



# Little Calumet River Basin Development Commission

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

*Sandy*

*SD will be gone next 4 mos*

✓ DOYLE NIEMEYER, Chairman  
Governor's Appointment

✓ ARLENE COLVIN, Vice-Chairman  
Mayor of Gary's Appointment

✓ CLYDE BAUGHARD, Treasurer  
Governor's Appointment

✓ WILLIAM CRITSER, Secretary  
Governor's Appointment

✓ CHARLES AGNEW  
Governor's Appointment

✓ GEORGE CARLSON  
Mayor of Hammond's Appointment

✓ NATHANIEL LEONARD  
Lake County Commissioners' Appointment

✓ STEVE DAVIS  
Dept. of Natural Resources' Appointment

✓ JOHN DEMEO  
Governor's Appointment

✓ DAVID SPRINGMAN  
Governor's Appointment

✓ WILLIAM TANKE  
Porter County Commissioners' Appointment

DAN GARDNER  
Executive Director

## MEETING NOTICE

THERE WILL BE A MEETING OF THE  
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
AT 6:30 P.M. THURSDAY, MAY 3, 1990  
AT THE OFFICE OF THE REGIONAL PLANNING COMMISSION  
8149 KENNEDY AVENUE  
HIGHLAND, INDIANA

### A G E N D A

Pages

1. Call to Order by Chairman Doyle Niemeyer
2. Recognition of Visitors, Guests
3. Approval of minutes of April 5, 1990 meeting
4. Reports of Standing Committees
  - A. Finance/Policy Committee - Clyde Baughard, Treasurer
    - Financial status report
    - Approval of claims for April
    - Other issues
  - B. Legislative Committee - George Carlson, Chairman
    - Project review/approval by State DNR
      - Water Resources Council meeting - May 15
      - Implications of State DNR approval
        - drainage easement authority
        - permits/review responsibility
    - Federal issues status
      - Project/Commission capability analysis - May meeting
      - Project initiation - signing ceremony target date

1-5

6  
7

8-13

*Home 949-4406*  
*Nathaniel Leonard*  
*Interim Flood*  
*Panel Reg.*

*add m*  
*Julian Allen*

*6/7/90*

*need a check*  
*from John,*  
*Dave,*  
*Dan, Sandy*

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

- Committee meeting at 5:00 p.m.
- Appraisals, offers, acquisitions, recommended actions
- Project design modifications - position consideration
  - > Burr St. area levee protection inclusion (city, state support)
  - > Gary Park/city lands use - land usefulness for development - levee location
- Other issues

D. Interim Flood Control/Planning Committee -  
Clyde Baughard, Chairman

- Resolution of Tri-State coach parking lot expansion
- City of Gary Enforcement of dumping violations on Commission property
  - > May 2nd hearing
- Conrail R.R. culverts improvements approval
- Other issues

14-15

E. Breakwaters/Marina Committee - Bill Tanke,  
Chairman

- Corps of Engineers proposal to dredge harbor/  
waterway - 1991
  - > Commission comments
  - > National Lakeshore comments
- Sand removal status
  - > DNR contract
  - > Union approval status
- Portage Marina Developments
  - > Permit objections
- Marquette Yacht Club marina development proposal
  - > Commission acknowledgement
- Other issues

16

17

18-20

21-22

23-29

30

31

5. Other Business

6. Statements to Board from the floor

7. Set date for next meeting, adjournment



MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
HELD AT 6:30 P.M. THURSDAY, APRIL 5, 1990  
AT THE COMMISSION OFFICES  
8149 KENNEDY AVENUE, HIGHLAND, INDIANA

- - - - -

Chairman Doyle Niemeyer called the meeting to order at 6:35 p.m. Nine (9) Commissioners were present. Quorum was declared and guests were recognized.

Development Commissioners:

George Carlson  
Doyle Niemeyer  
Clyde Baughard  
Charles Agnew  
Dave Springman  
Steve Davis  
William Tanke  
Arlene Colvin  
Nathaniel Leonard

Visitors:

Edward Wisinski - Isaak Walton  
Richard Bundy - Salmon Unltd.  
Pete Zak - South Shore Marina  
Mary Jane Zak - " "  
Tim Bult - Hebron, IN  
Mike Vander Heyden - Dyer  
Construction  
Dick Wawrzyniak - DNR, Div.  
of Water  
Bob Huffman - Basin Commission  
Joe Novosel - Lake Co. Fish &  
Game

Staff:

Dan Gardner  
Lou Casale, Attorney  
Sandy Mordus  
Bruce Stouffer

Chairman Doyle Niemeyer introduced Nathaniel Leonard as the new Commissioner appointed by the Lake County Commissioners. Mr. Leonard is replacing Rudy Clay (whose last month's appointment was deemed as a conflict).

A motion was made by Clyde Baughard to approve the minutes of the March 1st meeting; seconded by Chuck Agnew; motion passed unanimously.

Finance/Policy Committee - Treasurer Clyde Baughard presented the financial status report for February as well as the claims. Mr. Baughard made a motion to approve the pending claims; motion seconded by George Carlson; motion passed unanimously.

/

Legislative Committee - Mr. Gardner gave report. He informed the Commission that the Corps just recently met with staff to discuss some important issues that need addressing (Schererville borrow site, Tri State parking lot expansion, Mansards floodproofing, auto junk yard levee clarification, etc.) Corps is still planning to give quarterly reports to Commission when project begins. Signing ceremony has been pushed back to June or July.

Mr. Gardner informed the Commission that the rental space near the Commission office that the Corps had considered for their Indiana base for the project is no longer available. It has already been rented out. The Corps has been delayed in selecting an office site because they had to determine that there was no space available in any Federal building.

Mr. Gardner spoke about the Commission assuming the 75' drainage easement from the Lake County Drainage Board. The Commission must appear before Natural Resources Commission of the DNR for project approval. Mr. Wawrzyniak stated it was too late to get on the April agenda; the next meeting would be in May.

Land Acquisition/Management Committee - Committee Chairman Chuck Agnew reported eight closings this month: DC223, DC228, DC268, DC271, DC274, DC278, DC317 and DC331. Mr. Agnew made a motion to approve the appraisals received on DC260, DC287, DC290, DC303, DC316 and DC325.

Discussion on replacement housing that is allowed to relocatees took place at the committee meeting. As an end result of that discussion, Mr. Agnew made a motion to allow up to maximum federal allowance for owners and tenants that must be relocated according to Gary Redevelopment Commission. The maximum allowance for a tenant is \$5,250 and the maximum allowance for a homeowner is \$22,500. Specials exceptions could apply if deemed necessary and approved by staff and Commission. Motion was seconded by Clyde Baughard; motion passed unanimously.

Mr. Agnew made a motion to ratify the contract approval for Tim and Ed Bult to lease farm land property the Commission owns for a bid of \$20,187 per year; motion seconded by Clyde Baughard; motion passed unanimously.

Mr. Agnew made a motion to grant an easement on property owned by the Development Commission to the city of Hammond. The easement is east of Cline Avenue. The city plans to construct a metering basin to meter sewage pumped to Hammond from Griffith and asked for a 30' easement to cover a force main already in place and install meter basin. This easement will replace an existing

easement without dimensions; the old easement will be released. Motion seconded by Clyde Baughard; motion passed unanimously.

Dan Gardner stated that he has met several times with Gary Park Board and staff relative to Gary lands needed for the project. We are requesting conveyance of access and use of lands owned by the Gary Park Board that are designated as needed for the purpose of survey, construction and maintenance of flood control levees, utility and bridge improvements and related flood control support facilities. The Park Dept. has asked the Commission for several things, i.e. relocate the existing greenhouse structure to the protected side of the levee and floodproof an existing park building. The Development Commission has also hired a consultant to work with the Park Dept. and city to develop a comprehensive recreation concept plan for additional park features. It was stated that Gary is the single largest benefactor of the project.

A member of the audience, Joe Novosel, speaking on behalf of several groups, spoke on his desire to see a rifle shooting range in the recreation plan. He stated there was no area designated for practice shooting. Mr. Novosel stated there is grant money available to develop such a recreation area for hunters. Mr. Gardner stated that the Development Commission has hired a consultant to develop a recreation plan and suggested that he work with the consultant. He also stated that the City's position relative to a range within city boundaries would be a key factor to Commission endorsement.

Mr. Gardner referred to a letter received from IDEM providing us with a waiver of water quality certification for the Little Calumet River flood control project.

Interim Flood Control Committee - Committee Chairman Clyde Baughard reported that ownership of the Erie RR bridge has been transferred to the Development Commission. Hopefully, money can soon be identified to pay for the cost of pulling out several piers.

A member of the audience, Bob Huffman who is Chairman of the Basin Commission, informed the Commission that Conrail approval has been received in regard to enlarging the culverts at Martin Luther King Drive in Gary. It is anticipated that the Basin Commission can go out for bidding shortly.

The Basin Commission and the Development Commission will be scheduling a joint meeting shortly to discuss implementation of recent sunset legislation.

Mr. Gardner expressed his concern on the expansion of the Tri State parking lot. It appears the contractor has cut into the levee and there is concern that it poses a serious problem if we had a flood. At the very least, the contractor has violated the 75' easement. Staff has notified Highland town officials. A meeting will be held with all parties affected to develop a plan to correct the situation.

Mr. Tanke made a motion for staff to write a letter (or attend the meeting) to the Planning Commissions in each town/city affected by the project and explain in detail the overall flood control/recreation plan so that each city/town knows what repairs or changes they can make in their own community so as to not cause any problems to the project. Motion seconded by George Carlson; motion passed unanimously.

Breakwaters/Marina Committee - Committee Chairman William Tanke and Mr. Gardner spoke on the status of the sand removal. Mr. Gardner displayed a map depicting the route that a truck must travel to deposit sand on the beaches. Mr. Gardner, Steve Davis and Mayor Maletta recently met with the unions to discuss their approval of the Marine Corps removing the sand. The Union has stated they would not oppose the project but they would not commit to writing a letter of waiver. Chairman Niemeyer supported the idea of Mr. Gardner getting on the agenda for the next Union Board meeting and presenting the project and verbally asking for a waiver. Mr. Gardner also stated that Mike Vander Hayden has requested approx. 40-50,000 yards of sand to use in a NIPSCO environmental project.

Bill Tanke made a motion for staff to see whether the city has an existing sandmining permit, to explore our ability to work with contractor who has sand interest, continue to pursue with the Union their approval and seek the Governor's aid in resolving this issue. Motion was seconded by George Carlson; motion passed unanimously.

Mr. Tanke made a motion to approve the agreement between the Commission and the DNR in which the DNR appropriates \$44,000 for soil borings to be taken to determine the suitability of the sand at the Portage marina site.

Mr. Gardner announced that a hearing was held in Crown Point regarding the marina developers' permits. The Development Commission is now named as a co-intervener. The City of Portage is proceeding to hire a consulting firm to do a traffic study.

LCRBDC Minutes  
April 5, 1990  
Page 5

Mr. Gardner also informed the Commission that we have received a request from the city of Portage for an easement to allow for the establishment of a sewer line.

Statements from the floor - Richard Bundy, Salmon Unlimited, stated he opposes the Tri State parking lot because he sees it as a real flooding problem to Indianapolis Blvd. if it is not corrected. He requested that the Commission follow through with getting the problem resolved. He inquired about what permits the owners obtained. Staff will pursue.

There being no further business, the meeting was adjourned at 8:20 p.m. The next meeting was scheduled for May 3, 1990.

/sjm

MERCANTILE NATIONAL BANK

JANUARY 1, 1990 - MARCH 31, 1990

CASH POSITION - JANUARY 1, 1990

Checking Account		
Land Acquisition	\$	19,369.97
General Fund		55,692.86
Tax Fund		1,124.07
Investments		<u>916,500.00</u>
	\$	992,686.90

RECEIPTS: JANUARY 1, 1990 - MARCH 31, 1990

Lease Rents	\$	15,569.89
Interest		20,106.18
Land Acquisition		199,441.21
Tax Fund		<u>227.59</u>
	\$	235,344.87

DISBURSEMENTS: JANUARY 1, 1990 - MARCH 31, 1990

1989 Expenses paid in 1990	\$	15,988.84
Legal Services		620.66
N I R P C		9,545.65
Travel Mileage		105.00
Printing & Advertising		414.97
Bonds & Insurance		533.00
L/A Professional Services		
(a) Appraisal Services		8,200.00
(c) Engineering		1,100.00
(d) Land Purchase Contractural		5,963.07
(e) Operational Contractural		17,780.25
L/A Legal Services		3,933.00
Land Purchase Cost		4,886.41
Land Cap. Improvement		<u>129.40</u>
TOTAL DISBURSEMENTS:	\$	69,220.25

CASH POSITION - MARCH 31, 1990

Checking Account		
Land Acquisition	\$	171,341.30
General Fund		69,618.56
Tax Fund		1,351.66
Investments		<u>916,500.00</u>
	\$	\$1,158,811.52





**NORTHWESTERN INDIANA  
REGIONAL  
PLANNING COMMISSION**

8149 Kennedy Ave.  
Highland, Indiana 46322

219-923-1060  
312-731-2646

DATE: MARCH 21, 1990

ORGANIZATION: LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION

CONTRACT NO: P1.01

CONTRACT CODE: 952

PROJECT: FOR SERVICES PERFORMED DURING FEBRUARY 1990

INVOICE NO: 02

I N V O I C E

SALARIES AND FRINGE BENEFITS: DAN GARDNER & SANDY MORDUS	\$ 3,900.00
ROOM RENTAL FOR ADDITIONAL LCRBDC STAFF	215.00
ACCOUNTING SERVICES	150.00
TELEPHONE: LOCAL SERVICE	60.00
TELEPHONE: BILLABLE CHARGES (ATTACHMENTS)	74.51
POSTAGE	81.30
COPYING CHARGES @ \$.05 PER COPY	81.00
GRAPHICS/PRINTING TIME @ \$17.50 PER HOUR (ATTACHMENTS)	35.00
STAFF MILEAGE/EXPENSES	156.96
OTHER CHARGES (ATTACHMENTS)	<u>-0-</u>
TOTAL FEBRUARY 1990 COSTS	\$ 4,753.77
OUTSTANDING PAYMENT DUE	-0-
TOTAL PAYMENT DUE	\$ 4,753.77

Council Meeting: May 15, 1990

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER  
Indianapolis, Indiana

Project No. 90-1

**TITLE:** FLOOD CONTROL PROJECT ALONG THE LITTLE CALUMET RIVER IN LAKE COUNTY

**AUTHORITY:** Section 401 of the Federal 1986 Water Resources Development Act (P.L. 99-662)

**FEDERAL AGENCY:** U.S. Army Corps of Engineers  
Chicago District  
219 South Dearborn St.  
Chicago, IL 60604

**LOCAL PARTNER:** Little Calumet River Basin Development Commission  
8149 Kennedy Ave.  
Highland, IN 46322

**LOCATION:** The eastern end of the project is at the Conrail (Penn Central) R. R. just north of the Interstate 80/94 in the SW 1/4, Sec.15, T.36 N., R.8 W. and extends westward to the Indiana/Illinois State line.

**PROJECT DESCRIPTION:** The objective of the project is flood damage reduction and general recreation. The project will consist of the construction of 9.7 miles of set-back levees in Gary and Griffith; the replacement of 9.5 miles of levees between the Indiana/Illinois State line and Cline Avenue in Hammond, Highland and Munster; the construction of 12.2 miles of new levees and floodwalls between the State line and Cline Avenue in Hammond, Highland, Munster and Griffith; the installation of a regulating structure just west of the confluence with Hart Ditch; a watertable control structure at the downstream end of the project; the modification of 11 existing and the construction of one new storm water pumping stations; the removal of 39 homes in Gary's Black Oak area; the floodproofing of 53 homes generally in Gary; the modification of the Grant Street and Indianapolis Blvd. bridges and the culverts under Georgia Street and Interstate 80/94.

The recreation plan consists of 16.8 miles of hiking trails and five support areas containing parking areas, sanitation facilities, canoe launch at four of the sites; an overlook at two sites; and nature education center with the associated wetlands and about 4,000 feet of nature trails.

Project No. 90-1

Page Two

The project also features the installation of Wood Duck nest boxes, creation of potholes in existing wetlands, creation of herbaceous buffer strips, and landscaping the new levees with shrubs and trees.

**PROJECT BENEFITS:** The flooding problem along the Little Calumet River has long been considered by the Department to be one of the most serious urban flooding problems in Indiana. Average annual flood damages, in 1980 dollars, for existing conditions and development along the Little Calumet River are estimated to total \$5.4 million. The project will protect about 3,500 acres of existing residential, commercial, industrial, recreational, and transportation lands from a 200 year frequency flood of the river. These lands contain 3,480 structures in Hammond; 1,270 structures in Munster; 1,810 structures in Highland; 35 structures in Griffith; and 2,165 structures in Gary. Interstate 80/94 will be protected from flooding.

**PROJECT COSTS:** The total estimated cost of the project is \$80.0 million. The Federal cost is \$54.4 million and the non-Federal cost of \$25.6 million is to be paid by the State of Indiana through the Little Calumet River Basin Development Commission.

The non-Federal cost includes \$19.7 million for lands, easements, and rights-of-ways, modification of utilities and highway bridges, and relocation of buildings. In addition there will be a cash contribution for construction of \$3.6 million for flood control and \$2.3 million for recreation and fish and wildlife mitigation.

Non-Federal interests have received credits for \$7.2 million for required lands purchased through the Department and the Commission, \$1.4 million for required lands purchased by local government, and \$1.7 million for local works such as channel dredging, levee reconstruction, and pumping stations.

The non-Federal interests will also be responsible for the operation and maintenance which is estimated to be \$153,000 annually.

**BENEFIT/COST RATIO:** With average annual benefits of \$13,711,000 and average annual costs of \$8,360,000; benefit/cost ratio is 1.64.

**CONSTRUCTION:** A project agreement will be signed in spring of 1990 and construction is proposed to begin in the same year. Construction is projected to last for eight (8) construction seasons:

Project No. 90-1

Page Three

- I. Construct a ring levee around NIPSCO electric substation at Chase Street; relocate 23 residents in Black Oak area and demolish the structures;
- II. Construct remaining nonstructural works; the levee between Burr and Broadway streets and adjacent wildlife mitigation.
- III. Construct the levee from Chase street to Broadway street and the adjacent wildlife mitigation.
- IV. Construct the levees from Broadway to the Conrail R.R. and from Cline Ave. to Burr St. and the adjacent wildlife mitigation.
- V. Construct the levee from Northcote Ave. to Kennedy Ave., construct the Hart Ditch regulating structure; landscape the eastern reach; and raise Indianapolis Blvd. bridge.
- VI. Construct levee from Kennedy to Cline Avenues.
- VII. Construct levee from Columbia to Northcote Avenues;
- VIII. Construct levee from Columbia Ave. to the State line.

**COMMENTS BY DIVISIONS:** The following comments have been received concerning the project.

**Division of Water:** According to IC 36-9-27-25, when a floodcontrol project is approved by the Commission on this stream, the Little Calumet River would no longer be a regulated drain under the County Drainage Board. Also, according to IC 14-6-29.5-11 the right-of-entry and right-of-way powers over and upon private lands that is given the county surveyor or Drainage Board under IC 36-9-27-33 is transferred to the Little Calumet River Basin Development Commission.

Since the Little Calumet River is a navigable stream, any structures which are proposed in the channel itself will be reviewed pursuant to IC 13-2-4-9.

Project No. 90-1

Page Four

It is difficult to describe the effect of the project on flood stages since the storms evaluated do not give a direct comparison. Currently the Flood Insurance Studies completed by the Corps of Engineers from 1980 through 1983 for the Federal Emergency Management Agency are used by the local governments for their floodplain management activities. These elevations are given in the first column. The Corps of Engineers has estimated the effect of land use changes by the year 2000 and these elevations are shown in column 2. The Corps of Engineers has also computed the effect of the proposed project on the 100 year flood with year 2000 conditions and these elevations are shown in column 3 and are based upon the assumption that the Cady Marsh Ditch Diversion project located at Griffith and the CUP-Thornton Corps of Engineers reservoir and the S.C.S. Thorn Creek reservoir in Illinois are constructed. The last column shows the elevation of the 200 years design storm with project.

Location	<u>ELEVATION 100 YR. STORM</u>		<u>200 YR. STORM</u>	
	<u>F.I.S.</u>	<u>Yr. 2000</u>	<u>Yr. 2000</u>	<u>Yr. 2000</u>
		<u>With Proj.</u>	<u>With Proj.</u>	
State Line	598.2	597.8	594.3	595.3
Hart Dt.	599.2	599.4	600.4	600.9
Kennedy Ave.	598.0	598.2	599.7	600.2
Cline Ave.	597.9	598.0	599.7	600.1
Chase St.	596.5	596.8	598.9	599.2
Broadway Ave.	596.2	596.6	598.4	598.7
Conrail R.R.	594.4	595.4	597.7	598.0

The project will protect those lands landward of the proposed levees from a 200 year flood event based upon future land use conditions; the levees will have at least three feet of freeboard above the 100 year flood; and will be maintained by a governmental body. Therefore, with the project in place, those properties landward of the levees and not in a floodplain of another stream can be removed from the floodplain and the building owners will not be required to buy flood insurance.

However, the area south of the river and between Cline Ave. and Chase St. will not be protected by a levee but the homes will be floodproofed by various means and protected to an elevation one foot above the 100 year flood stage with the project in place. In the current discussions with the U.S. Army Corps of Engineers, they are being urged to re-evaluate this area and to provide the same degree of protection to this area as the rest of the project area will receive.



**Project No. 90-1**

**Page Five**

**Division of Forestry:** The Division encourages mitigation for loss to shrub/scrub and forest land uses. Staff is available to provide technical advice for tree plantings.

It is also recommended that all trees cleared be utilized and not buried or burned.

**Division of Nature Preserves:** Disturbances to the Tolleston Woods, a significant natural area immediately southeast of a spoil disposal area in the Gary landfill, must be avoided.

The levee will be located on the south side of Lake Etta Park and efforts should be made to avoid significant alterations to existing hydrology of the lake.

The Natural Heritage Program database shows reports for several rare birds at Gleason Park Marsh which is west of Broadway and south of the river

If there should be any change in the location of the levees, channel modification, borrow site, or disposal sites, the Division of Nature Preserves requests to be given an opportunity to review the changes.

**Division of Outdoor Recreation:** Recreational facilities and lineal greenway corridors are of critical importance to highly developed urban areas. We recommend implementation of the proposed recreation plan including the hiking trail, support facilities, and canoe launch.

If Site C is chosen for borrow, impacts to wetlands must be avoided or minimized or both.


**Division of Fish & Wildlife:** The Division of Fish & Wildlife is concerned mainly about the wetland losses as a result of this project. The Division would have no opposition to the project if the project were to restore wetlands in the immediate area and at the following ratios: emergent wetlands at a 1:1 ratio, scrub shrub wetlands at a 2:1 ratio, and forested wetlands at a 3:1 ratio. The recommended mitigation from earlier coordination should be incorporated into the project. Borrow areas should not impact wildlife habitat including wetlands.

The Division is also concerned about the rare plant and bird species in the area. A monitoring program should be implemented to insure that the mitigation will be successful.

Project No. 90-1

**CONCLUSIONS:**

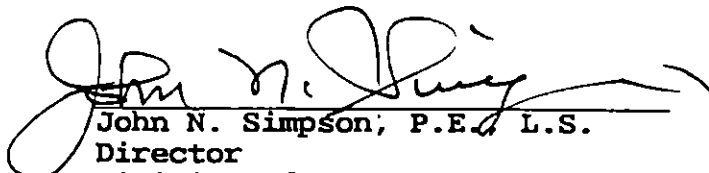
The proposed flood control project will be an aid to and acceptable as part of flood control in the State and will not adversely affect or interfere with any other flood control works in the State.

  
Richard L. Wawrzyński, P.E., L.S.  
Assistant Director  
Division of Water

**RECOMMENDATION:**

It is recommended that the Little Calumet River Flood Control Project be approved under Sec. 15 of I.C.13-2-22 with the following conditions that:

- (1) any structure, excavation, deposit, or obstruction in or on the floodway of the Little Calumet River be submitted to the Commission for approval prior to construction,
- (2) that the U.S. Army Corps of Engineers seriously reconsider the level of flood protection to be provided to the area south of the river and between Cline Ave. and Chase St. so as to provide the same level of protection to this area as the rest of the project area,
- (3) that the U.S. Army Corps of Engineers work very closely with the Divisions of Fish & Wildlife, Nature Preserves, and Outdoor Recreation while developing final details to avoid environmental damage and to mitigate wetlands at the ratio suggested by the Division of Fish and Wildlife.

  
John N. Simpson, P.E., L.S.  
Director  
Division of Water

Project No. 90-1

Page Six

**CONCLUSIONS:**

The proposed flood control project will be an aid to and acceptable as part of flood control in the State and will not adversely affect or interfere with any other flood control works in the State.


Richard L. Wawrzyniak, P.E., L.S.  
Assistant Director  
Division of Water

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- (3) that the U.S. Army Corps of Engineers work very closely with the Divisions of Fish & Wildlife, Nature Preserves, and Outdoor Recreation while developing final details to avoid environmental damage and to mitigate wetlands at the ratio suggested by the Division of Fish and Wildlife.

John N. Simpson, P.E., L.S.  
Director  
Division of Water



April 19, 1990

Mr. Dan Gardner, Director  
Little Calumet River Basin Commission  
8149 Kennedy Avenue  
Highland, IN 46322

SUBJECT: East Gary, Lake County, IN - Two (2) 72-inch R.C.P.  
Drains, Fort Wayne Line, LC 3202, M.P. 439.12,  
Dearborn Division. (File: L-556 - RJM)

Dear Mr. Gardner:

Attached, in duplicate, is proposed agreement dated  
April 19, 1990.

Kindly arrange to have all copies executed, witnessed, and  
returned to this office for execution by us. A fully executed  
copy will be returned to you in due course for your records.

In addition, please forward your draft in the amount of  
\$300.00. This amount covers costs incidental to the preparation  
of this agreement. Provide Railroad Protective Liability  
Insurance Policy to K. Wheatcroft per attached letter. File No.  
L-556 must appear on all insurance documents.

You will be billed at above address for any annual charges  
involved.

PLEASE NOTE THAT CLAUSE 19 REQUIRES THAT A CERTIFIED COPY OF A  
RESOLUTION OR ORDINANCE BE ATTACHED AND MADE A PART OF ALL  
COPIES WHEN THE AGREEMENT IS RETURNED TO CONRAIL.

It is important that the above procedures be carefully followed,  
as no work on our property can begin until you are in receipt of  
the fully executed agreement. We will appreciate your prompt  
handling.

Your attention is directed to Paragraph 17 of the attached  
agreement concerning its validity relative to approval of the  
method of installation of this facility.

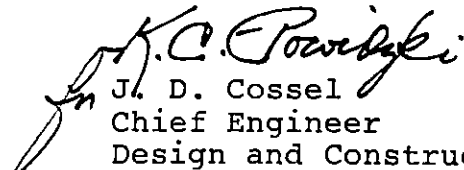
Mr. Dan Gardner  
April 19, 1990  
Page 2

Mr. M. C. McMaster, our acting Area Engineer, located in Dearborn, MI, Telephone: (313) 323-5080 is the designee of the Chief Engineer, Design and Construction and must be contacted by you to obtain his approval of the necessary details. Any questions which may arise should be directed to the aforementioned designee.

**WARNING-** extreme caution should be used in excavation due to the possibility of the existence of fiber optic cables along Railroad's right-of-way. Any damage to the fiber optic cables will be the sole responsibility of the Licensee.

**NOTE -** Due to Amtrak Traffic, cutover can be accomplished between 7:50 A.M. and 5:57 P.M. or 9:17 P.M. and 6:30 A.M. daily.

Very truly yours,

  
J. D. Cossel  
Chief Engineer  
Design and Construction

Room 1200 - (215) 596-3877

Attachment





DEPARTMENT OF THE ARMY  
CHICAGO DISTRICT, CORPS OF ENGINEERS  
111 NORTH CANAL STREET  
CHICAGO, ILLINOIS 60606-7206

REPLY TO  
ATTENTION OF

Environmental Engineering Section

17 APR 1990

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

RECEIVED APR 18, 1990

Dear Mr. Gardner:

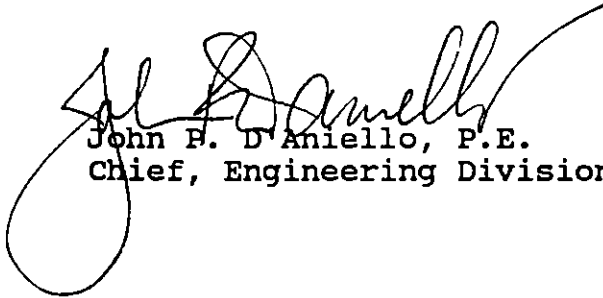
Due to the continued sedimentation of the federal navigation channel, the U. S. Army Corps of Engineers, Chicago District, proposes to dredge approximately 55,000 cubic yards of sediment from the Burns Waterway and Small Boat Harbor project. The Chicago District proposes that the dredged sediment be redeposited as beach nourishment along the Indiana Dunes National Lakeshore, as was done in the initial construction.

As in the past, only unpolluted sediments from the project are proposed to be dredged. Enclosed is the Plan of Action report for this project for your review and comments.

Your prompt reply to this request will be appreciated. If you have any questions, or require additional information, please contact Mr. Steve Garbaciak, Chief, Environmental Engineering Section, at (312) 353-0789.

Sincerely,

Enclosure

  
John F. D'Aniello, P.E.  
Chief, Engineering Division



# Little Calumet River Basin Development Commission

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

DOYLE NIEMEYER, Chairman  
Governor's Appointment

ARLENE COLVIN, Vice-Chairman  
Mayor of Gary's  
Appointment

CLYDE BAUGHARD, Treasurer  
Governor's Appointment

WILLIAM CRITSER, Secretary  
Governor's Appointment

CHARLES AGNEW  
Governor's Appointment

GEORGE CARLSON  
Mayor of Hammond's  
Appointment

NATHANIEL LEONARD  
Lake County Commissioners'  
Appointment

STEVE DAVIS  
Dept. of Natural Resources'  
Appointment

JOHN DEMEO  
Governor's Appointment

DAVID SPRINGMAN  
Governor's Appointment

WILLIAM TANKE  
Porter County Commissioners'  
Appointment

DAN GARDNER  
Executive Director

April 24, 1990

Mr. John P. D'Aniello, P.E.  
Chief, Engineering Division  
U. S. Army Corps of Engineers  
111 North Canal Street  
Chicago, IL 60606-7206

Dear Mr. <sup>John</sup> D'Aniello:

I am writing in response to your April 17, 1990 letter requesting review and comment on a proposed dredging of 55,000 cubic yards of unpolluted sediment from the Burns Waterway and the Small Boat Harbor project area.

The Little Calumet River Basin Development Commission is supportive of dredging the waterway, mouth, and harbor area as soon as is possible as we understand navigation clearances are diminishing in a number of areas critical to safety and access use.

The Development Commission is also very supportive of depositing all clean material on the westward toe of the west breakwater to nourish the beach which has sustained substantial loss of the original material deposited at the time of the breakwaters construction.

As we understand the current timetable, the dredging is proposed for summer 1991. We ask that close monitoring of the situation be continued to determine if the situation deteriorates as to present a clear danger to navigability and safety. We ask to be kept informed and would support an emergency declaration if such a situation is shown.

Please call me if you have any questions. Thank you for the opportunity to review and comment on this important matter.

Sincerely,

Dan Gardner  
Executive Director

/sjm



# United States Department of the Interior

## NATIONAL PARK SERVICE

IN REPLY REFER TO:

### INDIANA DUNES NATIONAL LAKESHORE

1100 N. MINERAL SPRINGS ROAD  
PORTER, INDIANA 46304

April 19, 1990

L54(INDU)  
x A3815

Mr. John P. D'Aniello  
Chief, Engineering Division  
U.S. Department of the Army  
Chicago District, Corps of Engineers  
111 North Canal Street  
Chicago, Illinois 60606-7206

Dear Mr. D'Aniello:

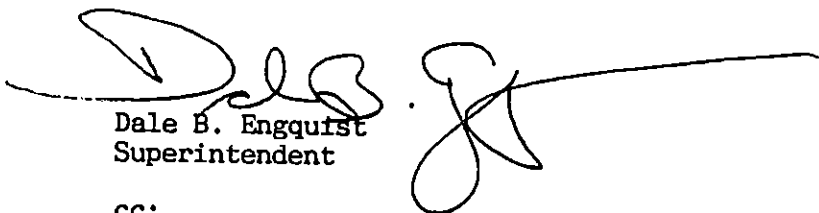
This is in response to your letter of April 17 advising us that you propose to dredge approximately 55,000 cubic yards of sediment from the Burns Waterway and Small Boat Harbor and deposit unpolluted dredge sediments from that project on the adjacent beach of the Indiana Dunes National Lakeshore.

As in the past, beach nourishment remains our preferred alternative for mitigation of shoreline erosion and we have no objection to the placement of uncontaminated sediments from the dredge project on our adjacent lands for the purpose of mitigation.

We would appreciate being advised in advance of the exact dates of the dredging project. We would also appreciate being advised if the project will necessitate any use of heavy construction equipment on any portion of National Park Service lands and how the sand will be placed and distributed on the beach.

By copy of this memorandum, I am advising Mr. Dan Gardner, Director, Little Calumet River Basin Development Commission and the Town of Ogden Dunes of our approval. If you have not already done so, I would suggest that a copy of your Maintenance Dredging Plan of Action be sent to Mr. Gardner and Mr. Ben Mallonee, President of the Ogden Dunes Town Council.

Sincerely,

  
Dale B. Engquist  
Superintendent

cc:

Mr. Dan Gardner, Director, Little Calumet River Basin Development  
Commission, 8149 Kennedy Avenue, Highland, Indiana 46322

Mr. Ben Mallonee, President, Ogden Dunes Town Council,  
6 Chestnut Court, Ogden Dunes, Portage, Indiana 46368

Regional Director, Midwest Region, National Park Service



# United States Department of the Interior

## NATIONAL PARK SERVICE

### INDIANA DUNES NATIONAL LAKESHORE

1100 N. MINERAL SPRINGS ROAD

PORTER, INDIANA 46304

IN REPLY REFER TO:

April 24, 1990

L54(INDU)  
xA3815

Mr. John P. D'Aniello  
Chief, Engineering Division  
U.S. Department of the Army  
Chicago District Corps of Engineers  
111 North Canal Street  
Chicago, Illinois 60606-7206

Dear Mr. D'Aniello:

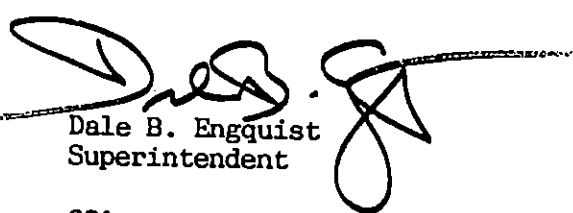
In my letter to your office on April 19, I explained that we have no objections to the placement of uncontaminated sediments from the Burns Waterway and Small Boat Harbor dredge projects on the adjacent beaches of Indiana Dunes National Lakeshore. Our Science Division has now had a chance to review the proposed plans and we offer the following suggestions.

1. The majority of sediment sampling investigation presented in the Dredging Plan of Action dates back to July 1981. Bulk chemical analysis at that time indicated that cadmium, mercury and PCB levels were in the "polluted" to "heavily polluted" levels. One elutriate sample for mercury exceeded limits for Lake Michigan waters. We understand that the source of sediments and loading quality and quantity has significantly changed since the 1981 study and the building of the breakwater. Because of these changes and the historical concentrations of contaminants held by these sediments, we believe that it would be prudent to expand the number of samples recommended in the Dredging Plan of Action and reduce the number of composites. Three composites made from seven samples is probably inadequate to characterize the nature and contamination potential of the sediments. A more conservative approach to verification of contamination-free spoils is justified by the historical pollutant loadings found in the waterway, potential contamination from downgradient waste lagoons and the recent installation of the breakwaters modifying the sediment deposition at the harbor's mouth. From the public health standpoint, bulk analysis of the sediment is probably as important as elutriation testing. We welcome the use of the spoil material for beach nourishment purposes but need assurance that visitors using the beach will not be exposed to potential contamination.

2. Section 5.1 indicates that organics will be analyzed in the sediment samplings and analyses, yet no organics beyond PCBs, oils and grease are listed on Table 6, page 29. Indiana Dunes strongly supports the analysis of priority pollutants for these sediments.

3. We believe that EP-toxicity testing of the sediments may be appropriate since there are hazardous waste sites immediately upgradient from the dredging site and several municipal and industrial effluents have point sources upstream of the dredging site.
4. We ask that you present the results of the analytical testing to Indiana Dunes for its review before beach nourishment is initiated.
5. Indiana Dunes has been planning to perform toxicological, chemical and biological analyses in beach interstitial waters in the proposed spoil disposal areas. Therefore, we ask that you notify us of the proposed dates of the project in advance so that we can complete our baseline studies before nourishment begins.

Sincerely,



Dale B. Engquist  
Superintendent

cc:

Mr. Dan Gardner, Director, Little Calumet River Basin Development  
Commission, 8149 Kennedy Avenue, Highland, Indiana 46322

Mr. Ben Mallonee, President, Ogden Dunes Town Council,  
6 Chestnut Court, Ogden Dunes, Portage, Indiana 46368

Mr. Don Castleberry, Regional Director, National Park Service



AGREEMENT BETWEEN  
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
AND THE  
DEPARTMENT OF NATURAL RESOURCES

ACCOUNT NO. 102-300

WHEREAS, the 106th General Assembly, in House Enrolled Act No. 2031 and IC 14-3-15, appropriated the sum of \$44,000 to be administered by the Department of Natural Resources for the deposit of sand; the design and establishment of systems that cause sand to be deposited; and the prevention or reduction of the degradation of sand along the coast of Lake Michigan in Indiana; and,

WHEREAS, excess sand has been the significant problem preventing the Little Calumet River Basin Development Commission from developing the Portage Marina site on the Burns Waterway and fulfilling its obligation to the U. S. Army Corps of Engineers to provide additional boat slips and public access to Lake Michigan; and,

WHEREAS, within approximately one-half mile of the Portage Marina site is the Town of Ogden Dunes which would benefit from the deposit of sand on the shore of Lake Michigan; and,

WHEREAS, it appears to be very desirable for the Department of Natural Resources in carrying out its responsibility in IC 14-3-15, to have removed as much surplus sand as possible from the Portage Marina site and to have it deposited on the shores of Lake Michigan at the Town of Ogden Dunes;

WHEREAS, it is the purpose of this agreement to set forth the terms, conditions and procedures for accomplishing the intent of the General Assembly and the obligations of the Little Calumet River Basin Development Commission, including provisions for the transfer of funds from the Department to the Commission.

NOW, THEREFORE, it is mutually understood and agreed that the respective roles, duties and responsibilities of the Department of Natural Resources and the Little Calumet River Basin Development Commission or their agent shall be as follows:

1. The Department shall as soon as practical after the effective date of this Agreement proceed to transfer the \$44,000 from Account No. 102-300 to the Commission.
2. The Commission shall use the \$44,000 for the following activities:
  - a) Proper testing of the excess sand at the Portage Marina site to determine the suitability of the sand for use as beach nourishment on the shore of Lake Michigan.
  - b) To obtain all necessary State and Federal permits to excavate, transport, and to deposit the sand as beach nourishment on the shore of Lake Michigan.

- c) To use all remaining monies to excavate, transport, and deposit the sand as beach nourishment on the shore of Lake Michigan at the east side of Ogden Dunes as directed by the Department's Lake Michigan Specialist.
3. If for some reason the Commission is unable to accomplish the above activity, the Commission shall give the Department an accounting of the funds spent and return any unspent funds to the Department.

This Agreement shall not be in effect unless and until approved by the Attorney General and the Governor of Indiana. The Department will inform the Commission when this agreement has been approved.

LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION

Doyle Niemeyer  
DOYLE NIEMEYER, CHAIRMAN

DATE: 4/5/90

DEPARTMENT OF NATURAL  
RESOURCES

Patrick R. Ralston  
PATRICK R. RALSTON, DIRECTOR

DATE: 4-19-90

This instrument prepared by Richard L. Wawrzyniak, Division of Water, Department of Natural Resources.

STATE OF INDIANA

BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF: )  
)  
SAVE THE DUNES COUNCIL, INC., ) ADMINISTRATIVE CAUSE  
INDIANA DIVISION OF THE IZAAK WALTON ) NOS.: 90-027W, 031W  
LEAGUE OF AMERICA, HOOSIER ) (DOCKET NO. G-12, 159)  
ENVIRONMENTAL COUNCIL, LAKE MICHIGAN ) 90-028W, 034W  
FEDERATION ) (DOCKET NO. A-11, 966)  
Claimants, ) 90-029W, 033W  
vs. ) (DOCKET NO. A-11, 899)  
) 90-030, 032W  
DEPARTMENT OF NATURAL RESOURCES ) (DOCKET NO. A-11, 335)  
Respondent, )  
)  
and )  
)  
CITY OF PORTAGE, )  
MILLER CHAPTER OF IZAAK WALTON )  
LEAGUE, LAKE COUNTY TRUST CO. #3811, )  
LITTLE CAL. RIVER BASIN DEV. COMM., )  
Respondent Intervenors. )

CLAIMANTS' ISSUES

Claimants submit the following issues of contention concerning the above mentioned applications.

Issues for G-12, 159 Portage Dredging:

1. The Department of Natural Resources (DNR) has failed to fully consider cumulative impacts as mandated by IC 13-2-22-13(d).
2. No Environmental Impact Statement (EIS) has been required, as mandated by IC 13-1-10-3 and IC 13-1-10-4.
3. The exemption to filing an EIS in IC 13-1-10-8 does not apply since state money has been used and additional money is earmarked for this project.
4. The DNR has failed to comply with all provisions of IC 13-1-10.

5. The DNR has failed to utilize statutory authority provided under IC 13-2-26 to protect high quality, recreational waterways. Dredging project limits include areas within the authorized boundaries of the Indiana Dunes National Lakeshore and impacts to the National Lakeshore resources have not been addressed, nor the protection to waters of the National Lakeshore called for in the Indiana Water Quality Standards been provided.

6. No permit has been issued under IC 14-3-1-14 or IC 14-3-1-14.5, nor is there any mention of the requirements of this statute, which is contrary to state law.

7. This permit does not mention the Public Trust Doctrine and how the Public Trust would be protected by this project.

8. The DNR has prematurely issued this permit without information that is required before being able to determine total, cumulative impacts. This is illustrated by the fact that additional testing is being required to determine the extent of contamination of sediments. Therefore, DNR is unable to make a determination of dredging methods, dewatering requirements, disposal sites, and any other decisions about the environmental impacts from this proposal.

9. The permit issued does not identify wetlands in the project area and proposed disposal sites, nor is there any mention of the fact the wetlands are identified by the National Wetlands Inventory. Further, there is no mention of the U.S. Fish & Wildlife concerns about wetlands and impacts to sensitive riparian habitats from this proposal.

10. There are no references to what guidelines are to be used to determine contamination and this proposal only identifies the proposed disposal areas as "upland sites". DNR fails to mention that dewatered contaminated sediments (based on EPA Region V guidelines) are considered a regulated solid waste by the State of Indiana and must be disposed at a legally permitted solid waste disposal facility. Further, there is no evidence that any coordination with EPA, U.S. Fish & Wildlife, U.S. Corps of Engineers, or DEM has been completed to assure protection of the environment of the State of Indiana as required under IC 13-1-10.

11. Conditions attached to this permit do not reflect the fact that DNR has no jurisdiction to regulate many stated conditions, such as risk assessment analysis.

12. There is no mention of water quality certification for this project and how this will be incorporated in this proposal.

13. The proposed boat traffic study fails to include provision to determine carrying capacity so a finite limit of boats is set to protect the environment of the State of Indiana. Further, this carrying capacity must include the method to be used to allocate these numbers to include public marina slips.

14. There is no DNR statutory authority to require risk assessment. Further, there are no definitions or references for guidelines and what expertise will be provided to determine this risk assessment.

15. There is no mention of River Commissions authority under IC 13-2-27 and the impact of that statutory authority.

16. There is no mention of IC 14-6-29.5, Little Calumet River Basin Development Commission, and the mandate of that statute on the comprehensive use, protection, and enhancement of the waterway to provide opportunities for the public. Also, there is no mention of how this project interfaces with existing plans of the Commission on issues such as the provision of eminent domain power by the Commission, public access, and resource protection.

17. There is no mention of IC 14-6-32, Lake Michigan Marina Development Commission, and the fact that public monies from this fund are earmarked for use in this project.

18. There is no mention of IC 13-2-22, Flood Control Act, and the implications of this statute.

19. There is no mention of the fact that rulemaking authority exists under 310 IAC Article 2, IC 14-1-1-56, and IC 4-22-2 to address watercraft use and restrictions.

20. There is no mention of the fact that authority exists under 310 IAC Article 6 to address flood plain hazards.

21. There is no mention of the fact that other projects are proposed for this waterway including Windsor Bay, an additional 1,500 slip development, which will have additional impacts on the waterway and the environment of the State of Indiana.

22. There is no mention of the role of the DNR Bureau of Land, Forest, & Wildlife Resources Advisory Council.

23. The role of the Porter County Drainage Board, Portage Port Authority, and the Little Calumet River Basin Development Commission is not defined.

ISSUES FOR A-11,335 IZAAK WALTON, A-11,899 PORTAGE LANDING, and A-11,966 LAKE COUNTY TRUST NO. 3811:

Items 1-23 (See above)

24. There is no evidence that permission has been obtained under IC 13-2-18.5-5(1) or IC 13-2-11.1-8 that includes all facilities proposed, including boat sewage facilities.

25. These proposals indicate that waters would be dedicated to public use under IC 13-2-18.5-5(2). However, there is no indication this would include bed ownership. This must be clarified for any future expenses, such as dredging and spill clean-up.

26. There is no mention of the hydrogeologic impacts from this project and how these would be determined prior to approval.

A-11,966 Lake County Trust No. 3811

27. There is no mention of well pointing required for this project as identified by plans for this project. No mention of the need to register any well with DNR is included.

28. There is no mention of the impact of the "cone of depression" that would be created by this pumping and impacts due to the proximity to several areas of hazardous waste disposal nearby. Also not considered are adverse impacts on the Indiana Dunes National Lakeshore and nearby wetlands.

29. The lake that would be created includes a "positive drain" and outlet, yet there is no mention of DNR authority for this lake and outlet. DNR approval must be required for construction of any ditch or discharge from this "lake".

30. No mention of the need for other permits for the construction of the lake, discharge, construction of the ditch, or impacts to the hydrology of the nearby wetland areas is included. There is no mention of 13-2-15.

A-11,899 Portage Landing

31. There is no mention that the project submitted to DNR is different than the project submitted to the U.S. Corps of Engineers for approval. Which project has been approved ?

The issues stated above are submitted on behalf of Claimants .

CERTIFICATE OF SERVICE

I certify that on the 13<sup>TH</sup> day of April, 1990, service of a true and complete copy of the foregoing Response to Petition to Intervene was made upon each party or attorney of record herein by depositing the same in the United States Mail in envelopes properly addressed to each of them with sufficient first-class postage affixed, as follows:

Indiana Division of the Izaak Walton League  
1602 Michigan Ave.  
LaPorte, IN 46350

Lake Michigan Federation  
59 E. Van Buren  
Suite 2215  
Chicago, IL 60605

Tom Dustin  
Hoosier Environmental Council  
3620 N. Meridian St.  
Indianapolis, IN 46208

Herbert S. Lasser & Assoc., P.C.  
Lake County Trust Company  
Trustee Under Trust No. 3811  
521 East 86th Ave.  
Merrillville, IN 46410

Dan McInerny  
Deputy Attorney General  
219 State House  
Indianapolis, IN 46204  
attn: Environmental Section

Lake County Trust Co.  
220 N. Main St.  
Crown Point, IN 46307

Carl Baxmeyer  
TenEch Engineering  
744 W. Washington  
South Bend, IN 46601

John Hannon, City Engineer  
City of Portage  
6070 Central Ave.  
Portage, IN 46368

Charles Siar  
Miller Chapter of the Izaak Walton League  
2173 Pennsylvania  
Portage, IN 46368

David Galloway, Sr.  
6195 Central Ave.  
Portage, IN 46368

Ken Fryer  
Ken Fryer Associates, Inc.  
112 York St.  
Michigan City, IN 46360

Scott Guyon  
Guyon-Walton, Inc.  
249 E. Main St., Suite 333  
Lexington, KY 40507

Dale Engquist, Superintendent  
Indiana Dunes National Lakeshore  
1100 N. Mineral Springs Rd.  
Porter, IN 46304

Dan Gardner  
Little Calumet River Basin Commission  
8149 Kennedy Ave.  
Highland, IN 46322

Scott Pruitt  
U.S. Dept. of Interior  
Fish & Wildlife Service  
718 N. Walnut  
Bloomington, IN 47401

Town of Ogden Dunes  
Town Board President  
115 Hillcrest Rd.  
Ogden Dunes  
Portage, IN 46368

District Engineer  
Detroit District Corps of Engineers  
P.O. Box 1027  
Detroit, MI 48231

Marty Maupin  
Indiana Department of Environmental Management  
5500 W. Bradbury  
Indianapolis, IN 46241

William S. Suarez  
2588 Portage Mall  
P.O. Box 615  
Portage, IN 46368



Tim Rider  
Administrative Law Judge  
601 State Office Building  
100 N. Senate Ave.  
Indianapolis, IN 46204

David Canright  
Hoosier Environmental Council  
410 S. 9th St.  
Chesterton, IN 46304

cc: Div. of Water

Div. of Law Enforcement

Div. of Fish & Wildlife



---

Thomas R. Anderson  
Save the Dunes Council  
444 Barker Road  
Michigan City, IN 46360



**MARQUETTE**  
Yacht Club, Inc.

1218 North Crisman Road  
Portage, Indiana 46368  
(219) 762-9961

Affiliated with LMYA

March 12, 1990

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

Mr. Gardner:

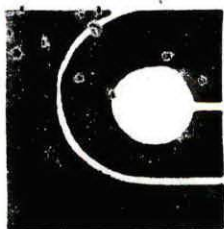
The Marquette Yacht Club Inc. has an interest in pursuing the development and operation of the proposed Public Marina Site as per the solicitation that the commission has made public. The development site is to be located south of U.S. Highway 12 and between Burns Waterway and State Highway 249.

We feel that it would be beneficial to all concerned that this project be pursued further. It is requested that a meeting be called in the very near future with those parties having authoritative and constructive requirements, such as public access etc, being necessary to pursue the development of the Public Marina Feasibility.

Please consider this as a valid letter of interest on the part of the Marquette Yacht Club.

*Don Cranfil*  
Don Cranfil  
Commodore

cc: Sammie Maletta  
M.Y.C. Development Committee



# Little Calumet River Basin Development Commission

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

April 18, 1990

DOYLE NIEMEYER, Chairman  
Governor's Appointment

ARLENE COLVIN, Vice-Chairman  
Mayor of Gary's  
Appointment

CLYDE BAUGHARD, Treasurer  
Governor's Appointment

WILLIAM CRITSER, Secretary  
Governor's Appointment

CHARLES AGNEW  
Governor's Appointment

GEORGE CARLSON  
Mayor of Hammond's  
Appointment

NATHANIEL LEONARD  
Lake County Commissioners'  
Appointment

STEVE DAVIS  
Dept. of Natural Resources'  
Appointment

JOHN DEMEO  
Governor's Appointment

DAVID SPRINGMAN  
Governor's Appointment

WILLIAM TANKE  
Porter County Commissioners'  
Appointment

DAN GARDNER  
Executive Director

Marquette Yacht Club, Inc.  
1218 North Crisman Road  
Portage, IN 46368  
Attn. Cutty Turnbull

Dear Cutty:

The Little Calumet River Basin Development Commission is in receipt of your letter dated March 12, 1990 indicating an interest in pursuing the development and operation of the required public-use marina facility in the Portage area. The Development Commission marina committee considers the offer to be a serious and earnest proposal. I will work with yourself or whoever the club designates as its representative to set up a joint meeting to explore the proposal in greater detail.

I wish to share with you what our board's marina committee has requested of other proposers and what you will need to be prepared to discuss. The club should be prepared to:

1. Bring a plan layout of the proposed marina development with any details regarding materials construction methods or schedules that are available or pertinent.
2. Be prepared to discuss financing and financial capability with respect to the marina. I must point out it is this area of financial capability that the previous marina proposers plans were rejected.

Please call me so we can explore possible meeting dates and answer questions you may have.

Sincerely,

  
Dan Gardner  
Executive Director

/sjm



### Diesel spill cleanup

Workers for the environmental division of CMC Industrial and Cleaning Services of Portage load containment booms aboard a truck after using them to contain a diesel fuel spill Saturday at Burns Ditch. Meanwhile, Bill Missal of CMC spreads oil dispersant along the shore. For full story, see Page B-1.

## Fuel spill closes Burns Ditch

By DON JORDAN  
Times Staff Writer

PORTAGE—Burns Ditch was closed to all boat traffic early Saturday morning after 806 gallons of No. 2 diesel fuel from the Welsh Oil Co. coated the waterway, but quick action prevented most of the fuel from entering Lake Michigan.

"Containment booms were deployed at six locations along the waterway," said Chief Warrant Officer Fred Maldonado, spokesman for the U.S. Coast Guard in Chicago.

The first boom was put in place at the South Shore Marina and the last one is at the entrance to Burns Harbor. About five miles of the waterway were affected, he said.

The U.S. Environmental Protection Agency estimated that between 200 and 250 gallons of fuel reached Lake Michigan.

"Cleanup operations were concluded at 4 p.m. Saturday, thus allowing normal vessel traffic to resume," said another coast guard spokesman, Petty Officer Ron McFadden.

According to EPA spokesman Bill

Simes, who was on the spill site Saturday, the U.S. Department of Interior, which owns the Indiana Dunes National Lakeshore, will evaluate the spill "to determine if there was any environmental damage."

He said damage to the environment is expected to be minimal.

Commercial cleanup contractors, hired by Welsh Oil, will continue the cleanup, according to the Coast Guard.

Welsh Oil Co. officials could not be reached for comment.

The spill was first reported at 6:36 p.m. Friday when the Lake Station Fire Department took a call from the Petro Truck Stop at 1401 Ripley St. (U.S. 51), said Chief Herbert Olson of the Portage Police Department. He said Welsh Oil Co. owns the truck stop.

The Lake Station Fire Department, the Portage Police Department and Porter County Haz-Mat Unit 1 were the first to respond to the emergency, which by early Saturday had mobilized the Coast Guard, the U.S. Army Corps of Engineers, EPA, the Indiana Department of Natural Resources and the Indiana Department of

See FUEL, Page B-2

## Fuel

Continued from Page B-1

Environmental Management.

Civil defense groups from Portage were called out to assist with traffic in and around the spill area.

Rep. Peter Visclosky, D-Ind., who was on the scene of the spill Saturday, said it took place when Welsh Oil Co. was transferring the fuel from a 300,000-gallon tank to a 20,000-gallon tank. The smaller tank overflowed, and fuel reached the waterway through storm sewers.

"I commend the quick action taken by all the local authorities as well as the Coast Guard and the EPA to remedy the situation as quickly as possible," Visclosky said.

# Spill results worse because officials not called sooner

by Mark Crane  
The Vidette-Messenger

PORTAGE — The effects of a diesel fuel spill which polluted Lake Michigan and the Burns Harbor Waterway over the weekend would have been lessened if environmental authorities had been notified sooner, officials said.

Friday, a Welsh Oil Co. employee overfilled an underground storage tank at the company's Petro Truck Stop in Lake Station, spilling 806 gallons of diesel fuel in all, about 300 gallons of which flowed into the waterway and Lake Michigan, according to vice president Ray Dorulla.

The spill polluted about 4½ miles of the waterway and the lake, killing only a few fish in the process.

Dorulla said he doesn't know exactly when the spill occurred. Greg Phillips, Porter County environmental coordinator, arrived at the scene at 10:30 p.m., and said the spill occurred three to four hours earlier.

"We could've done a lot better job of containing the spill if we'd been notified earlier," Phillips said. "I'm concerned that it took so long to be notified — that's an unusually long delay, and I'm going to find out where the problem is."

"By the time we were notified, (diesel fuel) was very close, if not already in Lake Michigan. There were no downstream users, which is fortunate, because if there had been, they'd have been drinking contaminated water for at least three hours."

"The fuel wouldn't have gotten into the lake if we'd been notified earlier. A lot can happen in three hours to contain a spill," Phillips said.

"(The spill) was employee error. The employee overfilled the tank, and the product ran into the drain sewer which emptied into the waterway. We lost 806

- "The fuel wouldn't have gotten into the lake if we'd been notified earlier. A lot can happen in three hours to contain a spill."

Greg Phillips,  
environmental  
coordinator

gallons — 300 gallons went into the waterway," Dorulla said.

"We've made no determination yet on whether the employee will be terminated."

Dorulla doesn't know how much the cost of the cleanup of the fuel loss will be. The company expects a statement from the employee later today regarding the spill, and won't have additional comment until company reports are filed.

Dorulla said Welsh Oil contacted Correct Maintenance Corp. of Portage immediately, as well as other entities, and said the delay occurred "through the process of notification. I don't know what happened."

The Environmental Protection Agency called HazMat to the scene about 3:30 p.m. Sunday to treat 300 yards of the waterway stretching from the former Lefty's Coho Landing to Midwest Steel. Phillips said a visible, non-hazardous sheen was still present on the water surface, extending into Lake Michigan.

The waterway was closed to boaters and fishermen for 18 hours while clean-up crews used absorbent and containment booms, vacuum machines and a chemical to break down the diesel fuel and remove the sheen.

"Greg Phillips and his group did a marvelous job of coordinating the cleanup and getting things done," Dorulla said.



Photo/Kathleen Matusik

**Correct Maintenance employees work to remove diesel fuel spill.**

## Officials seek cause of spill

**PORTAGE** — Authorities are trying to determine the cause of an 800-gallon diesel-fuel spill Friday night that forced the closing of Burns Waterway.

The spill occurred around 6:35 p.m. Friday at the Petro Truck Stop at 1401 Ripley St., just off Interstate 94 in Lake Station. The diesel fuel was spilled during a transfer of fuel from a fuel truck to a storage tank. The spilled fuel drained into a sewer and into the waterway.

The Porter County Hazardous Materials team was called around 10:50 p.m. Friday to clean the spill, along with Correct Maintenance Corp. of Portage. Cleanup operations were established on Burns Waterway near the truck stop and at the Bayside Marina in Portage.

The U.S. Coast Guard shut down traffic going out of the Burns Waterway and Little Calumet River. The waterway was reopened at about 4 p.m. yesterday, Portage police said.

The Indiana Department of Natural Resources also was called in to assist in the cleanup.

**Page A4:** Fuel spill was bad for charter boating.

Jeff O'Meara, a press agent for U.S. Rep. Peter Visclosky, D-Merrillville, said yesterday Visclosky visited two points along the cleanup site and was assured by representatives of the Environmental Protection Agency that damage will be minimal.

About 200 to 250 gallons made it into Lake Michigan, O'Meara said.

Visclosky plans to ask the Department of the Interior to study the area to determine the environmental impact of the spill, O'Meara said.

The representative commended local, state and federal emergency officials, saying, "They should be used as an example for future spills."

Officials for the truck stop and the Porter County Hazardous Materials team couldn't be reached for comment.

# Oil runs into part of Ditch

## Diesel storage tank overflowed

By Lori Caldwell  
Staff writer

The Coast guard barred boaters and anglers from a six-mile stretch of the Little Calumet River Saturday as cleanup crews worked to mop up 800 gallons of diesel fuel spilled from a truck-stop storage tank in Lake Station.

The U.S. Environmental Protection Agency estimated that more than 200 of the 808 gallons of the oil made their way down Portage-Burns Waterway, commonly known as Burns Ditch, into Lake Michigan at Portage, according to a spokesman for Rep. Peter Visclosky.

The popular waterway was reopened to boat traffic by the Coast Guard at 4 p.m. after 18 hours of cleanup operations were completed.

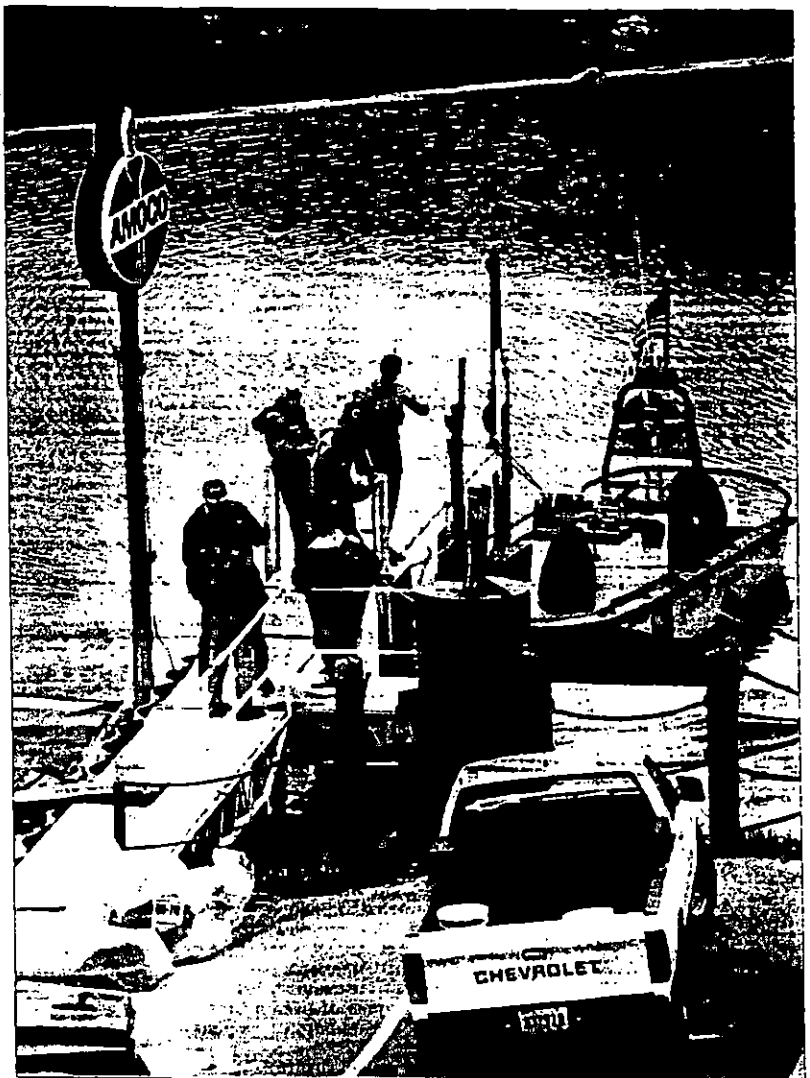
The transfer of diesel fuel overflowed a 20,000-gallon storage tank around midnight Friday, causing the spill at Welsh Oil Company's Petro Stopping Center at 1401 Ripley St., Lake Station, according to a spokesman at the U.S. Coast Guard National Response Center in Washington, D.C.

"A valve was left open during filling operations and a tank was overfilled, spilling into a storm drain that drains into the Portage-Burns Waterway," the officer said.

"Welsh Oil has accepted responsibility and has hired a cleaning contractor," he said.

Welsh Oil officials in Merrillville could not be reached for comment.

Correct Maintenance Corp. (CMC) of Portage put down



A Coast Guard boat is docked at Bayside Marina as special booms float nearby on the Portage-Burns Waterway. The booms were placed to contain oil spilled about midnight Friday.

five sets of booms across the ditch to contain and absorb most of the 3/4-mile slick before it reached Lake Michigan.

Yellow plastic booms act as skimmers, slowing the current on the surface of the water. Blue paper booms lie

parallel to the plastic tubes, absorbing oil, but not water.

As oil collected along the booms, workers from CMC placed large blue absorbent paper on the water's surface to remove the oil.

Some fish have died as a result of the spill, but a

spokeswoman at the Indiana Department of Natural Resources said the fish kill was minimal.

"Of course, that can change, depending on how hearty these fish are and

See Spill, Page A16

## Spill

how they were affected," said Susan Hatfield, dispatcher for the DNR office in Michigan City.

Many people noticed the strong odor of diesel fuel late Friday night.

Portage City Engineer John Hannon said he thought his diesel-engine car was causing the smell, but learned Saturday when he tried to go fishing what the real culprit was.

"I was driving home about 11 p.m., and thought, why does my car stink," Hannon said.

Alex Komorowski was driving home to Gary on U.S. 20 when he crossed the ditch about 10:15 p.m. "I noticed a real strong fuel odor. It was very pungent. I called 911 in Gary," he said.

A command center was established along the Little Calumet River near South Shore Marina late Friday night.

Among the agencies at the

scene to survey the damage and supervise the clean-up were the U.S. Environmental Protection Agency, the U.S. Coast Guard, Porter County Hazardous Materials Team led by coordinator Gregory Phillips, the Portage Police, the Ogden Dunes Volunteer Fire Department and the DNR.

According to a statement issued by the Portage Police department, the spill moved along the waterway into Portage from Lake Station at about 11:30 p.m.

Officials at the Midwest Steel Division of National Steel Corp., which has a mill at Lake Michigan and the waterway, offered use of the first boom placed on the ditch near the breakwater, said Bill Lutz, district ranger for the Indiana Dunes National Lakeshore Park.

Lutz said the Coast Guard used the national park's 25-foot Boston Whaler boat to place the first

boom.

An inspection of the ditch Saturday indicated very little oil reached the lake, Lutz said.

"I'm sure a little got into the lake, but nothing that would harm anything," he added.

"I went out on the breakwall itself and I could not see or smell anything," he added.

Lutz said he was at the site late Saturday morning and found a few spots with small amounts of oil near Bayside Marina and Midwest Steel.

"You can still smell and see a very thin line of oil going down the west side of Burns Ditch," Lutz said.

Marina operators Saturday reported business was at a standstill as Civil Defense volunteers stood watch at all entrances to the ditch telling people the ditch was closed.

Mike Doyme, president of Doyme's Marine Inc., said, "My parking lot was full last Saturday because the fish were running. There's nobody here today," he said.

Katie Dillman, an employee at Bayside Marina, said customers were understanding about the boat ban Saturday.

"If they can't go yachting, at least there's something exciting going on," Dillman said from the boating supply store as she watched workers laying absorbent booms at the launch ramp.

Cynthia Graham, vice president of Bayside Marina, said the smell of diesel fuel was very strong early Saturday, but subsided as the wind picked up.

Graham, who was called to the scene in the middle of the night, praised all agencies involved, with the clean-up effort for acting quickly and professionally.

# Diesel-fuel spill cancels charter-boat excursions

Couple had busy day scheduled, lose \$500 instead

**By Kathleen Matusik**  
News-Dispatch staff writer

Charter-boat captains looking forward to a full weekend of business were disappointed to learn there would be no fishing boats out of Burns Waterway yesterday and possibly today.

The U.S. Coast Guard closed boat traffic on the waterway and the Little Calumet River until a diesel-fuel spill could be cleaned up. At the Bayside Marina just off of U.S. 20 in Portage, workers from Correct Maintenance Corporation used containment booms and absorbent pads to keep the spill from oozing into Lake Michigan.

Meanwhile, Judy and Richard Pegau, owners of the charter boat Rainmaker, sat watching as they counted their losses.

"Today we had a full day scheduled, six parties booked," Judy Pegau said. "For charters alone we lost up to \$500 for the day."

The Pegaus weren't the only charter boats losing business yesterday.

"There are approximately 20 other boats that had to cancel today," Judy Pegau said. "Boats lost at least from \$300 to \$600 apiece, and that's just for today."

"Most charters lost two days because of it," Richard Pegau said.

People had booked charters for the weekend, he said, and when they realized they wouldn't be fishing yesterday they decided not to risk the expense of a motel for another night if they couldn't go out



Photo/Kathleen Matusik

**Judy and Richard Pegau wait to resume business.**

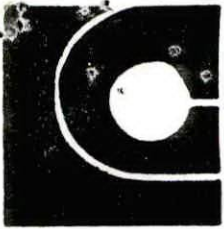
today either.

He said an official from the Welsh Oil Company, owners of Petro Truck stop where the spill originated, met with the charter-

boat captains.

"He assured me they'd take full responsibility for it and said for us to itemize our losses, and they'll take care of everything," he said.





# Little Calumet River Basin Development Commission

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

DOYLE NIEMEYER, Chairman  
Governor's Appointment

ARLENE COLVIN, Vice-Chairman  
Mayor of Gary's  
Appointment

CLYDE BAUGHARD, Treasurer  
Governor's Appointment

WILLIAM CRITSER, Secretary  
Governor's Appointment

CHARLES AGNEW  
Governor's Appointment

GEORGE CARLSON  
Mayor of Hammond's  
Appointment

NATHANIEL LEONARD  
Lake County Commissioners'  
Appointment

STEVE DAVIS  
Dept. of Natural Resources'  
Appointment

JOHN DEMEO  
Governor's Appointment

DAVID SPRINGMAN  
Governor's Appointment

WILLIAM TANKE  
Porter County Commissioners'  
Appointment

DAN GARDNER  
Executive Director

May 3, 1990

DRAFT

Mr. Richard E. Carlson  
Deputy District Engineer  
U. S. Army Corps of Engineers  
111 North Canal Street  
Chicago, IL 60606-7206

Dear Mr. Carlson:

I am writing to provide comments and the Development Commission position relative to the document entitled "Feature Design Memorandum No. 1 Nonstructural Floodproofing Measures" dated March 1990. While the Development Commission strongly supports the project and the earliest initiation of construction, it is the position of the Commission that the approach for providing flood protection in the Burr Street area south of the Little Calumet River by means of floodproofing individual homes needs to be re-evaluated and replaced with a structural flood levee as the method of protection. This conclusion has been reached after extensive investigation and discussion with the Indiana Department of Natural Resources Division of Water, the City of Gary and the Gary Sanitary District, local elected officials and area residents.

We believe a levee protection approach will, in the long run, provide not only a more adequate level of protection, but will also be more cost effective. The levee approach would also allow for future development as proposed by the city of Gary for the Burr Street corridor. This development would begin with the phased construction of sewers in the Black Oak section of Gary. These sewers are long overdue and would address severe health threats to the residents. The current city administration is sincere in exploring methods for funding and the Development Commission believes this effort must be coordinated with and supported by the Federal flood protection project approach.

Mr. Richard Carlson  
May 3, 1990  
Page 2

The Development Commission requests that a meeting be set as soon as is possible to discuss and explore the Burr Street area protection. We believe that the Federal Emergency Management Agency, the Indiana Department of Natural Resources Division of Water, the city of Gary and Gary Sanitary District need to be included with the Corps and the Development Commission in this meeting.

In forming the position of the Development Commission, a number of technical problems were also raised that we feel support a change of approach away from floodproofing and toward levee protection. Some of the issues are:

- The project would cause the raising of flood stages in the Burr Street area by nearly a foot. This would inundate additional acres and subject existing structures to greater induced impacts in the area because of the project. Some areas would now come under floodplain regulations as the result of the flood protection project.
- The floodproofing of the individual structures along Burr St. south of the river would isolate these buildings and create great personal hardship in time of flood.
- Many of the homes targeted for floodproofing may not meet State and FEMA minimum standards for protection after the project, leaving the Developing Commission and the city in difficult straits to regulate floodplain regulations.
- Given the voluntary nature of the floodproofing improvements, the likelihood of numerous refusals by the owners is great, given the requirement to bring the building up to code before any floodproofing is performed. The legal vulnerability of the Commission resultant from new, induced damages from raised flood stages in this area is not acceptable.

Based on these and other technical comments summarized in the Indiana Department of Natural Resources comments, as well as the position of the city of Gary requesting levee protection, the Development Commission opposes the floodproofing approach. The Development Commission pledges to work with the Corps and the other respondents to seek a satisfactory resolution to the

Mr. Richard Carlson  
May 3, 1990  
Page 3

situation and will cooperate to meet project cost sharing requirements of a changed approach, even if they are greater than at present.

We appreciate the opportunity to offer what we feel are vital comments to this issue toward developing a successful project and look forward to a response in the near future.

Sincerely,

Dan Gardner,  
Executive Director

Doyle Niemeyer,  
Chairman, Little Calumet River  
Basin Development Commission

/sjm

cc: Beldon McPheron, Project Manager

Position statement adopted at the May 3rd, 1990 regular board meeting by unanimous vote.



# ATTENDANCE ROSTER

Name of meeting: LCRBDC

Date: 5-3-90

	NAME (please print)	Organization and/or Address	
1	DICK WAWRZYNIAK	DNR - Div. WATER	1
2	Richard J Bundy	SALMON UNION TOWN	2
3	EDDIE VASQUEZ	SUPT. GARY PARK DEPT.	3
4	ROBERT KIMBERLY	HARBOR MARINE	4
5	Pete Zak	South Shore Marine	5
6	M. J. Zak	" " " "	6
7	Carl Fisher	Supt - Portage Park Dept.	7
8	Bob Bette	3131 Burr	8
9	Julian Allen		9
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Chairman: Doyle Niemeyer

Location:

2-1-92-5-3-90



CLAIMS READY FOR PAYMENT FOR MAY MEETING

BUDGET CODE	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
311	LOUIS M. CASALE	283.33	ATTORNEY RETAINER FEE APRIL 1990
312	NIRPC	4657.44	FOR SERVICES PERFORMED DURING MARCH 1990
323	ALL STYLE TRAVEL SERVICE	1258.00	SERVICES RENDERED RE: WATER RESOURCES CONGRESS
399	D&S WHYTE ASSOC.	420.00	1990 WATER RESOURCES CONGRESS REGISTRATIONS
411	LOUIS M. CASALE	3162.00	LAND ACQUISITION LEGAL SERVICES APRIL 1990
412	LAKE COUNTY RECORDER	5.00	RECORDING FEES ON LCRBDC PROPERTY
412	BONITA LOFTON	15996.93	RELOCATION COSTS RE: DC227
412	KATIE DOWD	9978.00	RELOCATION COSTS RE: DC285
412	CHICAGO TITLE INSURANCE	380.00	TITLE WORK INCURRED ON DC220 & DC296
412	GENE HUTCHEN	150.00	APPRAISAL SERVICES RENDERED ON DC257
412	KATH CONROY	303.75	CONSULTANT SERVICES RE: RECREATIONS PROJECT
412	ROBERT B. STOUFFER	428.75	LAND ACQUISITION/MANAGEMENT SERVICES RENDERED 4/10-16/90
412	LAKE COUNTY RECORDER	20.00	RECORDING FEES ON DC289, DC238, DC271, & DC338
412	CHICAGO TITLE INSURANCE	380.00	TITLE WORK INCURRED ON DC236, DC279
412	SONNIE EDWARDS	508.00	RELOCATION COSTS ON DC67
412	CHICAGO TITLE INSURANCE	190.00	TITLE WORK INCURRED ON DC228
412	CHICAGO TITLE INSURANCE	165.00	TITLE WORK INCURRED ON DC223, DC228, DC268 & DC317
412	SOUTH SHORE MARINA	840.00	INSTALLATION OF HAND RAILS ON WATER WAYS
412	JOHNNY COLLINS	5250.00	RELOCATION COSTS ON LCRBDC PROPERTY
412	JOSEPHINE GARCIA	5250.00	RELOCATION COSTS ON LCRBDC PROPERTY
412	CHARLES FOSTER	5250.00	RELOCATION COSTS ON DC289
412	DOROTHY SINCLAIR	5250.00	RELOCATION COSTS ON DC237
412	CHICAGO TITLE INSURANCE	490.00	TITLE WORK INCURRED ON DC274, DC331, DC336 & DC325
412	ROBERT B. STOUFFER	939.50	LAND ACQUISITION/MANAGEMENT SERVICES RENDERED 4/17 - 5/1/90
412	LAKE COUNTY RECORDER	10.00	RECORDING FEES ON DC227 & DC285
412	GARY REDEVELOPMENT COMM.	2825.10	SERVICES RENDERED RE: RELOCATION PROJECT
412	NIPSCO	368.68	UTILITY BILL FOR PUMPING EXPENSES 3/15 - 4/16/90
413	MOZELLE W. RIVERS	350.00	PURCHASE PRICE OF PROPERTY ON DC336
413	ESTATE OF M. FITZGERALD	1050.00	PURCHASE PRICE OF PROPERTY ON DC236
413	SHERMAN & ALICE FORD	702.00	PURCHASE PRICE OF PROPERTY ON DC279
413	H. CRAWFORD C/O A. SCOTT	6500.00	PURCHASE PRICE OF PROPERTY ON DC290
413	JAMES DAVIS	4200.00	PURCHASE PRICE OF PROPERTY ON DC288
413	H. CRAWFORD C/O A. SCOTT	6900.00	PURCHASE PRICE OF PROPERTY ON DC287
413	MR. & MRS. M. WINTERS	18500.00	PURCHASE PRICE OF PROPERTY ON DC345
413	H. & O. ELMORE	36800.00	PURCHASE PRICE OF PROPERTY ON DC325
414	LK. CNTY. PARKS DEPT.	7165.34	COST INCURRED RE: LAKE ETTA PROJECT
414	LK. CNTY. PARKS DEPT.	111208.00	COST INCURRED RE: LAKE ETTA PROJECT
		258134.82	

✓  
✓*note - p. 6.*