

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, AUGUST 2, 2006
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairman William Biller called the meeting to order at 6:05 p.m. Seven (7) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

George Carlson
John Mroczkowski
Robert Huffman
Arlene Colvin
Steve Davis
William Biller
Charlie Ray

Visitors:

Elizabeth Johnson – Congressman's Office
Bill Petrites – Highland resident
Karla Hunt – CPWW, Munster resident
Jim Guelcher – CPWW, Munster resident
Steve Enger – CPWW, Munster resident
Imad Samara – Corps of Engineers
Paul Baran – Munster resident
Jomary Baller - IDNR
Marcella Ciucki – Sand Ridge Audubon Society
Carolyn Marsh – Sand Ridge Audubon Society
James Petsas, Ogden Dunes resident

Staff:

Dan Gardner
Jim Pokrajac
Judy Vamos
Sandy Mordus
Lou Casale

A correction to the minutes was made by Bob Huffman. On page 2, under the Project Engineering Committee report, the last word in the first paragraph was "soon" but it should have read "slow". With the correction made changing that one word, as amended, a motion to approve the July 5, 2006 minutes was made by Bob Huffman; motion was seconded by Arlene Colvin; motion passed unanimously.

Action Required – Treasurer Arlene Colvin referred to pages 5 7 6 for the claims. Ms. Colvin proceeded to make a motion to approve the claims in the amount of \$97,144.44; motion seconded by George Carlson; motion passed unanimously.

• Ms. Colvin then presented the O&M claims on page 7 for approval in the amount of \$3,080.18 and made a motion to approve them; motion seconded by George Carlson; motion passed unanimously.

Chairman's Report – Chairman Biller, as well as staff, met with the city of Gary on July 20. Pertinent representatives of the city were in the meeting, including Mayor Clay. Discussion ensued on O&M issues, especially the pump stations turnover. Jim Pokrajac added that he has scheduled the pump station inspections for August 22, 23, and 24. The Corps will participate, as well as representatives from the city who are involved with the turnover. Arlene Colvin added that she thought it was a very good meeting and hopes that we continue our momentum and progress forward.

Executive Director's Report – Executive Director Dan Gardner reported that a meeting was held on July 20 with the Committee for the Preservation of Wicker Woods, which consists of the residents along Hart Ditch on Hawthorne Drive and south River Drive. In attendance at the meeting was the CPWW, town of Munster, North Township, Corps of Engineers and the LCRBDC. We will follow up on the questions and provide documentation which was generated from the meeting. Although Imad Samara could not attend the meeting, other Corps reps were there. They discussed the three options in addition to the Corps' all-levee alignment. Option 1 was the least expensive which attempted to push the levee further away from the street to increase the usable park space. Option 2 added additional land for public use near the pump station which added additional cost. This was due to the differential cost between sheet pile and levee construction. Option 3 included additional sheet piling along the entire northern portion, which was significantly more

expensive. Chairman Biller asked the Commissioners if they had any questions before allowing the CPWW members to speak. Chairman Biller thanked Imad for having his staff available and hopes that one option would be selected and that the COE would pursue the option which seemed satisfactory to all parties. Discussed continued. Steve Enger expressed his frustration at the bureaucracy involved to provide clear answers regarding what is a betterment, and procedures needed to change design and in calculating costs. The CPWW didn't fully understand the constraints of the levee design and were unable to accept the Corps explanation of how they interpreted those constraints. They still have questions that the Corps needs to answer. Imad stated that he did not have those answers tonight but he will soon and Mr. Gardner offered to have a follow-up meeting which would be scheduled to address their questions and concerns.

- Mr. Gardner stated that a meeting was held on July 27 with FEMA, IDNR, and the Corps to discuss the remapping for removal of Gary from the floodplain. FEMA requires several items that need to be in place for Gary to come out of the floodplain; i.e. the flood control structures complete, the two interchanges complete, Burr Street Phase 2 complete, and now it appears that a tie-back at Cline Avenue to the Griffith levee would need to be re-certified to meet FEMA requirements. Mary Joe Mullen from FEMA will get us some additional clarification regarding the Griffith levee. The scope of work provided by Lawson-Fisher did not provide the detailed information that was needed to proceed; some engineering has to be done on the tie back levee in order that a dollar amount could be attached which would allow the preparation of plans and specs.

Finance Committee – Treasurer Arlene Colvin presented the financial status report. She also informed the Board members that the marina sinking fund has been closed out and the remaining \$82.82 was placed in the administrative account.

- Ms. Colvin also reported that we have received a request from the Corps for \$516,000 to be placed in the escrow account as our 5% local cash contribution. Staff will request the monies from the State.

Land Acquisition/Land Management Committee – Land Acquisition Agent Judy Vamos displayed maps of the three areas we are working on – Stage V-2, Stage VII, and Stage VIII. V-2 is nearing completion of property acquisition. IN Stage VII, appraisals will be done by the end of August to mid September which would allow offers to be made. In Stage VIII, survey work has started and title work has been ordered.

- Jim Pokrajac reported that he met with View Outdoor and they have identified nine preferred locations for billboards. He determined that only six are owned by the Commission in fee. Attorney Casale added that they could come back to us at the next meeting with an agreement for these locations. VIEW is in the process of filing for permits with the city of Gary.

- Mr. Pokrajac referred to the letter in the committee report received from LAMAR requesting permanent easements on the two existing sign locations. Presently, we are receiving \$7200 a year; they are offering a one time lump sum payment in the amount of \$116,000. The matter will be discussed at a committee meeting before any recommendation.

- At an upcoming land management committee meeting, usage of the 32 acres east of Clay Street in Lake Station will be discussed. The property is excess land and should be utilized to the benefit of the Commission. Lake Erie Land expressed an interest in the land for wetland banking. It is next to their current wetland bank. It is in the floodplain along Burns Ditch and the Development Commission would need to follow the State disposal of property rules if we were to sell it.

Project Engineering Committee – Committee Chairman Bob Huffman reported that a construction progress meeting for Burr Street Phase 2 Gary portion was held on July 19 with Superior. They are projecting to complete this construction by the end of the year. Jim Pokrajac added that we have to relocate the access ramp west of Burr Street which impacts the Buckeye Pipeline.

- Mr. Huffman inquired about the Burr Street Phase 2 LCRBDC portion. Imad Samara said that it was advertised with the bid opening scheduled for the end of August.

- Mr. Huffman talked about the pump station 1A contract. Imad Samara stated that another company may come in to finish the remaining pump stations under a separate contract. When asked whether the pump stations were operational

or not, Imad replied that the current pump station capacities are not less than before our contract started. Mr. Huffman asked Imad to keep on top of it to get the remaining stations completed.

- Jim Pokrajac informed Mr. Huffman that he passed his comments regarding the trails to the Corps.

Operation & Maintenance Committee – Committee Chairman Bob Huffman asked about the pump station inspections. Jim Pokrajac answered that he has scheduled them for August 22-24. Mr. Huffman asked that a committee meeting be scheduled prior to the next Commission meeting. Staff will follow up.

Environmental Committee – In Dr. Reshkin's absence, Mr. Gardner reported that he is continuing discussions with Mr. Richard Underkofler, Highland town manager, in regard to scheduling a meeting with Mr. John Castrale from the IDNR Fish & Wildlife, as well as interested groups and the town members. The meeting would discuss a long term management plan put in place for the herons. Jim Pokrajac added that he believes the rip-rap still needs to be done in the area, as well as some ditch work and some plantings.

Legislative Committee – Committee Chairman George Carlson referred to a previous news article that stated Congressman Visclosky has secured about \$120 million in federal funds; about 25% of that is our cost share. Mr. Gardner added that we only have one more state budget session to secure the remaining funds to finish the construction project. At this point, he projects about \$7 million will be needed. Also, all the Commission's credits will need to be completed by project end. Mr. Gardner stated that the director of IDNR, Kyle Hupfer, attended a NIRPC meeting here last week and he mentioned their involvement with the Little Calumet River project. IDNR has been very supportive and Mr. Gardner will work with Mr. Hupfer to identify our budget needs.

Recreation Committee – There was no report.

Policy Committee – There was no report.

Other Issues/New Business – Mr. Huffman asked staff to update him on our coordination with Cabela's. Mr. Gardner replied that we have a survey company presently modifying the original legals in order that we can begin the easement process. Jim Pokrajac added that the final legals and drawings were completed today. About a month ago, staff met with some of the city's staff to talk about Cabela's. Another meeting is currently being scheduled. INDOT pump station discussion needs to happen. INDOT has about \$4 million to develop modifications for ingress/egress on Route 41 which would provide traffic flow in and out of the Cabela's site. Lawson-Fisher is coordinating the engineering and design with INDOT. Commissioner Charlie Ray asked if we could schedule a meeting to talk about INDOT. A meeting will be scheduled prior to the next Commission meeting.

Statements from the Floor – Carolyn Marsh, representing the Sand Ridge Audubon Society, engaged in a lengthy discussion with the Board members relative to the Blue Heron rookery in Highland. She expressed concern because a meeting with IDNR had not been scheduled yet; she was informed that it would be scheduled shortly. She had several questions concerning the trail, signage, property ownership, the safety issue, who's responsible for addressing concerns, who will be doing O&M, projected completion date, etc. Ms. Marsh distributed a fact sheet on the Blue Herons, that she requested by entered into the minutes. That sheet is attached hereto, as Attach. 1.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, September 6, 2006

HIGHLAND GREAT BLUE HERON ROOKERY



Protecting the Highland Great Blue Heron Rookery is one of the most important quality of life issues facing residents in the region. Currently the Highland and Hammond Redevelopment Commissions are promoting riverfront/Carlson Oxbow Park developments including condos, hotels and an amphitheatre (Calumet Press, May 31, 2006).

FACT SHEET

- The current size of the Great Blue Heron Rookery is about 110 nests. The first record of nesting for the colony was noted in 1996. The Indiana Department of Natural Resources counted about 12 nests in 2000 and 24 nests in 2003 (Post-Tribune May 22, 2006). In August 2005 there were approximately 67 nests. This significant increase from 67 to over 100 has, unfortunately for the birds, coincided with the Stage VI-2 levee construction project from Cline Avenue to Liable Road.
- The Little Calumet River Basin Commission and the U.S. Army Corps of Engineers' flood control project jeopardized the breeding grounds and the foraging habitat of the Great Blue Heron when building the levees. The Army Corps removed the entire existing tree buffer exposing the rookery to construction six days a week ten hours a day. The rookery is subjected to air pollution from millions of vehicles traveling both the east-west Borman Expressway (I-80/94) and the north-south Cline Avenue (#912).
- The Highland rookery is one of the largest in northwest Indiana and northeast Illinois. Other rookeries in the area are in decline. The Indiana Dunes National Lakeshore Heron Rookery (625 acres along the Little Calumet River between Chesterton and Michigan City) has only 19 active nests, down from about 150 in the mid-1990's. A few nests remain at the Portage rookery. There are only a small number of nesting pairs in the Lake Calumet wetlands on the southeast side of Chicago, Illinois.
- At a meeting held April 28, 2006, members of the Sand Ridge Audubon Society and Dunes Calumet Audubon Society met with officials from the Little Calumet River Basin Commission, U.S. Fish & Wildlife Service, and the U.S. Army Corps of Engineers. The U.S. Fish & Wildlife Service, the federal agency authorized to protect migratory birds, was asked to determine if the herons were under stress while nesting, but no official report has been released regarding their findings.
- The Indiana Department of Natural Resources was also invited to the April 28 meeting, but they did not attend. According to their rookery protection guidelines **"If a site is within 0.25 miles of a colony, development activities should not occur during the breeding season. Herons are most susceptible to disturbance during the early part of the breeding season. If a permanent development results that will be a constant source of disturbance, a 275-yard buffer zone around the colony would be adequate in most cases depending on the type of development and the existing vegetative structure."**
- The birds migrate to the Highland rookery from southern states and Mexico in early March. They mate, lay and incubate eggs, and nurture the young until they are grown and ready to leave the nests. The herons roost and feed in wetlands throughout the region until October when they migrate south for the winter.

Attach. 1

Highland Little Calumet River Great Blue Heron Rookery bird list

By Michael Topp (April, 2006)

The first year for nesting Great Blue Herons is 1996 and the first year for nesting Great Egrets is 2000. Some 66 different bird species (listed below) have nested in this rookery in the past 3 years. As of May 13, 2006 there are about 110 Great Blue Heron nests.

Pied-billed Grebe
Double-crested Cormorant
Least Bittern

Great Blue Heron
Great Egret
Green Heron

Wood Duck
Blue-winged Teal
Hooded Merganser

Red-shouldered Hawk
Red-tailed Hawk
Cooper's Hawk
American Kestrel

Great Horned Owl

Killdeer
Spotted Sandpiper
Virginia Rail
Sora
Common Moorhen
American Woodcock
American Coot

Yellow-billed Cuckoo
Ruby-throated Hummingbird

Hairy Woodpecker
Red-headed Woodpecker
Downy Woodpecker
Red-bellied Woodpecker
Northern Flicker

Great Crested Flycatcher
Willow Flycatcher
Eastern Phoebe
Tree Swallow
Eastern Kingbird

American Crow
Black-capped Chickadee
Tufted Titmouse
White-breasted Nuthatch

Carolina Wren
House Wren
Marsh Wren

Veery
Wood Thrush
American Robin

Gray Catbird
Brown Thrasher
Cedar Waxwing

White-eyed Vireo
Warbling Vireo
Red-eyed Vireo
Prothonotary Warbler
Yellow Warbler
Chestnut-sided Warbler
Blue-winged Warbler
American Redstart
Common Yellowthroat
Scarlet Tanager

Northern Cardinal
Indigo Bunting
Eastern Towhee
Song Sparrow
Swamp Sparrow
Red-winged Blackbird
Common Grackle
Baltimore Oriole

American Goldfinch
House Finch

Birds that feed there in the summer and winter include Black-crowned Night Heron, Northern Shoveler, Caspian Tern, Black Duck, Chimney Swift, Barn Swallow, Northern Rough-winged Swallow, Belted Kingfisher, and Rusty Blackbird along with nearly all the regular occurring Migration species.

Please contact the following organizations and request that the rookery become a nature area.

Joseph Wszolek. President, Highland Town Council, 219/838-1080, wszolek@highland.in.gov

John Castrale, Indiana Department of Natural Resources, Fish & Wildlife Division, 812/849-4586, jcastrale@DNR.STATE.IN.US.

Elizabeth McCloskey, U.S. Fish & Wildlife Service, 219/983-9753, elizabeth_mccloskey@fws.gov

For more information, please call Sand Ridge Audubon Society members: Joe Corns, President, 219/924-1509, Carol Strand, 708/333-6474, Carolyn A. Marsh, 219/659-7904, Marcella Ciucki, 219/923-8375

(Fact sheet by SRAS June, 2006)