



Little Calumet River Basin Development Commission

6100 Southport Road
Portage, Indiana 46368

(219) 763-0696 Fax (219) 762-1653
E-mail: littlecal@nirpc.org

WILLIAM BILLER, Chairman
Governor's Appointment

ROBERT MARSZALEK, Vice Chairman
Governor's Appointment

R. KENT GURLEY, Treasurer
Lake County Commissioners' Appointment

CHARLIE RAY, Secretary
Porter County Commissioners'
Appointment

GEORGE CARLSON
Hammond Mayors' Appointment

ARLENE COLVIN
Gary Mayors' Appointment

STEVE DAVIS
IN. Dept. of Natural Resources
Appointment

ROBERT HUFFMAN
Governors' Appointment

JOHN MROCZKOWSKI
Governor's Appointment

DR. MARK RESHKIN
Governors' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

MEETING NOTICE

**THERE WILL BE A MEETING OF THE
LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION
AT 6:00 P.M. WEDNESDAY, MARCH 7, 2007
AT THE COMMISSION OFFICE
6100 SOUTHPORT ROAD
PORTAGE, IN**

ONE-HALF HOUR WORK STUDY SESSION – 5:30 P.M.

AGENDA

1. Call to order by Chairman Bill Biller
2. Pledge of Allegiance
3. Recognition of Visitors and Guests
4. Approval of Minutes of February 7, 2007
5. Chairman's Report
 - Re-appointment of Arlene Colvin thru 2010
 - Governor's Budget recommended \$2 million for LCRBDC
 - >House budget contained \$2 million for LCRBDC
 - Next Steps
6. Action Required:

Finance: Approval of claims for February 2007
Approval of O&M claims for February 2007

Land Acquisition: Any action?

Land Management: Consideration & approval of RFP for 32 acres east of Clay Street

draft RFP distributed

- 5:30 P.M.

explosion
where the project
stops if only we need
\$2 mil. ²

1-4

5

G-7

8-9
10

~~Sep 50~~
~~1948~~
~~SPM~~
~~Rock~~

~~Spencer House~~
~~Spencer Street~~
~~Watergate~~

Bukara Whitaker

7. Executive Director's Report

- State Budget Committee approval of release of the requested \$2,142,583 on February 14, 2007
 - > Corps awarded Dyer Construction contract for Burr Street II Little Cal portion at a cost of \$3,342,583.22
- Meeting held on February 20 with city of Gary representatives, including Mayor Clay, to discuss O&M turnover, land transfer, and set timetable
- Updated status of Griffith levee

8. Standing Committees

A. Finance Committee – Report by Treasurer Kent Gurley

- Financial status report
- Corps letter requesting \$1,442,583 for Burr Street Phase II Little Cal
- Issues for discussion

B. Land Acquisition/Land Management Committee – Committee Chair Bob Marszalek

Land Acquisition

- Appraisals, offers, acquisitions
- Status of activity for Stage V-2, VII, and VIII

Land Management

- Approval given to VIEW Outdoor for billboard construction
- Status of 3120 Gerry Street License Agreement — *draft ready to go to Jeff Youngheim*
- Issues for discussion

C. Project Engineering Committee – Committee Chair Bob Huffman

- Update on Cabela's coordination
- Update on V-2 pipeline corridor
- Issues for discussion

D. Operation & Maintenance – Committee Chair Bob Huffman

- Status of O&M turnover
- Request from American Water Company's engineering firm regarding new water line in Stage III Gary
- Issues for discussion

E. Legislative Committee – Committee Chair George Carlson

- Will continue to seek support from area legislators for \$8 million inclusion in budget
- Meeting with local officials/residences answering flood insurance questions
- Issues for discussion

F. Environmental Committee – Committee Chair Mark Reshkin

- Attendance at meeting on February 14 with Highland Redevelopment Commission regarding IDNR Coastal grant application
- Meeting held March 1 at IUN regarding Little Calumet River watershed planning
- Update on Landscaping II – native grasses
- Issues for discussion

G. Recreational Development Committee – Committee Chair Bob Huffman

- Issues for discussion

H. Policy Committee – Committee Chair Bob Marszalek

9. Other Issues / New Business

10. Statements to the Board from the Floor

11. Set date for next meeting; adjournment

#445 paid
3-7-07
total pd. 493,399

11

12
13

14

15

stre

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, FEBRUARY 7, 2007
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

In Chairman William Biller's absence, Vice Chairman Bob Marszalek called the meeting to order at 6:20 p.m. Six (6) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

Charlie Ray
Robert Huffman
Steve Davis
Kent Gurley
Dr. Mark Reshkin
Robert Marszalek

Visitors:

Steve Enger – Munster resident
Imad Samara – Project Manager, Corps of
Engineers
Bill Petrites – Highland resident
Stan Petrites - Chicago
Frank Petrites – Highland resident

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos

The minutes of the January 3, 2007 meeting were approved by a motion from Bob Huffman; motion seconded by Mark Reshkin; motion passed unanimously.

Chairman's Report – Vice Chairman Bob Marszalek referred to the Committee list distributed. If there are any changes, let Sandy know.

- Mr. Marszalek referred to the letter in the agenda packet sent to Representative Bob Kuzman seeking support of our \$8 million budget request and inclusion in the House Budget. Mr. Gardner added that he attended a NIRPC/FORUM legislative briefing in Indianapolis on January 24 where he and Chairman Biller spoke to all of the area legislators present regarding the Commission's request. The reception was very well attended and they both felt there was a lot of support for the project and our funding request and the schedule to finish the Federal construction by 2009.

Action Required – Treasurer Kent Gurley presented the claims for approval in the amount of \$49,536.29; motion seconded by Bob Huffman; motion passed unanimously. Mr. Gurley then presented the O&M claims for approval in the amount of \$9,835.18; motion seconded by Bob Huffman; motion passed unanimously.

- Mr. Marszalek presented two DC numbers (DC1203 and DC1206) that require approval for increased offers. Both parcels are owned by the same landowner and we need both permanent and temporary easements on both properties. The landowner has requested we purchase the land in fee since he is left with an uneconomic remnant. The original offer on each DC for the easements only was \$2,197; fee value (with a 15% increase) is \$5,053 on each DC parcel. The reasoning behind the request is that it will still be cheaper than

condemnation proceedings and, more importantly, save a delay of six to nine months in court. These are in Stage VII. Motion was seconded by Bob Huffman; motion passed unanimously.

- Discussion was held on the proposal received from SEH to do utility relocation coordination in Stage VIII at a cost not to exceed \$7,500. This would be the first phase of coordination with the utilities. A motion was made by Mark Reshkin to accept and approve the proposal agreement with review and approval by the attorney as outlined in December 2006 letter. An amendment was made to the motion to clarify to add "and other utilities as listed in Table B" and add written approval "by the Commission" before proceeding to any other work after the \$7,500. The agreement would also be updated to reflect the current time table of a start date of February 7 through a two month period. Motion seconded by Bob Huffman; motion passed unanimously.

Executive Director's Report – Executive Director Dan Gardner referred to pages 10 & 11 in the agenda packet containing a letter from the State Budget Agency stating that the Commission's request for the \$2,142,583 is on the agenda for the February 14th SBC meeting; and also a letter we wrote to Senator Frank Mrvan, a member of the State Budget Committee asking for his support/ assistance for the approval of the request.

- Mr. Gardner added that we are in the Governor's budget for \$2 million. Our request was for \$8 million (that would fund the flood protection portion of the project to completion by December 2009). We are hopeful in getting the \$2 million increased; area legislators are supportive. This is only the second time in history that we are listed in the Governor's budget, so it shows support of the project by the Daniels administration.

- Mr. Gardner gave an update on the status of the Griffith levee. He talked to Imad Samara and it is anticipated that the Corps will do some of the engineering assessment work under contract with us. This is a key priority for next month. Staff will pursue. Cost estimates will be brought to the Commission.

- Mr. Gardner mentioned that Raj Gosine, DNR Permitting and Hydrology Department engineer, is no longer with the IDNR but before he left, he recommended approval of the Corps modeling. The letter is awaiting final approval at the administrative/management level.

Finance Committee – Finance action was already taken. The financial statement for the year end can be found on page 12 of the agenda packet.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek referred to Judy Vamos for an update of land acquisition activity. Mrs. Vamos reported that the action needed has already been done. She is coordinating 126 total acquisitions in various stages.

- In V-2, acquisition of easements is proceeding. Out of a total of 40 easements, there are six remaining. In Stage VII, there are 52 acquisitions of easements. Those easements needed north of the river are ready to go out. Those easements south of the river are in the process of having the revised appraisals reviewed. We are about four months behind schedule in Stage VII. In Stage VIII there are 90 easements; real estate drawings are being finalized. We will be receiving a formal notice from the Corps directing us to acquire VIII.

- Mr. Gardner gave an update on the billboards with View Outdoor. He has letters from both the Corps and IDNR saying the signs do not interfere with our levee system or affect hydrology. When View Outdoor took the letters back to the Gary Plan Commission, they were delayed for approval because a 404 permit may be needed. Mr. Gardner talked to both Ron McAhrn of IDNR and Imad Samara of the Corps and they will both write a letter stating their position why a 404 permit is not needed. They again will have to go back to the Gary Plan Commission. Hopefully, a permit for the signs will be given. The money that the Commission will generate from the sign leasing will be committed to O&M to get everything up to "as-built" condition so Gary can assume O&M responsibilities and we can move forward.
- Jim Pokrajac reported that staff will develop an RFP for public solicitation for the 32 acres east of Clay Street. Mr. Gardner stated we hope to have a draft proposal ready for advertisement by next month.
- Jim Pokrajac informed the Board members that he received a proposal from C&H Mowing for the mowing of the levees for 2007. The amount of the proposal is less than what it has been in the past because the Landscaping Phase II project is herbiciding almost half of the existing levees and will be planting native grasses in their place. Commissioner Reshkin questioned why the Corps is proposing to plant native grasses now when they were prohibited years ago when Dr. Cortwright from IUN wanted to do native grasses. He was only allowed a small area to grow the grasses. Mr. Pokrajac will check into the reasoning of why the Corps is using native grasses now and what kind of management will ensue. One of the reasons grass had to be initially planted on the levees was to prevent soil erosion. Steve Davis remembered that we had some native grasses that failed. Imad Samara answered by saying the Landscaping Phase 1 contract had a problem because it did not contain a clause allowing for 5 years of maintenance to assure their growth. This Landscaping II contract provides for a 5 year maintenance program. A more detailed explanation/rationale for future landscaping will be made next month.

Project Engineering Committee – Committee Chairman Bob Huffman reported that several meetings have been held with the city of Hammond and Cabela's. Their engineering sub-contractors are finalizing the site layout. The easements we need from them will be identified. They will record it all as one plat to assure the easements are the same. We're working with the Corps and INDOT to finalize property transfers. Cabela's is on a fast track so we will work with them; they are looking to open the main facility by October 2007. Mr. Gardner will have their updated site drawing available at the next meeting.

- Jim Pokrajac reported that we received the Corps drawings showing sheet pile impacts relative to the pipelines for the Stage V-2 pipeline corridor. He is in the process of working with the utility companies to get agreements in place for any necessary re-locations. The companies cannot respond until they have the overall review set. We will forward the review set to them once we have received them from the Corps. The current schedule requires that we get all utility agreements in order to allow the Corps to award a contract for V-2 by September 2007.
- Stage VIII coordination contract with SEH has already talked about.
- Jim Pokrajac reported that the Hammond Sanitary District wrote a letter to the Corps saying they did not want to proceed with the Pump Station II contract until the Pump Station IA contract was complete. The Corps has assured HSD that the Pump Station 1A

contract will be completed before work begins for Pump Station II. The 1A contract had the problems with the contractor not finishing the job. The Corps is working with the bond company now to get that contract completed. The Pump Station II will provide all new pumps instead of rebuilt ones like the Pump Station 1A contract. The Corps and the HSD will work together cooperatively.

Operation & Maintenance Committee – Committee Chairman Bob Huffman referred to Jim Pokrajac for a report on O&M. Mr. Pokrajac informed the members that no meeting date has been set yet with the attorneys and decision makers in Gary to continue discussions on O&M turnover. There is a minimum amount of work that has to be done to bring everything up to “as-built” condition. Once the weather allows, that work will be done.

Legislative Committee – Mr. Gardner has already briefed the members on our funding status.

Environmental Committee – Committee Chairman Mark Reshkin referred to pages 13 & 14 in the agenda packet that transmits an email to us from Greg Moore, Corps Environmental Dept, which states that the Corps is ready to start mitigation in Hobart Marsh. The quality control plan is completed and it is anticipated that a mitigation construction program would be in place by December 2007.

- Dr. Reshkin reported that a meeting was held January 11 with the GSMD in which Dan Gardner attended. Mr. Gardner informed the members that the GSMD has a Section 319 grant to look at the overall watershed plan for the Little Calumet River. They have scheduled regular committee meetings at which Mr. Gardner attends. It includes communities along the river extending to Illinois. Several environmental groups participate.

Recreation Committee – There was no report.

Policy Committee - There was no report.

Other Issues – Mr. Gardner referred to the news article on the Little Cal.

Statements from the Floor – Munster resident Steve Enger asked the Corps what the status was for the design for the levee on Hawthorne Drive (Stage V-2). Imad Samara stated that the 100% review set will be ready by mid-March and will be distributed to all affected parties for review & comment. Jim Pokrajac will receive the prints and distribute them to the communities and appropriate people. He will make sure that Steve Enger gets a copy of the prints. Imad reiterated that the schedule shows a contract award date of September 2007.

There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, March 7, 2007.

12190010200

OFFICE OF THE CLERK

Official Appointment City Of Gary, Indiana

By
Rudolph Clay
Mayor

JANUARY 5, 20 07

I, Rudolph Clay, Mayor, of the City of Gary, Indiana, do hereby this date appoint

ARLENE COLVIN

of the City of Gary, Indiana, as a member of

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

of the City of Gary, Indiana, said appointment to continue in force during the pleasure of the Mayor of the City of Gary, Indiana, unless the tenure thereof be prescribed by provisions of the laws of the State of Indiana, as relating to such appointments to departments, boards or commissions of the City of Gary, Indiana.

Said appointment to be from JANUARY 1 20 07 to DECEMBER 31 20 10

By the Mayor, City of Gary, Indiana:

RUDOLPH CLAY

OATH

STATE OF INDIANA }
CITY OF GARY } SS:

solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Indiana, Ordinances of the City of Gary, and that I will faithfully and impartially discharge the duties as A MEMBER OF THE

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

according to law and to the best of my ability, so help me God.

Arlene Calvin
APPOINTEE

Subscribed and sworn to before me this 1st day of February, 20 07

Suzette Raggs
SUZETTE RAGGS, City Clerk





CHOOSE YOUR COMM

Find The City Nearest Yo

CONTACT US | SUBSCRIBE | ADVERTISE | CELEBRATI

NEWS

SPORTS

BUSINESS

OPINION

ENTERTAINMENT

LIFE

OBITUARIES

MYNWI

ARCHIVES
BROUGHT
TO YOU BY



SEARCH:



ARCHIVES | ADVANCED | HELP

A SPECIAL OFFER FROM
OLTHOF HOMES

Budget plan would boost English as a second language funding

STATE GOVERNMENT: Bill also includes money for Little Calumet, Cedar Lake

From Saturday, February 17, 2007 1:15 AM CST

Email this story Print

BY PATRICK GUINANE
pguinane@nwtimes.com
317.637.9078

INDIANAPOLIS | Programs for students learning English as a second language would see a dramatic funding boost in the new biennial state budget proposed by House Democrats.

"English as a second language is getting its first increase for a long time," said Rep. Terry Goodin, D-Crothersville.

Northwest Indiana schools teach English skills to thousands of students, with Lake County trailing only Elkhart and Marion counties last year for the largest number of language minority pupils.

State lawmakers started a \$700,000 grant program in 1999, but funding has remained stagnant while the number of students with limited English proficiency has more than doubled to more than 31,000 statewide.

"What turned out to be a \$75 or \$85 stipend at one time wound up being \$15 or \$16," said Goodin, the Democrat's education funding expert. "It probably costs more to print the check and get it out to school corporations."

The House Democrats' budget, which will face revisions in the Republican-led Senate, sets aside \$6.9 million in each of the

Tutoring Club
A Class Above. Guaranteed.

GUARANTEED to
improve academic performance
in **LESS TIME** and
at a **LOWER COST** than
any other program.
call us (219) 322-7680



EXTRAS



MORE HEADLINES

next two school years. The intent is to provide a \$200-per-pupil grant for every limited English student.

Hammond schools had nearly 3,300 limited English students last year -- fourth most in the state. East Chicago served more than 800 language minority students, compared with more than 500 in Merrillville, 300 in Crown Point and 200 in Valparaiso.

The proposed budget also includes \$2.4 million for architectural and engineering work on a new Gyte Building at Purdue University Calumet in Hammond that Rep. Bob Kuzman, D-Crown Point, said would host the schools Water Institute.

The budget contains another \$2 million for Little Calumet River flood control work and \$2 million to dredge Cedar Lake.

Kuzman, vice chairman of the budget-writing Ways and Means Committee, said the Cedar Lake funding would match federal dollars that U.S. Rep. Pete Visclosky, D-Ind., is working to secure.

- Ex-jailers sue for alleged political firing
- Woman charged with theft from grandmother
- High-tech C.P. company helps deter thieves
- Two Thai nationals face Hammond judge
- Recreation job a big draw
- Police force growing with Griffith
- Cal City firm taps into E.C. revitalization
- Task force pulls off Aladdin Pita murder case
- 4 officers rescue couple
- Town plans ahead
- Lake County police discover meth lab in C.P.
- Man guilty of killing 16-year-old girlfriend
- Design work at the head of the class
- Candidates file for municipal offices
- Teachers sue Metlife
- Humane society seeks to add clients
- Budget plan would boost English as a second language
- Dems drop \$26 billion budget
- IHCD voters elect newcomers

COMMENTS

The Times goes to great lengths to provide the best news for the communities that it serves. We strive to keep in touch with our neighbors. If you would like to contact someone at The Times, please choose one of the following links:

backTalk:
Submit a backTalk online.

Letters to the editor:
letters@nwitimes.com

News Tips:
newstips@nwitimes.com

Be sure to include your name, city of residence and phone or e-mail correspondence (for verification purposes only).

■ Or submit an announcement here

POST A COMMENT

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
MONTHLY BUDGET REPORT,

	2007							ALLOCATED	UNALLOCATED
	BUDGET	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL	BUDGETED
									BALANCE
5801 PER DIEM EXPENSES	7,500.00	0.00	0.00					0.00	7,500.00
5811 LEGAL EXPENSES	3,500.00	283.33	283.33					566.66	2,933.34
5812 NIRPC SERVICES	145,000.00	11,742.56	12,743.90					24,486.46	120,513.54
5821 TRAVEL/MILEAGE	2,500.00	38.40	41.00					79.40	2,420.60
5822 PRINTING/ADVERTISING	2,000.00	0.00	0.00					0.00	2,000.00
5823 BONDS/INSURANCE	8,000.00	0.00	150.00					150.00	7,850.00
5824 TELEPHONE EXPENSES	6,500.00	469.54	472.65					942.19	5,557.81
5825 MEETING EXPENSES	5,000.00	79.50	188.50					268.00	4,732.00
5840 PROFESSIONAL SERVICES	700,000.00	35,139.96	72,326.12					107,466.08	592,533.92
5860 PROJECT LAND PURCHASE EXP.	76,000.00	1,783.00	49,686.00					51,469.00	24,531.00
5882 UTILITY RELOCATION EXP.	1,250,000.00							0.00	1,250,000.00
5883 PROJECT LAND CAP. IMPROV.								0.00	0.00
5884 STRUCTURES CAP. IMPROV.								0.00	0.00
5892 PROJECT COSTSHARE/ESC ACCT	1,442,583.00							0.00	1,442,583.00
	3,648,583.00	49,536.29	135,891.50	0.00	0.00	0.00	0.00	185,427.79	3,463,155.21

	2007							ALLOCATED	UNALLOCATED
	BUDGET	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL	BUDGETED
									BALANCE
5801 PER DIEM EXPENSES	7,500.00							0.00	7,500.00
5811 LEGAL EXPENSES	3,500.00							566.66	2,933.34
5812 NIRPC SERVICES	145,000.00							24,486.46	120,513.54
5821 TRAVEL/MILEAGE	2,500.00							79.40	2,420.60
5822 PRINTING/ADVERTISING	2,000.00							0.00	2,000.00
5823 BONDS/INSURANCE	8,000.00							150.00	7,850.00
5824 TELEPHONE EXPENSES	6,500.00							942.19	5,557.81
5825 MEETING EXPENSES	5,000.00							268.00	4,732.00
5840 PROFESSIONAL SERVICES	700,000.00							107,466.08	592,533.92
5860 PROJECT LAND PURCHASE EXP.	76,000.00							51,469.00	24,531.00
5882 UTILITY RELOCATION EXP.	1,250,000.00							0.00	1,250,000.00
5883 PROJECT LAND CAP. IMPROV.								0.00	0.00
5884 STRUCTURES CAP. IMPROV.								0.00	0.00
5892 PROJECTCOSTSHARE/ESC ACCT	1,442,583.00							0.00	1,442,583.00
	3,648,583.00	0.00	0.00	0.00	0.00	0.00	0.00	185,427.79	3,463,155.21

CLAIMS PAYABLE FOR FEBRUARY 2007

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5811	CASALE ,WOODWARD & BULS LLP	283.33	MONTHLY RETAINER THROUGH Feb 23,2007
5812	NIRPC	12,587.56	SERVICES PERFORMED JANUARY 2007
5812	UPS	156.34	OVERNIGHT MAIL
5821	SANDY MORDUS	41.00	MILEAGE FOR 2/7/07-2/27/07
5823	DALY INSURANCE	150.00	TREASURER BOND
5824	AT & T	345.83	BILLING PERIOD 1/14/07-2/13/07(TOTAL BILL 359.42 KRBC 13.59)
5824	VERIZON NORTH	128.82	BILLING PERIOD 2/16/07-3/16/07(TOTAL BILL 238.82 KRBC 112.00)
5825	JIMMY JOHNS	68.50	EXPENSES INCURRED FOR REAL ESTATE MEETING 2/14/07
5825	BANK CARD SERVICES	120.00	EXPENSES INCURRED FOR FINANCIAL MEETING 1/31/07
5841	HERITAGE APPRAISAL SERVICE	3,000.00	APPRAISAL FOR DC-1249 & 1228
5841	HERITAGE APPRAISAL SERVICE	7,500.00	APPRAISAL FOR DC-1230,1233,1234,1235 & 1242
5841	HERITAGE APPRAISAL SERVICE	6,000.00	APPRAISAL FOR DC-1231,1238,1240 & 1241
5841	HERITAGE APPRAISAL SERVICE	1,000.00	APPRAISAL FOR DC-1250,1251A-D,1252 & 1253
5841	JONATHAN LANDING	2,600.00	APPRAISAL FOR DC-1204 & 1204A
5841	THE GORMAN GROUP LTD	2,250.00	APPRAISAL REVIEW RE: DC-1242,1234 & 1233
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1103(WHITECO-4)INVOICE 4556
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1103(WHITECO-4)INVOICE 4567
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1103(WHITECO-4)INVOICE 4558
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1103(WHITECO-4)INVOICE 4559
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4537
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4538
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4539
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4540
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4541
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4560
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4562
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4563
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4535
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4536
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4542
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4543
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4544
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4545
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4546
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4547
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4548
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4552
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4553
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4554
5843	STEWART TITLE SERVICES OF NORTHWEST	490.00	TITLE WORK FOR DC-1198(WICKER PARK-21)INVOICE 4555
5843	STEWART TITLE SERVICES OF NORTHWEST	1,870.00	TITLE WORK FOR DC-1315
5844	JAMES E POKRAJAC	5,969.25	ENGINEERING SERVICES 1/16/07-1/31/07
5844	JAMES E POKRAJAC	244.80	JANUARY MILEAGE
5844	JAMES E POKRAJAC	5,173.35	ENGINEERING SERVICES 2/1/07-2/15/07
5844	JAMES E POKRAJAC	4,494.15	ENGINEERING SERVICES 2/16/07-2/28/07
5844	JUDITH VAMOS	3,556.10	LAND ACQUISITION AGENT SERVICES 1/16/07-1/31/07
5844	JUDITH VAMOS	2,915.18	LAND ACQUISITION AGENT SERVICES 2/1/07-2/15/07
5844	JUDITH VAMOS	3,142.60	LAND ACQUISITION AGENT SERVICES 2/16/07-2/28/07
5844	G. LORRAINE KRAY	1,128.85	CREDITING TECH & LAND ACQUISITION ASST 1/16/07-1/31/07
5844	G. LORRAINE KRAY	1,055.00	CREDITING TECH & LAND ACQUISITION ASST 2/1/07-2/15/07
5844	G. LORRAINE KRAY	844.00	CREDITING TECH & LAND ACQUISITION ASST 2/16/07-2/28/07
5844	SANDY MORDUS	200.00	CREDITING TECHNICIAN SERVICES 1/16/07-1/31/07
5844	SANDY MORDUS	162.50	CREDITING TECHNICIAN SERVICES 2/1/07-2/15/07
5844	SANDY MORDUS	137.50	CREDITING TECHNICIAN SERVICES 2/16/07-2/28/07
5844	KEVTEC MACHINE SERVICES	279.84	SLUICE GATE ADAPTER BLOCK
5849	CASALE.WOODWARD & BULS LLP	6,553.00	LAND ACQUISITION/LEGAL SERVICES FOR PERIOD ENDED 2/23/07
5861	OAKBROOK METRO	49,500.00	ADDITIONAL PURCHASE PRICE OF DC-1022-1023 & 1024
5861	STAR SHOPPING NEWS	186.00	LEGAL NOTICE RE: DC-1175

TOTAL 135,891.50

9

**APPROVAL TO PAY THE FOLLOWING INVOICES
FROM O&M FUND
MARCH 7, 2007**

-
- **\$52.53 to T-Mobile for costs incurred for cell phone for engineer field work; monthly service 1/11/07 – 2/10/07**
 - **\$108.87 to NIPSCO for gas & electricity costs incurred at 3120 Gerry Street(Commission-owned property); Statement date 1/11/07**

TOTAL \$ 161.40

Sandy Mordus

From: "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>
To: "Sandy Mordus" <smordus@nirpc.org>; "Jim Pokrajac" <jpokrajac@nirpc.org>
Sent: Wednesday, February 28, 2007 1:31 PM
Subject: FW: CONTRACT AWARD: LOCAL FLOOD PROTECTION, BURR STREET PHASE 2 EAST PROJECT (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

FYI.

Imad N Samara
 Project Manager
 U S Army, Corps of Engineers
 111 N Canal Street
 Chicago IL, 60606
 (W) 312.846.5560
 (Cell) 312.860.0123

-----Original Message-----

From: Blair, Regina G LRC
Sent: Wednesday, February 28, 2007 1:30 PM
To: DLL-CELRC-ALL
Subject: CONTRACT AWARD: LOCAL FLOOD PROTECTION, BURR STREET PHASE 2 EAST PROJECT (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

The subject Project has been awarded in the following manners:

Contract Award No.: W912P6-07-C-0003
 Date of Award: 28 February 2007
 Contractor: Dyer Construction Company, Incorporated Total Award Amount:
\$3,342,583.22 Total Funded Amount: \$3,342,583.22 Performance Period: 480
 Calendar Days

Note: The Company is certified as a Small, Woman-Owned Business.

Regina G. Blair
 Chief, Contracting Branch
 USACE - Chicago District
 111 North Canal Street, Suite #600
 Chicago, Illinois 60606
 (312) 846-5371
 (312) 316-1011
 Classification: UNCLASSIFIED

//

2/28/2007

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
FINANCIAL STATEMENT
JANUARY 1, 2007 - JANUARY 31, 2007

CASH POSITION - JANUARY 1, 2007

CHECKING ACCOUNT

LAND ACQUISITION	180,024.55	
GENERAL FUND	52,129.93	
TAX FUND	0.00	
INVESTMENTS		
SAVINGS	760,563.12	
ESCROW ACCOUNT INTEREST	4,411.06	
		997,128.66

RECEIPTS - JANUARY 1, 2007 - JANUARY 31, 2007

LEASE RENTS	2,317.58	
LEL MONIES (SAVINGS)		
INTEREST INCOME(FROM CHECKING)	146.03	
LAND ACQUISITION	171,962.43	
ESCROW ACCOUNT INTEREST	1.96	
MISC. RECEIPTS		
KRBC RE		
TRANSFERRED FROM SAVINGS	2,509.49	
PROCEEDS FROM VOIDED CHECKS		
TOTAL RECEIPTS		176,937.49

DISBURSEMENTS - JANUARY 1, 2007 - JANUARY 31, 2007

ADMINISTRATIVE

2004 EXPENSES PAID IN 2005	150,159.58	
PER DIEM		2,650.00
LEGAL SERVICES		283.33
NIRPC		11,591.87
TRAVEL & MILEAGE		383.20
PRINTING & ADVERTISING		
BONDS & INSURANCE		
TELEPHONE EXPENSE		587.16
MEETING EXPENSE		79.50

LAND ACQUISITION

LEGAL SERVICES		7,146.02
APPRAISAL SERVICES		6,000.00
ENGINEERING SERVICES		
LAND PURCHASE CONTRACTUAL		
FACILITIES/PROJECT MAINTENANCE SERVICES		
OPERATIONS SERVICES		
LAND MANGEMENT SERVICES		14,224.80
SURVEYING SERVICES		5,370.55
MISCELANEOUS EXPENSES		
ECONOMIC/MARKETING SOURCES		
PROPERTY & STRUCTURE COSTS		100,000.00
MOVING ALLOCATION		
TAXES		
PROPERTY & STRUCTURES INSURANCE		
UTILITY RELOCATION SERVICES		
LAND CAPITAL IMPROVEMENT		
STRUCTURAL CAPITAL IMPROVEMENTS		
BANK CHARGES MERCANTILE		4.50
PASS THROUGH FOR SAVINGS		2,562.34
PAYBACK TO SAVINGS		
TOTAL DISBURSEMENTS		150,883.27

CASH POSITION - JANUARY 31, 2007

CHECKING ACCOUNT

LAND ACQUISITION	219,245.61	
GENERAL FUND	38,961.13	
TAX FUND		
TOTAL FUNDS IN CHECKING ACCOUNT	258,206.74	

BANK ONE SAVINGS ACCOUNT BALANCE	316,536.93	
(LAND ACQ IN HOUSE PROJECT FUNDS)	208,518.45	
(O & M MONIES)	**85,491.14	

*Note: Original \$700,000 note

**Note: O & M Fund comprised of remaining LEL Money, \$185,000 Interest Money, and \$133,721.49 Marina Sand Money

SAVINGS INTEREST	22,527.34	
------------------	-----------	--

BANK ONE SAVINGS ACCOUNT	444,431.03	
BURR ST PHASE II GARY	426,672.47	
INTEREST	17,758.56	

TOTAL SAVINGS	760,967.96	
ESCROW ACCOUNT INTEREST AVAILABLE	4,413.02	

TOTAL OF ALL ACCOUNTS . 1,023,587.72

12



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO IL 60606-7206

February 22, 2007

Planning, Programs and
Project Management Division

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

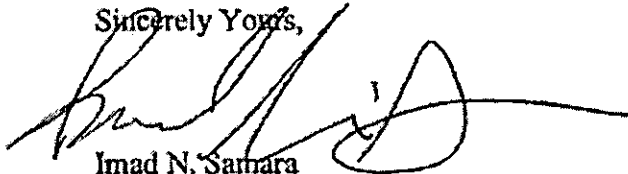
SUBJECT: Little Calumet River Project Burr Street Betterment 2

Dear Mr. Gardner:

The Department of the Army hereby issues a written request for you to provide \$1,442,583 so that we can award the Burr Street Betterment Levee Construction Contract. As you know the bids were opened on August 31, 2006.

Please provide the amount requested above in the form of electronic fund transfer. Please use the instructions in the attached sheet to perform this transaction. If you have any question please call Imad Samara at 312-846-5560.

Sincerely Yours,



Imad N. Samara
Project Manager



7112 Waldemar Drive
Indianapolis, IN 46268
Tel 317 / 347-3650
Fax 317 / 347-3656

GRW Engineers, Inc.

Engineering
Architecture
Planning
GIS
Aviation Consultants

Arlington, TX
Cincinnati, OH
Knoxville, TN
Lexington, KY
Louisville, KY
Nashville, TN

February 19, 2007

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

To the members of the Little Calumet River Basin Development Commission:

GRW Engineers, Inc. is designing a new water main and pump station on behalf of American Water Company, Inc. in Gary, Indiana. The purpose of this project is to expand water service in Lake County.

Sections of the water main are planned to be within the property owned and maintained by the Little Calumet River Basin Development Commission and will require easements from the Commission. Please see the attached plan sheets C-06, C-07, C-08, C-09, C-10, C-11 and C-12 for more specific locations. In the sections where the water main will cross the levee, trenchless construction methods will be utilized.

The final design of the water main and pump station is scheduled to be finished by March 2007. It is estimated that construction will be ready to begin in July 2007 and take approximately one year, ending in June 2008.

I have attached detailed plans of the proposed project. Please don't hesitate to call if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads 'Jeffery J. Poole'. The signature is fluid and cursive, with the first name 'Jeffery' being more prominent.

Jeffery J. Poole
Project Engineer

NEWS TIP?

Contact Diane Hayes, Metro Editor, dhayes@post-trib.com, 648-3241, Carole Carlson, North Lake Editor, ccarlson@post-trib.com, 881-3133, or Rich Jackson, Porter County Editor, rjackson@post-trib.com, 477-6011

Post-Tribune LOCAL

www.post-trib.com

12

Wednesday, February 28, 2007

Cleaner Little Cal focus of gathering

15 ■ Meeting at IUN on Thursday aims at creating plan, gathering input.

By CHARLES M. BARTHOLOMEW
Post-Tribune correspondent

GARY—State and local environmental officials are hoping to attract a healthy turnout from cities and towns along the

western branch of the Little Calumet River to give them ideas where and how the stream can be cleaned up.

The meeting will be held at 6 p.m. Thursday in the Library Conference Center on the campus of Indiana University Northwest.

The Gary Environmental Affairs Department and the Gary Stormwater Management District began holding public

meetings last year on their Little Calumet River Watershed Management Plan, which concentrates on the portion of the river west of Burns Ditch.

The firm of R.W. Armstrong of Merrillville has been hired for \$165,000 with a grant from the Indiana Department of Environmental Management to gather input from the stakeholders and the public that will be used to develop goals and

projects to improve the quality of the water that flows from northern Lake County into Lake Michigan.

"Our main focus is on a plan to eliminate the E. coli bacteria as much as possible," said Phil Graylik, the company's representative on the regional watershed planning committee.

Graylik said pollution of the Little Calumet is being treated as a watershed problem,

because of the significant amount of non-point-source pollution — stormwater runoff from oil-covered roads and parking lots and seepage from septic systems.

The engineers will go over the testimony to develop alternatives and projects that will be presented for comment at future public meetings before moving on to applying for construction grants, Graylik said.

WORK STUDY SESSION

7 March 2007

LAND ACQUISITION COMMITTEE

Robert Marszalek, Chairman

1.) There are three condemnations:

DC 1203 – Legal Part W1/2 SW1/4 Sec. 17, T36N, R9W

DC 1206 – Legal Part SE 1/4 Sec. 18. T36N, R9W

- a.) Both parcels owned by the same landowner.
- b.) Offers were sent on 1/2/07 for \$2,197 each for flood protection levee and temporary work area easements at a 50% easement value.
- c.) Landowner negotiated to sell the property in fee and add the Corps allowable 15% increase. (fee = \$4,394 + 15% increase of \$659 = total of \$5,053 each property = \$10,106 for grand total.)
- d.) Corps and LCRBDC approved the increases on 2/7/07.
- f.) Landowner on 3/6/07 countered his counter-offer asking for a flat \$8,000 for each property. What was approved at last months meeting for \$10,106 is now \$16,000.

We respectfully request the Commission's approval to file condemnation on DC 1203 and DC 1206.

DC 1204 Legal: W 301.71 ft. SW1/4 Sec. 17, T36N, R9W

- a.) Offer sent 3/6/07 for \$308.
- b.) We anticipate difficulty with this acquisition because of the low land value.

We respectfully request the Commission's approval to file condemnation on DC1 204 and will use it only as a last resort if a settlement can't be reached.

REQUEST FOR PROPOSALS
FOR DEVELOPMENT, OPERATION & MAINTENANCE
OF A WETLAND MITIGATION BANK

The Little Calumet River Basin Development Commission (hereinafter the "COMMISSION") is hereby requesting proposals for the construction, maintenance, operation and monitoring of a Wetland Mitigation Bank on a parcel of property it owns consisting of a approximately 32 acres located in the City of Lake Station, County of Lake State of Indiana more particularly described as follows:

(Here insert Location of Description)

as well as the marketing and sale of Wetland Mitigation Credits therefrom (all of which shall be referred to hereafter as the "PROJECT").

Proposals shall be submitted to the Little Calumet River Basin Development Commission at its offices located at 6100 Southport Road, Portage, Indiana, 46368, on or before _____ p.m. on the _____ day of _____, 2007, in which time and place all proposals shall be opened and available for inspection.

The COMMISSION reserves the right to negotiate with any or all potential Contractors that submit a proposal and/or reject any or all proposals.

The winning Contractor will, among other items, be required to design, construct, operate, maintain and market the PROJECT at its sole cost, including obtaining all permits pertaining thereto, all of which is more specifically provided in the detailed specification which are on file at the offices of the COMMISSION.

Proposals shall furnish the information requested in specifications which may be obtained by prospective Contractors at the COMMISSION offices during normal business hours.

By: _____
Dan Gardner
Executive Director of
The Little Calumet River
Basin Development Commission

_____ day of _____, 2007.

LAND MANAGEMENT REPORT

For meeting on Wednesday, March 7, 2007

(Information in this report is based upon latest data provided at the time the report is put together. Dates and costs may vary depending upon ongoing design and/or coordination with the Army Corps. Report period is from January 31 – February 28, 2007)

A. LAMAR OUTDOOR ADVERTISING

- Received a request from LAMAR Advertising on June 20, 2006 wanting consideration for an easement on the land where they currently have existing License Agreements on two (2) billboards.
- We received information from LAMAR on July 13, 2006 with (2) letters of intent for existing billboards south of I-80/94 between Chase and Grant.
- They are requesting a perpetual billboard easement for both locations for a total purchase price of \$116,000. (It was their intent that this would be part of a larger agreement with considerations for additional signs.)
- Memo to LCRBDC attorney requesting pursuit of options as discussed at the October 4, 2006 Board meeting. (Ongoing)

B. VIEW OUTDOOR BILLBOARDS

- A letter was received from the COE on December 27, 2006 indicating the billboard locations will not impact our project or its features.
- Received a memo from View Outdoor on January 29, 2007 with color, aerial copies of the sign locations. It appears only 2 of the 9 locations will be on the river side of the levee.
- Received a letter from the IDNR on February 8, 2007 indicating there will be “no discernable impact to the flood stage”. Also received a letter from the Corps dated February 20, 2007 expressing their concurrence that the signs should go forward. 1 - 2
- Dan Gardner attended the Gary Plan Commission meeting with View Outdoor on 2/22/07 where James Craig, Zoning Administrator, approved a permit for the billboards construction.

C. 32 acre parcel of Excess Land (East of Clay Street, north of Burns Ditch)

- A letter was sent to LEL on December 27, 2006 requesting they sign a waiver to terminate their option on this land. If signed, the LCRBDC could then put together a bid package to qualified entities to develop this land as a wetland mitigation bank.
- Staff is in the process of developing an RFP for the 32 acres east of Clay.

D. 3120 Gerry Street

- Draft copy of proposed License Agreement sent to LCRBDC attorney on February 20, 2007 to do final review. 3



Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Mr. Dan Gardner, Executive Director
LCRBDC
6100 Southport Rd.
Portage, IN 46368

February 8, 2007

Via Fax and Mail

RE: Placement of Billboards along Little Calumet River in the LCRBDC Project Area

Dear Mr. Gardner

This letter acknowledges receipt of and is in response to your correspondence of 2/7/07 regarding the above referenced matter. We were asked to consider the proposed project relative to IC 14-28-1 commonly referred to as the Flood Control Act. In short, the chief purpose of the flood control act is to prevent alterations within the floodway that would exacerbate a flood. Often complex projects require hydraulic modeling to demonstrate that the proposed activity will not cause an unacceptable increase in flood stage. In this case the circumstances clearly indicate that the billboards would have no discernable impact on flood stage and approval via a DeMinimus letter was issued on January 18, 2007.

Using boilerplate language to convey standard conditions for construction related activities and disclaimers, I mentioned that the letter did not relieve the applicant from the need to obtain other appropriate approvals. In fact, the letter was so "boiler plate" that I did not reference the correct Corps office. I regret that my sloppiness has caused confusion and added delay to this project. As you correctly pointed out the area in question has already been addressed by the Corps of Engineers hydraulically and with respect to the 404/401 process.

We believe all required regulatory issues have been resolved and have no reason to suggest the project should not go forward to the Gary Plan Commission for their local considerations.

If you have any additional questions regarding this matter, please do not hesitate to contact me at (317) 232-1557.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron McAhron", is written over a horizontal line.

Ron McAhron
Deputy Director



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO IL 60606-7206

February 20, 2007

Planning, Program and Project
Management Division

Mr. Dan Gardner

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

Dear Mr. Gardner,

This letter is written as a follow-up to my December 27, 2006 letter concerning placement of the billboards along the Little Calumet River in the flood control project area. I wish to reiterate that from the information presented to me, and in consultation with our hydrology staff, we reaffirm that the proposed signs do not negatively affect the flood control project. The COE has modeled the river flows and potential flood events and has submitted this to the Indiana Department of Natural Resources. The IDNR letter addresses their concurrence with the proposed placement of these signs. We believe this letter should adequately express our concurrence that the signs should go forward based upon local regulations.

If you have any questions regarding this matter please contact me at 312-846-5560 or at 312-860-0123.

Sincerely Yours

A handwritten signature in black ink, appearing to read "Imad N Samara", is written over a horizontal line.

Imad N Samara
Project Manager



Little Calumet River Basin Development Commission

6100 Southport Road
Portage, Indiana 46368

(219) 763-0696 Fax (219) 762-1653
E-mail: littlecal@nirpc.org

WILLIAM BILLER, Chairman
Governor's Appointment

ROBERT MARSZALEK, Vice Chairman
Governor's Appointment

R. KENT GURLEY, Treasurer
Lake County Commissioners' Appointment

CHARLIE RAY, Secretary
Porter County Commissioners' Appointment

GEORGE CARLSON
Hammond Mayors' Appointment

ARLENE COLVIN
Gary Mayors' Appointment

STEVE DAVIS
IN. Dept. of Natural Resources Appointment

ROBERT HUFFMAN
Governors' Appointment

JOHN MROCZKOWSKI
Governor's Appointment

DR. MARK RESHKIN
Governors' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

TO: Lou Casale, Attorney for LCRBDC
FROM: Jim Pokrajac, Agent, Land Management/Engineering
SUBJECT: Transmittal of License Agreement for 3120 Gerry Street
DATE: Tuesday, February 20, 2007

Enclosed please find a draft copy of the proposed License Agreement between the LCRBDC and Jeff Youngheim for the property known as 3120 Gerry Street, Gary, IN.

Please review said Agreement and make any appropriate changes as you see fit. I can email you the Agreement if you wish.

/sjm
Encl.

PROJECT ENGINEERING MONTHLY STATUS REPORT

For meeting on Wednesday, March 7, 2007

(Information in this report is based upon latest data provided at the time the report is put together. Dates and costs may vary depending upon ongoing design and/or coordination with the Army Corps)

Report period is from January 31 – February 28, 2007)

COMPLETED CONSTRUCTION

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

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

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

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

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

1. Project completed in September, 1998.
Rausch Construction – Contract price: \$3,288, 102
2. Received “as-built” drawings from the Corps on 11/6/06.

STATUS (Stage II Phase 3C2) Grant to Harrison: (8A contract)

1. Project completed in December, 1998.
WEBB Construction – Contract price: \$3,915,178

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

1. Project completed on January 6, 2003.
 - Rausch Construction Company – Contract price: \$4,186,070.75

STATUS (Stage III) Chase to Grant Street:

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

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

1. Project completed June 11, 1999
Dyer Construction – Final contract cost: \$1,292,066

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

1. Project completed on October 2, 2002.
 - Dyer Construction Company, Inc. - Contract price: \$1,948,053

STATUS (Stage IV Phase 1 – South) EJ&E Railroad to Burr St., South of the Norfolk Southern RR.):

1. Project completed in November, 2004.
Dyer Construction – Contract price: \$4,285,345

STATUS (Stage IV Phase 1 – North) Cline to Burr (North of the Norfolk Southern RR:

1. IV-1 (North) The drainage system from Colfax to Burr St. North of the Norfolk Southern RR.
 - Current contract amount - \$2,956,964.61
 - Original contract amount - \$2,708,720.00
 - Amount overrun - \$248,244.60 (9%)
2. The only item needed to be completed is to assure turf growth in all areas.
 - Current plantings are for erosion control that will give way to native grasses. Native grasses weren't planned on this contract, but will be needed to be included in an upcoming contract.
 - LCRBDC has a concern with sloughing in the concrete ditch bottom between Colfax and Calhoun.
 - We received a response from the Corps on January 7, 2003, addressing vegetation.
 - Currently, the entire concrete ditch bottom is filled with silt and dirt and has cattails growing. LCRBDC got a cost to clean the concrete bottom of the drainage ditch on August 18 during dry conditions in the amount of \$8,200; and wet conditions in the amount of \$11,640.

A letter will be sent to the COE requesting their participation for a design modification to prevent this sloughing from re-occurring. (The Corps suggested that this issue be addressed as part of the upcoming levee Inspection Reports in spring, 2007).

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

1. Project completed in November, 1998.
Dyer Construction – Contract price: \$3,329,464
2. Received “as-built” drawings from the Corps on 11/6/06.

STATUS (Betterment Levee – Phase 1) EJ & E RR to, and including Colfax – North of the NIPSCO R/W (Drainage from Arbogast to Colfax, South of NIPSCO R/W):

1. Project completed in July, 2001.
Dyer Construction. – Contract price: \$2,228,652

STATUS (Stage V Phase 1) Wicker Park Manor:

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

East Reach Remediation Area – North of I-80/94, MLK to I-65

1. Project cost information
 - Current contract amount - \$1,873,784.68
 - Original contract amount - \$1,657,913.00
 - Amount overrun - \$215,971 (13%)

The lift station at the Southwest corner of the existing levee that will handle interior drainage has been completed as part of the Stage III remediation project. (See Stage III remediation in

this report for details.) Pump station final inspection with the contractor was held on June 23, 2005, and was found to be satisfactory.

2. This pump station is in the process of being turned over to the city of Gary for O&M responsibility.
 - A follow-up inspection was held with the COE and Greeley & Hansen on August 22 and 23 of 2006. Both stations were found to be satisfactory as per COE plans and specs.

West Reach Pump Stations – Phase 1B:

1. The two (2) pump stations included in this contract are S.E. Hessville (Hammond), and 81st St. (Highland). Overall contract work is completed.
2. Project completed in September 2001.
Thieneman Construction – Contract price: \$2,120,730

North Fifth Avenue Pump Station:

1. The low bidder was Overstreet Construction
 - Current contract amount - \$2,518,988.44
 - Original contract amount- \$2,387,500
 - Amount overrun - \$114,276 (4.9%)
 - Project is currently 99% completed
2. Minor items have been completed.
3. A final inspection was held with the COE, town of Highland, and the LCRBDC on February 28, 2006 as part of the O&M turnover.
4. Received “as-built” drawings from the Corps on 11/6/06.
 - LCRBDC will now turn this station over to the town of Highland (Refer to O&M Report).
6. Received monthly construction status report from the COE.

STAGE III Drainage Remediation:

1. Project completed on June 23, 2005.
 - A. Dyer Construction – Contractor
 - B. Final Inspection – June 23, 2005
 - Agreement for O&M turnover to Gary is being finalized (Ongoing) (Refer to O&M Report for details) These (2) stations will be included with the other (4) Gary stations in one process.
 - C. Project money status:
 - Original contract estimate - \$1,695,822
 - Original contract amount - \$1,231,845
 - Current contract amount - \$1,625,057
 - Amount overrun - \$70,765 (4%)
 - D. Received (4) modifications to contract on February 13 (dated Feb. 7), 2007
 - Modification #4 – Increased total contract amount by \$30,235.55 for adding access road to pump station. Contract amount currently \$1,288,070.57 1-3
 - Modification #6 – Increased total contract amount by \$8,252.34 for miscellaneous field changes. Contract amount currently \$1,310,053.17 4-5
 - Modification #10 – Decreased total contract amount by \$8,900.00 to omit geoweb & aggregate fill. Contract amount currently \$1,616,156.81 6-9

- **Modification #11' – Decreased total contract amount by \$1,045.57 after final quantities calculations. Contract amount currently \$1,615,111.24** 10-12

***Note: Copies of total modification reports available upon request.**

ONGOING CONSTRUCTION

Landscaping Contract – Phase II (This contract includes all completed levee segments in the East Reach not landscaped):

1. Contract award date – June 30, 2004
2. Notice to proceed – July 29, 2004 (430 days to complete)
3. Original contract completion date – October 1, 2010
4. Bids were opened on June 30 and the low bidder was ECO SYSTEMS, INC.
 - Current Contract Amount - \$648,995.23
 - Original Contract Amount - \$648,995.23
 - Percent completed – 54.7%
 - 104 acres included in bid – 100 to be herbicided, remaining 4 acres are ditches.
5. A walk-thru inspection was held with the COE and the contractor on October 25, 2005.
 - Scope of work – Approximately ½ of East Reach to plant trees, herbiciding has been completed, clean up growth in collector ditches, plant new native grasses on levees.
6. **Received monthly construction status report from COE**

STATUS (Betterment Levee – Phase 2 – Gary) Colfax to Burr St.

1. The low bidder was Superior Construction Company
 - Original Bid Amount - \$2,301,518
 - Current Contract Amount - \$2,374,191
 - Amount overrun - \$72,673 (3.1%)
 - Percent completed – 90.6%
 - Current contract completion date – August 24, 2007
2. This portion of construction was advertised, partially paid for, and coordinated by the City of Gary. The Army Corps is overseeing the design and construction to assure compliance with Federal specifications.
3. Change Order #1 for Ditch #5 riprap
 - Received Public Works–Gary memo dated December 6, 2006 on December 14 regarding change order #1 for rip-rap for Ditch #5. Total Cost \$72,673 – Gary commitment is \$54,505 (75%); LCRBDC will pay balance of \$18,168 (25%) of change order **when the request for payment is received from Gary.**
4. **Received monthly construction status report from COE.**
5. Received email from COE on January 18, 2007 indicating final tabulation of fill will be approximately \$94,000 overrun (waiting verification).

STATUS (Betterment Levee – Phase 2 - LCRBDC) North of the NSRR, East of Burr St., and ½ mile East, back South over RR approx. 1400

1. This portion of construction was advertised, coordinated, and facilitated by the Corps and LCRBDC as a betterment levee.
 - The Army Corps provided a progression of the construction cost estimates, on 11/10/06, from April 2006 to the bid opening on August 31, 2006.
2. Project currently on hold. Awaiting funding from State Budget Committee to proceed. Low bid is currently being held for a limited period; COE is coordinating.

STATUS (Stage V Phase 2) Kennedy Avenue to Northcote

The current Army Corps schedule indicates that the final review set of drawings (excluding NSRR) will be due mid-March 2007; advertise mid-July; award the contract mid-September; issue Notice to Proceed October 2007; with a tentative construction start date in early February 2008 (weather permitting).

1. **UTILITY CORRIDOR COORDINATION (NIPSCO R/W)**

A. **LCRBDC Participation**

Note: The Army Corps provided the 50% review set to the LCRBDC on January 26, 2007 for distribution and comments. **(These drawings only showed the relation of the pipelines to the sheet piling)**

- A letter was sent to the representatives of the pipelines on February 12, 2007 indicating that a follow-up set of review drawings will be forthcoming in mid-March 2007, and to expedite the agreement process. We requested their procedure and points of contact required for coordination. 13-14

- > Wolverine responded on February 20, 2007 indicating one point of contact for all coordination (Fred Hipshear) 15

- > Marathon responded on February 20, 2007 indicating several different points of contact. 16

B. Buckeye Partners:

- Received comments from Buckeye Partners regarding pipeline impacts due to our construction on November 4, 2005, and submitted them to the Corps, to include in their 50% submittal, on November 9, 2005.
- Email to Buckeye on January 24 requesting more detailed information on their (2) 8" lines – Location & depth are very close together. **(Awaiting response)**

C. NIPSCO

- A utility coordination meeting was held with all the pipeline companies on June 27, 2006 to review engineering concerns, answer questions, and discuss scheduling.
- **An engineering review meeting is currently being scheduled with NIPSCO to answer questions and help final design.**

D. Conoco Phillips Pipe Line

1. LCRBDC discussed the modifying of design west of the NSRR by using the "sheet pile & bridging" technique to eliminate the \$450,000 directional bores for (2) 8" Conoco Phillips Pipeline company lines.
 - Conoco Phillips provided cost information to provide engineering review in the amount of \$57,000. They have provided previous estimates, field visits, and design reviews at no charge to the project.
2. An email was sent to the Corps on 11/10/06 enclosing their engineering estimate, and indicating no data exists on depths or locations of pipes. Requested on how to proceed and who will facilitate.
 - **LCRBDC contacted Conoco Phillips Pipeline on February 20, 2007 to locate their (2) lines, both sides of the river.**
 - **Waiting for Corps to provide center lines of protection north and south of river to determine exact locations for stakeout to do daylighting.**

E. BP Amoco Pipelines

- LCRBDC received a cost estimate from BP Pipelines on 11/29/06 in the amount of \$62,127 to provide engineering review, field supervision costs, and project costs.

- Email reply (This agreement will wait until after Corps drawings are reviewed in mid **March** 2007.
 - LCRBDC submitted email to Amoco on January 15, 2007 updating request for agreement, subordinated agreements east of NIPSCO R/W, and clarification on their agreement. (**Ongoing**)
- F. Explorer Pipeline
- LCRBDC submitted an email to the Explorer Pipeline on January 16, 2007 updating request to get an easement agreement, bringing them up on current status of design, and informing them of the current schedule. (**Ongoing**)
2. Norfolk Southern Railroad coordination
- The Army Corps has contracted Bergman Associates to do the design for the railroad closures north and south of the river, west of Kennedy Avenue, on the NSRR, as part of the V-2 construction.
 - NSRR (Mark Sawyer) responded on December 5 that the report submitted to them was “slanted toward the needs for levee operation and purpose not what is workable for the railroad”. He also suggested other options and what he was opposed to.
 - The current schedule by Bergman indicates the 50% engineering due date is the end of March 2007; with 100% completion no later than mid-April 2007.
 - Bergman sent a letter to the NSRR (Mark Sawyer) on December 19, 2006 indicating the preferred closure option was a slide gate.
3. A meeting was held with INDOT, Army Corps, and LCRBDC on August 31, 2006 to discuss COE design and project scheduling and funding in the area west of Indianapolis Blvd. and how it will impact their pump station design near the Tri-State bus terminal.
- LCRBDC received an email from INDOT on September 21, 2006 indicating that their schedule is to let their contract in the fall of 2007.
 - **An email was sent to the INDOT consulting firm requesting updated information regarding their scheduling and status of design.** /7-18
4. Cabelas’ Development (West of 41, adjacent to Little Calumet River)
- A project development meeting was held with Cabela’s, their design team, Hammond, INDOT, Army Corps, and LCRBDC on January 10, 2007 to update and discuss the progress of this development. Minutes were received on January 16, 2007 (available upon request).
 - A project progress meeting was held with Cabela’s design and layout team, INDOT, Hammond, Army Corps, and LCRBDC on January 22 to discuss the current Cabela’s layout for site usage (easements) and real estate needs and requirements for our flood control project.

STATUS Stage VI-1 (South) South of the river – Kennedy to Liabe

1. Low Bidder was Illinois Constructors Corporation (awarded September 30, 2004)
 - Original Contract Amount - \$6,503,093.70
 - Current Contract Amount – \$7,463,681.54
 - Amount Overrun - \$960,587.80 (14.7%)
 - Percent Completed – 90.2%
 - Original Completion Date – December 4, 2006
 - Current Completion Date – June 15, 2007
2. **Received monthly construction status report from the COE**
3. Received an email from the Corps on 11/20/06 indicating that the existing North Drive pump station will remain to supplement our new pump station.

- Received an email from the COE on February 22, 2007 with an update on the status of the North Drive pump station. (station currently has power; electric work 90% complete; piping 60% complete; and the pumps are stored near N. 5th pump station). 19
- Pumps scheduled to be installed mid-March, tested, and be operational by the end of March 2007.
- 4. Construction progress meeting held with I.C.C. & COE on February 27, 2007 (available copies upon request).
- 5. Received Modification #4 to contract on February 13 (dated February 8), 2007 extending the contract by 51 calendar days from March 7, 2007 to April 27, 2007 due to bad weather days. 20-21
- 6. Received pay estimate #18 on February 13 (dated January 25), 2007 requesting pay to contractor in the amount of \$186,872.34. 22-23

STATUS (Stage VI – Phase 1-North) Cline to Kennedy – North of the river

1. Low bidder was Illinois Constructors Corporation (awarded September 30, 2005)
 - Original Contract Amount - \$5,566,871
 - Current Contract Amount - \$5,612,789
 - Amount Overrun - \$45,918 (.8%)
 - Percent Completed – 76.55%
 - Bid is \$958,382 (or 14.7%) under the Federal estimate
 - Original Complete Date – July 21, 2007
 - Current Completion Date – August 2, 2007
2. Received monthly construction status report from the COE
3. Construction progress meeting held with I.C.C. & COE on February 27, 2007 (copies available upon request).
4. Received Modification #10 to the contract of February 13 (dated January 31), 2007 to increase current funding from \$3,861,350 to \$4,361,350 (\$500,000 increase) 24-26

STATUS (Stage VI – Phase 2) Liable to Cline – South of the river:

1. Low bidder was Dyer Construction (awarded July 29, 2005)
 - Original Contract Amount - \$4,205,644.17
 - Current Contract Amount - \$4,205,644.17
 - Percent Completed – 89.81%
 - Original Completion Date – April 11, 2007
 - Current Completion Date – April 11, 2007
 - Low bid (awarded amount) - \$4,205,645 (approx. 26% under Corps estimate)
2. Project Description
 - Construct a levee protection system consisting of 8,250 lineal feet of earthen levee, 1,600 lineal feet of steel sheet pile floodwall, (3) gateway structures, culverts & sewer appurtenances, and miscellaneous tree planting and seeding.
3. Received monthly construction status report from the COE
4. Recreation trail ramp north and west of the NIPSCO substation on Liable is being raised, and the trail tie-in is being coordinated with the town of Highland (Refer to Monthly Recreation Report).
 - COE requested an update from Highland. Received response on January 19 indicating agreements with NIPSCO for easements are ongoing; Park Board set aside \$10,000 for the tie-in; design will be finalized after agreements with NIPSCO are signed.

STATUS (Stage VII) Northcote to Columbia:

1. The final contract with Earth Tech to do the A/E work for this stage/phase of construction was signed and submitted by the COE on December 21st, 1999.
2. The schedule shows a June, 2008 contract award and a July, 2009 Completion.
3. All survey work on both sides of the river has been completed.

STATUS (Stage VIII) Columbia to the Illinois State Line):

1. Survey work has been completed and LCRBDC has divided work between DLZ, GLE, and Torrenga Engineering. (Refer to Stage VIII – Land Acq. Report.)
2. The Chicago Corps indicated to the LCRBDC on September 11, 2006 that their Buffalo District will be doing the engineering and specs for Stage VIII.
 - An introductory meeting, and field familiarization, were held on September 26 & 27, 2006.
 - **Received the engineering schedule from the Buffalo Corps on January 25, 2007.**
3. A neighborhood meeting was held with Dan Gardner, Jim Pokrajac, and several residents west of Hohman Avenue on Forest Avenue.
 - Levee was constructed to Federal standards years ago, but it appears no easements exist for maintenance, flood fighting, or inspections.
 - Received an email from the COE on December 15, 2006 indicating this section will not be part of Stage VIII contract. The LCRBDC will be responsible for any work on that levee.
 - Send an email to LCRBDC surveyor in that area on December 18, 2006 indicating all real estate north of the river and west of Hohman Avenue will not be part of the Stage VIII contract.
 - A meeting is to be scheduled with the COE to discuss coordination and responsibilities to this area. (Ongoing)
4. Landside drainage is currently being reviewed by the COE, Munster, and LCRBDC to determine if existing, abandoned storm sewer lines can be used. (A field meeting was held to review these potential locations with the COE, town of Munster, and the LCRBDC on January 12, 2007).
 - Munster is currently contracting Robinson Engineering to do condition testing of lines & LCRBDC will coordinate surveys. If COE concurs, this could save time & money on construction and real estate, as well as lessen construction impacts to residents.
5. **Real estate drawings are being finalized and Buffalo Corps is scheduled to submit the final set on March 16, 2007 (Refer to Land Acq. Report for details).**

Mitigation (Construction Portion) for "In Project" Lands:

1. Low Bidder was Renewable Resources, Inc. (from Barnesville, Georgia) Awarded September 29, 2002
 - Original Contract Amount - \$921,102.68
 - Current Contract Amount - \$1,405,940.96
 - Amount Overrun - \$484,838 (53%)
 - Percent Completed – 96.14%
 - Original Completion Date – November 7, 2007
 - Current Completion Date – November 7, 2007
2. A final inspection was held on both sites on May 12, 2004, with the Corps, LCRBDC, project A/E, and Renewable Resources and was found to be satisfactory for this portion of the overall project.
3. The 24 month monitoring period began on May 15, 2004 (Cost - \$3,000/month) (Ongoing)
4. **Received monthly construction status report from the COE**

West Reach Pump Stations – Phase 1A:

1. Low Bidder was Overstreet Construction Company, Inc. (from Milton Florida). Awarded on October 5, 2000
 - Original Contract Amount - \$4,638,400
 - Current Contract Amount - \$4,262,835.48
(Refer to Attachment #17-Project Status/Major Issues) at bottom – This amount was reduced due to work not completed and de-obligations.
 - Percent Completed – 86%
 - Original Completion Date – October 21, 2004
2. The four (4) pump stations that are included in this initial West Reach pump station project are Baring, Walnut, S. Kennedy, and Hohman/Munster.
3. **Received monthly construction status report from the COE**
4. **HSD wants this contract completed before Pump Station Phase II can begin**

Pump Station Rehabilitation – Contract 2

1. The scope of the contract is to provide new pumps and rehabilitation of the following (6) stations: Indianapolis Blvd., Jackson Ave., Southside, Kennedy Park Apartments, Tapper Ave., and Forest Avenue.
2. A letter was sent from the Corps to the Hammond Sanitary District requesting a field visit to gather information, and requesting real estate information to begin the easement process.
3. A letter of response was sent to the COE on January 9, 2007 from the Hammond Sanitary District indicating a number of concerns from the Pump Station 1A contract, and that they would not proceed any further until these items were answered or addressed.
 - The Army COE responded on January 24, 2007 and indicated they would resolve all of their concerns before any work would be started on this contract.

Griffith Golf Center (North of NIPSCO R/W, East of Cline Avenue)

1. LCRBDC was directed by the COE to obtain a flowage easement on the entire property in a letter dated October 7, 2005.
 - Refer to Land Acquisition Report for current update of appraisal.
2. A letter was received from the COE on January 13, 2006 indicating any construction shall not compromise our project in any manner and that compensatory flood storage would need to be provided.
3. LCRBDC was copied on a letter from U.S. Fish & Wildlife, dated December 8, 2006, indicating they concur that the proposed project is not likely to adversely affect endangered or threatened species.

Griffith Levee (EJ&E RR to Cline Avenue, north of River Drive)

1. Received a letter from the Congressman's Office on October 10, 2006 indicating this area has been declared, by the Chicago Army Corps to need structural repairs in order to meet FEMA requirements for certification.
2. Army Corps & LCRBDC to get scope of work for Phase II of this process, then the LCRBDC will submit for a RFP.
 - Awaiting COE scope of work as of January 31, 2007.

Hobart Marsh – Mitigation Enhancements

1. Received an email from the COE on January 17, 2007 enclosing the proposed schedule for the Hobart Marsh area mitigation development.

- Plan development starting February 12, 2007 and construction contract Notice to Proceed December 7, 2007.

GENERAL

- A. INDOT coordination for Grant St. & Broadway interchanges with I-80/94.
 1. INDOT sent a letter to the COE on April 15th, 2004, indicating they worked out an agreement with the COE whereby flood control features will be included in their contract at no cost to the Corps, which could be credited to the LCRBDC for that portion constructed for the flood control of the Little Calumet River.
 - A letter was sent to INDOT on August 29, 2006 requesting cost and engineering data that could then be submitted to the COE for crediting.
 - **INDOT coordination engineer was contacted on February 26, 2007 for status. They indicated the information has been put together and will be forwarded to the LCRBDC in the near future.**
- B. A meeting was held on July 27, 2006 with the LCRBDC, Corps, FEMA, and the IDNR to discuss and coordinate the Little Calumet River model review. Need IDNR approval as required by FEMA guidelines.
- C. **27th & Chase Street – Pump Station Remediation**
 1. Design is completed, Corps submitted real estate requests, surveys completed, need right to construct (Refer to Land Acquisition Report).
 2. As part of the turnover process, the COE has been working with the GSD & United Water to remediate a drainage problem at their existing 27th & Chase pump station.
 - Design is ongoing, and the COE anticipates drawings will be ready for review by mid-September.
 - > Received a request from Gary about getting prints to review.

CELRC-TS-C-S (1180-1-1q)

MEMORANDUM FOR: See Distribution

SUBJECT: Contract No. DACW23-02-C-0010
Local Flood Protection
Stage III Drainage Remediation
Little Calumet River, Indiana
Modification No. A00004 - Executed

• STAGE III DRAINAGE REM.- MOD. #4

• ADD ACCESS ROAD TO PUMP STATION

• INCREASE CONTRACT BY \$30,235.55

7 FEB 2007

• ORIG. CONTRACT PRICE - \$1,257,835.02

• CURRENT CONTRACT PRICE - \$1,288,070.57

1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. A00004, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763.



GARY R. ANDERSON, P.E.
Project Engineer
Calumet Area Office

Enclosures

Distribution:

CELRC-TS-C-S (Complete Mod. File)
CELRC-TS-C-C (Complete Mod. File)
CELRC-CT (Complete Mod. File)
CELRC-TS-C-S (Complete Mod. File) G. Anderson
CELRC-TS-C-S (Mod. Only) R. Craib
CELRC-TS-C-S (Mod. Only) Project Binder
CELRC-PM-PM (Mod. Only) I. Samara
✓ LCRBDC (Mod. Only) J. Pokrajac

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE
Construction

PAGE OF PAGES

1 3

2. AMENDMENT/MODIFICATION NO.

A00004

3. EFFECTIVE DATE

SEE BLOCK 16C

4. REQUISITION/PURCHASE REQ. NO.

W81G6621774112

5. PROJECT NO. (If Applicable)

6. ISSUED BY

CODE

CHICAGO DISTRICT
111 North Canal Street
Suite 600
Chicago, IL 60606-7206

7. ADMINISTERED BY (If other than item 6)

CODE

DACW23

USAED, Chicago (CO-S)
Calumet Area Office
906 Griffith Boulevard
Griffith, IN 46319

8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)

Dyer Construction Co., Inc.
1716 Sheffield Avenue
Dyer, Indiana 46311-1598
Lake, IN

9A. AMENDMENT OF SOLICITATION NO.

9B. DATED (SEE ITEM 11)

10A. MODIFICATION OF CONTRACT/ORDER

X DACW23-02-C-0010 NA

10B. DATED (SEE ITEM 13)

29 Sep 2002

CODE

FACILITY CODE

11. THIS ITEM APPLIES ONLY TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitations and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA

See Page 2.

Contract Amount Increased \$30,235.55.

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify Authority)
TRACT ORDER NO. IN ITEM 10A.

THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CON-

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES
SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).

(Such as changes in paying office,

C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

X 52.0243-0004- CHANGES

D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return original and 3 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Contract for Stage III Drainage Remediation at Little Calumet River, Indiana.

Reference No. R00007

SS008 Access Road to Pump Stations

See Page 2.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)

Janet Furman President

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)

Victor Gervais
Administrative Contracting Officer

15B. CONTRACTOR/OFFEROR

Janet Furman
(Signature of person authorized to sign)

15C. DATE SIGNED

11/19/03

16B. UNITED STATES OF AMERICA

BY *Victor Gervais*
(Signature of Contracting Officer)

16C. DATE SIGNED

11-21-03

NSN 7540-01-152-8070

PREVIOUS EDITION UNUSABLE

30-105-2

STANDARD FORM 30 (REV. 10-83)

PRESCRIBED BY GSA
FAR (48 CFR) 53.243

2

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGES

2 3

Contract No: DACW23-02-C-0010 NA
Modification No: A00004
Contractor: Dyer Construction Co., Inc.
Contract Title: Stage III Drainage Remediation
Location: Little Calumet River, Indiana

Reference No. R0000

12. ACCOUNTING AND APPROPRIATION DATA (Continued)

APPROPRIATION	WORK ITEM	CONTRACT CHANGE
96-NA-X-3122-0000	2LFC49	\$15,117.78
96-NA-X-8862-0000	6303GD	\$15,117.77
Total		\$30,235.55

14. DESCRIPTION OF MODIFICATION (Continued)**A. SCOPE OF WORK****SS008 Access Road to Pump Stations**

Provide two (2) access roads. One (1) Marshalltown Station and One (1) at Grant Street Station.

B. CHANGE IN CONTRACT SPECIFICATIONS

Section 01270 - Add the following paragraphs:

1.1.18 Access Roads (Bid Item 0019)

1.1.18.1 Payment

All costs associated with the construction of two (2) access roads shall be paid for under the contract lump sum price.

1.1.18.2 Measurement - Not Used

1.1.18.3 Unit of Measurement

Unit of Measurement: Lump Sum (LS)

C. CHANGE IN CONTRACT PRICE

Total contract price is increased by \$30,235.55.

New CLINS

CLIN No.	DESCRIPTION	QUANTITY	UNIT PRICE	CHANGE AMOUNT
0019	Access Road to Pump Stations	1.00 LS	\$30,235.55	\$30,235.55

Total Change Amount **\$30,235.55****D. CHANGE IN CONTRACT TIME**

The contract completion date shall be extended by 20 calendar days by reason of this modification.

E. CLOSING STATEMENT

It is understood and agreed that pursuant to the above, the contract time is extended 20 calendar days from November 9, 2003 to November 29, 2003, and the contract price is INCREASED \$30,235.55 from \$1,257,835.02 to \$1,288,070.57 which reflects all credits due the Government and all debits due the Contractor. It is further understood and agreed that this adjustment constitutes compensation in full on behalf of the Contractor and its Subcontractors and Suppliers for all costs and markups directly or indirectly

3

• STAGE III DRAINAGE REM.- MOD. #6

• MISC. FIELD CHANGES

• INCREASE CONTRACT BY \$ 8,152.34

CELRC-TS-C-S (1180-1-1q)

7 FEB 2007

MEMORANDUM FOR: See Distribution

• ORIG. CONTRACT AMT.- \$ 1,301,800.83

• CURRENT CONTRACT AMT.- \$ 1,310,053.17

SUBJECT: Contract No. DACW23-02-C-0010
Local Flood Protection
Stage III Drainage Remediation
Little Calumet River, Indiana
Modification No. A00006 - Executed

1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. A00006, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763.



GARY R. ANDERSON, P.E.
Project Engineer
Calumet Area Office

Enclosures

Distribution:

CELRC-TS-C-S (Complete Mod. File)
CELRC-TS-C-C (Complete Mod. File)
CELRC-CT (Complete Mod. File)
CELRC-TS-C-S (Complete Mod. File) G. Anderson
CELRC-TS-C-S (Mod. Only) R. Craib
CELRC-TS-C-S (Mod. Only) Project Binder
CELRC-PM-PM (Mod. Only) I. Samara
✓ LCRBDC (Mod. Only) J. Pokrajac

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGES

2 | 3

Reference No. R000C

Contract No: DACW23-02-C-0010 NA
Modification No: A00006
Contractor: Dyer Construction Co., Inc.
Contract Title: Stage III Drainage Remediation
Location: Little Calumet River, Indiana

12. ACCOUNTING AND APPROPRIATION DATA (Continued)

APPROPRIATION	WORK ITEM	CONTRACT CHANGE
96-NA-X-3122-0000	1DFCDB	\$3,897.46
96-NA-X-3122-0000	JGD850	\$3,777.21
96-NA-X-8862-0000	FC74K8	\$293.36
96-NA-X-8862-0000	H7BH0B	\$284.31
Total		\$8,252.34

14. DESCRIPTION OF MODIFICATION (Continued)**A. SCOPE OF WORK****SS010 Miscellaneous Field Changes**

- a. Change location of the A-Frame Gate.
- b. Replace three (3) removable bollards.
- c. Replace construction safety sign.
- d. Install phase rotation relay.

B. CHANGE IN CONTRACT SPECIFICATIONS

Section 01270 - Add the following paragraphs:

1.1.20 Miscellaneous Changes (Bid Item 0021)

1.1.20.1 Payment

All costs associated with the changes shall be paid for under the contract lump sum price.

1.1.20.2 Measurement - Not Used

1.1.20.3 Unit of Measurement

Unit of Measurement: Lump Sum (LS)

C. CHANGE IN CONTRACT PRICE

Total contract price is increased by \$8,252.34.

New CLINs

CLIN No.	DESCRIPTION	QUANTITY	UNIT PRICE	CHANGE AMOUNT
0021	Miscellaneous Field Changes	1.00 LS	\$8,252.34	\$8,252.34

Total Change Amount \$8,252.34

D. CHANGE IN CONTRACT TIME

The contract completion date shall remain unchanged by this modification.

E. CLOSING STATEMENT

It is understood and agreed that pursuant to the above, the contract time is not affected, and the contract price is increased \$8,252.34, from \$1,301,800.83 to \$1,310,053.17 which reflects all credits due the Government and all debits due the Contractor. It is further

- STAGE III DRAINAGE REM. - MOD. # 10
- CREDIT CONTRACT TO OMIT SEOWER & ASS. FEE
- CREDIT CONTRACT BY \$8,400.00

CELRC-TS-C-S (1180-1-1q)

7 FEB 2007

MEMORANDUM FOR: See Distribution

- ORIG. CONTRACT PRICE - \$1,625,056.81
- CURRENT CONTRACT PRICE - \$1,616,156.81

SUBJECT: Contract No. DACW23-02-C-0010,
Local Flood Protection
Stage III Drainage Remediation
Little Calumet River, Indiana
Modification No. A00010 - Executed

1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. A00010, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763.



GARY R. ANDERSON, P.E.
Project Engineer
Calumet Area Office

Enclosures

Distribution:

- CELRC-TS-C-S (Complete Mod. File)
- CELRC-TS-C-C (Complete Mod. File)
- CELRC-CT (Complete Mod. File)
- CELRC-TS-C-S (Complete Mod. File) G. Anderson
- CELRC-TS-C-S (Mod. Only) R. Craib
- CELRC-TS-C-S (Mod. Only) Project Binder
- CELRC-PM-PM (Mod. Only) I. Samara
- ✓ LCRBDC (Mod. Only) J. Pokrajac

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE Construction	PAGE OF PAGES 1 3
2. AMENDMENT/MODIFICATION NO. A00010	3. EFFECTIVE DATE SEE BLOCK 16C	4. REQUISITION/PURCHASE REQ. NO. W81G6621774112	5. PROJECT NO. (If Applicable)	
6. ISSUED BY CHICAGO DISTRICT 111 North Canal Street Suite 600 Chicago, IL 60606-7206	CODE	7. ADMINISTERED BY (If other than item 6) USAED, Chicago (TS-C-S) Calumet Area Office 906 Griffith Boulevard Griffith, IN 46319	CODE	H6L1CS0

8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) Dyer Construction Co., Inc. 1716 Sheffield Avenue Dyer, Indiana 46311-1598 Lake, IN	9A. AMENDMENT OF SOLICITATION NO.
	9B. DATED (SEE ITEM 11)
	10A. MODIFICATION OF CONTRACT/ORDER X DACW23-02-C-0010 NA
CODE	10B. DATED (SEE ITEM 13) 29 Sep 2002
FACILITY CODE	

11. THIS ITEM APPLIES ONLY TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
 (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitations and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA
See Page 2.

Contract Amount Decreased -\$8,900.00.

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify Authority) TRACT ORDER NO. IN ITEM 10A.	THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CON-
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (Such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).	
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: X 52.0243-0004 - Changes	
D. OTHER (Specify type of modification and authority)	

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return original and 3 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Contract for Stage III Drainage Remediation at Little Calumet River, Indiana.

Reference No. R00016

SS019 Delete Geoweb Maintenance Pad

See Page 2.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Janet Furman President	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Dick L Albert Administrative Contracting Officer
15B. CONTRACTOR/OFFEROR <i>Janet Furman</i> (Signature of person authorized to sign)	15C. DATE SIGNED Sept 8, 2005
16B. UNITED STATES OF AMERICA <i>Dick L Albert</i> (Signature of Contracting Officer)	16C. DATE SIGNED 15 Sept 2005

NSN 7540-01-152-8070

PREVIOUS EDITION UNUSABLE

30-105-2

STANDARD FORM 30

PRESCRIBED BY GSA
FAR (48 CFR) 53.243

(REV. 10-83)

7

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGES

2 | 3

Contract No: DACW23-02-C-0010 NA
Modification No: A00010
Contractor: Dyer Construction Co., Inc.
Contract Title: Stage III Drainage Remediation
Location: Little Calumet River, Indiana

Reference No. R0001

12. ACCOUNTING AND APPROPRIATION DATA (Continued)

APPROPRIATION	WORK ITEM	CONTRACT CHANGE
96-NA-X-3122-0000	1C94LF	-\$8,277.00
96-NA-X-8862-0000	KF4KF0	-\$623.00
Total		-\$8,900.00

14. DESCRIPTION OF MODIFICATION (Continued)**A. SCOPE OF WORK****SS019 Delete Geoweb Maintenance Pad**

It is necessary to modify this contract as follows:

The 6" Geoweb w/ Aggregate Fill Maintenance Pad at the Drain Tile Pump Station shall not be constructed. It was previously agreed to delete this Maintenance Pad at the time an Access Road was provided to the Drain Tile Pump Station (Field Change SS0008 - Modification A00004), however, an adjustment to delete the Maintenance Pad bid item was not included in the modification at that time.

B. CHANGE IN CONTRACT DRAWINGS

Ensure that the geoweb maintenance pad is not shown on any As-Built drawings.

C. CHANGE IN CONTRACT SPECIFICATIONS

SECTION 00010 BID SCHEDULE - ITEM NO 0006AH - Indicate that the 6" Geoweb w/ Aggregate Fill at Maintenance Pad was deleted and adjust amount accordingly.

SECTION 01270 MEASUREMENT AND PAYMENT - Paragraph 1.1.6 Geoweb w/ Aggregate Fill - Indicate that ITEM NO 0006AH is deleted.
Subparagraph 1.1.6.1 Payment - ADD the following sentence:

"All requirements for the construction of a 6" Geoweb w/ Aggregate Fill Maintenance Pad (0006AH) at the Drain Tile Pump Station are DELETED and payment for this work will be adjusted accordingly.

D. CHANGE IN CONTRACT PRICE

Total contract price is decreased by -\$8,900.00.

Lump Sum Changes

CLIN No.	DESCRIPTION	CHANGE AMOUNT
0006AH	6" Geoweb w/Aggregate Fill at Maint. Pad	-\$8,900.00

Total Change Amount **-\$8,900.00****E. CHANGE IN CONTRACT TIME**

The contract completion date shall remain unchanged by this modification.

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGES

3 3

Reference No. R0001

Contract No: DACW23-02-C-0010 NA
Modification No: A00010
Contractor: Dyer Construction Co., Inc.
Contract Title: Stage III Drainage Remediation
Location: Little Calumet River, Indiana

F. CLOSING STATEMENT

It is understood and agreed that pursuant to the above, the contract time remains unchanged, and the contract price is decreased by \$8,900.00 from \$1,625,056.81 to \$1,616,156.81, which reflects all credits due the Government and all debits due the Contractor.

It is further understood and agreed that this adjustment constitutes compensation in full on behalf of the Contractor and its Subcontractors and Suppliers for all costs and markups directly or indirectly attributable for the change ordered, for all delays related thereto, for all extended overhead costs, and for performance of the change within the time frame stated.

Pursuant to the "Continuing Contracts" clause, this modification hereby deobligates an amount of \$8,900.00 for this contract; thus, decreasing the total Contract funded amount from \$1,625,056.81 to \$1,616,156.81.

- STAGE III DRAINAGE REM. - MOD. # 11
- DECREASE CONTRACT AFTER FINAL FILL QUANTITIES
- DECREASE CONTRACT AMT. BY - \$ - 1045.57

CELRC-TS-C-S (1180-1-1q)

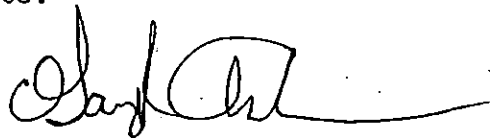
7 FEB 2007

MEMORANDUM FOR: See Distribution

- ORIG. CONTRACT AMT. - \$ 1,616,156.81
- CURRENT CONTRACT AMT. - \$ 1,615,111.24

SUBJECT: Contract No. DACW23-02-C-0010
Local Flood Protection
Stage III Drainage Remediation
Little Calumet River, Indiana
Modification No. A00011 - Executed

1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. A00011, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763.



GARY R. ANDERSON, P.E.
Project Engineer
Calumet Area Office

Enclosures

Distribution:

CELRC-TS-C-S (Complete Mod. File)
CELRC-TS-C-C (Complete Mod. File)
CELRC-CT (Complete Mod. File)
CELRC-TS-C-S (Complete Mod. File) G. Anderson
CELRC-TS-C-S (Mod. Only) R. Craib
CELRC-TS-C-S (Mod. Only) Project Binder
CELRC-PM-PM (Mod. Only) I. Samara
✓ LCRBDC (Mod. Only) J. Pokrajac

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGES

2 | 3

Contract No: DACW23-02-C-0010 NA
Modification No: A00011
Contractor: Dyer Construction Co., Inc.
Contract Title: Stage III Drainage Remediation
Location: Little Calumet River, Indiana

Reference No. R00017

12. ACCOUNTING AND APPROPRIATION DATA (Continued)

APPROPRIATION	WORK ITEM	CONTRACT CHANGE
96-NA-X-3122-0000	1C94LF	\$1,298.17
96-NA-X-8862-0000	KF4KF0	-\$2,343.74
Total		-\$1,045.57

Pursuant to the "Continuing Contracts" clause, this modification hereby deobligates an amount of \$1,045.57 for this contract; thus, decreasing the total Contract funded amount to \$1,615,111.24.

14. DESCRIPTION OF MODIFICATION (Continued)**A. SCOPE OF WORK****SS020 Final Quantities Modification**

The Contract work is substantially complete and the final Contract quantities of work are known. This modification revises the estimated contract quantities to the actual quantities of work performed for unit priced items.

CLIN No.	DESCRIPTION	PREVIOUS QUANTITY	CHANGE IN QUANTITY	REVISED QUANTITY
0001AE	Remove/Haul/Disposes of Non-Organic Waste; Over 10 Tons	10.00 TN	-1.54 TN	8.46 TN
0006AF	24" Dia. RCP Class III Pipe	740.00 LF	8.50 LF	748.50 LF
0007AC	Ditch Excavation	110.00 LF	90.00 LF	200.00 LF
0011AB	1.5" Bituminous Surface	340.00 TN	-95.92 TN	244.08 TN
0011AC	2" Bituminous Binder	450.00 TN	24.70 TN	474.70 TN
0025	Erosion Backfill Concrete	10.00 CY	15.00 CY	25.00 CY

B. CHANGE IN CONTRACT PRICE

Total contract price is decreased by -\$1,045.57.

Quantity Changes

CLIN No.	DESCRIPTION	CHANGE IN QUANTITY	UNIT PRICE	CHANGE AMOUNT
0001AE	Remove/Haul/Disposes of Non-Organic Waste; Over 10 Tons	-1.54 TN	\$99.00 /TN	-\$152.46
0006AF	24" Dia. RCP Class III Pipe	8.50 LF	\$48.50 /LF	\$412.25
0007AC	Ditch Excavation	90.00 LF	\$25.00 /LF	\$2,250.00
0011AB	1.5" Bituminous Surface	-95.92 TN	\$70.50 /TN	-\$6,762.36
0011AC	2" Bituminous Binder	24.70 TN	\$60.00 /TN	\$1,482.00
0025	Erosion Backfill Concrete	15.00 CY	\$115.00 /CY	\$1,725.00

Total Change Amount **-\$1,045.57****C. CHANGE IN CONTRACT TIME**

The contract completion date shall remain unchanged by this modification.

D. CLOSING STATEMENT

It is understood and agreed that pursuant to the above, the Contract time remains unchanged, and the Contract price is DECREASED by

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGES

3 | 3

Contract No: DACW23-02-C-0010 NA

Reference No. R0001

Modification No: A00011

Contractor: Dyer Construction Co., Inc.

Contract Title: Stage III Drainage Remediation

Location: Little Calumet River, Indiana

\$1,045.57 from \$1,616,156.81 to \$1,615,111.24 which reflects all Credits due the government and all debits due the Contractor.

It is further understood and agreed that this adjustment constitutes compensation in full on behalf of the Contractor and its Subcontractors and Suppliers for all costs and markups directly or indirectly attributable to the changes in quantities, for all extended overhead costs, and for performance of the change within the time frame stated.



Little Calumet River Basin Development Commission

6100 Southport Road
Portage, Indiana 46368

(219) 763-0696 Fax (219) 762-1653
E-mail: littlecal@nirpc.org

WILLIAM BILLER, Chairman
Governor's Appointment

ROBERT MARSZALEK, Vice Chairman
Governor's Appointment

R. KENT GURLEY, Treasurer
Lake County Commissioners' Appointment

CHARLIE RAY, Secretary
Porter County Commissioners' Appointment

GEORGE CARLSON
Hammond Mayors' Appointment

ARLENE COLVIN
Gary Mayors' Appointment

STEVE DAVIS
IN. Dept. of Natural Resources Appointment

ROBERT HUFFMAN
Governors' Appointment

JOHN MROCZKOWSKI
Governor's Appointment

DR. MARK RESHKIN
Governors' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

TO:

Marcie Foster, BP Amoco
Don Samala, Buckeye Partners
Bob Hardt, Conoco Phillips
Patrick Nwakoby, Explorer Pipeline
Dave Woodsmall, Marathon Petroleum
Mark Pasyk, NIPSCO
Danny Young, Norfolk Southern Railroad
Jeff Jackson, Witel Communications
Fred Hipshire, Wolverine

FROM:

James E. Pokrajac, Agent, Engineering/Land Management

SUBJECT:

Stage V Phase 2 Pipeline Utility Coordination

DATE:

February 12, 2007

The LCRBDC has recently sent you the most recent set of Army Corps of Engineers drawings showing the impact of our sheet piling relative to your pipelines on/or adjacent to the NIPSCO and NSRR right-of-ways located north and south of the Little Calumet River approximately 1/2 mile west of Kennedy Avenue, south of the I-80/94. The Army Corps has indicated to me a follow-up set of review drawings will be forthcoming approximately mid-March 2007. That review set will not only show the sheet piling impact but also the overall plan showing construction impacts to this area including access ramps and work limits.

As we indicated to you in our request for your engineering review, the Army Corps and the LCRBDC are on an accelerated schedule. In order to expedite the final agreement we will enter into with your company, I would request that you indicate to me the procedure and point of contact your company requires to coordinate, not only the engineering and relocation coordination, but the legal or real estate issues regarding the signing of the agreement. In the past, I coordinated with you or one other point of contact who facilitated all activities. Should I

continue this procedure for coordination, that would include the signing of the Agreement; or if you have an additional point of contact to coordinate the agreements, please provide me that point of contact. It is our intent to expedite this process by working with the engineering coordination and development of the agreement simultaneously. However, we realize you cannot sign any agreements until the engineering review has been completed. At that point in time, we will work with you or your company's point of contact to execute this agreement. If you have any questions regarding this request, please let me know.

/sjm

cc: Imad Samara, *Project Manager, USACOE*
Vic Kotwicki, *Detroit Real Estate, USACOE*
Cpt. Kelsey Lavicka, *USACOE*
Dan Gardner, *Ex. Dir., LCRBDC*
Judy Vamos, *Real Estate Agent, LCRBDC*
Lou Casale, *Attorney for LCRBDC*



WOLVERINE PIPE LINE COMPANY

August 10, 2005

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

Attn: Jim Pokrajac

RE: Little Calumet River Flood Protection
Stage V, Phase 2
Utility Coordination

I received your letter dated February 12, 2007 requesting additional contacts for Wolverine in order to expedite the subject project. Wolverine Pipe Line Company is a relatively small pipeline company, and its employees perform multiple tasks. My area of responsibility, as the Right-of-Way Agent, is primarily easements, agreements and landowner relations. I am the best person for you to contact with regard to getting agreements signed and recorded. If you are unable to contact me for any reason, Christine Himes at extension 25 in this office (chimes@wplco.com) would be my alternate. Ms. Himes will be knowledgeable about the project and able to assist you.

Wolverine has an Engineer in this office as well, Mr. Bill Keenan, whose phone number is 269-978-5140 (bkeen@wplco.com). You may contact Mr. Keenan directly with any engineering questions. Any written correspondence, including updated prints, should be addressed to my attention to ensure the earliest response, as it is my job to screen such correspondence and direct it to the proper Wolverine person or department.

Fred W. Hipshear
Right-of-Way Agent

Jim Pokrajac

From: "Woodsmall, David" <dlwoodsmall@marathonpetroleum.com>
To: "Jim Pokrajac" <jpokrajac@nirpc.org>
Cc: "Woods, Stephen M." <smwoods@marathonpetroleum.com>; "May, Edward D." <edmay@marathonpetroleum.com>; "Hobson, Tom" <thobson@marathonpetroleum.com>; "Grubb, Gary S." <gsgrubb@marathonpetroleum.com>; "Daily, Susan G." <sgdaily@marathonpetroleum.com>; "rbandy@f-w.com" <rbandy@f-w.com>
Sent: Wednesday, February 21, 2007 8:17 AM
Subject: RE: NIPSCO/ NSRR Pipeline Corridor- West of Kennedy Avenue

Jim – Per your letter, dated 2/12/07, you requested the point of contact to coordinate any real estate or legal issues concerning any agreements between the Little Calumet River Basin Development Commission and MPL. That person is Steve Woods and his contact information is as follows:

Marathon Pipeline Company
 PO Box F/ Old Rt. 40
 Martinsville, IL 62442
 217/382-2248 Office
 812/249-0445 Cell
 217/382-2200 Fax

Any activities requiring locating the pipelines or excavation near the pipelines should be coordinated with Tom Hobson or Susan Dailey at MPL's Griffith, IN office (219/924-8577). 48 hours notice is required.

Engineering and design details should continue to come to me.

If you have any questions, please contact me.

David L. Woodsmall
Marathon Petroleum - M&TE
3106 Kickbush Drive
Valparaiso, IN 46385
219/477-4001
219/531-5422 - fax
219/508-3928 - cell
DLWoodsmall@MarathonPetroleum.com

From: Jim Pokrajac [mailto:jpokrajac@nirpc.org]
Sent: Monday, January 29, 2007 4:51 PM
To: Woodsmall, David
Subject: NIPSCO/ NSRR Pipeline Corridor- West of Kennedy Avenue

Dave,

Could you please send me Ryan Bandys' mailing address. The army corps just gave me preliminary drawings for the overall pipeline corridor and I will send you both an informational cover letter along with the design set provided to me by the army corps. I know it may not be entirely complete for this segment, but if you have questions I will contact the corps to try to provide you answers.

Thanks,

Jim Pokrajac

Jim Pokrajac

From: "Jim Pokrajac" <jpokrajac@nirpc.org>
To: "Egilmez, Allen" <ALLENE@ucea.com>
Sent: Thursday, February 08, 2007 4:23 PM
Subject: Re: US 41- Phase 1A Project

Allen,

This was the last communication that we had regarding your Phase I project. Last night we had our monthly board meeting and the subject came up regarding your scheduling and design. I have a few questions:

1. I asked Imad Samara from the army corps if they had provided you our most recent design and alignment for our flood protection in that area since we have been working with Cabelas North of the river. He wasn't sure. We are no longer installing sheet piling behind the tri-state bus terminal, but are running our South line of protection onto the Cabelas property and tying into our existing South line of protection at the North end of the Tri-State parking lot. If you need this information, or have any questions, let me know and I will forward you whatever you need.
2. You had presented us with some site layout information and general information indicating you would probably be on the Petrides property. Is your site layout still the same? Petrides came to our meeting last night and posed these questions to me. It seems that they have potential buyers, but can not sell because of the potential of your building on this property. I told Bill that I would at least check to find if all remains the same.
3. You indicated that your schedule projected a Fall 2007 letting date. Is this the same. Could you let me know your projected award, construction start, and construction completion dates.
4. Will coordination still be needed with all benefitting parties to determine who has what responsibility to pay how much.

Any questions, please let me know,

Jim Pokrajac

----- Original Message -----

From: Egilmez, Allen
To: Jim Pokrajac
Sent: Monday, October 09, 2006 2:38 PM
Subject: RE: US 41- Phase 1A Project

Jim,

We have a meeting scheduled with INDOT to discuss both US 41 projects, including the one at Little Calumet River. We and INDOT need to iron out some item responsibility but it will be activated and put on a Fall 2007 letting.

As soon as we have the meeting, I will update you on the meeting minutes.

Allen

From: Jim Pokrajac [mailto:jpokrajac@nirpc.org]
Sent: Monday, October 09, 2006 4:20 PM
To: Egilmez, Allen

Subject: US 41- Phase 1A Project

Allen,

I appreciated your response to our letter to you dated September 7, 2006 regarding our funding and scheduling for the upcoming construction of our flood control project on and adjacent to Indianapolis Blvd.. At our last commissioners meeting on October 4, 2006, I was asked what the current status was regarding Indot for their project. Could you please let me know if it has been re-started, funded, or any other pertinent pertinent information that might be available? I was also asked if you might have any tentative time schedule to see how your project could meld with ours. I appreciate any help you can provide.

Thanks'

JIM POKRAJAC

Jim Pokrajac

From: "Druzicki, David E LRC" <David.E.Druzicki@lrc02.usace.army.mil>
To: "John Bach" <jbach@highland.in.gov>
Cc: "Edd, Sheldon D LRC" <Sheldon.D.Edd@lrc02.usace.army.mil>; <jpokrajac@nirpc.org>
Sent: Thursday, February 22, 2007 1:08 PM
Subject: RE: North Drive Pump Station (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

John,

Power has been hooked up to the pump station. The electrical work is approx. 90% done, piping is about 60% complete. The pumps have been delivered and are stored in ICC's yard near the N. 5th Ave. pump station.

Just to let you know. I've moved to a new position within the Corps (splitting time between Chicago and the Calumet Office) and will no longer be on the Little Cal projects. Sheldon Edd will be the new Project Engineer. He can be reached at the Calumet Area Office 923-1763.

The next project meeting is scheduled for 9:00am next Tuesday (2/27) at the Calumet Office.

Dave

-----Original Message-----

From: John Bach [mailto:jbach@highland.in.gov]
Sent: Thursday, February 22, 2007 10:24 AM
To: Druzicki, David E LRC
Subject: North Drive Pump Station

Dave,

Could you please give me an update on the status of the North Drive Pump Station and when it will be operational?

John M. Bach, Public Works Director

Town of Highland

3333 Ridge Road

Highland, Indiana 46322

(219) 972-5069

• STAGE VI-1 SOUTH - MOD.#4

• REQUEST FOR TIME EXTENSION - 51 Cal. Days

• (ADVERSE WEATHER DAYS)

CELRC-TS-C-S (1180-1-1q)

8 February 2007

• CONTRACT PRICE REMAINS UNCHANGED

• FROM MARCH 7, 2007 TO APRIL 27, 2007

MEMORANDUM FOR: See Distribution

SUBJECT: Contract No. W912P6-04-C-0007
Local Flood Protection
Little Calumet River, Indiana
Stage VI-1 South Levee
Modification No. A00004 - Executed

1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. A00004, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763.



Sheldon Edd, P.E.
Project Engineer
Calumet Area Office

Enclosures

Distribution:
CELRC-TS-C-S (Complete Mod. File)
CELRC-TS-C-C (Complete Mod. File)
CELRC-CT (Complete Mod. File)
CELRC-TS-C-S (Complete Mod. File) S. Edd
CELRC-TS-C-S (Mod. Only) D. Druzbecki
CELRC-TS-C-S (Mod. Only) C. Lee
CELRC-TS-C-S (Mod. Only) Project Binder
CELRC-PM-PM (Mod. Only) I. Samara
LCRBDC (Mod. Only) J. Pokrajac ✓

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGES

2 | 2

Contract No: W912P6-04-C-0007 NA
Modification No: A00004
Contractor: Illinois Constructors Corporation
Contract Title: Local Flood Protection, Stage VI-1 South
Location: Little Calumet River, Indiana

Reference No. R0001

12. ACCOUNTING AND APPROPRIATION DATA (Continued)

96x3122 (B1GB82) FED No change
96x8862 (72JB27) NON-FED No change

This modification increases the Contract time and not the total Contract funded amount, therefore the total contract amount remains the same at \$7,522,544.51.

14. DESCRIPTION OF MODIFICATION (Continued)**A. SCOPE OF WORK****SS022 Time Extension, Unusually Severe Weather**

Add 51 Calendar days to the required completion date due to actual adverse weather days incurred above that specified to be anticipated during the periods 01 May 2006 to 31 May 2006 and 01 September 2006 to 31 October 2006.

B. CHANGE IN CONTRACT DRAWINGS

NA

C. CHANGE IN CONTRACT SPECIFICATIONS

Reference Technical Section 00700 - Contract Clauses, Paragraph 52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK (APR 1984), remove the paragraph and replace with the following:

The Contractor shall be required to: (a) commence work under this contract within TEN (10) CALENDAR DAYS after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than NINE-HUNDRED-FOUR (904) CALENDAR DAYS after receipt of the notice to proceed. The time stated for completion shall include final cleanup of the premises

D. CHANGE IN CONTRACT PRICE

Total contract price is unchanged.

E. CHANGE IN CONTRACT TIME

The contract completion date shall be extended by 51 calendar days by reason of this modification.

F. CLOSING STATEMENT

It is understood and agreed, that pursuant to the above, time for completion of the work is extended 51 calendar days from 07 March 2007, as established by Modification A00003, to 27 April 2007, and the total estimated contract amount remains UNCHANGED at \$7,522,544.51 as established by Modification A00003.

It is further understood and agreed that this modification constitutes compensation in full on behalf of the Contractor, and its subcontractors and suppliers for all costs and markups directly or indirectly attributable to the changes ordered herein, for all delays related thereto, and for performance of the changes within the time frame stated.

- STAGE VI - I SOUTH - PAY EST. #18
- ILLINOIS CONSTRUCTORS - PAYMENTS
- TOTAL EARNINGS TO DATE: *6,504,357.98

• Paid to DATE - \$6,471,057.98

2) Amt. Due Now - \$ 18,872.34

PAYMENT ESTIMATE - CONTRACT PERFORMANCE For use of this form, see ER 37-2-10 and ER 37-345-10				1. INVOICE RECEIVED DATE 24 Jan 2007		Sheet 1 of 5	
2. CONTRACTOR AND ADDRESS Illinois Constructors Corporation PO Box 745 St. Charles, IL 60174				3. CONTRACT NO. W912P6-04-C-0007 NA		4. DISTRICT CHICAGO DISTRICT	
5. DESCRIPTION OF WORK Local Flood Protection, Stage VI-1 South				6. APPROPRIATION AND PROJECT 96-NA-X-3122-0000		7. REQUIRED COMPLETION DATE 04 Mar 2007	
3. LOCATION Little Calumet River, Indiana			9. PERIOD COVERED BY THIS ESTIMATE FROM 01 Sep 2006 THRU 29 Sep 2006		10. JOB ORDER NO.		11. ESTIMATE NO. 18
ITEM NO. a	DESCRIPTION b	CONTRACT			TOTAL TO DATE		
		QUANTITY AND UNIT c	UNIT PRICE d	AMOUNT e	QUANTITY AND UNIT f	AMOUNT g	
	CONTRACT AMOUNT (contract line items - see attached sheets).			\$7,463,681.54	87%	\$6,509,357.98	
INCLUDES MODIFICATIONS THRU R00015		87 % EARNINGS TO DATE 87 % LESS STORED MATERIAL		TOTAL CONTRACT ———→	\$7,463,681.54	TOTAL EARNINGS TO DATE ———→	\$6,509,357.98
REMARKS							

2
w

12. PRESENTED FOR PAYMENT		14. A. PREVIOUS RETAINED PERCENTAGE		\$0.00
PAYEE	PER	B. PREVIOUS OTHER DEDUCTIONS		\$38,300.00
ILLINOIS CONSTRUCTORS CORP	<i>Phillip L. Ross</i>	C. PREVIOUS LIQUIDATED DAMAGES		\$0.00
DATE 1-25-07	TITLE Project Manager	D. PREVIOUS PAYMENTS		\$6,284,185.64
13. APPROVED AMOUNT		E. PREVIOUS EARNINGS (A + B + C + D)		\$6,322,485.64
I certify that I have checked the quantities covered by this bill or estimate; that the work was actually performed; that the quantities are correct and consistent with all previous computations as actually checked; that the quantities and amounts are wholly consistent with the requirements of the contract or other instrument involved.		F. EARNINGS THIS PERIOD (TOTAL EARNINGS TO DATE MINUS E)		\$186,872.34
		G. LESS RETAINED PERCENTAGE		\$0.00
		H. LESS OTHER DEDUCTIONS		\$0.00
		I. TOTAL DEDUCTIONS THIS PERIOD (G + H)		\$0.00
		J. RETAINAGE REFUND		\$0.00
		K. OTHER REFUNDS		\$0.00
		L. TOTAL REFUNDS THIS PERIOD (J + K)		\$0.00
		M. LIQUIDATED DAMAGES THIS PERIOD		\$0.00
N. AMOUNT DUE CONTRACTOR (F - I + L - M)				\$186,872.34
SIGNATURE <i>David E. Dwyer</i> <i>Curtis A. Ross</i> Quality Assurance Representative C.O.R.		DATE 1/25/07		
CONTRACTING OFFICER APPROVAL (Signature) <i>David Dwyer</i> Contracting Officer's Representative		DATE 1/25/07		
15. TOTALS TO DATE - ALL INVOICES				
RETAINED PERCENTAGE (A + G - J)		\$0.00	LIQ. DAMAGES (C + M) \$0.00	
OTHER DEDUCTIONS (B + H - K)		\$38,300.00	PAID TO DATE (D + N) \$6,471,057.98	

CELRC-TS-C-S (1180-1-1q)

• STAGE VII-1 NORTH - MOD. # 10

• INCREASE CONTRACT FUNDING - \$500,000

• PREVIOUS TOT. FUNDING - \$3,861,350.00

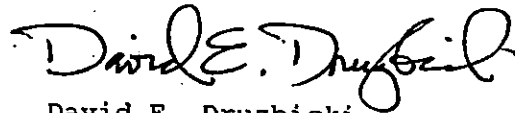
31-Jan-2007

• CURRENT CONTRACT FUNDING - \$4,361,350.00

MEMORANDUM FOR: See Distribution

SUBJECT: Contract No. W912P6-05-C-0010
Local Flood Protection
Little Calumet River, Indiana
Stage VI-1 North
Modification No. P00010 - Executed

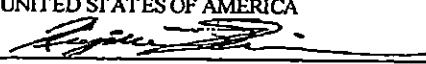
1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. P00010, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763 or 1764.



David E. Druzicki
Project Engineer
Calumet Area Office

Enclosures

Distribution:
CELRC-TS-C-S (Complete Mod. File)
CELRC-TS-C-C (Complete Mod. File)
CELRC-CT (Complete Mod. File)
CELRC-TS-C-S (Complete Mod. File) D. Druzicki
CELRC-TS-C-S (Mod. Only) C. Lee
CELRC-TS-C-S (Mod. Only) Project Binder
CELRC-PM-PM (Mod. Only) I. Samara
LCRBDC (Mod. Only) J. Pokrajac ✓

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE J		PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. P00010		3. EFFECTIVE DATE 31-Jan-2007		4. REQUISITION/PURCHASE REQ. NO. W81G68-5131-6716		5. PROJECT NO. (If applicable)	
6. ISSUED BY U. S. ARMY ENGINEER DISTRICT, CHICAGO 111 NORTH CANAL STREET SUITE 600 CHICAGO IL 60606-7206		CODE W912F6		7. ADMINISTERED BY (If other than item 6) CALUMET AREA OFFICE 906 N. GRIFFITH BOULEVARD GRIFFITH IN 46319		CODE H6L1CSO	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) ILLINOIS CONSTRUCTORS CORPORATION JOHN MACKANIN PO BOX 745 ST CHARLES IL 60174				9A. AMENDMENT OF SOLICITATION NO.			
				9B. DATED (SEE ITEM 11)			
				X 10A. MOD. OF CONTRACT/ORDER NO. W912F6-05-C-0010			
				X 10B. DATED (SEE ITEM 13) 18-Jul-2005			
CODE 0F1T6		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required) See Schedule							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACT/ORDERS IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
X D. OTHER (Specify type of modification and authority) EFARS 52.232-5004 Incremental Funding							
E. IMPORTANT: Contractor <input checked="" type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Modification Control Number: h6tcsded07197 Contract for Local Flood Prot - Stage VI-1 North at Little Calumet River Reference No. R00011 SS012 Incremental Funding \$500,000.00 See Page 2.							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) REGINA G BLAIR / ADDED BY SUMI TEL: 312.646.5371 EMAIL: regina.g.blair@usace.army.mil			
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)		16C. DATE SIGNED 31-Jan-2007	

EXCEPTION TO SF 30
APPROVED BY OIRM 11-84

30-105-04

STANDARD FORM 30 (Rev. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

25

.SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

MODIFICATION NO. P00010

A. SCOPE OF WORK

SS012 Incremental Funding \$500,000

Pursuant to the "Incremental Funding" clause, this modification hereby obligates an amount of \$500,000.00 for this contract.

B. CHANGE IN CONTRACT PRICE

Total contract price is unchanged.

C. CHANGE IN CONTRACT TIME

The contract completion date shall remain unchanged by this modification.

D. CLOSING STATEMENT

Pursuant to the "Incremental Funding" clause, this modification hereby obligates an amount of \$500,000.00 for this contract; thus, increasing the total Contract obligated amount to \$4,361,350.00.

SECTION 00800 - SPECIAL CONTRACT REQUIREMENTS

Accounting and Appropriation

Summary for the Payment Office

As a result of this modification, the total funded amount for this document was increased by \$500,000.00 from \$3,861,350.00 to \$4,361,350.00.

Contract Level Funding:

AA: 96 NA X 3122.0000 H6 X 08 2426 075325 96112 3230 1C94LF NA GB7250
was increased by \$500,000.00 from \$2,280,350.00 to \$2,780,350.00

(End of Summary of Changes)

**LITTLE CALUMET RIVER LOCAL FLOOD PROTECTION PROJECT
STAGE VIII LEVEE PLANS AND SPECIFICATIONS
QUALITY ASSURANCE PLAN**

**STAGE VIII - ENGINEERING SCHEDULE
ARMY CORPS - BUFFALO DISTRICT**

Activity / Milestone	Duration (Calendar Days)	Estimated Completion Date
Review Project Information	21	21-November 2006
LRB prepares and submits preliminary project layout / pre-final real estate drawings to LRC	56	16-January 2007
LRC / local sponsor review	14	30-January 2007
LRB responds to comments / coordinate changes to plans	7	6-February 2007
LRB/LRC meet with local sponsor	3	9-February 2007
LRB/LRC meet with local residents/stakeholders	0	12-13 February 2007
LRB submits final real estate drawings.	0	16 March 2007
Formal notice with final RE drawings sent to local sponsor to acquire real estate.	1	19 March 2007
LRB performs detailed design / analysis for entire project, prepare geotechnical, civil, structural and cost estimating appendices of design analysis report, assemble design analysis report. Prepare 50% Plans and Specs.	150	13-July 2007
LRB submits Design Analysis Report, 50% Plans and Specs to LRC.	0	13-July 2007
BCOE Review Meeting #2 after LRC and Local Sponsor Review Design Analysis Report, 50% Plans and Specs, Concepts Report. LRB conducts ITR during this period.	28	10-August 2007
LRB/LRC meet with local residents/stakeholders	0	10-11-August 2007
LRB responds to comments, coordinates changes and makes revisions to Design Analysis Report.	13	24-August 2007
LRB submits Final Design Analysis Report.	0	24-August 2007
LRB prepares 100% Plans and Specs and Engineering	63	26-October 2007
Considerations and Instructions to Field Personnel.		
LRB submits 100% Plans and Specs and Engineering Considerations and Instructions to Field Personnel.	0	26-October 2007
BCOE Review Meeting #3 LRC and Local Sponsor Review of 100% Plans, Specs and plan-in-hand review. LRB conducts ITR during this period.	28	16-November 2007
LRB responds to comments, coordinates changes and makes revisions to Plans and Specs. Prepare DRAFT Engineering Considerations and Instructions to Field Personnel.	28	14-December 2007
100% BCOE/ITR Backcheck - All reviewers ensure their comments have been incorporated into the design	14	28-December 2007
LRB submits Ready-To-Advertise Plans and Specs. Submit DRAFT Engineering Considerations and Instructions to Field Personnel.	0	28-December 2007
LRB prepares Independent Government Contract Cost Estimate, Prepare Final Engineering Considerations and Instructions to Field Personnel and LRC prepares Bid Package	28	25-January 2008
LRB submits Independent Government Contract Cost Estimate and Submit FINAL Engineering considerations and Instructions to Field Personnel	0	25-January 2008
Local Sponsor has completed the acquisition process for all necessary real estate.	365	19-March 2008
Local Sponsor issues LRC the ROE for construction	2	21-March 2008
LRC advertises Contract	28	18-April 2008
LRC opens Bids	0	18-April 2008
LRC awards Contract	14	2-May 2008
LRB prepares Contract Set Plans and Specs	14	16-May 2008
LRB submits Contract Set Plans and Specs	0	16-May 2008
LRC issues NTP	7	23-May 2008

REQUEST FOR PROPOSALS
FOR DEVELOPMENT, OPERATION & MAINTENANCE
OF A WETLAND MITIGATION BANK

The Little Calumet River Basin Development Commission (hereinafter the "COMMISSION") is hereby requesting proposals for the construction, maintenance, operation and monitoring of a Wetland Mitigation Bank on a parcel of property it owns consisting of a approximately 32 acres located in the City of Lake Station, County of Lake State of Indiana more particularly described as follows:

(Here insert Location of Description)

as well as the marketing and sale of Wetland Mitigation Credits therefrom (all of which shall be referred to hereafter as the "PROJECT").

Proposals shall be submitted to the Little Calumet River Basin Development Commission at its offices located at 6100 Southport Road, Portage, Indiana, 46368, on or before _____ p.m. on the _____ day of _____, 2007, in which time and place all proposals shall be opened and available for inspection.

The COMMISSION reserves the right to negotiate with any or all potential Contractors that submit a proposal and/or reject any or all proposals.

The winning Contractor will, among other items, be required to design, construct, operate, maintain and market the PROJECT at its sole cost, including obtaining all permits pertaining thereto, all of which is more specifically provided in the detailed specification which are on file at the offices of the COMMISSION.

Proposals shall furnish the information requested in specifications which may be obtained by prospective Contractors at the COMMISSION offices during normal business hours.

By: _____
Dan Gardner
Executive Director of
The Little Calumet River
Basin Development Commission

_____ day of _____, 2007.



Little Calumet River Basin Development Commission

6100 Southport Road
Portage, Indiana 46368

(219) 763-0696 Fax (219) 762-1653
E-mail: littlecal@nirpc.org

WILLIAM BILLER, Chairman
Governor's Appointment

ROBERT MARSZALEK, Vice Chairman
Governor's Appointment

R. KENT GURLEY, Treasurer
Lake County Commissioners' Appointment

CHARLIE RAY, Secretary
Porter County Commissioners' Appointment

GEORGE CARLSON
Hammond Mayors' Appointment

ARLENE COLVIN
Gary Mayors' Appointment

STEVE DAVIS
IN. Dept. of Natural Resources Appointment

ROBERT HUFFMAN
Governors' Appointment

JOHN MROCZKOWSKI
Governor's Appointment

DR. MARK RESHKIN
Governors' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

March 7, 2007

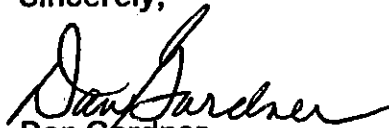
Mr. Charles Schalliol
State Budget Director
IN State Budget Agency
212 State House
Indianapolis, Indiana 46204

Dear Mr. Schalliol:

Enclosed is the Army Corps of Engineers verification regarding the \$1,442,583 that was released on February 14, 2007 by the State Budget Committee has resulted in the U. S. Army Corps of Engineers awarding the contract for the last segment of critical path levee construction in the city of Gary. This release has leveraged \$1.6 million of Federal construction participation toward the contract to Dyer Construction. Work is expected to begin in May of this year, following required Federal certifications and paperwork by the contractor. This construction will keep the State's commitment to the Cabela's development on schedule.

The actions of the Budget Committee are greatly appreciated toward causing this contract to be awarded and I personally want to thank you and your staff, especially Tony Armstrong, for working with us in facilitating its placement on the agenda; and Deanna Oware, for the actual processing the release of the monies in an expeditious manner. This action preserved the contract from having to be re-bid at considerable added cost and delay in time. We look forward to working with you and the Budget Agency toward the completion of this project.

Sincerely,


Dan Gardner
Executive Director

/s/jm
cc:

Tony Armstrong, Deanna Oware, *State Budget Agency*
Elizabeth Johnson, *Congressman's Office*
Senator Frank Mrvan, *Budget Committee member*
Representative Bob Kuzman, *Ways & Means*
Mayor Rudy Clay, Deputy Mayor Geraldine Toussant, *City of Gary*



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO IL 60606-7206

REPLY TO
ATTENTION OF:

March 6, 2007

Programs and Project
Management Branch

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

RE: Little Calumet River Flood Control Project, Burr Street Betterment Levee
Phase 2 East Award

Dear Mr. Gardner,

I'm writing this letter to inform you that the USACE, Chicago District has awarded the Burr Street Betterment Levee Phase 2 East Contract to Dyer Construction Company, for the amount of \$3,342,583.22 on February 28, 2007.

Please let me know if you have any questions regarding this, you can contact me at 312-846-5560 or on my Cell Phone 312-860-0123.

Sincerely Your

Imad N Samara
Project Manager



Sandy Mordus

From: "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>
To: "Sandy Mordus" <smordus@nirpc.org>; "Jim Pokrajac" <jpokrajac@nirpc.org>
Sent: Wednesday, February 28, 2007 1:31 PM
Subject: FW: CONTRACT AWARD: LOCAL FLOOD PROTECTION, BURR STREET PHASE 2 EAST PROJECT (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

FYI.

Imad N Samara
Project Manager
U S Army, Corps of Engineers
111 N Canal Street
Chicago IL, 60606
(W) 312.846.5560
(Cell) 312.860.0123

-----Original Message-----

From: Blair, Regina G LRC
Sent: Wednesday, February 28, 2007 1:30 PM
To: DLL-CELRC-ALL
Subject: CONTRACT AWARD: LOCAL FLOOD PROTECTION, BURR STREET PHASE 2 EAST PROJECT (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

The subject Project has been awarded in the following manners:

Contract Award No.: W912P6-07-C-0003
Date of Award: 28 February 2007
Contractor: Dyer Construction Company, Incorporated Total Award Amount:
\$3,342,583.22 Total Funded Amount: \$3,342,583.22 Performance Period: 480
Calendar Days

Note: The Company is certified as a Small, Woman-Owned Business.

Regina G. Blair
Chief, Contracting Branch
USACE - Chicago District
111 North Canal Street, Suite #600
Chicago, Illinois 60606
(312) 846-5371
(312) 316-1011
Classification: UNCLASSIFIED



Little Calumet River Basin Development Commission

6100 Southport Road
Portage, Indiana 46368

(219) 763-0696 Fax (219) 762-1653
E-mail: littlecal@nirpc.org

WORK STUDY SESSION

March 7, 2007

5:30 – 6:00 p.m.

ACTION ITEMS:

Finance

Approval of claims for March 2007

Approval of O&M claims for March 2007

Land Acquisition

Any Condemnations or increased offers?

Land Management

Consideration & approval of RFP for 32 acres east of Clay Street

ITEMS OF IMPORTANCE/POLICY:

- Project Funding Status
- Meeting held on February 20 with city of Gary officials to discuss O&M turnover, land transfer, and set timetable

REVISED

**APPROVAL TO PAY THE FOLLOWING INVOICES
FROM O&M FUND
MARCH 7, 2007**

-
- **\$52.53 to T-Mobile for costs incurred for cell phone for engineer field work; monthly service 1/11/07 – 2/10/07**
 - **\$108.87 to NIPSCO for gas & electricity costs incurred at 3120 Gerry Street(Commission-owned property); Statement date 1/11/07**
 - **\$252.00 to R. W. Armstrong for costs incurred on O&M table updates – period ending February 9, 2007**

TOTAL \$ 413.40

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION ATTENDANCE ROSTER

NAME OF MEETING: LCRBDC DATE: 3-7-07

LOCATION: _____ CHAIRMAN: Bill Biller

PLEASE SIGN IN

	NAME (PLEASE PRINT)	ORGANIZATION, ADDRESS, PHONE NUMBER
1	BILL PETRITES	HIGHLAND RESIDENT
2	Elizabeth Johnson	Congressman Visclosky
3	Imad Samara	NONE
4	TRACI POWELL	IDNR
5	Bill Petrites	
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

February 6, 2007
Responses: 16-Feb-07 by J. Lane

Ms. Janet Lane
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207

Re: Comments on Stage VIII

Dear Janet:

We received your preliminary real estate layouts that reflect engineering changes for Stage VIII and I worked with my surveyors to provide these comments. I have a number of general concerns and questions that I would like to address as follows:

- (1) The intent of these comments is to provide input and ask questions regarding the most recent proposal for real estate acquisition for Stage VIII. It is my understanding that a final set of real estate drawings (16 sheets) will be forthcoming based upon your review and incorporation of these comments. I would suggest that, not only the LCRBDC have the opportunity to review the 16 sheet set, but that we also distribute them to the municipalities for their input.

LCRBC will have the opportunity to review the 16 sheet plan set showing the layout and real estate. The plans may also be provided to the municipalities for comments on the layout. The RE shown is what is necessary to complete construct the layout.

- (2) I would request that the real estate drawings will more clearly define the individual property lines as well as street or railroad right-of-ways.

If the local sponsors surveyors determine that the property lines do not match the previous information they may correct the property lines on the survey plats and inform USACE of any potential impacts on the permanent easements.

- (3) It appears that the location of the river as shown on your drawings varies from the river location my surveyors provided based upon their field data. It is critical to determine the location of the river relative to the property lines because of the valuation process that will be used during the appraisal process.

USACE is in the process of re-surveying the topography in selected locations to better identify discrepancies in the river locations. This should not impact the LCRBDC from performing the acquisition with their surveyor.

THIS IS PAGE 1 OF 12
(COPIES OF FULL REVIEW AVAILABLE UPON REQUEST)

Jim Pokrajac

From: "Lane, Janet R LRB" <Janet.R.Lane@lrb01.usace.army.mil>
To: "Jim Pokrajac" <jpokrajac@nirpc.org>
Cc: "Lewandowski, Frank T LRB" <Frank.T.Lewandowski@lrb01.usace.army.mil>; "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>; "Lavicka, Kelsey W CPT LRC" <Kelsey.W.Lavicka@lrc02.usace.army.mil>
Sent: Thursday, February 22, 2007 12:37 PM
Attach: SVIII comments + responses R1.doc
Subject: Comment Responses to Stage 8 RE (UNCLASSIFIED)

Classification: **UNCLASSIFIED**

Caveats: NONE

Jim,

Attached are my responses (with some input from Imad) to your comments on the Stage 8 real estate drawings. The RE plans I sent out this morning incorporate some of the items discussed in my responses. My responses are in blue. No response means I concur with your statement. Please feel free to contact me if you have any questions or want to discuss anything. Thanks.

<<SVIII comments + responses R1.doc>>

Janet R. Lane
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207
PH: (716) 879-4241
FAX: (716) 879-4355

Classification: **UNCLASSIFIED**

Caveats: NONE

Jim Pokrajac

From: "Jim Pokrajac" <jpokrajac@nirpc.org>
To: <sjd1948@sbcglobal.net>; "Jim Mandon" <jmandon@munster.org>
Cc: <dgardner@nirpc.org>
Sent: Thursday, February 22, 2007 11:29 AM
Subject: Stage VIII- Real Estate Drawings

Jim Mandon (Munster Town Engineer)
Stan Dostatni (Hammond City Engineer)

Jim/Stan,

Enclosed are two sets each of the army corps real estate drawings for Stage VIII, which includes our proposed construction for flood control in Hammond and Highland between Columbia Avenue and the State Line, both sides of the river. These drawings represent the proposed real estate takes in both of your communities. The corps is allowing Dan Gardner and myself the opportunity to present these to your communities for general review and comments. We have to submit to them, in writing, any comments no later than March 7. Would you both review these, and share them with any other representatives from your community, and get back to me to set up a meeting with Dan and me sometime next week in order to meet the corps deadline. If you have any questions or need additional information, please let me know.

Thank you,

Jim Pokrajac

**FINAL-MEETING MINUTES
LITTLE CALUMET RIVER STAGE VIII FLOOD CONTROL
MEETING**

07 February 2007 1000 – 1130 hours (EST)

1. ATTENDEES:

Local Sponsor – Via teleconference

Jim Pokrajac (JP) Little Calumet River Basin Development Commission (LCRBDC)

Dan Gardner (DGR) LCRBDC

U.S. Army Corps of Engineers, Buffalo District (USACE-Chi) – Via teleconference

Imad Samara (IS) Project Manager

CPT Kelsey Lavicka (KL)

Matt Cunningham (MC) Civil

Rick Ackerson (RA) Hydraulics

U.S. Army Corps of Engineers, Buffalo District (USACE-Buff) – Via teleconference

Dan Green (DG) Engineer Manager

Frank Lewandowski (FL) Civil-Structural

Janet Lane (JL) Civil-Structural

Jennifer Janik (JJ) Real Estate

U.S. Army Corps of Engineers, Detroit District (USACE-Buff) – Via teleconference

Victor Kotwicki (VK) Real Estate

2. MINUTES: The meeting proceeded as follows with the following items discussed
(*AI = Action item shown in section 3 with responsible person initials in parentheses*):

A). JL received the comments from JP, but hadn't adequate time to review and provide feedback during the teleconference. JL will provide responses in the next few days. (JL)

B). JL advised that the preliminary layout drawings with real estate will be ready on **21 February**; IS suggested that no one else needs to comment on the real estate drawings since it represents the minimum that is required for the project to be constructed, as well as they are not intended to be construction drawings.

C). DGR stated his agency can arrange a meeting with local municipal personnel and other key agency representatives that have interests in the project to compile input in a single document. He suggested that a public meeting would be useful as well. IS disagreed that another public meeting would be necessary, since several have already been conducted. (DGR)

D). JL asked that comments by local town officials regarding the layout be sent to her **not later than Wednesday March 7th** to allow enough time to make revisions and adjustments to the preliminary layout. (JP)

E). J Lane also advised that the FINAL real estate drawings would be sent out on **16 March 2007** to Chicago District and J Pokrajac for the LCRBDC to coordinate locally. This would set the schedule for real estate acquisition to be completed by **19 March 2008**.

F). The schedule in the Quality Control Plan (QCP) was discussed to determine if the project is on track to meet the March 2008 contract award milestone. There was some conversation about schedule expectations of interest to the local Congressional members (December 2007 for contract award), but that is not feasible given the status of the project presently.

G). Staging and storage areas were talked about with regard to what will be needed for real estate also. VK stated that much of this can be negotiated and worked as the construction phase approaches, especially at public parks and other recreational areas.

H). JP will arrange a teleconference to have SEH Survey provide their input for utility relocations and other known utility impacts. The tentative date/time is set for **13 February, 1000 hours Central Time zone (1100 EST). (JP)**

I). The LCRBDC has also started to work on the title search for the presently abandoned rail line that crosses the river in order to determine what plans there are for its reuse and to obtain any real estate easements for the levee/floodwall construction.

J). RA and KL will contact Mr. Jim Mandon regarding the interior drainage issues, specifically the existing easements and condition of the storm sewer lines. KL will send out the results of their conversation. **(KL)**

K). JP asked JL to include a table for the real estate parcels to include as much information as possible (i.e. plat number, acreage, etc.) as that will be useful during estate tabulation and acquisition activities. This is not normally done by USACE, as the local sponsor's surveyors usually determine this information. A table of the permanent easement points and work limit (temporary) points will be included. **(JL)**

L). Flowage easements were also discussed. DG will contact MC to see about getting real estate drawings from other stages of the project so Buffalo can ensure the Stage 8 drawings correspond to what is needed. **(DG)**

The next telecon will take place on **21 February 2007 starting at 1000 hours Central Standard Time (1100 EST)**. CPT Lavicka will schedule the teleconference and develop an agenda to be sent to all participants.

3. ACTION ITEMS: The following actions are required:

- a. **(JL)** Provide responses to LCRBDC comments on layout drawings.
- b. **(DGR)** Arrange a meeting with local municipal personnel and other key agency representatives that have interests in the project.
- c. **(JP)** Provide comments from local town officials regarding the layout drawings by 07 March 07.
- d. **(JP)** Arrange a teleconference to have SEH Survey provide their input for utility relocations and other known utility impacts.
- e. **(KL)** Contact Mr. Jim Mandon regarding interior drainage issues, and send out the results of their conversation.
- f. **(JL)** Include a table on the real estate drawings with northing and easting coordinates in a table.
- g. **(DG)** Contact MC to see about getting real estate drawings from other stages of the project for consistency.

The preceding minutes are submitted to all meeting participants for review, comment and suggested revisions before being designated as final.

//SIGNED//

Daniel N. Green, R.A.
Engineer Manager, Buffalo District
U.S. Army Corps of Engineers

OPERATION AND MAINTENANCE REPORT

For meeting on Wednesday, March 7, 2007

(Information in this report is based upon latest data provided at the time the report is put together. Dates and costs may vary depending upon ongoing design and/or coordination with the Army Corps.

Report period is from January 31 – February 28, 2007)

GENERAL NOTE:

O&M ACTIVITIES IN THE FIELD WILL RESUME AS THE WEATHER ALLOWS. A FINAL SUMMARIZATION TABLE IS FORTHCOMING.

GENERAL SUMMARIZATION (EAST REACH TURNOVER)

1. A meeting was held with the city of Gary, and their new representatives on July 20th, 2006 to familiarize the new administration with our project, explain O&M responsibility to be assumed by Gary, and to determine what they will require for the O&M turnover process. Some of these items include:
 1. Six (6) pump station turnover
 2. Levee, sluice gate, flap gate turnover
 3. Transfer of LCRBDC excess lands
 4. Coordination for emergency responseMaps, pump station reports, O&M detail for maintenance breakdown and costs were distributed and discussed. (Copies available upon request.)
 - Mailed handouts of this meeting to Geraldine Tousant (Deputy Mayor), Gwen Malone (Public Works Director), and Luci Horton (GSD Director) on September 6.
2. Submitted (8) copies of the O&M Manual to GSD for distribution on August 31, 2006.
3. A letter was sent to city of Gary on 12/5/06, along with O&M tasks, requesting Gary to provide their own cost estimates/task, to see what the annual cost will be to meet O&M responsibilities as per the Army Corps current O&M Manual. (Ongoing as of December 29, 2006)
4. **A coordination meeting was held at the Gary City Hall on February 28, 2007 to discuss status of O&M and what will be required to turn over excess lands.**
 - **LCRBDC will start turnover process with State (anticipate six months-end of August, 2007), and anticipate remaining O&M maintenance items to be completed to “as-built” condition by end of July 2007.**

OPERATION AND MAINTENANCE BREAKDOWN STATUS

A. PUMP STATION TURNOVER

1. Six (6) pump stations will be turned over to Gary. These include Burr Street, Grant, Broadway, and Ironwood. It also includes two (2) lift stations at 32nd & Cleveland and Marshalltown.

2. An inspection of the six (6) pump stations in Gary was held on August 22 and 23, 2006 with the COE, representatives from Gary, and the LCRBDC.
 - Each of the three (3) parties have submitted results of the inspection which included accepted items, items to be put on a punch list, and any questions/clarifications regarding safety or intent of design.
 - A letter was sent to GSD on September 18 indicating the LCRBDC will provide the material for telemetry and a one year subscription in the amount of \$10,490 based upon Commission approval at our September 6 Board meeting.
 - A final punch list has been comprised by the LCRBDC, and is currently being reviewed by the Army COE and representatives from Gary. These items will be paid for and facilitated by the LCRBDC, to assure the stations are operating in "as-built" condition before turnover.
3. Survey work for the six (6) pump stations has been completed and was provided to the LCRBDC attorney at the August 2, 2006 Board meeting, and will require coordination with the city of Gary attorney to sign an agreement as part of the O&M turnover.
 - Awaiting meeting to be scheduled with both attorneys and decision makers for Gary. This will be part of the same meeting to discuss turnover of excess lands.
4. Received the Army Corps inspection results for pump stations on October 16, 2006 (copy available upon request).
5. A letter was sent to the Corps on 12/19/06 requesting comments on certain items. This will be the last step to complete the summary.
 - The COE forwarded a letter, dated June 12, 2006 that addresses many of the remaining concerns from Gary. This is currently being reviewed by the LCRBDC to assure all questions have been addressed.

B. SLUICE GATE/FLAP GATE TURNOVER

1. General Note: There are a total of 51 different closure areas in the East Reach.
 - Gary (41 sluice gates/41 flap gates)
 - Griffith (4 sluice gates/4 flap gates)
 - INDOT (6 sluice gates/6 flap gates)
 - INDOT gates were included as part of this inspection
 - Griffith gates will be inspected in the near future as part of the overall O&M turnover to Griffith
2. It is the intent to advertise sluice gates, and flap gates separately (As a separate contract) from the pump stations and will include lubrication, clean-up, and repair, as noted in inspection reports.
 - Minor items for lubrication or gear boxes are scheduled to be completed by United Water. (Ongoing)
 - One sluice gate and one flap gate will be cleaned, and assured to seal by Austgen Electric to get an approximate cost estimate/per gate. (Ongoing)
5. A final inspection was held on December 14 (Only sluice gate remaining is at Cline & I-80/94 (I.D. #5))

- A final inspection sheet was comprised and is currently under review by the COE and representatives from Gary.

C. LEVEE, I-WALL TURNOVER

1. A levee inspection was held with the COE, LCRBDC, and Gary on April 25, 26, 27, 2006. (Additional levee inspection will be scheduled in spring, 2007)
 - Received comments from Greeley and Hansen (GSD consultant – Eric Tonk) on May 1, 2006, including a general summarization. (Copies are available upon request).
2. LCRBDC received a letter from Col. Drolet (current Chicago District Commander) on August 3, 2006 indicating an additional I-wall inspection needs to be conducted in the near future due to a new Federal analysis following Hurricane Katrina.
 - COE tentatively wants to schedule this for next spring, 2007.
3. Received results of Army Corps I-Wall inspection on October 16, 2006. This inspection was held by the COE only on August 31, 2006 (Copies available upon request).

D. TRANSFER OF EXCESS LANDS TO CITY OF GARY

1. Transfer of excess lands (approximately 359 acres) were discussed as part of a meeting held with the city of Gary on June 28, 2004. LCRBDC passed a resolution at the July 7, 2004 Board meeting to begin process.
2. A letter was sent to City of Gary attorney requesting that we proceed with coordination of agreements and what is required for land transfers of LCRBDC properties on September 22, 2006.
3. Surveys were completed on April 25, 2006 for excess lands which include acreage west of Clay Street, south of the NIPSCO R/W, east of I-65, and north of and adjacent to Burns Ditch. (This is approximately 196 acres)
 - The other area is between Chase and Grant adjacent to both sides of 35th Avenue (This is approximately 189 acres).
4. Awaiting meeting to be scheduled with both attorneys and decision makers from Gary. This meeting will also discuss Gary requirements for land upon which project features sit (pump stations, levees, etc.) Dependent upon turnover of O&M responsibility to Gary.

E. TURNOVER OF SPARE PARTS, MANUALS, AND “AS-BUILT” DRAWINGS

1. Spare Part Turnover Process
 - A meeting was held with Debra Harris (United Water – Purchasing/Warehouse Manager) on June 13 to pick up inventory list of “spare parts for pump stations”, which were stored on GSD facilities in November 2005.
 - Received a letter from GSD on August 30, 2006 acknowledging receipt of spare parts lists and assigning a GSD representative to work with Debra Harris to confirm inventory.
2. A letter was sent to city of Gary on October 3, 2006 indicating that the LCRBDC has the (6) electric sluice gate operating drills for inspections.

F. GRIFFITH – O&M TURNOVER (GENERAL)

1. A meeting was held on June 30, 2005 at the Griffith Town Hall regarding the Process of Griffith being removed from the flood plain. (Refer to Engineering Report - Griffith levee)
2. In addition to the certification of the existing Cline to EJ&E RR levee, Griffith will also be required for O&M responsibility from EJ&E RR to Colfax (Burr St. Phase I & southern part of Stage IV-1 South).
 - A meeting will be scheduled to discuss O&M responsibilities and turnover coordination. (Ongoing)

GENERAL SUMMARIZATION (WEST REACH TURNOVER)

A. North 5th Pump Station Turnover

1. A final inspection was held with Highland on February 28, 2006 (Contractor was Overstreet)
 - This letter also summarized their contractual obligations, and a sequence of events to complete the punch list. They demonstrated an unsatisfactory performance on this contract and have failed to complete these items in a timely manner.
 - Refer to Engineering Report for status of Overstreet coordination.
2. Pump Station turnover coordination
 - Sent an email to Highland on December 19 requesting facilitation of turnover & that LCRBDC has all manuals, drawings, etc. Highland responded that their Board will accept this station & provide them an agreement.
 - An email was sent to the COE on December 22 requesting information on turnover; Overstreet legal problems, COE requirements, and inspection requirements. (Ongoing)

EMERGENCY RESPONSE COORDINATION

A. Acceptance of Emergency Response by each project municipality

1. A meeting was held with the COE, LCRBDC, USGS, the National Weather Service, and representatives from all five (5) communities on April 24, 2006.
 - COE requires turnover, and sign-off, by each municipality to assume responsibility for their community to comply with COE plan during a flood, and to submit a plan as part of their overall community emergency response plan.
2. It was mutually agreed that the closures throughout the project could be expedited by supplementing 2'x2'x7' concrete blocks, with plastic and sandbags at each location.
 - Received information from the COE in mid-June to determine how many concrete barriers will be needed for each location throughout the project.
 - LCRBDC will coordinate with each municipality to locate these concrete barriers on each individual site. (Ongoing)

3. A meeting will be scheduled with all the municipalities in the spring of 2007 to provide updated emergency response plans and to incorporate the Little Cal plan accordingly.
- B. Replace river data loggers by the COE and USGS
 1. LCRDAN upgrades (river data loggers) in conjunction with the USGS has been agreed upon by the COE to be provided to replace existing outdated units in Crown Point, Hammond, and Gary.
 - A conference call was held on May 24, 2005 with the COE, LCRBDC, USGS, National Weather Service, and the communities to discuss updating current river level monitoring equipment.
 - A summary of this call was distributed by the COE on May 24 (afternoon).
 - COE provided an update of the status on August 24, 2006. (COE anticipates completion by end of September) (Ongoing)

MISCELLANEOUS

- A. Received a letter and prints from GRW Engineers, Inc. on February 19, 2007 requesting coordination, and easements on LCRBDC property (where flood protection has been completed west of Grant Street) to install a pump station and 30" water line to expand water service in Lake County.
 1. This will be the responsibility of the LCRBDC in the future, after all construction is completed, to coordinate any construction, easements, agreements, as part of the O&M turnover.
 2. Information has been forwarded to the Corps for engineering review and comments on February 24, 2007.

2-3



7112 Waldemar Drive
Indianapolis, IN 46268
Tel 317 / 347-3650
Fax 317 / 347-3656

GRW Engineers, Inc.

Engineering
Architecture
Planning
GIS
Aviation Consultants

Arlington, TX
Cincinnati, OH
Knoxville, TN
Lexington, KY
Louisville, KY
Nashville, TN

February 19, 2007

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

To the members of the Little Calumet River Basin Development Commission:

GRW Engineers, Inc. is designing a new water main and pump station on behalf of American Water Company, Inc. in Gary, Indiana. The purpose of this project is to expand water service in Lake County.

Sections of the water main are planned to be within the property owned and maintained by the Little Calumet River Basin Development Commission and will require easements from the Commission. Please see the attached plan sheets C-06, C-07, C-08, C-09, C-10, C-11 and C-12 for more specific locations. In the sections where the water main will cross the levee, trenchless construction methods will be utilized.

The final design of the water main and pump station is scheduled to be finished by March 2007. It is estimated that construction will be ready to begin in July 2007 and take approximately one year, ending in June 2008.

I have attached detailed plans of the proposed project. Please don't hesitate to call if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads 'Jeffery J. Poole'. The signature is written in a cursive style with a large, looped 'J' and a distinct 'P'.

Jeffery J. Poole
Project Engineer

Jim Pokrajac

From: "Jim Pokrajac" <jpokrajac@nirpc.org>
To: "Poole, Jeff" <JPoole@grwinc.com>
Cc: "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>
Sent: Saturday, February 24, 2007 10:28 AM
Subject: Fw: WM and PS construction plans (UNCLASSIFIED)

Jeff,

This is what I forwarded to the army corps. Imad Samara is their project manager and he will be the one to help me facilitate your request. As you can see we have a problem with orientation. We need to see where this is in relation to Grant Street. If, ultimately, we will be doing any real estate easement agreements we will need specifics as to a plat showing what property we own and what portion you will require. Also, we will need to know what type of easement will be required, and eventually, our attorney will have to review your agreement. Please forward me some type of drawing showing orientation.

Thanks,

Jim Pokrajac

----- Original Message -----

From: "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>
To: "Jim Pokrajac" <jpokrajac@nirpc.org>
Cc: "Lavicka, Kelsey W CPT LRC" <Kelsey.W.Lavicka@lrc02.usace.army.mil>; <john.groboski@USACE.army.mil>
Sent: Friday, February 23, 2007 4:31 PM
Subject: RE: WM and PS construction plans (UNCLASSIFIED)

Classification: UNCLASSIFIED
 Caveats: NONE

Jim I can't tell where is this at. Is there a location map that can be attached?

Imad N Samara
 Project Manager
 U S Army, Corps of Engineers
 111 N Canal Street
 Chicago IL, 60606
 (W) 312.846.5560
 (Cell) 312.860.0123

-----Original Message-----

From: Jim Pokrajac [mailto:jpokrajac@nirpc.org]

Sent: Friday, February 23, 2007 1:33 PM
To: Samara, Imad LRC
Cc: Lavicka, Kelsey W CPT LRC; john.groboski@USACE.army.mil
Subject: Fw: WM and PS construction plans

----- Original Message -----

From: Poole, Jeff <<mailto:JPoole@grwinc.com>>
To: jpokrajac@nirpc.org
Sent: Friday, February 23, 2007 8:32 AM
Subject: WM and PS construction plans

Jim,

I am going to send the .pdf's one or two at a time to make sure they get to you. In the past I have had trouble emailing more than 5 MB.

My point of contact with the city of Gary redevelopment was Yvette Thomas. I only spoke with her about the property on the northern side of the project, i.e. north of the Bormann Expy. Future plans for the area that the LCRBDC currently owns were not discussed. If you need any other information please let me know.

Thanks,

Jeffery J. Poole

Project Engineer

GRW Engineers, Inc.

7112 Waldemar Drive

Indianapolis, IN 46268

Ph. 317-347-3650

Fax 317-347-3656

E-mail: jpoole@grwinc.com <BLOCKED::mailto:jpoole@grwinc.com>

Burr St. Betterment LEVEE - GARY

Calumet Area Office Construction Progress Report Thru End of: February 2007

TS-C-S
D. Anderson
Nielsen
Lee

CONTRACT NO.: W912P6-06-XX-0099
CONTRACTOR: Superior Construction Company
DESCRIPTION: Local Flood Protection Little Calumet River, Indiana Burr Street Betterment Gary

ORIGINAL CONTRACT AWARD DATE/AMOUNT:	18-Jan-06	2,301,518.00
NTP DATE./CURRENT CONTRACT AMOUNT: Mods	31-May-06	2,374,191.00
ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION:	24-Aug-07	450
REVISED CONTRACT COMPLETION DATE/REVISED DURATION:	24-Aug-07	450
PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS:	24-Aug-07	0

ESTIMATED PROGRESS

A. Present Earnings as of Pay Est. No.	5	2,145,590.37
B. Estimated Earnings thru end of reporting period		60,000.00
C. Value of work Performed on Directed Mods (Earnings not paid for)		60,000.00
TOTAL ESTIMATED PROGRESS (A+B+C)		2,265,590.37

D. Work Paid for but not in Place (Materials in Storage)	0.00
--	------

TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)	2,265,590.37
--	--------------

E. Potential Termination Costs (% of Remaining Costs) {If Applicable}	0.00
---	------

FINANCIAL PROGRESS - (A+B+C+D-E)	2,265,590.37
----------------------------------	--------------

TOTAL ESTIMATED FINAL CONTRACT AMOUNT

F. Current Contract Amount thru Mod.	1	2,374,191.00
G. Current Value of Overruns/Underruns (+/-)		0.00
H. Directed, Pending Modifications		126,700.00
TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)		2,500,891.00

FUNDS OBLIGATED FOR PAYMENT: thru Modification	2,374,191.00
--	--------------

ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)	90.59%
---	--------

SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)	90.00%
--	--------

TOTAL EARNINGS AT THE END OF FY06	1,156,999.30
-----------------------------------	--------------

PROJECT STATUS/MAJOR ISSUES:

- Earthwork complete, revised Ktr earthwork qtys are over bid qtys (\$93K) Corps is reviewing resubmittal. Working on reconciling differences.
- Work shutdown for winter. Will resume in Spring when weather permits on ditches, Change approved by City for Ditch 5.

STAGE VI - PHASE 1 (NORTH)

Calumet Area Office Construction Progress Report Thru End of: February 2007

TS-C-S
D. Anderson
Edd
Lee

CONTRACT NO.: W912P6-05-C-0010
CONTRACTOR: Illinois Constructors Corporation
DESCRIPTION: Local Flood Protection Little Calumet River, Indiana Stage VI-1 North Levee

ORIGINAL CONTRACT AWARD DATE/AMOUNT:	30-Sep-05	5,566,871.00
NTP DATE./CURRENT CONTRACT AMOUNT: Mods A00001 & P00009	19-Oct-05	5,612,789.00
ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION:	21-Jul-07	640
REVISED CONTRACT COMPLETION DATE/REVISED DURATION:	2-Aug-07	652
PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS:	2-Aug-07	0

ESTIMATED PROGRESS

A. Present Earnings as of Pay Est. No. 10	4,290,924.93
B. Estimated Earnings thru end of reporting period	200,000.00
C. Value of work Performed on Directed Mods (Earnings not paid for)	0.00
TOTAL ESTIMATED PROGRESS (A+B+C)	4,490,924.93

D. Work Paid for but not in Place (Materials in Storage)	221,850.90
--	------------

TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)	4,269,074.03
--	--------------

E. Potential Termination Costs (% of Remaining Costs){If Applicable}	0.00
--	------

FINANCIAL PROGRESS - (A+B+C+D-E)	4,490,924.93
----------------------------------	--------------

TOTAL ESTIMATED FINAL CONTRACT AMOUNT

F. Current Contract Amount thru Mod. A00001 & P00009	5,612,789.00
G. Current Value of Overruns/Underruns (+/-)	0.00
H. Directed, Pending Modifications	-35,610.41
TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)	5,577,178.59

FUNDS OBLIGATED FOR PAYMENT: thru Modification A00001 & P00009	3,861,350.00
--	--------------

ACTUAL PERCENT COMPLETE (A+B+C-D)/(F+G+H)	76.55%
---	--------

SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)	76.00%
--	--------

TOTAL EARNINGS AT THE END OF FY06	3,145,914.28
-----------------------------------	--------------

PROJECT STATUS/MAJOR ISSUES:

- Levee complete from Kennedy Ave to Oxbow, Oxbow to preload. Working on SSP from Cline Ave west.
- Work continues on Gatewell structures and sewers behind hotels and businesses.
- Funding under CRA - will need funding mods to pay for each pay request.

STAGE VI - PHASE 1 (SOUTH)

Calumet Area Office Construction Progress Report Thru End of: February 2007

TS-C-S
D. Anderson
Edd
Lee

CONTRACT NO.: W912P6-04-C-0007
CONTRACTOR: Illinois Constructors Corporation
DESCRIPTION: Local Flood Protection Little Calumet River, Indiana Stage VI-1 South Levee

ORIGINAL CONTRACT AWARD DATE/AMOUNT:	30-Sep-04	6,503,093.70
NTP DATE./CURRENT CONTRACT AMOUNT: Mods P00014& A00004	4-Nov-04	7,522,544.51
ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION:	4-Dec-06	760
REVISED CONTRACT COMPLETION DATE/REVISED DURATION:	27-Apr-07	904
PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS:	5-Aug-07	100

ESTIMATED PROGRESS

A. Present Earnings as of Pay Est. No.	18	6,509,357.98
B. Estimated Earnings thru end of reporting period (Jan plus Feb estimate)		90,000.00
C. Value of work Performed on Directed Mods (Earnings not paid for)		0.00
TOTAL ESTIMATED PROGRESS (A+B+C)		6,599,357.98

D. Work Paid for but not in Place (Materials in Storage)	0.00
--	------

TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)	6,599,357.98
--	--------------

E. Potential Termination Costs (% of Remaining Costs){If Applicable}	0.00
--	------

FINANCIAL PROGRESS - (A+B+C+D-E)	6,599,357.98
----------------------------------	--------------

TOTAL ESTIMATED FINAL CONTRACT AMOUNT

F. Current Contract Amount thru Mod. P00014& A00004	7,522,544.51
G. Current Value of Overruns/Underruns (+/-)	0.00
H. Directed, Pending Modifications	60,000.00
TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)	7,582,544.51

FUNDS OBLIGATED FOR PAYMENT: thru Modification P00014& A00004	6,934,510.21
---	--------------

ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)	87.03%
---	--------

SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart (overpayment corrected)	87.00%
---	--------

TOTAL EARNINGS AT THE END OF FY06	5,937,394.80
-----------------------------------	--------------

PROJECT STATUS/MAJOR ISSUES:

- Under CRA, funding mods will need to be done on an ongoing basis.
- Work on pump station critical, electrical installation ongoing approx 80% complete. Piping installation started. Pumps on site. Emergency temporary pump brought onsite, will be operated by Town of Highland if necessary.
- Highland requested to keep existing pump station, redesign complete. Mod under review, wit probable time extension.
- Rec trail work started, will complete in spring.

STAGE VI - PHASE 2

Calumet Area Office Construction Progress Report Thru End of: February 2007

TS-C-S
D. Anderson
Edd/Nielsen
Babcock

CONTRACT NO.: W912P6-05-C-0006
CONTRACTOR: Dyer Construction Company
DESCRIPTION: Little Calumet River, Stage VI-Phase II

ORIGINAL CONTRACT AWARD DATE/AMOUNT:	18-Oct-05	4,205,644.17
NTP DATE/CURRENT CONTRACT AMOUNT: Mods A00001/P00006	18-Oct-05	4,205,644.17
ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION:	11-Apr-07	540
REVISED CONTRACT COMPLETION DATE/REVISED DURATION:	1-Jun-07	591
PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS:	1-Jun-07	0

ESTIMATED PROGRESS

A. Present Earnings as of Pay Est. No.	11	3,773,724.23
B. Estimated Earnings thru end of reporting period		205,803.89
C. Value of work Performed on Directed Mods (Earnings not paid for)		12,778.25
TOTAL ESTIMATED PROGRESS (A+B+C)		3,992,306.37

D. Work Paid for but not in Place (Materials in Storage)	0.00
--	------

TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)	3,992,306.37
--	--------------

E. Potential Termination Costs (% of Remaining Costs) {If Applicable}	0.00
---	------

FINANCIAL PROGRESS - (A+B+C+D-E)	3,992,306.37
----------------------------------	--------------

TOTAL ESTIMATED FINAL CONTRACT AMOUNT

F. Current Contract Amount thru Mod.	A00001/P00006	4,205,644.17
G. Current Value of Overruns/Underruns (+/-)		0.00
H. Directed, Pending Modifications(30K ramp - 30K trlr deletion + 15K grading +10K debris)		25,000.00
TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)		4,230,644.17

FUNDS OBLIGATED FOR PAYMENT: thru Modification	A00001/P00006	4,114,000.00
--	---------------	--------------

ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)	94.37%
---	--------

SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)	90.00%
--	--------

TOTAL EARNINGS AT THE END OF FY06	3,275,754.32
-----------------------------------	--------------

PROJECT STATUS/MAJOR ISSUES:

- October includes completion of earthwork. Will need survey and x-sections to get to final quantity. Survey scheduled for January 2007. Accrual reflects amount of work waiting for survey verification (100% of dirt bid amount).

-Asphalt ramps in spring.- Weather mod for 51 days approved which will allow for completion of landscape items in spring as necessary. Need to finalized mod for SSP thru dump area on Liable. District preparing redesign of ramp near Liable/Laporte to tie into Highland's bike path.

LANDSCAPING - PHASE II

Calumet Area Office Construction Progress Report Thru End of: February 2007

TS-C-S
D. Anderson
Mills
Rundzaitis

CONTRACT NO.: W912P6-04-C-0003
CONTRACTOR: Tallgrass Restoration, LLC
DESCRIPTION: Little Calumet River Landscaping, Phase 2

ORIGINAL CONTRACT AWARD DATE/AMOUNT:	30-Jun-04	648,995.23
NTP DATE./CURRENT CONTRACT AMOUNT: Mods P00005	29-Jul-04	648,995.23
ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION:	1-Oct-10	2255
REVISED CONTRACT COMPLETION DATE/REVISED DURATION:	1-Oct-10	2255
PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS:	1-Oct-10	0

ESTIMATED PROGRESS

A. Present Earnings as of Pay Est. No. 7	236,762.62
B. Estimated Earnings thru end of reporting period	118,237.38
C. Value of work Performed on Directed Mods (Earnings not paid for)	0.00
TOTAL ESTIMATED PROGRESS (A+B+C)	355,000.00

D. Work Paid for but not in Place (Materials in Storage)	0.00
--	------

TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)	355,000.00
--	------------

E. Potential Termination Costs (% of Remaining Costs){If Applicable}	0.00
--	------

FINANCIAL PROGRESS - (A+B+C+D-E)	355,000.00
----------------------------------	------------

TOTAL ESTIMATED FINAL CONTRACT AMOUNT

F. Current Contract Amount thru Mod. P00005	648,995.23
G. Current Value of Overruns/Underruns (+/-)	0.00
H. Directed, Pending Modifications	0.00
TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)	648,995.23

FUNDS OBLIGATED FOR PAYMENT: thru Modification P00005	355,000.00
---	------------

ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)	54.70%
---	--------

SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)	55.00%
--	--------

TOTAL EARNINGS AT THE END OF FY06	96,102.50
-----------------------------------	-----------

PROJECT STATUS/MAJOR ISSUES:

- Seeding completed except for a few small areas that are underwater. Accrual of \$118,237.38 will remain until spring to make sure seeds grow prior to final payment.

MITIGATION - IN PROGRESS

Calumet Area Office Construction Progress Report Thru End of: February 2007

CONTRACT NO.: DACW23-02-C-0011
CONTRACTOR: Renewable Resources
DESCRIPTION: Little Calumet River - Mitigation

TS-C-S
D. Anderson
G. Anderson
Babcock

ORIGINAL CONTRACT AWARD DATE/AMOUNT:	29-Sep-02	921,102.68
NTP DATE./CURRENT CONTRACT AMOUNT: Mods P00020	7-Nov-02	1,405,940.96
ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION:	11-Jan-04	430
REVISED CONTRACT COMPLETION DATE/REVISED DURATION:	7-Nov-07	1826
PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS:	7-Nov-07	0

ESTIMATED PROGRESS

A. Present Earnings as of Pay Est. No. 16	1,363,178.29
B. Estimated Earnings thru end of reporting period	4,266.67
C. Value of work Performed on Directed Mods (Earnings not paid for)	0.00
TOTAL ESTIMATED PROGRESS (A+B+C)	1,367,444.96

D. Work Paid for but not in Place (Materials in Storage)	0.00
--	------

TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)	1,367,444.96
---	---------------------

E. Potential Termination Costs (% of Remaining Costs){If Applicable}	0.00
--	------

FINANCIAL PROGRESS - (A+B+C+D-E)	1,367,444.96
---	---------------------

TOTAL ESTIMATED FINAL CONTRACT AMOUNT

F. Current Contract Amount thru Mod. P00020	1,405,940.96
G. Current Value of Overruns/Underruns (+/-)	0.00
H. Directed, Pending Modifications	0.00
TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)	1,405,940.96

FUNDS OBLIGATED FOR PAYMENT: thru Modification P00020	1,369,940.96
---	--------------

ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)	97.26%
---	--------

SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)	97.00%
--	--------

TOTAL EARNINGS AT THE END OF FY06	1,341,844.96
--	---------------------

-Contractor is in maintenance and monitoring period - field work will commence in the spring.
- Funding modification for \$18,000 approved 1/18/07 to cover work thru 2/15/07 per CRA.

NORTH 5TH AVE. - PUMP STA. REHAB.

Calumet Area Office Construction Progress Report Thru End of: February 2007

CONTRACT NO.:	DACW27-01-C-0008	TS-C-S
CONTRACTOR:	Overstreet Engineering and Construction, Inc.	D. Anderson
DESCRIPTION:	Little Calumet River'- <u>North Fifth Ave. Pump Station Rehabilitation</u>	G. Anderson
		Craib
ORIGINAL CONTRACT AWARD DATE/AMOUNT:	21-Feb-01	2,387,500.00
NTP DATE./CURRENT CONTRACT AMOUNT: Mods A00014 thru P00012	16-Apr-01	2,518,988.44
ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION:	17-Mar-03	700
REVISED CONTRACT COMPLETION DATE/REVISED DURATION:	27-Jan-04	1,016
PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS:	27-Jan-04	0
ESTIMATED PROGRESS		
A. Present Earnings as of Pay Est. No. 23		2,494,289.22
B. Estimated Earnings thru end of reporting period		0.00
C. Value of work Performed on Directed Mods (Earnings not paid for)		0.00
TOTAL ESTIMATED PROGRESS (A+B+C)		2,494,289.22
D. Work Paid for but not in Place (Materials in Storage)		0.00
TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)		2,494,289.22
E. Potential Termination Costs (% of Remaining Costs){If Applicable}		0.00
FINANCIAL PROGRESS - (A+B+C+D-E)		2,494,289.22
TOTAL ESTIMATED FINAL CONTRACT AMOUNT		
F. Current Contract Amount thru Mod. A00014 thru P00012		2,518,988.44
G. Current Value of Overruns/Underruns (+/-)		0.00
H. Directed, Pending Modifications (A00013 & A00014)		0.00
TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)		2,518,988.44
FUNDS OBLIGATED FOR PAYMENT: thru Modification A00014 thru P00012		2,518,988.44
ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)		99.02%
SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)		100.00%
TOTAL EARNINGS AT THE END OF FY06		2,494,289.22

PROJECT STATUS/MAJOR ISSUES:

- Contract substantial completion date was 27 January 2004.
- The Corps sent Overstreet a "Show Cause" Notice by email on 16 AUG 2005.
- A Final Inspection was performed on 28 February, 2006 with representatives from USACE, Town of Highland, LCRBDC and Overstreet. - A Final Inspection letter was issued 15 MAR 2006 summarizing events and correspondence documenting Overstreet's continued failure to complete remaining punchlist items that clearly demonstrates Overstreet's unsatisfactory performance.

Overstreet can not be contacted - phone line is no longer in service. They have not provided an invoice for work performed in AUG 2004.

District office has prepared the As-Built and they have been signed and distributed.

Financial close-out on hold pending resolution of Overstreet situation.

The Bonding Company met with USACE at the Calumet Area Office on 29 NOV 2006 to discuss remaining work at the Pump Stations.

PUMP STATION - PHASE 1A

Calumet Area Office Construction Progress Report Thru End of: February 2007

CONTRACT NO.:	DACW27-01-C-0001	TS-C-S
CONTRACTOR:	Overstreet Electric Co., Inc.	D. Anderson
DESCRIPTION:	Little Calumet River - <u>Pump Station Rehabilitation Phase 1A</u>	G. Anderson
		Craig
ORIGINAL CONTRACT AWARD DATE/AMOUNT:	5-Oct-00	4,638,400.00
NTP DATE/CURRENT CONTRACT AMOUNT: Mods A00015 & P00020	7-Nov-00	4,262,835.48
ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION:	8-Oct-02	700
REVISED CONTRACT COMPLETION DATE/REVISED DURATION:	21-Oct-04	1,444
PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS:	21-Oct-04	0
ESTIMATED PROGRESS		
A. Present Earnings as of Pay Est. No. 30		4,239,286.58
B. Estimated Earnings thru end of reporting period		0.00
C. Value of work Performed on Directed Mods (Earnings not paid for)		0.00
TOTAL ESTIMATED PROGRESS (A+B+C)		4,239,286.58
D. Work Paid for but not in Place (Materials in Storage)		0.00
TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)		4,239,286.58
E. Potential Termination Costs (% of Remaining Costs){If Applicable}		Not Available
FINANCIAL PROGRESS - (A+B+C+D-E)		4,239,286.58
TOTAL ESTIMATED FINAL CONTRACT AMOUNT		
F. Current Contract Amount thru Mod. A00015 & P00020		4,262,835.48
G. Current Value of Overruns/Underruns (+/-)		0.00
H. Directed, Pending Modifications		0.00
TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)		4,262,835.48
FUNDS OBLIGATED FOR PAYMENT: thru Modification A00015 & P00020		4,262,835.48
ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)		86.00%
SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)		100.00%
TOTAL EARNINGS AT THE END OF FY06		4,239,286.58

PROJECT STATUS/MAJOR ISSUES:

- The Termination for Default Modification P00020 was issued by the CO on 22 FEB 2006.
The T4D mod decreased the contract amount by \$711,445.19 (estimated work not complete)
from \$4,974,280.67 to \$4,262,835.48. \$119,791.61 was deobligated, decreasing total funded from
\$4,382,627.09 to \$4,262,835.48.

Overstreet has not provided an invoice for work performed in OCT 2004.

The Bonding Company reports that they continue to compile information of remaining work, and have developed a list of
potential bidders. Bid package may ready by early-mid March.

USACE met with HSD (Dr. Unger and Rick Sutton) on 09 FEB 2007 to address PUMP 1A issues in
Dr. Unger's 09 JAN 2007 letter.



U.S. Environmental Protection Agency

Wetlands

[Recent Additions](#) | [Contact Us](#) | [Print Version](#) Search: [GO](#)

[EPA Home](#) > [Water](#) > [Wetlands, Oceans and Watersheds](#) > [Wetlands](#) > [Policy and Technical Guidance](#) > [Federal Guidance for the Establishment, Use and Operation of Mitigation Banks](#)

Laws, Regulations,
Guidance, and
Scientific Documents

State, Tribal, and
Local Initiatives

Landowners

Water Quality and
401 Certification

Monitoring and
Assessment

Wetlands and
Watersheds

Restoration

Education

In Your Area

Federal Guidance for the Establishment, Use and Operation of Mitigation Banks

NOTICE

**Federal Register: November 28, 1995 (Volume 60,
Number 228)**

Page 58605-58614

I. Introduction

A. Purpose and Scope of Guidance

This document provides policy guidance for the establishment, use and operation of mitigation banks for the purpose of providing compensatory mitigation for authorized adverse impacts to wetlands and other aquatic resources. This guidance is provided expressly to assist Federal personnel, bank sponsors, and others in meeting the requirements of Section 404 of the Clean Water Act (CWA), Section 10 of the Rivers and Harbors Act, the wetland conservation provisions of the Food Security Act (FS) (i.e., "Swampbuster"), and other applicable Federal statutes and regulations. The policies and procedures discussed herein are consistent with current requirements of the Section 10/404 regulatory program and "Swampbuster" provisions and are intended only to clarify the applicability of existing requirements to mitigation banking.

The policies and procedures discussed herein are applicable to the establishment, use and operation of public mitigation banks, as well as privately-sponsored mitigation banks, including third party banks (e.g. entrepreneurial banks).

B. Background

For purposes of this guidance, mitigation banking means the restoration, creation, enhancement and, in exceptional circumstances, preservation of wetlands and/or other aquatic resources expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

The objective of a mitigation bank is to provide for the replacement of the chemical, physical and biological functions of wetlands and other aquatic resources which are lost as a result of authorized impacts. Using appropriate methods, the newly established functions are quantified as mitigation "credits" which are available for use by the bank sponsor or by other parties to compensate for adverse impacts (i.e., "debits"). Consistent with mitigation policies established under the Council on Environmental Quality Implementing Regulations (CEQ regulations) (40 CFR Part 1508.20), and the Section 404(b)(1) Guidelines (Guidelines) (40 CFR Part 230), the use of credits may only be authorized for purposes of complying with Section 10/404 when adverse impacts are unavoidable. In addition, for both the Section

10/404 and "Swampbuster" programs, credits may only be authorized when on-site compensation is either not practicable or use of a mitigation bank is environmentally preferable to on-site compensation. Prospective bank sponsors should not construe or anticipate participation in the establishment of a mitigation bank as ultimate authorization for specific projects, as excepting such projects from any applicable requirements, or as preauthorizing the use of credits from that bank for any particular project.

Mitigation banks provide greater flexibility to applicants needing to comply with mitigation requirements and can have several advantages over individual mitigation projects, some of which are listed below:

1. It may be more advantageous for maintaining the integrity of the aquatic ecosystem to consolidate compensatory mitigation into a single large parcel or contiguous parcels when ecologically appropriate;
2. Establishment of a mitigation bank can bring together financial resources, planning and scientific expertise not practicable to many project-specific compensatory mitigation proposals. This consolidation of resources can increase the potential for the establishment and long-term management of successful mitigation that maximizes opportunities for contributing to biodiversity and/or watershed function;
3. Use of mitigation banks may reduce permit processing times and provide more cost-effective compensatory mitigation opportunities for projects that qualify;
4. Compensatory mitigation is typically implemented and functioning in advance of project impacts, thereby reducing temporal losses of aquatic functions and uncertainty over whether the mitigation will be successful in offsetting project impacts;
5. Consolidation of compensatory mitigation within a mitigation bank increases the efficiency of limited agency resources in the review and compliance monitoring of mitigation projects, and thus improves the reliability of efforts to restore, create or enhance wetlands for mitigation purposes.
6. The existence of mitigation banks can contribute towards attainment of the goal for no overall net loss of the Nation's wetlands by providing opportunities to compensate for authorized impacts when mitigation might not otherwise be appropriate or practicable.

II. Policy Considerations

The following policy considerations provide general guidance for the establishment, use and operation of mitigation banks. It is the agencies' intent that this guidance be applied to mitigation bank proposals submitted for approval on or after the effective date of this guidance and to those in early stages of planning or development. It is not intended that this policy be retroactive for mitigation banks that have already received agency approval. While it is recognized that individual mitigation banking proposals may vary, it is the intent of this guidance that the fundamental precepts be applicable to future mitigation banks.

For the purposes of Section 10/104, and consistent with the CEQ regulations, the Guidelines, and the Memorandum of Agreement Between the Environmental Protection Agency (EPA) and the Department of the Army Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines, mitigation means sequentially avoiding impacts, minimizing impacts, and compensating for remaining unavoidable impacts. Compensatory mitigation,

under Section 10/404, is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts. A site where wetlands and/or other aquatic resources are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources is a mitigation bank.

A. Authorities

This guidance is established in accordance with the following statutes, regulations, and policies. It is intended to clarify provisions within these existing authorities and does to establish any new requirements.

1. Clean Water Act Section 404 (33 U.S.C. 1344).
2. Rivers and Harbors Act of 1899 Section 10 (33 U.S.C. 403 et seq.)
3. Environmental Protection Agency, Section 404(b)(1) Guidelines (40 CFR Part 230). Guidelines for Specification of Disposal Sites for Dredged or Fill Material.
4. Department of the Army, Section 404 Permit Regulations (33 CFR Parts 320-330). Policies for evaluating permit applications to discharge dredged or fill material.
5. Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines (February 6, 1990).
6. Title XII Food Security Act of 1985 as amended by the Food, Agriculture, Conservation and Trade Act of 1990 (16 U.S.C. 3801 et seq.).
7. National Environmental Policy Act (42 U.S.C. 4321 et seq.), including the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500-1508).
8. Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).
9. Fish and Wildlife Service Mitigation Policy (46 FR pages 7644- 7663, 1981).
10. Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).
11. National Marine Fisheries Service Habitat Conservation Policy (48 FR pages 53142-53147, 1983).

The policies set out in this document are not final agency action, but are intended solely as guidance. The guidance is not intended, nor can it be relied upon, to create any rights

enforceable by any party in litigation with the United States. This guidance does not establish or affect legal rights or obligations, establish a binding norm on any party and it is not finally determinative of the issues addressed. Any regulatory decisions made by the agencies in any particular matter addressed by this guidance will be made by applying the governing law and regulations to the relevant facts.

B. Planning Considerations

1. Goal Setting

The overall goal of a mitigation bank is to provide economically efficient and flexible mitigation opportunities, while fully compensating for wetland and other aquatic resource losses in a manner that contributes to the long-term ecological functioning of the watershed within which the bank is to be located. The goal will include the need to replace essential aquatic functions which are anticipated to be lost through authorized activities within the bank's service area. In some cases, banks may also be used to address other resource objectives that have been identified in a watershed management plan or other resource assessment. It is desirable to set the particular objectives for a mitigation bank (i.e., the type and character of wetlands and/or aquatic resources to be established) in advance of site selection. The goal and objectives should be driven by the anticipated mitigation need; the site selected should support achieving the goal and objectives.

2. Site Selection

The agencies will give careful consideration to the ecological suitability of a site for achieving the goal and objectives of a bank, i.e., that it possess the physical, chemical and biological characteristics to support establishment of the desired aquatic resources and functions. Size and location of the site relative to other ecological features, hydrologic sources (including the availability of water rights), and compatibility with adjacent land uses and watershed management plans are important factors for consideration. It also is important that ecologically significant aquatic or upland resources (e.g., shallow sub-tidal habitat, mature forests), cultural sites, or habitat for Federally or State-listed threatened and endangered species are not compromised in the process of establishing a bank. Other significant factors for consideration include, but are not limited to, development trends (i.e., anticipated land use changes), habitat status and trends, local or regional goals for the restoration or protection of particular habitat types or functions (e.g., re-establishment of habitat corridors or habitat for species of concern), water quality and floodplain management goals, and the relative potential for chemical contamination of the wetlands and/or other aquatic resources.

Banks may be sited on public or private lands. Cooperative arrangements between public and private entities to use public lands for mitigation banks may be acceptable. In some circumstances, it may be appropriate to site banks on Federal, state, tribal or locally-owned resource management areas (e.g., wildlife management areas, national or state forests, public parks, recreation areas). The siting of banks on such lands may be acceptable if the internal policies of the public agency allow use of its land for such purposes, and the public agency grants approval. Mitigation credits generated by banks of this nature should be based solely on those values in the bank that are supplemental to the public program(s) already planned or in place, that is, baseline values represented by existing or already planned public programs, including preservation value, should not be counted toward bank credits.

Similarly, Federally-funded wetland conservation projects undertaken via separate authority and for other purposes, such as the Wetlands Reserve Program, Farmer's Home Administration fee title transfers or conservation easements, and Partners for Wildlife Program, cannot be used for the purpose of generating credits within a mitigation bank. However, mitigation credit may be given for activities undertaken in conjunction with, but supplemental to, such programs in order to maximize the overall ecological benefit of the conservation project.

3. Technical Feasibility

Mitigation banks should be planned and designed to be self-sustaining over time to the extent possible. The techniques for establishing wetlands and/or other aquatic

resources must be carefully selected, since this science is constantly evolving. The restoration of historic or substantially-degraded wetlands and/or other aquatic resources (e.g., prior-converted cropland, farmed wetlands) utilizing proven techniques increases the likelihood of success and typically does not result in the loss of other valuable resources. Thus, restoration should be the first option considered when siting a bank. Because of the difficulty in establishing the correct hydrologic conditions associated with many creation projects and the tradeoff in wetland functions involved with certain enhancement activities, these methods should only be considered where there are adequate assurances to ensure success and that the project will result in an overall environmental benefit.

In general, banks which involve complex hydraulic engineering features and/or questionable water sources (e.g., pumped) are most costly to develop, operate and maintain, and have a higher risk of failure than banks designed to function with little or no human intervention. The former situations should only be considered where there are adequate assurances to ensure success. This guidance recognizes that in some circumstances wetlands must be actively managed to ensure their viability and sustainability. Furthermore, long-term maintenance requirements may be necessary and appropriate in some cases (e.g., to maintain fire-dependent plant communities in the absence of natural fire; to control invasive exotic plant species).

Proposed mitigation techniques should be well-understood and reliable. When uncertainties surrounding the technical feasibility of a proposed mitigation technique exist, appropriate arrangements (e.g., financial assurances, contingency plans, additional monitoring requirements) should be in place to increase the likelihood of success. Such arrangements may be phased-out or reduced once the attainment of prescribed performance standards is demonstrated.

4. Role of Preservation

Credit may be given when existing wetlands and/or other aquatic resources are preserved in conjunction with restoration, creation or enhancement activities, and when it is demonstrated that the preservation will augment the functions of the restored, created or enhanced aquatic resource. Such augmentation may be reflected in the total number of credits available from the bank.

In addition, the preservation of existing wetlands and/or other aquatic resources in perpetuity may be authorized as the sole basis for generating credits in mitigation banks only in exceptional circumstances, consistent with existing regulations, policies and guidance. Under such circumstances, preservation may be accomplished through the implementation of appropriate legal mechanisms (e.g., transfer of deed, deed restrictions, conservation easement) to protect wetlands and/or other aquatic resources, accompanied by implementation of appropriate changes in land use or other physical changes as necessary (e.g., installation of restrictive fencing).

Determining whether preservation is appropriate as the sole basis for generating credits at a mitigation bank requires careful judgment regarding a number of factors. Consideration must be given to whether wetlands and/or other aquatic resources proposed for preservation (1) perform physical or biological functions, the preservation of which is important to the region in which the aquatic resources are located, and (2) are under demonstrable threat of loss or substantial degradation due to human activities that might not otherwise be expected to be restricted. The existence of a demonstrable threat will be based on clear evidence of destructive land use changes which are consistent with local and regional land use trends and are not the consequence of actions under the control of the bank sponsor. Wetlands and other aquatic resources restored under the Conservation Reserve Program or similar programs requiring only temporary conservation easements may be eligible for banking credit upon termination of the original

easement if the wetlands are provided permanent protection and it would otherwise be expected that the resources would be converted upon termination of the easement. The number of mitigation credits available from a bank that is based solely on preservation should be based on the functions that would otherwise be lost or degraded if the aquatic resources were not preserved, and the timing of such loss or degradation. As such, compensation for aquatic resource impacts will typically require a greater number of acres from a preservation bank than from a bank which is based on restoration, creation or enhancement.

5. Inclusion of Upland Areas

Credit may be given for the inclusion of upland areas occurring within a bank only to the degree that such features increase the overall ecological functioning of the bank. If such features are included as part of a bank, it is important that they receive the same protected status as the rest of the bank and be subject to the same operational procedures and requirements. The presence of upland areas may increase the per-unit value of the aquatic habitat in the bank. Alternatively, limited credit may be given to upland areas protected within the bank to reflect the functions inherently provided by such areas (e.g., nutrient and sediment filtration of stormwater runoff, wildlife habitat diversity) which directly enhance or maintain the integrity of the aquatic ecosystem and that might otherwise be subject to threat of loss or degradation. An appropriate functional assessment methodology should be used to determine the manner and extent to which such features augment the functions of restored, created or enhanced wetlands and/or other aquatic resources.

6. Mitigation Banking and Watershed Planning

Mitigation banks should be planned and developed to address the specific resource needs of a particular watershed. Furthermore, decisions regarding the location, type of wetlands and/or other aquatic resources to be established, and proposed uses of a mitigation bank are most appropriately made within the context of a comprehensive watershed plan. Such watershed planning efforts often identify categories of activities having minimal adverse effects on the aquatic ecosystem and that, therefore, could be authorized under a general permit. In order to reduce the potential cumulative effects of such activities, it may be appropriate to offset these types of impacts through the use of a mitigation bank established in conjunction with a watershed plan.

C. Establishment of Mitigation Banks

1. Prospectus

Prospective bank sponsors should first submit a prospectus to the Army Corps of Engineers (Corps) or Natural Resources Conservation Service (NRCS)¹¹ to initiate the planning and review process by the appropriate agencies. Prior to submitting a prospectus, bank sponsors are encouraged to discuss their proposal with the appropriate agencies (e.g., pre-application coordination).

¹¹ The Corps will typically serve as the lead agency for the establishment of mitigation banks. Bank sponsors proposing establishment of mitigation banks solely for the purpose of complying with the "Swampbuster" provisions of FSA should submit their prospectus to the NRCS.

It is the intent of the agencies to provide practical comments to the bank sponsors regarding the general need for and technical feasibility of proposed banks.

Therefore, bank sponsors are encouraged to include in the prospectus sufficient information concerning the objectives for the bank and how it will be established and operated to allow the agencies to provide such feedback. Formal agency involvement and review is initiated with submittal of a prospectus.

2. Mitigation Banking Instruments

Information provided in the prospectus will serve as the basis for establishing the mitigation banking instrument. All mitigation banks need to have a banking instrument as documentation of agency concurrence on the objectives and administration of the bank. The banking instrument should describe in detail the physical and legal characteristics of the bank, and how the bank will be established and operated. For regional banking programs sponsored by a single entity (e.g., a state transportation agency), it may be appropriate to establish an "umbrella" instrument for the establishment and operation of multiple bank sites. In such circumstances, the need for supplemental site-specific information (e.g., individual site plans) should be addressed in the banking instrument. The banking instrument will be signed by the bank sponsor and the concurring regulatory and resource agencies represented on the Mitigation Bank Review Team (section II.C.2). The following information should be addressed, as appropriate, within the banking instrument:

- a. Bank goals and objectives;
- b. Ownership of bank lands;
- c. Bank size and classes of wetlands and/or other aquatic resources proposed for inclusion in the bank, including a site plan and specifications;
- d. Description of baseline conditions at the bank site;
- e. Geographic service area;
- f. Wetland classes or other aquatic resource impacts suitable for compensation;
- g. Methods for determining credits and debits;
- h. accounting procedures;
- i. Performance standards for determining credit availability and bank success;
- j. Reporting protocols and monitoring plan;
- k. Contingency and remedial actions and responsibilities;
- l. Financial assurances;
- m. Compensation ratios;
- n. Provisions for long-term management and maintenance.

The terms and conditions of the banking instrument may be amended, in accordance with the procedures used to establish the instrument and subject to agreement by the signatories.

In cases where initial establishment of the mitigation bank involves a discharge into

waters of the United States requiring Section 10/404 authorization, the banking instrument will be made part of a Department of the Army permit for that discharge. Submittal of an individual permit application should be accompanied by a sufficiently- detailed prospectus to allow for concurrent processing of each. Preparation of a banking instrument, however, should not alter the normal permit evaluation process timeframes. A bank sponsor may proceed with activities for the construction of a bank subsequent to receiving the Department of the Army authorization. It should be noted, however, that a bank sponsor who proceeds in the absence of a banking instrument does so at his/her own risk.

In cases where the mitigation bank is established pursuant to the FSA, the banking instrument will be included in the plan developed or approved by NRCS and the Fish and Wildlife Service (FWS).

3. Agency Roles and Coordination

Collectively, the signatory agencies to the banking instrument will comprise the Mitigation Bank Review Team (MBRT). Representatives from the Corps, EPA, FWS, National Marine Fisheries Service (NMFS) and NRCS, as appropriate given the projected use for the bank, should typically comprise the MBRT. In addition, it is appropriate for representatives from state, tribal and local regulatory and resource agencies to participate where an agency has authorities and/or mandates directly affecting or affected by the establishment, use or operation of a bank. No agency is required to sign a banking instrument; however, in signing a banking instrument, an agency agrees to the terms of that instrument.

The Corps will serve as Chair of the MBRT, except in cases where the bank is proposed solely for the purpose of complying with the FSA, in which case NRCS will be the MBRT Chair. In addition, where a bank is proposed to satisfy the requirements of another Federal, state, tribal or local program, it may be appropriate for the administering agency to serve as co-Chair of the MBRT.

The primary role of the MBRT is to facilitate the establishment of mitigation banks through the development of mitigation banking instruments. Because of the different authorities and responsibilities of each agency represented on the MBRT, there is a benefit in achieving agreement on the banking instrument. For this reason, the MBRT will strive to obtain consensus on its actions. The Chair of the MBRT will have the responsibility for making final decisions regarding the terms and conditions of the banking instrument where consensus cannot otherwise be reached within a reasonable timeframe (e.g., 90 days from the date of submittal of a complete prospectus). The MBRT will review and seek consensus on the banking instrument and final plans for the restoration, creation, enhancement, and/or preservation of wetlands and other aquatic resources.

Consistent with its authorities under Section 10/404, the Corps is responsible for authorizing use of a particular mitigation bank on a project-specific basis and determining the number and availability of credits required to compensate for proposed impacts in accordance with the terms of the banking instrument. Decisions rendered by the Corps must fully consider review agency comments submitted as part of the permit evaluation process. Similarly, the NRCS, in consultation with the FWS, will make the final decision pertaining to the withdrawal of credits from banks as appropriate mitigation pursuant to FSA.

4. Role of the Bank Sponsor

The bank sponsor is responsible for the preparation of the banking instrument in consultation with the MBRT. The bank sponsor should, therefore, have sufficient opportunity to discuss the content of the banking instrument with the MBRT. The bank sponsor is also responsible for the overall operation and management of the

bank in accordance with the terms of the banking instrument, including the preparation and distribution of monitoring reports and accounting statements/ledger, as necessary.

5. Public Review and Comment

The public should be notified of and have an opportunity to comment on all bank proposals. For banks which require authorization under an individual Section 10/404 permit or a state, tribal or local program that involves a similar public notice and comment process, this condition will typically be satisfied through such standard procedures. For other proposals, the Corps or NRCS, upon receipt of a complete banking prospectus, should provide notification of the availability of the prospectus for a minimum 21-day public comment period. Notification procedures will be similar to those used by the Corps in the standard permit review process. Copies of all public comments received will be distributed to the other members of the MBRT and the bank sponsor for full consideration in the development of the final banking instrument.

6. Dispute Resolution Procedure

The MBRT will work to reach consensus on its actions in accordance with this guidance. It is anticipated that all issues will be resolved by the MBRT in this manner.

a. Development of the Banking Instrument

During the development of the banking instrument, if any agency representative considers that a particular decision raises concern regarding the application of existing policy or procedures, an agency may request, through written notification, that the issue be reviewed by the Corps District Engineer, or NRCS State Conservationist, as appropriate. Said notification will describe the issue in sufficient detail and provide recommendations for resolution. Within 20 days, the District Engineer or State Conservationist (as appropriate) will consult with the notifying agency(ies) and will resolve the issue. The resolution will be forwarded to the other MBRT member agencies. The bank sponsor may also request the District Engineer or State Conservationist review actions taken to develop the banking instrument if the sponsor believes that inadequate progress has been made on the instrument by the MBRT.

b. Application of the Banking Instrument

As previously stated, the Corps and NRCS are responsible for making final decisions on a project-specific basis regarding the use of a mitigation bank for purposes of Section 10/404 and FSA, respectively. In the event an agency on the MBRT is concerned that a proposed use may be inconsistent with the terms of the banking instrument, that agency may raise the issue to the attention of the Corps or NRCS through the permit evaluation process. In order to facilitate timely and effective consideration of agency comments, the Corps or NRCS, as appropriate, will advise the MBRT agencies of a proposed use of a bank. The Corps will fully consider comments provided by the review agencies regarding mitigation as part of the permit evaluation process. The NRCS will consult with FWA is making its decisions pertaining to mitigation.

If, in the view of an agency on the MBRT, an issued permit or series of permits reflects a pattern of concern regarding the application of the terms of the banking instrument, that agency may initiate review of the concern by the full MBRT through written notification to the MBRT Chair. The MBRT Chair will convene a meeting of the MBRT, or initiate another appropriate forum for communication, typically within

20 days of receipt of notification, to resolve concerns. Any such effort to address concerns regarding the application of a banking instrument will not delay any decision pending before the authorizing agency (e.g., Corps or NRCS).

D. Criteria for Use of a Mitigation Bank

1. Project Applicability

All activities regulated under Section 10/404 may be eligible to use a mitigation bank as compensation for unavoidable impacts to wetlands and/or other aquatic resources. Mitigation banks established for FSA purposes may be debited only in accordance with the mitigation and replacement provisions of 7 CFR Part 12.

Credits from mitigation banks may also be used to compensate for environmental impacts authorized under other programs (e.g., state or local **wetland** regulatory programs, NPDES program, Corps civil works projects, Superfund removal and remedial actions). In no case may the same credits be used to compensate for more than one activity; however, the same credits may be used to compensate for an activity which requires authorization under more than one program.

2. Relationship to Mitigation Requirements

Under the existing requirements of Section 10/404, all appropriate and practicable steps must be undertaken by the applicant to first avoid and then minimize adverse impacts to aquatic resources, prior to authorization to use a particular mitigation bank. Remaining unavoidable impacts must be compensated to the extent appropriate and practicable. For both the Section 10/404 and "Swampbuster" programs, requirements for compensatory mitigation may be satisfied through the use of mitigation banks when either on-site compensation is not practicable or use of the mitigation bank is environmentally preferable to on-site compensation.

It is important to emphasize that applicants should not expect that establishment of, or purchasing credits from, a mitigation bank will necessarily lead to a determination of compliance with applicable mitigation requirements (i.e., Section 404(b)(1) Guidelines or FSA Manual), or as excepting projects from any applicable requirements.

3. Geographic Limits of Applicability

The service area of a mitigation bank is the area (e.g., watershed, county) wherein a bank can reasonably be expected to provide appropriate compensation for impacts to wetlands and/or other aquatic resources. This area should be designated in the banking instrument. Designation of the service area should be based on consideration of hydrologic and biotic criteria, and be stipulated in the banking instrument. Use of a mitigation bank to compensate for impacts beyond the designated service area may be authorized, on a case-by-case basis, where it is determined to be practicable and environmentally desirable.

The geographic extent of a service area should, to the extent environmentally desirable, be guided by the cataloging unit of the "Hydrologic Unit map of the United States" (USGS, 1980) and the ecoregion of the "Ecoregions of the United States" (James M. Omernik, EPA, 1986) or section of the "Descriptions of the Ecoregions of the United States" (Robert G. Bailey, USDA, 1980). It may be appropriate to use other classification systems developed at the state or regional level for the purpose of specifying bank service areas, when such systems compare favorably in their objectives and level of detail. In the interest of the integrating banks with other resource management objectives, bank service areas

may encompass larger watershed areas if the designation of such areas is supported by local or regional management plans (e.g., Special Area Management Plans, Advance Identification), State Wetland Conservation Plans or other Federally sponsored or recognized resource management plans. Furthermore, designation of a more inclusive service area may be appropriate for mitigation banks whose primary purpose is to compensate for linear projects that typically involve numerous small impacts in several different watersheds.

4. Use of a Mitigation Bank vs. On-Site Mitigation

The agencies' preference for on-site mitigation, indicated in the 1990 Memorandum of Agreement on mitigation between the EPA and the Department of the Army, should not preclude the use of a mitigation bank when there is no practicable opportunity for on-site compensation, or when use of a bank is environmentally preferable to on-site compensation. On-site mitigation may be preferable where there is a practicable opportunity to compensate for important local functions including local flood control functions, habitat for a species or population with a very limited geographic range or narrow environmental requirements, or where local water quality concerns dominate.

In choosing between on-site mitigation and use of a mitigation bank, careful consideration should be given to the likelihood for successfully establishing the desired habitat type, the compatibility of the mitigation project with adjacent land uses, and the practicability of long-term monitoring and maintenance to determine whether the effort will be ecologically sustainable, as well as the relative cost of mitigation alternatives. In general, use of a mitigation bank to compensate for minor aquatic resource impacts (e.g., numerous, small impacts associated with linear projects; impacts authorized under nationwide permits) is preferable to on-site mitigation. With respect to larger aquatic resource impacts, use of a bank may be appropriate if it is capable of replacing essential physical and/or biological functions of the aquatic resources which are expected to be lost or degraded. Finally, there may be circumstances warranting a combination of on-site and off-site mitigation to compensate for losses.

5. In-kind vs. Out-of-kind Mitigation Determinations

In the interest of achieving functional replacement, in-kind compensation of aquatic resource impacts should generally be required. Out-of-kind compensation may be acceptable if it is determined to be practicable and environmentally preferable to in-kind compensation (e.g., of greater ecological value to a particular region). However, non-tidal wetlands should typically not be used to compensate for the loss or degradation of tidal wetlands. Decisions regarding out-of-kind mitigation are typically made on a case-by-case basis during the permit evaluation process. The banking instrument may identify circumstances in which it is environmentally desirable to allow out-of-kind compensation within the context of a particular mitigation bank (e.g., for banks restoring a complex of associated wetland types). Mitigation banks developed as part of an area-wide management plan to address a specific resource objective (e.g., restoration of a particularly vulnerable or valuable wetland habitat type) may be such an example.

6. Timing of Credit Withdrawal

The number of credits available for withdrawal (i.e., debiting) should generally be commensurate with the level of aquatic functions attained at a bank at the time of debiting. The level of function may be determined through the application of performance standards tailored to the specific restoration, creation or enhancement activity at the bank site or through the use of an appropriate functional assessment methodology.

The success of a mitigation bank with regard to its capacity to establish a healthy and fully functional aquatic system relates directly to both the ecological and financial stability of the bank. Since financial considerations are particularly critical in early stages of bank development, it is generally appropriate, in cases where there is adequate financial assurance and where the likelihood of the success of the bank is high, to allow limited debiting of a percentage of the total credits projected for the bank at maturity. Such determinations should take into consideration the initial capital costs needed to establish the bank, and the likelihood of its success. However, it is the intent of this policy to ensure that those actions necessary for the long-term viability of a mitigation bank be accomplished prior to any debiting of the bank. In this regard, the following minimum requirements should be satisfied prior to debiting: (1) banking instrument and mitigation plans have been approved; (2) bank site has been secured; and (3) appropriate financial assurances have been established. In addition, initial physical and biological improvements should be completed no later than the first full growing season following initial debiting of a bank. The temporal loss of functions associated with the debiting of projected credits may justify the need for requiring higher compensation ratios in such cases. For mitigation banks which propose multiple-phased construction, similar conditions should be established for each phase.

Credits attributed to the preservation of existing aquatic resources may become available for debiting immediately upon implementation of appropriate legal protection accompanied by appropriate changes in land use or other physical changes, as necessary.

7. Crediting/Debiting/Accounting Procedures

Credits and debits are the terms used to designate the units of trade (i.e., currency) in mitigation banking. Credits represent the accrual or attainment of aquatic functions at a bank; debits represent the loss of aquatic functions at an impact or project site. Credits are debited from a bank when they are used to offset aquatic resource impacts (e.g. for the purpose of satisfying Section 10/404 permit or FSA requirements).

An appropriate functional assessment methodology (e.g., Habitat Evaluation Procedures, hydrogeomorphic approach to wetlands functional assessment, other regional assessment methodology) acceptable to all signatories should be used to assess wetland and/or other aquatic resource restoration, creation and enhancement activities within a mitigation bank, and to quantify the amount of available credits. The range of functions to be assessed will depend upon the assessment methodology identified in the banking instrument. The same methodology should be used to assess both credits and debits. If an appropriate functional assessment methodology is impractical to employ, acreage may be used as a surrogate for measuring function. Regardless of the method employed, the number of credits should reflect the difference between site conditions under the with-and without-bank scenarios.

The bank sponsor should be responsible for assessing the development of the bank and submitting appropriate documentation of such assessments to the authorizing agency(ies), who will distribute the documents to the other members of the MBRT for review. Members of the MBRT are encouraged to conduct regular (e.g., annual) on-site inspections, as appropriate, to monitor bank performance. Alternatively, functional assessments may be conducted by a team representing involved resources and regularly agencies and other appropriate parties. The number of available credits in a mitigation bank may need to be adjusted to reflect actual conditions.

The banking instrument should require that bank sponsors establish and maintain an accounting system (i.e., ledger) which documents the activity of all mitigation

bank accounts. Each time an approved debit/ credit transaction occurs at a given bank, the bank sponsor should submit a statement to the authorizing agency(ies). The bank sponsor should also generate an annual ledger report for all mitigation bank accounts to be submitted to the MBRT Chair for distribution to each member of the MBRT.

Credits may be sold to third parties. The cost of mitigation credits to a third party is determined by the bank sponsor.

Party Responsible for Bank Success

The bank sponsor is responsible for assuring the success of the debited restoration, creation, enhancement and preservation activities at the mitigation bank, and it is therefore extremely important that an enforceable mechanism be adopted establishing the responsibility of the bank sponsor to develop and operate the bank properly. Where authorization under Section 10/404 and/or FSA is necessary to establish the bank, the Department of the Army permit or NRCS plan should be conditioned to ensure that provisions of the banking instrument are enforceable by the appropriate agency(ies). In circumstances where establishment of a bank does not require such authorization, the details of the bank sponsor's responsibilities should be delineated by the relevant authorizing agency (e.g., the Corps in the case of Section 10/404 permits) in any permit in which the permittee's mitigation obligations are met through use of the bank. In addition, the bank sponsor should sign such permits for the limited purpose of meeting those mitigation responsibilities, thus confirming that those responsibilities are enforceable against the bank sponsor if necessary.

E. Long-Term Management, Monitoring and Remediation

1. Bank Operational Life

The operational life of a bank refers to the period during which the terms and conditions of the banking instrument are in effect. With the exception of arrangements for the long-term management and protection in perpetuity of the wetlands and/or other aquatic resources, the operational life of a mitigation bank terminates at the point when (1) Compensatory mitigation credits have been exhausted or banking activity is voluntarily terminated with written notice by the bank sponsor provided to the Corps or NRCS and other members of the MBRT, and (2) it has been determined that the debited bank is functionally mature and/or self-sustaining to the degree specified in the banking instrument.

2. Long-term Management and Protection

The wetlands and/or other aquatic resources in a mitigation bank should be protected in perpetuity with appropriate real estate arrangements (e.g., conservation easements, transfer of title to Federal or State resource agency or non-profit conservation organization). Such arrangements should effectively restrict harmful activities (i.e., incompatible uses ^{12\}) that might otherwise jeopardize the purpose of the bank. In exceptional circumstances, real estate arrangements may be approved which dictate finite protection for a bank (e.g., for coastal protection projects which prolong the ecological viability of the aquatic system). However, in no case should finite protection extend for a lesser time than the duration of project impacts for which the bank is being used to provide compensation.

^{12\} For example, certain silvicultural practices (e.g. clear cutting and/or harvests on short-term rotations) may be incompatible with the objectives of a mitigation bank. In contrast, silvicultural practices such as long-term rotations, selective cutting, maintenance of vegetation diversity, and undisturbed buffers are more likely to be

considered a compatible use.

The bank sponsor is responsible for securing adequate funds for the operation and maintenance of the bank during its operational life, as well as for the long-term management of the wetlands and/or other aquatic resources, as necessary. The banking instrument should identify the entity responsible for the ownership and long-term management of the wetlands and/or other aquatic resources. Where needed, the acquisition and protection of water rights should be secured by the bank sponsor and documented in the banking instrument.

3. Monitoring Requirements

The bank sponsor is responsible for monitoring the mitigation bank in accordance with monitoring provisions identified in the banking instrument to determine the level of success and identify problems requiring remedial action. Monitoring provisions should be set forth in the banking instrument and based on scientifically sound performance standards prescribed for the bank. Monitoring should be conducted at time intervals appropriate for the particular project type and until such time that the authorizing agency(ies), in consultation with the MBRT, are confident that success is being achieved (i.e., performance standards are attained). The period for monitoring will typically be five years; however, it may be necessary to extend this period for projects requiring more time to reach a stable condition (e.g., forested wetlands) or where remedial activities were undertaken. Annual monitoring reports should be submitted to the authorizing agency(ies), who is responsible for distribution to the other members of the MBRT, in accordance with the terms specified in the banking instrument.

4. Remedial Action

The banking instrument should stipulate the general procedures for identifying and implementing remedial measures at a bank, or any portion thereof. Remedial measures should be based on information contained in the monitoring reports (i.e., the attainment of prescribed performance standards), as well as agency site inspections. The need for remediation will be determined by the authorizing agency (ies) in consultation with the MBRT and bank sponsor.

5. Financial Assurances

The bank sponsor is responsible for securing sufficient funds or other financial assurances to cover contingency actions in the event of bank default or failure. Accordingly, banks posing a greater risk of failure and where credits have been debited, should have comparatively higher financial sureties in place, than those where the likelihood of success is more certain. In addition, the bank sponsor is responsible for securing adequate funding to monitor and maintain the bank throughout its operational life, as well as beyond the operational life if not self-sustaining. Total funding requirements should reflect realistic cost estimates for monitoring, long-term maintenance, contingency and remedial actions.

Financial assurances may be in the form of performance bonds, irrevocable trusts, escrow accounts, casualty insurance, letters of credit, legislatively-enacted dedicated funds for government operate banks or other approved instruments. Such assurances may be phased-out or reduced, once it has been demonstrated that the bank is functionally mature and/or self-sustaining (in accordance with performance standards).

F. Other Considerations

1. In-lieu-fee Mitigation Arrangements

For purposes of this guidance, in-lieu-fee, fee mitigation, or other similar arrangements, wherein funds are paid to a natural resource management entity for implementation of either specific or general wetland or other aquatic resource development projects, are not considered to meet the definition of mitigation banking because they do not typically provide compensatory mitigation in advance of project impacts. Moreover, such arrangements do not typically provide a clear timetable for the initiation of mitigation efforts. The Corps, in consultation with the other agencies, may find there are circumstances where such arrangements are appropriate so long as they meet the requirements that would otherwise apply to an offsite, prospective mitigation effort and provides adequate assurances of success and timely implementation. In such cases, a formal agreement between the sponsor and the agencies, similar to a banking instrument, is necessary to define the conditions under which its use is considered appropriate.

2. Special Considerations for "Swampbuster"

Current FSA legislation limits the extent to which mitigation banking can be used for FSA purposes. Therefore, if a mitigation bank is to be used for FSA purposes, it must meet the requirements of FSA.

III. Definitions

For the purposes of this guidance document the following terms are defined:

A. Authorizing agency. Any Federal, state, tribal or local agency that has authorized a particular use of a mitigation bank as compensation for an authorized activity; the authorizing agency will typically have the enforcement authority to ensure that the terms and conditions of the banking instrument are satisfied.

B. Bank sponsor. Any public or private entity responsible for establishing and, in most circumstances, operating a mitigation bank.

C. Compensatory mitigation. For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

D. Consensus. The term consensus, as defined herein, is a process by which a group synthesizes its concerns and ideas to form a common collaborative agreement acceptable to all members. While the primary goal of consensus is to reach agreement on an issue by all parties, unanimity may not always be possible.

E. Creation. The establishment of a wetland or other aquatic resource where one did not formerly exist.

F. Credit. A unit of measure representing the accrual or attainment of aquatic functions at a mitigation bank; the measure of function is typically indexed to the number of wetland acres restored, created, enhanced or preserved.

G. Debit. A unit of measure representing the loss of aquatic functions at an impact or project site.

H. Enhancement. Activities conducted in existing wetlands or other aquatic resources which increase one or more aquatic functions.

I. Mitigation. For purposes of Section 10/404 and consistent with the Council on Environmental Quality regulations, the Section 404(b)(1) Guidelines and the Memorandum of Agreement Between the Environmental Protection Agency and the Department of the Army Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines, mitigation means sequentially avoiding impacts, minimizing impacts, and compensating for remaining unavoidable impacts.

J. Mitigation bank. A mitigation bank is a site where wetlands and/ or other aquatic resources are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources. For purposes of Section 10/404, use of a mitigation bank may only be authorized when impacts are unavoidable.

K. Mitigation Bank Review Team (MBRT). An interagency group of Federal, state, tribal and/or local regulatory and resource agency representatives which are signatory to a banking instrument and oversee the establishment, use and operation of a mitigation bank. **L. Practicable.** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

M. Preservation. The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the aquatic ecosystem.

N. Restoration. Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

O. Service area. The service area of a mitigation bank is the designated area (e.g., watershed, county) wherein a bank can reasonably be expected to provide appropriate compensation for impacts to wetlands and/or other aquatic resources.

John H. Zirschky,
Acting Assistant Secretary (Civil Works),
Department of the Army.

Robert Perciasepe,
Assistant Administrator for Water,
Environmental Protection Agency.

Thomas R. Hebert,
Acting Undersecretary for Natural Resources and Environment,
Department of Agriculture.

Robert P. Davison,
Acting Assistant Secretary for Fish and Wildlife and Parks,
Department of the Interior.

Douglas K. Hall,
Assistant Secretary for Oceans and Atmosphere,
Department of Commerce.

[FR Doc. 95-28907 Filed 11-27-95; 8:45 am]
BILLING CODE 3710-92-M

[About the Wetlands Program](#) | [Helpline](#) | [Publications](#) | [Español](#)

[EPA Home](#) | [Privacy and Security Notice](#) | [Contact Us](#)

Last updated on Wednesday, February 22nd, 2006
URL: <http://www.epa.gov/owow/wetlands/guidance/mitbankn.html>

**WORK STUDY SESSION
7 March 2007**

**LAND ACQUISITION COMMITTEE
Robert Marszalek, Chairman**

1.) There are three condemnations:

DC 1203 and DC 1206

- a.) Owned by the same landowner;
- b.) Offers were sent on for \$2,197 each for flood protection levee and temporary work area easements
- c.) Landowner negotiated to sell the property in fee and add the 15% increase. (fee = \$4,093 + 15% increase of \$659 = total of \$5053 each = \$10.106 for grand total.)
- d.) Corps and LCRBDC approved the increase on 2/7/07
- f.) Landowner's now is countering the counter-offer and asking for a flat \$8,000 for each property. What was approved at last months meeting for \$10,106 is now \$16,000.

We respectfully request the Commission's approval to file condemnation on DC 1203 and DC 1206.

DC 1204

- a.) Offer sent 3/6/07 for \$308.
- b.) We anticipate difficulty with this acquisition because of the low land value.

We respectfully request the Commission's approval to file condemnation on DC1204 and will use it only as a last resort if a settlement can't be reached.

LAND ACQUISITION REPORT

For meeting on Wednesday, March 7, 2007

***(Information in this report is based upon latest data provided at the time the report is put together. Dates and costs may vary depending upon ongoing design and/or coordination with the Army Corps.
Report period is from January 31 – February 28, 2007)***

EAST REACH – REMAINING ACQUISITIONS

1. In compliance with the Congressman's request to complete the project by December, 2009, we are reviewing remaining East Reach acquisitions for acquisition either on tax sale or from landowner. (Ongoing)
2. The offer on DC813 (WLTH Radio) has been rejected and we are preparing condemnation filings. (Ongoing)

STATUS (Stage IV – Phase 1 South) EJ&E RR to Burr St – South Levee:

1. Construction on the SALEM Corporation (formerly the WIND Radio station property) has been completed using a right-to-construct. We need an easement on the WIND property for maintenance purposes.
 - The appraisal was submitted 1/15/07 and is now under review. (Ongoing)

STATUS (Stage V-Phase 2) Kennedy Avenue to Northcote, both North and South levees

1. All 30 offers have been made to landowners since 1/4/06. We have **24 closed, 6 open** (2 have accepted, 2 in condemnation, 2 have engineering departments awaiting our plans until they give real estate the approval to sign our offer: the NSRR and NIPSCO).
 - Current schedule indicates LCRBDC needs to get all real estate by the end of June, 2007 in order to advertise the project no later than July 2007.
 - Plans for the sheet piling in the utility corridor were received by LCRBDC on January 26, 2007 & forwarded to NIPSCO for review & comment on January 29, 2007. Comments due to COE by March 1, 2007 (Refer to Engineering Report for details).
2. We are in communication with Cabela's and they have verbally agreed to donate the easements and are more interested in the construction than the appraisal amount.
 - The appraisal is completed and was sent to the Corps for review on 9/28/06. Since the Just Compensation (easement values) are more than \$1 million, Corps Headquarters in Cincinnati **is reviewing**.
 - In a meeting with Cabela's on January 22, 2007, the LCRBDC will modify our drawings and legal descriptions of the easements on their property based upon their design modifications for site layout.
 - LCRBDC is awaiting approval from the COE to assure us that these changes will still meet the real estate required to construct our project. (Ongoing)
 - COE Real Estate is disagreeing with the land value (appraisal) set by the appraiser. This is important for crediting. Appraisal sets value at \$3.3 million. Detroit COE believe it should be \$1 million. Discussion continues. **There are some questions from the Detroit Corps about land value and we may have to get another appraisal for crediting purposes.**

3. Norfolk Southern Railroad has received the offer and has not yet received the engineering drawings for review. They must have approval from their engineering department to sign the agreements. The Corps contracted Bergman Associates in September, 2006 to work with the railroad engineers in the hope of eliminating the problems recently experienced on the Burr Street railroad acquisitions.
 - Current schedule for Bergman Associates (COE engineering consultant) is to complete the 50% review set by the end of March 2007, and have engineering 100% complete no later than mid-April 2007.
 - We have filed condemnation but the hold-up on engineering drawings is causing a standstill in court.
 - For status of engineering coordination, refer to Engineering Status Report – Section Stage V-2.
4. The Lake County Visitors Bureau, Hammond, NIPSCO, NSRR, and two Interstate Plaza landowners are the final acquisitions.
 - The city of Hammond has turned the Southeast Gardens property adjacent to Cabela's (DC-1185) over to INDOT.
 - A meeting was held with Hammond, INDOT, the COE, and Cabela's on January 22, 2007 to review the coordination for ingress/egress to their facility.
 - LCRBDC and the COE have received current layout drawings on U.S.41 R/W and the LCRBDC needs permanent access to Cabela's on Block 90. LCRBDC waiting for COE to provide us coordinates to do legals in order to begin acquisition process with INDOT (as of January 31, 2007).
 - Copies of the original easements were taken to the Visitors Center on 1/20/07. They have expressed that they will donate easements.
5. NIPSCO easements
 - Pipeline corridor drawings showing sheet piling and alignment were received from the COE on January 26, 2007. LCRBDC sent to NIPSCO (and all other pipelines) on January 29, 2007, with comments due by March 1, 2007.
 - Conference call held with NIPSCO on January 29, 2007 to discuss coordination. NIPSCO will not proceed until all information is received, including details of access. Drawings sent only showed relation of sheet piling to their pipes. **(The Corps anticipates this design review set will be available in mid-March, 2007)**

STATUS (Stage VI-Phase 1 South) – Kennedy to Liable - South of the river:
Land Acquisition deadline July, 2004

1. Construction is continuing on this segment.

STATUS (Stage VI-Phase 1 North) – Cline to Kennedy – North of the river:
Land Acquisition deadline April 30, 2005

1. Construction is continuing on this segment.

STATUS (Stage VI-Phase 2) – Liable to Cline – South of the river:
Land Acquisition deadline April 15, 2005

1. Construction is continuing on this segment.

STATUS (Stage VII) – Northcote to Columbia: The designation for this Stage is Stage VII – Hammond (North of the river) and Stage VII-Munster (South of the river)

1. Stage VII has 14 acquisitions on the Hammond (north) and the appraisals are completed and approved. Offers to private landowners have been sent. Hammond easements will be taken to City for appropriate signing (City, Park Board, and Redevelopment Commission)

2. Stage VII has 37 acquisitions on the Munster (south) side. The Corps has requested that we value street easements "de minimus" (a nominal amount). Seven street easements **are completed and ready to be presented to Munster. The appraiser and reviewer have completed nine appraisals; and offers are being prepared to send to landowners.**
3. The appraiser and reviewer are now working together to finish the Munster appraisals. They have developed a new format to make the appraisal process to be more efficient.

STATUS (Stage VIII – Columbia to State Line (Both sides of river)

1. The preliminary real estate drawings were submitted by the Corps for review on January 30, 2007.
 - LCRBDC submitted comments for review & submitted to Buffalo on February 6, 2007. 1
 - Received responses back from Buffalo on February 22, 2007, as well as the hard copies to do final review. (Copies of comments & responses available upon request) 2
 - Distributed copies to Munster/Hammond on February 22, 2007. 3
 - Meetings held with Munster on February 28 and Hammond on March 1 to discuss and review general work limits.
 - Final comments sent to Buffalo no later than March 7, Buffalo to distribute final set of real estate no later than March 16.
 - Surveys starting legals and plats on February 28 on those properties where no questions or concerns appear on preliminary drawings.
2. Conference calls with the Chicago Corps, Buffalo Corps, and the LCRBDC are held every other Wednesday to discuss status & update of tasks. 4-6
 - Final minutes of February 7, 2007 conference call
3. Title work is complete for 88 new files. Three survey companies have surveyed this large stage: DLZ, Garcia, and Torrenge. **(All surveys completed and sent to Buffalo to include in their Stage VIII real estate mapping).**
4. A neighborhood meeting was held with Dan Gardner, Jim Pokrajac, and several residents west of Hohman Avenue on Forest Avenue.
 - Levee was constructed to Federal standards years ago, but it appears no easements exist for maintenance, flood fighting, or inspections.
 - Received an email from the COE on December 15, 2006 indicating this section will not be part of Stage VIII contract. The LCRBDC will be responsible for any work on that levee.
 - A meeting is to be scheduled with the COE to discuss coordination and responsibilities to this area. **(Ongoing)**

STATUS (Betterment Levee – Phase 1 - Gary) Colfax to Burr Street:

Land Acquisition is completed.

1. Engineering, contract, or technical information may be referred to in the monthly Engineering Report.

STATUS (Betterment Levee – Phase 2 North of the NSRR east of Burr Street, and ½ mile east, back South over RR approximately 1400':

Land Acquisition deadline is September, 2005

1. The ROE was signed by the LCRBDC on July 24th, 2006, and forwarded to the Army Corps.

27th and Chase – Pump Station Remediation

1. We received a request to obtain real estate from the Army Corps on July 24, 2006. There are five new acquisitions that need to be surveyed, appraised, etc. (Two private landowners; One INDOT; One city of Gary; one Gary Sanitary District).

- Surveys for all parcels have been completed & sent to LCRBDC on September 21, 2006.
 - Army Corps indicated on September 19 that we only need a right to construct in this area because they are non-project features. **(Ongoing)**
2. We received tabulation of estates from the Army Corps on August 10, 2006.
 3. Refer to Engineering Report for status & scheduling.

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

1. We will be reviewing parcels, cost schedule with the Corps in light of Congressman Visclosky's letter to complete the project by December 2009.
2. New regulations for 49 CFR Part 24 allow in-house appraisals (waiver valuations) to be increased from \$5,000 to \$10,000. We have been writing new waiver valuations for several remaining acquisitions instead of assigning appraisals (more costly) to contract appraisers. **(Ongoing)**

PUMP STATION REHABILITATION – CONTRACT 2

1. A letter was sent from the Corps to the Hammond Sanitary District requesting a field visit to gather information, and requesting real estate information to begin the easement process.
 - A letter of response was sent by the HSD to the COE on January 9, 2007; and the COE responded on January 24, 2007. Refer to Engineering Report – Pump Station Rehabilitation – Contract 2.

GRIFFITH GOLF CENTER (North of NIPSCO R/W, East of Cline Avenue)

1. LCRBDC was directed by the COE to obtain a flowage easement on the entire property in a letter dated October 7, 2005.
2. The offer to the landowner was certified mail (as all offers are) on August 15, 2006. The landowner has 30 days to accept or reject.
 - We received a letter of rejection on 8/7/06. We are considering a meeting with the landowner to negotiate a settlement before condemnation is filed.
3. LCRBDC attorney sent letter to Farag attorney on December 20, 2006 acknowledging rejection of Uniform Easement Offer and offering to have meeting and discuss one more time.
4. Letter also puts a ten-day limit on response from the landowner or condemnation will be filed.

+CREDITING:

1. LCRBDC had a conference call with John Weaver of INDOT on March 16, 2005 requesting incremental cost data at Cline Avenue that would substantiate crediting. Best estimate still is in the range of \$600,000 **(Ongoing)** A letter was sent to INDOT on August 29, 2006 requesting technical information and associated costs for the Broadway and Grant interchanges on I-80/94.
 - **INDOT indicated they had the package put together with “as-built” drawings, quantities, and breakdowns and would forward this to the LCRBDC on February 26, 2007.**
2. We received approval for \$323,143 in crediting on 1/30/07 from the Detroit Corps. Now we must also have an approval letter from the Chicago Corps office. There is still \$181,332 outstanding from 2006 and January 2007. **(Ongoing)**