



Little Calumet River Basin Development Commission

6100 Southport Road Portage, Indiana 46368

(219)763-0696
Fax (219)762-1653

✓ EMERSON DELANEY, Chairman
Governor's Appointment

✓ WILLIAM TANKE, Vice Chairman
Porter County Commissioners' Appointment

✓ ARLENE COLVIN, Treasurer
Mayor of Gary's Appointment

✓ JOHN DEMEO, Secretary
Governor's Appointment

✓ CHARLES AGNEW
Governor's Appointment

✓ GEORGE CARLSON
Mayor of Hammond's Appointment

✓ STEVE DAVIS
Dept. of Natural Resources' Appointment

✓ ROBERT HUFFMAN
Governor's Appointment

✓ ROBERT TRELO
Governor's Appointment

✓ MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

MEETING NOTICE

**THERE WILL BE A MEETING OF THE
LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION
AT 6:00 P.M. THURSDAY, MARCH 4, 1999
AT THE COMMISSION OFFICE
6100 SOUTHPORT ROAD
PORTAGE, IN**

WORK STUDY SESSION - 5:00 P.M.

A G E N D A

1. Call to Order by Chairman Emerson Delaney
2. Pledge of Allegiance
3. Recognition of Visitors and Guests
4. Approval of Minutes of February 4, 1999
5. Chairman's Report
 - Re-appointment letter of Marion Williams, Lake County Commissioners' appointment
 - Video presentation of Little Calumet River Flood Control/ Recreation Project
 - Boy Scout Troop #280 beautification project
6. Executive Director's Report
 - Update of PAC Status
 - Response to David Sanford, Chief, Policy Div. Civil Works, COE Washington office
 - Letter to COE re: financial capability
 - Attorney's letter to COE on scheduling of future stages

*Send Pete!
agenda!*

*ask Jim
Minn documentation
for exr*

add New Road.

1-4

5

*write letter of
support
June 4-5-6*

*6-7
8-11*

*Sandy - 2 pc.
royal blue
knit
pant suit
-
purpose
tan
cashmere
coat*

*2nd Reg. meeting
March 18th
5:00 p.m.
Thurs.*

*Sec. summer
Wed. 21st
staff mty
10-17
Jep gone*

*W Tanke
Stamps &
plates
Rogers phone
#2*

- Report on meeting 2/25 re: IL & IN groups discussing Calumet Ecological Park Study
7. Standing Committees
- A. Land Acquisition/Management Committee – Chuck Agnew, Chairman
- Appraisals, offers, acquisitions, recommended actions
 - COE Real Estate meeting held on 2/25/99
 - Gary Sanitary District's resolution to accept flood warning system base station (computer) on 2/23
 - Other issues
- B. Project Engineering Committee – Bob Huffman, Chairman
- All certified mailings out to fulfill permit requirement. As soon as green cards are returned, the permit application will be sent to IDNR
 - Final pumping station inspection for Burr Street to be held 3/2/99
 - Recommended actions
 - Other issues
- C. Legislative Committee – Arlene Colvin, Chairperson
- Letter to area legislators transmitting "Construction Progress Report"
 - Status of House version of budget
 - Other issues
- D. Marina Development Committee – Bill Tanke, Chairman
- News article on Portage Public Marina
 - Status Report
 - Marina 1998 year end financial report
 - Other issues
- E. Finance/Policy Committee – Arlene Colvin, Chairman
- Financial status report
 - Approval of claims for February 1999
 - State Board of Accounts auditing for years 1996 and 1997
 - Other issues
- F. Recreational Development Committee – George Carlson, Chairman
- Update on recreational issues
 - Other Issues
- G. Minority Contracting Committee – Marion Williams, Chairman
- Issues
8. Other Business
9. Statements to the Board from the Floor
10. Set date for next meeting; suggested meeting date Wednesday, April 7th; adjournment

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16-17
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**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION**

HELD AT 6:00 P.M. THURSDAY, FEBRUARY 4, 1999

AT THE COMMISSION OFFICE

6100 SOUTHPORT ROAD

HIGHLAND, INDIANA

Chairman Emerson Delaney called the meeting to order at 6:10 p.m. Seven (7) Commissioners were present. Pledge of Allegiance was recited. Quorum was declared and guests were recognized.

Development Commissioners:

Emerson Delaney
Charles Agnew
William Tanke
George Carlson
Robert Huffman
Marion Williams
Steve Davis

Visitors:

Jim Flora – R.W. Armstrong Co.
Pete Zak – South Shore Marina
Mary Jane Zak - “ “
David Nance – Div. of Water, DNR
Jomary Crary – Div. of Water, DNR

Staff:

Dan Gardner
Lou Casale
Sandy Mordus
Jim Pokrajac
Judy Vamos

The minutes of the January 7th, 1999 meeting were approved by a motion from George Carlson; motion was seconded by William Tanke; motion passed unanimously.

Chairman's Report – Chairman Emerson Delaney distributed a Committee Selection Sheet appointing board members to respective committees. Mr. Carlson made a motion to accept the committee appointments as presented; motion seconded by Bill Tanke; motion passed unanimously. Discussion ensued. Mr. Carlson reminded the board members that we had previously voted to try to have all officers and committee chairmen different members and that has not been done. Chairman Delaney added that he had talked to all members and two members had declined taking a chairmanship; therefore, making a duplication a necessity. A vacancy still exists on the Commission so we only have ten members to work from. Mr. Gardner stated that he did bring that to the attention of the Governor's Office just recently. The mayor of Hammond had inquired about the vacancy and Mr. Gardner followed up again with sending the information to Robin Roberts, Special Assistant for Governor Appointments. We will keep Commission informed of any progress.

Chairman Delaney stated that a meeting to discuss operation and maintenance of the levees was held on January 28th in which he, Steve Davis and Bob Huffman attended. Jim Pokrajac explained on the meeting details, including how closely the COE manual has to be followed, agreements that would be needed with affected communities, levee inspections to be made,

upkeep of pumping stations, mowing, cleaning of sluice gates/flap gates, trail and recreational facilities maintenance, and of course, the funding issue. Discussion ensued. There are quite a few pumping stations (both new ones and ones to be reconditioned) and we will definitely need to enter into agreements with Gary Sanitary District and Hammond Sanitary District for maintenance of them. It was discussed that maybe some monetary consideration could be given in the purchasing of equipment for maintenance and then have the respective community responsible for maintaining their portion of levees. The COE is pressuring us about taking over responsibility for the completed segments. IDNR has just given us some of their comments regarding this issue also. Coordination is needed. The COE estimate of maintenance for the entire project is about \$850,000 annually. Jim Flora from R.W. Armstrong concurred that this cost probably was in the ballpark. Commissioner Marion Williams inquired about those cost estimates. Staff will get him those estimated figures from the COE. Mr. Gardner added that we probably need to have a "brain storming" session with key legislators to get their thoughts on this.

Executive Director's Report – Executive Director Mr. Gardner spoke on the PAC situation. He is in the final stage of putting together a letter to go back to David Sanford, COE in Washington. We need to take the best approach to insure success. The letter will state several things; those being that we are still disappointed of not being given the opportunity to appear before them when we requested it and we will be focusing our disagreement with the takings issue. We understand that there was no technical analysis done and by law, it appears that there should have been. A letter will also be going out to the Congressman's office requesting an "administrative review" of the decision by the Assistant Secretary of the Army for Public Works.

Mr. Gardner stated that while we are going through the process of getting the flowage easements approved for credit with Washington, the Chicago COE says we need to amend the LCA with Supplement No. 1 so the east reach remediation (ERR) area can be put into the project limits. Staff distributed a copy to Board members. Attorney Casale went over the Supplement agreement. It basically expands the scope of the project to include this ERR area. He and the COE attorney have been working out details together. Slight changes were made but the main change was including an amendment to Article VII. Mr. Gardner and Mr. Casale both feel comfortable with the wording in the agreement, as presented. Mr. Huffman made a motion to approve the modified Supplement No. 1 as presented; motion seconded by Chuck Agnew; motion passed unanimously.

Mr. Gardner also informed Board members that District Engineer Richard Carlson from the Chicago COE office is retiring. He will write a congratulation letter to him on behalf of the Commission.

Land Acquisition Committee – Committee Chairman Chuck Agnew reported that we have received a letter from Professor Cortwright of I.U. Northwest (who is creating a prairie area near the levee behind I.U.) transmitting his 1999 plan to reduce the contractor's amount of seeding in the 2 respective areas so he can plant his own prairie seeding. Mr. Agnew made a motion to approve his planting plan and for staff to write a letter addressing the seeding issue as requested; motion seconded by George Carlson; motion passed unanimously.

Staff is continuing to follow up on information on handicapped accessible park equipment in pursuance of possibly establishing a park in Lake Station on some property the Commission owns. Also, Judy Vamos said the video of the project area should be completed and be ready to show the Board members at our next meeting.

Project Engineering Committee – Committee Chairman Bob Huffman made a motion to accept Cole Associates (lowest bidder) to do survey work for Stage IV P1 in the amount of \$11,600; motion seconded by Chuck Agnew; motion passed unanimously. Mr. Huffman then made a motion to accept Cole Associates to do survey work for Stage VI in the amount of \$12,000; motion seconded by George Carlson; motion passed unanimously. Mr. Huffman then made a motion to enter into an agreement with the Norfolk Southern R.R. to do soil borings on their right-of-way; motion seconded by Chuck Agnew; motion passed unanimously.

Legislative Committee – In Committee Chairperson Arlene Colvin's absence, Mr. Gardner gave the report. He stated that the House budget markups are being done now. He is trying to get in touch with Earl Harris. He spoke on his 1/13/99 briefing with Chris Saffert and John McNutt from the Congressman's Office in Washington.

Marina Committee – Committee Chairman Bill Tanke informed the Board that there is not much going on right now. Staff needs to follow up with setting up a meeting with the city to tie up some loose ends regarding marina issues. Staff will pursue.

Finance Committee – In Committee Chairman Arlene Colvin's absence, Mr. Gardner presented the financial status report and claims for approval. Mr. Carlson made a motion to accept the financial report and approve claims; motion seconded by Chuck Agnew; motion passed unanimously.

Recreational Development Committee – Emerson Delaney deferred to Jim Pokrajac for a recreation report. Mr. Pokrajac stated we have received an overall recreational map from the COE. He has reviewed it and is recommending some changes be made. When a final is produced, it will be shared with the Board. He also stated that he has sent a letter to the COE regarding concerns with the recreational trail. Commissioner Bob Huffman inquired about realignment of some of the trails as was discussed on the walk-through. Jim Pokrajac said the COE's intention is that we accept the recreation in stages and we will then address individual concerns and changes that are needed for that particular stage. Mr. Gardner gave Mr. Pokrajac credit for finding a locksmith able to provide us with some really good weatherproof locks for securing some of our property that are all keyed the same..

Minority Contracting Committee – Committee Chairman Marion Williams stated that we now have our members in place to oversee this committee and we should be scheduling a meeting shortly.

Other Business – There were none.

Statements to the Board – There were none.

There being no further business, the next regular Commission meeting was scheduled for **6:00 p.m. Thursday, March 4, 1999.**



**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAKE**



2293 North Main Street
Crown Point, Indiana 46307
Phone: (219) 755-3200
Fax: (219) 755-3064

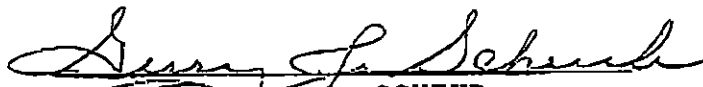
Rudolph Clay, First District
Gerry J. Scheub, Second District
Frances DuPey, Third District

C E R T I F I C A T E O F A P P O I N T M E N T


STATE OF INDIANA }
 }
COUNTY OF LAKE }

WE, the undersigned, duly elected, commissioned, qualified and acting members of the Board of Commissioners of the County of Lake, Indiana, do hereby constitute and appoint Marion Williams, as a Board Member of the Little Calumet River Basin Commission for a term commencing January 1, 1998, to expire on the 31st day of December 2001. IN TESTIMONY WHEREOF, We hereunto subscribe our names this 3rd day of February, 1999.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAKE


GERY J. SCHEUB


FRANCES DUPEY


RUDOLPH CLAY



ATTEST:


PETER BENJAMIN, AUDITOR



Little Calumet River Basin Development Commission

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DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 19, 1999

Lt. Col. Peter Rowan
District Engineer
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Colonel

As per your request, this is a statement of financial capability of the Little Calumet River Basin Development Commission to perform the non-federal commitments for the Post Authorization Change (PAC) for the east reach remediation area.

The Little Calumet River Basin Development Commission has been in existence since 1980 and was created by the Indiana General Assembly explicitly for the purpose of being the non-federal sponsor with the U.S. Army Corps of Engineers for the Little Calumet River Flood Control/Recreation Project in northwest Indiana. Since 1980 the Development Commission has received continuous funding in each State of Indiana's biennial budget - a total of 10 budgets amounting to over \$24,468,000. This non-federal fund availability has resulted in 14 stages of construction being completed and about \$28,185,830 in federal construction dollars being spent.

Regarding the PAC in the east reach remediation area, the Commission has formally signed a letter of intent to provide non-federal cooperation on this project. In pursuance of that, the Commission has already acquired all of the lands and easements needed for construction. These total over 28.02 acres and six separate parcels.

The Commission currently has available on a cash draw down basis from the State Treasury, a total of \$2,320,964. The Commission also has cash in the Federal escrow account in the amount of \$619,028 available for construction lettings.

Lt. Col. Peter Rowan
February 19, 1999
Page 2

Additionally, the Commission has requested \$6 million in this 1999/2000 biennial budget and has the support of the area legislators in pursuing this. This budget will be formalized approximately in May 1999 with funds available by July 1, 1999.

I trust this meets your needs in establishing the financial capability of the Development Commission to meet its obligation on the PAC for the east reach remediation area. If you have any additional questions or need additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Gardner".

Dan Gardner
Executive Director

/sjm

cc: William White
Imad Samara
Lou Casale, LCRBDC attorney

REC'D FEB 09 1999
LUCAS, HOLCOMB & MEDREA
ATTORNEYS AT LAW

JAMES A. HOLCOMB
JOHN O. STILES
DANIEL A. MEDREA*
ROBERT F. PETERS
STEPHEN R. PLACE
NICK KATICH
LOUIS M. CASALE
MARY LINDA CASEY
MARK S. LUCAS
JOSEPH M. SKOZEN
DAVID E. WOODWARD
DAVID A. BULS
DAVID M. BLASKOVICH**

*DENOTES ALSO MEMBER OF THE BARS OF ILLINOIS AND FLORIDA
**MEMBER OF ILLINOIS BAR

EASTON COURT
300 EAST 90TH DRIVE
MERRILLVILLE, INDIANA 46410

TELEPHONE (219) 768-3561
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OF COUNSEL:
ROBERT A. LUCAS
ROBERT J. ADDISON

JOSEPH L. SKOZEN
1915-1997

February 8, 1999

Imad Samara
United States Army Corps of Engineers
111 North Canal Street, Suite 600
Chicago, IL 60606-7206

RE: Scheduling IV-1; Burr Stage I; East Reach Remediation

Dear Imad:

As you may recall, at our most recent real estate meeting held January 20, 1999, scheduling of the above referenced project segments was discussed. The members of the Little Calumet River Basin Development Commission staff, including myself, indicated that we would review the proposed schedule set out in the meeting agenda in order to determine whether it is realistic, and, if not, to formulate possible alternatives.

After careful review and discussion, taking into account the twelve (12) to eighteen (18) month time period necessary to acquire real estate, which has previously been accepted by the Army Corps of Engineers and Commission, we believe the following accurately sets out our position regarding the viability of the proposed timetable for each pertinent project segment.

Our comments, rationale and conclusions for each pertinent project segment are as follows:

A. East Reach Remediation.

1. Present Schedule:

- a. Real Estate Available: Scheduled as presently available.
- b. Advertising: January 22, 1999.
- c. Contract Award: March 29, 1999.

2. Comments: Although real estate is presently listed as complete, DC-818 is still in condemnation; however, it is expected that money will be paid into court by mid-February, 1999, which will complete acquisition of the tract.

Drawings for the access to I-65 sluice gate dated 1/8/99 were recently given to the Commission staff. These drawings depict seven (7) additional easements to be acquired by the Commission from NIPSCO, Ewen and INDOT. Normal acquisition time periods will be necessary to complete these new easement acquisitions that will carry well beyond the present schedule.

Finally, a permit must be received from the Indiana Department of Natural Resources allowing for construction in a floodway. The Commission staff is presently working on application for this permit; however, it is premature to develop a timetable for its processing and receipt. In addition, it is not possible to absolutely guarantee the granting of a permit.

3. Conclusion: It appears that the timetable to advertise and construct those portions of the East Reach Remediation project, excluding those described in the drawing of 1/8/99, can be met, subject to the receipt of a permit to construct in the floodway from the Department of Natural Resources.

B. Burr Street Betterment Levee - Phase 1

1. Present Schedule:

- a. Real Estate Available: April 1, 1999.
- b. Advertising: April 22, 1999.
- c. Contract Award: June 22, 1999.

2. Comments: The primary problem in meeting the time schedule outlined above is that final engineering drawings for this project segment have not yet been received. The modified (most recent) set of real estate drawings were just received by the Little Calumet River Basin Development Commission on February 2, 1999. Without final engineering design being completed, which generates the final "not to be modified" real estate drawings, the Little Calumet River Basin Development Commission has been impeded in its ability to complete land acquisition and utility relocation.

Two acquisitions must be completed, those being, G.V. Partners and Happy Homes Addition. To date, appraisals have been ordered but not yet received.

Once appraisals have been reviewed and approved there is no guarantee that acquisition of these properties will proceed smoothly and quickly. Should condemnation become necessary, an additional several months will be needed to complete acquisition.

There are several unresolved utility relocation issues. Current Army Corps of Engineers' drawings show easements encroaching upon NIPSCO right of way which would cause problems with the location of buried pipe lines. This has been called to the Corps' attention; however, necessary modifications to the drawings have not yet been made.

The Commission is awaiting an Army corps of Engineers decision on whether the Calhoun and Colfax Street road raisings will affect landowners adjacent to, and outside of, the street right of way. In the event that landowners are affected, additional easements will have to be acquired. If there are modifications to the legal descriptions for the road raisings, it will impede utility relocations and negotiation of agreements with the Town of Griffith and the City of Gary.

The Easement from the EJ&E Railroad must be acquired. These negotiations have been prevented by a lack of final engineering drawings.

3. Conclusion: The present schedule for the Burr Street Betterment Levee - Phase 1 is unrealistic primarily due to the lack of final engineering and real estate drawings which have prevented the commencement of serious land acquisition and utility relocation efforts. An alternate time schedule cannot be recommended until the final engineering drawings have been completed and generate a "not to be modified" set of real estate drawings.

C. IV-1

1. Present Schedule:
 - a. Real Estate Available: April 5, 1999.
 - b. Advertising: April 6, 1999.
 - c. Contract Award: June 6, 1999.
2. Comments: As with Burr Stage I, the final engineering and real estate drawings have not yet been received by the Little Calumet River Basin Development Commission. Prior to the receipt of the final engineering and real estate drawings, several unresolved engineering issues have prevented the commencement of

Imad Samara
February 8, 1999
Page 4

acquisition and relocation procedures, including descriptions of key property easements such as that of WIND Radio Station, as well as lack of all final descriptions for the eleven (11) easements to be acquired from the EJ&E Railroad and the Norfolk Southern Railroad, as well as no finalized description for Wolverine Pipeline easements.

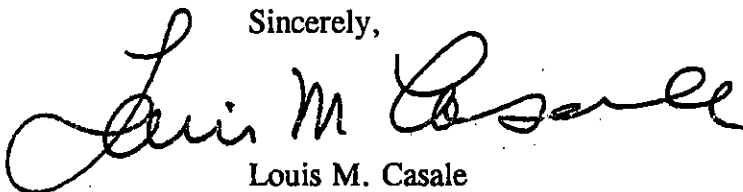
Acquisition of DC-546 may now proceed after receipt of a clean HTRW site assessment. In addition, HTRW assessment and/or remediation may have to be undertaken on the WIND property prior to acquisition..

Prior drawings have inaccurately described the Norfolk Southern Railroad crossing at Gerry Street. The final drawings must be reviewed to determine the accuracy of this description prior to commencement of negotiation.

3. Conclusions: The present time schedule is unrealistic due to the lack of final engineering drawings. After review of these drawings, a revised schedule will be developed by the Little Calumet River Basin Development Commission staff.

The above outlined analysis does not preclude the joint development of a schedule allowing for construction of portions of the project segments in FY'99; however, the Little Calumet River Basin Development Commission suggests that, after being allowed ample time to review the final engineering documents and final real estate drawings, a joint meeting be convened between it and the Army Corps of Engineers to develop this alternate schedule.

Sincerely,



Louis M. Casale
Attorney for the Little Calumet River
Basin Development Commission

LMC/amo

cc: Tom Deja (ACE)
Bill White (ACE)
Dan Gardner (LCRBDC)
Emerson Delaney (LCRBDC)



Gary Sanitary District

**BOARD OF SANITARY COMMISSIONERS
REGULAR MEETING
TUESDAY, FEBRUARY 23 1999**

A G E N D A

- i. **Roll Call**
- ii. **Pledge of Allegiance**
- iii. **Certification**

1) MINUTES

*Executive Session -----February 09, 1999
Regular Meeting -----February 09, 1999*

2) CLAIMS

- 2a. *Operating Claims Nos. 1622 through 1656 in the amount of \$439,454.94.*
- 2b. *Financial Report.*

3) DIRECTOR'S ACTION ITEMS

- 3a. *A motion approving Resolution #2114, "Approving Purchase and Installation of Chlorine Residual and Analyzer Process."*
- 3b. *A motion approving Resolution #2115, "Establishing Water Disconnection Fees and Other Charges for the Gary Sanitary District."*
- 3c. *A motion approving Resolution #2116, "Authorizing Publication of Notice to Bidders for Construction of Disinfection System Improvements --Project 99-01." Services.*
- 3d. *A motion approving Resolution #2117, "Approving and Authorizing Execution of an Agreement for Y2K Computer Programming Services."*
- 3e. *A motion approving Resolution #2118, "Establishing a Base Station for the Little Calumet River Warning System at the Gary Sanitary District."*
- 3f. *A motion approving Resolution #2119, "Amending Resolution #2109 Authorizing the Expense of Certain Uncollectible Amounts From the Balance Sheet Accounts Receivable."*



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VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 10, 1999

Honorable Earline Rogers
Indiana State Senator
3636 West 15th Avenue
Gary, Indiana 46404

Earline
Dear Senator Rogers:

Enclosed for your information is the recently printed "Little Calumet River Flood Control and Recreation Project - Construction Progress Report", December 1998. It details in pictorial and tabular form the significant construction progress that has been made on the Little Calumet River Project as of the end of 1998 construction season. To date, approximately 40% of the flood control construction has been completed as well as three recreation construction contracts (Gleason Park in Gary, Lake Etta in Gary, and Carlson Oxbow Park in Hammond totaling over \$863,000 in recreation improvements). Also, almost 10 miles of biking/hiking trails have been constructed in Gary along the completed levee segments.

We are sending this report to all of the northwest Indiana delegation to document progress, graphically show where the State and Federal funding has been spent, and provide the area legislators with background for support of the Development Commission's \$6 million 1999-2000 Biennial budget request before this session of the legislature. It has been your continued support that has enabled the Development Commission to achieve the success shown in the report. We are extremely grateful for that support and pledge to work to justify continued backing. Our \$6 million request (which we are including for your information) is critical to keep the momentum of the Federal construction program going. The Congress passes annual appropriations; and this project has enjoyed funding support from Congressman Pete Visclosky and Senators Lugar and Coats to enable between \$6-\$8 million per year to go for project construction. To keep this construction going, the requested \$6 million needs to be appropriated because it will need to cover this Federal construction appropriation and the next two Federal budgets. This places a great importance upon achieving the \$6 million requested to keep the Federal construction dollars on schedule and bring real flood protection to the area residents.

I wish to again thank you for your support and will be in contact with you regarding this year's request.

Sincerely,

Dan Gardner
Dan Gardner
Executive Director

/encl.

\$16.6 million IUN project up for funding

■ The proposed state budget includes dozens of Northwest Indiana plans.

BY CAROLE CARLSON
Staff Writer

INDIANAPOLIS — A new \$16.6 million classroom building to house Indiana University Northwest's professional schools was the biggest local project included in the biennial budget released Monday by the House Ways and Means Committee.

The budget is expected to be voted on by the House of Representatives on Thursday. From there, it moves to the Senate for consideration.

The new building, to be constructed on a site south of Tamarack Hall, would house the Northwest Center for Medical Education, the Division of Nursing, the Division of Allied Health's dental education programs, the School of Business and the School of Public and Environmental Affairs.

"We're all in different buildings right now and we're cramped," said Joe Pellicciotti, director of the division of Public and Environmental Affairs. "This will give us an opportunity to expand."

Pellicciotti said the building would contain classrooms, laboratories, faculty offices and clinical space.

Other items of local interest in the budget include:

■ \$3.5 million for a new South Shore East Chicago station replacing a building constructed in 1957 at the railroad's busiest station. The total project has a price tag of \$8 million.

■ \$1 million for a Northwest Indiana children's museum. Rep. Earl Harris, D-East Chicago, requested \$15 million for the museum to be located in northern Lake County.

"This is a good first step," said

Harris, who is hoping more money will eventually be added by the time the budget is adopted.

■ \$500,000 for the dredging of Lake George in Hobart.

■ \$500,000 for the Lake Michigan Marina Development Corp.

■ \$300,000 for Brothers' Keeper in Gary.

■ \$50,000 for a one-mile walking/biking trail in Beverly Shores.

■ \$20,000 for Martin Luther King Park in Hammond.

■ \$40,000 for a Safety Village for the city of Hammond.

■ \$75,000 for soccer fields for the city of Hammond.

■ \$100,250 for ambulance and equipment for the Crown Point Fire Department.

■ \$100,000 for the East Chicago Emergency Medical Services ambulance.

■ \$100,000 for Little League parks improvement in East Chicago.

■ \$50,000 for the East Chicago Parks Department.

■ \$100,000 for the Gary Delinquent Tax Acquisition Fund.

■ \$100,000 for the Gary YWCA.

■ \$150,000 for Griffith road project at Colfax Avenue and Main Street.

■ \$110,000 for Challenger Learning Center building construction in Hammond.

■ \$20,000 for Martin Luther King Park band shell in Hammond.

■ \$40,000 for Ophelia Steen Community Center in Hammond.

■ \$15,000 for Woodland Child Development Center in Hammond.

■ \$25,000 for Hammond YWCA repairs.

■ \$100,000 for Highland downtown development.

■ \$40,000 for Highland Police storage facility.

■ \$25,000 for Hoosier Boys Town.

■ \$100,250 for Lake County Fairgrounds.

■ \$33,000 for Lake Dale Fire Department equipment.

■ \$100,000 for Lake Station Civic Center.

■ \$100,250 for Lakes of the Four Seasons Fire Department equipment.

■ \$100,250 for Lowell Fire Department.

■ \$50,000 for New Chicago road grates.

■ \$34,000 for Northern Indiana Arts Association computer equipment.

■ \$50,000 for Northwest Family Services.

■ \$8,567 for Portage Police Department cameras.

■ \$10,158 for Portage Exchange Club Freedom Shrine Memorial.

■ \$4,595 for Portage Olson Park surveillance camera.

■ \$30,270 for Portage Parks Department repairs.

■ \$7,824 for Portage radio room cell block cameras.

■ \$2,400 for Portage street lights.

■ \$18,186 for Portage Township Community Health Care Clinic.

■ \$50,000 for Portage Township Volunteer Fire Department equipment.

■ \$120,000 for Schererville fire station construction.

■ \$25,000 for Hoosier Boys Town construction.

■ \$30,000 for Joliet Street improvements in Schererville.

■ \$125,000 for Hartsdale Pond flood control in Schererville.

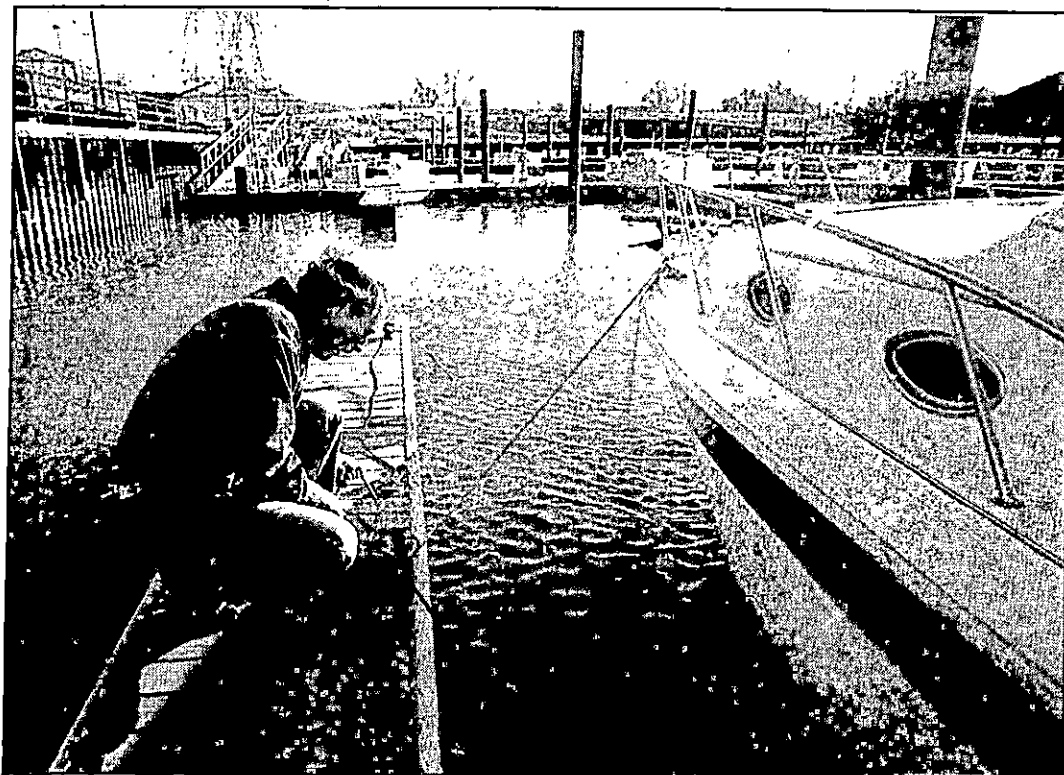
■ \$250,000 for South Haven Volunteer Fire Department fire engine.

■ \$75,000 for reconstruction of baseball field at Porter's Hawthorne Park.

■ \$50,000 for hike/bike trail connection in Porter.

■ \$75,000 for Whiting Parks/Street Departments.

■ \$40,000 for Hammond YMCA repairs.



Norman Fawley readjusts the position of his 29-foot boat this week at the Portage Public Marina. Fawley has been living aboard his boat, the Dream Catcher, since last February and is the first person to live year-round at the marina since it opened in 1996.

SHERYL SUE SIDWELL / THE TIMES

Setting his own course

■ Norman Fawley finds 'home sweet home' aboard his boat at the Portage Marina.

BY BOB KASARDA
Times Staff Writer

PORTAGE — It used to be that Norman Fawley found no greater peace than when he was alone atop a mountain while on vacation out West.

The great expanse gave him a sense of freedom and serenity that he thought to be incomparable.

Yet in 1981, while visiting a friend in Florida, he made a discovery that changed the direction of his life. While aboard a small boat out in the Gulf of Mexico, he found the peace that he thought he had left behind with the mountains.

"I got to thinking, 'Man, I really like this,'" Fawley said from aboard the 29-foot boat at the Portage Public Marina that he and his three exotic birds now call home.

The 45-year-old has been living aboard his boat, the Dream Catcher, since last February and is the first person to live year-round at the local marina since it opened in 1996.

"I'm their guinea pig," he said.

While the sunlight surprisingly provides more than enough heat to the upper level of the boat during the daytime hours, Fawley depends on small electric ceramic heaters to maintain a temperature of between 72 to 75 degrees below deck and above once the sun drops below the horizon.

A small fan-like device circulates the water around the outside of the boat to keep it from freezing, he said, which in turn provides further insulation against the cold when the mercury really takes a plunge.

"I had ducks around me all winter long," he said, describing how the animals are drawn to the warmer water as it is circulated up to the surface around the boat.

Last month's blizzard left him snowed in for a few days, he said, but he had prepared by stocking up with plenty of groceries and videotapes.

"I just sat here and watched it snow," he said.

The winter living arrangements are made a little easier in that Fawley has access to the marina's nearby toilets, shower facilities and laundry. In return, he shovels snow at the site and keeps an eye on the facilities.

"It's worked out real well," said Valerie Dominick, who serves as assistant harbormaster at the marina.

Not only does she find it enjoyable having someone else around the marina during the winter months, but she is also comforted by knowing that the place is under a watchful eye. And the way it is going, Dominick said that it may not be long before Fawley has neighbors.

"I have several of them talking about it," she said.

That is great as far as Fawley is concerned. He is so sold on his new lifestyle that he has decided to sell his house and use the money to upgrade to a larger, 33-foot boat.

"That's freedom," he said. "That's the American dream to me."

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

FINANCIAL STATEMENT

JANUARY 1, 1999-JANUARY 31, 1999

CASH POSITION - JANUARY 1, 1999

CHECKING ACCOUNT		
LAND ACQUISITION	51,373.91	
GENERAL FUND	109,925.65	
TAX FUND	0.00	
INVESTMENTS	1,137,500.00	
ESCROW ACCOUNT INTEREST	4,245.98	
	<hr/>	1,303,045.54

RECEIPTS - JANUARY 1, 1999-JANUARY 31, 1999

LEASE RENTS	11,858.52	
INTEREST INCOME	362.75	
LAND ACQUISITION	65,740.62	
ESCROW ACCOUNT INTEREST	620.90	
KRBC REIMBURSEMENT RE: TELEPHONE CHARGE	322.38	
TOTAL RECEIPTS	<hr/>	78,905.17

DISBURSEMENTS - JANUARY 1, 1999-JANUARY 31, 1999

ADMINISTRATIVE		
1998 EXPENSES PAID IN 1999	36,226.55	
PER DIEM	4,000.00	
LEGAL SERVICES	654.33	
NIRPC	8,447.16	
TRAVEL & MILEAGE	645.03	
PRINTING & ADVERTISING	2,533.11	
BONDS & INSURANCE	0.00	
TELEPHONE EXPENSE	1,067.57	
MEETING EXPENSE	1,348.64	
LAND ACQUISITION		
LEGAL SERVICES	4,828.77	
APPRAISAL SERVICES	1,200.00	
ENGINEERING SERVICES	0.00	
LAND PURCHASE CONTRACTUAL	0.00	
FACILITIES/PROJECT MAINTENANCE SERVICES	0.00	
OPERATIONS SERVICES	0.00	
LAND MANAGEMENT SERVICES	10,347.48	
SURVEYING SERVICES	0.00	
ECONOMIC/MARKETING SOURCES	0.00	
PROPERTY & STRUCTURE COSTS	1,300.00	
MOVING ALLOCATION	0.00	
TAXES	0.00	
LAND PURCHASE CONTRACT	0.00	
PROPERTY & STRUCTURES INSURANCE	0.00	
UTILITY RELOCATION SERVICES	0.00	
LAND CAPITAL IMPROVEMENT	0.00	
STRUCTURAL CAPITAL IMPROVEMENTS	270.00	
ESCROW ACCOUNT NBD BANK	0.00	
TOTAL DISBURSEMENTS:	<hr/>	36,642.09

CASH POSITION - JANUARY 31, 1999

CHECKING ACCOUNT		
LAND ACQUISITION	100,704.28	
GENERAL FUND	103,534.64	
TAX FUND	0.00	
INVESTMENTS	1,137,500.00	
ESCROW ACCOUNT INTEREST	4,866.88	
	<hr/>	1,346,605.80

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LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
MONTHLY BUDGET REPORT, FEBRUARY 1999

		1999							6 MONTH	UNALLOCATED
		BUDGET	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	ALLOCATED	BUDGETED
									TOTAL	BALANCE
5801	PER DIEM EXPENSES	16,000.00	50.00	0.00	0.00	0.00	0.00	0.00	50.00	15,950.00
5811	LEGAL EXPENSES	8,500.00	647.33	395.33	0.00	0.00	0.00	0.00	1,042.66	7,457.34
5812	NIRPC SERVICES	125,000.00	18,196.34	0.00	0.00	0.00	0.00	0.00	18,196.34	106,803.66
5821	TRAVEL/MILEAGE	14,000.00	24.64	26.22	0.00	0.00	0.00	0.00	50.86	13,949.14
5822	PRINTING/ADVERTISING	5,000.00	0.00	319.00	0.00	0.00	0.00	0.00	319.00	4,681.00
5823	BONDS/INSURANCE	7,500.00	276.00	0.00	0.00	0.00	0.00	0.00	276.00	7,224.00
5824	TELEPHONE EXPENSES	7,000.00	519.16	65.82	0.00	0.00	0.00	0.00	584.98	6,415.02
5825	MEETING EXPENSES	8,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,000.00
5838	LEGAL SERVICES	125,000.00	4,540.71	7,126.58	0.00	0.00	0.00	0.00	11,667.29	113,332.71
5840	PROFESSIONAL SERVICES	500,000.00	31,930.55	41,625.00	0.00	0.00	0.00	0.00	73,555.55	426,444.45
5860	PROJECT LAND PURCHASE EXP.	1,307,081.00	33,700.00	19,297.84	0.00	0.00	0.00	0.00	52,997.84	1,254,083.16
5881	PROPERTY/STRUCTURE INS.	25,000.00	0.00	563.00	0.00	0.00	0.00	0.00	563.00	24,437.00
5882	UTILITY RELOCATION EXP.	200,000.00	105.00	0.00	0.00	0.00	0.00	0.00	105.00	199,895.00
5883	PROJECT LAND CAP. IMPROV.	250,000.00	60.00	0.00	0.00	0.00	0.00	0.00	60.00	249,940.00
5884	STRUCTURES CAP. IMPROV.	25,000.00	270.00	0.00	0.00	0.00	0.00	0.00	270.00	24,730.00
		2,623,081.00	90,319.73	69,418.79	0.00	0.00	0.00	0.00	\$159,738.52	\$2,463,342.48

		1999							12 MONTH	UNALLOCATED
		BUDGET	JULY	AUGUST	SEPTEMBE	OCTOBER	NOVEMBE	DECEMBE	ALLOCATED	BUDGETED
									TOTAL	BALANCE
5801	PER DIEM EXPENSES	16,000.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	15,950.00
5811	LEGAL EXPENSES	8,500.00	0.00	0.00	0.00	0.00	0.00	0.00	1,042.66	7,457.34
5812	NIRPC SERVICES	125,000.00	0.00	0.00	0.00	0.00	0.00	0.00	18,196.34	106,803.66
5821	TRAVEL/MILEAGE	14,000.00	0.00	0.00	0.00	0.00	0.00	0.00	50.86	13,949.14
5822	PRINTING/ADVERTISING	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	319.00	4,681.00
5823	BONDS/INSURANCE	7,500.00	0.00	0.00	0.00	0.00	0.00	0.00	276.00	7,224.00
5824	TELEPHONE EXPENSES	7,000.00	0.00	0.00	0.00	0.00	0.00	0.00	584.98	6,415.02
5825	MEETING EXPENSES	8,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,000.00
5838	LEGAL SERVICES	125,000.00	0.00	0.00	0.00	0.00	0.00	0.00	11,667.29	113,332.71
5840	PROFESSIONAL SERVICES	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	73,555.55	426,444.45
5860	PROJECT LAND PURCHASE EXP.	1,307,081.00	0.00	0.00	0.00	0.00	0.00	0.00	52,997.84	1,254,083.16
5881	PROPERTY/STRUCTURE INS.	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	563.00	24,437.00
5882	UTILITY RELOCATION EXP.	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	105.00	199,895.00
5883	PROJECT LAND CAP. IMPROV.	250,000.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	249,940.00
5884	STRUCTURES CAP. IMPROV.	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	270.00	24,730.00
		2,623,081.00	0.00	0.00	0.00	0.00	0.00	0.00	\$159,738.52	\$2,463,342.48

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CLAIMS PAYABLE FOR FEBRUARY 1999

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5811	LOUIS CASALE	283.33	RETAINER FEE BILLED THROUGH 2/26/99
5811	LOUIS CASALE	112.00	ADD'L LEGAL SERVICES THROUGH 2/23/99
5821	JIM POKRAJAC	19.50	REIMBURSEMENT FOR PARKING & TOLLS FOR MTG 2/5/99
5821	SANDY MORDUS	6.72	MILEAGE 2/17/99-2/23/99
5822	AL JACOBS	319.00	SIGNATURE PLATES FOR NEW OFFICERS
5824	GTE NORTH	65.82	MODEM TELEPHONE SERVICE 1/28/99-2/28/99
5838	LOUIS CASALE	7,126.58	LAND ACQUISITION/LEGAL SERVICES THROUGH 2/23/99
5841	ASSOC. PROPERTY COUNSELORS	2,500.00	APPRAISAL FEE FOR DC-505
5841	ASSOC. PROPERTY COUNSELORS	7,000.00	APPRAISAL FEE FOR DC-598 & DC-597
5843	LAKE COUNTY RECORDER	25.00	RECORD DEEDS FOR DC-107
5843	LAKE COUNTY RECORDER	23.00	RECORD DEEDS FOR DC-818
5843	CHICAGO TITLE INSURANCE CO	345.00	TITLE WORK PERFORMED FOR DC-264
5844	JUDITH VAMOS	2,180.50	LAND ACQUISITION/MGMT SERVICES 2/1/99-2/15/99
5844	JAMES POKRAJAC	3,496.00	LAND ACQUISITION/MGMT SERVICES 2/1/99-2/15/99
5847	COLE ASSOCIATES INC	2,725.00	SURVEYING SERVICES EAST REACH/I-65 SLUICE GATE
5847	GREAT LAKES ENGINEERING	17,615.50	SURVEYING SERVICES FOR BETTERMENT LEVEE
5847	GREAT LAKES ENGINEERING	2,690.00	SURVEYING SERVICES FOR WIND TOWERS SIV-1
5848	PLANET BLUE MEDIA SERVICES	1,950.00	BAL OF ESTIMATE FOR VIDEO
5848	PLANET BLUE MEDIA SERVICES	1,075.00	ADDITIONAL COST INCURRED W/VIDEO OF PROJECT
5861	ROSALIND MORGAN	2,300.00	PURCHASE PRICE OF DC-348/DC-349
5861	LUCAS,HOLCOMB,& MEDREA	300.00	FILING FEE REIMBURSEMENT FOR DC-139,480,492
5861	NORFOLK RAILROAD CORPORATION	11,590.00	PURCHASE PRICE OF DC-593 EASEMENTS
5861	LAKE COUNTY CLERK	2,610.00	PURCHASE PRICE OF DC-818
5861	LAKE COUNTY CLERK	212.00	PURCHASE PRICE OF DC-107
5861	STAR REGISTER PUBLICATION	17.00	NOTICE FOR DC-377
5863	LAKE COUNTY TREASURER	2,268.84	TAXES FOR DC-487,LOT 1 BLK 2,LOT 2 BLK 2
5881	CNA	563.00	INSURANCE FOR COMMISSION OWNED PROPERTY
	TOTAL	69,418.79	

LAND MANAGEMENT REPORT

Thursday, March 4, 1999

RECOMMENDATIONS:

None

Non-Project Land Management

A. Chase Street to Grant Street land management issues

1. A meeting was held with the Lake Erie Land Company on January 25th, 1999 to review development in this area.
 - Currently, water is standing and will increase through spring causing potential drainage problems to adjacent neighbors.
 - **We received permission** from them to farm this area for one more season and **will** have the farmers pump water out of this area as part of their agreement.
2. We have been coordinating with the COE to provide a drainage plan for this area that will be no worse than it was before they built the levee. The COE cut large number of field tiles.
 - A letter was written to the COE on July 22nd, 1998, questioning their design for interior drainage (Refer to Engineering Report)
 - **The COE indicates they did not include drainage design in their FDM 2 because it was designated at that time for mitigation.**

B. South of 35th, east of Chase (Commission land)

1. We own approx. 100 acres of land south of 35th Ave., east of Chase. Stan Stann (tower man) occupies approx. 4 acres. (approx. 45 acres are farmable)
2. **A discussion was held, and the Commissioners agreed,** at our January 7th, 1999 Board meeting to advertise and bid out to farm this area in addition to approx. 88 acres of land outside of the levee north of 35th Ave.
 - **A letter was sent to Mr. Ron Pyke (Northwest Indiana Foodbank) on February 19th, 1999, indicating that we will be advertising to farm this area and allowing them an opportunity to bid.**
 - **We received a correspondence from Ron Pyke on February 25th, 1999, indicating that the Foodbank Board deleted "production" from their mission statement.**

C. We have contacted Gary Dunlap and Dale Nimetz (current farmers on Commission land) and allowed them a one-year extension based upon an option in their current lease agreements.

1. **A letter was sent to both farmers on February 18th, 1999 with modified lease agreements to be signed for this summer indicating that both properties will be competitively bid for the year 2000 planting season.**

Land Reg. msg.

Project Related Land Management

A. O&M (Project manual review/accepting completed segments)

1. The COE has requested since August 28, 1997 that we complete our project manual review and then start to accept completed levee segments (distributed condensed O&M Manual) (ongoing)
2. We received a letter from the COE on November 4th, 1998, requesting our final comments to the O&M as soon as possible.
 - **We received a letter from the DNR on February 4th, 1999, listing a series of general concerns and suggestions regarding the O&M Manual.** 3-4
3. The November 4th, 1998 letter also requested that we clean out the (2) trenches for closures on Chase St. and at 35th St.
 - **Copies of the final executed agreement were sent to GSD on February 17th, 1999 – anticipated work is scheduled to start on February 23rd.** 5-7
 - **Trenches were cleaned and inspected on February 25th and found to be satisfactory.** 8
 - Some additional charges will be incurred to do weekly monitoring of the water level in the trenches to see if there are design problems.

B. Gary Sanitary District pump agreements

1. Received a letter from the Gary Sanitary District on November 17th, 1998, which included a list of issues regarding engineering, construction, and legal issues in reference to getting agreements into place for the four (4) East Reach pump stations. These four stations are as follows:
 - Ironwood stormwater pumping station – (Stage II-4)
 - Broadway stormwater pumping station – (Stage II-3B)
 - Grant St. stormwater pumping station – (Stage II-3C-2)
 - North Burr St. stormwater pumping station – (Stage IV-2A)
2. Refer to each stage/phase of these stations for current status in the Engineering Report.
3. **A letter was sent to the COE on February 23rd, 1999, requesting that they provide additional items in order to allow GSD to accept each of the four (4) pump stations.** 9

C. WLTH Radio Tower (north of I-80/94, east of Martin Luther King Drive)

1. The survey work for this tower was completed and submitted to the COE for re-evaluation on August 28th.
 - We are awaiting a written response from the COE as to whether or not this area will be included in the east reach remediation area flowage. (ongoing)
 - This letter should waive the appraisal and approve the WLTH engineering solutions to remedy the flood problem and allow these changes to be a creditable project cost. **(We are awaiting decisions on the PAC)**

D. Mitigation (entire project area)

1. LCRBDC still has concerns about the official COE mitigation plan which does not explain the exact procedure for acquisition in the Hobart Marsh area. (Ongoing)

2. We received a letter from the COE on October 14th indicating only that this area was not included in their current mitigation plan, and that they cannot give written confirmation until coordination is completed with the COE, IDNR, IDEM & U.S. Fish & Wildlife.
3. **We received a letter from the DNR to the COE on February 4th, 1999, providing staff input to the COE conceptual mitigation plan.** 10-11

- E. We held an emergency management coordination meeting at Crown Point on February 9th, 1999. **The first part of this meeting was directed to the City of Gary and the City of Hammond and how we may use the new base station software, the field station retrofits, and the installation of Burr Street gauges.** 12-14
- The second phase of this meeting was to review with the GSD the possibility of using their facilities as a base station for the City of Gary.
 - The LCRBDC attended the Feb. 23rd GSD Board meeting. A motion was approved to allow the base station to be installed at the GSD headquarters.

GENERAL:

1. We sent a letter to the COE on February 10th, 1999, indicating the LCRBDC would provide locks (all to be keyed the same) for completed upcoming projects. 15



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696
Fax (219)762-1653

EMERSON DELANEY, Chairman
Governor's Appointment

WILLIAM TANKE, Vice Chairman
Porter County Commissioners' Appointment

ARLENE COLVIN, Treasurer
Mayor of Gary's Appointment

JOHN DEMEO, Secretary
Governor's Appointment

CHARLES AGNEW
Governor's Appointment

GEORGE CARLSON
Mayor of Hammond's Appointment

STEVE DAVIS
Dept. of Natural Resources' Appointment

ROBERT HUFFMAN
Governor's Appointment

ROBERT TRELO
Governor's Appointment

MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 19, 1999

Mr. Ron Pyke
NIHA
150 Lincolnway, Suite 2002
Valparaiso, Indiana 46383

Dear Ron:

At a recent Board meeting, it was decided by the Development Commission to advertise for farming lands owned by the Commission south of the levee and north of 35th Avenue between Chase and Grant Streets. This will be bid out in addition to approximately 45 acres of farmable land that we own south of 35th Avenue.

This decision was based upon the Commission's lands being made available for farming the last two years by the Foodbank at minimum cost ostensibly for raising food or generating cash for the Foodbank use. It is our understanding that usable produce nor cash profit was generated for the Foodbank. The original intent to help the needy and support the Foodbank was not accomplished. If the Foodbank has interest in submitting a bid to farm this land, please call us to obtain bid forms.

If you have any questions regarding this decision, please contact me at the above number.

Sincerely,

Dan Gardner
Executive Director

/sjm

cc: Selma Gordon
Lou Casale

via facsimile

DATE: Feb. 24, 1999
TO: Dan Gardner
FROM: Ron Pyke

Dan, thanks for the good news re your intent to rent the use of the land near the Foodbank elsewhere.

Following almost a year of heated debate, and the unfortunate events of last summer, the Foodbank board has deleted "production" of food from the organization's mission statement -- so farming would now be an inappropriate activity for the Foodbank anyway. Best wishes to the new farmers for a good harvest!

My term on the board and my service as president both expired last week, but I'm certain the new president will feel the same sense of relief that I have expressed to you. If you need to contact her for any reason, she is **Mrs. Joan Hrebec**, and can be reached at the Ross Township Trustee's Office in Merrillville. (I will relay your letter to Joan.)



February 4, 1999

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

Re: O & M Manual

Dear Mr. Gardner:

As requested, Division of Water staff has performed a cursory review of the Operation and Maintenance Manual dated December 1997.

The following is a list of general comments and suggestions to be considered by the Commission:

- To ease reference during a flooding event, the Emergency Operations and Maintenance (EO&M) portion of the manual should be a separate document from the Routine Operations and Maintenance manual.
- The manual states "...each project segment is not an independent flood protection unit." This reaffirms that it is imperative, especially for EO&M, to have one lead coordinator for the entire project. A clear chain of command and organizational structure should be included in the manual. It will be necessary to have a comprehensive, master EO&M manual for the lead coordinator along with separate EO&M manuals for each community.
- Page 18 of the Main Manual discusses the operation of the Computer base stations. Necessary precautions must be taken to assure the software and hardware is year 2000 compliant.
- Page 22 of the Main Manual discusses river channel maintenance and debris removal to be performed by the appropriate local entity. Permit requirements for these activities must be researched.
- Page 5-2 of the Main Manual discusses closure structure construction. There needs to be a definition or clarification of the term "compaction" included in the Earth Closure Structure section to assure proper operation of these closures. Similarly, in the Railroads section instructions that are more descriptive must be developed regarding the removal of ballast prior to sandbag placement. Assuming these railroads are operational, notification to the railroad must be performed prior to placement of the closures and procedures for replacement of the ballast must be developed.

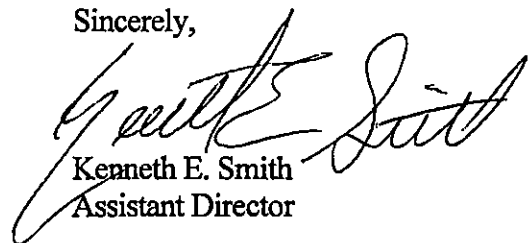
- On Table 5 – 1 of the Main Manual, the estimated time to assemble the sandbag closures may be optimistic with respect to information from the State Emergency Management Agency. Based on the need for large crews and short reaction time, the LCRBDC may consider investing in sandbag machines.
- Page 5-4 of the Main Manual discusses the need for operators to recognize the areas designed as overflow areas. Signage in the field should be provided to allow accurate identification of these areas. This will be especially helpful during nighttime flood fighting efforts.
- Table 5-2 of the Main Manual identifies materials and tools needed during flood events. Portable floodlights with generators should be included on this table.
- If they have not already, the State Emergency Management Agency should be included in the review of the manual.

Overall, staff found the manual to be very detailed and to contain very useful information for levee upkeep and flood response activities. In addition, breaking it down into the Main manual with an appendix for each community is a big improvement over the last version.

This project, when completed, will be the most complex flood control levee system in the state of Indiana. A very in depth technical review of the manual by your consultant, with input from someone experienced in emergency condition flood response, will be critical to the continued development of this manual. Moreover, please be aware that the manual must be a dynamic document which will require updates and revisions on a continuous basis.

If you have any questions, please contact me at (317) 233-4160 or use our new toll free number (877) 928-3755.

Sincerely,



Kenneth E. Smith
Assistant Director

KES/JC

J:\RIVERBCL\CRBC\o&mcomments1999.doc



Little Calumet River Basin Development Commission

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Portage, Indiana 46368

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Fax (219)762-1653

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MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 17, 1999

Ms. Luci Horton
Director
Gary Sanitary District
3600 West 3rd Avenue
Gary, Indiana 46404

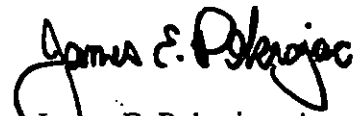
Dear Luci:

Enclosed please find two (2) copies of the completely executed agreement to clean out our two (2) existing concrete trenches for installing the closure structures in the vicinity of 35th and Chase Street in Gary, IN which will provide for services between the Development Commission, Gary Sanitary District and White River Environmental Partnership. We have retained one copy for our files. As per the proposal, this amount is not to exceed \$1,116.10.

Please contact me prior to the start of work for a field meeting to coordinate the cleaning of these trenches and also advise us when the work is to be done so we may inspect it to see that all work was done as per the scope of work.

Thank you for your cooperation in this matter. If you have any questions, please call me.

Sincerely,


James E. Pokrajac, Agent
Engineering/
Land Management

/sjm
encl.

cc: Don Smales, White River
Imad Samara, COE
Tom Deja, COE

5

REC'D FEB 15 1999



Gary Sanitary District

3600 West 3rd Avenue
Gary, Indiana 46404
(219) 944-0595 ext. 12
Fax: (219) 944-0250

February 12, 1999

Sent via facsimile only and by regular mail.

Mr. James E. Pokrajac, Agent
Engineering/Land Management
Little Calumet River Basin Development Commission
6100 Southport Road
Portage, Indiana 46368

Re: Cleaning of Closure Structure Trenches

Dear Pokrajac:

Enclosed please find three (3) copies of Agreement for Services, approved and executed by representatives of the Gary Sanitary District (GSD) and White River Environmental Partnership (WREP). If the agreement meets your approval, please have the same signed by Mr. Dan Gardner; and return two (2) originally signed, fully executed copies of the document to the undersigned.

Do not hesitate to contact me, should there be questions.

As always, THANK YOU for your continuing cooperation and assistance.

Very truly yours,

Luci L. Horton, Director
Gary Sanitary District

/llh

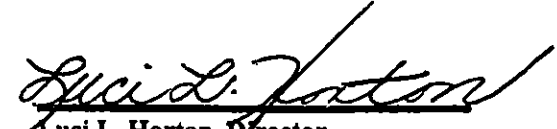
Enclosure:

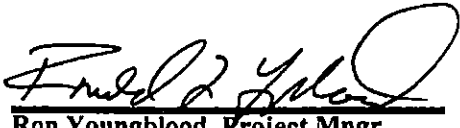
Cc: Ron Youngblood, Proj. Mngr., White River Environmental Partnership (WREP)
Don Smales, Technical Services Manager, WREP
Commissioner Derrick Earls, Civil Defense Director, City of Gary
James B. Meyer, Esq., Gary Sanitary District Attorney
Paul Vogel, P.E., Greeley and Hansen Engineers

AGREEMENT FOR SERVICES


The Gary Sanitary District through its' O&M Contractor The White River Environmental Partnership, agrees to contract with Little Calumet River Basin Development Commission (*Owner*) and hereby agrees to provide all labor, materials, tools and equipment necessary to clean out (2) two existing concrete trenches for closure panels located on 35th Avenue, just east of Chase Street, and approximately ¼ mile North of 35th Avenue on Chase Street.

1. The amount is based upon the *Contractor's* proposal dated January 18, 1999, and the WREP proposal faxed on January 14, 1999. The total cost to complete this scope of work will be in the amount, not to exceed, of \$1,116.10
2. Scope of Work – Includes removing metal plates and cleaning out both trenches whereby the structural vertical members can be installed to their full depth.
3. Additional monitoring of these trenches for water and silt infiltration is not included at this time and is considered to be additional work. Any cost for additional work will be based upon White River Environmental Partnership unit prices as follows:
 - Supervisor O&M Specialist - \$67.60/hour
 - O&M Crew Leader – \$22.53/hour
 - O&M Trades Helper - \$21.48/hour
 - Any additional work shall not be performed unless approved in writing by the Commission.
4. The *Contractor* shall provide workmen's compensation insurance in the statutory amount for all persons, employees, contractors or agents working on this job
5. The *Owner* will provide an on-site inspector during the performance of the work whom is authorized to accept the work and provide direction of the work.
6. The *Owner* hereby agrees to hold harmless and indemnify the *Contractor* from any suit damage, claim, liability, or action caused as the direct result of the work performed by the *Contractor* that is the subject of this agreement.
7. Final payment will be made upon completion of the field inspection to the satisfaction of the *Owner* and within 15 days after work is completed.


Luci L. Horton, Director
Gary Sanitary District


Ron Youngblood, Project Mngr.
WREP Representative

Accepted by:


Dan Gardner, Owner
Little Calumet River Basin
Development Commission

Dated this 17th day of Feb., 1999



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696
Fax (219)762-1653

EMERSON DELANEY, Chairman
Governor's Appointment

WILLIAM TANKE, Vice Chairman
Porter County Commissioners' Appointment

ARLENE COLVIN, Treasurer
Mayor of Gary's Appointment

JOHN DEMEO, Secretary
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Governor's Appointment

MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 26, 1999

Mr. Imad Samara
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Imad:

On February 25th, I made a final inspection for the cleaning of the trenches for the closure structures located on 35th Avenue east of Chase, and on Chase Street approximately ½ mile north of 35th. This work was performed satisfactorily by the Gary Sanitary District for a cost in the amount of \$1,116. In making the inspection, it was found that approximately 6 to 12" of gravel and/or clay had accumulated in the bottom of the openings that accommodate the vertical structural members. Water was standing approximately 3" into the trenches.

If you have any questions regarding the cleaning of these trenches or need any additional information, please contact me.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm

cc: Sue Davis, COE
Jan Plachta, COE
Luci Horton, GSD



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696
Fax (219)762-1653

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Governor's Appointment

MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 23, 1999

Mr. Imad Samara
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Imad:

Enclosed is a copy of a letter from the Gary Sanitary District (GSD) to the Little Calumet River Basin Development Commission dated November 17, 1998 regarding the issues relating to the GSD's acceptance of ownership and operation of the four (4) east reach pump stations. On November 19th, we held a final pump station inspection with GSD for the Grant Street storm water pumping station. From this meeting, a number of issues came up regarding items that the GSD would require to accept that station. Some of these items have already been provided by the Corps but a number of items still remain to be turned over. Among these items are operation and maintenance manuals, a letter from the Corps indicating the pump station has been inspected and accepted by the Army Corps of Engineers as per plans and specifications and all guarantees and warranties in the GSD's name. There are other items in addition to these that we need to finalize and we would suggest completing this as soon as possible in order that we may proceed with our final agreement and turnover of this pump station as part of the operation and maintenance of the flood control project.

We would like to discuss this with you at our upcoming real estate meeting on February 25th. Also note that the upcoming inspection for the north Burr Street storm water pumping station will be March 2nd and that GSD will also require the same items to be able to accept this pump station.

If you have any questions regarding this information, please call me.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm
encl.
cc:

Luci Horton
Paul Vogel
Jim Meyer
Tom Deja
Lou Casale
Jim Flora



Indiana Department of Natural Resources

RECEIVED 01/10/99

Frank O'Bannon, Governor
Larry D. Macklin, Director

Executive Office
402 W. Washington Street
Indianapolis, IN 46204-2748
PH: 317/232-4020
FAX: 317/233-6831

February 17, 1999

Mr. Paul Mohrhardt
Department of the Army
Chicago District, Corps of Engineers
111 North Canal Street
Chicago, IL 60606-7206

Re: Conceptual Mitigation Plan
Little Calumet River, Indiana.

Dear Mr. Mohrhardt:

Thank you for providing the August 1998 Conceptual Mitigation Plan for the Little Calumet River Flood Control and Recreation Project and the draft letter of transmission to be used when the mitigation plan reaches a more final form. We appreciate the opportunity to provide staff input prior to the formal submittal of a finished plan to the Department. Division of Water staff have coordinated the review of these documents with the DNR - Divisions of Fish and Wildlife and Nature Preserves.

The following is a list of staff comments on the draft letter of transmission addressed to DNR Director, Larry D. Macklin:

1. The bottom of page 1 reads: "... our ability to commit to specific time frames for finalizing the entire plan is limited." Please include a target date or possible time schedule for completion.
2. Page 2, paragraph 1 reads: "...we would like to know if the IN-DNR would consider acting as the beneficiary of a reversionary clause in the land deeds, as well as of construction and management funding..." Please delete "construction and".

Staff does not believe that DNR will commit to being the beneficiary construction manager, but will commit to being beneficiary for land and management as a backup to the third party.

The following is a list of staff comments on the Conceptual Mitigation Plan:

1. Page 7, paragraph 4 reads: "...a conditional agreement was made with the Indiana Department of Natural Resources Division of Fish and Wildlife whereby these numbers were divided by 2, with the appropriate restoration ratio applied to one half, and an enhancement ratio of 5:1 applied to the other half."

Our Division of Fish and Wildlife does not recall a conditional agreement to that effect. No percentage of impacted acres to be restored and enhanced has been agreed to, only that enhancement could make up a portion of the mitigation requirement. In fact, staff believes that allowing enhancement to mitigate for 25% of the impacted acres is a high figure. This issue must be discussed in much more detail.

Letter to Paul Mohrhardt, COE
February 17, 1999
Page Two

2. Success criteria must be developed for each wetland type for either restoration or enhancement.
3. A monitoring plan must be developed for each mitigation site. Annually, a monitoring report must be submitted to the DNR describing the work to date and its success based on the criteria.
4. Target dates to accomplish certain phases of the mitigation plan must be developed and included in the plan. These dates can be revised later, if needed.

Initial meetings during our review of the Conceptual Mitigation Plan included staff from the Indiana Department of Environmental Management (IDEM). However, their comments were not available prior to drafting this letter. Please contact Mr. Marty Maupin of IDEM, at (317) 233-2471, for the status of their review.

We are glad to see that this important component of the project is again moving forward, and we are eager to see the momentum continue so that the mitigation work can begin as soon as possible. Once you get a chance to review our comments on your draft plan, we would agree to participating in a meeting to discuss the plan further, as requested by the LCRBDC in their September 21, 1998 letter.

If you have any questions or would like to coordinate a meeting, please contact Division of Water staff, Ms. Jomary Crary, at (317) 232-4162.

Sincerely,



Lori F. Kaplan
Deputy Director

LFK/MWN/JC

pc: Dan Gardner, Little Calumet River Basin Commission ✓
Bill Maudlin, DNR - Division of Fish and Wildlife
John Bacone, DNR - Division of Nature Preserves
Marty Maupin, IDEM

J:\RIVERBC\LCRBC\mitigationcom1.doc

**Little Calumet River
Flood Warning Network
Users Meeting**

**9 February 1999 - 10:00 am
Lake County EMA**

AGENDA

Meeting Attendees

Lake County EMA
Gary Civil Defense
Hammond EMA,
Gary Sanitary District
Little Calumet River Basin Development Commission
USGS, Indiana District, U.S. Army Corps of Engineers

10:00-11:00

Introductions

**Discussion of Flood Warning System Modifications
USGS/COE/Flood Warning Network Users**

- Discussion of New Base Station Software
- Discussion of Field Station Retrofits
- Installation of the Burr Street Gages

11:00-12:00

**Discussion of Gary Base Station/Gary Sanitary District Telemetry
USGS/COE/City of Gary/Gary Sanitary District**

- Base Station Setup and Location
- Distribution of Information
- Modifications to FWPP Contact List/Emergency Responses

LITTLE CALUMET RIVER DATA ACQUISITION SYSTEM SUMMARY OF PROPOSED UPGRADES

Base Stations

1. The base stations will be upgraded for Y2K compliance and improved operation
2. The USACE will purchase hardware
3. The USGS will purchase software and create all base station programs
4. The USGS will produce new base station functionality that is equivalent to existing base stations
5. Enhancements, such as graphing and paging features will be added as the budget allows, but are not guaranteed by the USGS.
6. Data presentation will be improved for the new base stations, a sample mock-up of the main base station screen is attached.

Field Stations

1. The USACE will purchase new PCMCIA 33.6 Kb modems for retrofit of the existing system data collection platforms.
2. The cellular telemetry will be replaced by land-line telemetry. This will have the following advantages:
 - faster, more reliable data transmission
 - reliance on quickly obsolete cellular technology eliminated
 - real chance of cell phone fraud eliminated
 - stations can be programmed from USGS office, rather than by site visits
 - reduced phone charges
2. The USGS will oversee installation of the land-lines, retrofit the data collection platforms with the new modems, and create new data collection platform programs for compatibility with the new base stations

File Help

Station	Last Reported				Rate of change	
	Date / Time	Stage (ft.)	Rain (in.)	Battery (V)	Stage (ft/hr)	Rain (in/hr)
Hart Ditch at Dyer	January 11, 1999 12:21:32	3.11	0.10	13.4	0.01	0.30
Hart Ditch at Munster	January 11, 1999 12:21:43	0.91	N/A	12.6	0.12	N/A
Little Calumet River at Munster	January 11, 1999 12:22:17	5.45	N/A	13.1	0.00	N/A
Chesterton	January 11, 1999 12:22:32	N/A	0.30	12.4	N/A	0.60
Taft Street at Merrillville	January 11, 1999 12:22:49	N/A	0.21	12.8	N/A	0.45
Hobart	January 11, 1999 12:23:32	N/A	0.46	13.4	N/A	0.23
Little Calumet River at Burr Street	January 11, 1999 12:24:37	N/A	N/A	N/A	N/A	N/A
Little Calumet River at South Holland	January 11, 1999 12:25:32	6.75	0.75	12.1	0.23	0.43
Thorn Creek at Thornton	January 11, 1999 12:23:36	3.21	N/A	12.3	0.18	N/A
Chicago Heights	January 11, 1999 12:22:32	N/A	0.51	12.8	N/A	0.12
Crete	January 11, 1999 12:21:02	N/A	0.11	13.3	N/A	0.45

LAST 24 HRS. VALUE



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696
Fax (219)762-1653

ROBERT TRELO, Chairman
Governor's Appointment

EMERSON DELANEY, Vice Chairman
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WILLIAM TANKE, Treasurer
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MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARNDER
Executive Director

LOUIS CASALE
Attorney

February 10, 1999

Mr. Imad Samara
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Imad:

This letter is to inform you that the Commission has currently purchased locks that we intend to use for all completed, as well as upcoming, levee segments. Currently, these locks have been distributed to the Army Corps field office to be installed in all completed levee segments, which include recreational facilities as well as pump stations.

We intend in the future to provide the same locks for all remaining construction and will distribute them to the field office upon completion of those levee segments. Accordingly, we request that the specification for the contractor to provide locks as part of their project be eliminated.

Any questions you may have regarding this procedure may be directed to me.

Sincerely,

James E. Pokrajac, Agent
Engineering/Land Management

/sjm

cc: Jan Plachta
Tom Deja

LAND ACQUISITION REPORT

Thursday, March 4, 1999

STATUS (Stage II Phase I) – Harrison to Broadway – North Levee:

1. Project completed July 10, 1992.
Dyer Construction – Contract price \$365,524

STATUS (Stage II Phase II) – Grant to Harrison – North Levee:

1. Project completed December 1, 1993
Dyer/Ellas Construction – Contract price \$1,220,386

STATUS (Stage II, Phase 3A (8A) – Georgia to Martin Luther King – South Levee:

1. Project completed January 13, 1995.
Ramirez & Marsch Construction – Contract price \$2,275,023

STATUS (Stage II, Phase 3B) – Harrison to Georgia – South Levee:

1. Received a letter from the COE on May 26, 1998 (Dated April 14) indicating we should pursue acquisition of the (3) parcels in ponding area 2 and that they are a project feature.
2. Project currently 98% complete. (Minor pump station testing and final turnover to GSD to be scheduled early this winter.)

STATUS (Stage II, Phase 3C2) – Grant to Harrison:

1. Project completed with exception of minor grading and seeding which will be done in the spring.

STATUS (Stage II, Phase 4) – Broadway to MLK Drive – North Levee:

1. A letter was sent to the Norfolk Southern Corporation on February 22nd, 1999, enclosing the easement agreements and the offer for these easements. /

STATUS (Stage III) – Chase to Grant:

1. Project completed on May 6, 1994.
Kiewit Construction – Contract price \$6,564,520

STATUS (Stage IV – Phase 1) – Cline to Burr:

1. At our January 20th, 1999 Real Estate meeting with the COE, they suggested the LCRBDC review what portion of IV-1 could be available to include for construction that would meet these dates. (see item #4)
 - A letter was sent to the COE on February 8th, 1999, indicating current dates could not be met due to lack of engineering completion, which would generate modifications to previously submitted Real Estate drawings. 2-5
 - At our February 25th, 1999 Real Estate Meeting, we felt that only the storm drainage portion North of the Norfolk Southern RR could be released. We would option the remaining portion to June 1st, 2000. COE is reviewing.

2. We received and approved an agreement with Cole Associates on February 26th, 1999 to re-do drawings and legals in IV-1 in the amount of \$3,500 due to changes in engineering/work limits. 6
 - Upon receipt of the modified legals we will have to review and re-submit appraisal and easement agreement work with the railroads.
3. A letter was sent to the COE on January 12th, 1999, enclosing the plat of survey for the WIND radio property. We requested they incorporate this information into their engineering and real estate drawings and forward to us. 7
 - Approval was given to Great Lakes Engineering to do additional survey work for the WIND property that included legal descriptions for easements to use in the appraisal.
 - At our February 25th, 1998 Real Estate meeting, it was pointed out the current Real Estate drawings for the permanent easement include their buildings, septic field, and underground fuel tank. COE will modify these work limits and forward to us.
4. The survey work for the Wolverine Pipelines has been completed by Cole Associates and will be used to enter into an agreement with the pipeline. 8
 - This survey was sent to the COE for review and comments on February 17th, 1999.

STATUS (Stage IV – Phase 2A) – Lake Etta – Burr to Clark:

1. All construction is currently completed. Pump test is scheduled for mid-April. (Refer to Engineering Report)

STATUS (Stage IV – Phase 2B) – Clark to Chase:

1. Construction currently 85% complete. Projected completion in early spring. (Refer to Engineering Report)

STATUS (Stage V – Phase 1) – Wicker Park Manor:

1. Project completed September 14, 1995
Dyer Construction – Contract price \$998,630

STATUS (Stage V – Phase 2) – Indianapolis to Kennedy – North Levee:

1. Need final design and engineering drawings to submit to the appraiser in order to start appraisal process. (Ongoing)
 - We completed our engineering review and submitted it to the COE on June 2nd, 1998. (Awaiting COE response.)

STATUS (Stage V – Phase 3) – Northcote to Indianapolis – (Woodmar Country Club):

1. Appraisal will start upon completion of the Woodmar Golf Course architect (Killian's) comprehensive plan, and its being incorporated with the COE design. (Ongoing)

STATUS (Stage VI) – Kennedy to Cline:

1. At our October 15th Real Estate meeting, the COE indicated Stage VI will be divided into 2 phases.
 - Stage VI P1 (north of the river all construction and south of the river Kennedy to Grace)
 - Stage VI P2 (south of the river Grace to Cline and the north Grace St. pump station)

Burr St. (Betterment) levee – Arbogast to Burr:

1. The current schedule as per our **February 25th**, 1999 Real Estate meeting for Burr St. – Stage 1, indicates real estate available by **May 1st**, 1999, (no later than **June 1st**) advertise by **July 1999**, and award contract by **September 1999**.
 - A letter was written to the COE on **February 8th**, 1999 indicating complications with acquisition due to incomplete engineering drawings. 2-5
 - Stage 1 will include all construction from West of the EJ&E Railroad to, and including the road raising, at Colfax St.
 - At our **February 25th**, 1999 Real Estate meeting, this was agreed upon and will include options on the EJ&E and those lands East of Colfax, South of the NIPSCO R/W.
2. No current schedule exists for Burr St. – Stage 2 (East of Colfax and all remaining work eastward.)
3. We met with General Manager of the Mansard Apartments to discuss acquisition of their property for the Colfax road-raising and the destruction of a line of trees on our property, which they have been using for landscape area. Safety will be an issue concerning a playground area adjacent to the ditch. 9
4. On **February 26th**, 1999, we authorized an additional cost not to exceed \$5,200 to re-do survey legals and do some additional legals due to changes. 10

EAST REACH REMEDIATION AREA – (NORTH OF I-80/94, MLK TO I-65):

1. As per our **February 25th**, 1999 Real Estate meeting, all real estate necessary for construction is currently available, advertising is scheduled for **March 23rd**, 1999, and contract award is scheduled for **May 23rd**, 1999. (Approx. 60 days later.)
 - The letter sent to the COE on **February 8th**, 1999 indicated that the Central Ave. to I-65 roadway to the sluice gate would push back the ROE. (Our Real Estate meeting allowed this to be included as a one-year option.) 2-5
2. Received a letter from the COE (Washington D.C.) on November 13th, 1998, indicating those lands for flowage will not be creditable. We are writing a legal response that, indeed, the flowage acquisitions are a “taking” according to the COE’s hydrology.
3. Survey work has been completed by Cole Associates to complete legals & drawings for roadway from Central Avenue to the sluice gate W of I-65 and S of I-80/94.
 - This information will be included in the advertisement on a one-year option. 11
4. We received official notification from COE listing relocations and also stating that Mr. Halford will be a “voluntary” acquisition.

GENERAL:

1. We received a copy of a letter to Mayor King from attorney Reising dated August 7th, 1998, requesting that the \$200,000 available to the City of Gary for project lands be made available to Gary Parks and Rec. for their driving range. (Waiting for decision)
 - A. This acceptance by the City of Gary would relieve the LCRBDC of further discussions for the 179 acre parcel west of Chase St. (Verbally, the city has agreed – we are awaiting a copy of the letter). (ongoing)

2. Crediting

A. We received a letter from the COE dated Sept. 2nd, 1998, declining our request for credit of almost \$6 million for INDOT related projects for flood control.

- Dan and Lou will pursue an addition to the LCRBDC legislation that will approve credit for INDOT projects caused by the LCRBDC such as the Grant St. interchange, Indianapolis Blvd. raising of the bridge, and the Georgia Street culverts. (ongoing)

3. Mitigation

A. We received a draft of a letter of review from the DNR on February 4th, 1999, providing staff input prior to the COE final submittal.

12-13

B. Until the final plan is approved, we cannot proceed with in-project acquisitions, at 29th and Hanley and North of the NIPSCO R/W and West of Cline Ave.

REC'D FEB 25 1999

LUCAS, HOLCOMB & MEDREA

ATTORNEYS AT LAW

JAMES A. HOLCOMB
JOHN O. STILES
DANIEL A. MEDREA*
ROBERT F. PETERS
STEPHEN R. PLACE
NICK KATICH
LOUIS M. CASALE
MARY LINDA CASEY
MARK S. LUCAS
JOSEPH M. SKOZEN
DAVID E. WOODWARD
DAVID A. BULS
DAVID M. BLASKOVICH**

*DENOTES ALSO MEMBER OF THE BARS OF ILLINOIS AND FLORIDA
**MEMBER OF ILLINOIS BAR

EASTON COURT
300 EAST 90TH DRIVE
MERRILLVILLE, INDIANA 46410

TELEPHONE (219) 769-3561
24-HR FAX (219) 758-7409

OF COUNSEL:
ROBERT A. LUCAS
ROBERT J. ADDISON

JOSEPH L. SKOZEN
1913-1997

February 22, 1999

David Orrison
Norfolk Railroad Corporation
99 Spring Street
R.R. Box 142
Atlanta, GA 30303

RE: Little Calumet River Basin Development Commission Acquisition of Stage II,
Phase 4 Easements.

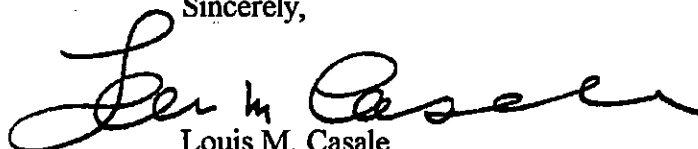
Dear Mr. Orrison:

The Little Calumet River Basin Development Commission has completed its appraisal of the easements it requires for the Stage II, Phase 4 segment of the Little Calumet Flood Control project. Pursuant to the terms of the Agreement entered into by the Commission and the Norfolk and Western Railway Company on September 7, 1995, I, on behalf of the Commission, hereby offer the appraised valuation for the required easements. The appraised valuation for the three (3) easements totals Eleven Thousand Five Hundred Ninety Dollars (\$11,590.00). The easements with standard language complying with United States Army Corps of Engineers' language are enclosed.

If these documents meet with your approval, kindly cause all documents to be signed by an authorized corporate officer, dated and notarized where necessary. Upon receipt of all properly executed documents, I will begin processing the claim form and, upon receipt, forward a check to Norfolk Railroad Corporation in the amount of Eleven Thousand Five Hundred Ninety Dollars (\$11,590.00).

If there are any questions, or I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Louis M. Casale
Attorney, Telephone Extension #132

LMC/amo
Enclosures

cc: Dan Gardner (w/o encl.)
Jim Pokrajac (w/o encl.)
Judy Vamos (w/o encl.)

FEB 10 1999

LUCAS, HOLCOMB & MEDREA

ATTORNEYS AT LAW

JAMES A. HOLCOMB
JOHN O. STILES
DANIEL A. MEDREA*
ROBERT F. PETERS
STEPHEN R. PLACE
NICK KATICH
LOUIS M. CASALE
MARY LINDA CASEY
MARK S. LUCAS
JOSEPH M. SKOZEN
DAVID E. WOODWARD
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DAVID M. BLASKOVICH**

*DENOTES ALSO MEMBER OF THE BARS OF ILLINOIS AND FLORIDA
**MEMBER OF ILLINOIS BAR

EASTON COURT
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TELEPHONE (219) 769-3561
24-HR FAX (219) 756-7409

OF COUNSEL:
ROBERT A. LUCAS
ROBERT J. ADDISON
JOSEPH L. SKOZEN
1915-1997

February 8, 1999

Imad Samara
United States Army Corps of Engineers
111 North Canal Street, Suite 600
Chicago, IL 60606-7206

RE: Scheduling IV-1; Burr Stage I; East Reach Remediation

Dear Imad:

As you may recall, at our most recent real estate meeting held January 20, 1999, scheduling of the above referenced project segments was discussed. The members of the Little Calumet River Basin Development Commission staff, including myself, indicated that we would review the proposed schedule set out in the meeting agenda in order to determine whether it is realistic, and, if not, to formulate possible alternatives.

After careful review and discussion, taking into account the twelve (12) to eighteen (18) month time period necessary to acquire real estate, which has previously been accepted by the Army Corps of Engineers and Commission, we believe the following accurately sets out our position regarding the viability of the proposed timetable for each pertinent project segment.

Our comments, rationale and conclusions for each pertinent project segment are as follows:

A. East Reach Remediation.

1. Present Schedule:

- a. Real Estate Available: Scheduled as presently available.
- b. Advertising: January 22, 1999.
- c. Contract Award: March 29, 1999.

2. Comments: Although real estate is presently listed as complete, DC-818 is still in condemnation; however, it is expected that money will be paid into court by mid-February, 1999, which will complete acquisition of the tract.

Drawings for the access to I-65 sluice gate dated 1/8/99 were recently given to the Commission staff. These drawings depict seven (7) additional easements to be acquired by the Commission from NIPSCO, Ewen and INDOT. Normal acquisition time periods will be necessary to complete these new easement acquisitions that will carry well beyond the present schedule.

Finally, a permit must be received from the Indiana Department of Natural Resources allowing for construction in a floodway. The Commission staff is presently working on application for this permit; however, it is premature to develop a timetable for its processing and receipt. In addition, it is not possible to absolutely guarantee the granting of a permit.

3. Conclusion: It appears that the timetable to advertise and construct those portions of the East Reach Remediation project, excluding those described in the drawing of 1/8/99, can be met, subject to the receipt of a permit to construct in the floodway from the Department of Natural Resources.

B. Burr Street Betterment Levee - Phase 1

1. Present Schedule:
 - a. Real Estate Available: April 1, 1999.
 - b. Advertising: April 22, 1999.
 - c. Contract Award: June 22, 1999.
2. Comments: The primary problem in meeting the time schedule outlined above is that final engineering drawings for this project segment have not yet been received. The modified (most recent) set of real estate drawings were just received by the Little Calumet River Basin Development Commission on February 2, 1999. Without final engineering design being completed, which generates the final "not to be modified" real estate drawings, the Little Calumet River Basin Development Commission has been impeded in its ability to complete land acquisition and utility relocation.

Two acquisitions must be completed, those being, G.V. Partners and Happy Homes Addition. To date, appraisals have been ordered but not yet received.

Once appraisals have been reviewed and approved there is no guarantee that acquisition of these properties will proceed smoothly and quickly. Should condemnation become necessary, an additional several months will be needed to complete acquisition.

There are several unresolved utility relocation issues. Current Army Corps of Engineers' drawings show easements encroaching upon NIPSCO right of way which would cause problems with the location of buried pipe lines. This has been called to the Corps' attention; however, necessary modifications to the drawings have not yet been made.

The Commission is awaiting an Army corps of Engineers decision on whether the Calhoun and Colfax Street road raisings will affect landowners adjacent to, and outside of, the street right of way. In the event that landowners are affected, additional easements will have to be acquired. If there are modifications to the legal descriptions for the road raisings, it will impede utility relocations and negotiation of agreements with the Town of Griffith and the City of Gary.

The Easement from the EJ&E Railroad must be acquired. These negotiations have been prevented by a lack of final engineering drawings.

3. Conclusion: The present schedule for the Burr Street Betterment Levee - Phase 1 is unrealistic primarily due to the lack of final engineering and real estate drawings which have prevented the commencement of serious land acquisition and utility relocation efforts. An alternate time schedule cannot be recommended until the final engineering drawings have been completed and generate a "not to be modified" set of real estate drawings.

C. IV-1

1. Present Schedule:
 - a. Real Estate Available: April 5, 1999.
 - b. Advertising: April 6, 1999.
 - c. Contract Award: June 6, 1999.
2. Comments: As with Burr Stage I, the final engineering and real estate drawings have not yet been received by the Little Calumet River Basin Development Commission. Prior to the receipt of the final engineering and real estate drawings, several unresolved engineering issues have prevented the commencement of

acquisition and relocation procedures, including descriptions of key property easements such as that of WIND Radio Station, as well as lack of all final descriptions for the eleven (11) easements to be acquired from the EJ&E Railroad and the Norfolk Southern Railroad, as well as no finalized description for Wolverine Pipeline easements.

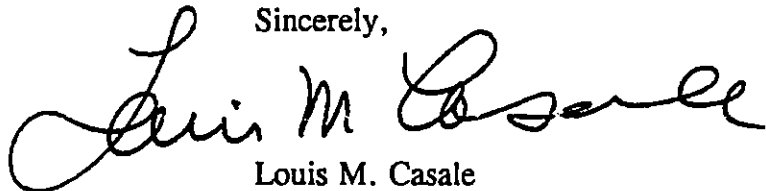
Acquisition of DC-546 may now proceed after receipt of a clean HTRW site assessment. In addition, HTRW assessment and/or remediation may have to be undertaken on the WIND property prior to acquisition..

Prior drawings have inaccurately described the Norfolk Southern Railroad crossing at Gerry Street. The final drawings must be reviewed to determine the accuracy of this description prior to commencement of negotiation.

3. Conclusions: The present time schedule is unrealistic due to the lack of final engineering drawings. After review of these drawings, a revised schedule will be developed by the Little Calumet River Basin Development Commission staff.

The above outlined analysis does not preclude the joint development of a schedule allowing for construction of portions of the project segments in FY'99; however, the Little Calumet River Basin Development Commission suggests that, after being allowed ample time to review the final engineering documents and final real estate drawings, a joint meeting be convened between it and the Army Corps of Engineers to develop this alternate schedule.

Sincerely,



Louis M. Casale
Attorney for the Little Calumet River
Basin Development Commission

LMC/amo

cc: Tom Deja (ACE)
Bill White (ACE)
Dan Gardner (LCRBDC)
Emerson Delaney (LCRBDC)



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0690

Fax (219)762-1653

EMERSON DELANEY, Chairman
Governor's Appointment

WILLIAM TANKE, Vice Chairman
Porter County Commissioners' Appointment

ARLENE COLVIN, Treasurer
Mayor of Gary's Appointment

JOHN DEMEO, Secretary
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MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 26, 1999

Mr. Gregg L. Heinzman PE
Engineering Manager
COLE Associates, Inc.
7011 Indianapolis Blvd.
Hammond, Indiana 46324

Re: Cole Reference #H99-008

Dear Gregg:

Enclosed please find a copy of the fully executed agreement between Cole Associates and the Development Commission for engineering services for the Stage IV-Phase 1 – Revisions on the Easements on Railroads & Public Roadways at a cost not to exceed \$3,500.

Upon receiving this signed copy, please consider this as your notice to proceed. If you have any questions, please call me.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm
encl.



Little Calumet River Basin Development Commission

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DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 26, 1999

Mr. John Garcia
Great Lakes Engineering
4527 Columbia Avenue
Hammond, Indiana 46327

Dear John:

Enclosed please find a copy of each of the fully executed agreement between Great Lakes Engineering and the Development Commission for engineering services for the WIND Radio Towers for a cost not to exceed \$4,900 and for Plats of Legal Descriptions for a cost not to exceed \$1,500.

Upon receiving these signed copies, please consider this as your notice to proceed. If you have any questions, please call me at the above number.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm
encl.



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DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 17, 1999

Mr. Emmett Clancy
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Emmett:

Enclosed is a copy of the survey for the Wolverine Pipeline Company easement for the Stage IV Phase 1 flood control project. This easement shows that land necessary from 29th Avenue west of Colfax along the north right-of-way of the Norfolk Southern Railway then eastward to Burr Street. As per your request to get necessary Wolverine easements to accommodate our construction, we have incorporated all of the Wolverine easements into one legal description which we will use as a document to enter into an agreement with the Wolverine Pipeline Company for the entirety of this portion of the project.

Will you please review this drawing and let me know if there are any changes, revisions or suggestions prior to our entering into an agreement with Wolverine.

Any questions you may have, please call me.

Sincerely,

James E. Pokrajac, Agent
Engineering/
Land Management

/sjm
encl.

cc: Imad Samara w/encl.
Jan Plachta
William White
Judy Varnos



Little Calumet River Basin Development Commission

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Portage, Indiana 46368

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Governor's Appointment

22 February 1999

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DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

Ms. Diana Martin, General Manager
Mansard Apartments, Office
1818 Mansard Boulevard
Griffith, IN 46319

Dear Ms. Martin:

RE: Meeting with the Little Calumet River Flood and Recreation Project

On behalf of Dan Gardner, Executive Director of the Little Calumet River Basin Development Commission, and myself I send thanks for meeting with us on 18 February 1999.

We hope our explanation of the land acquisition and construction procedures will help you make plans to continue your daily operations with minimal disruption.

We share your concerns about the safety aspect of the Mansard's playground area being directly adjacent to the ditch. A letter was sent today to the United States Army Corps of Engineers Project Manager asking for the hydrology information you requested along with the suggestion of fencing on the south boundary line of the ditch. Details would be worked out as we continue with the acquisition procedure.

Again, I send my sincere thanks and ask you to call me or Mr. Gardner if you have further questions. We are happy to help.

Regards,

Judith (Judy) Vamos
Land Acquisition Agent



Little Calumet River Basin Development Commission

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DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 26, 1999

Mr. John Garcia
Great Lakes Engineering
4527 Columbia Avenue
Hammond, Indiana 46327

Dear John:

Enclosed please find a copy of the fully executed agreement between Great Lakes Engineering and the Development Commission for supplementary engineering services for modifications of the plats of legal descriptions for the betterment levee project for a cost not to exceed \$5,200.

Upon receiving this signed copy, please consider this as your notice to proceed. If you have any questions, please call me at the above number.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm
encl.



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206
January 30, 1999

REPLY TO
ATTENTION OF:

Real Estate Division

SUBJECT: Relocation of Residences, Stage East Reach Remediation

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

Dear Mr. Gardner,

Following is a list of relocations/demolitions that must be accomplished for Stage East Reach Remediation:

DC 740 – Ferguson (vacant, may have squatter occupant).

DC 743 – Jeffries

DC 748 – Fred Jeffries Jr. (Two trailers & garage)


DC 792 – Halford**

DC 793 – Oswald

**In our updated submission of the Project Authorization Change Request (PAC), we requested that the Halford relocation be optional due to Mr. Halford's request and concerns. The PAC was approved as submitted; thus, this move will be optional.

We suggest that relocation efforts be initiated as soon as possible to minimize any adverse impacts as construction of the features proceeds. All relocation expenses will be a creditable expense to the East Reach Remediation project.

Please address any questions to me at 312-353-6400, ext. 5000, or Emmett Clancy at 312-353-6400, ext. 5005.


WILLIAM G. WHITE
Chief, Real Estate Division

February 4, 1999

Mr. Paul Mohrhardt
Department of the Army
Chicago District, Corps of Engineers
111 North Canal Street
Chicago, IL 60606-7206



Re: Conceptual Mitigation Plan
Little Calumet River, Indiana

Dear Mr. Mohrhardt:

Thank you for providing the August 1998 Conceptual Mitigation Plan for the Little Calumet River Flood Control and Recreation Project and the draft letter of transmission to be used when the mitigation plan reaches a more final form. We appreciate the opportunity to provide staff input prior to the formal submittal of a finished plan to the Department. Division of Water staff have coordinated the review of these documents with the DNR - Divisions of Fish and Wildlife and Nature Preserves.

The following is a list of staff comments on the draft letter of transmission addressed to DNR Director, Larry D. Macklin:

1. The bottom of page 1 reads: "... our ability to commit to specific time frames for finalizing the entire plan is limited." Please include a target date or possible time schedule for completion.
2. Page 2, paragraph 1 reads: "...we would like to know if the IN-DNR would consider acting as the beneficiary of a reversionary clause in the land deeds, as well as of construction and management funding..." Please delete "construction and".

Staff does not believe that DNR will commit to being the beneficiary construction manager, but will commit to being the beneficiary for land and management.

The following is a list of staff comments on the Conceptual Mitigation Plan:

1. Page 7, paragraph 4 reads: "...a conditional agreement was made with the Indiana Department of Natural Resources Division of Fish and Wildlife whereby these numbers were divided by 2, with the appropriate restoration ratio applied to one half, and an enhancement ratio of 5:1 applied to the other half."

Our Division of Fish and Wildlife does not recall a conditional agreement to that effect. No percentage of impacted acres to be restored and enhanced has been agreed to, only that enhancement could make up a portion of the mitigation requirement. In fact, staff believes that allowing enhancement to mitigate for 25% of the impacted acres is a high figure. This issue must be discussed in much more detail.



2. Success criteria must be developed for each wetland type for either restoration or enhancement.
3. A monitoring plan must be developed for each mitigation site. Annually, a monitoring report must be submitted to the DNR describing the work to date and its success based on the criteria.
4. Target dates to accomplish certain phases of the mitigation plan must be developed and included in the plan. These dates can be revised later, if needed.

Initial meetings during our review of the Conceptual Mitigation Plan included staff from the Indiana Department of Environmental Management (IDEM). However, their comments were not available prior to drafting this letter. Please contact Mr. Marty Maupin of IDEM, at (317) 233-2471, for the status of their review.

We are glad to see that this important component of the project is again moving forward, and we are eager to see the momentum continue so that the mitigation work can begin as soon as possible. Once you get a chance to review our comments on your draft plan, we would agree to participating in a meeting to discuss the plan further, as requested by the LCRBDC in their September 21, 1998 letter.

If you have any questions or would like to coordinate a meeting, please contact Division of Water staff, Ms. Jomary Crary, at (317) 233-4162.

Sincerely,

Kenneth E. Smith, P.E.
Assistant Director

KES/JC

pc: Dan Gardner, Little Calumet River Basin Commission
Bill Maudlin, DNR - Division of Fish and Wildlife
John Bacone, DNR -- Division of Nature Preserves
Marty Maupin, IDEM

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PROJECT ENGINEERING
MONTHLY STATUS REPORT
March 4, 1999

STATUS (Stage II Phase 1) Harrison to Broadway – North Levee:

1. Project completed on July 10, 1992.
Dyer Construction – Contract price \$365,524

STATUS (Stage II Phase II) Grant to Harrison – South Levee:

1. Project completed on December 1, 1993.
Dyer/Ellas Construction – Contract price \$1,220,386

STATUS (Stage II Phase 3A) Georgia to Martin Luther King – South Levee:

1. Project completed on January 13, 1995.
Ramirez & Marsch Construction – Contract price \$2,275,023

Landscaping Contract (This contract includes all completed levee segments – installing, planting zones, seeding, and landscaping):

1. Contractor is Dyer Construction
2. Contract amount is \$1,092,050
3. Some plantings and seeding did not take as per COE plans and specifications
The Contractor (Dyer Construction) is making a field inspection of the entire project with the COE and will complete by next spring as the weather permits.
4. **We received a letter from Spencer Cortwright (I.U. Northwest) on Feb. 3 requesting that we coordinate with the COE to modify the upcoming seeding contract in the II-3B segment west of Broadway**

1-2

STATUS (Stage II Phase 3B) Harrison to Georgia – South Levee:

1. Rausch Construction started on 11/20/95. Set up field headquarters north of I.U., west of Broadway. (Construction is approx. 98% complete)
 - A. Projected segment completion is in the spring – some fine grading and seeding.
 - B. **Rausch Construction producing final cross-sections for “as-built” files.**
2. Received cost estimate for Broadway pump station from NIPSCO (\$8,408)
 - A. All wiring is now completed, pumps are hooked up, and contractor needs water to do operational test – Scheduling for tests is ongoing.
 - B. Final testing and turnover to Gary Sanitary District is pending. Waiting on contractor response to complete testing. (Still waiting to schedule operational test)
3. **Sluice gate testing scheduled for March 16, 1999.**

STATUS (Stage II Phase 3C2) Grant to Harrison:

1. The overall project is 98% complete, and the final scheduled completion is for the end of January, 1999.
2. The operational test for this pump station was held on November 19th, 1998, with LCRBDC, COE, GSD, and the City of Gary.

- A. The tests were completed and the pump station was found to be satisfactory as per Army corps plans and specs with the exception of minor punch list items. (These are currently being completed.)
 - **We are awaiting a letter from the COE indicating all punch list items are completed and that this station meets COE plans and specs (This will be submitted to GSD as part of their request for turnover).**
- B. A letter was sent to the COE on December 17th, 1998, requesting a list of information and materials needed to turn over the pump station to GSD.
 - **As of Feb. 26th this information has not yet been provided.**
- 3. The drainage problem around Gilroy Stadium has been addressed by the Army Corps.
 - A. We received a modified design from the COE on November 12, 1998, showing the extension of the 15" RCP under Harrison and draining to the control structure and ditch system as part of the II-3B project.
 - B. The COE will install the pipe under Harrison in the spring to allow for proper stoning, compaction, and paving.

STATUS (Stage II Phase 4) Broadway to MLK Drive – North Levee:

- 1. All structural levee work completed. All grading and backfilling have been completed.
 - A. Project is approx. 98% completed and the anticipated overall completion is for early spring.
 - Minor grading and seeding will be done when the weather permits.
 - B. Contractor currently completing final cross-sections to include as part of clay volume calculations and to be included as part of "as-built" drawings.**
- 2. This portion of levee construction has been completed.
 - A. Walkway to Ironwood pump station has been completed as of December 1st, 1998.
 - B. The pump station has been completed and is ready to be tested. (The meter has been installed as of December 9th, 1998, which will begin the 30 month payback agreement to NIPSCO by the GSD.)
 - **Contract and COE still coordinating to schedule the pump test.**
- 3. **Sluice gate testing scheduled for March 16th.**

STATUS (STAGE III) Chase to Grant Street:

- 1. Project completed on May 6th, 1994.
Kiewit Construction – Contract price \$6,564,520.
- 2. COE investigating drainage problems caused by levee installation in Stage III. This is affecting the N.W. IN Foodbank and properties along the west side of Grant Street, and the area south of 35th, east of Chase (Ongoing)
 - A. A letter was written to the COE on July 22nd, 1998, questioning their intent for interior drainage design, along with a copy of a survey dated July 9th, 1998, showing drainage elevations in this area.
 - A second letter was sent out referencing our field visit with the COE and our discussions on the site on Sept. 17th.
 - B. A letter of response was received from the COE on October 14th, 1998, indicating the FDM 2 did not address the area because it would be addressed in the mitigation plan.

- They indicated that now that this area is not included as part of their mitigation plan, they will do a more detailed design to provide a better cost estimate. **(Ongoing)**

STATUS (Stage IV Phase 1) Cline to Burr: This area was modified to include the drainage system from Colfax to Burr on June 21st, 1995.

1. **As per the Feb. 25th Real Estate meeting, acquisition review is ongoing with the COE (refer to Land Acquisition Report).**
2. A letter was sent to the COE on January 12th, 1999, enclosing the final prints of the survey for engineering information for the towers. Actual locations for the septic and buried cables **have been** approximated & the contractor will locate these as part of his contract.
 - A. A meeting was held with WIND at their office on Feb. 5th with the COE. WIND provided some additional information for layout and we requested some additional survey work from GLE.
 - B. **The modified survey work was sent to the COE on Feb. 24th including tower base elevations.**
3. A "plan-in-hand" meeting was held with the COE, on December 16th, 1998 to review with both RR's and Ayres Associates (COE engineering consultant). Drawings and specs were reviewed and discussed in the office, then visited in the field.
 - Many items appear to have to be modified including levee alignment and drainage system design.
 - **COE is getting feedback from all concerned parties to evaluate for their 100% BCOE drawings. (We are not part of this process).**
4. A letter was sent to the COE on January 14th, 1999, enclosing comments received from the GSD on January 13th, 1999. We requested the COE to respond individually to these concerns and to incorporate these items as necessary into their plans and specs.
5. A letter was written to the COE indicating that the only portion of this segment that could be released early would be North of the N.S. RR.
 - The remaining survey construction would have to be done later because final engineering has not yet been completed.
 - **The COE received comments regarding engineering concerns from the Norfolk Southern Corp. on Feb. 3rd, 1999.**
6. **The COE wrote a letter to INDOT on Jan. 22nd (We got a copy on Feb. 25th) suggesting coordination for our work limits extending onto an already created mitigation area.**
7. **We have received a letter from Wolverine on March 1st that sheet piling be included west of Burr Street and south of our culvert installation to protect their 16" pipeline.**

STATUS (Stage IV Phase 2A) Burr to Clark – Lake Etta:

1. Scheduled Notice to Proceed in Nov. of 1995. (Dyer Construction is successful low bidder). Currently 95% completed.
 - A. The projected, overall, project completion is for early spring when minor grading and seeding can be completed.
2. The pump station is complete.
 - A. **Operational inspection was held on March 2, 1999.**

STATUS (Stage IV Phase 2B) Clark to Chase

1. Had a pre-construction meeting with Dyer Construction for Stage IV Phase 2B on 8/21/97. 100% of levee construction has been completed, and the projected overall completion is for **middle of the spring**. (Minor planting and grading to be done in the spring.)
 - Although pre-loading was done, settlement caused a break in the joint from the headwall to the gatewell. This will be allowed to further settle until the spring, upon which the repair will be made.
 - Ayres & Associates are currently reviewing the engineering repair and will make recommendations to the COE.
 - **Ayres is currently preparing a cost proposal for design and repair of failed structure.**

STATUS (Betterment Levee) EJ&E to Burr Street (North of NIPSCO R/W), across RR, then north of railroad R/W eastward ½ way to Clark, thence south.

1. COE projects levee installation along the east R/W line of the EJ&E RR across the NIPSCO north R/W line, then extending levee east from the EJ&E RR along the north side of the NIPSCO R/W, thence east to Burr Street, thence north across the Norfolk Southern RR, then East (north of the RR right-of-way) ½ way between Burr and Clark, then back south over the RR, and then going back approx. 1400' south.
2. We received a letter from the COE on July 7th, 1998 (dated June 26th) requesting a survey for the utility impacts along the NIPSCO R/W with NIPSCO, Wolverine, and Marathon.
 - A. A utility coordination meeting was held with the COE, NIPSCO, Marathon, Jim Flora and Jim Pokrajac on October 20th.
 - Casing of pipelines, cover over pipelines, and real estate impacts were discussed and the feedback is being incorporated into the design.
 - B. We received a letter from the COE on December 11th, 1998 (dated December 7th) providing settlement information at Colfax and Calhoun Streets and requesting input from the utilities at these locations.
 - Letters were sent out to NIPSCO and Marathon on December 29th, 1998, requesting their review and comments.
3. **We sent a letter to the COE on Feb. 1st regarding utility pipeline protection during construction and requesting any additional real estate information that would require additional NIPSCO easements.**
4. We received a fax from the COE on January 28th, 1999 of a NIPSCO memo indicating type, and placement, of plating or cribbing to protect their pipelines.
 - We sent a letter to the COE on February 1st, 1999, requesting that they modify their design in these areas as well as any other areas where we cross their pipes.
5. **We had a conference call with the COE on Feb. 16th to review acquisition and design status for the betterment levee. They pointed out a problem with conflicting survey data.**
 - A. We received a copy of a memo from the COE on Feb. 18th indicating problems with survey data and a summary of sequences to date.

7

8-9

- B. We sent a letter to the COE on Feb. 19th enclosing modified coordinates tying in GLE surveying data with previously submitted data from Cole Assoc. (A conference call was held with GLE and COLE on Feb. 19th to resolve discrepancy (it was resolved). 10
- C. A letter was sent to the COE on Feb. 23rd responding to their memo and suggesting a discussion at our Real Estate meeting on Feb. 25th. 11-12
- 6. The COE sent a letter to Marathon on Feb. 19th requesting information on cost and design for lowering their 6" pipeline west of Arbogast and north of the NIPSCO R/W. 13

STATUS Cline to EJ&E RR – Local Project:

- 1. No protection at this time from Cline Ave. to Arbogast. (Locally protection will be provided).
 - **The 9 acres of mitigation northwest of the Mansards has now been completed.**
- 2. A coordination meeting was held with the Town of Griffith on January 8th, 1999, to review status of agreements with the EJ&E R.R. and the levee from Cline to the EJ&E.
 - The main items of concern were that the EJ & E wanted us to consider installing a culvert under their embankment and that Griffith requested our participation to do their levee work on the West E.J. & E. R/W (Griffith letter received on January 20th, 1999).
- 3. A letter was sent to the COE on February 2nd, 1999, requesting they include this portion West of the E.J. & E. into our betterment levee plans.
 - **We received modified real estate drawings from the COE on Feb. 9th indicating that the work limits have been expanded onto the western portion of the EJ&E RR and onto Kortenhoven property.**

STATUS (Stage V Phase 1) Wicker Park Manor:

- 1. Project completed on September 14, 1995.
Dyer Construction – Contract price \$998,630
- 2. As per a conversation with Phillips Pipeline on 9/30/96, consideration is being given to do a directional bore or both 8" lines, rather than do 2 "up and overs" for both levees (This has been ongoing with the COE since November of 1996)
 - A. The COE indicated in their response for Stage V – Phase 2, that this was not economically feasible. We still contend this should be done as an item of safety.
 - B. See Status (Stage V Phase 2)
Item #4 for update on directional drilling.

STATUS (Stage V Phase 2):

- 1. At the July 23rd, 1998 Real Estate meeting, the current schedule shows a January 1st, 2001 contract award date.
- 2. A letter was written to the COE on June 16th, 1998, including the (7) major items of concern of the engineering review previously submitted to them on June 1st.
 - The COE wrote a letter of response on October 23rd and suggested a meeting to discuss and further review these items.

3. We received a letter from the COE on Sept. 11th, 1998 in response to our concern of doing a directional bore for the 2 Phillips pipelines west of the Conrail RR dated Nov. 6, 1996.
 - Letter sent to Phillips on Sept. 11th enclosing COE information on directional drilling for their response. (The COE stated in their letter dated October 23rd (Item #2) that PPL submit a detailed design analysis for review & approval by the COE). (ongoing)

STATUS (Stage V Phase 3) Woodmar Country Club:

1. At the July 23rd, 1998 Real Estate meeting, the current schedule shows a July 1st, 1999 contract award date.
 - We feel this date is non-realistic. With the funding available, a 2001 date would be more realistic.
2. Completed engineering review of Hart Ditch control structure and submitted comments to the COE on March 23, 1998.
 - Still awaiting response to our comments. (ongoing)

STAGE VI:

1. Had meeting on 1/18/96 with Super 8, Holiday Inn, and Motel 6 with the COE attending regarding levee impact to the properties and how we will proceed.
 - A. We are in the process of doing a feasibility study to determine impact, get fair market values, etc. (in process of assigning). We have received pertinent information from all hotels.
 - Refer to stage VI in Land Acq. report. (Item #2)
 - B. Construction has been re-scheduled from spring of 1998 to a contract award date of January 7th, 2001.
2. We received a request from the COE to do additional survey work throughout the project area. They requested stakeouts for property lines, which could be very expensive. We are awaiting a cost estimate from Cole Associates.
 - **Cole Associates are the low bidder and have been approved to do this survey work.**

East Reach Remediation Area – North of I80/94, MLK to I-65:

1. We received a letter from the COE on December 31st, 1998 (dated December 29th) with their responses to our backcheck comments.
 - Final questions and concerns for the backcheck set were submitted to the COE on January 19th, 1999 – these **have been** incorporated into the final plans and specs.
2. Received a letter from the COE on November 16th, 1998, requesting that we get a state certified asbestos inspection to certify no asbestos in demolition area prior to construction.
 - We are holding until the PAC is approved.
3. **Project scheduled to go out for bids on March 23rd, 1999 excluding the roadway from Central Avenue to the I-65 sluice gate (This will be put on a one-year option)**

West Reach:

1. We received a letter from the COE (dated November 5th, 1998) on November 12th, updating us on the status of the upcoming pump station contracts.
 - They are proposing to release pump station contract 1 to fiscal year 1999. Chicago COE will continue "in house" for all the Hammond pump stations
 - Letters were sent to Hammond and Munster on January 14th, 1999, regarding the upcoming pump station issues and requesting they attend our meeting on January 26th, 1999.
 - A letter was sent to Highland on January 14th, 1999, indicating that their pump stations are scheduled for FY 2000.
 - The meeting with Munster and Hammond was held on January 26th, 1999. Scopes of work were reviewed as well as scheduling. We are awaiting their written response.

Stages VII and VIII:

1. Will have public meeting with communities to gather information prior to doing prints & specs.
 - It is the intent of the COE to contract out all engineering for both of these stages.
 - **Award of A/E is ongoing the COE review process. We have not been made aware of the status of this review.**

General:

1. Wrote a letter to NIPSCO on June 10th, 1998, requesting their investigation into providing security (gates) to prevent access onto our properties along their tower R/W from Arbogast to Chase. (ongoing)
 - NIPSCO indicated this work will be done in **March**, 1999, when new money is available.
2. A letter was written to the COE on December 17th, 1998, requesting haul route information for upcoming projects in order to facilitate a meeting with Gary to get approval for the proposed routes.
 - We received a letter from the COE on January 25th, 1999 (dated January 13th), requesting we get approval from Griffith and Gary for upcoming haul routes.
3. We sent a letter to Luci Horton on February 1st, 1999, addressing all of their current concerns and indicating that an upcoming meeting with the COE will be scheduled.
4. **We submitted a letter, as per a COE request, on Feb. 10th confirming the design for cantilever "pipe-type" swing gates that will be installed for the remainder of the project.** 14
5. **A letter was sent to the COE on Feb. 23rd indicating that, in addition to coordinating the turnover of pump stations to the GSD, that a meeting with them would be required regarding some of their concerns regarding hydrology and monitoring.** 15
6. **A letter was sent to the COE on March 1st regarding utility coordination. We indicated it was best to have the A/E coordinate directly with the utilities and then R.W.Armstrong would become involved with review.** 16-17

INDIANA UNIVERSITY
NORTHWEST

REC'D FEB 03 1999



DEPARTMENT OF
BIOLOGY

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

2 February 1999

Dear Dan:

In regard to the Little Calumet Prairie, I spoke with Ven Garses (Tom Deja was not available) of the U. S. Army Corps of Engineers in Griffith. He asked that I write my desires in terms of reducing the amount of seeding of the dike and restored areas south of the river and west of Broadway. Then he asked that I send them to you. If you agree with my plan, then you could send that plan to Tom Deja and he will act to alter the contract for seeding. Thus, if you agree with what I write, then all that will be needed from you is a brief cover letter stating so along with the document I have written (see attached).

He sounded certain that alterations can be made if the request was put in writing and had your blessing. I hope that he is correct in that the contract can be modified. Even if it cannot be modified, I would hope that it could be arranged that the contractor not put seed in the affected areas and instead let me put my seeds. We will see.....

Thanks for your help in reviewing my plan and passing it on to Tom Deja. If you see a problem with my plan please let me know and I will modify it accordingly. This plan could save me a lot of work and hasten the appearance of a really nice prairie.

Sincerely,

A handwritten signature in cursive script that reads "Spencer Cortwright".

Spencer Cortwright
scortwr@iunhaw1.iun.indiana.edu

3400 Broadway
Gary, Indiana
46408-1197

219-980-6724

7760

LITTLE CALUMET PRAIRIE

Seeding Plan for 1999

The Little Calumet Prairie will extend from the concrete wall south of the Little Calumet River and west of Broadway in Gary, Indiana along the east, south, and southwest slopes of the dike around to Harrison Street. Included will be the drainage swale adjacent to the dike. Area around the "Welcome to Gary" sign and within six feet of sidewalks and parking lots will not be included. The Gary Parks Board and the Little Calumet River Basin Development Commission have given permission for construction of the prairie on this site.

Although it would be ideal to work the entire site from the beginning, economics and labor will not permit that at present. The initial funding allowed for approximately one acre to be worked during 1999. However, through my own seed collections, donated seeds, and purchased seeds, I will be able to seed more than one acre this year. The purpose of this document is to outline areas that should not be seeded in 1999 with a contracted stabilization seed mix. If a stabilization seed mix were to be laid down on the sites planned for prairie seeds in 1999, then the competition among largely incompatible seeding regimes would significantly hinder establishment of the prairie. I should note that the prairie seeding will provide soil stabilization.

I outline two areas in which I would like to establish prairie in 1999. Neither area should get any other seeding.

Area 1

Much of the construction traffic has ceased west of Broadway. It appears that a layer of soil has been laid over the compacted access road. It appears that the layer of soil is ready for seeding in the near future. I would like a portion of this open soil area to be left unseeded. I will have sufficient seeds to work part of this area. I would like to reserve the area bounded by the concrete wall to the north and a short distance south of the gravel road that leads to the top of the dike. I would flag the southern border (once plan is approved). I would be glad to walk the site with either Tom Deja or Ven Garsas in advance if necessary.

Area 2

I have outlined a section of the south facing slope of the dike for seeding in 1999. This area is west of the "Welcome to Gary" sign. It extends from the first small tree along the Indiana University Northwest parking lot to just past the first large tree midway along the south-facing dike. Some pink flags mark parts of the plot. The east and west borders of the plot will be marked during February 1999. This area will be seeded by prairie seeds in late March or early April. In addition, plants from approximately 200 flats will be transplanted into the site during May and June. Again, no commercial seeding should be placed on this site.

Brief Statement of Plan for 2000

This plan proposes two disjunct seeding areas in 1999. The plan for 2000 will be to convert the intervening area to prairie.



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

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Executive Director

LOUIS CASALE
Attorney

MEMORANDUM

TO: Imad Samara, U.S. Army Corps of Engineers

FROM: Jim Pokrajac

RE: Transmittal of prints for WIND Radio Tower

DATE: February 24, 1999

Enclosed are two (2) prints of the modified WIND Radio Tower survey provided by Great Lakes Engineering. This survey now shows critical elevations relative to the towers, locations of the underground lines, and railroad right-of-way. If you need any additional information, please call me.

encl.

/sjm

cc: Emmett Clancy
Jan Plachta

January 22, 1999

Programs and Project Management Division
Project Management Branch

Mr. Ed Tang
INDOT
100 N. Senate Ave. Rm. N642
Indianapolis, IN 46204-2216

Dear Mr. Tang:

As per our previous phone conversation we are mailing you a copy of a drawing indicating encroachment of the mitigation pond (south of Black Oak Road, east of EJ&E Railroad and west of the Norfolk Southern Railroad) into the levee limits near station 5+00 to 13+00 of the Little Calumet River Flood Control Project, Stage IV, Phase 1. Due to the proximity of the Norfolk Railroad right of way there is no way that we can move the flood control levee away from your pond. Please review, as soon as possible, the provided data and give us a call so we can work out an acceptable solution.

If you have any additional questions please contact Mr. Jan Plachta of this office at (312) 353-6400, extension 1801.

Sincerely,

Imad Samara 1/25/99

Imad Samara
Project Manager

Encl

CF: Mr. Williard Hale
American Consulting Eng., Inc.
Mr. Greg McKay
Corps of Engineers
Detroit District

4

WOLVERINE PIPE LINE COMPANY

8105 Valleywood Lane
Portage, Michigan 49024-5251
(616) 323-2491
FAX (616) 323-9359

February 26, 1999

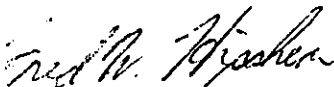
Jim Pokrajac
Little Calumet River Basin Development Commission
6100 Southport Road
Portage, IN 46368

RE: Sheet Piling Within Pipeline Easement
Little Calumet River Levee Project

I have reviewed the correspondence and prints Wolverine Pipe Line Company has on file concerning the subject project west of Burr Street with our Engineer, Mr. Shawn Murphy. Wolverine Pipe Line Company requests that the original agreement to install sheet piling to protect our pipeline during excavation for and installment of the box culvert be adhered to. The unstable and wet conditions of the soil, depth of excavation, and close proximity to Wolverine's pipeline combine to pose a danger to Wolverine's pipeline of being exposed and unsupported during installation of the box culvert if sheet piling is not installed first.

If the sheet piling is less than 10 feet from Wolverine's pipeline it should be removed at the completion of the project. If the sheet piling is 10 feet or more from Wolverine's pipeline, it may be left in place or removed at the completion of the project, at the discretion of the Little Calumet River Basin Development Commission.

Wolverine Pipe Line Company is available to discuss this topic and any other aspect of this project with the Army Corps of Engineers and the Little Calumet River Basin Development Commission. Please contact me, or our Engineer, Mr. Shawn Murphy, at this office with any questions or concerns you may have about Wolverine's facilities and requirements.



Fred W. Hipshear
Right-of-Way Agent

Cc: Imad Samara
Army Corps of Engineers, Planning Section
111 N. Canal Street
Chicago, IL 60606-7206



Little Calumet River Basin Development Commission

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DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 23, 1999

Ms. Luci Horton
Director
Gary Sanitary District
3600 West 3rd Avenue
Gary, Indiana 46404

Dear Luci:

This letter is to confirm our telephone conversation of February 22nd regarding the testing of the pumps at the north Burr Street storm water pumping station. This meeting is scheduled for Tuesday, March 2nd at 9 a.m. and will be conducted by the Army Corps of Engineers. If you have any questions regarding this meeting, please contact me at the above number.

Sincerely,

James E. Pokrajac, Agent
Land Management/
Engineering

/sjm

cc: Paul Vogel
Imad Samara
Tom Deja
Jim Flora



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DAN GARNER
Executive Director

LOUIS CASALE
Attorney

February 1, 1999

Mr. Imad Samara
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Imad:

We received a fax from the COE on January 28th enclosing ground protection information supplied to the COE by NIPSCO on January 8th, 1999. This information states that our truck traffic during the construction period of the betterment levee be limited only to that area. These restrictions would be in areas east of the EJ&E RR, Arbogast, and east of Burr Street. Through previous design and engineering discussions with the COE, it was under consideration for design to include several roadway areas across the NIPSCO R/W that could be installed prior to construction that would considerably reduce the travel distance for trucks hauling clay or removing unsuitable material. We have not seen this on any drawings submitted to us at this time and feel it could save considerable money in contract cost by shortening the on-site hauling distances for the contractor.

As part of our right-of-entry to do the Stage I portion of construction, we need this information to proceed with any agreements with NIPSCO. In addition, there are pipelines near both the north and south R/W lines that would require similar protection. This would be cost restrictive and the final engineering and real estate drawings should avoid any easements over or near these pipelines.

If you have any questions regarding this information, please contact me at the above number.

Sincerely,

James E. Pokrajac, Agent
Engineering/Land Management

/sjm

cc: Lou Casale, LCRBDC attorney
James Flora, R.W. Armstrong Co.
Neal Ardnt, NIPSCO
Brian Woodberry, NIPSCO

CELRC-ED-DC

17 FEB 99
Page 1 of 2MEMORANDUM FOR CELRC-PP-PM (J. Plachta)
THROUGH CELRC-ED-D (J. Schmidt)*JVS 2/17/99*

SUBJECT: Little Calumet River, IN - Local Flood Protection
Burr Street Betterment Levee
Real Estate drawing revisions and survey data conflicts

REFERENCES: LCRBDC (Pokrajac) letter to PP-PM (Samara), dated 19 July 96.
LCRBDC (Pokrajac) letter to RE (Carson), dated 13 Aug 98.
PP-PM (Plachta) Memo to ED-DC (Vanoer), data 25 Nov 98.
LCRBDC (Pokrajac) letter to PP-PM (Plachta), dated 04 Dec 98.

1. The Real Estate drawings for the above-referenced project have been revised to address the latest utility requests, RR and LS comments, and BCOE comments. This was a very time-consuming effort, and required much more time than originally planned. The real estate drawings' revisions became necessary due to the receipt of conflicting survey data provided by the LCRBDC, and the need to verify that the work limits excluded the NIPSCO right-of-way area in all but three specific project locations. Below is a summary of the information that has been provided, when it was received, and related ED-DC work items:

7/19/96 - Cole Associates survey data of NIPSCO ROW received. This data was revised via a fax sent on 8/14/96. This data provided coordinates for the NIPSCO ROW boundaries, Norfolk and Southern Railroad ROW boundaries, and the (E-W) positions of Colfax, Calhoun, and Burr St. road ROWs.

6/98 - "Final" RE drawings developed, which were based on the project design and alignment at that time.

10/98 - RE drawings modified (Rev. 1) due to RE issues from LCRBDC (letter to RE, dated 8/13/98), and also hydraulic design changes (ditch and culvert alignments).

11/25/98 - Great Lakes Engineering survey data received for area between Colfax and EJ&F Railroad showing property lines and coordinates. This information conflicts with the previously received Cole Associates survey data for this area.

12/04/98 - Received Great Lakes Engineering survey information showing locations of existing trees in area north of Mansard Apts. The survey drawing incorporates this new information with the survey data submitted on 11/25/98, by GLE.

02/05/99 - Received additional survey data from GLE (dated 1/23/99) showing Colfax and Calhoun ROW information. Northing and Easting coordinates are not included.

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CELRC-ED-DC

17 FEB 99

Page 2 of 2

MEMORANDUM FOR CELRC-PP-PM (J. Plachta) THROUGH CELRC-ED-D (J. Schmidt)

SUBJECT: Little Calumet River, IN - Burr Street Betterment Levee
Real Estate drawing revisions and survey data conflicts

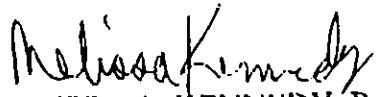
1. continued;

02/16/99 - Telephone conference. Participants: Imad Samara, Jan Plachta, Bill White, Tim Kroll, Jim Pokrajac, Dan Gardner, and Judy Vamos. After extensive discussion of the problems associated with receiving multiple versions of the real estate drawings, Jim Pokrajac states that the Cole Associates survey data coordinates shall be used for all Burr Street project design work. GLE survey data shall be ignored for the purposes of locating the NIPSCO ROW boundaries. ED-DC was advised to be "aggressive" when indicating real estate that will be acquired for permanent and temporary easement. The local sponsor indicated that it is preferable to approach property owners seeking more property than may ultimately be needed.

2. Given the conflicts between the Cole Associates data, and the Great Lakes Engineering data, uncertainty arose regarding the exact N-S position of the NIPSCO ROW. This is even more significant, due to the presence of a Marathon Oil line which is located approximately 5' south of the northern ROW boundary. The project work limits need to be placed to prevent the Burr Street construction work from taking place directly over this oil line, which would greatly increase the risk of damage. The variance between the NIPSCO ROW boundary data amounts to as much as 10' in a north-south direction between Cole's and GLE's information. Therefore, depending upon which data is used, the Burr St. project construction could take place either 15' feet away from the oil line, or right on top of it.

3. ED-DC had proposed to resolve this issue in the following manner. In each case, where survey data points conflicted, the "most conservative" point was selected. In particular, the "most conservative point" means that the northernmost of the two conflicting survey data points was chosen as "correct" for the northern NIPSCO ROW boundary. Similarly, the southernmost of the two survey data points was chosen as "correct" for the southern NIPSCO ROW boundary. In this manner, the Burr Street project is assured to be outside of the NIPSCO ROW, even if it now appears that the NIPSCO ROW is wider than the 150' known width. For a complete point by point discussion of which survey data point would be selected where, please refer to the attachment. **Jim Pokrajac discarded this method, per his instructions noted for 2/16/99 above.**

4. The POC for this item is Tim Kroll, or Huma Nisar.


MELISSA A. KENNEDY, P.E.
Chief, Civil Design Section

Attachment



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DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 19, 1999

Mr. Imad Samara
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Imad:

Enclosed are two (2) prints of the modified survey from Great Lakes Engineering for the area between the EJ&E RR and Colfax including the changes in coordinates as per our discussion. These coordinates were readjusted to tie into previously established points by the Army Corps of Engineers and tying in with coordinates previously laid out by Cole Associates.

Incorporate this information into your real estate and engineering drawings as necessary and upon completion, please forward me five (5) sets each of the final drawings.

A letter will follow indicating the complications causing the discrepancy between the coordinates established by Cole Associates and by Great Lakes Engineering in the same area. We intend to discuss this with you at our February 25th Real Estate meeting in order that any future complications may be avoided.

Any questions regarding this information may be directed to me.

Sincerely,

James E. Pokrajac, Agent
Engineering/Land Management

/sjm
encl.

cc: William White
Melissa Kennedy
Jan Plachta
Emmett Clancy



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DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 23, 1999

Imad Samara
111 N Canal St
Chicago IL 60606

Dear Imad,

We forwarded (2) prints of the modified survey from Great Lakes Engineering with adjusted coordinates to you on February 19th 1999, that were readjusted with and rotated based upon the original Cole coordinates that tied in the NIPSCO R/W with the major North/South right-of-ways. Great Lakes Engineering could not find any of the Cole Associates points established in the field, so they used the Indiana West Zone state plane coordinates (NAD 27) as they typically use for their other work in Northwest Indiana. Great Lakes was not aware that the COE coordinate system did not match exactly with the NAD 27.

Since that time we had a conference call with both surveyors and Cole Associates clarified the COE coordinate system to GLE based upon their past experience.

The Great Lakes Engineering survey showing tree locations and COE coordinate points were sent to you on November 20th, 1998 and suggested they be incorporated into your real estate and engineering drawings. It was first brought to our attention of these coordinate discrepancies between Cole and GLE surveys around the beginning of February 1999. We received a memo from your design section on February 18th (dated February 17th, 1999) indicating the time consuming confusion of having different sets of coordinates. If this information was submitted to you three months ago, it would have saved everyone a lot of time, and confusion, if you could have told us at an earlier date of the discrepancies in order that we could have corrected this problem. We sent a letter to you on September 15th, 1998 showing the 6" Marathon pipeline location and elevation data provided by Cole Associates that shows not only all the utility location data you requested, but in addition, the location of the pipeline from the EJ&E RR to Burr Street. This data was provided before the GLE survey and tied in with the Cole data for NIPSCO R/W location supplied to you in August of 1996. With the assumption that the Marathon pipeline is 5' south of the North NIPSCO R/W line and is parallel with it, this information, when platted out on your drawings, should have shown

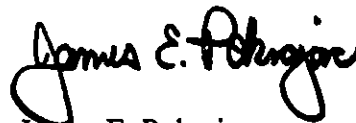
any contradiction of coordinates between the EJ&E and Arbogast (refer to item #2 of your memo).

After our conference call on February 16th, 1999, whereby I suggested using the Cole coordinates, I called you the next morning (February 17th) and suggested we get the modified coordinates from GLE from EJ&E to Colfax and that I would forward them to you within the next few days. I received them that afternoon and sent them to you on February 19th. In comparing the revised cross-referenced points between the (2) surveyors, there shows a minimal difference in their coordinates. We suggest that we finalize the real estate drawings incorporating all of this information in a manner more accurate than selecting the "most conservative point". When you agreed several years ago with us that we would hire a surveyor to provide known points in the field, or to tie into critical areas using established section corner coordinates provided by the COE, this was sent to you in August of 1996. With our current time schedule for upcoming projects this fiscal year, this all should have been addressed a long time ago to avoid layout complications that could, and have, occurred. We have since reviewed the discrepancy at Colfax with GLE and Cole Associates and found that the variance in the Easting coordinates was due to contradictions in the interpretation of the R/W width. (We found an old document in the county indicating Colfax has a R/W width of 66', which ties in with the GLE survey.

We would suggest this topic be part of our scheduled real estate agenda on February 25th, and we feel that we can suggest some guidelines regarding scheduling that would help to keep a similar problem from occurring again. This would mainly include allowing enough time from the start of engineering design and the review process whereby real estate work limits can be established without modifications through a minimum of another 12 months to complete the ROE that allows for condemnation.

We look forward to working with you to establish these timelines to help future coordination and acquisition to keep with necessary scheduling to keep this project moving in a timely manner.

Sincerely,



James E. Pokrajac

cc: Jan Plachta
Bill White
Emmett Clancy
Tim Kroll
Judy Varnos
Lou Casale
Melissa Kennedy
Joe Schmidt
Greg Heinzman
Jeff Yatzco

JEP/gdp



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

REPLY TO
ATTENTION OF:

February 19, 1999

Programs and Project Management Division
Project Management Branch

Mr. David L. Woodsmall, P.E.
Marathon Ashland Petroleum LLC
277 Streamwood Drive
Valparaiso, IN 46383

RE: Little Calumet River, Burr Street Betterment Levee

Dear Mr. Woodsmall,

During our meeting on October 26, 1998 at the Little Calumet River Basin Development Commission (LCRBDC), in Portage, Indiana, there was a discussion concerning relocation of the 6" Marathon oil line at the Ditch 2, west of Arbogast. During the meeting you stated that the pipeline would be lowered a safe distance below the bottom of the ditch and that Marathon will prepare a plan for relocation. This together with a cost estimate was to be mailed to the LCRBDC consultant Mr. Jim Flora of R.W. Armstrong. We are finalizing our design documents and the utility issues are of utmost urgency for this project. Please let us know when would you be able to provide us with the needed data.

If you have any additional questions please contact Mr. Jan Plachta of this office at (312) 353-6400, extension 1801.

Sincerely,



Imad Samara
Project Manager

CF: Jim Pokrajac, LCRBDC
Jim Flora



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696
Fax (219)762-1653

ROBERT TRELO, Chairman
Governor's Appointment

EMERSON DELANEY, Vice Chairman
Governor's Appointment

WILLIAM TANKE, Treasurer
Porter County Commissioners' Appointment

ARLENE COLVIN, Secretary
Mayor of Gary's Appointment

CHARLES AGNEW
Governor's Appointment

GEORGE CARLSON
Mayor of Hammond's Appointment

STEVE DAVIS
Dept. of Natural Resources' Appointment

JOHN DEMEO
Governor's Appointment

ROBERT HUFFMAN
Governor's Appointment

MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARNDER
Executive Director

LOUIS CASALE
Attorney

February 10, 1999

Mr. Imad Samara
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Imad:

This letter is to confirm the approval of the Commission for the design for the cantilever "pipe-type" swing gates that will be installed for the remainder of the project. Our previous point regarding the coping of all pipe joints was only to establish a minimum standard for a gate that would prevent internal rusting. We appreciate the opportunity to review each contractor's submittal for these gates prior to their installation in the field.

Sincerely,

James E. Pokrajac, Agent
Engineering/Land Management

/sjm

cc: Jan Plachta
Tom Deja
Jim Flora



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696
Fax (219)762-1653

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Governor's Appointment

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Governor's Appointment

ROBERT TRELO
Governor's Appointment

MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

February 23, 1999

Mr. Imad Samara
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Imad:

Enclosed is a copy of a letter from the Gary Sanitary District (GSD) to the Little Calumet River Basin Development Commission dated November 17, 1998 regarding the issues relating to the GSD's acceptance of ownership and operation of the four (4) east reach pump stations. On November 19th, we held a final pump station inspection with GSD for the Grant Street storm water pumping station. From this meeting, a number of issues came up regarding items that the GSD would require to accept that station. Some of these items have already been provided by the Corps but a number of items still remain to be turned over. Among these items are operation and maintenance manuals, a letter from the Corps indicating the pump station has been inspected and accepted by the Army Corps of Engineers as per plans and specifications and all guarantees and warranties in the GSD's name. There are other items in addition to these that we need to finalize and we would suggest completing this as soon as possible in order that we may proceed with our final agreement and turnover of this pump station as part of the operation and maintenance of the flood control project.

We would like to discuss this with you at our upcoming real estate meeting on February 25th. Also note that the upcoming inspection for the north Burr Street storm water pumping station will be March 2nd and that GSD will also require the same items to be able to accept this pump station.

If you have any questions regarding this information, please call me.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm
encl.
cc:

Luci Horton
Paul Vogel
Jim Meyer
Tom Deja
Lou Casale
Jim Flora



March 1, 1999

Mr. Jan Plachta
Programs & Project Management Division
Project Management Branch
Corps of Engineers
111 North Canal Street
Chicago, IL 60606-7206

Re: Utility Relocation

Dear Mr. Plachta:

As a follow-up to our conversation earlier this week, we have outlined below the procedures for utility coordination and relocation which we believe are most efficient:

1. The Corps of Engineers' Architect/Engineer (A/E) communicates with the utility to coordinate the design of the levee with utility relocation. Little Calumet River Basin Development Commission (LCRBDC) participates as required in meetings and discussions to facilitate the coordination effort.
2. When both the Corps' A/E and the utility have reached a point where the utility has defined an acceptable relocation method, then the utility prepares a formal relocation plan and cost estimate and submits same to the LCRBDC's engineering consultant, R. W. Armstrong (RWA).
3. RWA then reviews the relocation plan for acceptability. This review may include discussion of the relocation plan with the LCRBDC and staff.
4. If the plan is acceptable, then the plan and cost estimate are submitted by RWA to the Corps for review and formal acceptance.
5. The Corps reviews the plans and analyses the cost estimate and determines if the plan and cost estimate are acceptable and whether the cost estimate contains any betterment costs. The Corps then notifies RWA in writing of its decision regarding the plan and cost estimate.

P. 219.738.2258 F. 219.738.2259

8300 BROADWAY MERRILLVILLE, IN 46410-6261

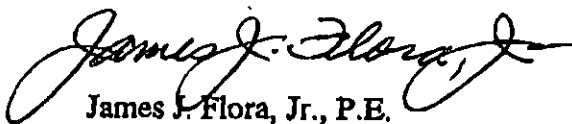
WEB SITE: www.rwarmstrong.com

Mr. Jan Plachta
Corps of Engineers
March 1, 1999
Page Two

6. If the plan and cost estimate are acceptable to the Corps, RWA prepares a letter transmitting a copy of the relocation plan and cost estimate to the LCRBDC's attorney, Louis Casale, so that a utility relocation agreement can be prepared.
7. Attorney Louis Casale then negotiates the utility relocation agreement and presents same to the LCRBDC for approval.

Very truly yours,

R. W. ARMSTRONG & ASSOCIATES, INC.



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

JJF:kf
911938

cc: Dan Gardner, LCRBDC
Jim Pokrajac, LCRBDC

COPIES FURNISHED:

CELRC-CO (DEDA)	CELRC-DE (ROWAN)
CELRC-CO-A (SAVAGE)	CELRC-DDE-PPM (CARLSON)
CELRC-CO-C (ALBERT)	CELRC-PP-PM (HANDWERK)
CELRC-CO-C (TURNER)	CELRC-PP-PM (SAMARA)
CELRC-CO-C (SMITH)	CELRC-PP-PM (MILO)
CELRC-CO-O (HUNGNESS)	CELRC-PP-PM (BERNSTEIN)
CELRC-CO-O (WADLEIGH)	CELRC-PP-PO (DESAI)
CELRC-CO-B (SVEE)	CELRC-ED (JACOBACCI)
CELRC-CO-S (FILE-STAFF)	CELRC-ED-D (SCHMIDT)
CELRC-CO-N (MACMORRAN)	CELRC-ED-A (ABOU-EL-SEUD)
CELRC-CT (SALINAS-NIX)	CELRC-PA (MASSAR)

14-20 FEB 99 CALUMET AREA OFFICE
WEEKLY CONTRACT STATUS REPORT

CONT. NO. PR&C NO. (CO-S MGR.) (CO-S QA) (CO-C MGR.)	DESCRIPTION	CONTRACTOR	CONTRACT OBLIGATED EARNED AMOUNT	REQUIRED SUBSTANTIAL FINAL W/O D. COMPLETION	% COMPLETE SCH	ACT
88-0008	CALUMET DREDGING -	KENO & SON	\$898K		100	100

COMMENTS

Contractor filed a revised equal access to justice petition in the amount of \$160,000 for attorneys fees and expenses. CELRC-OC filed motion requesting it be denied in its entirety. Awaiting EBCA decision.

95-0071	STA. II-PHS 3B	RAUSCH	\$3,478,141.69	*05 DEC 98	*100	*100
959776			3,478,141.69			
(GARCES)			3,280,112.42			
(KARWATKA)						
(TURNER)						

COMMENTS:

* Contract substantially complete. However, pending CELRC-PP-PM modification request for rerouting recreation trail and paving ramps will extend completion date to Spring/Summer 1999.

Awaiting final cross-sections from Contractor.

Sluice Gate Testing scheduled for 16 March 1999.

Awaiting requested remaining restitution payrolls from KTR for trucking subcontractors and support information for owner/ operator.

Awaiting PP-PM/ED-D responses to following issues:

A. Recreation Trail Ramp Reroute - Continue to wait for design.

FC-71.21 - CREDIT FOR ALLOWED GEORGIA ST. CLOSURE. Awaiting contractor's proposal.

FC-71.24 - ELIMINATION OF HARRISON STREET 36" DIA. PIPE AND ASSOCIATED DITCHING. Awaiting Contractors Proposal

FC-71.25 - REPLACING BITUMINOUS ASPHALT AT GEORGIA STREET WITH REINFORCED CONCRETE SLAB.
Requested Contractor submit proposal with a cost breakdown of labor, equipment and material.

CONT. NO. PR&C NO. (CO-S MGR.) (CO-S QA) (CO-C MGR.)	DESCRIPTION	CONTRACTOR	CONTRACT OBLIGATED EARNED AMOUNT	REQUIRED SUBSTANTIAL FINAL W/O D. COMPLETION	% COMPLETE SCH	ACT
95-0073 71759328 (GARCES) (RUNDZAITIS) (TURNER)	STA. IV-PHS 2A	DYER	\$3,375,090.90 3,375,090.90 3,100,723.18	*05 OCT 98 05 OCT 98	100	100

COMMENTS:

* Anticipating extensions to Spring 1999.

PUMP HOUSE - Pump problems corrected.

CO-S awaiting additional information from Contractor on equitable adjustment for metal building.

Contractor scheduling pump and gate tests for 02 March 1999.

Awaiting PP-PM/ED-D responses to following: None at this time.

95-0076 71608714 (GARCES) (KARWATKA) (TURNER).	STA. II-PHS 4	RAUSCH	\$4,186,070.75 4,182,688.98 4,175,000.00	*22 SEP 98	*100	*100
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Awaiting final cross-sections from Contractor.

Sluice Gate Testing scheduled for 16 March 1999.

84" Gatewell - Preparing for pump test.

CITY OF HOBART ROAD REPAIR - Contractor yet to resolve with City.

FC-76.XX - LEVEE QUANTITY OVERRUN EXCEEDING 115%. - Awaiting final quantities.

FC-76.XX - Contractor requesting additional cost due to wet material from Deep River Borrow Site. CO-S evaluating.

Awaiting PP-PM/ED-D Responses To Following Issues: None at this time.

95-0083 71749268 (CARVER) (RUNDZAITIS) (TURNER)	LANDSCAPING	DYER	\$1,335,718.00 1,329,847.00 1,298,616.15	04 May 1998 04 May 1998	100	100
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COMMENTS:

Replacement of dead/missing shrubs & trees scheduled for spring planting.

Awaiting Contractor response to CELRC-CO-S offer to discuss CREDIT on turf establishment issue.

CONT. NO. PR&C NO. (CO-S MGR.) (CO-S QA) (CO-C MGR.)	DESCRIPTION	CONTRACTOR	CONTRACT OBLIGATED EARNED AMOUNT	REQUIRED SUBSTANTIAL FINAL W/O D. COMPLETION	% COMPLETE SCH.	ACT
97-0022 71759315 (CARVER) (LEE) (TURNER)	RECREATION 1	DYER CONSTR.	\$1,174,090.44 \$1,174,090.44 \$1,174,090.44	26 JUL 98 26 JUL 98 26 JUL 98	100	100

COMMENTS:

CO-S preparing Closeout files.

Awaiting signed Release of Claims from KTR.Awaiting ED prepared as-built drawings for review by CO-S

97-0027 71649119 (CARVER) (TAYLOR)	NIKE SITE C-44	CLEAN WORLD ENGINEERING	\$70,587.31 70,587.31 70,587.31	30 MAY 98 30 MAY 98 30 MAY 98	100	100
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COMMENTS:Transferred files to CO-C.

97-0028 71919659 (CARVER) (LEE) (TURNER)	STAGE II-3C2	SBA/WEBB CONSTRUCTION	\$3,988,176.04 3,978,846.18 3,680,554.12	*10 NOV 98	*100	*100
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COMMENTS:

* Contract substantially complete. However, 15" RCP work will have to be done in Spring, and contract completion date extended accordingly.

Reviewing Contractor submitted information on quantities for earthwork bid schedule items.

FC-28.19 - Reroute existing 12" PVC in ditch east of Harrison. CO-S reviewing KTR's proposal & awaiting KTR's proposal back-up.

FC-28.15 (REVISED) - Extension of existing 15" RCP from the manhole west of Harrison Street to the east of Harrison Street. CO-S reviewing KTR's proposal & awaiting KTR's proposal back-up.

Awaiting PP-PM/ED-D responses to following: None at this time.

CONT. NO. PR&C NO. (CO-S MGR.) (CO-S QA) (CO-C MGR.)	DESCRIPTION	CONTRACTOR	CONTRACT OBLIGATED EARNED AMOUNT	REQUIRED SUBSTANTIAL FINAL W/O D. COMPLETION	% COMPLETE SCH	ACT
97-0026 71769388 (GARCES) (KARWATKA)	IV-2B	DYER CONSTR.	\$1,762,757.79 1,762,757.79 1,713,000.00	*16 NOV 98	*100	*100

COMMENTS:

* Gatewell/Pipe Settlement continues to be reviewed. A/E preparing cost proposal for ED-D to analyze and design repair of structure. Will result in extension of completion date to Spring/Summer 1999.

Awaiting PP-PM/ED Responses to the Following Issues: None at this time

Awaiting Ayres Responses to the Following Issues:

A. Gatewell pipe settlement – Ayres preparing cost proposal for ED-D to analyze and design repair of structure.

98-C-0037 80124796 (CARVER) (WILSON) (SMITH)	INDIANA SHORELINE III	KOVILIC	\$2,806,155.00 \$2,806,155.00 \$2,458,163.30	* 30 NOV 98	87.60	87.60
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COMMENTS:

* Contract completion date will be extended to next spring to complete additional sand placement.

Sand placement done until spring. 181,275.80 tons dry weight delivered as of 20 NOV 98.

Inspection for sand placement location was held on 18 Feb 1999.

P00002 – Transfer Contracting Officer Authority from CELRL-CT to CELRC-CT. Modification mailed to CELRL-CT for signature.

Awaiting PP-PM/ED-D Responses to the following Issues:

- A. PP-PM (P. Bernstein) working NIPSCO guard Issue. Existing guard contract will need to be modified. New guard contract needs to be prepared for next years work.
- B. Execution of ROE extension for NIPSCO and NPS.
- C. Location of Spring 1999 Sand Placement.

98-C-0050 80084709 (CARVER) (NEWELL) (SMITH)	BEVERLY SHORES	AMERICAN MARINE CONST.	\$1,142,575.00 \$1,142,575.00 \$ 961,861.73	* 25 JAN 99	84.2	84.2
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COMMENTS:

* Time extension until Spring 1999 will be necessary for paving and dune grass restoration.

Stone placement final inspection was held on 18 FEB 1999.

P00003 – Tmasfer Contracting Officer Authority from CELRL-CT to CELRC-CT. Modification mailed to CELRL-CT for signature.

RIDGE LOCAL

THE TIMES
WEDNESDAY
March 3, 1999
SECTION B, 8 PAGES

Feud renewed among neighbors

■ Residents hope petition drive will block the sale of land next to Gibson Woods nature preserve.

BY JULIE FUSTANIO
Times Staff Writer

HAMMOND - More than 20 years after a neighborhood petition drive helped save Gibson Woods, Hessville residents are taking up the cause again.

This time they have targeted land being sold by Terry McCloskey, a former neighbor and environmental activist who helped wage the first battle.

McCloskey, who now lives in LaPorte and manages land for the Shirley Heinz Environmental Fund, said he was planning to take over about nine acres next to the woods from his parents, sell about half of it and donate the 4.8 acres bordering Gibson Woods to the Heinz fund as a buffer zone.

He faces a mountain of opposition from enemies he has made in the neighborhood since 1980, when he and his father bought nine acres of the woods before Lake County turned the ad-

jacent 130 acres into a nature preserve. The Nature Conservancy bought the remainder of the land from Penn-Central Railroad and sold it to the Lake County Park Department in 1981.

Perry Stabler said he remembers helping McCloskey put up signs to save the woods in the late 1970s. But later, when McCloskey's family bought some of the land and began using it for their auto and brick businesses, he said he felt betrayed.

Now, Stabler is leading a new petition drive - "Stop the junkyard next to Gibson Woods" - to oppose McCloskey's land swap for fear it will be sold to its current lessee, ABC Towing.

McCloskey said he bought the land to save it from development and he was still committed to leaving almost half of it fallow between the woods and any new development.

"I'm sorry that some trucks make it look like crap," McCloskey said about the property his family has rented for the past three years. "One thing it will absolutely not be used for is a police impound lot. ABC will not get the property."

But Stabler has rallied residents and Councilman Robert Golec, D-6th, to challenge

McCloskey's credibility.

"You can't call yourself an environmentalist and have that brick and junk around," Stabler said. "How can an environmentalist do that?"

Stabler said he has more than 600 signatures opposing McCloskey's proposal before the Plan Commission and hopes to sway its March 15 vote.

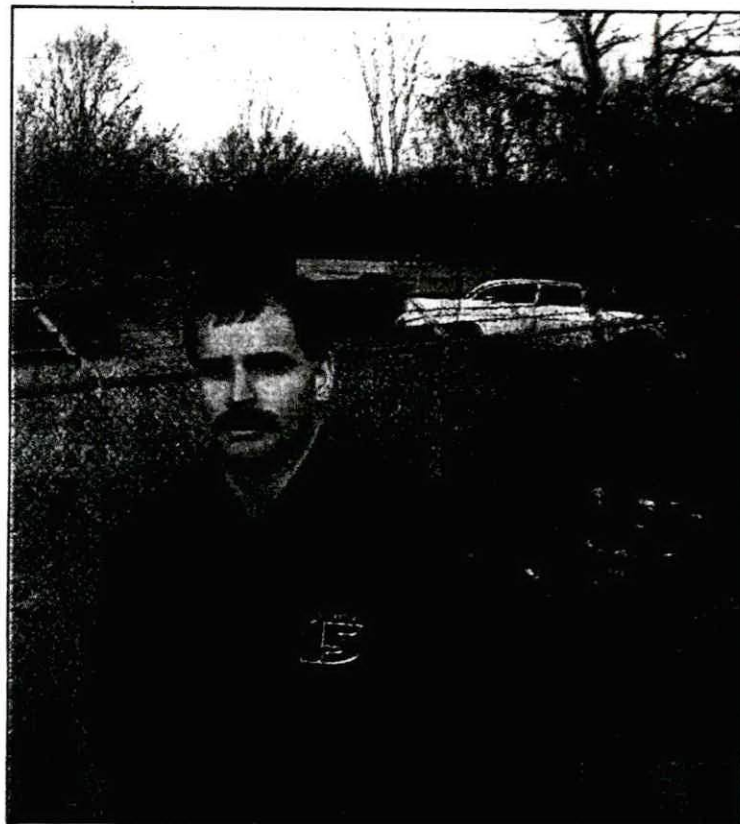
"It's going to be a menace," neighbor Geri Jagiela said. "Nobody wants a scrap yard over

there. We don't want the element in the neighborhood."

Golec said he has received numerous complaints in the past 18 years about the land that "looked worse when he was there to be honest with you."

Paul Kohlkoff, executive director of the Shirley Heinz fund, said the land was unofficially given to the environmental organization in 1991 and this division will solidify the plan.

"In my mind, it will offer more protection as a buffer," Kohlkoff said.



TRACY ALBANO / THE TIMES

Hammond resident Perry Stabler stands in front of the ABC Towing yard that the firm leases from Terry McCloskey. Stabler is among those working on a petition drive to block McCloskey from selling the four acre site to ABC, saying they are worried about possible harm to the Gibson Woods nature preserve.

RECREATION REPORT

Thursday, March 4, 1999

RECREATION - PHASE 1. (This contract includes recreational facilities for Lake Etta, Gleason Park, Stage III (trails), and the OxBow area in Hammond.)

A. OXBOW (Hammond)

1. October 28th, 1998 was the date that this facility was turned over to the City of Hammond.

B. GLEASON PARK (Gary Parks & Recreation)

1. October 28th, 1998 was the date this facility was turned over to the Gary Parks and Recreation Department.

C. LAKE ETTA (Lake County Parks)

1. October 27th, 1998 was the date that this facility was turned over to the Lake County Parks Department.

D. CHASE STREET TRAIL (City of Gary)

1. October 27th, 1998 was the date that this facility was turned over to the City of Gary.

RECREATION - GENERAL

- A. We have requested a recreation (project-type) map from the COE showing all recreation features, including trails, fishing piers, observation decks, and all out support facilities.(Ongoing)
 1. We received a modified mapping for the recreational trail/facility map from the COE on March 2nd, dividing the east reach and west reach into separate maps (We will review and comment).
- B. A meeting was held with the EJ & E RR, the COE, and the Town of Griffith on January 8th, 1999 to review the Griffith levee from Cline Ave. to the EJ & E RR.
 1. A letter was sent to the COE on January 14th, 1999, addressing these questions and concerns for using this area to make our recreational trail contiguous.
 2. It is our intent to exclude recreational details on the EJ&E RR R/W, or from the EJ&E west to Cline Avenue as part of our betterment levee plan.
 - These features will be discussed with the railroad and Griffith and will be included as part of the Stage VI contract.
- C. We had a conference call with the COE on July 28th, 1998 to review problems with overall trail layout for the project relative to road and railroad crossing areas.
 1. A field review was held with the COE on October 6th to review crossings with railroads and streets throughout the project.
 2. A letter was sent to the COE on January 29th, 1999, summarizing our review of the recreational trail crossing throughout the entire project.
 3. The LCRBDC will be coordinating with each of the communities and property owners to assure we could proceed with the modified trail layouts.

WORK STUDY SESSION
ENGINEERING COMMITTEE
MARCH 4, 1999

Motions:

1. Pump Stations:

- A. Grant Street (inspection held November 19th)
- B. Burr Street (inspection held March 2nd)
- C. Ironwood (Upcoming)
- D. Broadway (Upcoming)
- E. We are currently working with the COE on a turnover process to have GSD accept these stations.
 - We need to coordinate ongoing GSD concerns regarding telemetry for early warning, pump station capacities, and impacts on GSD outfalls.

2. We requested, and the COE concurred, that we would tie in the Griffith levee (Cline to EJ&E RR) on the portions that is on the RR right-of-way.

- A. This way we would only need one permit with the RR, all work on their right-of-way could be done by one contractor at the same time, and the Griffith contractor does not have \$4 million in liability insurance.

3. ERR going out for bids on March 23rd, contract award within 60 days, and projected construction start late in the summer of 1999.

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

WORK STUDY SESSION and COMMISSIONER'S MEETING

4 March 1999

Land Acquisition Committee Report: Chuck Agnew, Chairman

There was no Land Acquisition committee meeting this month, however this issues need to be discussed:

1.) It was agreed at the last COE and LCRBDC Real Estate Meeting on 2/25 to segment the Burr Street Betterment Levee in two (2) Phases:

Phase 1 - Includes all the levee properties north of the NIPSCO R/W and the ditch properties south of the NIPSCO R/W from the E.J. & E. Railroad east to Colfax with a "real estate available" deadline of 6/1/99 with 5/1/99 even better.

The railroad easements and the Colfax road-raising will be a one (1) year option.

Phase 2 - Includes all the remaining levee and ditch properties in the Stage. No date for a "real estate available" deadline as yet.

2.) It was agreed at the COE and LCRBDC Real Estate Meeting on 2/25 to *review* segmenting Stage IV-1 in two (2) Phases:

Phase 1 - Includes all of the drainage areas north of the river from 29th and Colfax to Burr Street and the small levee section from Burr Street to the Norfolk & Southern Railroad.

Phase 2 - The WIND property, the Norfolk & Southern and E.J. & E. Railroad easements, and the INDOT coordination will be a one (1) year option with a June 2000 "real estate available" deadline for all property easements.

3.) Representatives from three playground equipment companies will attend a meeting with the commissioners to explain their products and the ADA handicapped accessible regulations for the proposed handicapped accessible park. The meeting should run about an hour and a half with each representative having 30 minutes to make a presentation. We need a meeting date and time.

Representatives:

Diane Sinclair from Seevay Recreation

Dan Downey from Indiana Recreation Equipment & Design

Vic Levan from Great Lakes Recreation

4.) We sent a letter to the Northwest Indiana Foodbank informing them that we will not be renewing their \$1 yearly lease. We will advertise for bids to farm that area which is south of the levee and north of 35th Street. We received a reply from a NW IN Foodbank board member saying that the "farming" had become a contentious issue in the organization and the word "production" was eliminated from their mission statement. He wished us well in our farming endeavors.

5.) Boy Scout Troop 280 will be attending tonight to explain their community interest on our project to beautify the landside of the levee between Northcote and Columbia in South Hammond. Assistant Scoutmaster Walter Church and troop members will attend.

6.) Landowner Frank Gray (DC 505) owns Lots 37 and 38 in Block 1 of the Broadway Parkview Subdivision. He will attend the public meeting tonight to request removal of his properties from the project.



Gary Sanitary District

3600 West 3rd Avenue
Gary, Indiana 46404
(219) 944-0595
Fax: (219) 944-0250

November 17, 1998

Sent via facsimile and by regular mail.

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

RE: LCRBDC Pump Stations

Dear Mr. Gardner:

Attached please find a list of issues relating to the Gary Sanitary District's acceptance of ownership and operation of the subject facilities.

We would be pleased to discuss these items at your earliest convenience.

Sincerely,

Luci L. Horton, Director
Gary Sanitary District

/llh

Attachment: (1)

cc: Jim Pokrajac, LCRBDC

James B. Meyer, Esq., GSD Attorney

Paul J. Vogel, P.E., Greeley and Hansen, Engineers

GSD ISSUES RELATING TO LCRBDC/USACOE PUMP STATIONS

In order for the GSD to properly operate and maintain the facilities we recommend improvements be made to the constructed facilities that include:

- A. Providing security fencing around the pump stations and padlocking of all access hatches, sluice gate operators and control/electrical cabinets.
- B. Providing a telemetry system compatible with the GSD's new radio telemetry system that will indicate operating status of the pumps, alarm conditions, water level and other appropriate conditions at the WWTP Control Room. Include interface with the "flood monitoring and warning system" to be installed as referred to in Exhibit A, Article II.o of the Agreement.
- C. Providing trash racks at required facilities that are accessible during flooding events and designed to accommodate debris and able to be lifted by hoisting equipment provided. Refer to drawing "Pump Station at I-wall Structure 9-1" (2901 Grant Street). This trash rack arrangement will be difficult to maintain.
- D. We are concerned about the adequacy of the 2901 Grant Street Pumping Station. Is the capacity adequate to handle the flow from GSD's 42nd and Johnson station (current firm capacity 90 mgd) which is tributary to the Grant Street Pumping Station? Please advise.
- E. We are concerned about the impacts of the LCRBDC project on the GSD's outfall sewers, particularly at 32nd and Broadway as previously conveyed to the LCRBDC and USACOE. A resolution is necessary. Please advise of your thoughts.

With respect to the "Interlocal Agreement for the Construction, Operation and Maintenance of Pumping Stations in Gary, Indiana" please note:

- 1. We suggest the word "CONSTRUCTION" be deleted from the title.
- 2. We suggest for clarity, relative to naming of existing GSD pumping stations, that the stormwater pumping stations be provided with street addresses and names (revisions shown in bold and underlined) in the Agreement as follows:

- 2455 Ironwood Circle- Ironwood **Stormwater** Pumping Station
- 3151 South Broadway- Broadway **Stormwater** Pumping Station
- 2901 Grant Street- Grant Street **Stormwater** Pumping Station
- 3215 Burr Street- **North** Burr Street **Stormwater** Pumping Station

- 3. We suggest the use of the word "stormwater" be inserted in lieu of "water" at locations throughout the Agreement.

4. We suggest a deletion of the word "Inspect" from the GSD responsibilities. " Operation and maintenance" should cover the intended responsibilities of GSD.
5. We suggest that the Agreement clarify if any discharge permits (stormwater or NPDES) are needed for these facilities and, if so, which party is responsible for obtaining and complying with the permits.
6. We suggest that prior to executing the Agreement the GSD obtain a copy of the "monitoring and warning" plan referred to in Exhibit A, Article II.o to determine the GSD's responsibilities, if any. Other City of Gary agencies will need to be advised of these responsibilities.
7. We suggest that (WREP), acting as the District's Contractor for operation and maintenance, and GSD representative be present at the testing and start-up of each facility prior to acceptance of the facility by the "Government". A written list of concerns and issues (punch list) would be presented on GSD letterhead to the LCRBDC delineating items requiring completion prior to acceptance of the facilities by the GSD. LCRBDC should respond in writing and a follow-up review should be made by a GSD agent.
8. We suggest the Agreement be contingent on the written acceptance of the facilities by the LCRBDC, the LCRBDC design and construction engineer for the facilities, and the United States Army Corps of Engineers or other designated representative for the Little Calumet River Flood Control Project.

Additionally, we propose the following additional language be considered for inclusion in the Agreement:

- The Gary Sanitary District shall receive five (5) copies of complete and approved operation and maintenance manuals, record drawings (as-builts), contract documents, shop drawings and field reports for use in operating and maintaining the facilities.
- The Gary Sanitary District shall receive all specified spare parts and supplies.
- The Gary Sanitary District shall receive a written commitment to have the specified training provided to WREP staff by the Construction Contractor.
- The Gary Sanitary District shall receive copies of all written warranties and guarantees for equipment in the District's name so the enforcement of such warranties and guarantees can be made.
- The GSD shall receive written verification that any directly piped or sewer flows tributary to the new stormwater pumping stations have been constructed properly and that no illicit sanitary sewer connections are present. Closed circuit videotapes or approved field reports shall be provided to verify this prior to approval.

The Agreement is not clear as to which party, the LCRBDC or the GSD, will have the authority to enforce the one year warranty on workmanship and materials for the Constructed WORK as a whole. Items that may be of concern include surface restoration and after settlement of backfill and structures. This item should be clarified.



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696
Fax (219)762-1653

ROBERT TRELO, Chairman
Governor's Appointment

EMERSON DELANEY, Vice Chairman
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WILLIAM TANKE, Treasurer
Porter County Commissioners' Appointment

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MARION WILLIAMS
Lake County Commissioners' Appointment

VACANCY
Governor's Appointment

DAN GARNDER
Executive Director

LOUIS CASALE
Attorney

December 17, 1998

Mr. Imad Samara
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Imad:

On November 19th, we had an operational test for the Grant Street pump station with the Army Corps of Engineers, the Little Calumet River Basin Development Commission, Gary Sanitary District, City of Gary, and the manufacturer and installer of the pumps. At this meeting, it was discussed with the Gary Sanitary District that in order for them to accept this station, and as part of our agreement, they need the following information:

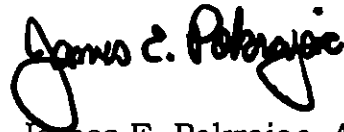
- All guarantees and warranties (please check to see who the guarantees and warranties are made out in the name of and if these will be transferable to the Gary Sanitary District)
- Three (3) sets of "as-built" plans and specifications of this pump station
- A letter from the Army Corps of Engineers regarding the preliminary inspection with the contractor showing that all punch list items have been completed and were accepted by the Army Corps of Engineers as per their plans and specifications
- A copy of the sign-in sheet for attendees of this meeting
- A list of materials and a turn-over sheet to be signed by the Little Calumet River Basin Development commission accepting all additional spare parts and tools necessary to operate this station
- The manufacturers suggested maintenance and operations schedules to properly maintain these pumps.

Mr. Imad Samara
December 17, 1998
Page 2

Will you please submit this information, and the necessary documents, at your earliest convenience in order that we may proceed with our agreement.

Some additional items may be requested from the Army Corps of Engineers by the Gary Sanitary District and we will inform you if there are any requests.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Pokrajac". The signature is stylized with a large, looped initial "J" and a cursive script for the rest of the name.

James E. Pokrajac, Agent
Engineering/Land Management

/sjm

cc: Jan Plachta, COE
Tom Deja, COE
Luci Horton, Gary Sanitary District
Paul Vogel, Greeley and Hansen
Jim Flora, R. W. Armstrong Co.

BURNS WATERWAY

Marina problems surface

■ Charter boat owner unable to use Portage Marina because of low water levels.

BY BOB KASARDA
Times Staff Writer

PORTAGE — Pete Hansen placed his 40-foot charter boat in the Burns Waterway last week in anticipation of docking it again this year at the city's new marina.

He paid the city \$2,470 to rent a slip for the boat, yet has been

unable to use it. Instead, he is paying \$150 a week to store his boat at the Hammond Marina.

The problem is the depth of the Burns Waterway, Hansen said. When his boat was placed in the water last week, it sat on the bottom until it was dragged out into the middle of the ditch. He then had to wait until a strong north wind brought enough lake water into the ditch in order to safely move the boat out of the shallows and over to Hammond.

While he is well aware that the lake levels are typically low this time of year, Hansen said that he spent

much of last summer and fall churning up the bottom of the ditch and damaging his boat twice as he carried charter customers to the lake for fishing and sightseeing trips. He and a friend also detected four or five spots recently along the ditch north of U.S. 12 where the water was between 2 1/2 and 3 feet deep.

As a result, Hansen is now attempting to secure boat slips at the marina in Michigan City.

"If I can't get a dock, I may need to cancel numerous charters this year," he said.

See PROBLEMS, A-6



Charter boat owner Pete Hansen says the shallow depth of the water in the Burns Waterway — caused by what some say is inadequate dredging — prevents his boat from accessing Portage's city marina, where he pays for a slip.

ALDINO GALLO / THE TIMES

A-6 THURSDAY MARCH 4, 1999

PORT

Problems

Continued from A-1

In response to Hansen's plight and concerns of his own as a boat owner, City Council member Mark Oprisko called on the city Tuesday night for help.

"I'm worried about my boat going from Doyne's (Marina, where boats are launched) to my slip and my slip out to the lake," Oprisko said.

While Mayor Sammie Maletta did not anticipate that the water levels will have an impact on most of the boaters at the marina, he did say that he planned to respond to the concern by trying once again to convince the U.S. Army Corps of Engineers to follow through on its end of an agreement 15 years ago to dredge the waterway.

"It's been a constant fight on our part with the corps," he said.

The Army Corps had agreed to maintain Burns Waterway as part of a deal under which the state would help fund both the construction of a breakwater at the mouth of the ditch and a dredging project, as well as build a local marina, city engineer John Hannon said.

The breakwater and dredging projects were completed some 15 years ago, he said, and the marina is nearly complete. Yet the Army Corps has not been back to dredge the ditch.

"It's a budget, priorities question," said Don Wadleigh, operations managers with the Army Corps' Chicago District.

The dredging project has been included in each of the Army Corps' budgets since 1997, the year after the city's marina opened, he said. The reason the work has not been done is that like so many other federal agencies, the Army

"To me, it's wrong that they're requiring you to buy it when the river is not navigable."

Pete Hansen, boat owner on the required purchase of a Port Authority boat sticker

Corps has more projects than funds.

"So we've had to make some pretty hard decisions," Wadleigh said of the prioritizing process.

Will there be funds available for the work anytime soon?

"That's anybody's guess at this point," he said.

In the meantime, Hansen is out \$2,470 for one boat slip and \$1,190 for a second at the Portage Marina if he is unable to navigate the waterway. He is also unhappy about having to purchase a Port Authority boat sticker that is supposed to generate money for waterway maintenance.

"To me, it's wrong that they're requiring you to buy it when the river is not navigable," Hansen said.

As harbormaster at the Portage Marina, Michael Doyne said that he knew of no other boaters who have been unable to use the site because of the water levels in the ditch.

Whether Hansen will be refunded his money, Doyne could not say. The contract for the boat slips say that no refunds will be given, he said but Hansen could receive all but a small processing fee back if his slips are rented to another boater. There is a waiting list for the slips.

Little Calumet Cleanup/Planting Project

Boy Scout Troop 280, with cooperation of the ^{Hammond} local crime watch group proposes the following project.

Phase 1: Clean the outer side of the Little Calumet River Bank of debris, from Columbia Avenue to Northcote Avenue. (Hammond side)

Phase 2: Clean the outer side of the Little Calumet River Bank of dead trees, and other deciduous life form that will be detrimental to the planting of the Wild Flowers.

Phase 3: Spread wood chips on top of the river bank, from Columbia Avenue to Northcote. This will serve as a natural trail for those wishing to view the river and its surroundings.

Phase 4: Spreading of Wild Flowers that compliment the river and its natural setting. Making sure the structure of the bank, and the wildlife habitat is not be disturbed.

Our hope is for this project to become a learning environment for the neighborhood, Boy Scouts, and students from both Riley and Gavit Middle schools. (or any other interested schools)

We will be working with the following organizations for assistance and technical support should our program be approved.

Gibson Woods Nature Preserve
Arbor Day Foundation
Department of Natural Resources
Department of the Interior
Army Corps. of Engineers
Allen Landscaping
Hammond Parks Department
Hammond City Engineer

Our organization is requesting: \$5,000

Seeds:	50 1lb bags (1 bag covers 2,000 SqFt)	\$2,500.00
Trees:	Approximately 5 - 10 Trees	\$1,000.00
Equipment:	Lawn mowers, Axes, Wheel Barrel, Loppers, Sickels Rakes, Shovels,	\$1,000.00
Misc. Items:	Gloves, Bags, Rope, Blades, Maintanace, Fuel	\$500.00

Other Funding Sources will be coming through volunteer hours, and in-kind donations from groups listed above. Our group will continually look for other funding sources

that may be available through the government or other organizations in the form of grants.

List of Board Members:

Category: Civic Betterment



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

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VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOUIS CASALE
Attorney

March 4, 1999

Mr. David B. Sanford, Jr.
Chief, Policy Division
Directorate of Civil Works
U.S. Army Corps of Engineers
Washington, D.C. 30214-1000

Dear Mr. Sanford:

The Little Calumet River Basin Development Commission is writing in response to your letter dated November 13, 1998 which renders a decision that the flowage easements in the "East Reach Remediation Area" of the Little Calumet River Project shall be a non-Federal responsibility for which no credit shall be afforded. We are writing to respectfully, but strongly, disagree with this decision. In our previous letter of May 11, 1998 to Douglas Lamont, we outlined some of our concerns with the Project Post Authorization Change (PAC) Report dated May 1997. We also had requested a meeting in person or by conference call to present our position prior to a decision being made, but that was defacto not granted.

The Little Calumet River Basin Development Commission is informing you that we are asking our area congressman, Rep. Peter Visclosky, request an administrative review at the Assistant Secretary of the Army for Civil Works level to review our contention and documentation; that the PAC for the East Reach Remediation area in Gary, Indiana was indeed a "taking" and therefore, eligible for project credit as to the value of the easements acquired.

This is an important issue to the Development Commission in principal and in actual dollars - some \$500,000 of easement acquisitions in question. Following this cover letter, we are including our legal position paper and documentation for your information.

If you have any questions regarding this letter, please feel free to contact me at 219/763-0696.

Sincerely,


Dan Gardner
Executive Director

/sjm
encl.

MEMORANDUM REGARDING CREDITING
FOR ACQUISITION OF EAST REACH REMEDIATION
FLOWAGE EASEMENTS

Introduction

Construction of the Little Calumet River, Indiana Local Flood Protection and Recreation Project at the Little River Calumet River between the Illinois-Indiana state line and Consolidated Rail Corporation Railroad crossing in Gary, Indiana (hereinafter referred to as the "Project") began as a flood control measure along the approximately 13 miles of the Little Calumet River. It has consisted of structural and non-structural flood control measures together with the construction of recreation hiking trails and facilities throughout the Project area. One of the non-structural flood control measures is the purchase of flowage easements in the targeted areas. It is the purchase of flowage easements in an area known as the East Reach Remediation Area (ERR) which forms the topic for this memorandum.

The Little Calumet River Basin Development Commission (hereinafter "the Commission") recently received notice that the United States Army Corps of Engineers (hereinafter "the Corps") is refusing it credit for the purchase of flowage easements in the ERR Area. As part of its agreement with the Corps, the Commission purchases land using local and state monies and then receives credit for these purchases from the Corps.

In denying the Commission credit, the Corps' position is that no "taking" will occur by virtue of induced damages created by the Project. In other words, the flooding induced by the Project is a "de minimis" intrusion upon the landowners and does not rise to the level of a compensable taking under the Fifth Amendment.

It is the Commission's position that induced flooding by the Project goes far beyond a minimal intrusion and well into the realm of a compensable taking such that the Corps should now allow a credit for the acquisition of such land as required by the State DNR permit regulations.

Findings:

Project-induced flooding in the target areas constitutes a physical invasion of private property by the government under the *Loretto* line of cases. Further, the Project when completed will result in intermittent, frequent and inevitable flooding which is the natural and probable consequence of governmental action with substantial damages to the landowners. In sum, when the government floods a landowner's property, as here, the Takings Clause of the Fifth Amendment requires compensation if the government authorizes a compelled physical invasion of the property. Therefore, the Corps is not justified in refusing the Commission credit for acquiring these lands in the Commission's attempt to purchase flowage

easements on the basis that the Project-induced flooding does not rise to the level of a "takings." The ERR flowage easements are a taking and just compensation to the landowners is a cost share in this Project creditable under the Local Cooperation Agreement (LCA) between the Corps and Commission.

Analysis of Takings Issue:

The Fifth Amendment of the United States Constitution provides, in part, that private property shall not "be taken for public use without just compensation." As the Supreme Court has explained: "Property is taken in the constitutional sense when in-roads are made upon an owner's use of it to an extent that, as between private parties, a servitude has been acquired either by agreement or in course of time." *United States v. Dickinson*, 331 U.S. 745, 748, 67 S. Ct. 1382, 1384, 91 L.Ed. 1789 (1947).

As early as 1872, in *Pumpelly v. Green Bay Co.*, 13 Wall. (80 U.S.) 166, 20 L.Ed. 557, the Supreme Court held that a defendant's construction, pursuant to state authority, of a dam which flooded plaintiff's property constituted a taking. A unanimous Court stated, without qualification, that "where real estate is actually invaded by superinduced additions of water, earth, sand or other material, or by having any artificial structure placed on it, so as to effectually destroy or impair its usefulness, it is a taking, within the meaning of the Constitution." *Id.*, 13 Wall. (80 U.S.) at 181.

Prior to Justice Holmes's exposition in *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 43 S. Ct. 158, 67 L.Ed. 322 (1922), it was generally thought that the Takings Clause of the Fifth Amendment reached only "direct appropriation" of property, or the functional equivalent of a "practical ouster of the owner's possession." If the uses of private property were subject to unbridled, uncompensated qualification under the police power, "the natural tendency of human nature [would be] to extend the qualification more and more until at last private property disappear[ed]." *Id.* at 415, 43 S. Ct. at 160. These concerns gave rise to the oft-cited maxim that, "while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking." *Ibid.*

In the years following, our Supreme Court was reluctant to develop any set 'formula' for determining what was "going too far," rather, the Court engaged in essentially ad hoc, factual inquiries. *Penn Central Transportation Co. v. New York City*, 438 U.S. 104, 124, 98 S. Ct. 2646, 2659, 57 L.Ed.2d 631 (1978). However, the Court in the 1980's described two discrete categories of regulatory action as compensable *without* case-specific inquiry into the public interest advanced in support of the restraint.

The first category in which the Court has carved out categorical treatment is where regulation denies "all economically beneficial or productive use of land." *Lucas v. South Carolina Coastal Council*, 112 S. Ct. 2886, 505 U.S. 1003 (1992); *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 834, 107 S. Ct. 3141, 3147, 97 L.Ed.2d 677 (1987).

Compensation is required only if considerations such as the purpose of the regulation or the extent to which it deprives the owner of the economic use of the property suggest that the regulation has unfairly singled out the property owner to bear a burden that should be borne by the public as a whole. This first category requires courts to balance complex factual assessments of the purposes and economic effects of government actions. The second category, where government compels a property owner to suffer a "physical invasion" of property, requires courts to apply a much clearer, single rule.

Where the government authorizes a physical occupation of property (or actually takes title), the Takings Clause requires compensation. With regard to this latter category, the Supreme Court has clearly stated that no matter how minute the intrusion, and no matter how weighty the public purpose behind it, compensation is required. This landmark rule was announced in *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 102 S. Ct. 3164, 73 L.Ed.2d 868 (1982). In *Loretto*, the Court determined that New York's law requiring landlords to allow television cable companies to emplace cable facilities in their apartment buildings constituted a taking, *id.*, at 435-440, 102 S. Ct., at 3175-3178, even though the facilities occupied at most only 1 ½ cubic feet of the landlords' property, see *id.*, at 438 n. 16, 102 S. Ct., at 3177. See also *United States v. Causby*, 328 U.S. 256, 265, and n. 10, 90 L.Ed. 1206 (1946) (physical invasions of airspace); cf. *Kaiser Aetna v. United States*, 444 U.S. 164, 100 S. Ct. 383, 62 L.Ed.2d 332 (1979) (imposition of navigational servitude upon private marina.).

In so holding, the Court emphasized that a physical invasion is the most serious form of invasion of an owner's property interests; "the government does not simply take a single "strand" from the "bundle" of property rights: it chops through the bundle, taking a slice of every strand." *Id.* at 3176, 458 U.S. at 435.

Furthermore, with regard to government-flooding of lands, it has been held that where the government subjects a claimant's land to flooding, the Government may be deemed to have taken a flowage easement over the affected land. *Cooper v. U.S.*, 37 Fed.Cl. 28, 35-36 (1996). In order to establish that the Government has taken an easement by flooding, a plaintiff must prove by a preponderance of the evidence that 1) the flooding was intermittent, frequent, and inevitably recurring; 2) the flooding was the natural and probable consequence of government action; and 3) the flooding resulted in substantial damage to the plaintiff's property. *Id.* at 36.

A plaintiff need not prove that the government intended to take their property. *Baird v. United States*, 5 Cl. Ct. 324, 329 (1984). Additionally, it is the *character* of the invasion, not the amount of damage which results from it, which determines whether a taking has occurred. *Id.* See also *United States v. Cress*, 243 U.S. 316, 328, 37 S. Ct. 380, 385, 61 L.Ed. 746 (1917).

Put another way, whether the government floods a landowner's property, or does no more than require a landowner to suffer the installation of cable, the takings clause requires compensation if the government authorizes compelled physical invasion of the property. *Yee v. City of Escondido, California*, 503 U.S. 519, 112 S. Ct. 1522, 118 L.Ed.2d 153 (1992). Further, our Supreme Court has recognized that even "temporary" deprivations of use are compensable under the Takings Clause. See *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304, 107 S. Ct. 2378, 96 L.Ed. 2d 250 (1987).

Applying the above analysis to the issue at hand, there is no question that Project-induced flooding is clearly a "physical invasion" of private property requiring compensation under *Loretto*. Further, under *Cooper*, it is clear that Project-induced flooding will be intermittent, frequent, and inevitably recurring, that the flooding is a natural and probable consequence of government action, and that the flooding will result in substantial damage to the landowners of the targeted areas. Taking each element of *Cooper* in isolation:

Intermittent, frequent, and inevitably recurring:

Prior to improvements in modeling, results showed that with the flood control Project in place, a less than 0.1 foot increase in river stages east of the project limits for the 1% event would occur. By 1992, improvements in the modeling had been made and new results showed that the Project did induce a 1% event river stage increase of up to .8 feet water.

Furthermore, families in sub-reach 3 of the ERR are currently being relocated. Flooding significant enough to warrant relocation strongly indicates a concern for the frequency and inevitable recurrence of significant Project-induced flooding. In other words, if flooding is deemed significant enough to warrant relocation, it is surely sufficient to constitute a "taking" of vacant land inundated with .8 feet of added water.

Natural and probable consequence of government action:

There can be no question that the flooding is a natural and probable consequence of government action. The Project-induced flooding is a joint cooperative venture of the Corps and Commission.

Substantial damage:

Project-induced flooding will result in substantial damages. Based upon the criteria established by the Corps to determine compensation for the taking caused by the Project-induced flooding over the ERR, the just compensation in the subject area will be as much as several hundred thousand dollars (See Exhibit "A" attached hereto). This figure is further supported by the fact that the appraised value has been approved

by the Corps review appraisers. Other Average Project-induced damages can be found in the Post Authorization Change Report.

Other Factors:

Aside from the takings issue, other factors point to the conclusion that the Commission should be allowed credit for the acquiring of the targeted lands and just compensation to the landowners should be a cost shared in this Project:

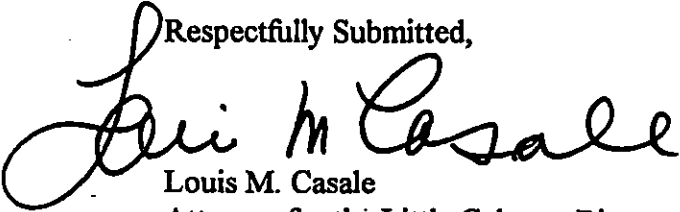
- The Corps' refusal to grant the Commission credits for the purchase of the targeted areas is in direct derogation of the contractual agreement as summarized in the Local Cooperation Agreement between the Corps and Commission.
- The Commission is required to purchase the flowage easements pursuant to Indiana State law; The Corps' conduct in granting comity to the state DNR permitting scheme expressly authorized the purchase of the targeted land for which the Corps cannot now deny.
- In the Post Authorization Change Report of May 1997, the Corps expressly recommended, included and *approved* a plan that comprised of paying for flooding easements. This Report clearly shows that the Corps contemplated the increased cost of acquiring the flowage easements.
- In the same Report, the Corps expressly calculated and budgeted for the operation and maintenance of flowage easements in the ERR Area.
- No explanation, documentation, or analysis of the takings issue is cited in the Corps' decision to refuse the Commission credit. Other than a single memorandum from a Chicago District Corps Attorney, no analysis of the takings issue was attempted by the Corps. A review of this memorandum reveals no conclusion as to the takings issue as it applies to this matter.

Conclusion:

In sum, Project-induced flooding in the target areas constitutes a physical invasion of private property by the government. The Project, when completed, will result in intermittent, frequent and inevitable flooding which is the natural and probable consequence of governmental action with substantial damages to the landowners. As such, the flowage easements constitute a "taking" under the Fifth Amendment of the Constitutional of the United States. Further, a review of the Corps' own appraisal values, the fact that the Corps and Commission clearly contracted for the purchase of the targeted areas, the fact that the

Corps granted comity to the State of Indiana's permitting regulation, and the fact that the Corps clearly contemplated and budgeted for the acquisition and maintenance of the flowage easements, all point to a single conclusion - that the Corps should credit the Commission for the acquisition of the targeted areas and share in the joint costs of such acquisition.

Respectfully Submitted,

A handwritten signature in black ink, reading "Louis M. Casale". The signature is fluid and cursive, with the first name "Louis" being the most prominent.

Louis M. Casale
Attorney for the Little Calumet River
Basin Development Commission

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

Total Acreage and Value for the Flowage Easements to be Acquired in the east Reach Remediation Area

<u>DC#</u>	<u>Total acreage</u>	<u>Appraised Value per acre</u>
<u>Gary School Corporation:</u>		
701	22.0	\$1,575
<u>Gary Parks & Recreation:</u>		
703	35.0	\$1,575
<u>NIPSCO:</u>		
704, 705, 706	64.0	\$1,440
<u>Gary Parks & Recreation:</u>		
50 miscellaneous tracts	113.0	\$1,575
<u>Gary School Corporation:</u>		
21 miscellaneous tracts	35.0	\$1,710
<u>Private owners:</u>		
739	1.0	to be appraised
740	1.0	to be appraised
741	1.0	to be appraised
742	1.0	to be appraised
744	1.0	to be appraised
745	1.0	to be appraised
746	1.0	to be appraised
747	1.0	to be appraised
748	1.0	to be appraised
752	1.0	to be appraised
753	1.0	to be appraised
754	1.0	to be appraised
755	1.0	to be appraised
756	1.0	to be appraised
757	1.0	to be appraised
758	1.0	to be appraised
763	1.0	to be appraised
786	1.0	to be appraised
790	.5	to be appraised
791	.5	to be appraised
798	6.5	to be appraised
799	.5	to be appraised
800	1.5	to be appraised
810	.5	to be appraised
811	.5	to be appraised
812	.5	to be appraised
813	5.0	to be appraised
814	2.0	to be appraised
815	1.0	to be appraised
816	19.0	\$1,600
Total	325 acres	\$9,475 - 6 = \$1,579 rounded to \$1,580 per acre average



Reconciliation:

Flowage acres in East Reach Remediation = 325 acres
Average land value = \$1,580 per acre

Landowners have consistently requested we take their property in fee.

If taken in fee 325 acres x \$1,580 per acre = \$513,500 total land value

Taken as a 40% easement (the USACE lesser interest) = 40% easement value x \$513,500 land value = \$205,400

Perhaps both scenarios could be explained in our Memorandum to the USACE.

Already completed appraisals explain the 40% easement value (DC 701, DC 703, DC 704-706, DC 707, the 50 miscellaneous tracts owned by Gary Parks & Recreation, the 18 miscellaneous tracts owned by the Gary School Corporation. They also explain highest and best use of the land as agriculture and give a very good description of crop destruction in the event of heavy rains.

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Portage Public Marina Financial Report 1998

OCTOBER 1998

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Year to
Income													Date Total
Docks	49146.61	53745.01	48558.7	4810.67	1430	100	1555	500	1405	1700			162950.99
Ramps	6	828	585	1248	1908	4995	5415	3495	2751	1197			22428
Tran. Slips	80			20	40	160	1400	250	2280	3085			7275
Misc.		1.19	13.09	22.81	110.87	354.14	543.83	398.27	208.25	33.32			1693.37
Marine Access.		18.95	16.45	58.37	211.07	282.07	501.12	207.44	138.33				1433.8
Pumpouts				15	70	125	165	105	160	250			890
Sales Tax		1.01	1.48	4.07	16.14	32.47	52.48	30.39	17.41	1.68			157.13
Coca-Cola					35.91	39.94	87	79.55					242.4
Non-taxable Misc.				20	3	4	24	19	11	5			86
											Year to Date Total		197156.69
Total Amount	48212.61	54584.16	49174.72	6196.72	3824.79	6102.62	9743.43	5082.65	6950.99	6272	0	0	197156.69
Expenses													
Mngmt. Contract					2500		2500		2500				7500
Insurance						9988	2096.53						12084.53
Equipment			374.98				905.75						1280.73
Equip. Repair			432.35			178.1	318.13	268.13	200	88.5			1483.21
Misc. Const.							200	142.19	100				442.19
Misc. Supply&Tool	24.91	31.49	33.6	719.34	200.98	590.5	223.71	202.94	51.12	197.27			2275.84
Office Supplies	287.77	170.56	249.95	19.13		107.45	328.49	63.73	89.58				1316.64
Postage	80						80		128				288
Operating Supplies				702.27	639.31	1112.64	1110.06	427.88	252	273.82			4518.18
Marine Access.							185.88	281.44					467.3
Part-Time	568.92	1326.79	1135.31	2319.48	3358.24	4412.16	4510.83	3718.64	2797.73	2098.79			28247.89
Printing										123.95			123.95
Profess. Service				37.5					150				187.5
Security									144.9				144.9
Freight				21.21									21.21
Gas	198.33	121.76	96	70.05		42.9	41.41	20.48	30.85	40.37			880.13
Electric	1427.85	1129.05	1147.5	1075.07	653.58	656.77	2485.64	1088.4	4212.8	1884.57			15719.23
Water	96.49	152.52		310.61	154.34	200.8	182.04	342.42	231.54	201.84			1872.59
Telephone	53.49	108.88	57.34	148.62	116.57	172.28	82.11	58.59	119.23	119.36			1012.58
Waste Mngmt.	90	90	90	90	98	98	155		355	145.33			1211.33
Bond Payment		28643.84							28643.84				57287.68
Nipco Lease								6300					6300
Uniforms						188.5							188.5
											Year to Date Total		142634.11
Total Amount	2825.75	31772.99	3617.03	5513.28	7722	17746.31	15385.58	12910.82	40008.57	5153.8	0	0	142634.11

PORTAGE PUBLIC MARINA

YEAR END 1998

DEVELOPMENT FUND:	\$18,828.34
(capital funds)	

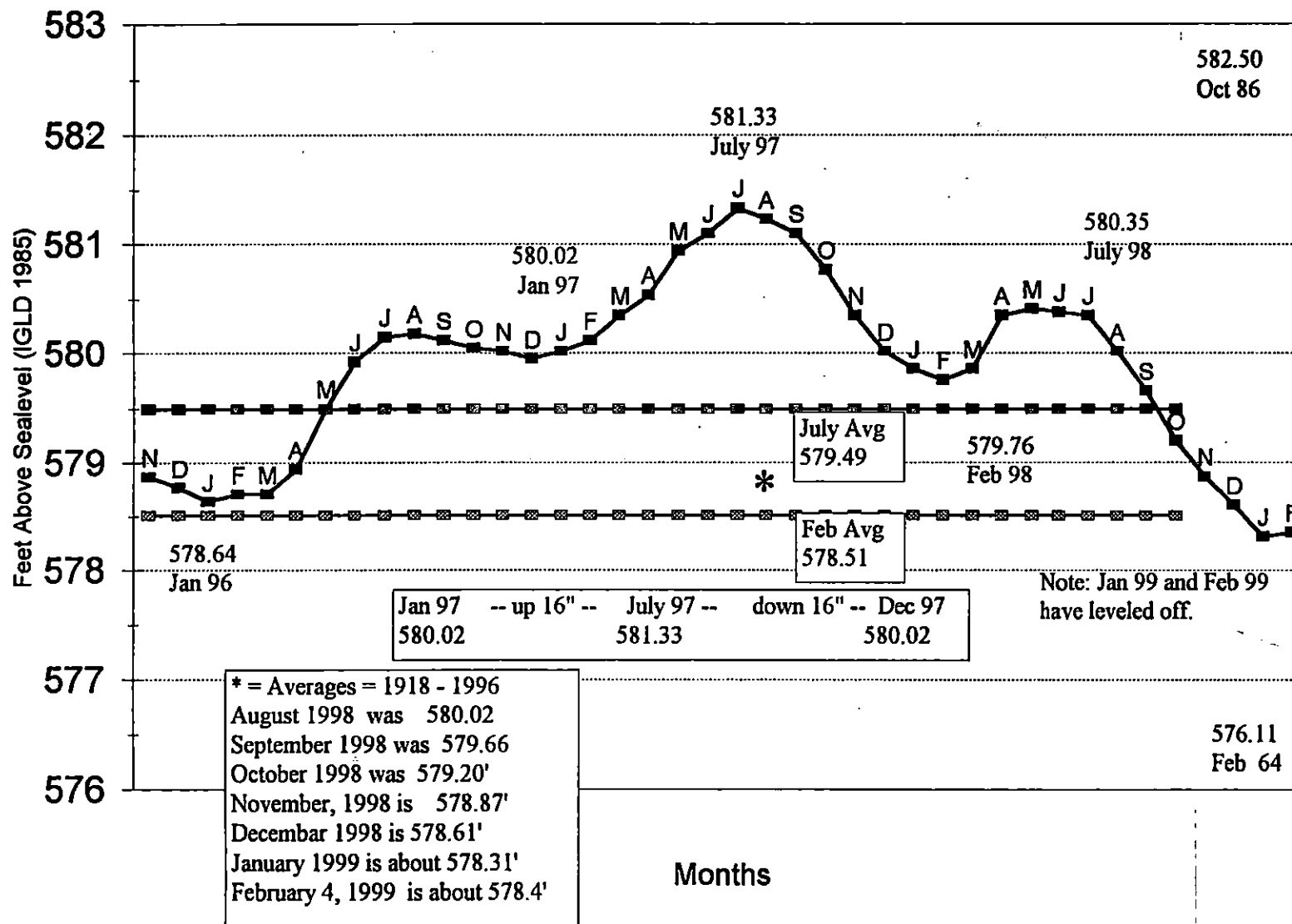
OPERATIONS ACCOUNT:	\$50,510.99
(fees collected)	

Note: These numbers are the average of 6 gages in Lake Michigan and Huron.

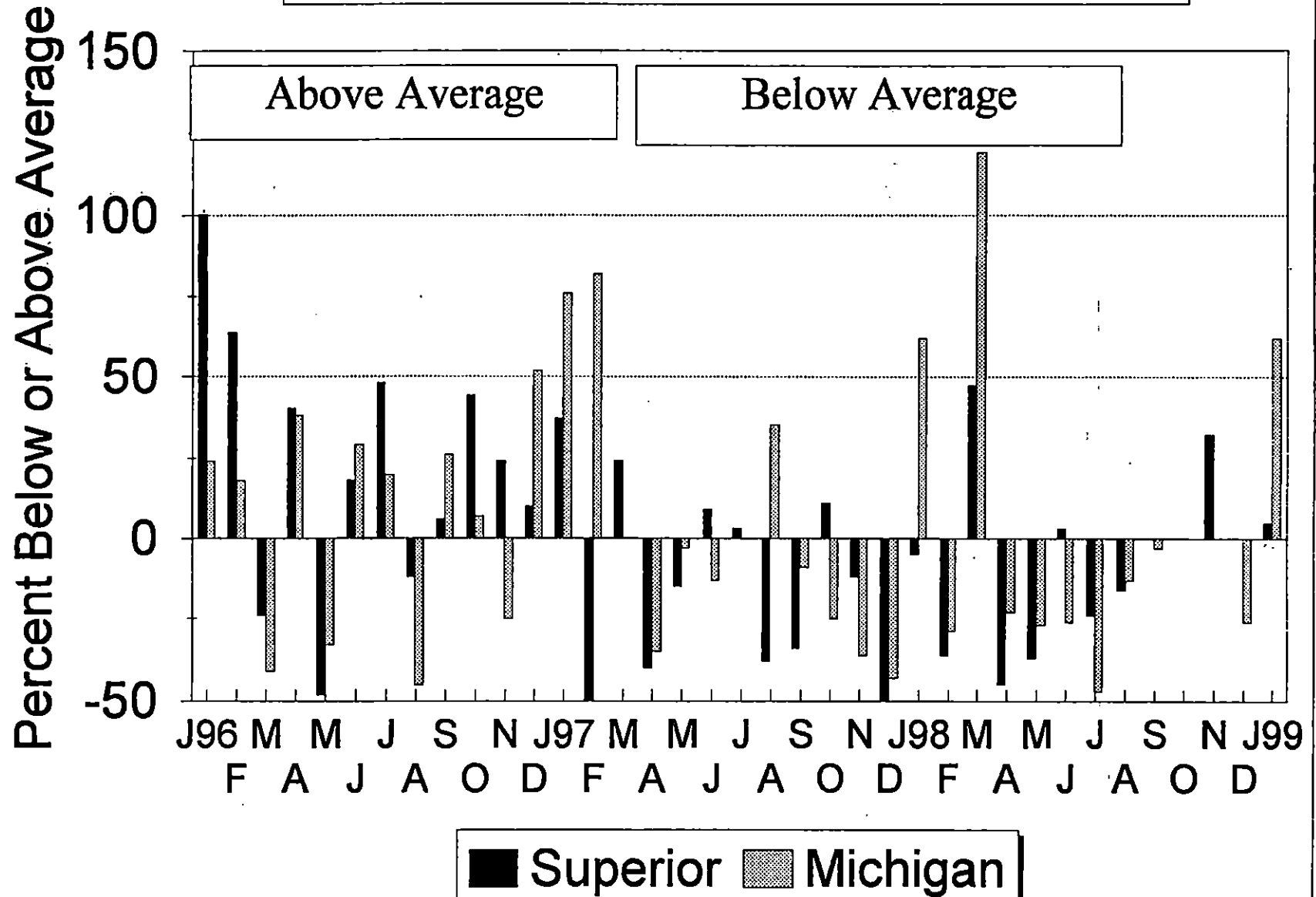
LAKE MICHIGAN LAKE LEVEL 1996 - 1999

Monthly Averages Plotted

Corps of Engineers Monthly Lake Level Bulletin Values
November 1995 to February 1999



Percent Average Precipitation 1996 to 1999



Note: These numbers are from the
Calumet Harbor, Ill. gage.

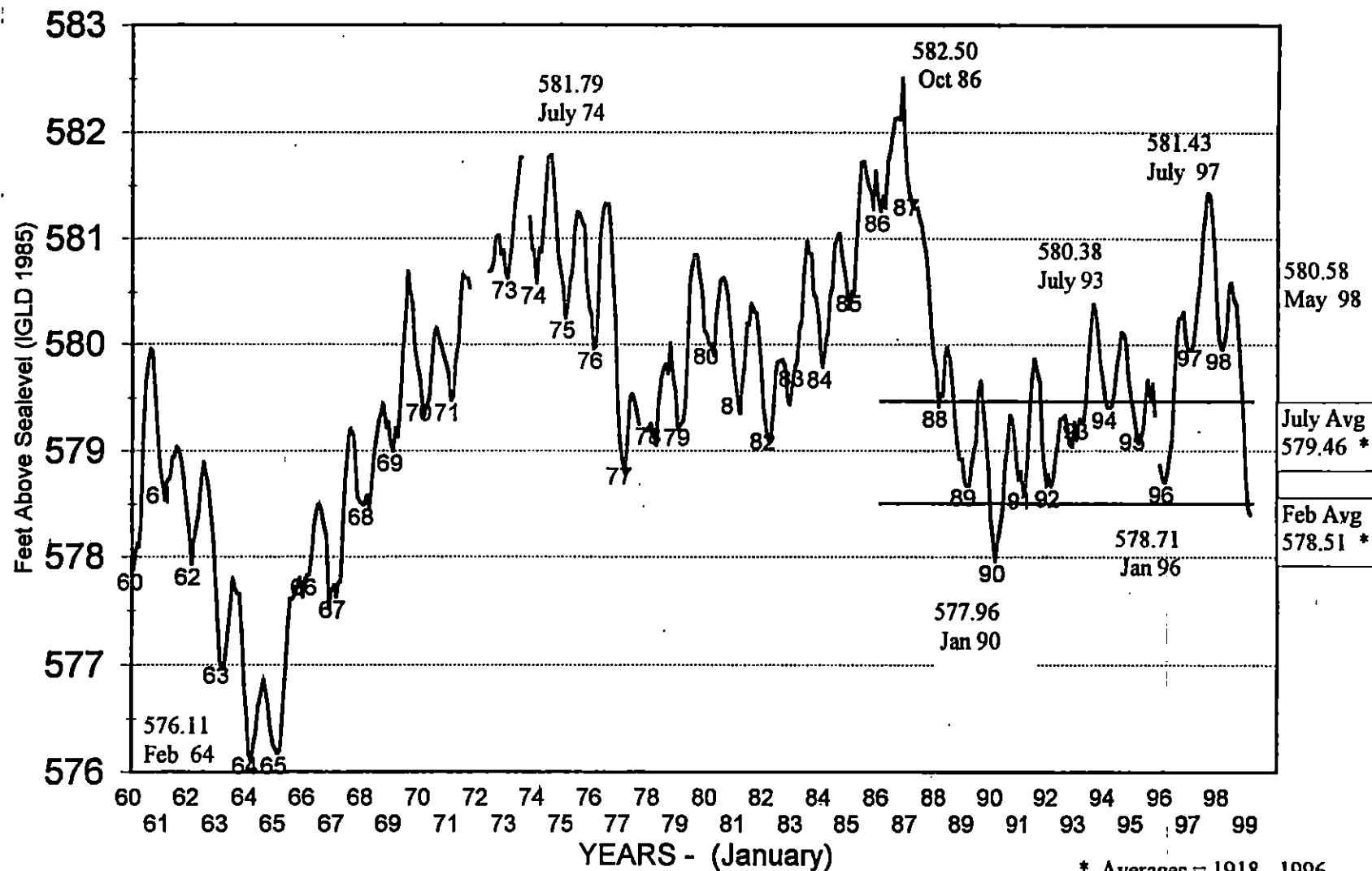
LAKE MICHIGAN LAKE LEVEL 1960 - 1999

Monthly Averages Plotted

Last Plotted Point December 98 = 578.44'

January 1999 estimate 578.40'

Calumet Harbor, Ill. Station



REVISED**CLAIMS PAYABLE FOR FEBRUARY 1999**

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5811	LOUIS CASALE	283.33	RETAINER FEE BILLED THROUGH 2/26/99
5811	LOUIS CASALE	112.00	ADD'L LEGAL SERVICES THROUGH 2/23/99
5821	JIM POKRAJAC	19.50	REIMBURSEMENT FOR PARKING & TOLLS FOR MTG 2/5/99
5821	SANDY MORDUS	6.72	MILEAGE 2/17/99-2/23/99
5822	AL JACOBS	319.00	SIGNATURE PLATES FOR NEW OFFICERS
5824	GTE NORTH	65.82	MODEM TELEPHONE SERVICE 1/28/99-2/28/99
5824	GTE NORTH	127.16	BILLING PERIOD 2/16/99-3/16/99(TOTAL BILL 263.55,KRBC 136.39)
5838	LOUIS CASALE	7,126.58	LAND ACQUISITION/LEGAL SERVICES THROUGH 2/23/99
5841	ASSOC. PROPERTY COUNSELORS	2,500.00	APPRAISAL FEE FOR DC-505
5841	ASSOC. PROPERTY COUNSELORS	7,000.00	APPRAISAL FEE FOR DC-598 & DC-597
5842	R. W. ARMSTRONG	682.50	O & M MANUAL REVIEW FOR PERIOD ENDED 2/12/99
5842	R. W. ARMSTRONG	3,769.80	PROFESSIONAL SERVICES FOR PERIOD ENDED 2/12/99
5843	LAKE COUNTY RECORDER	25.00	RECORD DEEDS FOR DC-107
5843	LAKE COUNTY RECORDER	23.00	RECORD DEEDS FOR DC-818
5843	CHICAGO TITLE INSURANCE CO	345.00	TITLE WORK PREFORMED FOR DC-264
5844	JUDITH VAMOS	2,180.50	LAND ACQUISITION/MGMT SERVICES 2/1/99-2/15/99
5844	JAMES POKRAJAC	3,496.00	LAND ACQUISITION/MGMT SERVICES 2/1/99-2/15/99
5847	COLE ASSOCIATES INC	2,725.00	SURVEYING SERVICES EAST REACH/I-65 SLUICE GATE
5847	GREAT LAKES ENGINEERING	17,615.50	SURVEYING SERVICES FOR BETTERMENT LEVEE
5847	GREAT LAKES ENGINEERING	2,690.00	SURVEYING SERVICES FOR WIND TOWERS SIV-1
5848	PLANET BLUE MEDIA SERVICES	1,950.00	BAL OF ESTIMATE FOR VIDEO
5848	PLANET BLUE MEDIA SERVICES	1,075.00	ADDITIONAL COST INCURRED W/VIDEO OF PROJECT
5861	ROSALIND MORGAN	2,300.00	PURCHASE PRICE OF DC-348/DC-349
5861	LUCAS,HOLCOMB,& MEDREA	300.00	FILING FEE REIMBURSEMENT FOR DC-139,480,492
5861	NORFOLK RAILROAD CORPORATION	11,590.00	PURCHASE PRICE OF DC-593 EASEMENTS
5861	LAKE COUNTY CLERK	2,610.00	PURCHASE PRICE OF DC-818
5861	LAKE COUNTY CLERK	212.00	PURCHASE PRICE OF DC-107
5861	STAR REGISTER PUBLICATION	17.00	NOTICE FOR DC-377
5863	LAKE COUNTY TREASURER	2,268.84	TAXES FOR DC-487,LOT 1 BLK 2,LOT 2 BLK 2
5881	CNA	563.00	INSURANCE FOR COMMISSION OWNED PROPERTY
TOTAL		73,998.25	

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
MONTHLY BUDGET REPORT, FEBRUARY 1999 REVISED

		1999							6 MONTH ALLOCATED	UNALLOCATED BUDGETED
		BUDGET	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL	BALANCE
5801	PER DIEM EXPENSES	16,000.00	50.00	0.00	0.00	0.00	0.00	0.00	50.00	15,950.00
5811	LEGAL EXPENSES	8,500.00	647.33	395.33	0.00	0.00	0.00	0.00	1,042.66	7,457.34
5812	NIRPC SERVICES	125,000.00	18,196.34	0.00	0.00	0.00	0.00	0.00	18,196.34	106,803.66
5821	TRAVEL/MILEAGE	14,000.00	24.64	26.22	0.00	0.00	0.00	0.00	50.86	13,949.14
5822	PRINTING/ADVERTISING	5,000.00	0.00	319.00	0.00	0.00	0.00	0.00	319.00	4,681.00
5823	BONDS/INSURANCE	7,500.00	276.00	0.00	0.00	0.00	0.00	0.00	276.00	7,224.00
5824	TELEPHONE EXPENSES	7,000.00	519.16	192.98	0.00	0.00	0.00	0.00	712.14	6,287.86
5825	MEETING EXPENSES	8,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,000.00
5838	LEGAL SERVICES	125,000.00	4,540.71	7,126.58	0.00	0.00	0.00	0.00	11,667.29	113,332.71
5840	PROFESSIONAL SERVICES	500,000.00	31,930.55	46,077.30	0.00	0.00	0.00	0.00	78,007.85	421,992.15
5860	PROJECT LAND PURCHASE EXP.	1,307,081.00	33,700.00	19,297.84	0.00	0.00	0.00	0.00	52,997.84	1,254,083.16
5881	PROPERTY/STRUCTURE INS.	25,000.00	0.00	563.00	0.00	0.00	0.00	0.00	563.00	24,437.00
5882	UTILITY RELOCATION EXP.	200,000.00	105.00	0.00	0.00	0.00	0.00	0.00	105.00	199,895.00
5883	PROJECT LAND CAP. IMPROV.	250,000.00	60.00	0.00	0.00	0.00	0.00	0.00	60.00	249,940.00
5884	STRUCTURES CAP. IMPROV.	25,000.00	270.00	0.00	0.00	0.00	0.00	0.00	270.00	24,730.00
		2,623,081.00	90,319.73	73,998.25	0.00	0.00	0.00	0.00	\$164,317.98	\$2,458,763.02

		1999							12 MONTH ALLOCATED	UNALLOCATED BUDGETED
		BUDGET	JULY	AUGUST	SEPTEMBE	OCTOBER	NOVEMBE	DECEMBE	TOTAL	BALANCE
5801	PER DIEM EXPENSES	16,000.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	15,950.00
5811	LEGAL EXPENSES	8,500.00	0.00	0.00	0.00	0.00	0.00	0.00	1,042.66	7,457.34
5812	NIRPC SERVICES	125,000.00	0.00	0.00	0.00	0.00	0.00	0.00	18,196.34	106,803.66
5821	TRAVEL/MILEAGE	14,000.00	0.00	0.00	0.00	0.00	0.00	0.00	50.86	13,949.14
5822	PRINTING/ADVERTISING	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	319.00	4,681.00
5823	BONDS/INSURANCE	7,500.00	0.00	0.00	0.00	0.00	0.00	0.00	276.00	7,224.00
5824	TELEPHONE EXPENSES	7,000.00	0.00	0.00	0.00	0.00	0.00	0.00	712.14	6,287.86
5825	MEETING EXPENSES	8,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,000.00
5838	LEGAL SERVICES	125,000.00	0.00	0.00	0.00	0.00	0.00	0.00	11,667.29	113,332.71
5840	PROFESSIONAL SERVICES	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	78,007.85	421,992.15
5860	PROJECT LAND PURCHASE EXP.	1,307,081.00	0.00	0.00	0.00	0.00	0.00	0.00	52,997.84	1,254,083.16
5881	PROPERTY/STRUCTURE INS.	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	563.00	24,437.00
5882	UTILITY RELOCATION EXP.	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	105.00	199,895.00
5883	PROJECT LAND CAP. IMPROV.	250,000.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	249,940.00
5884	STRUCTURES CAP. IMPROV.	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	270.00	24,730.00
		2,623,081.00	0.00	0.00	0.00	0.00	0.00	0.00	\$164,317.98	\$2,458,763.02

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION ATTENDANCE ROSTER

NAME OF MEETING: LCRBDC DATE: MARCH 4, '99

LOCATION: 6100 Southport Road CHAIRMAN: Emerson Delaney

PLEASE SIGN IN

	NAME (PLEASE PRINT)	ORGANIZATION, ADDRESS, PHONE NUMBER
1	Frank Gray	PO Box 2950 Gary 219 8822106
2	Walter Church Troop 280	7830 White Oak Ament 219/844-6051
3	JIMMY CARY	DNR
4	JIM FLORA	R.W. ARMSTRONG
5	DENIS BUKSA	MUNSTER, IN
6	Herb Read	Frank Walton
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