



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

GEORGE CARLSON, Chairman
Mayor of Hammond's
Appointment

CHARLES AGNEW, Vice-Chairman
Governor's Appointment

JOHN DEMEO, Treasurer
Governor's Appointment

NATHANIEL LEONARD, Secretary
Lake County Commissioners'
Appointment

ARLENE COLVIN
Mayor of Gary's
Appointment

WILLIAM CRITSER
Governor's Appointment

STEVE DAVIS
Dept. of Natural Resources'
Appointment

ROBERT HUFFMAN
Governor's Appointment

WILLIAM TANKE
Porter County Commissioners'
Appointment

ROBERT TRELO
Governor's Appointment

VACANCY
Governor's 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, AUGUST 4, 1994

AT HIGHLAND TOWN HALL

3333 RIDGE ROAD
HIGHLAND, IN

AGENDA

1. Call to Order by Chairperson George Carlson
2. Recognition of Visitors, Guests
3. Approval of minutes of July 7, 1994
4. Executive Director's Report

Wicker Park Manor levee construction

- Corps letter to contractor re: borrow site
- Letter from town of Highland relaying citizen concern

11-15
16-17
18-19

Erie R.R. bridge removal project

- Letters to city of Hammond & town of Highland
- Bid package being assembled for publication

20-23

9

Wed. Oct. 26
Sun Oct. 30

X
Not
Pend

5. Reports of Standing Committees

A. Legislative Committee - George Carlson, Chairman

- 95/97 State Biennial Budget request forms due 8/19/94

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

- Appraisals, offers, acquisitions, recommended actions
- Corps Real Estate meeting held 7/28/94
- Other issues

C. Project Engineering/Construction Committee - Robert Huffman, Chairman

- Wicker Park Manor construction progress report
- Federal project construction status report 24
- Transmittal from Corps of Environmental Assessment Study & 'Finding of No Significant Impact' 25
- Letter of concurrence from Federal Highway Administration - Project credits 26-28
- Other issues

D. Marina Development Committee - Bill Tanke, Chairman

- NIPSCO lease approved & signed by all parties 29-30
 - Authorization to pursue acquisition of surplus NIPSCO lots
 - New site access road underway
- IDEM letter granting construction permit extension 31
- Site Excavation status
 - Attorney letter approving Dyer waiver 32
 - Commission letter to Izaak Walton League 33
- City of Portage award for sheet piling
 - Construction start contingent on Corps permit award
- Other issues

E. Finance/Policy Committee - John DeMeo, Treasurer

- Financial status report 34
- Approval of claims for June, 1994 35-37
- Other issues

6. Other Business

7. Statements to the Board from the floor

8. Set date for next meeting; adjournment

Let Bob H. know before 11/11 inspection is in. We want to attend

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:30 P.M. THURSDAY, JULY 7, 1994
AT THE COMMISSION OFFICES
6100 SOUTHPORT ROAD
PORTAGE, INDIANA**

Chairman George Carlson called the meeting to order at 6:40 p.m. Nine (9) Commissioners were present. Quorum was declared and guests were recognized.

Development Commissioners:

George Carlson
Charles Agnew
Steve Davis
Robert Huffman
Robert Trelo
William Tanke
Nathaniel Leonard
Arlene Colvin
John DeMeo

Staff:

Sandy Mordus
Jim Pokrajac
Dan Gardner
Lou Casale

Visitors:

Herb Read - Izaak Walton
Bill Petrites - Highland
Ruth Mores - Hammond Resident
Don Shapiro - Highland
Cecilia Wallace - NIRPC staff
Mike Vander Heyden - Dyer
Construction
Ray Young - Contract & Community
Services
Pete Zak - South Shore Marina
Mary Jane Zak - " "
Mike Doyne - Doyne's Marine Inc.
Patrick Mysliw - Hammond
attorney

The minutes of the June 2, 1994 meeting were approved by a motion from Chuck Agnew; motion seconded by Arlene Colvin; motion passed unanimously. A correction was then made to the minutes inserting the word "not" in front of "a viable alternative" causing it to read "it is not a viable alternative" in the last paragraph on page 3; motion to correct the minutes was made by Bill Tanke; motion was seconded by Bob Huffman; motion passed unanimously.

Executive Director's Report - Mr. Gardner gave a brief report on the press conference regarding the Corps' minority contracting commitment that was held at the Congressman's Office on June 6th. Mayor Barnes and Congressman Visclosky were both in attendance.

Mr. Gardner also discussed the meeting held in Indianapolis with the DNR regarding the requirements for the DNR permit to build in a floodway that is required before any further construction can begin in the east reach. The permit application has been submitted with as much information as we currently have; the Corps needs to provide some technical data, the Corps mitigation plan, some down-stream modeling and confirmation of levee re-alignment for Highland/ Griffith. Public notice has been given.

/

Mr. Gardner referred the letter in the packet asking the Corps to pursue accelerating the Corps eligible participation in the recreation area known as the Oxbow Park. Discussion was held on the possibility of a transfer of property or lease arrangement so the property could be in the Commission's name since Corps regulations say any recreational development they fund must be held in the sponsor's name.

Mr. Gardner announced that the DNR permit for construction in a floodway for removal of the abandoned Erie R.R. bridge has been approved and received. Staff is in process of assembling the bid package to go out for bids. Bob Trelo made a motion authorizing staff to proceed with bidding; motion seconded by Bob Huffman; motion passed unanimously. Mr. Gardner asked for Board consensus to send a letter to Hammond inquiring about the \$18,000 once earmarked with Community Development Funds and to also send a letter to Highland to see if there is any funding in their budget that they could give us toward this project. It is Hammond and Highland that will benefit from this bridge removal and the concern is that any money this Commission spends for removal will not receive credit from the Corps for the project for which it is contractually responsible.

Legislative Committee - George Carlson referred to Senator Coats' new release announcing \$3.3 million of federal funds for the project. He also reported that as a result of Mr. Gardner's attendance at the State Budget Committee meeting and our request for the remaining \$2 million from the 93/95 budget for drawdown purposes, it was approved by the State Budget held June 22. Mr. Gardner added that we have received the 95/97 biennial budget forms for submittal back to the State Budget Agency by August 19th. Mr. Gardner will review available funds, future funds, construction dates, utility relocations, future acquisition, Corps deadline dates, etc. in order to determine an accurate figure on the amount of money that would be needed for this next biennium.

Land Acquisition Committee - Land Acquisition Chairman Chuck Agnew made a motion to increase the offer price to \$5,407.81 (amount will cover past due real estate taxes) in order to avoid condemnation; motion seconded by Nathaniel Leonard; motion passed unanimously.

Project Engineering Committee - Mr. Huffman reported that the Wicker Park Manor construction progress is at about 16% complete. The retention pond on the west side of Indianapolis Blvd. is about 95% complete. Final completion date is March 1995. He also reported that a final inspection on Stage II Phase 2 and Stage III is scheduled for mid August.

Mr. Gardner referred to the letter in the packet from the Federal Emergency Management Agency (FEMA) saying it is incorrect to assume project funding and completion status can be used in determining when an area can be taken out of the floodplain designation. The Corps is attempting to provide drawings & documentation when 50% complete to be given to the town and DNR for their use in their dealings with FEMA. We will try to accommodate and provide everything that we can do as a Commission in order to see this area removed from the floodplain. The concern is that SBA loans for property owners come due very shortly and it was anticipated that the process to remove the floodplain restrictions would have been started. That is not the case. Homeowner Dominic Vasile expressed his dismay over the slowness of the whole process. There was a lengthy discussion concerning the contractor's delay in building the new levee. Mike Vander Heyden from Dyer Construction (the contractor) stated he is awaiting IDEM approving a site that he wants to use for borrow material. Although there are several other approved sites, Mr. Vander Heyden is attempting to get another site approved. After much argument back and forth, Mr. Gardner stated he would talk to the Corps and see exactly what the problem is. Mr. Trelo inquired if there was anything the Commission could do for the homeowners in the meantime.

Marina/Breakwater Committee - Committee Chairman Bill Tanke gave the marina report. The main topic was the issue of sandmining that Dyer Construction has been doing in which they are asking for a waiver to allow them to take the sand to Illinois. Mr. Vander Heyden's attorney, Patrick Mysliwy, gave some background information on the sandmining. In our contract with Superior/Dyer, they are suppose to obtain a waiver from the Commission before any sand is taken out of state. Although it is after the fact, they are requesting a waiver now. Dyer has a contract for 100 yards of sand for a public project in Illinois. Lou Casale, Commission's attorney, stated that the Commission may be restricting inter-state commerce laws by disallowing this sandmining. Mr. Mysliwy has stated that the market for sand in Indiana is non-existent right now and this is a project that needs sand that Dyer can provide.

Herb Read, Izaak Walton League, spoke opposing the waiver. Although he supports the marina project, he feels the sand should not only stay in Indiana but should go on the shoreline to replace beach erosion. It is desperately needed on the beach. He stated that if Mr. Vander Heyden did not like the terms of the contract, he should have spoken then and felt that the only reason he is asking for a waiver now is because he got caught hauling sand into Illinois.

Mr. Tanke gave a little history on our commitment to the federal government to build a marina and in order to build that marina, the sand must be removed. After meeting with attorney and staff, the Commission has developed a position letter. Since the Commission's prime objection is to build a marina and therefore the sand must be moved and since the project in Illinois is a public project (not private), Mr. Tanke made a motion to grant the waiver; motion was seconded by John DeMeo; motion passed. There was one nay vote from Commissioner Steve Davis.

Mr. Agnew pointed out that this Commission did not deserve the threatening letter that was received from Dyer Construction. He felt it was completely out of order and unnecessary.

Mr. Gardner added that the Commission still supports 100% the idea of the sand going on the beach. There needs to be a funding mechanism to get it there. We have, in the past, offered the sand at no cost. That is a standing offer. Mr. Gardner stated that once the marina obligation is met, the Corps of Engineers will dredge the waterway periodically and those clean dredgings will be placed on the beach for mitigation.

Mr. Huffman made a motion to send a letter to Dyer Construction stating that he violated the terms of the contract by not getting a waiver first; motion seconded by Bob Trelo; motion passed unanimously. Mr. Mysliwy added that it was not intentional to violate the contract.

Herb Read, reacting to the Commission's granted waiver, stated he understands and appreciates the position the Commission is in but at least would like to see the Commission reaffirm whatever it can do support the sand being used on the beach and explore whatever means it can to assist the sand getting to the beach.

Mr. Agnew continued the motion by adding the Commission's support of the endeavors of the various environmental groups relative to this issue; motion seconded by John DeMeo; motion passed unanimously. It was stressed to Dyer Construction that the waiver is for this contract only and for only 100,000 yards.

Mr. Tanke then made a motion to adopt the position paper on the sand removal as the Commission's position paper and forward a copy of it to the Governor's Office. This letter is to be addressed to the Izaack Walton League and will be made part of these minutes and included as Attach A. The motion was seconded by John DeMeo; motion passed unanimously.

Mr. Tanke then referred to a request letter from the Portage Township Trustee's Office, Porter County, asking the Commission to authorize 15 truck loads of sand at no cost for a park development project. Mr. Tanke made a motion to approve the sand removal for 15 loads for this project; motion seconded by John DeMeo; motion passed unanimously.

Mr. Gardner referred to the last Board meeting in which a motion was made approving a restriction for a natural area that was requested by the Detroit Corps for the permit approval. Since then, it has been discovered that INDOT is not able to grant that particular area for restriction so, with Detroit Corps approval, another area with like acreage will be identified. Abonmarche will revise the marina sketch to reflect this change. Nathaniel Leonard made a motion to modify the deed restriction to reflect the change in the area that will be used as a natural area; motion seconded by Arlene Colvin; motion passed unanimously. Commissioner Steve Davis inquired whether the area is the same exact square footage that was previously identified. Mr. Gardner replied that it is actually greater acreage than is required. This proposal covers 75,054 sq. ft. while the Corps of Engineers is requiring a minimum of 61,000 sq. ft.

INDOT has extended the permit received from them for cutting into a roadway for another year. With the delay in obtaining the Corps permit, it has pushed the road project back.

Mr. Tanke informed the Board that although it is in the process of signatures, we have not received a final signed copy of the NIPSCO lease yet. Hopefully, we will in the very near future. The city can still award bids for the sheetpiling making the award contingent upon approval/signature by NIPSCO. Once the lease is obtained, a new haul road will be constructed. It was pointed out that it would be the city of Portage that will be the contracting agent in this award - not the Commission.

Finance/Policy Committee - Treasurer John DeMeo presented the financial status report for May as well as the claims amounting to \$27,659.99. He added one additional claim in the amount of \$383 for per diem and mileage for one of the Commissioners who cannot attend the next meeting. The total claim amount for approval is \$28,042.99. Mr. DeMeo made a motion to approve paying the pending claims; motion seconded by Bill Tanke; motion passed unanimously. He also reported that we have received the Commission's audit report for the years 1992 & 1993 and there were no significant findings. Mr. Gardner thanked Cecilia Wallace, the Commission's bookkeeper, for a job well done.

LCRBDC Minutes
July 7, 1994
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Other Business - There was none.

Statements from the floor - At this point, there were no other statements.

The next Commission meeting was scheduled for Thursday, August 4, 1994. That Commission meeting will be held at the Highland Town Hall, 3333 Ridge Road, Highland.

/sjm

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION SAND REMOVAL SITUATION REGARDING PORTAGE PUBLIC MARINA CONSTRUCTION

ISSUE: Some concerns by environmental interests have been expressed to Governor Bayh's office over the most recent project Dyer Construction is providing sand to from the Portage public marina site. The project is with the Port of Illinois for an environmental site reclamation and public recreation facility development in the Lake Calumet area in Illinois. The contract for sand removal calls for a written waiver for projects in Illinois. The Development Commission needs to consider the relevant issues and act on this matter at its meeting of July 7.

BACKGROUND: The Little Calumet River Basin Development Commission in 1982 entered into a legal contract with the U. S. Army Corps of Engineers for a Federal Section 104 breakwaters/small boat harbor project. The project was funded by Congress for the federal portion and the 1983/85 Indiana General Assembly appropriated \$1,768,800 for the 50% construction match for the project. As a direct result, twin rubble mound breakwaters were constructed through federal contracts in 1983/84. Responsibilities beyond the initial construction called for the Development Commission (as non-federal project sponsor) to effect construction of a 250 slip public marina facility and for the Corps of Engineers (as federal project sponsor) to maintain the stone breakwater and perform periodic harbor and channel maintenance dredging.

The Development Commission began a several year process to identify a site, funding, and potential private/public partnerships to meet the marina development requirement. After several unsuccessful private solicitations, a site was identified and purchased with state funds for the explicit purpose to develop the public marina. Later, the City of Portage under the leadership of Mayor Sammie Maletta entered into a joint venture agreement with the Development Commission to design, construct and later operate the public marina. The City sought scarce Lake Michigan Marina Development Commission (state appropriations) funding to assist the Development Commission.

It was in this environment of tight funding that necessary sand removal to allow the marina basin to be constructed was approached to reduce public costs for the project. A positive bid to pay the project .31¢/cu.yd. above grade and .01¢/cu.yd. below grade by Superior/Dyer Construction joint venture was viewed as a \$1,000,000 public cost saving to the project (500,000 cu.yds. x \$2.00/cu.yd. to transport off site).

FACTORS RELATIVE TO DECISION

I. Contractual Issues/Obligations Impact

A. Development Commission/U.S. Corps of Engineers breakwaters/marina contract: The Development Commission is obligated to provide a 250 slip, 4 launch lane public marina development as part of the breakwater contract. The development was due upon completion of the breakwaters (1984) and is thus 10 years past due. Any withdrawal of progress of marina construction puts this \$2 million liability again before us.

B. Superior/Dyer joint venture sand removal contract: Superior/Dyer joint venture is moving sand from the marina site at a positive payment (.31¢/cu.yd. above grade - .01¢/cu.yd. below grade) to the project. Projected project savings of \$1,000,000 based on 500,000 cu.yds. at a minimum of \$2/cu.yd. for paid removal with short haul destination. Current remaining sand would still be an additional \$500,000 liability to the project if the Superior/Dyer contract were suspended.

C. Corps of Engineers Harbor/Channel Dredging Obligation: As part of the Federal breakwaters contract, the Corps of Engineers has the obligation to periodically dredge the harbor and federal river channel area. This was accomplished once in 1983, but was subsequently suspended due to insufficient progress toward the construction of the public marina. Recent progress, including the sand removal project, has allowed the Corps of Engineers to again request federal appropriations to perform maintenance dredging. Clean dredgings would be thus made available for shoreline mitigation placement, as per the project agreement. The current Federal budget (FY 95) contains \$437,000 for the Portage/Burns Harbor Waterway dredging. A suspension of marina development progress would put this appropriation at extreme risk, as well as delay any clean sand to be made available for shoreline placement by this project, directly counter-productive to the stated desires of the environmental interests.

II. Situational Differences Relative to Marina Site Sand Removal

1988: The Development Commission was attempting to identify a public or private partnership to assist in meeting the marina development obligation. The gap of funding the marina was great and the Development Commission had no financially viable way to excavate the site, with sand costing some \$2-\$3/cu.yd. to have moved from the site. Engineering estimates put the excess sand at ± 500,000 cu.yds. on site.

● Loyola University, a private Illinois school, was pursuing expanding their lakefront campus by means of lakefill in Lake Michigan. The University identified seven potential sand sources, including the Little Calumet marina site. In reality, the site was never tested or was the Development Commission formally contacted by the University to pursue the sand. Governor Bayh's office issued a press statement favoring the marina site sand remaining in Indiana. After some time, the University dropped pursuing the lakefill project and required permitting.

II. Situational Differences Relative to Marina Site Sand Removal (Continued)

1994. The Development Commission currently has a valid contract with Superior/Dyer to remove sand needed for the marina development at no public cost to the project, a savings of over \$1,000,000.

- The Development Commission has a joint venture with the City of Portage for the public marina development. The City has received over \$1.7 million of State funding through the Lake Michigan Marina Development Commission, resulting a greatly reduced marina development funding gap and a strong push-to-achieve construction. A 1995 boating season for Phase I development is strongly desired.

- Dyer Construction has a contract with the Port of Illinois for 100,000 cu.yds. of sand for an environmental reclamation project, with a resulting public recreation facility being developed.

- Dyer Construction has stated a good faith effort was made to secure Indiana public projects, but the market in Indiana is severely depressed at this time for a variety of factors. The Illinois Port project yields public benefits in the basin area, is an environmental reclamation and continues to prepare the marina site for sheet piling work scheduled for summer bidding.

III. Development Commission Public Offer of Sand Availability

Since the 18 acre public marina site was acquired and a Master Plan for development adopted by the Development Commission and City of Portage, the Development Commission has offered sand from the site at no cost to public entities for public projects. This offer has been in place over 5 years.

The only sizable public project to avail itself of this sand was Ogden Dunes utilizing some 20,000 cu.yds. for beachfront mitigation. Through DNR, approval and testing performed by Development Commission contract (from interest in the mitigation fund account) this project was successfully completed in the fall of 1993.

The City of Portage has used small amounts of sand periodically for city projects, and a request before the Commission board this meeting by the Portage Township Trustee for 15 dump truck loads of sand are the only other public entities to pursue this source in over 4 1/2 years.

IV. Site/Sand Characteristics & Use Issues

- The site was bought with public funds explicitly for the purpose of meeting the public (State of Indiana) obligation to develop a public marina, not for any other sand related use.

IV. Site/Sand Characteristics & Use Issues (Continued)

- The site was previously impacted by human use and portions were sand mined. The sand remaining on the site was estimated to cost some \$1,000,000 to move from the site to allow the marina basin, launch lanes and parking to be developed. The current contract with Superior/Dyer for sand removal and payment to the project is sound public policy yielding significant public funds savings.

- The sand resting on the site, while clean dune type sand, is not physically ideal for shoreline nourishment specifications - being too smoothly shaped and subject to easy displacement by natural forces and weather.

- "Stopping" the movement of sand from the site does nothing of public benefit, but potentially to add to the public cost of the project development. It does not move sand to any Indiana beach front nor does it direct it to Indiana public use projects.

The challenge is not to negatively "Stop" the sand removal, but positively and creatively identify Indiana projects or fund sources that can utilize this sand source.

V. Legal/Litigation Issues

The legal issues regarding this manner will be outlined by the Development Commission attorney Lou Casale.



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

REPLY TO
ATTENTION OF

July 26, 1994

Construction-Operations Division
Calumet Area Office

SUBJECT: Contract No. DACW23-93-C-0141
Stage V - Phase I, Levee Construction
Local Flood Protection and Recreation Project
Little Calumet River, Indiana
Environmental Testing Requirements for Proposed Lake
Calumet Borrow Source

Mr. Jeff Herron
Dyer Construction Company, Inc.
1716 Sheffield Avenue
Dyer, Indiana 46311

Dear Mr. Herron:

Reference is made to Transmittal No. 11-C (F) dated 3 June 1994, by which you submitted information to this office regarding utilization of Lake Calumet as a proposed borrow source for clay. In my response dated 6 July 1994, to this submittal, I stated that the acceptability of the material from an environmental perspective could not be determined from the information provided. Chemical analysis was only completed and provided for the overlying sediments, not on the clay. Secondly, I stated that prior to receiving approval from this office to use the clay in the levee, you would be required to obtain concurrence from the Indiana Department of Environmental Management (IDEM) that the clay is environmentally acceptable.

It is my understanding since receipt of my response, you have had several discussions with representatives of IDEM regarding this matter, namely Greg Lorenz. As a result of those discussions, you have advised this office that the Office of Solid Waste at IDEM does not have regulatory authority over this material unless it is "contaminated", and the IDEM has been reluctant to provide you specific guidance on what is required in order to demonstrate whether the materi-

al is "contaminated" or not. Consequently, you have been pursuing guidance from this office, in order to proceed with the necessary sampling and testing.

Having confirmed your understanding and conversations with Greg Lorenz at IDEM, we are providing the following guidance regarding information you must provide this office, so that a determination as to the environmental acceptability of the material as a proposed clay borrow source for this contract can be made. Please keep in mind, that this will still be a very time consuming process, and that no contract time extensions will be provided on the basis of pursuit of this borrow source. Your current contract completion date of March 29, 1995, dictates that construction of the levee must be completed by this fall, when weather restrictions are considered.

a. Laboratory Selection: In order for the proposed test data to be valid for the purpose of determining Hazardous, Toxic, Radioactive Waste (HTRW) potential, the samples must be analyzed by a U.S. Army Corps of Engineers, Missouri River Division (MRD) approved laboratory. The following local laboratories have been inspected and approved by MRD for HTRW testing.

Mr. Dan Gillespie
ARDL Inc.
18 West Forest Street
Mt. Vernon, IL 62864
Phone: (616) 244-3235

Ms. Janell Wooden
Environ Science & Engineering
8901 North Industrial Road
Peoria, IL 61615
Phone: 1-800-234-1239

Mr. Gary Carbonari
Great Lakes Analytical
1380 Busch Parkway
Buffalo Grove, IL 60089
Phone: (708) 808-7766

Mr. Eric Lang
Weston-Gulf Coast Laboratory
2417 Bond Street
University Park, IL 60466
Phone: (708) 534-5200

b. Sampling Quality Assurance Plan (SQAP): Prior to attainment of any samples, you shall submit for approval, a SQAP specifically prepared for this project. No sampling shall be accomplished until the SQAP has been approved. As a minimum, the SQAP shall include the following:

(1) Statement of Qualifications for the person(s) responsible for sample collection. The individual(s) responsible for sampling shall be knowledgeable and practiced in environmental sample collection and have a minimum of three years practical experience in sample collection.

(2) Proposed Sample Locations and Depths including a sketch/map designating the proposed boring/core locations. Sufficient information shall be included with sketch/map defining both the vertical and lateral limits of the Contractors proposed borrow area, as well as an ability to recover the location of the samples at a later date if necessary. We recommend a minimum of seven locations be identified for sampling, which are representative of the area from which borrow material is to be obtained from.

(3) Proposed Sampling Procedures, including decontamination procedures for sampling equipment. Prior to sampling, all overlying sediments and a sufficient thickness of underlying clay shall be removed so as to ensure that all the sediments have been removed. The thickness of clay removed prior to sampling shall be the same as planned during actual construction, if the source is approved. At each designated sample location, a core sample shall be obtained of the full depth of clay proposed to be furnished. The entire core shall represent one sample, on which all required testing will be accomplished.

(4) Sampling Equipment

(5) Sampling Handling and Custody

(6) Sample Schedule, beginning with sample attainment through submission of test results.

(7) Quality Assurance objectives for sampling.

(8) Internal laboratory sample QA/QC testing planned.

(9) Any other pertinent information suggested by your selected laboratory.

(10) Complete laboratory standard operating procedures regarding QA/QC, and documentation thereof, shall be available upon request.

c. Sample Attainment: Sample attainment shall be scheduled with this office in order to ensure a Government presence. Samples shall be obtained in accordance with the Government approved SQAP discussed above.

d. Sample Test Parameters: Each core/sample shall be tested for the following parameters:

Total TCLP including: metals, volatiles, semi-volatiles, pesticides/herbicides
 Volatiles (8240/8260)
 Semi-volatiles (8270)
 Total PCBs (8080)
 %Ash
 %Solids
 Alkalinity
 Cyanide, reactive
 Cyanide, total
 Flashpoint (open cup)
 Paint filter test
 pH
 Phenol, total
 Sulfide, total
 Sulfide, reactive
 Volatile solids
 Total Petroleum Hydrocarbons
 Total solids

Bulk Metals and Nutrients

Arsenic, Cadmium, Chromium, Copper, Lead, Manganese, Mercury, Nickel, Zinc, Selenium, Silver, Ammonia-nitrogen, Phosphorous(total), Total Kjeldahl nitrogen

e. Test Data Submission: Test results for all samples shall be submitted as one complete, and bound package. The results shall include the parameters identified in d. above, all internal QA/QC laboratory results, and appropriate sketches/maps of sample locations. The test results shall be provided both as an individual report for each sample, and in tabular form listing all seven samples and results.

f. Test Data Review: Upon receipt of the test results, the information will be reviewed, and a determination made as to the environmental acceptability of the proposed material as a clay borrow source for this contract.

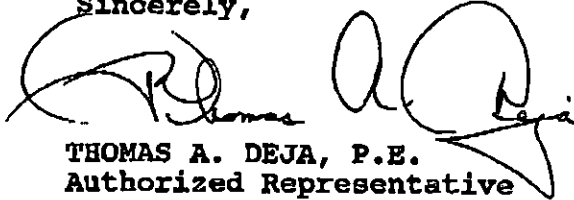
The above requirements are the minimum necessary should you wish to continue pursuit of this proposed borrow source. As stated previously, no contract time extensions will be provided for delays related to this matter. I believe that the process outlined above will take a minimum of two months to complete. In my opinion, the time remaining in this construction season, the anticipated time necessary to obtain approval of

this source and the fact that the Lake Calumet source could still be disapproved, make pursuit of this source ill-advised.

You currently have two approved borrow sources at Merrillville Crossings and Kennedy Avenue, from which you could be hauling materials. I strongly recommend that you increase your current hauling rate using the currently approved sources, and pursue construction of the levee in a timely and efficient manner without consideration of the Lake Calumet borrow source.

If you have any questions regarding this matter, please contact me at (219) 923-1763.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas A. Deja', is written over the typed name and title.

THOMAS A. DEJA, P.E.
Authorized Representative
of the Contracting Officer



TOWN OF HIGHLAND

Highland Municipal Building • 3333 Ridge Road

Highland, Indiana 46322

219-838-1080 • Fax 219-972-5097



Population 23,696
Incorporated in 1910

July 19, 1994

Dan Gardner, Executive Director
Little Calumet River Basin Development Commission
6100 Southport Road
Portage, Indiana 46368

Re: Citizen Inquiry Regarding Progress on the Flood Control Project

Dear Dan:

Recently, Highland Building Commissioner, Ken Mika, and I met with a citizen of the Wicker Park Manor, Mr. Dominic Vasile, who expressed a concern on the rate of completion and what he reports to be a protracted course of progress with the Flood Control Project along the Little Calumet River in Highland.

Mr. Vasile recently met with Mr. Mika and I and at length set forth his concern relating what he described as only a sixteen percent (16%) completion status recently attained by the contractors on this project. The resident further indicated that this was only four percent (4%) greater than the previous reported period. I am informed that the Commission has also been made aware of this concern and some related concerns regarding the timetable of project completion and its affect on the pendency of approved SBA disaster assistance loans, provisionally approved for some of the residents in that neighborhood.

You may also have learned through a newspaper account about a similar concern expressed by another resident of the Wicker Park Manor neighborhood during a recent meeting of the Highland Town Council.

In light of the foregoing, and this municipality's lack of meaningful authority over the levee project, it was requested that a brief correspondence relating these concerns be drafted and sent to you to be presented to the Little Calumet River Basin Development Commission for its information and favor. It is hoped that we may further enlist your effort to urge the proper parties to advance the progress of the flood control project.

TOWN COUNCIL

GEORGE M. GEORGEFF
President

LANCE E. RYSKAMP
Vice-President

DOMINIC M. NOCE

LYNN R. POWELL

DENNIS R. SIMALA

JOHN M. BACH
Public Works Director

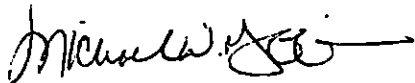
RHETT TAUBER
Attorney

CLERK - TREASURER
MICHAEL W. GRIFFIN

Please know that the *irony* of this appeal to the Commission to advance the progress of this project is not lost on me. I well know of the special effort that you, the Little Calumet River Basin Development Commission, the Highland Town Council, Representative Visclosky and other public officials spent to move up the Highland phase of Little Calumet Flood Control project from its original target start-up date of mid to late 1995 to the realized date.

So, let this note simply serve to communicate further the concerns that residents of that neighborhood have expressed and to call upon your agency again to be an ally in assuaging these concerns.

Sincerely,



Michael W. Griffin
Clerk-Treasurer

pc: Dominic Noce, Town Council Member, Flood Control Project Liaison
Robert Trelo, Governors' LCRBDC Appt., Town of Highland
Building Commissioner/Chief Inspector
Public Works Director
Mara Candelaria, Office of U.S. Representative Peter Visclosky

Delays on river levee worry homeowners

■ Some face possible loss of loans for flood repairs if work isn't done on time.

BY RICK MARKLEY
Times Correspondent

HIGHLAND - Some residents of the Wicker Park Manor neighborhood are upset about delays in building a levee to protect the area from Little Calumet River flooding.

Dominic Vasile, whose home

abuts the river, is accusing the contractor of "dragging their feet," possibly jeopardizing federal loans that some residents are counting on to rebuild their houses damaged by flooding in November 1990.

The contractor who is building the levee says it's being tied up by red tape.

And the Highland building inspector says heavy rains this spring delayed construction for a month.

"Weather played into a big part of their delays," inspector Ken Mika said.

Although the contractor, Dyer Construction Co., has until March 1995 to finish the project, company officials had initially estimated the project would be half-completed in July.

The project is now about 16 percent finished.

Mike Vander Heyden, owner of Dyer Construction Co., said he is awaiting approval from the Indiana Department of Environmental Management before proceeding with the work.

The company has run out of

See LEVEE, Page A-4

THE
TIMES

THURSDAY, JULY 14, 1994

Levee

Continued from Page A-1

clay used to build the levee, and needs IDEM approval to bring in more from Illinois, he said.

"We're getting the runaround that you wouldn't believe," Vander Heyden said. Samples have already been sent to IDEM to test for contamination, and Vander Heyden said he expects to hear from the agency within the next few days.

He said he hopes to have the project finished before the end of this year.

Vasile said the company should have known about the permits and had them in place already. "I'm very upset, very (angry)," he said.

The levee construction is part of a multiyear, \$110 million project designed to improve flood control and recreation along the Little Calumet River from Martin Luther King Drive in Gary to the Illinois state line.

Dan Gardner, executive director of the Little Calumet River Basin Development Commission, said Dyer Construction Co. could not have been awarded the contract if it did not have adequate materials for the job.

He said he understands that the firm is searching for less expensive clay to complete the project, and that that is a "business decision" it has the right to pursue.

Gardner said the firm's work on the project is "certainly not aggressive."

But he said the Army Corps of

Engineers, which oversees the levee work, has no legal mechanism to penalize the company unless the March 1995 deadline is missed.

Some of the residents are concerned that the federal loans they need to rebuild their homes following the 1990 flood may be in jeopardy.

Mika, the building inspector, said residents he's spoken with have told him that the U.S. Small Business Administration may be willing to extend its loan deadline from the end of the year until the project is finished.

"They've been pretty responsive," he said of the SBA.

The flood affected nearly 300 people and caused an estimated \$1.25 million in damages.

Vasile said if the loans are not made valid within the next few months, residents will be forced to undertake the lengthy process of reapplying for the loans.

The loans cannot become valid until the area is taken out of the floodplain, Gardner said. That cannot be done until 50 percent of the levee is completed.

Gardner said he will contact U.S. Rep. Pete Visclosky's office and other federal agencies to determine if the loans can be extended until Dyer Construction finishes the work. He said he is aware of only two residents whose loans are at risk.

"We don't want to wait another winter (for the levee). We waited four years already," Vasile said.

Highland resident seeks town's help with rules on rebuilding

BY CONNIE SOWA-JAMROK
Times Correspondent

HIGHLAND - A resident on asked the Town Council for help Monday in clarifying federal regulations that are keeping him from rebuilding his house in Wicker Park Manor.

Councilman Dominic Noce, D-2nd, said he and building inspector Ken Mika would contact Federal Emergency Management Agency officials and try to clarify the regulations.

William Petrites, whose house once stood at the corner of 81st Street and Indianapolis Boulevard, wants to build his house at normal elevation. After the November 1990 flood wiped out much of the subdivision, FEMA drew up new rules that require Petrites to build his house 8 feet higher than it was.

"We have to abide by FEMA regulations," Noce said. "We can't jeopardize our insurance with them."

Petrites said he hung onto his

disaster assistance loan after many extensions, but federal officials say they won't renew it past the end of the year.

He said he believed he could build if a dike being built along the Little Calumet River was 50 percent complete.

At a meeting of the Little Calumet River Basin Development Commission a few days ago, however, Petrites said he heard the work along the river must be fully complete.

The halfway mark is sched-

uled for August, and the contractor has until March to complete it, Petrites said.

"I'm almost resigned to the fact that my loan will not be extended," he said. "Without that loan, I cannot build."

Town officials are looking into the necessary paperwork to get the construction ban on floodplain properties lifted, Noce said.

"The bottom line is we have to do whatever FEMA indicates," he said.

19

The Times
Tues. July 12, '94



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

GEORGE CARLSON, Chairman
*Mayor of Hammond's
Appointment*

CHARLES AGNEW, Vice-Chairman
Governor's Appointment

JOHN DEMEO, Treasurer
Governor's Appointment

NATHANIEL LEONARD, Secretary
*Lake County Commissioners'
Appointment*

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*Dept. of Natural Resources'
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*Porter County Commissioners'
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ROBERT TRELO
Governor's Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

July 20, 1994

Ms. Rocharda Moore-Morris
Director of Redevelopment
649 Conkey
Hammond, Indiana 46320

Dear Rocharda:

I am writing you again regarding the status and availability of the city of Hammond's funds committed toward the removal of the abandoned Erie R.R. bridge over the Little Calumet River west of Indianapolis Blvd. The Development Commission has recently received the long awaited Indiana Department of Natural Resources permit for the removal of this structure. At the last regularly scheduled meeting of the Development Commission held July 7th, the Commission authorized bidding for the purpose of removing the Erie bridge.

Please confirm the availability of the \$18,000 that has been previously stated to be available from the city of Hammond to partially fund this project. Please indicate availability, the amount earmarked, and the procedure required by the Development Commission to access these funds.


We have written a letter to the Highland Town Council informing them of the bidding process and requesting the town of Highland fund participation in this project. We are currently awaiting their response.

I wish to reiterate the principle reason the Development Commission is seeking city of Hammond and town of Highland funding participation in this bridge removal is that due to the joint communities request to remove this structure prior to the time the Federal project is under construction in the western reach, the Corps of Engineers has informed us this removal will not receive federal project funding or credits. Thus, in order to stretch already tight available state funding, the Development Commission is seeking local community assistance to accomplish this project and not diminish our ability to continue the Federal construction on schedule.

Rocharda Moore-Morris
July 20, 1994
Page 2

Thank you in advance for your attention to this matter and your support of this effort in the past. We look forward to hearing from you in the near future.

Sincerely, .


Dan Gardner
Executive Director

/sjm

cc: Mayor Duane Dedelow, Hammond
George Carlson, Commission Chairman



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

July 14, 1994

GEORGE CARLSON, Chairman
*Mayor of Hammond's
Appointment*

CHARLES AGNEW, Vice-Chairman
Governor's Appointment

JOHN DEMEO, Treasurer
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*Porter County Commissioners'
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ROBERT TRELO
Governor's Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

Mr. George Georgeff
Town Council President
Highland Town Hall
3333 Ridge Road
Highland, Indiana 46322

Dear Mr. Georgeff:

At the last regularly scheduled meeting of the Little Calumet River Basin Development Commission held June 7th, the Commission authorized bidding for the purpose of removing the abandoned Erie R.R. bridge on the Little Calumet River on the Hammond/Highland border. The Commission has recently received the Indiana Department of Natural Resources permit allowing for this removal thus permitting the bidding process to begin.

As you may know, this bridge removal has been recommended by the city of Hammond and the Town Council of Highland. This project is compatible with the Corps of Engineers federal project; but if we are to do this removal prior to the time that the federal project is into construction in that segment (excluding Wicker Park Manor segment), the federal government has informed us that this removal will not receive federal credit. Thus, in order to stretch the already tight state funds available, the Development Commission is asking the city of Hammond and the town of Highland if they have any funds to assist in this project. It is my understanding that the city of Hammond has identified \$18,000 in Community Development Funds which we will seek release of for this purpose.

Please advise us of the position of the town of Highland relative to this participation. If you have any questions or need any clarification of this issue, please call me. I look forward to hearing from you.

Sincerely,

Dan Gardner
Executive Director

sjm
cc: John Bach



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

GEORGE CARLSON, Chairman
*Mayor of Hammond's
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*Porter County Commissioners'
Appointment*

ROBERT TRELO
Governor's Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

July 14, 1994

Mr. Dominic Noce
Highland Town Council member
2930 Condit
Highland, Indiana 46322

Dear Dominic:


As per my telephone conversation with Development Commissioner Bob Trelo, I am updating you of the status of the Erie R.R. bridge removal project.

- The Indiana Department of Natural Resources permit to allow the removal was received by the Commission on June 27, 1994.
- The Board, at its July 7 regular Board meeting, authorized soliciting bids for the project.
- The Commission staff is currently in the process of preparing the legal bid specifications and obtaining the Department of Labor's certification and prevailing wage schedule.
- The Commission, in light of the federal government not crediting the early removal of this structure, is seeking fund participation from the city of Hammond and the town of Highland by written request (it is the Commission's understanding that the city of Hammond has \$18,000 of Community Development funds set aside for this project).

It is the Commission's intent to move forward with the project to effect the bridge removal and have the least impact to available state funds to meet other federal requirements.

Please call if you have any questions.

Sincerely,


Dan Gardner
Executive Director

/sjm

Some worried Little Cal project will ruin property

Others embrace flood control \$110 million federal project will bring

BY JULIET EILPERIN
Times Washington Bureau

WASHINGTON — After a quarter-century, the federal government is working to stem the flooding along the Little Calumet River. But some Hammond and Munster residents are concerned that the project will affect their property.

In the process of building levees and a floodwall along the river, the Army Corps of Engineers will remove some 100-year-old trees that dot the shoreline.

The Corps also will create an easement, a designated area on residents' property where Corps engineers can work.

Ruth Mores, who lives along the river, has begun waging a campaign to make the Corps reconsider its plans.

"The Corps' job is to do whatever they feel they have to do without thinking about the results for the residents," Mores said.

Federal and local officials say they have no choice but to implement the measure.

"It literally protects people's lives," said Rep. Pete Visclosky, D-Ind., who has played a critical role in securing federal funding for the \$110 million project. He added the plan will create recreation areas, eliminate the need for buying flood insurance and prevent water damage to homes and businesses.

Mores has contacted the Little Calumet River Basin Development Commission, the local liaison between the federal government and the community, to voice her and other homeowners'

opposition to the plan.

A Munster resident, who asked not to be identified, said he believes the Corps designs ambitious plans to preserve its funding. "This is what they thrive on," the resident said. "They need these kinds of things to justify their existence."

While commission members have expressed concern and have offered to arrange meetings between local residents and the Corps, the agency has no immediate plans to change the project.

Capt. Tom Chapman, one of the project's managers at the agency's Chicago district office, said the Corps has no choice but to tear down the trees and build on residents' property.

"Honestly, I really don't think there's another alternative, un-

less people were relocated out of the floodplain," Chapman said.

Visclosky said the government cannot relocate highly developed areas like Hammond.

"You have to deal with the world as it exists and as it's given to you," he said.

He said he was optimistic, however, that the Corps could accommodate homeowners' concerns. "There has to be, I assume, a certain amount of flexibility as long as the underlying objectives are going to be met," he said.

Dan Gardner, the commission's executive director, said the panel hopes to forge a compromise. "It would be silly to do a design we couldn't live with and the residents couldn't live with," he said.

Some residents have ex-

pressed more enthusiasm for the construction, which is scheduled to begin in Hammond in 1996.

Emerson DeLaney, who lives by the river in a house his grandfather built, said he hopes the Corps could preserve as much of the landscape as possible. But he quickly added he supports the plan.

"It was always my grandfather's dream to see it happen," DeLaney said. "Hopefully, I'll get to see it through."

DeLaney's neighbor, Hammond Mayor Duane Dedelow, said he supports the plan even though it affects his home. Dedelow said he intends to address other residents' objections to the project.

The objections come at a time when several environmental groups and members of Congress have called for a new approach to flood control. The Washington-based group Ameri-

can Rivers advocates letting rivers take their natural course, rather than allowing development in floodplains and channeling the water somewhere else.

"It's like trying to get all the water off the table without worrying if there is something underneath to catch it," said American Rivers spokesman Scott Faber.

Though the federal government may embrace this policy in the future, it may come too late for homeowners along the Little Calumet. Visclosky has requested funds to examine how Lake and Porter counties should manage water flows in the future.

Congress has yet to grant the \$1.8 million for the study, but Visclosky said he would continue to lobby for it.

"It pays huge dividends if you can look ahead and prevent this kind of situation from occurring," he said.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7208

RECEIVED JUL 26 1994

uPS

JUL 15 1994

Planning Division
Environmental and Social
Analysis Branch

Dear Recipient:

Enclosed is an Environmental Assessment (EA) and Finding of No Significant Impact covering modifications and refinements to the proposed plans for the Little Calumet River located within Lake County in northwestern Indiana. The changes include the addition of interior drainage features (ponding areas), levee alignment changes, changes involving the specification of floodwalls instead of the original levees, changes involving the specification of floodwalls instead of the original levees, and deleting a recreation area.

If you are aware of additional information which may alter the results of the assessment and lead to a re-evaluation of the decision not to prepare an Environmental Impact Statement, please notify me. All comments received within 30 days will be carefully considered before making a decision.

Sincerely,

David M. Reed, P.E.
Lieutenant Colonel, U.S. Army
District Engineer

Enclosures



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

RECEIVED JUL 22 1994

GEORGE CARLSON, Chairman
*Mayor of Hammond's
Appointment*

July 15, 1994

CHARLES AGNEW, Vice-Chairman
Governor's Appointment

JOHN DEMEO, Treasurer
Governor's Appointment

NATHANIEL LEONARD, Secretary
*Lake County Commissioners'
Appointment*

ARLENE COLVIN
*Mayor of Gary's
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ROBERT HUFFMAN
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*Porter County Commissioners'
Appointment*

ROBERT TRELO
Governor's Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

Mr. James Threlkeld
Project Operations Engineer
Federal Highway Administration
575 N. Pennsylvania, Rm. 254
Indianapolis, Indiana 46204

Dear Mr. Threlkeld:

The Little Calumet River Basin Development Commission, an Indiana statutorily created development commission, was formed to act as the non-federal sponsor agency on a \$113 million flood control/recreation project with the U. S. Army Corps of Engineers. As we have previously discussed over the phone, several highway/bridge improvement projects are integral to bringing federally constructed 200 year flood protection to the Little Calumet River area in Lake County, Indiana. Several of these projects are located on interstate and state highway facilities. The Indiana Department of Transportation, working in close coordination with the Development Commission and the U.S. Army Corps of Engineers has designed and scheduled projects to provide the needed flood protection modifications. It is our understanding that INDOT intends to use 80% federal interstate and federal aid funds for these projects to the extent they are eligible.

The Little Calumet River Basin Development Commission is writing to the Federal Highway Administration seeking written concurrence with the Corps of Engineers giving non-federal project credit for these state projects utilizing available federal 80% matching funds.

A letter from Richard Carlson, Deputy District Engineer for the Chicago District Corps of Engineers is included which explains the Corps regulation requiring the flood control project local sponsor (Development Commission) obtain written concurrence from the Federal Highway Administration for project related State highway/bridge improvements which utilize eligible matching Federal funds. As mentioned previously in this letter, INDOT has coordinated these projects with the Corps of Engineers and has no problems with the concept of the projects receiving "credit" from the Corps, pending Federal Highway Administration approval.

Mr. James Threlkeld
July 15, 1994
Page 2

As per your request I have prepared a signature block to indicate Federal Highway Administration concurrence in the Corps of Engineers crediting these projects. Please indicate your approval by signing below.

Any questions you may have, or if you need additional information, please call me at (219) 763-0696. Thank you for your attention and cooperation in this matter.

Sincerely,


Dan Gardner
Executive Director

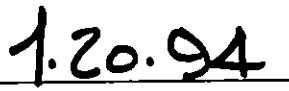
encl.
/sjm

SIGNATURE OF CONCURRENCE

Reference to the above letter, the Federal Highway Administration concurs with the U.S. Army Corps of Engineers granting non-federal project credit for Indiana Department of Transportation highway and bridge projects utilizing eligible 80% Federal Highway matching funds.



James Threlkeld
Federal Highway Administration



Date

For: 



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60608-7206

REPLY TO
ATTENTION OF

Project Management Branch

01 JUL 1994

Mr. Dan Gardner
Executive Director
Little Calumet River Basin
Development Commission
6100 Southport Road
Portage, Indiana 46368

Dear Mr. Gardner:

The implementation of the Little Calumet River, Indiana Local Flood Control and Recreation Project requires the relocations of the bridges/culverts at Interstate 80/94, Georgia Street, Grant Street and Indianapolis Boulevard with associated channel relocations. The Little Calumet River Basin Development Commission has the responsibility for funding these relocations in accordance with Article II.d. of the Local Cooperation Agreement (LCA).

The Grant Street relocation has been completed by the Indiana Department of Transportation, who is in the process of proceeding with the remaining relocations in the near future. It is our understanding that the Federal Highway Administration is providing Federal funds for these relocations. Article II.m. of the LCA states that no Federal funds may be used to meet the Commission's share of project costs unless the expenditure of such funds is expressly authorized by statute as verified by the granting agency.

Request that the Commission provide the District Engineer with a letter from the Federal Highway Administration approving use of the Federal funds to satisfy the items of local cooperation for the project to execute the above listed relocations.

If you have any questions, please contact Mr. David Hunter at (312) 353-8809.

Sincerely,

Richard E. Carlson

Richard E. Carlson
Deputy District Engineer
for Project Management

SCHIFF HARDIN & WAITE

A Partnership Including Professional Corporations

7200 Sears Tower, Chicago, Illinois 60606-6473
Telephone (312) 876-1000 Facsimile (312) 258-5600

Chicago
Washington
New York
Peoria
Merrillville

Guenther M. Philipp
(312) 258-5703

July 15, 1994

VIA FEDERAL EXPRESS

Mr. Louis M. Casale
Casale & Foley
8300 Mississippi Street, Suite E
Merrillville, Indiana 46410

Mr. Gregory A. Sobkowski
Hodges & Davis
5525 Broadway
Merrillville, Indiana 46410

Re: Northern Indiana Public Service Company
Portage Marina Ground Lease

Dear Lou and Greg:

As I stated in my phone message to Greg, I am pleased to report that the final piece required for effectiveness of the Portage Marina ground lease is now in place. NIPSCO has advised me by telephone this afternoon that the insurance coverage is satisfactory. I had already received the fully executed counterparts of the ground lease and, accordingly, I advised Greg that the City and the LCRBDC can now treat the ground lease as fully authorized, executed and in effect.

A fully-executed bound counterpart of the lease is enclosed for each of your clients, together with a xerox copy for your own files. In addition, I enclose for each of your files a certified copy of NIPSCO's authorizing resolution, and our firm's opinion covering the authorization and execution by NIPSCO. The City's check in the amount of \$6,300, for ground rent for the first lease year will be forwarded to NIPSCO for collection.

The short form lease will be forwarded to the Porter County Recorder's Office. We will provide you with a copy of the stamped document as soon as it is returned. Incidentally, I should mention that the City and the LCRBDC should not have signed the form of the short form lease that was attached as an exhibit to the ground lease; that form, as an exhibit, should have remained blank, and a separate short form executed for recording purposes. Accordingly, I have substituted a blank short form as the exhibit in the executed ground leases, and we have used one of the executed exhibit forms as the original for recording. I assume you have no objection to that action.

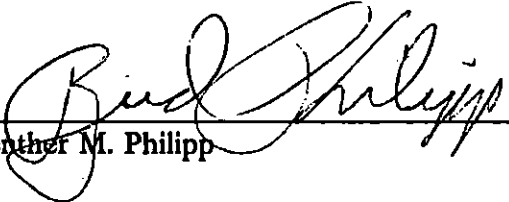
SCHIEF HARDIN & WAITE

Mr. Louis M. Casale
Mr. Gregory A. Sobkowski
July 15, 1994
Page 2

This has been a tedious process, but I hope that the documentation is now behind us and that your clients can successfully proceed with the construction, opening and operation of the marina facilities. If you have any questions, please feel free to call either Becky Elrad or myself at any time at your convenience.

Best personal regards.

Very truly yours,


Guenther M. Philipp

GMP:jk
Encls.

cc: Stuart D. Summers, NIPSCO
Becky A. Elrad



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

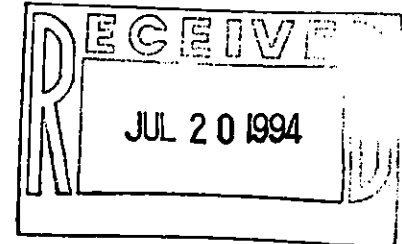
We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

July 15, 1994

Mr. John T. Hannon
City of Portage
6070 Central Avenue
Portage, Indiana 46368



Dear Applicant:

Re: Construction Permit Pursuant to
IC 13-7-10 et seq., and
327 IAC Article 3 et seq.
Portage Municipal Marina
Portage, Indiana

On July 29, 1993, a Construction Permit (Approval No. 6943) was issued by the Indiana Department of Environmental Management for the above-referenced project, expiring on August 1, 1994. Due to delays, construction has not begun. Since there are no design changes in the proposed project, I hereby grant an extension of the Construction Permit to August 1, 1995. The permit shall be void if construction is not begun before this date. All conditions of approval of the original permit are still valid.

Sincerely,

Kenneth A. Lee, Chief
Facility Construction Section
Office of Water Management

RLF/cd

cc: Porter County Health Department

Copies to: Abonmarche
Dan Gardner

FILE - MARINA IDEM Permits

Casale & Foley

ATTORNEYS AT LAW
8300 MISSISSIPPI STREET, SUITE E
MERRILLVILLE, INDIANA 46410

July 22, 1994

Dyer Construction Company, Inc.
1716 Sheffield Avenue
Dyer, Indiana 46311

Attention: Mike Vander Heyden, President

RE: Little Calumet River Basin Development Commission
Portage Marina sand removal agreement with Superior-Dyer.

Dear Mr. Vander Heyden:

Please be advised that the Little Calumet River Basin Development Commission, at their July 7, 1994 meeting, agreed to approve the removal of 100,000 cubic yards of sand from its Marina development site in Portage, Indiana by the Superior-Dyer joint venture for sale and use at the Port of Illinois project as referred to and outlined in your letter to me of June 14, 1994. This approval is pursuant to Article 8 Paragraph A of the agreement entered into between Superior-Dyer and the Commission on July 19, 1991 and is strictly limited to 100,000 cubic yards for use at the above described Illinois project. Any deviation therefrom shall require further written approval by the Commission.

Please contact me if you have any questions regarding this matter.

Sincerely,



Louis M. Casale

LMC/amu

cc: Dan Gardner, LCRBDC
Patrick A. Mysliwy



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

GEORGE CARLSON, Chairman
*Mayor of Hammond's
Appointment*

July 29, 1994

CHARLES AGNEW, Vice-Chairman
Governor's Appointment

JOHN DEMEO, Treasurer
Governor's Appointment

NATHANIEL LEONARD, Secretary
*Lake County Commissioners'
Appointment*

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*Porter County Commissioners'
Appointment*

ROBERT TRELO
Governor's Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

Mr. Herb Read
Izaak Walton League
70 E. State Park Boundary Road
Chesterton, Indiana 46304

Dear Mr. ^{Herb}Read:

I am writing you and the Izaak Walton League to reaffirm the Little Calumet River Basin Development Commission's position in support of efforts to provide shoreline nourishment in the form of clean sand and in support of the sand from the Portage public marina site for public bid projects in Indiana to the extent possible. The Development Commission action at the July 7, 1994 meeting granting a waiver to Dyer Construction for taking 100,000 cubic yards of sand from the Portage marina site to Lake Calumet Illinois area for an environmental reclamation project was approved after much consideration and was based on the necessity of continuing progress toward the Commission's public marina commitment. A copy of the supporting rationale for the Development Commission's decision is included for your consideration. The Development Commission also passed a resolution expressing our recommitment to efforts to provide shoreline nourishment from the sand available at the marina site.

As part of the Development Commission's sand nourishment commitment, I will re-contact shoreline interests and entities to explore any initiative or funding which could secure a nourishment use for some of the remaining available $\pm 250,000$ cubic of yards of below grade sand on the site. I will remain in contact to update the situation.

Sincerely,

Dan Gardner
Executive Director

/sjm
encl.

cc: Miriam Dant, Exec. Asst. to Environmental Affairs
Pat Ralston, Director, DNR
Steve Davis, LCRBDC member

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
FINANCIAL STATEMENT
JANUARY 1, 1994 - JUNE 30, 1994

CASH POSITION - JANUARY 1, 1994

CHECKING ACCOUNT		
LAND ACQUISITION	76,807.73	
GENERAL FUND	163,792.37	
TAX FUND	1,493.97	
INVESTMENTS	1,016,000.00	
ESCROW ACCOUNT INTEREST	32,799.47	
	<hr/>	1,290,893.54

RECEIPTS - JANUARY 1, 1994 - JUNE 30, 1994

LEASE RENTS	11,278.75	
INTEREST NOW ACCOUNT	10,300.24	
LAND ACQUISITION	367,236.02	
MISCELLANEOUS INCOME	15,389.52	
ESCROW ACCOUNT INTEREST	15,793.90	
KRBC REIMBURSEMENT RE: TELEPHONE CHARGE	1053.24	
REAL ESTATE TAXES	504.88	
TOTAL RECEIPTS	<hr/>	421,556.55

DISBURSEMENTS - JANUARY 1, 1994 - JUNE 30, 1994

1993 EXPENSES PAID IN 1994	52,004.57	
LEGAL SERVICES	1,416.65	
NIRPC SERVICES	34,369.51	
TELEPHONE EXPENSES	2,634.49	
TRAVEL & MILEAGE	184.50	
PRINTING & ADVERTISING	253.24	
BONDS & INSURANCE	5,716.63	
MEETING EXPENSES	1,069.76	
LAND ACQUISITION		
LEGAL SERVICES	17,198.56	
APPRAISAL SERVICES	2,700.00	
ENGINEERING SERVICES	12,563.36	
LAND PURCHASE CONTRACTUAL	60,614.86	
LAND MANAGEMENT SERVICES	33,927.00	
PROPERTY & STRUCTURE	30,265.87	
MOVING & RELOCATION	3,057.16	
REAL ESTATE TAXES	1,144.04	
PROPERTY & STRUCTURE INSURANCE	17,567.00	
UTILITY RELOCATION COSTS	141,444.58	
LAND CAP IMPROVEMENT	39,965.00	
TOTAL DISBURSEMENTS :	<hr/>	458,096.78

CASH POSITION - JUNE 30, 1994

CHECKING ACCOUNT		
LAND ACQUISITION	102,678.66	
GENERAL FUND	85,698.57	
TAX FUND	1,727.71	
INVESTMENTS	1,016,000.00	
ESCROW ACCOUNT INTEREST	48,593.37	
	<hr/>	1,254,698.31

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
MONTHLY BUDGET REPORT
JULY 31, 1994

ACCOUNT DESCRIPTION	BUDGET AMOUNT	AMOUNT PAID PREVIOUSLY	UNPAID BALANCE	AMOUNT READ FOR PAYMENT	PROJECTED BALANCE
5119 PER DIEM EXPENSES	\$18,000.00	350.00	15,650.00	2,650.00	\$13,000.00
5311 LEGAL EXPENSES	7,500.00	1,699.98	5,800.02	283.33	5,516.69
5312 NIRPC SERVICES	94,000.00	41,547.79	52,452.21	7,172.07	45,280.14
5313 TELEPHONE COSTS	3,000.00	2,993.23	6.77	578.87	(572.10)
5323 TRAVEL & MILEAGE	7,500.00	351.75	7,148.25	401.25	6,747.00
5331 PRINTING & ADVERTISING	2,000.00	306.09	1,693.91	9.00	1,684.91
5341 BONDS & INSURANCE	7,500.00	5,701.63	1,798.37	7.00	1,791.37
5399 MEETING EXPENSES	2,500.00	1,544.36	955.64	6,980.76	(6,025.12)
5410 LEGAL SERVICES	50,000.00	17,198.56	32,801.44	24,812.17	7,989.27
5420 PROFESSIONAL SERVICES	250,000.00	113,047.22	136,952.78	650.00	136,302.78
5430 PROJECT LAND PURCHASE COSTS	2,052,517.00	43,051.23	2,009,465.77	0.00	2,009,465.77
5440 PROPERTY/STRUCTURES INSURANCE	25,000.00	18,667.00	6,333.00	1,883.00	4,450.00
5450 UTILITY RELOCATION COSTS	250,000.00	141,444.58	108,555.42	1,254.20	107,301.22
5460 PROJECT LAND CAPITAL IMPROVEMENT	150,000.00	39,965.00	110,035.00	0.00	110,035.00
5470 STRUCTURES CAPITAL IMPROVEMENT	40,000.00	0.00	40,000.00	0.00	40,000.00
5480 DNR/SHORELINE SAND FUND	1,053.00	0.00	1,053.00	0.00	1,053.00
5490 ESCROW ACCOUNT	1,260,087.00	0.00	1,260,087.00	0.00	1,260,087.00
TOTAL:	\$4,218,657.00	\$427,868.42	\$3,790,788.58	\$46,681.65	\$3,744,106.93

CLAIMS READY FOR PAYMENT

ACCOUNT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5119	WILLIAM TANKE	500.00	PERDIEM EXPENSES INCURRED 1/1-7/31/94
5119	JOHN DEMEO	100.00	PERDIEM EXPENSES INCURRED 1/1-7/31/94
5119	GEORGE CARLSON	450.00	PERDIEM EXPENSES INCURRED 1/1-7/31/94
5119	ARLENE COLVIN	300.00	PERDIEM EXPENSES INCURRED 1/1-7/31/94
5119	ROBERT TRELO	450.00	PERDIEM EXPENSES INCURRED 1/1-7/31/94
5119	CHARLES AGNEW	500.00	PERDIEM EXPENSES INCURRED 1/1-7/31/94
5119	ROBERT HUFFMAN	350.00	PERDIEM EXPENSES INCURRED 1/1-7/31/94
5311	LOUIS CASALE	283.33	RETAINER FEE FOR THE MONTH OF JULY, 1994
5312	NIRPC	7,172.07	FOR SERVICES PERFORMED DURING JUNE 1994
5313	G.T.E.	359.85	TELEPHONE CHARGES FOR JUNE, 1994 (KRBC TO PAY A PORTION)
5313	MCI	219.02	TELEPHONE CHARGES FOR JUNE, 1994 (KRBC TO PAY A PORTION)
5323	SANDY MORDUS	45.75	MILEAGE EXPENSES 8/21-7/28/94
5323	JOHN DEMEO	19.00	MILEAGE EXPENSES INCURRED 1/1-7/31/94
5323	CHARLES AGNEW	44.00	MILEAGE EXPENSES INCURRED 1/1-7/31/94
5323	WILLIAM TANKE	99.00	MILEAGE EXPENSES INCURRED 1/1-7/31/94
5323	ROBERT HUFFMAN	63.00	MILEAGE EXPENSES INCURRED 1/1-7/31/94
5323	ROBERT TRELO	65.00	MILEAGE EXPENSES INCURRED 1/1-7/31/94
5323	GEORGE CARLSON	47.50	MILEAGE EXPENSES INCURRED 1/1-7/31/94
5323	ARLENE COLVIN	18.00	MILEAGE EXPENSES INCURRED 1/1-7/31/94
5331	UNITED PARCEL SERVICE	9.00	FOR SERVICES RENDERED: 7/15/94
5341	LAKE CO. RECORDER'S OFFICE	7.00	RECORDING FEES 7/25/94
5410	LUCAS, HOLCOMB & MEDREA	1,995.00	LEGAL SERVICES RENDERED THROUGH 8/30/94
5410	LOUIS CASALE	4,985.78	LEGAL SERVICES RENDERED 8/29 - 7/27/94
5421	GEORGE WILKES	500.00	APPRAISAL SERVICES ON DC 68
5421	MILO F. VALE	3,600.00	APPRAISAL SERVICES RENDERED ON: DC 447 & 448
5422	EARTH SOURCE, INC.	6,000.00	CONSULTING SERVICES RENDERED THRU 8/25/94
5423	NIPSCO	83.82	UTILITY BILL FOR PUMPING EXPENSES 8/10-7/13/94
5423	R.W. ARMSTRONG	4,621.30	GENERAL SERVICES FOR PERIOD ENDED 8/17/94
5424	ROBERT B. STOFFER	2,125.00	LAND ACQUISITION/MANAGEMENT SERVICES 8/2-30/94
5424	JAMES E. POKRAJAC	2,500.25	LAND ACQUISITION/MANAGEMENT SERVICES 8/18-30/94 & MILEAGE EXPENSES
5424	JAMES E. POKRAJAC	2,415.00	LAND ACQUISITION/MANAGEMENT SERVICES 7/1-15/94
5424	JAMES E. POKRAJAC	2,193.50	LAND ACQUISITION/MANAGEMENT SERVICES 7/18-28/94
5424	MELISSA STEFANOVICH	299.00	LAND ACQUISITION SERVICES 7/1 - 13/94 & MILEAGE EXPENSES
5424	MELISSA STEFANOVICH	474.50	LAND ACQUISITION SERVICES 8/18-8/30/94
5432	JAMES SMITH	650.00	REIMBURSEMENT OF MOVING EXPENSE FOR DC 312
5440	VALPO INS. PROFESSIONALS	290.00	COMMERCIAL GENERAL LIABILITY INSURANCE
5440	DON POWERS AGENCY, INC.	1,593.00	COMMERCIAL INSURANCE POLICY ON LCRBDC PROPERTY
5450	R.W. ARMSTRONG	1,254.20	UTILITY RELOCATION SERVICES FOR PERIOD ENDED 8/17/94
		<u>48,881.85</u>	



NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION

6100 Southport Road
Portage, Indiana 46368

Phone: 219/763-6060
Fax: 219/762-1653

To: Little Calumet River Basin
Development Commission
For: For services performed during June, 1994
Date: July 7, 1994

Contract Code: PARTP 224
Internal Code: 214
Invoice No: 6/6

INVOICE

Salaries and Fringe Benefits: Dan Gardner & Sandy Mordus	\$ 5,775.00
Room Rental for additional LCRBDC Staff	500.00
Accounting Services	425.00
Facsimile Machine @ \$5.00 per month plus attachments	16.63
Postage: June, 1994	246.08
Copying Charges @ \$5.00 per month plus \$0.06 per copy (2,210)	137.60
Graphics/Printing Time @ \$20 per hour (Attachments) 2.5 hr.	50.00
Staff Mileage/Expenses:	-0-
Other Charges (Attachments) (Credit Card Calls \$21.76)	21.76
Total: June, 1994	\$7,172.07
Outstanding Payment Due:	\$7,178.28

TOTAL DUE: \$14,350.35



THE ABONMARCHE GROUP

95 West Main Street, P.O. Box 1088, Benton Harbor, MI 49023 616.927.2295 FAX 616.927.4639
Affiliated Offices: Mishawaka, Indiana and Michigan City, Indiana

July 18, 1994

John Hannon, P.E., City Engineer
City of Portage
6070 Central Avenue
Portage, IN 46368

Daniel Gardner, Executive Director
LCRBDC
6100 Southport Road
Portage, IN 46368

Re: Portage Municipal Marina

Dear Messrs: Hannon and Gardner:

This letter will serve as our authorization to proceed with the following:

1. Sand mining administration and permit processing

August - October

3 months @ \$3,950/month (not to exceed):

\$11,850

Please note that with the increased sand mining activity, the above amount is an increase from previous months, as we have allowed for three (3) site visits per week and bi-weekly surveys.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

ABONMARCHE CONSULTANTS, INC.

Jeffrey A. Bartoszek, P.E.
Vice President of Engineering

JAB/f

Accepted by: _____

Signature: _____

Date: _____

ABONMARCHE CONSULTANTS, INC.

Architects/Engineers/Land Surveyors

95 West Main Street/P.O. Box 1088 Offices in:
 Benton Harbor, MI 49022 Granger, Indiana
 (616) 927-2295 Michigan City, Indiana
 FAX (616) 927-4639

JOB PORTAGE MUNICIPAL MARINA

SHEET NO. _____ OF _____

CALCULATED BY JAB DATE 07/15/94

CHECKED BY _____ DATE _____

SCALE _____

SAND MINING ADMINISTRATION & PERMIT PROCESSING• SURVEY CREW

(BI-WEEKLY: 2 Wks x 7 Wks = 14 Wks)

14 Wks @ \$65 = \$910

• INSPECTOR/TECHNICIAN

(3 TIMES PER WEEK: 3 x 4 Wks x 4 Wks = 48 Wks)

48 Wks @ \$35 = \$1680

• PROJECT MANAGER

(4 Wks PER WEEK: 4 x 4 Wks = 16 Wks)

16 Wks @ \$65 = \$1040

• RON SCHULTS

(4 Wks PER MONTH)

4 Wks @ \$85 = \$340

TOTAL \$3970

- SAY \$3950 / MONTH -

• INCREASED AMOUNT DUE TO GREATER ACTIVITY+ COORDINATION ON NIPSCO PROPERTY

ATTENDANCE ROSTER

Name of meeting: LCCBC

Date: 8/4/94

PLEASE SIGN

	NAME (please print)	Organization and/or Address	
1	VIRGIL MEIER	8131 SYCAMORE HIGHWAY D	1
2	Donald R Shapiro	8230 Wicker Park Dr.	2
3	Edw. A. Lukowicki, Jr	Hammond IN	3
4	KEVIN BIALAS	HAMMOND IN	4
5	Joe + Jeanette Misicko	3402 Eder St. Highland.	5
6	RICK MARKLEY	THE TIMES	6
7	Mara Candelaria	Rep. Wischsky	7
8	Michael W. Pagon	Clerk - Treasurer Highland.	8
9	Ruth Mores	Hammond 234 Southmoor - 46324	9
10	Maximus B. J. Parnach	"	10
11	Mrs. Judith P. Parnach	"	11
12	DOMINIC VASILE	2405 RIVER DR High	12
13	BRIGHT GOLD	2438 MAPLEWOOD CT High	13
14	Pete Zak	South Shore Marina Dr	14
15	Mary Jane Zak	" " " "	15
16	Charlotte Sells	8141 Wicker Park Dr	16
17	Ron Platt	8140 " " "	17
18	Emily Platt	" " " "	18
19	Elaine Fay	1816 S. River Dr Munster	19
20	Joan Zaczek	1810 S. River dr. Munster	20
21	Bill Petrites	Highland, Indiana	21
22	Dane Jaborski	3036 CALHOUN	22
23	Loren Jaborski	3036 Calhoun Hwy	23
24	Gladys Holmes	8123 Wicker Park Dr.	24
25	Helen Nies	8143 Wicker Park Dr.	25
26	Winifred Nies	" " "	26
27	George Oakley	8132 " "	27
28	Janita Oakley	8132 " "	28
29	JIM FLORA	R.W. ARMSTRONG	29
30	Ken Smith	IDNR - water	30
31	A. JONES	3024 CALHOUN & GARY	31
	Kerb Reed	Jignak Walton	

Chairman: George Carlson

Location: