacity

- If improvements to Penn Central culverts and dredges of river channel from Penn Central to Deep River confluence are successful, improvements at I-65 culvert may be necessary. No commitment has been made to date.

Cost to widen river. More than \$200 million

An Army Corps of Engineers representative said the estimate doesn't include the cost of new bridges on I-94 that span the Little Calumet.

By Tom Knightly
Of the Post-Tribune

HIGHLAND — It would cost more than \$200 million to widen the Little Calumet River to keep farmland along the river from flooding, a representative of the U.S. Army Corps of Engineers said Thursday.

David E. Hunter, the corps' manager for the Little Calumet River flood control and recreation project, said the \$200 million estimate doesn't include the cost of new bridges on Interstate 94 that span the river.

Congress last year approved a \$76 million construction program

for the project that would include channel dredging but no significant widening of the river from the Illinois state line to King Drive in Gary.

Funding of the federal government's \$56 million share of the project cost was omitted from the appropriation measure. The corps hopes to get Congress to fund the project so construction can begin in 1990, said Hunter.

Hunter emphasized the plan is designed to protect residential and business areas from flooding by using undeveloped bottom land for water retention.

The bottom land, most of it already acquired by the Little Cal-

umet River Basin Development Commission, includes about 1,000 acres of farmland.

The small farms of 100 to 200 acres grow mostly vegetables.

Hunter said in the event of a major flood threat the river would be allowed to overflow into the farmland located mostly in Gary to relieve other areas that would be protected with levees.

and south of the river includes a plot farmed by the Northwest Indiana Food Bank to produce vegetables for the needy.

Hunter said that because of the flat topography in the river basin "the only viable alternative for flood control is water storage."

Hunter said that the land would be flooded deliberately only in the case of a major flood.

The alternative to using the bottom land for water retention is to widen the channel in the river to 200 feet compared to 30 feet for the flood control project, he added.

Hunter said that water retention in the bottom lands would

protect more valuable property up river in Hammond, Munster and Griffith and down river in Lake Station and as far as Hobart.

About 20 homes in Black Oak are in the flood plain and are being acquired for the flood control project. Hunter said the homes are mostly substandard and the owners are eager to sell.

He said that although the bottom land has been farmed over the past 75 to 100 years, continued farming doesn't offer the economic benefits that would justify not using the land for storing

See **Little Calumet**, page B2

flood waters.

The Little Calumet flows both east and west, with the portion from Indianapolis Boulevard in Hammond flowing east into Burns Ditch in Lake Station which empties into Lake Michigan.

Donald Ewen, whose farm in Gary is in the flood plain, said that dredging and cleaning Burns Ditch would accomplish the same purpose as the Corps of Engineers flood control project and at a fraction of the cost.

Hunter said that approach would benefit only the farmers while still leaving the homeowners and businesses in developed areas in jeopardy.

FOR CONFIDENTIAL USE

STAFF ANALYSIS OF FRUM OFFER OF LAND TRANSFER FOR MARINA DEVELOPMENT



Marina Committee will meet at 6:00 p.m. on Thursday, December 3 before the public meeting to briefly review the Frum proposal, the status of the court case beginning December 1 and to formulate questions for Col. Franco, who will appear at the public meeting at 6:30. Please be prompt.



US Army Corps
of Engineers
Detroit District

Public Notice

Applicant:

Frank Halcarz

Date: October 9, 1987

Exp. October 28, 1987

In Reply Refer to:

Process No. 871693G

Section:

404

THIS IS NOT A PERMIT

AFTER-THE-FACT

EXISTING FILL IN WETLANDS ADJACENT TO THE LITTLE CALUMET RIVER AT GARY, INDIANA

1. Frank S. Halcarz, 3210 Burr Street, Gary, Indiana, has applied to this office for a Federal permit to be considered under authority of Section 404 of the Clean Water Act of 1977 to authorize the discharge of fill materials in a wetland area adjacent to the Little Calumet River in Section 24, T36N, R9W, Lake County, Indiana, located approximately 1/4 mile south of the intersection of 29th Avenue and Burr Street in Gary, Indiana.
2. As shown on the attached plan(s), the applicant has placed approximately 1240 cubic yards of sand and stone within an approximate 63x540 foot area of wetlands adjacent to the Little Calumet River. The purpose of this fill is to provide a storage area for building materials and to prevent inundation by the river.
3. The work described herein has been completed without benefit of a Department of the Army permit. The application is being processed pursuant to appropriate Department of the Army regulations. The District Engineer reserves the right to order the removal of work placed without benefit of a Department of the Army permit if he deems the public interest so requires.
4. The applicant has not indicated that he has received or requested any other governmental authorization.
5. This notice is being published in compliance with Title 33 Code of Federal Regulation Parts 320-330. Any interested parties and agencies desiring to express their views concerning the proposed work may do so by written comment to the District Engineer, Detroit District Corps of Engineers, Box 1027, Detroit, Michigan 48231, postmarked or delivered in person no later than the expiration date of this public notice. Comments of a positive or negative nature may be submitted. A lack of response will be interpreted as meaning that there is no objection to the permit application.
6. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding a public hearing.

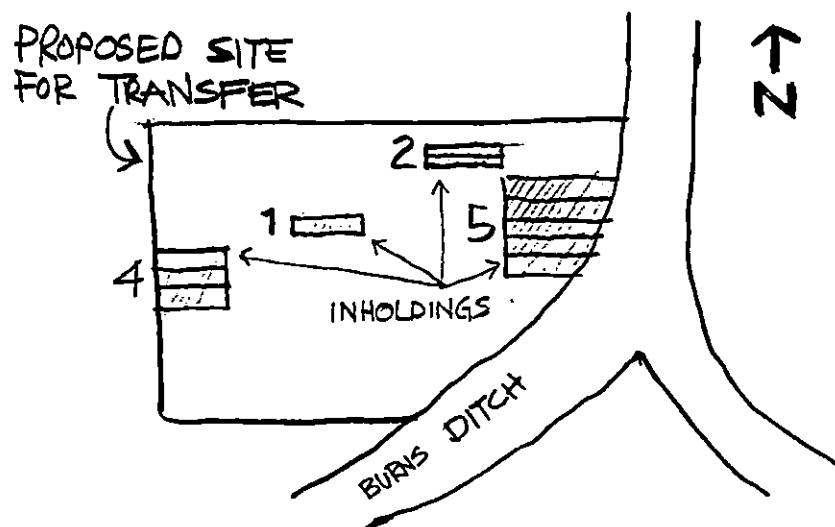
** Beginning assumptions: Both sites, the 30 acre proposed site in the Frum offer and the roughly 18 acre site currently identified by the Commission, are feasible to construct the necessary ± 300 slip public use marina facility.

ADVANTAGES OF PROPOSAL

1. Proposed site is larger and would conceivably offer less constraints to physically "fit" the prescribed necessary marina and support facilities.
2. An amicable "trade" of properties would remove an active obstruction to the Commission fulfilling its contractual obligation of the construction of a ± 300 slip public use marina facility.

DISADVANTAGES OF PROPOSAL

1. There exist inholdings within the area proposed by the Frums for transfer, according to research done by Attorney Mike Harris. These inholdings consist of 12 lots in four (4) separate locations (Shown below).



- The owners of these inholdings have refused attempts by the Frums to purchase, so it is logical to assume they would also resist offers by the Development Commission. We would be presented with a situation again requiring the use of condemnation. We would need to duplicate our procedures, as no appraisals are current on those inholdings. We would, in effect, lose considerable time (time to date with Frum and time to come with condemning the inholdings) and expenses.
2. Present site location (including condemned Frum's lots) has been submitted to the Federal government (Corps) as the non-Federal marina site, as required in our contract with the Corps. This site and conceptual plan has been accepted by the Corps. A change of marina location would need Corps approval and an amended site and concept plan.

With the contracted breakwater construction and channel dredging already complete, there are no provisions for a change of marina site at this stage of the process.

3. The Development Commission agreement for cost sharing of the breakwaters construction project with the Corps of Engineers calls for the construction contractor to dredge from the harbor mouth to the entry to the public use marina. This has already been accomplished under the C-Way contract. To cause additional dredging to be performed due to a relocation of the marina further inland would be 100% the Development Commission's cost due to the fact that the Corps has reached its cost share limit of \$2 million Federal expenditures. Estimated additional cost would range between \$200,000 - \$400,000.

An additional problem is the current unsettled claim issue - with the current contractor claiming some \$800,000 additional payments. To cause a major change in the dredging scope by a shifted marina location would cause severe problems, if it were possible at all. At best, a new contract would need to be pursued through the Corps, probably with a new contractor. There does not appear to be prescribed procedures to handle a situation such as this.

4. The city of Portage and the Lake Michigan Marina Development Commission have accepted the current site location as the development site, and as such, have allocated \$215,000 for the provision of infrastructure/public utilities to the public use marina site on the east side of Portage Burns Waterway. If changed, the previous use of state funding to the site would be called into question. One scenario might call for a payback of previous expended state funds.

Additionally, the city of Portage has presented a capital development request for future state funding through the Lake Michigan Marina Development Commission of \$1,485,000 to provide the remaining public infrastructure (sewer service, telephone line relocation) and preliminary engineering support. All this is based on the current site.

5. Purely on a comparative basis, the current marina site is better located (being 1/4 mile closer to the lake); has more direct access from major routes; has better existing and planned public utilities; and will be much less costly to extend needed services.

ANALYSIS

- The proposal upon investigation would present legal problems of inhoding acquisition, very similar to the type we are faced with in the Frum condemnation suit. These would cause significant time delays and additional costs.
- Institutional problems would be caused by the transfer due to the plan submitted to the Federal government identifying the public marina development site to be on the east side of the Portage Burns Waterway. Significant costs to the Development Commission would be incurred to cause additional channel dredging to the marina entry. Institutional and financial problems would be incurred due to commitments to the present site by the Lake Michigan Marina Development Commission at the request of the Development Commission.
- In the final analysis, the present site has better location proximity to Lake Michigan, better access from major highways, better existing utility services available and the prospect for full utility provision/site preparation would be less costly.

STAFF RECOMMENDATION


To reject the proposal for transfer of property.

FRUM PROPOSAL

Lefty's Coho Landing, Inc., (Lefty's), an Indiana Corporation makes the following proposal to the Little Calumet River Basin Development Commission (Commission) for their consideration.

1. Lefty's will donate, free of encumbrances Thirty (30) acres, more or less, to the Commission for the purpose of the Commission's development of a public marina.
2. The marina developed by the Commission should include the following.
 - A. 250-300 boat slips available for lease to the public.
 - B. Electric and water to each boat slip.
 - C. Parking facilities for boaters.
 - D. Sanitary Facilities.
3. Lefty's will dedicate easements and roadways needed or required to provide ingress and egress to the marina site.
4. An additional 50 boat slips will be constructed in the marina basin, at Lefty's expense, and deeded to Shelter Bay Development Corporation to be ultimately deeded to residential property owners of Shelter Bay Subdivision.
5. Lefty's will assist and cooperate with the Commission as needed or required to construct and install utility extensions to serve the proposed marina.
6. That the Commission should, in exchange for the donation of land, agree to the following.
 - A. Construct the marina in such a manner and in such a fashion that it will adapt itself into the overall development of Shelter Bay Hidden Cove moorings plan as set forth in the marina Plans of Lefty's.
 - B. That development of a marina would be made so as to maintain a high level of aesthetic beauty to the marina.
 - C. That the Commission would donate to Lefty's property owned by the commission on the East bank of Burns Waterway which Lefty's would develop into an R.V. and Camping facility with a dry stack storage area and dry stack launching facility.
7. That both parties would assist and cooperate with the other in development of Shelter Bay plans so as to set forth a unified development.

Lefty's makes this preliminary proposal for the purpose of opening discussion with the Commission to develop an overall Marina Plan. Lefty's recognizes that this proposal lacks finality and detail and is made for the purpose of showing intent and commitment.


ROBERT L. FRUM, JR.
LEFTY'S COHO LANDING, INC.

BUDGET TRANSFER PROPOSED FOR DECEMBER 1987

Transfer of \$15,000 from Line 416 (Structures Capital Improvements) to Line 411 (Legal Services).

RATIONALE - To cover additional expected legal expenses.

$$\frac{58,000}{6}$$

$$\frac{17,500}{69}$$

11

77,700

Dec.