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Coordinating Sensible Stewardship Of The Land

Boardman River Dams Implementation Team

Grand Traverse County	City of Traverse City
Traverse City Light and Power Department	Grand Traverse Band of Ottawa and Chippewa Indians
Michigan Hydro Relicensing Coalition	Michigan Department of Environmental Quality
Michigan Department of Natural Resources	US Fish and Wildlife Service
Grand Traverse Conservation District (Ex officio)	Conservation Resource Alliance (Ex officio)
Rotary Charities (Ex officio)	

Meeting Minutes

Date: September 16, 2009

Location: Traverse City Governmental Center, Committee Chambers

Facilitator: Todd Kalish, Michigan Department of Natural Resources

Notes: Tape recording and hand written notes by Nate Winkler, Conservation Resource Alliance

In attendance:

Ben Bifoss (City of Traverse City)

Dennis Aloia (Grand Traverse County)

Brett Fessel (Grand Traverse Band of Ottawa and Chippewa Indians)

Rick Westerhoff (US Fish and Wildlife Service)

Becky Ewing (Rotary Charities)

Steve Largent, Lew Coulter (Grand Traverse Conservation District)

Nate Winkler, Amy Beyer, Kim Balke (Conservation Resource Alliance)

1:00-1:05 Introductions

Introductions were made around the chambers by those in attendance

1:05 Public Comment

No public comment was offered

1:05-1:10 Review and Approval of Meeting Minutes from August 27, 2009 (Decision Item)

The August meeting minutes were reviewed and discussed. With the exception of a spelling correction ("Boisington" to "Hoisington"), the minutes were approved.

1:10-1:15 Pre-Conference Call Discussion Regarding Army Corps Lead by Todd

Todd provided background on Army Corps involvement in the project both past and anticipated in the future. Todd indicated that Jim Galloway, Chief of Planning, Detroit District, would be the point of contact initially. Steve Largent expressed hope that the Corps would take an eco-system approach to the project

1:15-1:20 Grand Traverse County and City of Traverse City report (Information Item)

Dennis Aloia presented information regarding liability insurance coverage as it pertains to the Implementation Team. According to Aloia, all Agency representatives on the Implementation Team indemnify each other by virtue of their affiliation. Aloia indicated that his (the County's) insurance would not cover the IT because it was not a board of the County. The question was posed "What if the IT were sued?" with the following answers: It's unlikely to occur, but if it does, it will likely occur during the permitting process in which case, the City and the County will be protected. Aloia indicated that through discussions with the County attorney, there would be no need to get additional coverage if the IT members were covered through their own insurance policies. Also it was likely that the Ex-officio members do not pose a liability due to non-voting status.

1:20-2:05 Conference call with Jim Galloway, US Army Corps of Engineers (Discussion Item)

Jim Galloway, Chief of Planning for the Army Corps of Engineers, Detroit District, was brought into the meeting via conference call. He answered a list of questions submitted by Todd and provided information regarding the Corps' involvement in the dam removal/modification. Questions from the IT included Bifoss' inquiring about the governing bodies that own the dams voted to remove them (as opposed to just breaching them) and how the Corps would deal with that situation. Galloway responded that if it met the Corps' cost/benefit analysis to fully remove the dams and attendant structures, they would do so. If not, they would just breach them. Aloia asked for clarification on how the Corps' work product would differ from the engineering and feasibility study prepared by ECT. Galloway indicated that there would be refinements in several areas but information from the ECT document would be used to streamline the process.

Subsequent to conference call, discussion ensued among IT regarding benefits of working with the Corps or going to the private sector. The financial aspects of the Corps vs. private included discussion of the 35%/65% cost share through working with the

Corps (35% local/65% Corps) keeping in mind the potential for credit for work that has already been performed (since 2005), appropriations from Congress, etc. Also discussed was the ability or not of other federal agencies to fund the Corps' work on the dams and if those grant sources would be better used to fund a primarily a private effort. Also considered was the issue of timing and how important it was to the owners that the project get underway. Kalish indicated that the NEPA process was going to be the primary time factor and that it would be a year at the minimum before NEPA was finished and Westerhoff concurred. CRA was tasked to come up with an analysis of the cost of NEPA, timeliness, etc. going with the Corps or private to present at the next IT meeting.

2:05-2:25 Presentation Regarding Open Meetings Act

City of Traverse City attorney Karrie Zeits gave a power-point presentation regarding the Open Meetings Act and stressed the importance of abiding by rules set forth in the Act. She indicated that it would result in less of a chance that there would be a process related grievance and would save time and effort. Ms. Zeits also stressed the importance of generating Open Meeting Act rules for the IT. Aloia indicated that he would forward a copy of the County's rules to CRA for review. Winkler indicated that he would start on a working draft for IT review for the next meeting.

2:25-2:40 Boardman River Dams Project Framework (Discussion/Decision Item)

Kalish gave background on task assigned by the IT to parse out and delineate tasks between the project manager and himself going forward. In addition, he related that this was accomplished through a subcommittee of the IT and provided the results of the discussion amongst subcommittee members in the form of a draft table. Also discussed was the creation of Ad hoc committees with various tasks assigned to them. These include a fundraising committee, technical committee, and watershed stewardship committee. It was determined that the committee formation be deferred until a decision was made regarding whether the Corps or a private firm would be selected for the removal/modification. It also was determined through discussion of the IT that Ex officio applicants be added only after a framework was developed which includes the formation of the Ad hoc committees and conceivably the decision of whether to go with the Corps or not. This would ensure a clear direction for Ex officio members in their work going forward.

2:40-3:00 Project Manager Contract Recommendation (Decision Item)

Bifoss indicated that a red line copy of the draft contract with CRA was anticipated from CRA to be reviewed by himself and the City attorney. The issue of a six month or a one-year term was discussed. Kalish indicated that the six month term was developed to ensure that working relationships between the IT and the project manager were positive and productive. Aloia indicated a preference for extending to one year and Beyer related that the contract review on her end was taking a little longer in anticipation of a longer contract period. Bifoss related that by the next IT, the review by both parties would be complete and final negotiations would be discussed.

3:00-3:15 Agenda Items for October IT Meeting

Bifoss and Aloia agreed that draft IT Open Meeting Act rules be drafted with assistance from the City attorney. Winkler indicated he would work on a draft and bring it to the next meeting. Additional agenda items included the discussion regarding the Corps vs private contractor analysis, change in position of IT chair, and a fundraising update from CRA.

3:15-3:20 Public Comment

Sandra Sroonian inquired as to the posting location of future IT meeting dates, times, and agenda. Kalish indicated that this information is posted on the City website and will be discussed at the next IT meeting.

3:20 Meeting adjourned

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