



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 MROCEZKOWSKI
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, APRIL 4, 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 March 7, 2007
5. Chairman's Report
 - Additional communication with area legislators regarding \$8 million budget request
 - > Implications to the schedule if only \$2 million is appropriated in State budget

6. Action Required:

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

Land Acquisition: Any action?

Land Management: Any action?

For lawsuit notification

1-5 make 3 wks latest!

6-7

*Write ltr to deleg. 8
call Conf. of.*

*bring slacks
for fast
dyno wood
speaker*

*RFP
needs to go.
Dan's a mess.*

7. Executive Director's Report

- IDNR letter of approval of Corps modeling – critical to technical approval of removal from floodplain
- Project scheduling update – concern in receiving timely final engineering
- Updated status of Griffith levee

9

8. Standing Committees

A. Finance Committee – Report by Treasurer Kent Gurley

- Financial status report
- Issues for discussion

10

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

- Status of 3120 Gerry Street License Agreement
- View Outdoor starting construction of billboards
- RFP update for 32 acres east of Clay Street
- Issues for discussion

have O&M em
not within neft
2 wks. On street
before neft mty.

C. Project Engineering Committee – Committee Chair Bob Huffman

- Update on Cabela's coordination
- Update on V-2 pipeline corridor
- Burr Street II Little Cal pre-construction meeting held April 4th
- SEH starting utility relocation coordination for Stage VIII
- Issues for discussion

11

D. Operation & Maintenance – Committee Chair Bob Huffman

- Status of O&M turnover
 - O&M coordination meetings with Gary held on March 14 & 22
 - 5 flap gates currently being cleared in Gary by Austgen; 13 remaining
- Issues for discussion

11

E. Legislative Committee – Committee Chair George Carlson

- State funding – Continue to press area legislators for \$8 million for inclusion in final budget
- Federal appropriations announcement - \$14 million
- Issues for discussion

12

F. Environmental Committee – Committee Chair Mark Reshkin

- Brief report on GSWMD project for Gary sub-watershed plan
- Update on coordination with town of Highland/others re: the Blue Heron Rookery area
- 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

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

Chairman William Biller called the meeting to order at 6:10 p.m. Seven (7) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

Charlie Ray
Robert Huffman
Steve Davis
Bill Biller
Dr. Mark Reshkin
Arlene Colvin
Robert Marszalek

Visitors:

Traci Powell – IDNR, Div. of Water
Imad Samara – Project Manager, Corps of
Engineers
Bill Petrites – Highland resident
Elizabeth Johnson – Congressman
Visclosky's Office
Barbara Whitaker – Munster resident

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos

The minutes of the February 7, 2007 meeting were approved by a motion from Bob Huffman; motion seconded by Mark Reshkin; motion passed unanimously.

Chairman's Report – Chairman Bill Biller announced that Arlene Colvin has been re-appointed to the Development Commission. Ms. Colvin is a Mayor of Gary appointment that will run through December 2010.

• Chairman Biller announced that the Commission is in the Governor's recommended 2007/09 budget for \$2 million; the House budget contained the \$2 million. Our original request was for \$8 million; this was the estimated amount that was needed to complete the project construction to State line. Chairman Biller and Dan Gardner talked with several legislators a few weeks past and we are hopeful that we can receive an additional \$6 million in conference committee. Staff will send additional correspondence to Senator Frank Mrvan reiterating our need for the entire \$8 million to complete the construction by December 2009 and outlining the implications of how far it would take us if we receive only the \$2 million. The end of the session is early May, with the new biennium starting July 1st. The first release of new money will be in August.

Action Required – In Treasurer Kent Gurley's absence, Mr. Gardner presented the claims for approval in the amount of \$135,891.50. Mr. Huffman made a motion to approve the claims as presented; motion seconded by Arlene Colvin; motion passed unanimously. Mr. Gardner then presented the O&M claims for approval in the amount of \$413.40. Mr. Huffman made a motion to approve the O&M claims as presented; motion seconded by Arlene Colvin; motion passed unanimously.

- After an explanation of why condemnation was needed on two parcels (DC-1203 & 1206) in Stage VII, Mr. Marszalek made a motion to file condemnation proceedings on DC-1203, 1206 and 1204. Condemnation would only be used on DC1204 if necessary as a last resort. Motion seconded by Steve Davis; motion passed unanimously.
- A motion was made by Bob Marszalek authorizing the attorney to advertise the RFP for development, operation & maintenance of a wetland mitigation bank and to form a study group to oversee the project. Motion was seconded by Mark Reshkin. Discussion was held. Attorney Lou Casale distributed a draft copy of an RFP. Mark Reshkin expressed concern that if we establish this activity, we need to assure that the revenues generated from it would be directed to O&M and then have it structured so that whatever continuing body would be in place to oversee the project, these funds would be available. Given that we are working toward a construction complete date of December 2009, this will extend beyond that date. This is one of the reasons a study group needs to be formed to look at some of these options. Staff will proceed with sending out a solicitation to organizations that do this type of business. Mr. Gardner stated that with LEL opting out of the option, there is no legal relationship we have with them at this point.

Executive Director's Report – Executive Director Dan Gardner reported that the State Budget Committee did approve the release of the \$2,142,583 that we requested. Of that amount, \$1,442,583 will be used for the cost share of the Burr Street II Little Cal portion of levee construction and \$700,000 will be used for critical path for Stage V-2 (Cabela's). Mr. Gardner referred to the letter we sent to Charles Schalliol, State Budget director, thanking him and his staff. Mr. Gardner added that with the Corps receiving our cost share of the project, the contract can be awarded and construction should be underway by May.

- Mr. Gardner talked about the Burr Street II Gary portion of levee construction. \$493,399 has been paid to date. We have about \$129,662 remaining monies. The project should be completed in the very near future.
- Mr. Gardner reported that he, Jim Pokrajac, and Lou Casale attended a meeting with the mayor of Gary regarding the O&M turnover. Also in attendance was Arlene Colvin, Joe Rodriguez, Hamilton Carmouche, and Deputy Mayor Geraldine Tousant. They have scheduled a follow-up meeting on March 14. The attorneys are working on an agreement for acceptance of O&M and the turnover of Commission lands. We have a model with the city of Portage; and hope we can move it through the State as quickly as the Portage marina land transfer.
- Mr. Gardner informed the board members that the Corps will provide cost estimates to perform the next step of engineering for the Griffith levee portion. They have the expertise in knowing what needs to be addressed. There will be a cost to us for their work but it will be more cost effective than hiring an engineering firm with no familiarity. Bob Huffman questioned whether we knew exactly what we wanted in this phase. Mr. Gardner indicated that the Corps knows what needs to be done. He added that we will have a FEMA contact involved so we make sure we are doing what we need to do. Mark Reshkin questioned whether we could get approval before we start construction. Imad Samara did not think so; he stated that the Corps should be the expert in defining what needs to be done – that is not FEMA's job. Mr. Gardner added that we have identified an estimated amount of money in our \$8 million request to do the additional work on the Griffith levee.

Finance Committee – Finance action was already taken. The financial statement for this period 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 162 total acquisitions in various stages.

- In V-2, acquisition of easements is proceeding. Out of a total of 40 easements, there are six remaining. Chairman Biller asked if there were problems with these remaining six. Attorney Casale stated that we do have problems on these properties but we are hopeful that we can work thru them.
- In Stage VII, there are 52 acquisitions of easements. Those easements needed north of the river are ready to go out. When the appraisal reviews are final and ready to go out as offers, Mr. Gardner will go to Munster and ask for help in making these offers. We believe money has been set aside for helping us.
- In Stage VIII there are 90 easements; mapping should be complete by Monday. We understand that on March 19, we will receive a formal notice from the Corps directing us to acquire VIII. The next step is title work, followed by appraisals.
- Committee Chairman Bob Marszalek referred to Jim Pokrajac for a report on Land Management. Mr. Pokrajac reported that View Outdoor has received permits from the city of Gary for the construction of an additional nine locations we have given them. We currently have three license agreements with them for three billboards on our property. There is potential for another nine, making it a total of 12 billboards. Mr. Pokrajac will be meeting with field personnel to verify locations to make sure they are correct.
- Regarding the property at 3120 Gerry Street, Mr. Pokrajac reported that the attorney has worked out a draft License Agreement to be sent to Mr. Youngheim from Property Liquidators. We are hoping it will be final by the next meeting. It will come back to the Commission for approval.

Project Engineering Committee – Committee Chairman Bob Huffman asked Jim Pokrajac how Cabela's was moving along. Pictures of their ongoing construction were circulated to Board members. Mr. Pokrajac was on the site Tuesday and met with the construction superintendent. The main facility building should be ready on their target date of October 2007.

- The Corps is finalizing the real estate drawings showing the easements that we will need from Cabela's, as well as INDOT. Lawson-Fisher is coordinating the design needed on Cabela's property. INDOT plans are to advertise this fall which will include the pump station. There are some environmental concerns that are being addressed to allow access to the site.
- In regard to the V-2 pipeline corridor, no easement agreements can be put together until the utilities see final engineering. Once we receive those drawings from the Corps, we can move forward. They should be available in a couple of weeks; we will immediately

forward them onto the utility companies for their review and then schedule another coordination meeting. The Corps has allowed a 3 week review time. We will have to pay the utility companies for field work during construction and excavation. Mr. Gardner added that we do have a funding commitment of \$1.25 million from IEDC earmarked for utility relocation for V-2. We will have to go through the same process with the IEDC/State Budget Agency as we did to get the \$700,000 and carefully document the costs and the timeframe to construct. The Corps is hoping to bid out this stage in mid July.

- Mr. Pokrajac stated that all three current contracts have been extended because of weather delays. They are VI-1South, VI-1North, VI-2 and Burr II-Gary; in-project mitigation contract is ongoing.

Operation & Maintenance Committee – Committee Chairman Bob Huffman referred to Jim Pokrajac for a report on O&M. Mr. Pokrajac referred to a letter on page 14 in the agenda packet from an engineering firm (representing American Water) that is designing a new water main and pump station that a portion of which will be on Commission property where the levee construction is complete in Stage III. This just reinforces the need for an entity to always be in place to deal with issues like this after the project is complete.

Legislative Committee – Mr. Gardner informed the board members that he is working with Hammond Councilman Day Repay to schedule a meeting for residents in his district to talk about FEMA and flood insurance issues. A possible date they are looking at is March 28 at Purdue Calumet. Mr. Gardner will invite an insurance expert, John Kissling, from the IN. Department of Insurance to talk with residents.

Environmental Committee – Mr. Gardner informed the Board members that the Highland Redevelopment Commission is moving forward with the IDNR Coastal Grant program and will involve all interests.

- Committee Chairman Mark Reshkin referred to Mr. Gardner on the March 1 watershed planning meeting. He attended the meeting, as well as other agencies and some environmental groups. He will have something for the next meeting identifying what their issues are and how they will be addressed.

- Mr. Pokrajac distributed a memo to the Corps in which native grasses were discussed. The Landscaping II contract calls for native grasses. In discussions with Gary, they do not want native grasses because of the controlled burns that go along with them. It would also be more cost effective to have just turf-type grass. Commissioner Mark Reshkin mentioned that there was an area at I.U. Northwest that Scott Cortwright planted native grass. Mr. Pokrajac stated that in that area, they could not do inspections because of the tall native grass. There are no native grasses in the west reach. After discussion, it was decided to leave the Landscaping II contract as is because there will be a 5-year overseeing project by the contractor so he will be responsible for all type of maintenance on the grass.

Recreation Committee – There was no report.

Policy Committee - There was no report.

Other Issues – There were none.

Statements from the Floor – Munster resident Barbara Whitaker inquired about the V-2 construction in her area. Jim Pokrajac stated that the 100% review plans are due in mid-March for final review. There is a 3-week review process. As soon as they are received from the Corps, he will get a set to Munster resident Steve Enger, as well as the town itself.

- She also inquired about the work that is going on at the bridge by River Drive. Mr. Gardner replied that there is construction work going on inside Wicker Park area. USGA is doing some work near Munster Hart Ditch also. Mr. Gardner advised that if more information is needed, Dennis Simala would probably be the contact at Wicker Park to explain in further detail.

There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, April 4, 2007.

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
MONTHLY BUDGET REPORT,

UNALLOCATED

	2007							ALLOCATED	BUDGETED
	BUDGET	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL	BALANCE
5801 PER DIEM EXPENSES	7,500.00	0.00	0.00	0.00				0.00	7,500.00
5811 LEGAL EXPENSES	3,500.00	283.33	283.33	283.33				849.99	2,650.01
5812 NIRPC SERVICES	145,000.00	11,742.56	12,743.90	12,536.24				37,022.70	107,977.30
5821 TRAVEL/MILEAGE	2,500.00	38.40	41.00	12.40				91.80	2,408.20
5822 PRINTING/ADVERTISING	2,000.00	0.00	0.00	0.00				0.00	2,000.00
5823 BONDS/INSURANCE	8,000.00	0.00	150.00	0.00				150.00	7,850.00
5824 TELEPHONE EXPENSES	6,500.00	469.54	472.65	527.86				1,470.05	5,029.95
5825 MEETING EXPENSES	5,000.00	79.50	188.50	106.95				374.95	4,625.05
5840 PROFESSIONAL SERVICES	700,000.00	35,139.96	72,326.12	77,003.90				184,469.98	515,530.02
5860 PROJECT LAND PURCHASE EXP.	76,000.00	1,783.00	49,686.00	15,109.00				66,578.00	9,422.00
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	105,579.68	0.00	0.00	0.00	291,007.47	3,357,575.53

UNALLOCATED

	2007							ALLOCATED	BUDGETED
	BUDGET	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL	BALANCE
5801 PER DIEM EXPENSES	7,500.00							0.00	7,500.00
5811 LEGAL EXPENSES	3,500.00							849.99	2,650.01
5812 NIRPC SERVICES	145,000.00							37,022.70	107,977.30
5821 TRAVEL/MILEAGE	2,500.00							91.80	2,408.20
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							1,470.05	5,029.95
5825 MEETING EXPENSES	5,000.00							374.95	4,625.05
5840 PROFESSIONAL SERVICES	700,000.00							184,469.98	515,530.02
5860 PROJECT LAND PURCHASE EXP.	76,000.00							66,578.00	9,422.00
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	291,007.47	3,357,575.53

CLAIMS PAYABLE FOR MARCH 2007

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5811	CASALE ,WOODWARD & BULS LLP	283.33	MONTHLY RETAINER THROUGH MARCH 23,2007
5812	NIRPC	12,390.05	SERVICES PERFORMED FEBRUARY 2007
5812	UPS	97.46	OVERNIGHT MAIL
5812	UPS	48.73	OVERNIGHT MAIL
5821	SANDY MORDUS	12.40	MILEAGE FOR MARCH
5824	AT & T TELECONFERENCE SERVICE	57.08	CONFERENCE CALL W/ CORP OF ENGINEERS 2/22/07
5824	AT & T	334.91	BILLING PERIOD 2/14/07-3/13/07(TOTAL BILL 347.28 KRBC 12.37)
5824	VERIZON NORTH	135.87	BILLING PERIOD 3/16/07-4/16/07(TOTAL BILL 247.87 KRBC 112.00)
5825	BANKCARD SERVICES	106.95	COST INCURRED FOR ONE NIGHT'S STAY FOR PLANNED ATTENDANCE AT STATE BUDGET COMMITTEE HEARING FOR RELEASE OF PROJECT FUNDS
5841	THE OETZEL-HARTMAN GROUP	11,800.00	APPRAISAL RE: DC-59
5841	INTEGRA	2,500.00	APPRAISAL RE: DC-1172
5841	PROFESSIONAL APPRAISAL SERVICES LLC	750.00	APPRAISAL FOR DC-1204
5841	PROFESSIONAL APPRAISAL SERVICES LLC	750.00	APPRAISAL FOR DC-1204A
5841	PROFESSIONAL APPRAISAL SERVICES LLC	2,500.00	APPRAISAL FOR DC-465A
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465B
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465C
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465D
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465E
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465F
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465G
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465H
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465I
5841	PROFESSIONAL APPRAISAL SERVICES LLC	1,750.00	APPRAISAL FOR DC-465J
5841	THE GORMAN GROUP LTD	2,250.00	APPRAISAL REVIEW RE: DC-1241,1240 & 1238
5841	HERITAGE APPRAISAL SERVICE	1,500.00	APPRAISAL RE: DC-1172
5843	TICOR TITLE INSURANCE COMPANY	305.00	TITLE WORK FOR DC-323
5843	TICOR TITLE INSURANCE COMPANY	305.00	TITLE WORK FOR DC-321
5843	TICOR TITLE INSURANCE COMPANY	305.00	TITLE WORK FOR DC-758
5843	TICOR TITLE INSURANCE COMPANY	305.00	TITLE WORK FOR DC-741
5843	STEWART TITLE SERVICE	100.00	TITLE WORK FOR DC-1242
5843	STEWART TITLE SERVICE	100.00	TITLE WORK FOR DC-1177
5847	GARCIA CONSULTING	2,545.00	SURVEYING SERVICES RE: DC-1030
5847	GARCIA CONSULTING	1,087.50	SURVEYING SERVICES RE: DC-1204
5847	GARCIA CONSULTING	82.50	SURVEYING SERVICES RE: DC-1207
5847	GARCIA CONSULTING	55.00	SURVEYING SERVICES RE: DC-1208
5847	GARCIA CONSULTING	55.00	SURVEYING SERVICES RE: DC-1210
5847	GARCIA CONSULTING	82.50	SURVEYING SERVICES RE: DC-1211
5847	GARCIA CONSULTING	27.50	SURVEYING SERVICES RE: DC-1213
5847	GARCIA CONSULTING	27.50	SURVEYING SERVICES RE: DC-1214
5847	GARCIA CONSULTING	1,207.50	SURVEYING SERVICES RE: DC-1199
5847	GARCIA CONSULTING	2,247.50	SURVEYING SERVICES RE: SV-II
5847	GARCIA CONSULTING	200.00	SURVEYING SERVICES RE: DC-1101
5847	GARCIA CONSULTING	137.50	SURVEYING SERVICES RE: DC-1175
5847	GARCIA CONSULTING	300.00	SURVEYING SERVICES RE: DC-1185
5847	GARCIA CONSULTING	100.00	SURVEYING SERVICES RE: DC-1183
5847	GARCIA CONSULTING	1,952.50	SURVEYING SERVICES RE: DC-1307
5847	GARCIA CONSULTING	2,282.50	SURVEYING SERVICES RE: DC-1306
5847	GARCIA CONSULTING	377.50	SURVEYING SERVICES RE: DC-1305
5847	GARCIA CONSULTING	705.00	SURVEYING SERVICES RE: DC-1304
5847	GARCIA CONSULTING	280.00	SURVEYING SERVICES RE: DC-1303
5847	GARCIA CONSULTING	762.50	SURVEYING SERVICES RE: DC-1302
5847	GARCIA CONSULTING	702.50	SURVEYING SERVICES RE: DC-1301
5844	JAMES E POKRAJAC	226.40	FEBRUARY MILEAGE
5844	JAMES E POKRAJAC	5,514.45	ENGINEERING/LAND AGENT 3/1/07-3/15/07
5844	JUDITH VAMOS	2,770.45	LAND ACQUISITION AGENT SERVICES 3/1/07-3/15/07
5844	G. LORRAINE KRAY	1,012.80	CREDITING TECH & LAND ACQUISITION ASST 3/1/07-3/15/07
5844	SANDY MORDUS	200.00	CREDITING TECHNICIAN SERVICES 3/1/07-3/15/07
5849	CASALE.WOODWARD & BULS LLP	1,155.00	LAND UTILITY RELOCATION/LEGAL SERVICE THROUGH 3/23/07
5849	CASALE.WOODWARD & BULS LLP	11,368.30	LAND ACQUISITION/LEGAL SERVICES FOR PERIOD ENDED 3/23/07
5849	CASALE WOODWARD & BULS LLP	319.00	LAND UTILITY RELOCATION/LEGAL SERVICE THROUGH 3/23/07
5861	CASALE WOODWARD & BULS LLP	15.00	RECORDING FEE DC-1101
5861	LAKE COUNTY RECORDER	94.00	RECORDING RE: DC-842,1173,&1104
5861	NANCY NIMETZ	15,000.00	PURCHASE PRICE OF DC-577

TOTAL

105,579.68

**APPROVAL TO PAY THE FOLLOWING INVOICES
FROM O&M FUND
APRIL 4, 2007**

-
- **\$52.53 to T-Mobile for costs incurred for cell phone for engineer field work; monthly service 2/11/07 – 3/10/07**
 - **\$97.48 to NIPSCO for gas & electricity costs incurred at 3120 Gerry Street(Commission-owned property); Statement date 3/12/07**
 - **\$279.84 to Kevtec machine Services for costs incurred on sluice gate adapter block**

TOTAL \$ 429.85

RECEIVED MAR 23 2007



Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director
Division of Water
402 W. Washington Street
Room W264
Indianapolis, IN 46204
Phone (317) 232-4160
Toll-free (877) 928-3755
Fax (317) 233-4579
www.in.gov/dnr/water/

March 21, 2007
GN-19187
FEMA Case No. :04-05-0897R

Imad Samara, Project Manager
Chicago District, U.S. Army Corps of Engineers
111 North Canal Street
Chicago, IL 60606-7206

Re: Little Calumet River
Lake County – Gary

Dear Mr. Samara:

Our staff has completed their review of the HEC-RAS unsteady flow modeling submitted in support of a CLOMR/LOMR that would remove some areas within the corporate limits of Gary from the 100-year floodplain. Upon detailed review of the July 2005 modeling submittal for Little Calumet River Reach 2, the Division of Water has no objections to the technical aspects of the various modeling, and found it satisfactory overall.

The Division's review was limited only to the modeling submittal. Some of the criteria required for approval of the CLOMR/LOMR such as as-builts, tie-backs, interior drainage analyses, closure systems, operation plans and criteria, maintenance plans and criteria, embankment and foundation stability, and settlement, among others, are beyond the scope of expertise of the Division's staff. The Division will rely upon the expertise of FEMA and their contractor to perform the review of these items. It is recommended that you contact FEMA regarding the development and implementation of the national policy on flood control levees, which may impact 44 CFR Part 65.10, as well as pending congressional changes on flood insurance requirements.

Please contact me at (317) 232-4183 or (877) 928-3755, if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "George C. Bowman". The signature is written in a cursive, flowing style.

George C. Bowman, PE
Assistant Director
Division of Water

Pc: Mary Jo Mullen, FEMA Region V
Mike Hanke, FEMA Region V
Dan Gardner, LCRBDC

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
FINANCIAL STATEMENT
JANUARY 1, 2007 - FEBRUARY 28, 2007

CASH POSITION - JANUARY 1, 2006

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	
	<hr/>	997,128.66

RECEIPTS - JANUARY 1, 2006 - FEBRUARY 28, 2006

LEASE RENTS	6,885.16	
LEL MONIES (SAVINGS)		
INTEREST INCOME (FROM CHECKING)	351.73	
LAND ACQUISITION	1,668,905.68	
ESCROW ACCOUNT INTEREST	3.62	
MISC. RECEIPTS		
KRBC RE		
TRANSFERRED FROM SAVINGS	76,281.98	
PROCEEDS FROM VOIDED CHECKS		
TOTAL RECEIPTS		1,752,428.17

DISBURSEMENTS - JANUARY 1, 2006 - FEBRUARY 28, 2006

ADMINISTRATIVE		
2004 EXPENSES PAID IN 2005	150,159.58	
PER DIEM	2,650.00	
LEGAL SERVICES	566.66	
NIRPC	23,490.77	
TRAVEL & MILEAGE	421.60	
PRINTING & ADVERTISING		
BONDS & INSURANCE		
TELEPHONE EXPENSE	1,185.40	
MEETING EXPENSE	268.00	
LAND ACQUISITION		
LEGAL SERVICES	15,020.38	
APPRAISAL SERVICES	6,000.00	
ENGINEERING SERVICES	31,066.25	
LAND PURCHASE CONTRACTUAL	23,120.00	
FACILITIES/PROJECT MAINTENANCE SERVICES		
OPERATIONS SERVICES		
LAND MANAGEMENT SERVICES	34,536.75	
SURVEYING SERVICES	28,259.55	
MISCELLANEOUS EXPENSES		
ECONOMIC/MARKETING SOURCES		
PROPERTY & STRUCTURE COSTS	109,708.86	
MOVING ALLOCATION		
TAXES		
PROPERTY & STRUCTURES INSURANCE		
UTILITY RELOCATION SERVICES		
LAND CAPITAL IMPROVEMENT		
STRUCTURAL CAPITAL IMPROVEMENTS		
BANK CHARGES MERCANTILE	26.50	
PASS THROUGH FOR SAVINGS	76,338.05	
PAYBACK TO SAVINGS		
TOTAL DISBURSEMENTS		352,658.77

CASH POSITION - FEBRUARY 28, 2007

CHECKING ACCOUNT		
LAND ACQUISITION	158,635.44	
GENERAL FUND	30,701.82	
TAX FUND		
TOTAL FUNDS IN CHECKING ACCOUNT		189,337.26

BANK ONE SAVINGS ACCOUNT BALANCE	307,709.62	
(LAND ACQ IN HOUSE PROJECT FUNDS)	208,518.45	
(O & M MONIES)	**75,655.96	

*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	23,535.21	
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BANK ONE SAVINGS ACCOUNT	381,734.14	
BURR ST PHASE II GARY	362,735.16	
INTEREST	18,998.98	
TOTAL SAVINGS		689,443.76
ESCROW ACCOUNT INTEREST AVAILABLE		4,414.68

TOTAL OF ALL ACCOUNTS 883,195.70

SCHEDULE FOR DEVELOPMENT COMMISSION **REMAINING "REPAIR" COMMITMENTS**

1. SIX STORM WATER PUMPING STATIONS

A. The six stations are as follows:

- Burr Street – SW Pumping Station
- Grant Street – SW Pumping Station
- Broadway – SW Pumping Station
- Ironwood – SW Pumping Station
- West Grant – Tile SW Pumping Station
- Marshalltown – SW Pumping Station

- * Final summary currently being completed (will be completed by April 13, 2007)
- * Preliminary inspection with city of Gary representatives, Army Corps, and LCRBDC to be scheduled no later than May 11, 2007
- * Remainder of pump station items to be completed by June 29, 2007
- * Final inspection for acceptance to be scheduled no later than July 13, 2007

2. PRIMARY AND SECONDARY CLOSURES

- A. Total – 47 Primary Closure (Flap Gate) locations east of Cline Avenue to be operated and maintained by the city of Gary
- 13 remaining should be completed by May 18, 2007
- B. Total – 47 Secondary Closure (Sluice Gate) locations east of Cline to be operated and maintained by the city of Gary
- 9 remaining should be completed by May 25, 2007

3. REMAINING FEATURES TO BE TURNED OVER TO CITY OF GARY

- A. Includes, but not limited to, levees, I-walls, culverts and ditches, recreational features, fencing, and emergency response
- Scheduled to be completed by September 7, 2007

March 22, 2007

\$45 MILLION SECURED FOR WATERWAY PLANS

Funds to be pumped
into facility, levees
and erosion projects

BY RUTHANN ROBINSON
rrobinson@nwitimes.com
219.662.5331

U.S. Rep Pete Visclosky secured about \$45 million in federal funds for lakefront, environmental and flood control projects for Northwest Indiana, his office announced Friday.

Some of the federal money flooding into the region is earmarked to stem the water flooding into many local homes.

The money will fund a confined disposal facility for Indiana Harbor, levees and flood walls for the Little Calumet flood control project and restoration of Wolf Lake and Lake Michigan shorelines, as well as deepening of Cedar Lake.

And Porter County's International Port in Portage will receive \$3.6 million for operation and maintenance, Visclosky said.

"The projects are crucial to improving our economic infrastructure and improving the quality of life in Northwest Indiana," Visclosky said.

The dredging of the Indiana Harbor Ship Canal requires disposal of the sediment, said



REP. PETE
VISCLOSKY



TIMES FILE PHOTO

U.S. Rep. Pete Visclosky's office announced Friday the congressman had secured about \$45 million in federal funds for lakefront, environmental and flood control projects for Northwest Indiana. The dredging of the Indiana Harbor Ship Canal, which is shown here in East Chicago between Mittal Steel properties, requires disposal of the sediment. Construction of a \$20.3 million disposal facility will be funded by the federal government.

See HARBOR MONEY, A9

Harbor money

Continued from A1

Visclosky's spokesman Justin Kitsch.

The \$20.3 million disposal facility, the construction of which is now fully funded by the federal government, will store the sediment. Because local money is not needed to match the federal funds, the project will be completed sooner and save local tax dollars, Kitsch said.

Of the rest of the funding, \$14 million will build 22 miles of levees and flood walls to protect the 11,500 homes in Gary, Griffith, Hammond,

Highland and Munster. The U.S. Army Corps of Engineers estimates that flooding on the Little Calumet River creates \$11 million in damages annually.

Another \$4 million should complete the Cady Marsh Ditch project, a flood control project in Griffith, Highland and unincorporated Lake County, Visclosky reported.

"There is an enduring day-in-day-out benefit by removing those from the flood plain.

... It means a tax cut as well as practical protection, so it not only benefits the individual but the community as a whole," Visclosky said.

Wolf Lake will receive \$800,000 to reconstruct wetland and aquatic habitats. Restoration of Wolf Lake will provide additional recreational opportunities, Kitsch said.

And \$1 million will fund the Indiana Shoreline Erosion Project along Indiana Dunes. The continuation of this project will slow erosion to protect beaches, Kitsch said.

A little more than half a million dollars more will fund a feasibility study to determine the best way to clean up the Grand Calumet River.

Finally, Cedar lake will get \$180,000 to deepen the lake

SOME OF THE PROJECTS RECEIVING FEDERAL DOLLARS:

- Indiana Harbor confined disposal facility, \$20.3 million to store sediment dredged from the ship canal.
- Northwest Indiana flood control, \$14 million for the Little Calumet flood control project.
- Porter County's International Port in Portage, \$3.6 million for operation and maintenance

and restore its natural ecosystem.

UIC
Potwacki

engineering
eng. R.E.
utilities
O&M

for
Deane
for the
services
in
→
funding

PROJECT ENGINEERING MONTHLY STATUS REPORT

For meeting on Wednesday, April 4, 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 March 1 – March 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
 - Modification #6 – Increased total contract amount by \$8,252.34 for miscellaneous field changes. Contract amount currently \$1,310,053.17
 - Modification #10 – Decreased total contract amount by \$8,900.00 to omit geoweb & aggregate fill. Contract amount currently \$1,616,156.81

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

*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. A progress meeting was held with the city of Gary, Superior Construction, army corps, and the LCRBDC on March 15, 2007 to review status of contract, scheduling, and extras to the contract. 1-3
 - 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. The resolution was signed, and approved, by the Gary Storm Water Management Board of Directors on November 28, 2006; and approved by the Gary Board of Public Works on December 6, 2007. 4-5
 - The levee material overages were reviewed, and finalized by the Corps in the amount of \$93,962.90.
4. Received monthly construction status report from COE.

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. **The Army Corps awarded the contract to Dyer Construction Company on February 28, 2007 in the amount of \$3,342,583.22.**
- 3. **A pre-construction meeting is currently scheduled for April 4, 2007**
 - **Received construction "contract" sets of plans and specs from the Corps on March 22 and distributed to city of Gary, NIPSCO, Wolverine, Marathon, and the NSRR on March 23, 2007.**

6
7
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STATUS (Stage V Phase 2) Kennedy Avenue to Northcote

The Army Corps is distributing the final review set of drawings (excluding NSRR) on March 29, 2007 and will do the distribution as per LCRBDC request on March 16 ; scheduled to 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).

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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.
 - > Wolverine responded on February 20, 2007 indicating one point of contact for all coordination (Fred Hipshear)
 - > Marathon responded on February 20, 2007 indicating several different points of contact.

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.
- **Received comments from Buckeye Pipeline on March 21, 2007 to clarify and question design in V-2.**

10-12

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 **on April 3, 2007, pending receipt of engineering review drawings no later than March 27, 2007.**

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.
- **Received a memorandum for record from the Corps on March 12, 2007 indicating that the selection for the closure alternative will be the use of a sliding gate.** 13-14
- **LCRBDC sent comments on the review set by Bergmann on March 12, 2007** 15-16

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.

4. Cabelas' Development (West of 41, adjacent to Little Calumet River)

- **Received confirmation from the Corps that all easements shown on the Cabela's plat (for recording) are acceptable for our project on March 15, 2007.** 17-18
- **LCRBDC surveyor given direction that day to proceed with the modified legals**

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).
 - 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 **March 13, 2007** (available copies upon request). 19-20
 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.
 6. Received pay estimate #18 on February 13 (dated January 25), 2007 requesting pay to contractor in the amount of \$186,872.34.

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 - **October 6, 2007**
 - **Current completion date extended 65 calendar days due to unusually severe weather as per Modification #2 received on March 2, 2007 (dated February 27, 2007)** 21-23
2. **Received monthly construction status report from the COE**
3. Construction progress meeting held with I.C.C. & COE on **March 13, 2007** (copies available upon request). 24-25
- 4 **Received Modification #11 to the contract on March 2, 2007 to increase amount of incremental funding by \$1,100 for a current obligation of \$5,461,350 (There is no change in the contract amount).** 26-28

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 - **June 1, 2007**
 - **Current completion date extended 51 calendar days due to adverse weather conditions as per Modification #1 on March 2, 2007 (dated February 20, 2007)** 29-31
 - 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) gatewell 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 Liabe 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 Torrenge 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).
6. **Agreement for utility coordination with SEH signed on March 8, 2007 at a cost not to exceed \$7,500**

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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.

4. **The Army Corps sent a letter of response, and a memorandum, to the A/E for the Griffith Golf Center on March 2, 2007, regarding grading and compensatory storage calculations.**

33-35

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.

LITTLE CALUMET RIVER, INDIANA: BURR ST
W912P6-06-XX-0099

AGENDA
PROGRESS MEETING NO. 6
March 15, 2007

1. Participants:

USACE: David Druzicki
Curtis Lee
Muri Nielsen
Doug Anderson

Superior: Steve Fernandez
Rich Draschil

Grimmer: John Dudlicek

City of Gary: Geraldine Tousant
Sam Shapira
Arnie Muzumdar

LCRBDC: Jim Pokrajac

Greeley and Hansen: Jay Niec

2. Progress:

Notice to Proceed: May 31, 2006

Original Contract Completion Date: 24 AUG 2007

Original Ditch 5 Completion Date: 27 NOV 2006

Original Contract Amount: \$2,301,518.00

Net Increase due to Change Order: \$72,673.00

Contract Price with all approved Change Orders: \$2,374,191.00

Current Required Completion Date: 24 AUG 2007

Current Ditch 5 Completion Date: 27 NOV 2006

Current Contract Amount: \$2,374,191.00

Earnings To Date: \$2,145,590.37 (Pay Request #5) thru 11/30 (94% complete)

Payments To Date: \$1,547,994.10 (Pay Request #4) thru 10/31

Pay Request #5 is being reviewed by the City of Gary for payment.

3. Work Since Last Meeting

- Levee work completed.
- Road raise at Calhoun completed
- Work on various ditches.
- Sewer work complete

4. Work Expected or Scheduled Within Next Two Weeks:

- Ditch # 5 (Change Order)

5. Critical Work Activities in Project Schedule:

SHOULD BE DONE by early April
DITCH #4 to be cleaned - W. of COLFAX

(+ INCLUDES #5 ditch) → \$2,374,191 (CURRENT)
2,301,518 ORIG. CONTR.
\$72,673 FOR (#5 ditch)
* \$954,843.45 (ALL C.O.'S)
2,374,191
\$172,652.45
Total (OLD BUSINESS CHANGE ORDERS)

SAME COMPL. DATE

DITCH #5

AGENDA
PROGRESS MEETING NO. 5
November 16, 2006

(Continued)

Superior will be given the opportunity to identify one or two of the work activities that are most likely to be "critical activities," from a project-scheduling standpoint. Superior will be given the opportunity to identify critical work activities:

a. Ditch 5

6. Old Business:

Levee Material Overages \$93,962.90
Riprap Overage @ \$56,545.20
Misc./ Asphalt overage @ \$18,144.35
Erosion Control/Rip Rap @ Ditch #5, \$4,000.00

• COE IS CURRENTLY BEING
REVIEWED.

should be final status for overrun on levee math.

• Dept. Mayor suggested this was never brought up at the time of overrun.

7. New Business:

None

7.1 Potential Conflicts Requiring Resolution:

__None

7.2 Potential Items of Public Interest:

None

7.3 Other Concerns/Actions/Discussions:

None

8. Submittal Status:

Outstanding Submittals:

➤ None.

Key Submittals in Review:

The Calumet Area Office is currently reviewing the following submittals:

➤

Upcoming Submittals:

➤

AGENDA
PROGRESS MEETING NO. 5
November 16, 2006

(Continued)

9. Field Changes/Modifications:

- a. Riprap shown on drawings in Ditch 5 at 13+20 and 24+00. No bid item listed. Riprap in Ditches #5 and #10. Price TBD.
- b. Potential variances from bid quantities?
- c. Asphalt/Misc.

The next progress meeting is scheduled for Thursday, April 12, 2007, at 1:00 p.m. Central Time at City Hall.

NOTE: Any comments or questions concerning this document should be directed to Murl Nielsen or Curtis Lee 219-923-1763/4 or curtis.a.lee@usace.army.mil.

SW 2a.

GARY STORM WATER MANAGEMENT
BOARD OF DIRECTORS
RESOLUTION NO. SW06-11

AMENDED INTERLOCAL AGREEMENT BETWEEN
CITY OF GARY And GARY STORM WATER MANAGEMENT DISTRICT
REGARDING
CHANGE ORDER NO. 1 FOR THE BURR STREET WEST LEVEE PROJECT

WHEREAS, the Gary Storm Water Management District (GSWMD) and the City of Gary (City) entered into an agreement regarding funding for the construction of the Burr Street West Levee Project (Project); and


WHEREAS, on March 28, 2006, the GSWMD Board of Directors approved the payment of not more than \$326,138.50 to the City for the sole purpose of partially funding the construction of the Project; and

WHEREAS, it has been determined by GSWMD and the City that a change order, in the amount of \$72,673.00, is necessary for Ditch 5 slope protection, bank erosion control, channel protection and storm water management with respect to the section of the betterment levee ditch between Burr and Colfax Streets in Gary; and the City is responsible for payment of seventy five per cent (75%) of the change order, namely, \$54,505.00,

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, it is agreed to, by and between the City and the GSWMD that the GSWMD Board of Directors shall approve and pay the City's share of Change Order No. 1, in the amount of \$54,505.00, for the Burr Street West Levee Project.

Approved this 28th day of November, 2006.

GARY STORM WATER
MANAGEMENT DISTRICT
BOARD OF DIRECTORS


MAYOR/SPECIAL ADMINISTRATOR


INTERIM DIRECTOR


ATTORNEY

PRESIDENT


VICE-PRESIDENT


SECRETARY


MEMBER


MEMBER

Dec 14 06 09:20a
12/13/2006 17:31

NW ENGINEERING
2198827371

2198826867

P.5

CITY OF GARY

PAGE 05/08

AMENDED INTERLOCAL AGREEMENT BETWEEN
CITY OF GARY AND GARY STORM WATER MANAGEMENT DISTRICT
REGARDING CHANGE ORDER NO. 1 FOR THE BURR STREET
WEST LEVEE PROJECT

CITY OF GARY
BOARD OF PUBLIC WORKS
AND SAFETY

DATED: 12/6/06

DATED: 12/6/06

DATED: 12/6/06

Geraldine B. Jansen
PRESIDENT

M. C. L. L. L.
VICE-PRESIDENT

Hamilton S. Carmichael
SECRETARY

Reviewed and Approved:

MAYOR RUDOPH CLAY

Jim Pokrajac

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:

<p>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</p>
--

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

Jim Pokrajac

From: "Jim Pokrajac" <jpokrajac@nirpc.org>
To: <mlpasyk@nisource.com>; <jpwegner@nisource.com>; <fred_hipshear@wplco.com>; <DLWoodsmall@MarathonPetroleum.com>; <Mark.Sawyer@nscorp.com>; "Geri Tousant" <gtousan@ci.gary.in.us>; "Jay Niec (E-mail)" <jniec@greeley-hansen.com>; "Anderson, Douglas M LRC" <Douglas.M.Anderson@lrc02.usace.army.mil>; "Edd, Sheldon D LRC" <Sheldon.D.Edd@lrc02.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: Wednesday, March 21, 2007 4:14 PM
Subject: Burr Street Phase II- East (Pre-Construction Meeting)

Gentlemen,

I was informed today by the army corps that we are scheduling a pre-construction meeting for the above mentioned project on Wednesday, April 4, 2007 at 9:00 A.M. (Chicago Time) at the Griffith army corps office, located approx. 2 miles South of I-80/94 and approx. 1/2 mile East of Cline Avenue in Griffith, Indiana. This contract was awarded to Dyer Construction, who will also be in attendance. It is the intent of this meeting to establish points of contact, discuss scheduling, answer any questions, or to address any concerns.

I will be mailing you a set of plans and specifications for this segment this week. This contract is the one that extends Eastward from Burr Street to Clark, along the Nipsco R/W and crosses over the Norfolk Southern RR in 2 locations. You may use these contract sets to help you to address your questions or concerns. If you can not attend this meeting, please make arrangements for a representative of your company to be in attendance.

I will be out of town during the week of March 24 thru March 31. If you have any questions, you may contact Mr. Sheldon Edd, project engineer for the army corps, at (219) 923-1763 at their Griffith Office.

Thank You,

Jim Pokrajac
Agent, Land Management/ Engineering
Little Calumet River Basin Development Commission
ph.- (219) 763-0696
Fax- (219) 762-1653
E-Mail- jpokrajac@nirpc.org



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:

Dave Woodsmall
Marathon Pipeline

FROM:

Jim Pokrajac, Agent, Engineering/Land Management

SUBJECT:

Transmittal of Construction plans & specs

DATE:

March 23, 2007

Enclosed for your information is a "contract set" of the drawings and the "construction solicitation specifications" for our upcoming construction for our Burr Street Phase 2 (East project). I have also enclosed a copy of an email that I sent to you on March 21, 2007 informing you of the upcoming pre-construction meeting at the Army Corps office in Griffith on Wednesday, April 4, 2007 at 9:00 a.m. Chicago time.

/encl.

Cc: Imad Samara, *Project Manager, ACOE*
Captain Kelsey Lavicka, *ACOE*
Sheldon Edd, *ACOE, Griffith Office*

ALSO SENT TO:

(SAMPLE) • NSRR
• WOLVERINE
• NIPSCO
• GARY



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

TO:

Captain Kelsey Lavicka
(cc: Imad Samara, John Grobowski)

ROBERT MARSZALEK, Vice Chairman
Governor's Appointment

FROM:

James E. Pokrajac, Agent, Engineering/
Land Management

R. KENT GURLEY, Treasurer
Lake County Commissioners' Appointment

SUBJECT:

Stage V Phase 2 - 100% Review

CHARLIE RAY, Secretary
Porter County Commissioners' Appointment

DATE:

March 16, 2007

GEORGE CARLSON
Hammond Mayors' Appointment

ARLENE COLVIN
Gary Mayors' Appointment

STEVE DAVIS
IN. Dept. of Natural Resources Appointment

ROBERT HUFFMAN
Governors' Appointment

JOHN MROCKOWSKI
Governor's Appointment

DR. MARK RESHKIN
Governors' Appointment

VACANCY
Governor's Appointment

The Army Corps current schedule projects that I will be getting the 100% set of plans & specifications for Stage V-2 distribution by the middle or end of next week. With my current schedule, I anticipate I may not be able to distribute the plans & specs in a timely manner, as you request. I will be unavailable during the week of March 26th – 30th and will return to work on April 2nd. I'm not sure when I would receive these plans & specs for distribution and would like to assure that these are distributed by you as soon they are available. Would you also assure that Imad sends a cover letter with each of these mailings indicating the due date for comments.

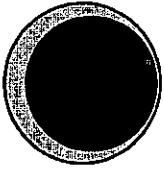
I am hoping that the comments can be submitted to the Army Corps either by letter or email. Many of these distributions will be sent to representatives who are not familiar with the Dr. Checks system. If you do intend on getting their comments through Dr. Checks, I would also suggest you attach instructions and a point of contact from the Corps to explain the procedure to them.

In a conversation with NIPSCO on March 15, we will be trying to schedule an engineering coordination meeting between NIPSCO, LCRBDC, and representatives from the Corps to review and discuss the impacts to NIPSCO on their right-of-way. When I return to work on April 2nd, I will coordinate that meeting with you. We should be able to resolve their questions and concerns at this meeting in order to allow their real estate coordination to proceed with signing the agreements. Any questions, please contact me.

The following pages are a list of the companies, utilities, or municipalities that will need sets of the plans & specs for review and comment.

DAN GARDNER
Executive Director

LOU CASALE
Attorney



BUCKEYE PARTNERS, L.P.

Five TEK Park
9999 Hamilton Boulevard
Brenigsville, Pennsylvania 18031
Tel (610) 904-4000
Fax (610) 904-4289

March 21, 2007

U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, IL 60606-7206

Attn: Captain Kelsey Lavicka
Email: Kelsey.W.Lavicka@usace.army.mil

Re: Little Calumet River Flood Control Project - North Township, Lake County, Indiana
REF No. BPL-2007-VAR-0340 / 10"-BPL-EC010XF, 8"-NPL-KG155HD, 8"-NPL-HD156KG,
14"-WPL-WO160EH / ROW No. 10-4

Dear Captain Lavicka,

Buckeye Partners, L.P., (Buckeye) has reviewed a second set of plans for the Little Calumet River Flood Control Project located in North Township, Lake County, Indiana. The plans consist of seven half size prints, numbered G-01, S-01, S-02, S-03, S-04, S-05, and S-06, dated January 2007, and were prepared by the U.S. Army Engineer District Corps of Engineers, Chicago, IL (Engineer). Generally, the project includes construction of flood control walls on either side of the Calumet River, with each wall consisting of z-piles driven as a foundation for a poured-in-place, reinforced concrete wall. The walls are to be constructed above four Buckeye's pipelines as well as nine other pipelines that lie parallel within the same utility corridor. The following items, which are correspondingly numbered to the sections in Buckeye's Right-of-Way Use Restrictions specification, are Buckeye's comments to the drawing package:

1. General

1. Buckeye's pipelines remain labeled as 8-inch Transmontaigne, 14-inch Equilon, and 10-inch Buckeye". There are actually two 8-inch pipelines which were installed in the same trench. The Engineer shall illustrate two pipelines at the location currently labeled as 8-inch Transmontaigne. As previously requested, The Engineer shall clearly and appropriately label Buckeye's pipelines, on each applicable sheet, as "Buckeye ___-inch High Pressure Petroleum Pipeline" with the appropriate pipe size (8-inch No. 1, 8-inch No. 2, 10-inch, and 14-inch) included in the blank.
2. The submitted plans do not have north arrows, except sheet G-01, and only sheet S-04 has the pipelines labeled. This makes review of the plans for potential impacts on a specific pipeline very difficult. Additionally, sheets S-03 and S-04 have identical titles, but are obviously not the same.

2. General Excavation and Construction Restrictions

3. Buckeye's Right-of-Way Use Restrictions specification is to be included in the Construction plans and a reference to Buckeye's reference number **BPL-2007-VAR-0340** shall be included on the plan sheet to which the Right-of-Way Use Restrictions specification is added. A copy of the latest revision of Buckeye's Right-of-Way Use Restrictions specification is attached.
4. No work within 25 feet of Buckeye's pipeline, including demolition and construction activities, shall be conducted without the presence of a Buckeye Inspector.

3. Specific Requirements

3.1 Cover, Grading & Drainage

5. Where the northern flood wall crosses Buckeye's pipelines, the existing depth of cover is illustrated at 2.0 to 4.0 feet and where the southern wall crosses Buckeye's pipeline, the depth of cover is illustrated a 9.5 to 12.5 feet. The Engineer shall provide data indicating the measured depth of cover for each pipeline at the points of crossing for each wall.

3.2 Aboveground and Underground Structures and Landscaping

6. The proposed flood wall design requires driving Z-piles both parallel and perpendicular to and within 3 to 4 feet of Buckeye's pipelines. The poured-in-place reinforce concrete flood walls will then be constructed on top of the piles. For the northern wall, the base of the wall is illustrated at 1.5 to 3.0 feet above Buckeye's pipelines. For the southern wall, the base of the wall will be approximately 6.0 to 9.0 feet above Buckeye's pipelines. The Engineer should explain how the flood walls will be built without the weight of these walls being transferred to Buckeye's pipelines.

3.6 Temporary Access Roads and Construction Vehicle Crossings

7. Construction vehicles carrying a maximum axle load up to 15,000 pounds may cross Buckeye's pipeline only after Buckeye has confirmed a minimum cover of 48 inches over the pipeline.
8. For all other cases, earthen ramps, swamp mats, reinforced-concrete slabs, or steel plates may be required. The Engineer shall submit a construction equipment list to Buckeye so that the loading conditions can be evaluated.
9. The Engineer shall submit a detailed plan illustrating the location and method(s) to be employed to ensure that construction equipment crossing Buckeye's pipelines and/or construction equipment used to install the z-piles as well as the concrete wall will not cause the pipeline to be overstressed. The Engineer shall provide detailed information on the proposed construction equipment to Buckeye so that the loading conditions can be evaluated.

3.9 Construction Induced Vibrations

10. Ground vibration inducing operations, including pile driving are indicated by the proposed plans. With the exception of soil compaction using walk-behind equipment, the Engineer shall continuously monitor vibrations by a seismograph located directly over the pipeline at its closest point to the ground vibration inducing activity.

11. The Engineer shall ensure that the particle velocity of any one component of a three-component seismograph does not exceed 2.0 inches per second as recorded on the seismograph placed directly over the pipeline.

Security and Safety Requirements

12. Based on a federal consent decree, Buckeye's 14-inch pipeline must be secure at all times. The Engineer shall include a security plan which includes the following minimum requirements.
13. The Engineer shall include a plan for safety / accident prevention and emergency response that ensures that all contractors working on the project will be aware of the specific hazards associated with working around high pressure petroleum pipelines and that the necessary access to Buckeye's pipelines in the event of an emergency will be maintained at all times. Additionally, the Engineer shall establish the necessary physical and procedural controls to ensure that any leak from Buckeye's pipeline that may occur during flood wall construction will not reach the Little Calumet River or any drainage channel or pipe leading to the river or any other waterway.

I am attaching a copy of Buckeye's Right-of-Way Use Restrictions specification for your reference. This letter does not represent an approval for the proposed work. Please revise your drawings per the comments above and resubmit to me for my review.

If you should have any technical questions regarding the above, please feel free to contact me at (610) 904-4303 or email me at DSamala@Buckeye.com. If you should have any questions regarding Buckeye's legal easement, please contact Ms. Linda Conrad at (610) 904-4404.

Sincerely,



Donald G. Samala
Relocation Engineer

Enclosure

cc: w/o enclosure -
Linda Conrad, Roy Haase / Central Right-of-Way
Marty White / District Right-of-Way
Al Kosior, Gene Pugh / Operations
Steve Schory / STV, Inc.
Jim Pokrajac / Flood Board



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

REPLY TO
ATTENTION OF

CELRC-PM

12 March 2007

MEMORANDUM FOR RECORD

SUBJECT: Selection of Closure alternative for Contract # W912EK-05-D-0001, Task Order D.O. #0005, Railroad Closure for Little Calumet River Northern Utility Corridor

1. This memorandum for record is to document the selection of a sliding gate closure by USACE – Chicago district.
2. As per the discussions within the Corp of Engineers, the local sponsor, and other entities COE selected the sliding gate closure method for the following reasons:
 - a. Ease of use – the local sponsors is responsible for closure located along the length of the Little Calumet River Basin and does not have the manpower or equipment to operate any closure structure that requires heavy or specialized equipment to operate in a flood emergency at the 200 year design level.
 - b. The sliding gate does not require the replacement of ballast material in the event of a 200 year flood, the designed protection. The Norfolk-Southern Ballast and ties are below the level of a 200 year event and ballast is too permeable a substance to be allowed within this line of protection.
 - c. Operation of the gates themselves is if the flood level reaches or exceeds the 200 year flood event, which will over top the tracks. This reduces the chances of closure in any given year to a .5% chance of occurrence.
 - d. Ease of Inspection – A sliding gate has the least amount of moving parts for a mechanical closure making it the easiest to maintain and inspect over the life of the project.
3. POC for above memorandum is CPT Lavicka at 312-846-5563
Kelsey.W.Lavicka@usace.army.mil

Encl

KELSEY W. LAVICKA
CPT, EN
PM

**50% P&S Comments for Railroad closure designed by Bergmann Associates
Submitted by USACE Chicago District (Approximately 80%)**

1. Crest elevation can be adjusted, but it is not necessary. The required crest elevation is 604.0 ft NGVD from the west side of the railroad to the east side of railroad then drops to 603.7 ft NGVD on the east side of the railroad.
 - Rick Ackerson, COE, Hydraulic Engineer
2. Paragraph 2.1.a: In the first line, mention of ASTM E 11 appears repetitive since ASTM C 136 already references ASTM E 11.
 - Yuki Shinbori, COE, Geo-Tech
3. Paragraph 2.1.a Table - note 1: Is there an ASTM equivalent to the AASHTO T-27 required in the note for gradation testing?
 - Yuki Shinbori, COE, Geo-Tech
4. Paragraph 3.8.2: The first and third lines appear repetitive of what is stated in 3.8.1.
 - Yuki Shinbori, COE, Geo-Tech
5. Paragraph 3.18.2: The third paragraph starting with "Field testing..." does not identify the Contractor at the end of the second sentence.
 - Yuki Shinbori, COE, Geo-Tech
6. Paragraph 3.18.2: The sixth paragraph starting with "In the event..." does not specify what the specified density should be.
 - Yuki Shinbori, COE, Geo-Tech
7. Paragraphs 3.18.3: Subparagraphs 3.18.3.1 to 3.18.3.7 do not apply to the Earthwork Section. It may be better to move under Division 05.
 - Yuki Shinbori, COE, Geo-Tech
8. In P&S for booth aprons for the slide gates, the aprons should not be earthwork because of the pipelines associated with the area. Coordination should be made to hang a concrete or metal skirt off of the sheet pile walls instead.
 - Eric Sampson, COE, Lead Structural Engineer
9. In P&S it calls for a specification of 1/8"-1/4" rubber or polyurethane material to attach to the bottom of the Tracks. It would be more in line with COE Standards to have a thickness of 1/2"-1" material if not greater.
 - Eric Sampson, COE, Lead Structural Engineer
10. Asphalt is not the best wearing material, its softness and malleability may compromise the flood protection. What are the considerations given to this or the use of concrete in those areas instead?
 - Eric Sampson, COE, Lead Structural Engineer



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 12, 2007

Captain Kelsey Lavicka
U.S. ARMY CORPS OF ENGINEERS
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Kelsey:

Following are a list of comments, questions, or need for clarification on the review set from Bergmann Associates for the construction on the Norfolk Southern railroad right-of-way:

- (1) Will all of the work, as shown on these drawings, be within the NSRR right-of-way?
 - Drawing S-101 should show the railroad right-of-way lines and the work limits that were submitted to the NSRR as part of our Uniform Land Offer. We need to assure that all of this work stays within those work limits.
- (2) Has the tie-in of the slide gates to the adjacent lines of protection been incorporated into the V-2 plan and review set?
 - Such as keying into sheet piling or addressing access ramps that will be needed by the utilities or pipelines to get access to the river-side line of protection
- (3) Has the scope of work been established in order that it may be incorporated into the Stage V Phase 2 review set?
 - As I recall, the NSRR will enter into an agreement whereby they do majority of the work on their right-of-way. Is this the case on this project?
- (4) From this design, is it possible to get me the coordinates for the center lines of protection west of the right-of-way in order that I may stake out the locations for the "daylighting" of the two Conoco Phillips pipelines?
- (5) It was brought to our attention several weeks ago that the Indiana Harbor Belt has an interest with the NSRR north of the river. Will this review set also be transmitted to them?

March 12, 2007

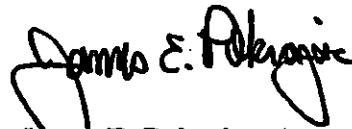
Page 2

(6) Method of Construction

- Will we be working both sets of tracks at the same time during the sheet piling installation?
 - Will we pour concrete for the gate closure pad one track at a time or do all of it at one time?
- (7) The closure gate is indicated as being steel. Will there be ongoing maintenance with this, and with the additional weight of steel, has this type of closure ever been made of a lighter metal, such as aluminum?
- (8) The plans indicate that this gate will have an electric winch to pull this gate into the closed position.
- In the event of a power failure, is this gate also able to be closed manually?
- (9) Has consideration be given to design to assure all concrete is below the frost line to assure that there will not be any frost upheaval during winter months?

The Development Commission has no experience with this type of closure structure in the past. I may not understand all of the design concepts but these were items I felt needed to be asked. If you have any questions regarding any of these comments, please feel free to call me.

Sincerely,



James E. Pokrajac, Agent
Engineering/Land Management

/sjm

Cc: Imad Samara
John Grobowski
Matt Cunningham

Jim Pokrajac

From: "Jim Pokrajac" <jpokrajac@nirpc.org>
To: <glh@garcia-consulting.com>
Cc: "Groboski, John A LRC" <John.A.Groboski@lrc02.usace.army.mil>; "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>
Sent: Thursday, March 15, 2007 8:32 AM
Subject: Fw: Cabela's Hammond - levee easement / plat coordination (UNCLASSIFIED)

Gregg,

This is for your information. It shows the directive from the COE indicating that the Cabelas' Plat has the easements that we will use for our project. Any questions may be directed through John Groboski regarding our easements.

Thanks,

Jim

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

From: "Bock, Thomas A." <Thomas.Bock@nsae.com>
To: <jpokrajac@nirpc.org>; <dgardner@nirpc.org>
Sent: Thursday, March 15, 2007 8:08 AM
Subject: FW: Cabela's Hammond - levee easement / plat coordination (UNCLASSIFIED)

Jim and Dan,

I just wanted to make sure that this email from John Groboski from ACOE was routed to you, which indicates ACOE acceptance of the temporary and permanent easements shown on our final plat document.

Tom Bock
National Survey & Engineering
A Division of R.A. Smith & Associates, Inc.
Direct: 262-317-3216

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

From: Bock, Thomas A.
Sent: Tuesday, March 06, 2007 11:17 AM
To: 'Brian Poland'
Cc: Stuart Allen (stuart.allen@torrenga.com)
Subject: FW: Cabela's Hammond - levee easement / plat coordination (UNCLASSIFIED)

Tom Bock
National Survey & Engineering
A Division of R.A. Smith & Associates, Inc.

Direct: 262-317-3216

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

From: Groboski, John A LRC [mailto:John.A.Groboski@lrc02.usace.army.mil]

Sent: Tuesday, March 06, 2007 11:15 AM

To: Bock, Thomas A.; Samara, Imad LRC; Lavicka, Kelsey W CPT LRC

Subject: RE: Cabela's Hammond - levee easement / plat coordination
(UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

* Tom,

As per our discussion the temporary, permanent, and flowage easements shown in the provided plat for the Little Calumet Stage 5 Phase 2 Levee Project are acceptable.

Thanks,

John

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

From: Bock, Thomas A. [mailto:Thomas.Bock@nsae.com]

Sent: Monday, March 05, 2007 10:39 AM

To: Groboski, John A LRC

Cc: dgardner@nirpc.org; jpokrajac@nirpc.org; glh@garcia-consulting.com;

Lavicka, Kelsey W CPT LRC; Samara, Imad LRC

Subject: RE: Cabela's Hammond - levee easement / plat coordination

John,

I previously forwarded a "marked up" version of final plat which indicated

our proposed alterations to the temporary construction easement at the southeasterly corner of the Cabela's property. Attached is the revised drawing indicated the changes. Again, we're looking for concurrence on (Flowage Easement, Permanent Easement P-1, Temporary easement modifications).

Thanks,

MEETING MINUTES #045
LITTLE CALUMET RIVER SOUTH, HIGHLAND

Bi-Weekly Construction Progress: 3/13/07

Next Mtg. 3/27/07 @ 9:00am

Last, 2/27/07

Attended By:

Illinois Constructors Corporation – Phil Ross
USACE – Sheldon Edd
USACE – Curtis Lee
LCRBDC – Jim Pokrjac
Town of Highland – John Bach

Non-Attendees:

Illinois Constructors Corporation – Jeff Rausch
USACE – Doug Anderson
Illinois Constructors Corporation – Brian Schallhorn

1. OLD BUSINESS

1. Mowing to be done spring 2007 after all grass takes
2. Review prior and after installation of pedestrian path for elevation assurance along levee.
3. Final grading and restoration at east end of project.
81st St. grading
Cul-de-sacs – drainage around garages
4. Punch lists
Park Department
Town of Highland
5. Follow up job site electrical meeting with Ernie from Corps
6. Tennis Court base material repair
7. Flooding of new pump station by Rex breaking storm line at CB 183
8. Differences in dirt quantities by contractor and Corps
9. Concrete repairs at pump station

2. SCHEDULE

A. LAST TWO WEEKS

1. Piping Technologies at North Drive pump station
2. ICC repairing outlet holes in pump house walls, due to collapsed sono-tube forms

B. THIS & NEXT WEEK

1. Piping Technologies at North Drive pump station
2. ICC repairing outlet holes in pump house walls, due to collapsed sono-tube forms

CRITICAL ACTIVITY: Bike trails

C. CONTRACT STATUS

Original contract completion date: 12/12/06 Current contract completion date: 4/27/07
Original contract amount: \$6,503,093.70 Current contract amount: \$7,522,544.30

D. ESTIMATE JOB COMPLETION PERCENTAGE TO DATE: 89%

E. CONTRACT FUNDS

1. See attached S-curve

3. **WEATHER DAYS**
 1. Weather days in 2005 effecting the contract = 0
Weather days in 2006 effecting the contract = 14
4. **PUNCHLIST OR CORRECTIVE ITEM ISSUES**
 1. See attached list.
5. **STORED MATERIALS**

Pumps
6. **SUBMITTALS**
 1. See attached submittal register
 2. Critical submittals in review
 3. Outstanding critical submittals – Sect. 10450, Exterior Signage, ICC to resubmit
Sect. 02820, Fence and Gates, ICC to resubmit
7. **OUTSTANDING CHANGED CONDITIONS**
 1. Rex Construction – S.L. 34 (ICC concerns over damage to tennis courts)
 2. Existing storm sewer at North Drive Pump station dumping into new line that flows into new pump station
ICC to submit equitable adjustment claim after all work complete.
8. **PAY ESTIMATES**
 - A. PAID TO DATE: \$6,549,920.95
 - B. ESTIMATES PENDING: Est. 20 - \$140,066.87
9. **SAFETY and SECURITY**
 1. Housekeeping policed daily
10. **CQC and TESTING**
 - A. SOIL –
 - B. CONCRETE –
 - C. ASPHALT –
11. **RFI'S / RFC'S**
 1. See attached list – None critical
12. **RFP'S**
 1. Existing Pump House – Leave in Place
 2. Deletion of USACE office trailer
13. **COORDINATION WITH OTHERS**
 1. Working with Town of Highland & residents for duration of project.
14. **OUTSTANDING ISSUES**

USACE
ICC

RECEIVED MAR - 2 2007

• STAGE VI-1 (NORTH) - MOD. #2

• TIME EXTENSION TO CONTRACT - 65 (ALREADY)

27 February 2007

• UNUSALLY SEVERE WEATHER

• CURRENT DATE - FROM AUG. 2, 2007 to Oct. 6, 2007

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

MEMORANDUM FOR: See Distribution

SUBJECT: Contract No. W912P6-05-C-0010
Local Flood Protection
Little Calumet River, Indiana
Stage VI-1 North
Modification No. A00002 - Executed

1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. A00002, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763.

Enclosures

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

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) 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
Construction
PAGE OF
1

2. AMENDMENT/MODIFICATION NO.
A00002

3. EFFECTIVE DATE
SEE BLOCK 16C

4. REQUISITION/PURCHASE REQ. NO.
W81G6651316716

5. PROJECT NO. (If Applicable)

6. ISSUED BY

CODE

7. ADMINISTERED BY (If other than item 6)

CODE H6L1CS

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

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

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

Illinois Constructors Corporation
Post Office Box 745
St. Charles, Illinois 60174
U.S.A.

9A. AMENDMENT OF SOLICITATION NO.

9B. DATED (SEE ITEM 11)

10A. MODIFICATION OF CONTRACT/ORDER

X W912P6-05-C-0010 NA

10B. DATED (SEE ITEM 13)

30 Sep 2005

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 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, 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 Unchanged

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 CONTRACT.

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 52.0249-0010- DEFAULT (FIXED-PRICE CONSTRUCTION)

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. (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

14. DESCRIPTION OF AMENDMENT/MODIFICATION

Contract for Local Flood Prot - Stage VI - 1 North at Little Calumet River, Indiana.

Reference No. R00012

SS013 Time Extension, Unusually Severe Weather

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)

Phillip L. Ross, Project Manager

15B. CONTRACTOR/OFFEROR

Phillip L. Ross

(Signature of person authorized to sign)

15C. DATE SIGNED

2-23-07

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

Douglas M. Anderson
Administrative Contracting Officer

16B. UNITED STATES OF AMERICA

BY Douglas M. Anderson

(Signature of Contracting Officer)

16C. DATE SIGNED

2/27/2007

NSN 7540-01-152-8070

PREVIOUS EDITION UNUSABLE

30-105-2

STANDARD FORM 30
PRESCRIBED BY GSA

(REV. 10-83)

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGE

2 2

Reference No. R000

Contract No: W912P6-05-C-0010 NA
Modification No: A00002
Contractor: Illinois Constructors Corporation
Contract Title: Local Flood Prot - Stage VI - 1 North
Location: Little Calumet River, Indiana

12. ACCOUNTING AND APPROPRIATION DATA (Continued)

96X3122 1C94LF FED No change
96X8862 KF4KFO 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 \$5,612,789.00

14. DESCRIPTION OF MODIFICATION (Continued)**A. SCOPE OF WORK****SS013 Time Extension, Unusually Severe Weather**

Add 65 Calendar days to the required completion date due to actual adverse weather days incurred above that specified to be anticipated during the periods 01 April through 31 May 2006, 01 August through 31 October 2006 and 01 December through 15 December 2006.

B. 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 SEVEN-HUNDRED-SEVENTEEN (717) CALENDAR DAYS after receipt of the notice to proceed. The time stated for completion shall include final cleanup of the premises."

C. CHANGE IN CONTRACT PRICE

Total contract price is unchanged.

D. CHANGE IN CONTRACT TIME

The contract completion date shall be extended by 65 calendar days by reason of this modification.

E. CLOSING STATEMENT

It is understood and agreed that pursuant to the above, time for completion of the work is extended 65 calendar days from 02 August 2007, as established by Modification A00001, to 06 October 2007, and the total estimated contract amount remains UNCHANGED at \$5,612,789.00 as established by Modification A00001.

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 for the change ordered herein, for all delays related thereto, for all extended overhead costs, and for performance of the change within the time frame stated.

MEETING MINUTES #023
LITTLE CALUMET RIVER NORTH, HAMMOND

Weekly Construction Progress: 3/13/07

Next Mtg. 3/27/07 @ 9:00am

Last 2/27/07

Attended By:

Illinois Constructors Corporation – Phil Ross
USACE – Curtis Lee

Non-Attendees:

Illinois Constructors Corporation – Jeff Rausch
USACE – Doug Anderson

USACE – Sheldon Edd

Illinois Constructors Corporation – Brian Schallhorn

LCRBDC – Jim Pokrjac

1. OLD BUSINESS

1. Maintaining park access
2. Debris in drive line 8N 30+26 to 42+26
3. INDOT fence

2. SCHEDULE

LAST TWO WEEKS

1. Drive sheets and set cap 8N 30+26 to 42+26

THIS & NEXT WEEK

1. Drive sheets 8N 3+50 to 19+05
2. Work on Gate-well 175

CRITICAL ACTIVITY: Earth fill Nevada St. to East (+7 days)

C. CONTRACT STATUS

Original contract completion date: 7/2/07 Current contract completion date: 10/06/07
Original contract amount: \$5,566,871.00 Current contract amount: \$5,612,789.00

D. ESTIMATE JOB COMPLETION PERCENTAGE TO DATE: 76%

E. CONTRACT FUNDS

1. See attached S-curve

3. WEATHER DAYS

1. Excessive weather days 2006 = 36 days

4. PUNCHLIST OR CORRECTIVE ITEM ISSUES

1. Asphalt repairs at parking lot at 3500 179th Street
2. Grimmer haul off materials from Krosan property just east of Hessville pump station

5. STORED MATERIALS

\$144,722.90

See attached

6. SUBMITTALS

1. Critical submittals in review - None
2. Outstanding critical submittals - None

7. OUTSTANDING CHANGED CONDITIONS

1. Debris in drive line

8. PAY ESTIMATES

A. PAID TO DATE: \$4,246,924.92

B. ESTIMATES PENDING: #11 - \$95,741.60

9. SAFETY and SECURITY

Trucks Entering and Exiting jobsite to be put up when Grimmer has heavy haul in days.

10. CQC and TESTING

A. SOIL -

B. CONCRETE -

C. ASPHALT -

11. RFI'S / RFC'S

1. All answered

12. RFP'S

1. ICC submitted pricing for Deletion of Pre-load 7-1C on 4/25/06.

13. COORDINATION WITH OTHERS

14. OUTSTANDING ISSUES

15. NEW BUSINESS / OTHER MISC.

• STAGE VI-1 (NORTH) - MOD. #11

• INCREASE AMT. OF INCREMENTAL FUNDING

• BY \$1,100,000 (NO CHANGE - CONTRACT AMT)

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

2 MAR 2007

• TOTAL CURRENTLY OBLIGATED - \$5,461,350

MEMORANDUM FOR: See Distribution

SUBJECT: Contract No. W912P6-05-C-0010
Local Flood Protection
Little Calumet River, Indiana
Stage VI-1 North
Modification No. P00011 - Executed

1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. P00011, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763.

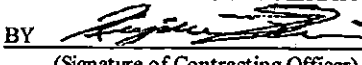


Sheldon D. Edd, P.E.
Project Engineer
Calumet Area Office

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) 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 3	
2. AMENDMENT/MODIFICATION NO. F00011		3. EFFECTIVE DATE 01-Mar-2007		4. REQUISITION/PURCHASE REQ. NO. W81G66-5131-6716		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 W912P6		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. W912P6-05-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 CONTRACTS/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 Clause.							
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: h6tcsrtn07792 Contract for Local Flood Prot - Stage VI - 1 North at Little Calumet River, Indiana. Reference No. R00013 SS016 Incremental Funding \$1,100,000 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: 312.846.5371 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 01-Mar-2007	

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:

P00011

Contract No:	W912P6-05-C-0010 NA	Reference No. R00013
Modification No:	P00011	
Contractor:	Illinois Constructors Corporation	
Contract Title:	Local Flood Prot - Stage VI - 1 North	
Location:	Little Calumet River, Indiana	

12. ACCOUNTING AND APPROPRIATION DATA (Continued)

Pursuant to the "Incremental Funding" clause, this modification hereby obligates an amount of \$1,100,000.00 for this contract; thus, increasing the total Contract funded amount to \$5,461,350.00.

Contract Level Funding:

96 NA X 3122.0000 H6 X 08 2426 075325 96112 3230 1C94LF NA GB7250
was increased by \$1,100,000.00 from \$2,780,350.00 to \$3,880,350.00

14. DESCRIPTION OF MODIFICATION (Continued)A. SCOPE OF WORKSS016 Incremental Funding \$1,100,000

Pursuant to the "Incremental Funding" clause, this modification hereby obligates an amount of \$1,100,000.00 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 \$1,100,000.00 for this contract; thus, increasing the total Contract obligated amount to \$5,461,350.00.

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 \$1,100,000.00 from \$4,361,350.00 to \$5,461,350.00.

Contract Level Funding:

- STAGE VI - PHASE 2 - MOD. # 1
- TIME EXTENSION TO CONTRACT - 51 CALENDAR DAYS
- ADVERSE WEATHER CONDITIONS

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

20 February 2007 (MARCH 2, 2007)

• CURRENT DATE - FROM APRIL 11, 2007 TO JUNE 1, 2007

MEMORANDUM FOR: See Distribution

SUBJECT: Contract No. W912P6-05-C-0006
Little Calumet River, Indiana
Local Flood Protection
Stage VI-2 Levee
Modification No. A00001 - Executed

1. Enclosed for your files is a copy of all pertinent information related to executed Modification No. A00001, under the subject contract.
2. Any questions concerning the enclosed items shall be directed to the undersigned at (219) 923-1763 or 1764.

Enclosures



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

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) S. Babcock
CELRC-TS-C-S (Mod. Only) Project Binder
CELRC-PM-PM (Mod. Only) I. Samara
LCRBPC (Mod Only) J. Pokrajac ✓

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE Construction		PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. A00001		3. EFFECTIVE DATE SEE BLOCK 16C		4. REQUISITION/PURCHASE REQ. NO. W81G6650465561		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 Lake				9A. AMENDMENT OF SOLICITATION NO.			
				9B. DATED (SEE ITEM 11)			
				10A. MODIFICATION OF CONTRACT/ORDER X W912P6-05-C-0006 NA			
CODE				10B. DATED (SEE ITEM 13) 29 Jul 2005			
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

Contract Amount Unchanged

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 (appropriation date, etc.) 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 52.0249-0010- DEFAULT (FIXED-PRICE CONSTRUCTION)		
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.)


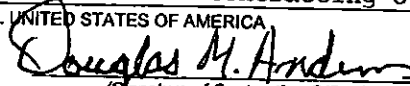
Contract for Little Calumet River, Stage VI-2 at Little Calumet River, Indiana.

Reference No. R00008

SS009 Time Extension - Adverse Weather

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) Douglas M. Anderson Administrative Contracting Officer	
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)		16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	
15C. DATE SIGNED 2/9/07		16C. DATE SIGNED 2/20/2007	

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

MODIFICATION OF CONTRACT

DATE SIGNED

See Block 16C

PAGE OF PAGES

2 | 2

Contract No: W912P6-05-C-0006 NA
Modification No: A00001
Contractor: Dyer Construction Co., Inc.
Contract Title: Little Calumet River, Stage VI-2
Location: Little Calumet River, Indiana

Reference No. R00008

14. DESCRIPTION OF MODIFICATION (Continued)**A. SCOPE OF WORK****SS009 Time Extension - Adverse Weather**

Add 51 Calendar days to the required completion date due to actual adverse weather days incurred above that specified as anticipated during the period February 2006 through and including October 2006.

B. CHANGE IN CONTRACT DRAWINGS

None

C. CHANGE IN CONTRACT SPECIFICATIONS

Reference Section 00700 CONTRACT CLAUSES, Clause 52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK (APR 1984). In the third line, REVISE, "540 calendar days after Notice to Proceed", to "591 calendar days after Notice to Proceed."

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.

The contract completion date is REVISED from 11 April 2007, as established by the original contract, to 1 June 2007.

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 11 April 2007, as established by the original contract, to 1 June 2007, and the total estimated amount of the contract is UNCHANGED from \$4,205,644.17, as established by Modification P00006.

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 cost 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.



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
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DR. MARK RESHKIN
Governors' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

March 8, 2007

Mr. Dean Button
S EH, Inc.
9200 Calumet Avenue
Suite N501
Munster, Indiana 46321

Dear Dean:

Enclosed please find two (2) executed copies of the agreement between SEH and the Development Commission for utility coordination services in Stage VIII.

Please consider this letter as your notice to proceed per the work scope. The agreement states an estimated fee of \$7,500. Any amount over the \$7,500 will have to come back to the Commission for approval.

If you have any questions, please call me.

Sincerely,

James E. Pokrajac, Agent
Engineering/Land Management

/sjm
encl.

Cc: Lou Casale, LCRBDC attorney
Cpt. Kelsey Lavicka, ACOE
William Biller, LCRBDC Chairman



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

March 2, 2007

Planning, Program and Project
Management Division

Mr. Derrick Martin, PE
Water Resource Group Manager
V3 Companies of Illinois
7325 Janes Avenue
Woodridge, IL 60517

Subject: Little Calumet River Flood Control Project, Cline Avenue Golf Course Conceptual Storage Plan.

Dear Mr. Martin,

I am writing this letter as a response to your letter dated January 26, 2007. In your letter you provided the USACE a conceptual site plan with proposed grading and associated compensatory storage calculations. We have reviewed your plan and the attached memorandum from our Hydraulic and Hydrology Section is our response to the review of the plan. Please review our responses and provide us with any requested items included in the memo. In general the memorandum concludes that the proposed plan is reasonably compatible with the storage requirement for the USACE Little Calumet River Flood Control Project. But the memorandum also requests that you provide more detail design plans when they are available.

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

Sincerely Yours

Imad N Samara
Project Manager

Enclosure

CF: Dan Gardner, Little Calumet River Basin Development Commission
Pat Fox, V3 Realty

JAN 31 2007

CELRC-TS-DH

MEMORANDUM FOR CELRC-PM-PM

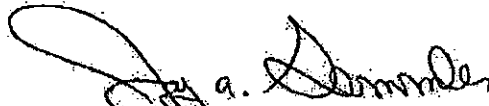
SUBJECT: Little Calumet River Flood Control Project – V3 Grading and Compensatory Storage Proposal Dated January 26, 2007

1. A request was made by PM-PM to review the conceptual site proposal for development of the Griffith Golf Center property that was submitted by V3 with a transmittal letter dated January 26, 2007.
2. After review of the grading plans and compensatory storage calculations submitted, TS-DH finds the compensatory storage provided by V3's proposed plan reasonably compatible with the storage requirements for the Corps Little Calumet River Flood Control Project.
3. In our assessment, we are assuming that the compensatory storage shown will be available for flood events (i.e., no ponded water in the compensatory storage area above elevation 579.5, prior to the flood event.). We request to review any proposed pumping/ponding plan for the compensatory storage area when it becomes available.
4. Our review of this preliminary plan does not guarantee acceptance to subsequent plans, particularly if there are significant changes. We request that a plan set be provided for any significant changes to the grading plan and we also request that we be able to review the final plan set, before giving our final approval.
5. We notice the highest grade shown is 600.2. Just to clarify, the crest of the Griffith Levee is 602.2. As was discussed in our meeting the proposed development is riverward of our lines of flood protection. When the FEMA flood plain is remapped for the Corps Little Calumet River Flood Control Project, all areas riverward of our lines of protection will become floodway. As pointed out by Mary Jo Mullen of FEMA, to take this development out of the floodway would require levees. The specifics of this should be coordinated with FEMA.
6. Our final acceptance of the plans for development does not in any way lessen permitting requirements from other government entities including any permits required by the Detroit District Corps of Engineers.

CELRC-TS-DH

SUBJECT: Little Calumet River Flood Control Project – V3 Grading and Compensatory
Storage Proposal Dated January 26, 2007

7. Please contact Mr. Rick Ackerson of the Hydraulic and Environmental Engineering
Section at extension 5511 if you have further questions.



Jay A. Semmler, P.E.
Chief, Hydraulic and Environmental
Engineering Section

OPERATION AND MAINTENANCE REPORT

For meeting on Wednesday, April 4, 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 March 1 – March 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 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.
 - **A follow-up meeting was held on March 22, 2007 and the LCRBDC submitted a "repair" commitment schedule along with a modified "Sluice Gate/Flap Gate Inspection Report" (Refer to handout)**

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. **(Tentative schedule to complete & turn over July 13, 2007)**

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 **on March 23, 2007**, and will require coordination with the city of Gary attorney as part of the O&M turnover. 2

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)
3. **Agreements were signed on March 21, 2007 authorizing Austgen Electric to clean, and assure seal for (5) flap gates. This should leave (8) to be completed by May 18 (which is the LCRBDC "repair" commitment to Gary).** 3

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)
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. **(Ongoing)**
 - COE tentatively wants to schedule this for next spring, 2007.

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 **March 22, 2007. Gary is in concurrence with the format of the agreement.**
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).

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)
- **Turned over (2) sets of "as-built" drawings along with a set of Volumes 1 & 2 of the Operation & Maintenance Manual on March 23, 2007**

4

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.

SCHEDULE FOR DEVELOPMENT COMMISSION **REMAINING "REPAIR" COMMITMENTS**

1. SIX STORM WATER PUMPING STATIONS

A. The six stations are as follows:

- Burr Street – SW Pumping Station
- Grant Street – SW Pumping Station
- Broadway – SW Pumping Station
- Ironwood – SW Pumping Station
- West Grant – Tile SW Pumping Station
- Marshalltown – SW Pumping Station

- * Final summary currently being completed (will be completed by April 13, 2007)
- * Preliminary inspection with city of Gary representatives, Army Corps, and LCRBDC to be scheduled no later than May 11, 2007
- * Remainder of pump station items to be completed by June 29, 2007
- * Final inspection for acceptance to be scheduled no later than July 13, 2007

2. PRIMARY AND SECONDARY CLOSURES

- A. Total – 47 Primary Closure (Flap Gate) locations east of Cline Avenue to be operated and maintained by the city of Gary
- 13 remaining should be completed by May 18, 2007
- B. Total – 47 Secondary Closure (Sluice Gate) locations east of Cline to be operated and maintained by the city of Gary
- 9 remaining should be completed by May 25, 2007

3. REMAINING FEATURES TO BE TURNED OVER TO CITY OF GARY

- A. Includes, but not limited to, levees, l-walls, culverts and ditches, recreational features, fencing, and emergency response
- Scheduled to be completed by September 7, 2007

March 22, 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

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DR. MARK RESHKIN
Governors' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

TO: Lou Casale, Attorney-at-Law
FROM: Jim Pokrajac, Agent/Engineering & Land Management
SUBJECT: Transmittal of Pump Station Legals
DATE: March 23, 2007

Enclosed please find two (2) sets each of legal description of ownership for each of the six (6) pump stations that will be turned over to the city of Gary. The six pump stations are:

Burr Street pump station
Grant Street pump station
Marshalltown pump station
Ironwood pump station
Broadway pump station
32nd & Cleveland pump station

Please refer to the memo (enclosed) to you dated August 1, 2006 for additional information. If you have any questions on these legals, feel free to call me at any time.

/sjm
Encl.



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Portage, Indiana 46368

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DAN GARDNER
Executive Director

LOU CASALE
Attorney

March 21, 2007

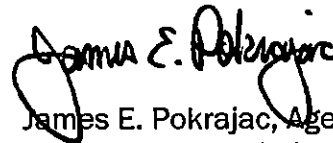
Mr. Mike Austgen
Vice President
AUSTGEN ELECTRIC INC.
801 East Main Street
Griffith, Indiana 46319

Re: Proposals dated March 21, 2007
for flap gate cleaning

Dear Mike:

Enclosed please find a copy each of the approved signed proposals for flap gate cleaning for flap gate 10a, 10b, 11, 14a and 14b. These agreements all contain a total cost of \$2, 588.00 each. Upon receiving these signed proposals, please consider this letter as your notice to proceed. If you have any questions, please call me.

Sincerely,



James E. Pokrajac, Agent
Engineering/Land Management

/sjm
encl.

3



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VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

March 23, 2007

Mr. Terry Hodnik
NIES Engineering
2421 - 173rd Street
Hammond, Indiana 46323-2132

Re: North 5th Street Pump Station "As-Built" Drawings

Dear Terry:

As per your request of March 22, 2007, I am transmitting you two (2) complete sets of as-built drawings along with one (1) set of the operation & maintenance manual (Volume I and Volume II) for the North 5th Street pump station. Will you please arrange to give one set of the as-built drawings to John Bach.

As part of our eventual turnover of this pump station to the town of Highland, I will be working with you and John in the future to provide additional sets of as-built drawings, as well as additional sets of operation & maintenance manuals, guarantees and warranties, manuals, and any spare parts. I will be contacting the town of Highland in the near future to finalize this turnover. If you have any questions regarding this transmittal, please let me know.

Sincerely,

James E. Pokrajac, Agent
Engineering/Land Management

/sjm
Encl.

Cc: John Bach, Public Works Director

WORK STUDY SESSION
4 April 2007

LAND ACQUISITION COMMITTEE
Robert Marszalek, Chairman

1.) For information only:

On Wednesday 21 February 07 Detroit Real Estate came to our offices and sat in while we interviewed seven (7) appraisers who might be willing to take on the big job of Stage VIII (a possible 90 acquisitions). Most of the appraisers were willing to complete 20 to 30 appraisals in June and July or 25 to 30 reviews in June and July. They've submitted estimates of cost and all are within a range of \$1,000 to \$1,500 each for the smaller appraisal, a negotiated cost for the commercial properties, and \$750 for each review. One appraisal company has offered to do all 90 reviews for \$750 each.

Approximate budgeting costs:

90 appraisals x \$1,000 = \$ 90,000, or
90 appraisals x \$1,500 = \$135,000, and
90 reviews x \$750 = \$ 67,500

We will confer with the Corps for their recommendations since the Detroit Corps is at the end of the acquisition process. They approve crediting to the project. We don't want to have appraisals and reviews done only to have the Corps reject them for crediting purposes.

2.) For information only: Stage VII

Thirty-three packets (survey, title work appraisals, review approval, etc.) to date have been submitted to the attorney to write but not send offers to the landowners (total 50 acquisitions) in Stage VII. We will total the amount needed to make all offers and Dan will approach Munster to help us fund those offers. By law we can't make an offer unless we have the money to pay the landowner. We're counting on Munster's help to complete Stage VII. Offers can be sent from the attorney's office ASAP once Munster agrees.



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

April 4, 2007

Mr. Roy Deda
Deputy District Engineer
U. S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Roy:

The Little Calumet River Basin Development Commission is writing to express extreme concern regarding the delay in receipt of the detailed engineering plans from the Corps of Engineers for the NIPSCO utility corridor and the Norfolk Southern/IHB Railroad corridor in Stage V-2. The jointly-agreed-to project completion schedule submitted by the Corps of Engineers to Congressman Visclosky on May 27, 2005 showed engineering plans for the utility/railroad corridor would be available by February 2007. This would allow 4 months to negotiate necessary real estate easements and utility relocation agreements with the 10 utility or pipeline companies having 18 pipelines and/or communication conduits and the railroads, in order to meet the schedule and allow construction letting this Federal fiscal year. While the 4 months is tight, we believe the groundwork has been laid to successfully accomplish the needed agreements. However, with engineering plans only being delivered this week (April 3, 2007), the review and negotiation time has been compressed to less than two months before scheduled "real estate available" deadline by the end of June 2007. While all efforts have been made to prepare for faster turn-around (i.e. surveys, legal title, compensability, appraisals, preliminary discussion complete), as you know, these are large utility companies and railroads that have many millions of dollars invested in pipelines and railroad corridors. They will not commit to signing of any final agreement until they are fully satisfied with complete engineering plans that address their questions,

April 4, 2007
Page 2

concerns, or accessibility to their facilities for inspections and maintenance. We will work to facilitate their speedy review and expedite, as quickly as possible, a signed real estate/utility agreement.

We do believe, though, it is in our collective best interest to meet and explore a strategic plan within the next week to assure that scheduled Federal construction lettings in this Federal fiscal year are met, and perhaps with some staged release of the contract.

The Development Commission staff stands ready to work with your staff and the Congressional office to assure construction lettings this Federal fiscal year.

Sincerely,

Dan Gardner
Executive Director

/sjm

cc: Mark Lopez, Congressman's Office
Elizabeth Johnson, Congressman's Office
Imad Samara, Project Manager, ACOE
Cpt. Kelsey Lavicka, ACOE
William Biller, Chairman, LCRBDC
Lou Casale, Attorney, LCRBDC

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION ATTENDANCE ROSTER

NAME OF MEETING: LCRBDC DATE: APRIL 4, 2007

LOCATION: 6100 Southport Rd, Actage CHAIRMAN: Bill Biller

PLEASE SIGN IN

	NAME (PLEASE PRINT)	ORGANIZATION, ADDRESS, PHONE NUMBER
1	<i>Mad Samara</i>	<i>ACOE</i>
2	<i>Stan Petrutes</i>	
3	FRANK PETRUTES	8200 INDIANAPOLIS BLVD
4	FRANK-PETRUTESCO	HI
5	HOTMAIL.COM	HIGHLAND IND 46322
6	<i>Bill Petrutes</i>	<i>HIGHLAND, IND.</i>
7		
8	<i>Steve Enger</i>	
9	+	
10	<i>Enger's neighbor</i>	<i>Joni Gerselcher (?)</i>
11		
12		
13		
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15		
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21		
22		
23		
24		
25		

Paul Baron
Jim Guelcher

RECEIVED APR 04 2007



JPMorgan Chase Bank, N.A.
Indiana Market
P O Box 260180
Baton Rouge, LA 70826-0180

March 01, 2007 through March 30, 2007
Account Number: 000001609474414

CUSTOMER SERVICE INFORMATION

If you have any statement, please call 1-800-777-0000
Customer Service



00002574 DDA 053 JB 09007 - NNN T 1 000000000 69

LITTLE CALUMET RIVER BASIN DEV COMM
6100 SOUTHPORT RD
PORTAGE IN 46368-6409

0.00 *

208,518.45 +

75,242.56 +

24,609.09 +

SAVINGS SUMMARY

Chase Business High Yield Savings

	INSTANCES	AMOUNT
Beginning Balance		\$307,709.62
Deposits and Additions	1	1,073.88
Other Withdrawals, Fees & Charges	1	- 413.40
Ending Balance	2	\$308,370.10
Annual Percentage Yield Earned This Period		4.33%
Interest Paid This Period		\$1,073.88
Interest Paid Year-to-Date		\$3,295.03

003

308,370.10 *

3/31/03 *[Signature]*

Interest paid in 2006 for account 000001609474414 is \$19,665.71.

Your Chase Business High Yield Savings account may earn an even higher interest rate if you open a qualifying checking account. Contact your banker, or call us for details.

Your monthly service fee was waived because you maintained an average savings balance of \$10,000 or more during the statement period.

TRANSACTION DETAIL

DATE	DESCRIPTION	AMOUNT	BALANCE
	Beginning Balance		\$307,709.62
03/12	Withdrawal	- 413.40	307,296.22
03/30	Interest Payment	1,073.88	308,370.10
	Ending Balance		\$308,370.10

30 deposited items are provided with your account each month. There is a \$0.20 fee for each additional deposited item.



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Governors' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

January 24, 2007

Honorable Robert Kuzman
IN State Representative
819 Savannah Drive
Crown Point, Indiana 46307

Re: \$8 million State Capital Budget Funding

Dear Representative ^{Bob}Kuzman:

The Little Calumet River Basin Development Commission congratulates you on your appointment as Vice Chairman of the House Ways and Means Committee. Your appointment is truly significant for northwest Indiana and for the Little Calumet River flood control and Recreation project to successfully complete the Federal construction by the end of calendar year 2009 as directed by Congressman Pete Visclosky. As the result of the Congressman's directive (Attachment 1), the U.S. Army Corps of Engineers and the Development Commission developed an aggressive schedule to meet flood control completion to the Illinois State line by the end of CY2009 (Attachment 2).

In 2006, this commitment produced over \$13,000,000 in Federal construction through seven contracts. Construction has extended west through Hammond and Highland to Kennedy Avenue; all while final construction is being completed in Gary and a needed tieback levee in Griffith is pursued. Also, the Cabela's commitment to develop in Hammond bringing \$78 million in development and approximately 400 jobs is directly dependent upon the flood control project being completed on the aggressive schedule to Northcote/Hart Ditch. The State of Indiana has committed additional funding (up to \$6 million - Attachment 3)) through IEDC negotiations to accommodate the construction schedule. These dollars have helped match Federal project requirements and speed the construction. Additionally, significant property easement donations have been made by Cabela's, North Township (Wicker Park), Whiteco Advertising, the Lake County Convention and Visitors Bureau, the city of Hammond and the Town of Highland to assist the non-federal commitments (Attachment 4- 2006 Progress)

To complete the remaining non-federal project requirements, \$8 million state funding is needed in this Biennial budget to have real estate available, utility relocations accomplished, and non-federal cash match in hand to allow the remaining Federal construction contracts to be let on schedule. The Federal construction will total over \$40 million in completing the project and finally allowing the corridor to be removed from the floodplain designation (over 8,000 homes and businesses). The use of the \$8 million needed is shown on Attachment 5).

Honorable Robert Kuzman
January 24, 2007
Page 2

The Development Commission worked with the State Budget Agency, the IDNR, the IEDC, and the Governor's Office in submitting and documenting the \$8 million capital budget request in June 2006. The Development Commission strongly petitioned for inclusion in the Governor's budget. The Governor's budget did contain a positive commitment to this project by including it in his recommended budget, but the amount included was \$2 million. This will not be sufficient to leverage the Federal funding Congressman Visclosky has committed to appropriating, nor to be sufficient to complete the project construction.

We respectfully request the House Budget markup include the full \$8 million requested.
The non-federal share must be appropriated and available up front of the Federal appropriations. Our funding will be used to acquire the over 140 easements remaining; to relocate the over 190 utility lines to be relocated; and to have available the required 7% non-federal cash participation to allow the Federal contracts to be let. As stated, over \$40 million in Federal construction will be directly leveraged by the \$8 million.

The Development Commission has the capacity to utilize the full \$8 million in the biennium, with \$6.5 million needed in the first year to accomplish the aggressive schedule. Surveys, title work, and appraisals are now underway to fully utilize new funding as it comes available. Additional contract help is available, pending funding, to meet the schedule.

This accelerated project schedule, as mentioned, was directed to be prepared by Congressman Visclosky, and is strongly supported by Mayor Clay, Mayor McDermott, and the Town Councils of Highland, Munster, and Griffith. To solidify support, the Development Commission submitted the full \$8 million funding request to the legislative committee at NIRPC which recommended and was approved by both the NIRPC Commission and the Northwest Indiana forum as part of the "V8" regional priorities.

We stand ready to work with you and members of the northwest Indiana delegation to pursue this full funding request. We sincerely thank you and the delegation's efforts and support in the past and respectfully request consideration of this project funding.

Respectfully submitted,



William Biller
Chairman



Dan Gardner
Executive Director

/encl.

Cc: Congressman Peter Visclosky, Elizabeth Johnson
Northwest Indiana Legislative Delegation
Kari Evans, Governor's Staff
Charles Schalliol, Tony Armstrong, Deanna Oware, State Budget Agency
Robert Carter, Ron McAhron, IDNR
Chad Sweeney, IEDC
Mayors Rudy Clay, Gary, and Tom McDermott, Hammond
Town Council Presidents, Highland, Munster, and Griffith

USE OF \$8 MILLION BUDGET REQUEST

<u>Stage</u>	<u>Activity</u>	<u>Non-Federal Funding Needed</u>	<u>Federal Construction</u>
<i>Stage V</i>	<ul style="list-style-type: none"> • Complete Easement Acquisitions & Utility Relocations • 7% Cash Match of Construction 	Accounted for in State Commitment to Cabela's \$ 960,000 total needed est.	\$ 13,720,000 est.
<i>Stage VII</i>	<ul style="list-style-type: none"> • 52 Easement Acquisitions • Utility Relocations • 7% Cash Match of Construction 	\$ 1,216,000 est. \$ 450,000 est. <u>\$ 434,000 est.</u> \$ 2,100,000 total needed est.	\$ 6,200,000 est.
<i>Stage VIII</i>	<ul style="list-style-type: none"> • 100 Easement Acquisitions • Utility Relocations • 7% Cash Match of Construction 	\$ 2,060,000 est. \$ 910,000 est. <u>\$ 630,000 est.</u> \$ 3,600,000 total needed est.	\$ 9,000,000 est.
<i>Pump Stations II Construction</i>	<ul style="list-style-type: none"> • 7% Cash Match of Construction 	\$ 610,000 total needed est.	\$ 8,500,000 est.
<i>Burr Street Gary</i>	<ul style="list-style-type: none"> • Contingency for Construction Completion 	\$ 200,000 est.	\$ 2,301,518 (Ongoing)
<i>Burr Street LCRBDC</i>	<ul style="list-style-type: none"> • Project Cash Match 	Accounted for in State Commitment to Cabela's (\$1,443,000)	\$ 3,400,000 Bid
<i>Griffith Levee</i>	<ul style="list-style-type: none"> • FEMA requiring East-West units tie-in Certification 	\$ 500,000 est.	Construction for 100 yr. flood needing tie-back certification
<i>East Reach</i>	<ul style="list-style-type: none"> • Final Flowage Easements Acquisition 	<u>\$ 50,000 est.</u> \$ 8,020,000	Construction Complete

REVISED

**APPROVAL TO PAY THE FOLLOWING INVOICES
FROM O&M FUND
APRIL 4, 2007**

-
- **\$52.53 to T-Mobile for costs incurred for cell phone for engineer field work; monthly service 2/11/07 – 3/10/07**
 - **\$97.48 to NIPSCO for gas & electricity costs incurred at 3120 Gerry Street (Commission-owned property); Statement date 3/12/07**
 - **\$77.00 to Gary Sanitary District for water & sewer fee at 3120 Gerry Street (Commission-owned property)**
 - **\$279.84 to Kevtec machine Services for costs incurred on sluice gate adapter block**

TOTAL \$ 506.85

**INTERLOCAL AGREEMENT BETWEEN THE
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION,
THE CITY OF GARY AND THE GARY STORMWATER MANAGEMENT BOARD FOR
THE DEVELOPMENT, TRANSFER, MAINTENANCE AND OPERATION
OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION'S
FLOOD CONTROL PROJECT IN THE CITY OF GARY**

WHEREAS, the Little Calumet River Basin Development Commission, a public body corporate and politic, organized, existing and operating under the laws of the State of Indiana, hereinafter the "COMMISSION" and the City of Gary, a municipal corporation organized and existing under the laws of the State of Indiana, hereinafter the "CITY," and the Gary Stormwater Management Board, a political subdivision of the State of Indiana and the CITY, hereinafter the "BOARD," desire to enter into and carry out the terms and agreements outlined in this Interlocal Agreement so as to expedite the development and operation and maintenance of the Little Calumet River Flood Control Project, hereinafter the "PROJECT," within the municipal boundaries of the City of Gary limits and,

WHEREAS, the "COMMISSION" is the local sponsor of the PROJECT for the United States Army Corps of Engineers, hereinafter the "CORPS," which is governed by the terms and conditions of a Local Cooperation Agreement between the Department of the Army and the COMMISSION which was entered into on the 16th day of August 1990, a copy of which is attached hereto and marked Exhibit A, hereinafter, "LCA," and,

WHEREAS, the parties desire to cooperate in the construction of the Burr Street Betterment Levee, the maintenance and operation of the PROJECT within the City of Gary and the maintenance and operation of the pump station portion of the PROJECT within the City of Gary; and

WHEREAS, the Parties desire to cooperate to cause the Federal Emergency Management Agency, hereinafter "FEMA," to de-designate the area along the Little Calumet River with the corporate boundaries of the City of Gary from flood plain designation; and

WHEREAS, the COMMISSION, as compensation to the CITY and the BOARD for assisting in the development and providing operation and maintenance of the PROJECT within the City of Gary boundaries, desires to transfer ownership of real estate owned by it and described in Exhibit B attached hereto to the CITY.

NOW THEREFORE, it is agreed as follows:

A) DURATION, PROPOSE AND FINANCING

- 1) The term of this Agreement should be from the date it is signed by all Parties hereto and shall run concurrently with the "LCA".
- 2) The purpose of this Agreement shall be as follows:
 - (a) To provide for the operation and maintenance of the PROJECT within the City of Gary's Municipal Boundaries, which shall include, but not be limited to, the maintenance and operation of the pump station portion of the PROJECT within the City of Gary as well as the cooperative construction, and operation and maintenance of the Burr Street Betterment levee portion of the PROJECT within the City of Gary, all in conformance with the LCA, as well as the operation and maintenance of the remaining portion of the PROJECT including all levee's and recreational features and all other features appurtenant features of the PROJECT.
 - (b) To provide for the transfer of such real estate interest held by the COMMISSION to the CITY described in Exhibit B attached hereto.
 - (c) To cooperate to cause the FEDERAL EMERGENCY MANAGEMENT AGENCY, hereinafter "FEMA," to de-designate the area along the Little Calumet River and within

the corporate boundaries of the City of Gary from flood plain designation.

B) TRANSFER OF REAL ESTATE

- 1) Upon the execution of this Agreement by the duly authorized officials of the Parties hereto and approval by the Attorney General of the State of Indiana, the COMMISSION shall execute a quit-claim deed in the form as attached in Exhibit "C" hereto conveying its real estate interest described there in to the CITY, subject to compliance Indiana State Disposal of Property Act.
- 2) Upon the Execution of this Agreement the CITY shall at its sole costs and expense operate and maintain the portion of the PROJECT within the City of Gary's municipal boundaries pursuant to the LCA and the rules and regulations including the official Army Corps of Engineers Operation Manually pertaining to the operation and maintenance of that portion of the PROJECT lying within the corporate boundaries of the City of Gary, which shall include, but not be limited to, any and all pumping stations, levees, recreational and flood control features of the PROJECT with in the CITY.

C) ASSUMPTION OF OBLIGATIONS

- 1) The CITY hereby agrees to assume, at its sole cost, the ongoing maintenance obligations of the COMMISSION under the LCA with the Army Corps of Engineers for that portion of the PROJECT lying within municipal boundaries of the CITY.
- 2) The CITY agrees to indemnify and hold the COMMISSION harmless from any and all damages, claims, liability or action that may have arisen or that might arise during, or as a result of, the ownership, development, operation and maintenance of that portion of the PROJECT lying within the municipal boundaries of the CITY, unless caused by the negligence of the COMMISSION.

D) OPERATION AND MAINTENANCE OF THE PROJECT

- 1) When the CORPS, pursuant to the terms and conditions of the LCA, determines that a functional portion or portions of the PROJECT, within the City of Gary, is complete subject to the Parties right to inspect and comment pursuant to the LCA, the CITY agrees to assume the responsibility for the operation, maintenance, replacement and rehabilitation of said fundamental portion or portions of the PROJECT as provided in the LCA at the CITY'S sole cost and expense.
- 2) When the CORPS, pursuant to the terms and conditions of the LCA, determines that any one or more of the pump station portions of the PROJECT, within the City of Gary, hereinafter the "PUMP STATIONS," described in Exhibit C attached, hereto have been completed, subject to the Parties' right to inspect and comment as provided in the LCA, the CITY agrees to assume, at its sole cost, the responsibility for the operation, maintenance, replacement and rehabilitation of said pump station or pump stations as provided in the LCA.
- 3) The Burr Street Betterment Levee portion of the PROJECT consists of the area described in Burr Street Betterment Levee portion of the PROJECT consists of the area described in Exhibit D, attached hereto and shall be constructed, pursuant to the Agreement attached hereto and named Exhibit E.
- 4) After completion of the PROJECT, within the City of Gary, and acceptance of the operation and maintenance thereof by the CITY and BOARD in accordance with the CORPS Operation and Maintenance Manual, all as outlined in a letter dated 4/14/04 a copy of which is attached hereto and marked Exhibit F the Parties hereto in conjunction with the CORPS and FEMA will use their best efforts to obtain a Letter of Map Revision in order to remove areas

currently designated flood plain along the Little Calumet River in Gary, Indiana.

- 5) If any term, covenant or condition of this Agreement or the application thereof shall be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition other than those as to which are held invalid or unenforceable, shall not be affected thereby and each term, covenant and condition of this Agreement shall be valid and may be enforced to the fullest extent permitted by law or in equity.
- 6) This Agreement shall bind the successors and assigns of the Parties hereto, and shall not be assignable without the written consent of the Parties hereto.
- 7) This Agreement is subject to U.S. Army Corps of Engineers and the State of Indiana Attorney General's approval.

The Parties sign seal and delivers this document on the duties next to the signatures hereto.

The City of Gary

Dated:

By: Rudy Clay
Title: Mayor.

The ____ day of _____, 2007.

ATTEST:

Dated:

By:
Title: Clerk Treasurer.

The ____ day of _____, 2007.

The Little Calumet River Basin
Development Commission

Dated:

By: William E. Biller
Title:

The ____ day of _____, 2007.

ATTEST:

Dated:

By: Dan Gardner
Title: Executive Director

The ____ day of _____, 2007.

The City of Gary Stormwater
Management Board

Dated:

By:
Title:

The ____ day of _____, 2007.

ATTEST:

Dated:

By:
Title:

The ____ day of _____, 2007.

Dated:

By: Steve Carter
Title: Attorney General for the
State of Indiana

The ____ day of _____, 2007.

This instrument prepared by:
LOUIS M. CASALE, Casale, Woodward & Buls, LLP,
9223 Broadway, Suite A, Merrillville, IN 46410, Telephone: 219/736-9990

LIST OF EXHIBITS

- 1) Exhibit A Local Cooperation Agreement between Little Calumet River Basin Development Commission and Army Corps of Engineers.
- 2) Exhibit B Map of Area to be transferred to the City of Gary.
- 3) Exhibit C Quit Claim Deed
- 4) Exhibit D Burr Street Betterment Levee portion of Project Description.
- 5) Exhibit E Burr Street Betterment Contract.
- 6) Exhibit F Letter from Army Corps of Engineers dated April 14, 2004 regarding removal from flood district.

LAND MANAGEMENT REPORT

For meeting on Wednesday, April 4, 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 March 1 – March 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.
- 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.
- **View Outdoor obtained construction permits; met on site on March 12 to verify exact locations of 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.
- **Attorney has drafted a proposed RFP; in process of finalizing**

D. 3120 Gerry Street

- Draft copy of proposed License Agreement sent to LCRBDC attorney on February 20, 2007 to do final review.
- **Sent final License Agreement to Property Liquidators on March 26 for their approval and signature** /



Little Calumet River Basin Development Commission

6100 Southport Road
Portage, Indiana 46368

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

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DR. MARK RESHKIN
Governors' Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

March 26, 2007

Mr. Jeffrey Youngheim
PROPERTY LIQUIDATORS
P. O. Box 2155
Gary, Indiana 46409

Dear Jeff:

Thanks for responding so quickly back to us in the review of the proposed License Agreement. I have finalized it, incorporating your change, and am forwarding four copies to you for your signature. For convenience, we have already signed the agreements. Please sign all four copies and return two copies to our office, keeping two copies for you. I have enclosed a stamped envelope for your use.

Please consider me as your point of contact for any questions or concerns you have at any time. Any approval you need to proceed with any work on the property, I will give the written consent, as per Paragraph 3(d). Also, as stated in 3(b), please provide us the proof of insurance, naming us as co-insured.

Sincerely,

James E. Pokrajac, Agent
Engineering/Land Management

/sjm
encl.
cc: Lou Casale, LCRBDC attorney

LAND ACQUISITION REPORT

For meeting on Wednesday, April 4, 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 March 1 – March 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 has been approved for \$29,200 just compensation to the landowner. The offer will be made to the landowner when LCRBDC funding is secured.**

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) (Ongoing)
 - 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.
 - **Received confirmation from the COE that all easements shown on the Cabela's plat (for recording) are acceptable for our project on March 15, 2007.**
 - **LCRBDC surveyor given direction that day to proceed with the modified legals**
 - 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 Detroit Real Estate is insisting we obtain another appraisal**

how many
utilities

1-2

based on the date Woodmar transferred the property to Cabela's; not as Cabela's is appraised now.

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.
 - **A lengthy “marathon call with all parties involved” is scheduled for March 30, 2007 to discuss and debate all engineering and real estate issues before a scheduled court date of April 5, 2007.**
4. The Lake County Visitors Bureau, Hammond, NIPSCO, NSRR, and two of the 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). **(Ongoing)**
 - **The Visitors Center Board has voted approval to signing and donating the offer amount to the project. The Visitor Center's Director must sign also. His signature is needed for recording.**
 - **One Interstate Plaza landowner has asked for answers to his drainage questions as another appraisal with an added flowage was completed. The other parcel is in condemnation court; moving along.**
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)
 - **A meeting is scheduled for early April to discuss final issues with engineering. NIPSCO Real Estate has indicated they will sign once the engineering is approved.**

STATUS (Stage VI-Phase 1 South) – Kennedy to Liabe - 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) (Ongoing)

- On the Hammond side, we are negotiating with the private landowners and assembling the offers to Hammond to present to them.
- 12 of 26 appraisals have been reviewed and approved for landowners on the Munster side. Offers can be made if Munster agrees to help financially.

2. Received a call from a resident in Stage VIII on March 15, 2007 requesting status of his inquiry of December 8 for impacts to his property with current Corps design.
• Forwarded, again, to the COE on March 16, 2007. Need to know status of Stage VII engineering review.

3-4

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. We have identified 90 parcels (+) as acquisitions.

- LCRBDC submitted comments for review & submitted to Buffalo on February 6, 2007.
- 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)
- Distributed copies to Munster/Hammond on February 22, 2007.
- 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.
- Received responses to comments from Buffalo on March 22, 2007. Received final real estate drawings on March 20, 2007 and distributed to all (3) surveyors to begin legals.

5-6

2. Conference calls with the Chicago Corps, Buffalo Corps, and the LCRBDC are held every other Wednesday to discuss status & update of tasks.
3. Meetings were held on March 21, 2007 with seven (7) new appraisers/reviewers to develop a plan to complete this large stage.
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.

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).
 - **Discussions with the Corps that a right-to-construct may be sufficient rather than a recorded easement.**

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.
5. **Army Corps sent a letter and memorandum to the golf course property A/E regarding grading and compensatory storage calculations on March 2, 2007.**

7-9

+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. (Ongoing)
2. **Total credited properties is \$6,717,024 from the Detroit Corps. Procedure now is that we must also have an approval letter from the Chicago Corps office. There is still \$236,891 outstanding as of March 2007. (Ongoing)**

Jim Pokrajac

From: "Jim Pokrajac" <jpokrajac@nirpc.org>
To: <glh@garcia-consulting.com>
Cc: "Groboski, John A LRC" <John.A.Groboski@lrc02.usace.army.mil>; "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>
Sent: Thursday, March 15, 2007 8:32 AM
Subject: Fw: Cabela's Hammond - levee easement / plat coordination (UNCLASSIFIED)

Gregg,

This is for your information. It shows the directive from the COE indicating that the Cabelas' Plat has the easements that we will use for our project. Any questions may be directed through John Groboski regarding our easements.

Thanks,

Jim

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

From: "Bock, Thomas A." <Thomas.Bock@nsae.com>
To: <jpokrajac@nirpc.org>; <dgardner@nirpc.org>
Sent: Thursday, March 15, 2007 8:08 AM
Subject: FW: Cabela's Hammond - levee easement / plat coordination (UNCLASSIFIED)

Jim and Dan,

I just wanted to make sure that this email from John Groboski from ACOE was routed to you, which indicates ACOE acceptance of the temporary and permanent easements shown on our final plat document.

Tom Bock
National Survey & Engineering
A Division of R.A. Smith & Associates, Inc.
Direct: 262-317-3216

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

From: Bock, Thomas A.
Sent: Tuesday, March 06, 2007 11:17 AM
To: 'Brian Poland'
Cc: Stuart Allen (stuart.allen@torrenga.com)
Subject: FW: Cabela's Hammond - levee easement / plat coordination (UNCLASSIFIED)

Tom Bock
National Survey & Engineering
A Division of R.A. Smith & Associates, Inc.

Direct: 262-317-3216

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

From: Groboski, John A LRC [mailto:John.A.Groboski@lrc02.usace.army.mil]

Sent: Tuesday, March 06, 2007 11:15 AM

To: Bock, Thomas A.; Samara, Imad LRC; Lavicka, Kelsey W CPT LRC

Subject: RE: Cabela's Hammond - levee easement / plat coordination
(UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

* Tom,

As per our discussion the temporary, permanent, and flowage easements shown in the provided plat for the Little Calumet Stage 5 Phase 2 Levee Project are acceptable.

Thanks,

John

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

From: Bock, Thomas A. [mailto:Thomas.Bock@nsae.com]

Sent: Monday, March 05, 2007 10:39 AM

To: Groboski, John A LRC

Cc: dgardner@nirpc.org; jpokrajac@nirpc.org; glh@garcia-consulting.com;

Lavicka, Kelsey W CPT LRC; Samara, Imad LRC

Subject: RE: Cabela's Hammond - levee easement / plat coordination

John,

I previously forwarded a "marked up" version of final plat which indicated our proposed alterations to the temporary construction easement at the southeasterly corner of the Cabela's property. Attached is the revised drawing indicated the changes. Again, we're looking for concurrence on (Flowage Easement, Permanent Easement P-1, Temporary easement modifications).

Thanks,

2

3/15/2007

Jim Pokrajac

From: "Jim Pokrajac" <jpokrajac@nirpc.org>
To: "Cunningham, Matthew W LRC" <Matthew.W.Cunningham@lrc02.usace.army.mil>; "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>; "Lavicka, Kelsey W CPT LRC" <Kelsey.W.Lavicka@lrc02.usace.army.mil>; "Groboski, John A LRC" <John.A.Groboski@lrc02.usace.army.mil>
Cc: "Lou Casale" <lcasale@cwblawfirm.com>; <jvamos@nirpc.org>; <dgardner@nirpc.org>
Sent: Friday, March 16, 2007 9:29 AM
Subject: Re: Attached Image Stage VII- Local Resident Concerns (UNCLASSIFIED)

Imad,

I received a call from Ron Albin yesterday, March 15, questioning the status of his request dated December 8, 2006. I forwarded this information to you and need to know the status of this request. Judy informed me appraisals have been completed, and we are temporarily holding them until we can get some funding from the Town of Munster to assist us with acquiring these easements in Munster. I need to know if a final set of plans for Stage VII review will be submitted and when. I realize, at this point in time, we can not change work limits, but Mr. Albins' questions seem to be more of an engineering nature. Until we get the final set for review, I can't answer his concerns that were sent to you back in December 11, 2006.

Please let me know the status of what is happening with Stage VII, it seems to have been set aside with all of the focus on Stage V- Phase 2.

Thanks,

Jim

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

From: "Cunningham, Matthew W LRC" <Matthew.W.Cunningham@lrc02.usace.army.mil>
To: "Jim Pokrajac" <jpokrajac@nirpc.org>; "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>; "Lavicka, Kelsey W CPT LRC" <Kelsey.W.Lavicka@lrc02.usace.army.mil>
Sent: Tuesday, December 12, 2006 11:32 AM
Subject: RE: Attached Image Stage VII- Local Resident Concerns (UNCLASSIFIED)

Classification: UNCLASSIFIED
 Caveats: NONE

Jim,

I got the pdf and I have reviewed it. I just wanted to let you know that before I look into this item further there is more critical items for 6-1 South, 6-2, and Stage 8 that need to be done. When can discuss this at a

3

later time because I also need to be brought up to date on where we stand with the real estate.

Thanks

Matt

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

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

Sent: Monday, December 11, 2006 3:26 PM

To: Samara, Imad LRC; Lavicka, Kelsey W CPT LRC; Cunningham, Matthew W LRC

Subject: Fw: Attached Image Stage VII- Local Resident Concerns

To All,

At our last board meeting on December 6 Ron Albin expressed concerns for our current design in Stage VII, directly East of Columbia Ave. and South of the Little Calumet River. I told him that he could send me a list of concerns and

that I would bring it to the attention of the corps. Attached are several photos, current real estate, and his letter to me dated December 8, 2006. Would you please review this and address accordingly.

Thank You'

JIM

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

From: <printer@nirpc.org>

To: "Jim Pokrajac" <jpokrajac@nirpc.org>

Sent: Monday, December 11, 2006 2:05 PM

Subject: Attached Image

Classification: UNCLASSIFIED

Caveats: NONE

Jim Pokrajac

From: "Jim Pokrajac" <jpokrajac@nirpc.org>
To: <glh@garcia-consulting.com>; "Alex Fabian" <alex.fabian@torrenga.com>; "John Stuart Fabian" <stuart.allen@torrenga.com>; "Ray Keilman" <RKeilman@dlz.com>
Cc: "Kotwicki, Victor L LRE" <Victor.L.Kotwicki@lre02.usace.army.mil>; "Petrucchi, Steven J LRE" <Steven.J.Petrucchi@lre02.usace.army.mil>; "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>; "Lou Casale" <lcasale@cwblawfirm.com>; <jvamos@nirpc.org>; <janet.r.lane@usace.army.mil>
Sent: Tuesday, March 20, 2007 2:51 PM
Attach: LitCal RE.pdf
Subject: Fw: Final RE for Little Cal Stage 8

Gentlemen,

Attached is the file from the Buffalo Corps for your use in completing the Stage VIII drawings and legals for our use in beginning the appraisal process. These are the final real estate drawings, which include the necessary coordinates, and which have incorporated local concerns and questions as requested in the preliminary real estate review process. As we previously discussed, I would request that you submit these to me for a "proofreading", prior to providing the final product. Upon approval, I would then request you send me six (6) sets that I will forward to Judy Vamos to begin the appraisal process. Remember to follow the format as approved by the corps in the E-mail submitted to you on February 28th, which includes color for each type of easement.

We are on a very tight time schedule and request that all of the legals be completed no later than May 1, 2007. If you have any questions, please let me know.

Thank you,

Jim Pokrajac

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


From: Lane, Janet R LRB
To: Jim Pokrajac ; Samara, Imad LRC ; Kotwicki, Victor L LRE
Cc: Cunningham, Matthew W LRC ; Ackerson, Rick D LRC ; Lewandowski, Frank T LRB
Sent: Tuesday, March 20, 2007 11:12 AM
Subject: Final RE for Little Cal Stage 8

All,

Attached are the final RE plans for Stage 8. Please let me know if you have any questions.

<<LitCal RE.pdf>>

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



Jim Pokrajac

From: "Lane, Janet R LRB" <Janet.R.Lane@lrb01.usace.army.mil>
To: "Jim Pokrajac" <jpokrajac@nirpc.org>
Cc: "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>; "Ackerson, Rick D LRC" <Rick.D.Ackerson@lrc02.usace.army.mil>; "Cunningham, Matthew W LRC" <Matthew.W.Cunningham@lrc02.usace.army.mil>; "Lewandowski, Frank T LRB" <Frank.T.Lewandowski@lrb01.usace.army.mil>
Sent: Thursday, March 22, 2007 11:03 AM
Attach: COMMENTS FROM HAMMOND + responses.doc; COMMENTS FROM MUNSTER + responses.doc; Final comments+responses.doc
Subject: Comment Responses; LC Stage 8

Jim,

Attached are responses to your comments regarding the Little Cal Stage 8 final real estate plan review. Only selected comments required a response and they are in red text. Also attached are response to the comments received by Hammond and Munster. Please let me know if you have any questions. Thanks.

<<COMMENTS FROM HAMMOND + responses.doc>> <<COMMENTS FROM MUNSTER + responses.doc>>
<<Final comments+responses.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



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

March 2, 2007

Planning, Program and Project
Management Division

Mr. Derrick Martin, PE
Water Resource Group Manager
V3 Companies of Illinois
7325 Janes Avenue
Woodridge, IL 60517

Subject: Little Calumet River Flood Control Project, Cline Avenue Golf Course Conceptual Storage Plan.

Dear Mr. Martin,

I am writing this letter as a response to your letter dated January 26, 2007. In your letter you provided the USACE a conceptual site plan with proposed grading and associated compensatory storage calculations. We have reviewed your plan and the attached memorandum from our Hydraulic and Hydrology Section is our response to the review of the plan. Please review our responses and provide us with any requested items included in the memo. In general the memorandum concludes that the proposed plan is reasonably compatible with the storage requirement for the USACE Little Calumet River Flood Control Project. But the memorandum also requests that you provide more detail design plans when they are available.

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

Sincerely Yours

Imad N Samara
Project Manager

Enclosure

CF: Dan Gardner, Little Calumet River Basin Development Commission
Pat Fox, V3 Realty

JAN 31 2007

CELRC-TS-DH

MEMORANDUM FOR CELRC-PM-PM

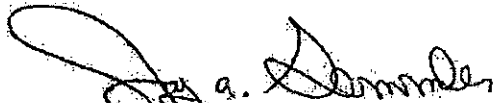
SUBJECT: Little Calumet River Flood Control Project – V3 Grading and Compensatory Storage Proposal Dated January 26, 2007

1. A request was made by PM-PM to review the conceptual site proposal for development of the Griffith Golf Center property that was submitted by V3 with a transmittal letter dated January 26, 2007.
2. After review of the grading plans and compensatory storage calculations submitted, TS-DH finds the compensatory storage provided by V3's proposed plan reasonably compatible with the storage requirements for the Corps Little Calumet River Flood Control Project.
3. In our assessment, we are assuming that the compensatory storage shown will be available for flood events (i.e., no ponded water in the compensatory storage area above elevation 579.5, prior to the flood event.). We request to review any proposed pumping/ponding plan for the compensatory storage area when it becomes available.
4. Our review of this preliminary plan does not guarantee acceptance to subsequent plans, particularly if there are significant changes. We request that a plan set be provided for any significant changes to the grading plan and we also request that we be able to review the final plan set, before giving our final approval.
5. We notice the highest grade shown is 600.2. Just to clarify, the crest of the Griffith Levee is 602.2. As was discussed in our meeting the proposed development is riverward of our lines of flood protection. When the FEMA flood plain is remapped for the Corps Little Calumet River Flood Control Project, all areas riverward of our lines of protection will become floodway. As pointed out by Mary Jo Mullen of FEMA, to take this development out of the floodway would require levees. The specifics of this should be coordinated with FEMA.
6. Our final acceptance of the plans for development does not in any way lessen permitting requirements from other government entities including any permits required by the Detroit District Corps of Engineers.

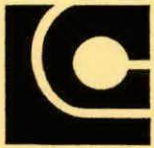
CELRC-TS-DH

SUBJECT: Little Calumet River Flood Control Project – V3 Grading and Compensatory
Storage Proposal Dated January 26, 2007

7. Please contact Mr. Rick Ackerson of the Hydraulic and Environmental Engineering
Section at extension 5511 if you have further questions.



Jay A. Schumler, P.E
Chief, Hydraulic and Environmental
Engineering Section



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

APRIL 4, 2007

5:30 – 6:00 p.m.

ACTION ITEMS:

Finance

Approval of claims for April 2007

Approval of O&M claims for April 2007

Land Acquisition

Any Condemnations or increased offers?

Land Management

Any action items?

ITEMS OF IMPORTANCE/POLICY:

- Project Funding Status
- Project Schedule – Timely receipt of final engineering to allow discussion/approvals by railroads and major utilities
- Meeting held on March 14th & March 22nd with city of Gary officials to discuss O&M turnover, land transfer, and set timetable