



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

CHARLES AGNEW, Chairman
Governor's Appointment

WILLIAM TANKE, Vice-Chairman
Porter County's Commissioners' Appointment

NATHANIEL LEONARD, Treasurer
Lake County Commissioners' Appointment

ROBERT HUFFMAN, Secretary
Governor's Appointment

GEORGE CARLSON
Mayor of Hammond's Appointment

ARLENE COLVIN
Mayor of Gary's Appointment

WILLIAM CRITSER
Governor's Appointment

STEVE DAVIS
Dept. of Natural Resources' Appointment

EMERSON DELANEY
Governor's Appointment

JOHN DEMEO
Governor's Appointment

ROBERT TRELO
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

AGENDA RETREAT - MARCH 11, 1995

*next meeting
is in
Highland
April 6*

Time

Topic

8:30

I. Statement of Purpose/Goals for Discussion

- Chairman Chuck Agnew
- Dan Gardner

8:35

II. Opening Remarks by Commission members

- Key Issues for Discussion

8:45

III. Discussion of Project Related Issues (Organized by Committee)

A. Land Acquisition/Management

(Chair Arlene Colvin; Vice Emerson Delaney)

- Gary Park/Gary Lands Agreement status
- City of Gary Riverboat Casino Lease status
- Other "critical land acquisitions"
(Urban League, Gas City, etc)
- Borrow Site issues - Lake Co. Parks recreation lake plan (Deep River); Lake Co. Economic Development Authority
- Hazardous/Toxic Materials - Property management
 - Tire cleanup
 - Securing Commission property

9:30

B. Marina Development Committee

(Chair Bill Tanke; Vice John DeMeo)

- "Critical Path" Issues to marina construction - strategy
 - Sand removal - Contract addition/extension
 - COE permit allowance - Phase I construction/restrictions

*Cargo needs
by end of March!*

*Have something
at next mtg*

*Anticipate talking
w/ firm*

*7th
2/24*

- Abonmarche design/engineering services - scope/cost/Phase I plans
- Commission/city joint venture document relationship
- Marina development funding issues/sources strategy
- Suarez potential litigation status
- _____
- _____

10:15

STRETCH BREAK

10:30

C.

Legislative Committee

(Chair George Carlson; Vice Bob Trelo)

- State Appropriations Status - Strategy
 - \$4 million Build Indiana (89 & 91 budgets)
 - \$4 million new 95-97 biennium (General Fund)
- Local legislators support, area mayors, town council, lobby groups support resolutions
- Federal - COE program changes by Congress
 - Impacts, likely direction
- _____
- _____

Write letter to Dedelow?
Festo - Mayor Dedelow

- Assain could announce May 1st - Dave Patterson -

Agree! Jim sent letter to Gary - need to send letter to Vost - write for Dedelow

11:15

D.

Project Engineering Committee

(Chair Bob Huffman; Vice Steve Davis)

- Federal construction schedule variables - projection
 - Federal/State funding availability
 - Land/Easements/ROW & Utility agreements in place
 - *Approved Environmental Impact Statement by DNR, others
 - No Toxic/Hazardous Land Issues - COE determination
- Corps Utility Coordination Issues
 - Slow response/coordination - Need better engineering project management coordination; general policy vs. individual approach on pipelines; need to authorize survey accuracy
 - Gary Sanitary Project coordination
- OxBow Park Development status
 - Commission, Mayor Dedelow's letters

not ready yet.

- State Highway Projects Coordination - status
 - Schedule committed for Georgia/I-80/94 culverts
 - Grant St. interchange update

- _____
- _____

12:00

E. Finance/Policy Committee

(Chair Nathaniel Leonard; Vice Arlene Colvin)

- Commission staffing to meet project responsibilities
- Flood Litigation status

- _____
- _____

Final end of June-July

12:30

IV. Wrap-Up/Summary

V. Adjourn for Lunch at Wagner's, 361 Wagner Road, Porter.

Directions - Go back out to Route 20; Turn right; go down to next flashing light which is Wagner Road; turn right (east); go down past the toll road and about a block or so further; it is a small old house converted into a tavern on the left hand side. They do not take reservations so we may have to wait a little but it should not be very long.

Kim Samuels
Los Mielos

Gov. Service
Mar 96

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

Democrat

<u>Name</u>	<u>Appointing Authority</u>	<u>Term Expiration</u>
Charles Agnew	Governor	12-31-95
John Demeo	Governor	12-31-95
George Carlson	Mayor of Hammond	12-31-97
Arlene Colvin	Mayor of Gary	12-31-94
Nathaniel Leonard	Lake County Commissioners	12-31-97
Robert Trelo	Governor	12-31-95

Independent

<u>Name</u>	<u>Appointing Authority</u>	<u>Term Expiration</u>
Steve Davis	DNR Director	12-31-95

Republican

<u>Name</u>	<u>Appointing Authority</u>	<u>Term Expiration</u>
Robert Huffman	Governor	12-31-93
William Tanke	Porter County Commissioners	1-17-99
Emerson Delaney	Governor	12-31-95
William Critser	Governor	12-31-94

LAND ACQUISITION



Little Calumet River Basin Development Commission

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Governor's Appointment

JOHN DEMEO
Governor's Appointment

ROBERT TRELO
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 17, 1995

Ms. Arlene Colvin
Chief Operating Officer
City of Gary
401 Broadway
Gary, IN 46402

Dear Arlene:

On Friday, January 20, 1995 a field meeting was held with the Corps of Engineers and their contractor, Ramirez & Marsh, who is scheduled to begin the Demolition IV contract in the Small Farms area of Black Oak. The purpose of this meeting was to visually review the scope of work and make a final determination of the cost for this contract. On this visit, it was noted that a large amount of dumping had occurred in this area; not only on the area to be demolished, but on adjacent properties already cleared and on dedicated city streets right-of-way.

This letter is written in an attempt to identify a combined strategy to clean the entire area and to prohibit future dumping once the Demolition IV project and clean-up is accomplished. First, the Corps of Engineers will re-clean the Demolition I, II and III lands on a federal cost share basis (75% Federal - 25% Development Commission costs) as well as the Demolition IV lots. Second, the Development Commission will be required to clean up all the properties it owns not in the Demolition contracts and to clean all tires dumped in the area. This will be totally our cost without Federal funding participation. Third, the Development Commission is requesting the city of Gary assist in this Black Oak clean-up two ways:

- (1) Commit to clean up the street rights-of-way in the area in a time frame coordinated with the Demolition IV project, and
- (2) Close off road access to the area to prevent further dumping. This area, with the exception of the city streets, is totally owned by the Development Commission, thus eliminating the need to provide access. The Development Commission would then request


Ms. Arlene Colvin
February 17, 1995
Page 2

road abandonment in an orderly timeframe, but at least the dumping would be restricted while this process was proceeding.

The area we are discussing is bounded by Clark Road on the west, 30th Avenue on the north, Wright Street on the east and the Little Calumet River on the south. A map is included for your information. The federal demolition project is scheduled for April 1995.

Would you please check with the appropriate representatives of the city of Gary and respond at your earliest convenience in order to allow the coordination for the scope of work to proceed in a timely manner. We would be available to meet with city officials to expedite this request. If you have any questions regarding this request, please call me.

Sincerely,



Dan Gardner
Executive Director

/sjm

cc: Dave Hunter, A.C.O.E.
Tom Chapman, A.C.O.E.
Steve Treharne, A.C.O.E.
Roland Elvambuena, City of Gary Engineer



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Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

March 10, 1995

Mr. Roland Elvambuena, P.E.
City Engineer
City of Gary
401 Broadway
Gary, IN 46402

Dear Roland:

We would request permission from the city of Gary to close off a small area of Black Oak upon completion of a demolition project by the Corps of Engineers as part of the Little Calumet River flood control project. This area is east of Clark Road, north of the Little Calumet River, west of Wright Street and south of 30th Place in the Small Farms area (Refer to attached drawing).

The demolition work is scheduled to start in the spring of 1995. This work will include the demolition of the remaining permanent structures in this area as well as the cleaning up of all garbage and debris that has been previously dumped and is continuing to be dumped upon. Attached is a letter written to Arlene Colvin regarding city participation in the right-of-way cleanup. Upon completion of this work, it is our concern that new dumping will occur after the clean-up and we would like to have the contractor barricade this area off until the levee construction in this area is resumed in late 1995.

Currently, we own all of this property and no one occupies this area or has a reason to go into this area upon completion of the demolition. Would you please respond to us, in writing, at your earliest convenience in order to assure that the clean-up would not be wasted. If you feel it is necessary to vacate these streets, please indicate so; and we will follow up with the required procedure to begin that process. Again, we wish to assure the Corps that this area would be isolated and we need that in writing.

Roland Elvanbuena
March 10, 1995
Page 2

We sincerely thank you for your immediate attention to this matter and appreciate whatever could be done to expedite this decision.

Sincerely,

A handwritten signature in cursive script that reads "Dan Gardner". The signature is written in dark ink and is positioned above the printed name and title.

Dan Gardner
Executive Director

/sjm
encl.

cc: Tom Chapman, A.C.O.E.
Steve Treharne, A.C.O.E.
Arlene Colvin, City of Gary and LCRBDC member

MARINA



Lake Michigan Marina Development Commission

6100 Southport Road

Portage, Indiana 46363

(219)763-6060

Fax (219)762-1653

Duane W. Dedelow, Jr.
Chairman
Mayor of Hammond

Robert J. Bercik
Vice-Chairman
Mayor of Whiting

Robert J. Behler
Treasurer
Mayor of Michigan City

Thomas V. Barnes
Mayor of Gary

Sammie L. Maletta
Mayor of Portage

Robert A. Pastrick
Mayor of East Chicago

Frank L. O'Bannon
Ex-Officio
Lt. Governor of Indiana

Patrick R. Ralston
Ex-Officio
Director, Indiana Dept.
of Natural Resources

Barbara Waxman
Project Director

March 10, 1995

To: Dan Gardner, Exective Director, Little Calumet River Basin
Development Commission

From: Barbara Waxman, Project Director, Lake Michigan Marina
Development Commission *Barbara*

Re: State appropriations to the LMMDC for marina development in the
city of Portage

Spent to date \$1,426,000

Immediately available \$ 752,457 (in the LMMDC's bank account)

Appropriated but not yet approved by the State Budget Committee

\$ 248,500 1989 BIF

\$ 482,500 1991 BIF

Current funding request \$2,500,000

I hope this information is helpful to the LCRBDC. Please advise me if
any additional detail is needed.

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000



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

March 8, 1995

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

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

Re: Portage Municipal Marina
Project No. 93-294

Dear Dan and John:

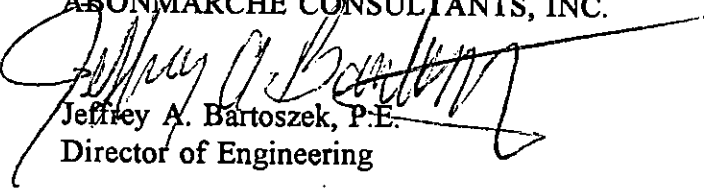
The following represents the total amount of excavation at the Portage Municipal Marina, as of our March 6, 1995 topographic survey:

Excavation through October 11, 1994	449,000	CY
Excavation October 11, 1994 - March 6, 1995	<u>48,000</u>	<u>CY</u>
Total Excavation through March 6, 1995	497,000	CY
Total Excavation Remaining	153,000	CY

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

Sincerely,

ABONMARCHE CONSULTANTS, INC.


Jeffrey A. Bartoszek, P.E.
Director of Engineering

JAB/jeg

February 24, 1995

SANDMINING BY SUPERIOR/DYER CONSTRUCTION

Sub-Total 165,240 cubic yards
(as per last Abonmarche memorandum dated 4/7/94)

Received after 4/7/94:

May 13, 1994	\$5,285.75	17,050 c.y.
June 9, 1994	\$2,214.42	7,143.30 c.y.
July 8, 1994	\$4,166.76	13,441.16 c.y.
July 28, 1994	\$14,111.75	45,521.77 c.y.
September 7, 1994	\$13,650.85	44,035 c.y.
November 9, 1994	\$11,563.22	37,201.53 (.31/c.y.) 3,075.42 (.01/c.y.)
February 8, 1995	\$ 1,913.02	191,302 (.01/c.y.)

Total Sandmining monies received to date: \$104,130.17

Total Sandmining cubic yards documented to date: 524,010.18 c.y.

Portage marina's boat may come in with The Donalds

■ Maletta sees deal in the making if riverboats dock near Burns Ditch.

BY CAROL NAPOLITANO
Times Staff Writer

Sammie Maletta has a plan. The Portage mayor thinks he can use riverboat gambling to raise \$2 million and complete the city's marina, which has stood unfinished for a decade.

But Porter County defeated a riverboat gambling referendum in 1993. And Maletta does not expect the question to be put back on the ballot this November.

So where is he going to find the cash? He's going to get it from

■ Inside: Only four survivors remain from the 11 riverboat bills introduced this session. A-4

■ Monday: A look at riverboat gambling prospects in Ohio River counties.

The Donalds.

They would be Donald Trump and Donald Barden, the men whose companies were chosen to receive the state's first two riverboat licenses.

After negotiations broke down on a deal to float the boats in Buffington Harbor, the two developers began looking for a new site.

See PORTAGE, Page A-4

Portage

Continued from Page A-1

They are considering 179 acres near Burns Ditch, a man-made tributary of the Little Calumet River.

If the boats go there, Maletta sees a deal in the making. The land where the riverboat complexes would be built is owned by the financially strapped Little Calumet River Basin Development Commission.

The state-created commission needs funds to fulfill its two missions — build and maintain a flood control system along the Little Calumet and improve Burns Harbor by building breakwaters and the marina.

But money expected from the state and federal governments hasn't come in lately, leaving the commission short on cash.

Maletta's logic is simple enough. The commission has the land, Trump and Barden need it. The commission needs the money. Trump and Barden have it.

"If they're going to be leasing (commission) property, then they can put up the money for the Little Cal commission to help us finish the marina," Maletta said.

Dan Gardner, executive director of the commission, said Friday the city of Gary and the Trump/Barden groups are negotiating with the commission for land near Clay Street and Burns Ditch.

"The mayor is looking at this as an opportunity that may infuse dollars into our situation," Gardner said of Maletta. "And we agree. That's one of our key priorities."

An outright sale of the land would produce a lot of money up front, but no long-term income, and the commission does not want to sell right now, Gardner said.

But a long-term lease would provide a steady income to help finish and maintain the flood project and complete the marina, he said.

Gardner said the lease probably would be less than \$1 million a year, and could run as long as 99 years with a renewal period every four years.

The lease would be with Gary, not the riverboat groups, he said, "because the commission feels the riverboat companies don't represent the public."

Gardner predicted a lease agreement could be signed by the time the Trump and Barden groups appear before the Indiana Gaming Commission on March 10.

Two days before that meeting, the riverboat groups must submit to the state a written feasibility study on an alternate site for their boats. That site is expected to be Burns Ditch.

The commission then will vote on whether to approve the alternate site or send Trump and Barden back to find yet another location.

There are some concerns about the Burns Ditch site, such

as the extensive work that might be needed to host the boats and whether it is a navigable waterway.

"We have been looking at what is considered a navigable waterway, as described by the U.S. Coast Guard," said Kay Fleming, chief counsel for the Gaming Commission. "We've never needed to address this issue before, and if they do locate the boats on Burns Ditch or the Little Calumet, then we'll have to look at it."

Meanwhile, Gary continues its efforts to condemn the Buffington Harbor land, since negotiations are not working.

City lawyer Gilbert King confirmed a court hearing on the condemnation will be heard before Lake Superior Court Judge Gerald Svetanoff at 9 a.m. March 27 in Room 4 of the Superior Court building in Gary.

With the riverboat site still undetermined, it remains uncertain whether the boats will be operating by June, as the developers have said previously.

"It all depends on a site. When we gave that date we were 100 percent convinced we were going to Buffington," said Don A. Tabbert, an Indianapolis lawyer representing the Trump camp. "Accordingly, there is no way I can predict that June date will be the same."

Even with delays, chances are Gary riverboats will still be the first in the water in northern Indiana.

Judy Greene, executive administrator for the commission, said the next set of hearings will be devoted to applicants wanting to locate boats in Dearborn, Ohio and Switzerland counties, in the southeast corner of the state along the Ohio River.

Those hearings are expected to begin in late spring and run through mid-June, she said.

"We hope then to return to the north part of the state and finish the licensing there by the end of the year," Greene said.

Hammond and East Chicago will get licenses. But Greene said there has been no decision yet in what order the hearings for those two cities will be held. Industry observers have speculated the hearings might be held simultaneously.

A fifth Lake Michigan license is up for grabs.

It could go to any of the three Lake County cities, or to Michigan City in LaPorte County, a site in which a number of riverboat investors are interested.

But some observers think the Michigan City site could be jeopardized by plans for a land-based casino in southwestern Michigan run by the Pokagon Band of the Potawatomi Indians.

Meanwhile, Gary has formally asked the commission that it be considered for the fifth license, Greene said. Hammond has expressed interest in the license publicly, but has not made any formal request.

Mayor seeks \$2 million marina boost

By Jim Masters

With the city of Gary poised to locate two riverboat casinos on the Portage-Burns Waterway, Portage will feel an impact.

"Positively or negatively, there will be an impact," said Mayor Sammie L. Maletta.

Maletta didn't go into detail, but the fact remains, boaters using the Portage public marina currently under construction will be using the same body of water as the riverboats. The road traffic should also be affected, among other concerns.

Therefore, Maletta felt within his rights to ask the state for \$2 million to finish off the marina. He channeled his request through Dan Gardner, executive director of the Little Calumet River Basin Development Commission.

As a state agency, the Little Calumet commission has the dual role of being Portage's marina partner and the lessor on the land currently under negotiation for Gary's riverboats.

One of the reasons the commission was created was to work toward the establishment of a marina on the waterway. That was the state's pledge in return for the U.S. Army Corps of Engineers constructing a breakwater on Lake Michigan at the mouth of the waterway.

Nearly eight years later, the marina is finally under construction, but short

See - MARINA - page 4

Marina

From page 1

approximately \$2 million to finish off the 250-slip basin. So, it's being built in two phases, with the first to number around 150 slips.

Maletta has targeted the marina developers for the \$2 million, that being Trump and Barden/President.

Although negotiations continue on the Little Calumet's 200 acres located near Clay Street, so does a condemnation suit involving the developers' preferred site at Buffington Harbor on Lake Michigan. If the developers were to go back to plan A and locate at Buffington Harbor, that would surely diminish Maletta's leverage in terms of impact on Portage.

Dan Gardner, executive director of the Little Calumet commission, said he would take Maletta's suggestion to the board. However, he doubted the city of Gary would agree to such a proposal. With Gary trying to construct a marina of its own, why would the city allow money to be diverted away from its project, Gardner queried.

"But we remain absolutely committed as a commission to building the Portage marina," said Gardner.

The Portage marina is expected to open for the start of the 1996 boating season. And the increased boating traffic could certainly benefit from a dredged waterway, but the corps of engineers won't dredge the portion that they control (north of Route 12 to the lake) until they're paid in full.

LEGISLATIVE

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Ruth E. Hopp

Area Code 219

Telephone
924-7500

Fax
922-3072

Town of Griffith

111 N. Broad Street, Griffith, IN 46319-2294

Honorable Evan Bayh
Governor
State of Indiana
Indiana Statehouse
Indianapolis, Indiana 46204

February 24, 1995

Dear sir,

The Griffith Town Council wishes to express our concerns regarding the states 1995-96 biennium budget. The budget, to date, does not include the \$8 million capital funding request of the Little Calumet River Flood Control/Recreation Project.

The Little Calumet River Basin Development Commission has seen the project through to its current stage. More than thirty million dollars in Federal construction appropriations will be jeopardized due to the lack of state support.

The flood control project is very much needed along the Ridge Communities of Munster, Highland, Hammond, Gary, and ourselves. It will provide protection to numerous homes and businesses, thus protecting the citizens of each of our communities.

Please consider the critical need of the project and the many years of work to bring it to the stage of construction, but to have it fail, due to the lack of state support in funding. The State of Indiana must not pass up the opportunity to assist the Federal Funding of a much needed project for the citizens of Lake County.

Thank you for attention to this important matter. If we can be of further assistance, please call at your convenience.

Sincerely,

Michael E. Gulley, President
Griffith Town Council

cc: Little Calumet River Basin Development Commission
Senators Lugar & Coats
Congressman Visclosky
State Senator Antich
State Rep. Villalpando

T.H.E.

"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."

—Allen H. Neuharth
Founder, Sept. 15, 1982



David Mazzarella
Editor
Karen Jurgensen
Editor of the
Editorial Page
Thomas Curley
President and Publisher

Flood controllers dredge up savings, but it's tasty pork

OUR VIEW Congress can't push itself away from the table, even though Corps of Engineers says it can save \$1 billion.

Congressional champions of the old-style Army Corps of Engineers — you know, the corps that would dredge a river at the drop of a buoy — say it shouldn't be fussed with.

They say the corps' Civil Works Program protects investment, lives and quality of life. They say it's a success story as is. And so they say a proposal to save almost \$1 billion over five years by slashing the program is a disaster.

They're just wrong.

The reforms, proposed by the corps itself as part of the Clinton administration's budget cuts, are stern. They require local sponsors to pay 75% of the cost, not 25% as now. They require the project produce \$2 of benefit for every \$1 of cost, rather than \$1 for \$1. And they require that the flood projects respond to interstate threats, not just local ones.

If adopted, the reforms would kill scores of projects and close one of Congress' richest lodes of pork. Thus even budget-minded lawmakers of both parties are rushing to protect the status quo. Among them:

► Sen. Christopher Bond, R-Mo., whose state could lose millions in federal dollars for the repair of private levees.

► Sen. John Warner, R-Va., whose state could lose a \$110 million boondoggle dam.

► Rep. Frank Pallone, D-N.J., whose

state could lose \$1 million or more in corps spending on shoreline protection.

► And Rep. Harold Rogers, R-Ky., whose state could lose a lock construction project worth nearly \$500 million.

Defenders of the old-style corps say that in the last 68 years, its flood projects have prevented \$275 billion worth of damage. And that sounds like good work. But it's a fact in search of some context.

Before federal flood control, few people lived in flood-prone areas. That began to change as Washington began building and maintaining levees and flood channels. And the trend intensified as Washington began offering disaster bailouts and subsidizing insurance to people living in flood plains.

The effect has been to draw people into harm's way while raising the risk of catastrophic flooding.

Flood-plain development means more runoff, fewer wetlands and straighter channels, which translate into floods that run higher and faster. It's no coincidence the Midwest has suffered six 100-year floods in the past 50 years.

In these terms, that \$275 billion in flood-damage protection isn't just a savings; it's also created a sizable liability. And anyway, why spend federal dollars to satisfy purely local needs and desires?

If a community wants to save a beach or scour out a recreational harbor, it should do it on its own. And Congress, which is supposed to be looking for ways to empower local decision-making and exercise budgetary restraint, should step aside.

Don't risk more flooding

OPPOSING VIEW In flood control and other functions, this is a rare and real federal success story.

By Christopher S. "Kit" Bond

For more than 150 years, the Army Corps of Engineers has been responsible for development of dams, reservoirs, levees, harbors, waterways, locks and other structures that are vital to providing flood protection for cities and river valleys, water supply, hydroelectric power and river transportation.

More than 2 billion tons of cargo move to market via our nation's harbors and waterways — built and maintained by the corps. Our national flood-protection system has cost \$33 billion since 1928, and with that investment \$275 billion in flood damage has been prevented — an 8-to-1 return.

During the great Midwest flood of 1993, structural flood protection saved \$19 billion in flood damage. In Missouri, more than one-third of our productive farmland is located in the river bottoms. Commercial activities throughout the entire Mississippi River basin rely on the waterways system for transportation of bulk commodities. Communities depend on the system for water supply, and the nation relies on it

to promote exports. The river system is inextricably linked to our premier inland waterway and is the envy of the world.

Though the Corps of Engineers has been invaluable to the livelihoods of millions, its mission is under attack. Following the tragic flood of 1993, the corps refused to rebuild flood protection. Then it proposed water flow changes to the Missouri River that will increase spring flooding and eliminate barge transportation in the fall harvest months. And now the administration wants to reduce drastically the corps' role in flood control and shore protection.

If this proposal were driven by economic considerations, the debate would be over — the corps projects are a success. Yet, one of the few targets of the tiny Clinton budget ax is a program on which we get an 8-1 return on our investment. Our nation's prosperity is at risk in the name of environmental experimentation.

I am not trying to bash the corps. I am trying to protect the corps from this administration and its idea of a short-term experiment on how to lose one's way — wasting one's talent and misrepresenting one's legacy — and run away from one of the very few and true success stories any federal agency can cite without a red face.

Sen. Christopher S. "Kit" Bond is a member of the Senate Appropriations, Budget and Environment and Public Works committees and a former governor of Missouri.

PROJECT ENGINEERING

LITTLE CALUMET RIVER PROJECT EAST REACH CONSTRUCTION SEGMENTS

<u>Stage/Phase</u>	<u>Location</u>	<u>Description</u>	<u>Federal Construction Cost Estimate</u>	<u>Construction Award</u>	<u>ESTIMATED \$ NEEDS</u>	
					<u>Lands/Easements & R/W Acquisition</u>	<u>Utilities Relocation</u>
I-4	Black Oak, Gary	Demolition	\$ 92,000	Jan 15, 1995	-	-
II-3A	Georgia - MLK Drive Gary	South Levee	\$2,275,023	Complete	-	-
II-3B	Harrison - Georgia Gary	South Levee	\$3,000,000	May 1, 1995	\$648,000	\$475,000 — 3B
II-3C	Grant - Harrison Gary	South Levee	\$2,000,000	Aug 1, 1995	\$150,000	\$40,000 — 3C
III	Grant - Chase, Gary	North & South Levees	\$6,564,520	Complete	-	\$124,000
II-4	Broadway-MLK Drive Gary	North Levee	\$4,200,000	Sept. 1995	\$220,000	\$290,000
IV-1	Cline - Burr Gary, Griffith	North & South Levees	\$2,700,000	Dec. 1995	\$50,000	\$300,000
IV-2	Burr-Chase, Gary	North & South Levees	\$6,000,000	Aug 15, 1995	\$300,000	\$100,000
Burr St. Levee	Calhoun-Clark, Gary	South Levee	\$2,500,000	Est. 1996	Est. \$450,000	Est. \$200,000
Cline Avenue Griffith Extension	Cline-EJ&E R.R. Griffith	South Levee	\$2,500,000	Est. 1996	Est. \$250,000 + CONSTRUCTION COST OVER FLOODPROOFING	Est. \$200,000



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

REPLY TO
ATTENTION OF

February 1, 1995

Real Estate Division

SUBJECT: Little Calumet River Flood Protection Levee -
Stage II-3C Gary Parks Lands.

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

Dear Mr. Gardner:

On February 28, 1994, as revised on June 1, 1994, the Commission was directed by this office to acquire all lands necessary for Stages II-3B and 3C of the project. Subsequently, we have determined that further investigation of the potential for hazardous waste materials at the former City of Gary Municipal Dump located near Gilroy Stadium is advisable as an additional precaution before proceeding with construction. As you are aware, we intend to excavate a trench along the proposed levee alignment for this purpose and to evaluate soil stabilization in that area. You have been asked to provide a Right-of-Entry for this work. The work is scheduled to be completed by August 1, 1995.

We recognize that the Commission is in the process of finalizing an agreement with the Gary Parks District to acquire all lands under their control which are needed for the project, including this site. Although we do not anticipate that this property will require remediation for CERCLA regulated materials, the Commission should satisfy itself that acquisition of easements at this site is appropriate. Pursuant to Article X of the Local Cooperation Agreement, the Commission is responsible for remediation of any CERCLA related materials encountered on project lands. We suggest that you evaluate your potential legal liabilities and independently determine whether the scope of the investigations that we have conducted provide the Commission with sufficient information to proceed with this acquisition.

If you wish to discuss this matter further, please contact Mr. Hunter at (312) 353-8809 or Mr. White at (312) 353-2177.

Sincerely,



Robert E. Slockbower, P.E.
Lieutenant Colonel, U.S. Army
District Engineer

Copy Furnished:

Mr. Lou Casale

CF Dave Hunter



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

REPLY TO
CENCC-OC (27-1a)
A: HTRW

1 February 1995

MEMORANDUM FOR: CENCD-OC, ATTN: Mr. Solomon

SUBJECT: POSITION PAPER - HTRW Aspects of Little Calumet Project

ISSUE & OPINION

1. The electronic message from Jan Miller dated 23 January 1995 [encl 1] requests that the Chicago District prepare a POSITION PAPER explaining its legal position on the following question:

Is the Corps of Engineers or its local sponsor exposed to liability under the Comprehensive Environmental Response Compensation and Liability Act [CERCLA], 42 USC 9601-9675 on this project as a result of the levee and floodway easements that the local sponsor obtains, assuming that the project will not increase the movement of the contents of the land fills?

2. The answer to this question is NO.

3. The reason that the Corps of Engineers and its sponsor are not exposed to liability under CERCLA as a result of the levee and floodway easements that the local sponsor obtains in its name is that an easement is not considered a sufficient interest in land to make the holder of the easement an "owner" for the purposes of CERCLA [42 USC 9607(a)(1 & 2)].

4. Paragraph 3 of enclosure 3 indicates that the Chicago District does not expect that the project will have a significant impact on the infiltration/exfiltration of material from the land fills. A study which will result in a detailed report on this subject is in progress. Since it is clear that the Chicago District would be liable under a number of different legal theories, if the project caused a significant increase in the infiltration/exfiltration of material from the land fills, the position in the remainder of this memorandum assumes that the detailed report will be consistent with the statement in paragraph 3 of enclosure 3.



March 8, 1995

CPT Tom Chapman
Engineering Division
Engineering Management Branch
Corps of Engineers
111 North Canal Street
Chicago, IL 60606-7206

Re: Little Calumet River Levee
Stage IV Phase 2

Dear CPT Chapman:

This letter is to follow-up our telephone conversation last week. In that conversation we requested clarification regarding the status of the following two utilities:

1. Signal lines on poles running along and parallel to the Norfolk and Southern Railroad between Colfax Street and Calhoun Street. These lines and poles are within the work limits, however the plans do not indicate what relocation work (if any) is needed.
2. NIPSCO power line along the west side of Colfax Street. Plans show a power pole in the work limits and indicate that the NIPSCO power line will remain in place. Does any relocation work need to be performed? Herb Woldt of NIPSCO indicated that he did not see a need for any relocation work, however he had not received input from the Corps regarding this line.

We also discussed Wolverine Pipeline and you indicated that the Corps was reevaluating its requirements for pipeline relocation. Please note that Wolverine has been waiting since last June for soils engineering data so that they could perform the stress analysis requested by the COE. We are very concerned that the inability to identify utility relocation requirements for Wolverine will delay construction award on this part of the project (now scheduled for August 15, 1995). It is also important to establish pipeline relocation requirements as soon as possible so that pipeline utility relocation in other parts of the project may be obtained in an efficient timely manner.

AIRPORTS

ENVIRONMENT

ARCHITECTURE

ENGINEERING

FIELD STUDIES

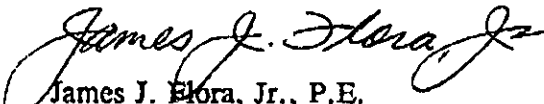
TRANSPORTATION

..CPT Tom Chapman
Corps of Engineers
March 8, 1995
Page Two

If you have any questions, please call.

Very truly yours,

R. W. ARMSTRONG & ASSOCIATES, INC.


James J. Flora, Jr., P.E.
Vice President

JJF:kf
911930

cc: Dan Gardner, LCRBDC
Jim Pokrajac, LCRBDC
Dave Hunter, COE

North-West Engineering Co., Inc.

— Consulting Engineering —

504 Broadway - Suite 1028 - Gary, Indiana 46402

Phone: (219) 882-6856

February 6, 1995

FAX: (219) 882-6867

Little Calumet River Basin Development Commission
6100 Southport Road
Portage, IN 46368

Attention: Mr. Dan Gardner, Executive Director

RE: Burr Street Improvement Project, Gary, IN
Chicago COE letter of January 23, 1995

Dear Mr. Gardner:

We attended the January 24, 1995 meeting with the Chicago District COE regarding the various requests and concerns expressed by the COE in their letter. We also met with the Gary District (GSD) staff who were not able to attend the meeting and discussed the COE requests and concerns that were raised.

The District agreed to the COE request, that pose no technical problem, however there are considerable costs involved, and inasmuch as the COE requests regarding the GSD Project are being presented after the GSD plans were completed, the construction bids received, and the construction is already underway, GSD is requesting that the COE fund the requested changes for the following:

Cost for labor and materials to extend the proposed steel casing an additional 70 feet. The request is to extend the proposed steel casing to be installed under the river beyond the levee that will be installed north of the river. This will not cause any construction difficulty, but it will encounter an additional cost. The additional cost for this is based on the contractor's bid unit price of \$740/ft amounting to \$51,800.

Cost for lowering the proposed Storm Water Sewer Line and Storm Water Pumping Station by 4-feet to avoid any future conflict with the COE culvert and levee at Burr Street. The project contractor submitted a cost for this labor amounting to \$30,000.

The total combined additional cost to satisfy the COE request will be \$81,800.

With regard to the sewer line between Gerry and Burr Street, since this has not yet been installed, arrangements will be made to construct it outside the limits of the COE permanent easement.

North-West Engineering Co., Inc.

February 6, 1995

Page 2

Little Calumet River Basin Development Commission

Attention: Mr. Dan Gardner, Executive Director

RE: Burr Street Improvement Project, Gary, IN

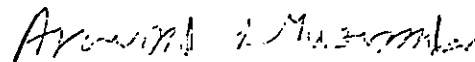
Chicago COE letter of January 23, 1995

We bring to your attention that the Calhoun Street manhole that is in the area of the proposed COE culvert was installed prior to any communication from the COE regarding their project and the location of the proposed culvert pipe. We have no problem with the manhole being relocated 30' north of its present location, however the GSD has requested that the move be included in the COE plans, as the contractor on this project has completed his work in this section and demobilized the area.

Regarding the Burr Street Improvement Project, storm water sewer and storm sewer pumping station, construction is anticipated to start in the Spring of 1996 subject to receipt of funding. The Plans for this project are near completion and will be submitted to the COE and your office for review by March, 1995.

Your discussion with the COE and concurrence regarding the GSD requests and response will be appreciated. Should you require any additional information, or a meeting, please do not hesitate to communicate with us.

Very truly yours,



ARAVIND S. MUMZDAR, P.E.

President

ASM/fju

cc: COE, Chicago

Captain Tom Chapman

Richard Carlson, Deputy Dist. Engineer for Proj. Mgmt.

Dave Hunter

Jim Pokrajac, LCRBDC

Jim Flora, R.W. Armstrong

Washington Alston, Director, GSD

Lincoln Donaldson, Engineer, GSD

Cass Villacin, Div. Supt., GSD

DUANE W. DEDELOW, JR., MAYOR
SHARON M. DANIELS, ADMINISTRATIVE ASSISTANT



CITY OF HAMMOND, INDIANA 46320

5925 CALUMET AVENUE

PHONE (219) 853-6301

March 6, 1995

Robert E. Slockbower, P.E.
Lieutenant Colonel, U.S. Army
District Engineer, Project Management Branch
Chicago District, Corps of Engineers
111 N. Canal St.
Chicago, Illinois
60606-7206

Dear Lt. Col. Slockbower:

I have received your response letter dated Feb. 13, to my request 11 months earlier, and repeated in January, that the Corps accelerate its recreational funding to dovetail with our plans for passive development of the Hammond Oxbow. there are several points I want to stress:

We are asking you to make an affirmative evaluation March 15 regarding our request a year ago for the Corps to accelerate its recreational spending along the Little Calumet River flood Control project. Our numerous meeting with your representatives over the past two years led us to make this formal request in March of 1994, and we have delayed our implementation plans awaiting your response. As I understand it, if a positive evaluation is not made on March 15, then we will have to wait four years for your participation. This is not acceptable.

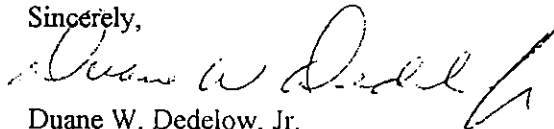
The City of Hammond is ready to move swiftly to coordinate its efforts with your participation in the development of a passive park implement the passive development. We have built upon the land use feasibility study you participated in the late 1980s with our own design development report last year.

I have been informed the Little Calumet River Basin Commission reaffirmed at its March 2 meeting its intent to cost share with you and to move swiftly and cooperatively to meet your requirements for the land control issues.

I want to stress that we have been and are working with our local statehouse senators and representatives to ensure continued funding for the flood control project. This beneficial project has been years in the waiting.

We in Hammond are ready to move forward. It would be a shame if the Corps decided it would not participate in this project for another four years.

Sincerely,



Duane W. Dedelow, Jr.
Mayor, City of Hammond

DWD,JR: cpv

pc: Hon. Richard Lugar
Hon. Daniel Coats
Hon. Peter Visclosky
Dan Gardner, LCRBDC



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

CHARLES AGNEW, Chairman
Governor's Appointment

WILLIAM TANKE, Vice-Chairman
Porter County's Commissioners' Appointment

NATHANIEL LEONARD, Treasurer
Lake County Commissioners' Appointment

ROBERT HUFFMAN, Secretary
Governor's Appointment

GEORGE CARLSON
Mayor of Hammond's Appointment

ARLENE COLVIN
Mayor of Gary's Appointment

WILLIAM CRITSER
Governor's Appointment

STEVE DAVIS
Dept. of Natural Resources' Appointment

EMERSON DELANEY
Governor's Appointment

JOHN DEMEO
Governor's Appointment

ROBERT TRELO
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

March 6, 1995

Robert E. Slockbower, P.E.
Lieutenant Colonel
U. S. Army District Engineer
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Col. Slockbower:

I am writing you in response to your letter dated February 13, 1995 to Mayor Duane Dedelow of Hammond regarding the Oxbow park development. The Little Calumet River Basin Development Commission, at its March 2, 1995 board meeting unanimously passed a resolution reaffirming the Commission's interest and support for pursuing the cost shared recreational development in the 1995 contract versus the 1999 contract for recreational improvements at the Oxbow Park in Hammond.

The Development Commission further urges the Corps of Engineers to favorably find this feasible in its March 15, 1995 review, as it is the Commission's position that the recreational improvements will provide visible Federal project commitment to the Hammond/Highland area, thus bolstering community support and interest in the flood control project and support for continued State funding to keep the Federal flood control construction on schedule. We also believe the improvements can stand alone in the intervening period until the Oxbow is connected to the improved levees/trail system.

To respond to the issues raised regarding financial commitment to cost sharing and property ownership; (1) the Development Commission commits the availability of required matching funds for the project; and (2) the Development Commission understands the requisite property will be transferred in fee title to

Cpl. Slockbower
March 6, 1995
Page 2

the Development Commission by the Hammond Park Board/City of Hammond. It is my understanding that this commitment letter will be forwarded to the Corps by the Mayor's office to document the land ownership issue. Confirmation and questions can be directed to myself or Mr. Curt Vosti, the Grants Coordinator for Mayor Dedelow.

I hope this letter conveys our active interest and we eagerly await your review. Thank you for your past cooperation in addressing project related local community preferences.

Sincerely,



Dan Gardner
Executive Director

/sjm

cc: Honorable Duane Dedelow, Mayor of Hammond
Curt Vosti, city of Hammond
Mara Candelaria, Congressman Visclosky's Office
Tim Sanders, Senators Lugar and Coats Office
Dave Hunter, A.C.O.E.
George Carlson, LCRBDC member
Emerson Delaney, LCRBDC member



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue

Room N755

Indianapolis, Indiana 46204-2249

(317) 232-5533

FAX: (317) 232-0238

EVAN BAYH, Governor

FREDERICK C. P'POOL, Commissioner

Writer's Direct Line:
317-232-5050

TO: LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
Attn: Mr. James E. Pokrajac, Land Agent Acquisition
6100 Soutport Road
Portage, In 46368

FROM: Theodore F. Elmore
INDIANA DEPARTMENT OF TRANSPORTATION
INDOT, LA. DIV.
Buying Section

Re: PROJECT: IM 80-1 (120)
PARCEL #1
DES # 9032065

In answer to your inquiry the following dates are currently in place:

IDEM 6/14/95
Bid letting 10/15/95
Begin Const. 3/96
Finish Const. 4/97

Do keep in mind that these dates are preliminary schedule dates and may change.

Thank you for your cooperation in this matter and look forward to receiving the Right-of-Entry soon.

Very Truly yours;

Theodore F. Elmore
Land Agent

FINANCE/POLICY

STATE OF INDIANA)

COUNTY OF NEWTON)

IN THE NEWTON CIRCUIT COURT

KENTLAND, INDIANA

ALICE KNIGHTEN, CORNELIA)
AND CHARLES WILSON, AND)
BONNIE WARNER, Individually and)
on behalf of all others similarly)
situated.)

Plaintiffs,)

v.)

CAUSE NO. 56C01-9101-CT-7

TRI-STATE COACH LINES, SHAPIRO AND)
ASSOCIATES, THE TOWN OF HIGHLAND)
and CARDINAL SERVICES, INC., LAKE)
COUNTY, THE LAKE COUNTY BOARD OF)
COMMISSIONERS, LARGURA, INC., JOHN)
SHOUP, SHOUP BUSES, INC., MIDWEST)
BLACKTOP PAVING CORP., WILLIAM)
HENDERSON, in Official Capacity as)
President of the Lake County)
Drainage Board, LAKE COUNTY)
SURVEYOR, LITTLE CALUMET RIVER)
BASIN COMMISSION, INDIANA DEPART-)
MENT OF NATURAL RESOURCES, STATE)
OF INDIANA, NORTHWEST INDIANA)
REGIONAL PLANNING COMMISSION, and)
LAKE COUNTY PLANNING COMMISSION)

Defendants.)

AFFIDAVIT OF DANIEL GARDNER

I, Daniel Gardner, having been first duly sworn upon my oath,
depose and state as follows:

1. My name is Daniel Gardner. I serve as the Executive Director
of the Little Calumet River Basin Development Commission
(hereinafter referred to as "the Commission"), and have held this
position for approximately ~~seven~~ years.

14

2. I have personal knowledge of all facts stated in this affidavit.

3. That the statements, acts and conduct of the Commission as they relate to that portion of the railroad embankment which is the subject matter of the plaintiffs' cause of action (hereinafter referred to as "the embankment") prior to November 28, 1990, were performed pursuant to the authority granted to the Commission under Indiana Statute §14-6-29.5-1, et. seq..

4. Prior to November 28, 1990, neither the Commission nor I ever undertook, or represented and/or indicated that we would undertake, to restore the embankment located on or near the Tri-State Bus Lines property located at 7843 Indianapolis Boulevard in Highland, Indiana.

5. Prior to November 28, 1990, neither the Commission nor I ever undertook, or represented and/or indicated that we would undertake, to hire or employ any individuals to restore the embankment located on or near the Tri-State Bus Lines property located at 7843 Indianapolis Boulevard in Highland, Indiana.

6. Prior to November 28, 1990, neither the Commission nor I ever undertook, or represented and/or indicated that we would undertake, to oversee any individuals who were engaged in activities related to the restoration of the embankment located on or near the Tri-..

State Bus Lines property located at 7843 Indianapolis Boulevard in Highland, Indiana.

7. Prior to November 28, 1990, neither the Commission nor I ever undertook, or represented and/or indicated that we would undertake, to issue or deny the issuance of permits to any individuals seeking to restore the embankment located on or near the Tri-State Bus Lines property located at 7843 Indianapolis Boulevard in Highland, Indiana.

8. Prior to November 28, 1990, the Commission never undertook or assumed, or represented and/or indicated that it would undertake or assume, any duty regarding the restoration of the embankment in issue.

9. Although minutes of the Commission, dated May 3, 1990, indicate that the Commission staff would monitor the restoration of the embankment located on or near the Tri-State Bus Lines property located at 7843 Indianapolis Boulevard in Highland, Indiana, the sole purpose of this monitoring was to keep the members of the Commission's Board apprised of any future developments which might affect the Commission's interests. Neither the Commission nor I ever undertook, or represented and/or indicated that we would undertake, to communicate the results of that monitoring to any other individual or entity outside of the Commission.

FURTHER AFFIANT SAYETH NOT.

Daniel Gardner
Daniel Gardner

STATE OF INDIANA)
COUNTY OF Lake) SS:

Subscribed and sworn to before me, a Notary Public, in and
for said County and State this 1st day of March, 1995.

Aimee L. Polte
Notary Public

Aimee L. Polte
(Notary's Typed or Printed Name)

My Commission Expires:

My County of Residence

BPC.mmo
gardner.aff

Aimee L. Polte
Commission Expires: June 15, 1998
County of Residence: Lake



TUDOR
INSURANCE COMPANY



48 SOUTH FRANKLIN TURNPIKE
P.O. BOX 504
RAMSEY, NEW JERSEY 07446-0504
TELEPHONE: (201) 825-3300
FAX: (201) 825-1052

March 7, 1995

Little Calumet River Basin Development Commission
6100 Southport Road
Portage, IN 46368

Attention: Dan Gardner, Executive Director/Designee

RE: Anthony Perz, vs. Little Calumet River Basin Development Commission, et al.
Policy No.: PE 60718

Dear Sir:

Tudor Insurance Company acknowledges receipt of a copy of a Notice of Claim for Anthony Perz, dated January 3, 1995 regarding the above captioned matter. A review of the Notice indicates that this matter emanates and flows from property damage allegedly sustained as a result of the construction of a bulkhead and breakwall on Lake Michigan.

Tudor Insurance Company provides the Public Officials Liability insurance coverage to the Little Calumet River Basin Development Commission under Policy PE 60718, issued for policy period of March 31, 1994 through March 31, 1995, subject to the provisions and exclusions of said policy. The policy has a limit of liability of \$1 million and a \$5,000 retention. The retention applies to defense expenses, costs, judgments and settlements.

We refer you to:

III. DEFINITIONS

- "(d) 'Loss' shall mean any amount which the Insureds are legally obligated to pay or which the Public Entity shall be required by law to pay as indemnity to the Insureds, for any claim or claims made against them, for Wrongful Acts and shall include but not be limited to damages, judgments, settlements and costs, cost of investigation and defense of legal actions (excluding from such costs the salaries of officials or employees of the Public Entity or any other governmental body), claims or proceedings and appeals therefrom, cost of attachment or similar bonds; provided always, however, such subject of loss shall not include fines or penalties imposed by law, or matters which may be deemed uninsurable under the law pursuant to which this Policy shall be construed."



A MEMBER COMPANY OF THE WESTERN WORLD INSURANCE GROUP

We refer you to: **IV. EXCLUSIONS**

"The Company shall not be liable to make payment for Loss in connection with any claim made against the Insureds allegedly, based upon or arising out of one or more of the following:

- (4) (a) claims, demands or actions seeking relief, or redress, in any form other than money damages;
- (b) for fees or expenses relating to claims, demands or actions seeking relief or redress, in any form other than money damages;
- (5) (a) any damages, whether direct, indirect or consequential, arising from, or caused by, bodily injury, personal injury, sickness, disease or death;
- (b) loss or criminal abstraction of, damage to or destruction of any tangible property or the loss of use of such property by reason of the foregoing;
- (6) (e) inverse condemnation."

We refer you to: **VII. GENERAL CONDITIONS**

"(i) **Other Insurance:**

If the Public Entity or any Insured has other insurance insuring against a loss covered by this policy, the insurance provided by this policy shall apply in excess of such other insurance."

At this time, Tudor Insurance Company must hereby deny coverage. This denial is predicated upon the exclusions and provisions cited above.

If you receive additional correspondence or legal process, please forward that to the undersigned for additional review.

Tudor Insurance Company strongly recommends that you immediately notify your General Liability insurance carrier. If you have any questions or need clarification regarding any of the above, do not hesitate to contact the undersigned.

Very truly yours,


Peter M. Leone, AIC
Senior Suit Examiner

PML/ab
lpml0303

MY DIRECT DIAL NUMBER IS (201) 934-2851, EXT. 851



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

March 4, 1995

Hon. Chester Dobis
Assistant Minority Floor Leader
Indiana House of Representatives
The State House
Indianapolis, Indiana 46204

Dispatched via Facsimile to the Above Named Addressee

Re: A Sense of the Town Council message in Support of Continuing and Renewed
Funding for the Little Calumet River Flood Control Project for the Biennium.

Dear Rep. Dobis:

As clerk of the legislative body, I am instructed to communicate that at its meeting of February 13, 1995, the Town Council of Highland moved *sua sponte* to authorize a missive expressing the sense of the Legislative Body regarding funding for the Little Calumet River Flood Control Project.

This letter comes to the fiscal leadership of the State of Indiana to express the Town Council's strong desire for the State to continue to honor its commitment to the 287 residents of the Wicker Park Manor devastated by the flood of November, 1990, by maintaining funding not only for the interim levee project but also for the timely completion of the Little Calumet River Project.

In an era of scarce resources, as many of you have often expressed, public officials must constantly struggle to balance competing claims for public dollars. Indeed, the Highland Town Council is no exception to this important ideal. All too often, public finance is becoming more and more of a zero sum game. To raise one area of funding too often invites reduction in another. However, in representative government, we all take an oath to exercise our authority to set priorities in the best interest of public health and safety. The job, then, -- yours and ours -- is to make the hard choices.

While, the Council appreciates the current need to make hard choices, the Council cannot endorse nor defend the wrong choice, either. Any sacrifice of funding for the Little Calumet River Levee project in the name of public austerity would be a very wrong choice. Public safety and an expressed commitment to the residents of the Wicker Park Manor Subdivision and the many communities along the banks of the Little Calumet River require you to keep the hard choice -- the hard but

TOWN COUNCIL

GEORGE M. GEORGEFF
President

DOMINIC M. NOCE
Vice-President

ARTHUR R. BURKMAN

LYNN R. POWELL

DENNIS R. SIMALA

JOHN M. BACH
Public Works Director

RHETT TAUBER
Attorney

CLERK - TREASURER

MICHAEL W. GRIFFIN

correct commitment you earlier made -- to keep the funding for this important life and property protecting project.

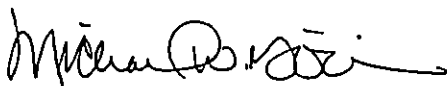
As you well know, any reduced appropriation or failure to allocate monies on a timely basis jeopardizes the Little Calumet River Development Commission's ability, on behalf of the State of Indiana, to comply with the contractual agreement with the Federal Government (The U.S. Army Corps. of Engineers) and jeopardize the continuation of Federal participation.

The Federal Government is prohibited by federal law from advance funding any of the non-federal commitments. Certainly, state redirection or withholding of its committed share of funds dedicated to this project, would place this sorely needed project in jeopardy. The funding for the forthcoming biennium should be crafted to meet the schedule of protecting the citizens of Northwest Indiana who live along the Little Calumet River.

It is the responsibility of our state administrators to be responsive to the citizens of Northwest Indiana and not to lose the opportunity that the joint federal funding presents in realizing this important project. Residents in Northwest Indiana and our Ridge Communities should not be made to feel that they are citizens who can not fully enjoy the protections of this state.

For the foregoing reasons, the Highland Town Council urges you to respond to your better natures and bring about this good work that is in you to achieve. Please support and fund the State Share of the Little Calumet River Flood Control Project. As clerk of the legislative body, I have been invited to respectfully communicate the sentiments of the Town Council for your thoughtful consideration.

Sincerely,



Michael W. Griffin, CMC
Clerk-Treasurer

pc: All Town Council Members
Little Calumet River Basin Development Commission
Deputy Clerk-Treasurer

Sense of the Council Letter
Transmitted on March 4, 1995
In addition to the addressee indicated:

Hon. James C. Conlon
Deputy Speaker Pro Tempore
Indiana House of Representatives
The State House
Indianapolis, Indiana 46204

Hon. Paul S. Mannweiler
Speaker
Indiana House of Representatives
The State House
Indianapolis, Indiana 46204

Hon. Robert Garton
President Pro Tempore
Indiana State Senate
The State House
Indianapolis, Indiana 46204

Hon. Sue Landske
Assistant President Pro Tempore
Indiana State Senate
The State House
Indianapolis, Indiana 46204

Hon. Sandra L. Dempsey
First District Senator
Indiana State Senate
The State House
Indianapolis, Indiana 46204

Hon. Lonnie Randolph
Second District Senator
Indiana State Senate
The State House
Indianapolis, Indiana 46204

Hon. Ron Tabaczynski
First District Representative
Indiana House of Representatives
The State House
Indianapolis, Indiana 46204

Hon. Dan Stevenson
Eleventh District Representative
Indiana House of Representatives
The State House
Indianapolis, Indiana 46204

Hon. Evan Bayh
Governor
State of Indiana
The State House Room 206
Indianapolis, Indiana 46204

Hon. Sam Turpin
Chair, Committee on Ways and Means
Indiana House of Representatives
the State House
Indianapolis, Indiana 46204

Hon. Lawrence Borst
Chair, Committee on Finance
Indiana State Senate
The State House
Indianapolis, Indiana 46204

Hon. Dick Mangus
Chair, Committee on Natural Resources
Indiana House of Representatives
The State House
Indianapolis, Indiana 46204

Hon. Greg Server
Chair, Committee on Natural Resources
Indiana State Senate
The State House
Indianapolis, Indiana 46204