

**MINUTES OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER
BASIN DEVELOPMENT COMMISSION
HELD THURSDAY, OCTOBER 8, 2020
2:30 P.M. CST/3:30 P.M. EST**

CONDUCTED ELECTRONICALLY UNDER EXECUTIVE ORDER 20-09

John McNamara, Chair, called the meeting to order at 2:38 p.m. CST.

Mike Novotney, Secretary, called the roll.

Members Present at Roll Call

Bill Emerson	John McNamara	Ryan Mueller
Mike Novotney	James Walstra	

Staff Present

Scott Pelath

Mr. Novotney confirmed the presence of a quorum.

Approval of minutes from July 31 meeting

James Walstra moved that the minutes be adopted. Bill Emerson seconded the motion.

MOTION ADOPTED BY VOICE VOTE.

Finance Report

Scott Pelath noted the existence of some video-conference technical difficulties, but expressed his gratitude for the presence of a quorum.

Mr. Pelath presented a financial report along with a list of claims that either were paid or needed to be paid since the previous meeting. A written financial report was distributed in advance of the meeting [contained in the Executive Director's Report ATTACHMENT 1].

Mr. Novotney noted that a disparity in the videoconference link address shown on the agenda and that shown within the GoToMeeting invitation might be a contributor to some of the technical difficulties.

Mr. Novotney moved that the Commission approve the listed claims and accept the financial report. Mr. Emerson seconded the motion.

MOTION ADOPTED BY VOICE VOTE.

OLD BUSINESS

Jasper County FEMA Project

Jim Walstra reported on the Jasper County FEMA project. He noted that the section of repairs beginning at the Jasper-Newton County Line and extending east is complete and that the section or repairs from US 231 to CR 700 W is nearly complete. Mr. Walstra stated he is pleased with the results, and that the work will not get underway on any additional sections until next year.

Selection of Yellow River design and technical consultants

Mr. Pelath reported that he held in-depth discussion with both finalist firms and that it was his recommendation that the Commission would benefit from the services of both firms.

Mr. Pelath emphasized that Cardno had the lowest bid, and members independently rated their proposal and qualifications at or near the top of all other candidates. He recommended that they be awarded the design work for this phase of the Yellow River project.

Secondly, Mr. Pelath stated that Burke provided a highly competitive price proposal, their proposal and qualifications were rated at or near the top of our list, and they have demonstrated, long-term knowledge of the basin and the Yellow River in particular.

Mr. Pelath also recommend that Burke be kept on retainer to 1) consult with Cardno on the Yellow River design; 2) be immediately available for *ad hoc* technical services, particularly for permitting; and 3) begin evaluation of opportunities for planned breaches in Lake and Newton Counties.

Mr. Pelath reported that the Commission budgeted \$150,000 for Yellow River design, and both agreements can be funded from the set-aside. Since the cost to Cardo is set at \$112,000, he requested the authority to use Burke services for up to \$38,000. If additional services are required, the Commission can evaluate the need for augmentation at a later date.

Mr. Emerson moved that the Commission approve presented contracts for Cardno to design Phase I of the Yellow River Project and for Burke Engineering to provide general consulting services. Ryan Mueller seconded the motion.

MOTION ADOPTED BY VOICE VOTE.

Agreement between DNR and Commission for Thayer Farm

Mr. Pelath presented a draft agreement between the Commission and the Indiana Department of Natural Resources (DNR) regarding the future of the Thayer Farm [ATTACHMENT 2].

Mr. Pelath noted that the DNR Director, the DNR leadership, and the Governor's staff visited the Thayer Farm in the previous week, and that observers were enthused about its flood storage and wildlife development potential.

Mr. Walstra asked if the adjacent property will also hold water. Mr. Pelath answered yes, but the design will address the flow of water between the two properties.

Mr. Emerson asked why a gage height of 11.5' was selected as a point to begin diverting water from the Kankakee. Mr. Pelath answered that the level marks the beginning of moderate flood stage. Mr. Emerson stated the importance of the property having available capacity during high water events. Mr. Pelath concurred, and noted that designs will take those needs into consideration.

Mr. Walstra moved that the Commission approve the Thayer Farm agreement with DNR. Mr. Novotney seconded the motion.

MOTION ADOPTED BY VOICE VOTE.

Sumava Resorts bank repairs

Mr. Pelath reported that the bank at Sumava Resorts requires two repairs. However, a permit that was believed to be in existence expired in 2014, and not being an emergency, any repairs will require permits before work can commence.

Mr. Pelath indicated he would bring the matter back before the Commission at a later date.

NEW BUSINESS

Emergency contracting and work modifications

Mr. Pelath presented Resolution 2020-04 [ATTACHMENT 3], a policy granting the Executive Director certain emergency contracting and work modification flexibility. The resolution requires ongoing communication and consent from Commission officers and members when executed.

The chair noted that it is substantially similar to the policy granting him flexibility as the St. Joseph County Surveyor.

Mr. Emerson moved that the Commission adopted Resolution 2020-04. Mr. Novotney seconded the motion.

Mr. Novotney urged that reimbursement rates be fixed in advance of emergency contracting needs. Mr. Pelath announced his intentions to set such rates in relationship to FEMA reimbursement rates or some other standardized schedule.

MOTION ADOPTED BY VOICE VOTE.

Bank stability at LaSalle Fish and Wildlife Area

Mr. Pelath reported that the LaSalle Fish and Wildlife Area management and he are coordinating action on problem trees on approximately 1.8 miles of bank on their property. Given the likely cost, he said he intended to solicit bids and present them to the Commission at a future meeting.

Invasive tree exchange pilot program

Mr. Pelath reported that due to a substantial number of requests, the LaPorte County and Porter County Soil and Water Conservations Districts requested the Commission's support to extend the geographic reach of their invasive tree exchange program. The districts currently have funding for the Lake Michigan Basin, but their grant stipulations do not allow them to serve areas within the Kankakee River Basin.

Mr. Pelath noted that the Commission has already adopted recommendations aims at curtailing invasive species, and believed the program provided a good partnership opportunity with key stakeholders. After consulting with staff at the districts, he suggested a \$3000 allocation to extend their existing tree exchange programs. Mr. Pelath added that the amount would come from the \$20,000 appropriation for the River Days educational program, which was cancelled due to the pandemic.

Mr. Walstra moved that \$3,000 be allocated to the program. Mr. Emerson seconded the motion.

MOTION ADOPTED BY VOICE VOTE.

EXECUTIVE DIRECTOR'S REPORT

A written report [ATTACHMENT 1] was distributed prior to the meeting.

In addition to his written report, Mr. Pelath added, on behalf of Bill Crase, that the Starke County Park Department is adding a kayak launch ramp.

Mr. Pelath also extended the good news that the Commission's work plan received a major award from the Indiana Association for Floodplain and Stormwater Management.

PUBLIC COMMENT

None.

NEXT MEETING

The next meeting date, location, and format was to be determined.

ADJOURNMENT

The meeting adjourned at 3:22 p.m. CST.

ATTACHMENT 1

EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members
From: Scott D. Pelath, Executive Director
Date: October 5, 2020

I have a great deal to report, so I will get right to it:

Finance Report

State Budget. I requested an increase in our administrative appropriation for State Fiscal Years 2022-23. Given the state's fiscal situation, I am not confident it will be granted. I am confident that if we ask for no increase, we will receive none.

The State Budget Agency has already reduced all state entities by 15-percent, and that lessened amount forms the new baseline for the coming biennium.

However, I made the case that even our old funding baseline was not for our Commission, but for the old Kankakee River Basin Commission. Our power, duties, liability, and statutory authority has increased significantly, and we now bear the administrative responsibility for managing funds that are an order-of-magnitude greater than before. Current baselines do not reflect this fact.

Furthermore, while our current fiscal footing is sound, our primary funding source will be statutorily earmarked for capital expenditures beginning next year. This point needs to be made well in advance of the predicted constriction of administrative necessities.

Balance. As of October 5, the Commission has a balance of \$2.07 million, of which \$394,000 is being held in reserve under State Budget Agency guidelines. Approximately \$35,000 in received invoices, which await approval at the October 8 meeting, have not yet been paid.

Recent claims. The largest claims were all related to tangible river work and boots on the ground.

We still have need to settle with the property owner of our recent Newton County bank repair, Marvin Crook. He moved fill from another property to our staging area, and the negotiated price for his efforts was a benefit to the Commission – about \$6 a cubic yard including transportation. The approximately \$30,000 merely offsets costs, and he has been a good partner.

Likewise, although Mark Wunderink was unable to plant a crop at the Thayer Farm this year, he fulfilled our directive to keep the property in agricultural condition. His claim for

\$2500 is reimbursement for the cost of disking the property until it reverts to DNR management.

Remaining major claims pertain to maintenance of a Kankakee River sediment trap, an outstanding quarry bill for the Newton County repairs, the previously approved Yellow River bank repair, and our final installment of the endangered bat population surveys.

Below is the current list of claims requiring either advance or retroactive approval by the Commission:

<u>CLAIMS AS OF 10/5/20</u>					
<u>PO #</u>	<u>DATE</u>	<u>TO</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>CHECK #</u>
99-20	8/18/2020	INPRS	ER contribution for 1st August Payroll	\$143.76	ACH 99-20
100-20	8/31/2020	INPRS	ER contribution for 2nd August Payroll	\$143.76	ACH 100-20
101-20	8/18/2020	Scott Pelath	Aug 1-17 Payroll	\$3,872.81	ACH 101-20
102-20	8/25/2020	Orbis Environmental Consulting	Invoice 1966 Phase 2 Bat Surveys	\$10,881.50	1516
103-20	9/1/2020	NIRPC	Accounting Services June, July & August+ 10 cent remaining bal	\$9,042.70	1517
104-20	9/9/2020	Ingram Excavating	Dig out sediment trap	\$13,500.00	1518
105-20	9/9/2020	Postmasters	Invoice 512814	\$0.47	1515
106-20	9/9/2020	Postmasters	Invoice 505604	\$0.46	1515
107-20	9/9/2020	Postmasters	Invoice 508939 Printing & Mailing Services	\$0.46	1515
108-20	9/9/2020	Postmasters	Invoice 507878 Printing & Mailing Services	\$0.92	1515
109-20	9/15/2020	Scott Pelath	Mileage Reimbursement Aug11-Sept 14 2020	\$342.77	1519
110-20	9/15/2020	PERF	ER contribution for 1st Sept Payroll	\$143.76	ACH 110-20
111-20	9/15/2020	US Aggregates	Invoice 22015021	\$6,530.14	1521
112-20	9/15/2020	Dirt Works	Emergency Repair on Yellow River, hauled clean fill, labor & top st	\$37,800.00	1520
113-20	9/15/2020	Scott Pelath	Payroll Sept 1-15	\$3,872.81	ACH113-20
114-20	9/15/2020	Ambetter Health Ins	Health Insurance	\$1,492.15	ACH 114-20
115-20	8/22/2020	American Express Blue Business Cash	QB Payroll & QB, adobe, Restaurants	\$278.46	ACH 115-20
116-20	9/12/2020	American Express Blue Business Cash	QB Payroll, QB Subscription, adobe & restaurant	\$226.23	ACH 116-20
117-20	8/31/2020	Scott Pelath	Aug 18-31 Payroll	\$3,872.81	ACH 117-20
118-20	9/22/2020	State of Indiana	August PR Taxes	\$357.48	ACH 118-20
119-20	10/5/2020	EcoBlock	292 Truckloads of Sand	\$30,806.00	to be assigned
120-20	10/5/2020	Ambetter Health Ins	October Health Insurance	\$2,185.15	ACH 120-20
121-20	10/5/2020	Wunderink Riverside Farms	Discing of Thayer Farm	\$2,500.40	to be assigned
122-20	10/5/2020	INPRS	ER Contribution for 2nd Sept Payroll	\$143.76	ACH 122-20
123-20	10/5/2020	Ingram Excavating	Sediment Trap Maintenance on Yellow River	\$2,260.00	
		Blue means paid in advance of meeting		\$130,398.76	

Revenue. The Commission received its quarterly administrative allocation from the state. After mandatory reversions, the amount was a little over \$11,000.

Yellow River project

Recently, I have communicated extensively with our two remaining candidates to design Phase I of our Yellow River project, Burke and Cardno.

After in-depth discussion with both the candidates and individual members of the Commission, it is my recommendation that the Commission would benefit from the services of both firms.

Cardno had the lowest bid, and members independently rated their proposal and qualifications at or near the top of all other candidates. I recommend that they be awarded the design work for this phase of bank reconstruction.

Secondly, Burke provided a highly competitive price proposal, their proposal and qualifications were rate at or near the top of our list, and they have demonstrated, long-term knowledge of the basin and the Yellow River in particular.

I also recommend that Burke be kept on retainer to 1) consult with Cardno on the Yellow River design; 2) be immediately available for *ad hoc* technical services, particularly for permitting; and 3) begin evaluation of opportunities for planned breaches in Lake and Newton Counties.

We have budgeted \$150,000 for Yellow River design, and both agreements can be funded from the set-aside. Since the cost to Cardo is set at \$112,000, I would request the authority to use Burke services for up to \$38,000. If additional services are required, we can evaluate the need for augmentation at a later date.

Written agreements for both entities will be made eligible for review and approval at the October 8 Commission meeting.

Logjam Management

Bat roosting season ends on November 1, and some counties are resuming the removal of logjams and severely leaning or diseased trees.

Officials at the LaSalle Fish and Wildlife Area have requested our assistance to manage problem trees on growth along approximately 1.8 miles of their levy in Newton County. Their only stipulation is that we avoid work during duck season from October to early January.

Since I cannot ascertain potential costs, I am going to ask the Commission for permission to bid-out the work. Some special considerations will be in order, since landward sides of the banks are flooded, and wood will have to be removed to an upland location.

I have inspected the banks at LaSalle, and they do, in fact, have stability concerns due to the number of severely leaning trees. The levy is essential for maintaining the integrity of their wildlife areas, which have been carefully developed over a number of years.

Bat Population Surveys

Due to scheduling conflicts, our bat population surveyor was unable to present his final report to the Commission this month. I expect he will be available to make a short presentation

to the Commission before the end of the calendar year. Until then, I have forwarded a formal report on bat populations to the U.S. Fish and Wildlife Service.

Thayer Farm

Mark Wunderink has ensured that the Thayer Farm remains in agricultural condition.

Zack DeYoung at the LaSalle Fish and Wildlife Area and I have finalized a document to guide the transition of the Thayer Farm out of agricultural production. I will present the document at our meeting for consideration.

Zack tentatively plans to work with Ducks Unlimited to design the planned breaches and water control structures. In September, I also took Corps of Engineers officials to the property to review our intentions.

Emergency Bank Repairs

Newton County. The emergency bank repair in Newton County is complete. I personally believe that the contractor did an outstanding job, and the expected cost will exceed the budgeted amount by only 2.7-percent.

Because after-the-fact permitting is necessary, I have communicated and participated in site visits with the Corps of Engineers, DNR, IDEM, and NRCS. To this point, there have been no significant concerns about the bank repair itself.

We did have to cross an existing access path to make the repairs, and no other safe or viable options existed. In addition, some fill was necessary for safe passage of repair vehicles across private ditches and wet areas. As you may recall, at our last meeting the Commission authorized the purchase of culverts to address any impacts.

These matters were reported to the regulators, and DNR is assisting with documentation that will help us address IDEM expectations.

Regrettably, the Commission was unaware of the path's enrollment in an NRCS program, which later triggered an objection from the agency. Operations were conducted in good faith by all parties. The property was enrolled under a former business partner of the current owner, and his understanding of any stipulations was limited.

NRCS currently is asking that the path – which is shown on maps as far back as 1971 -- be removed altogether. This is a concern, because we need this vital access to construct future planned breaches and ensure bank stabilization under the work plan.

I have prepared a response to NRCS. I earlier conveyed to NRCS that we would make reasonable adjustments, but I first want to determine how open they are to other options and consideration. In particular, safe access and cost-effective access is essential for future work in the vicinity. Some clean-up expenses should be anticipated, but I would like further discussion about their specific scope and a manageable timeline for completion.

Sumava Resorts. Two sections of bank with a combined length of approximately 100-feet are in need of repair. If I have cost estimates prior to the meeting, I will make a request for materials and labor.

I have met with one of the property owners, but others live outside of the community and can only be reached by mail. The jobs are not complicated, but they do necessitate property owner participation.

Bridges

I have communicated with the Indiana Department of Transportation regarding the abandoned Norfolk Southern bridge at Schneider. At my request, the Department's rail division has opened a conversation with the railroad pertaining to the bridge's possible removal. Before any other steps are taken, we must ascertain the bridge's true status and whether Norfolk Southern would be open to demolition.

The bridge is a significant logjam trap, and is particularly susceptible to ice jams during the thaw.

Sediment Traps

The maintenance of a sediment trap near the mouth of the Travis Ditch on the Kankakee River is now complete. Last week, Starke County commenced maintenance work on the Range Road sediment trap on the Yellow River. Contractors had to be changed on the Yellow River due to equipment inadequacy, although the work is slated to be completed for the allocated amount.

Grand Marsh Park Bank Reconstruction and Stabilization

Lake County received some bids for this Commission-approved project, but they were higher than expected. Potential costs and project needs will be revisited before making a contractor selection or soliciting new proposals.

Easement at River's Edge Farm

I again visited with Jim Deardorff, who continues to maintain that he was ensure the grant of a recorded easement to access his cousin's property through the River's Edge Farm. Discussions are ongoing.

Corps of Engineers Logjam Management Permit

The Corps' Detroit office is still reconciling our logjam management application with certain points raised during the public comment period. The Corps still believes the matter will be concluded during the current calendar year, but it remains possible that the resolution could

be the issuance of a standard permit instead of a letter-of-permission. The former would merely require more regular consultation and oversight, which I would welcome.

Invasive Tree Exchange Program Proposal

In the Lake Michigan Basin, the LaPorte and Porter County Soil and Water Conservation Districts already are running a federally funded program to replace invasive trees with indigenous ones. Due to the program's popularity, both districts have received repeated requests for tree exchanges in the Kankakee Basin, which they are unable to serve under the present terms.

Nicole Messacar and Jared O'Brien approached me about the Commission funding a pilot tree exchange program for the Kankakee Basin in LaPorte and Porter Counties. They would administer it on our behalf in a manner identical to the existing procedures. My request was merely that properties along the Kankakee River itself receive priority.

They have made a request for \$3000. Since the pandemic derailed this year's River Days program, I believe we should support the pilot. The Commission already has adopted recommendations pertaining to invasive species, and the substitution of more appropriate flora serves the long-term stability of the region.

As an aside, the substituted trees are neither seedlings not saplings; they are maturing trees with fully formed root systems. The SCWD's already have experience with managing logistics and storage.

Emergency Contracting and Work Modifications

At the previous meeting, the Chair suggested I draft a policy to consider regarding emergency contracting. Since then, the Treasurer suggested that I add some provisions regarding work expense overages while river work is being performed.

I have drafted a policy for consideration. The most important feature is that it requires consultation with Commission members between meetings, which I fully embrace and strive to do regardless of the circumstances.

As always, should you have any questions or suggestions, please email me at sdpelath@gmail.com or (219) 861-7999. In order to maintain focus and brevity during our electronic meeting, I welcome any issues I can resolve in advance.

ATTACHMENT 2

Thayer Property Management Plan

Habitat Management

Overall, the goal of management of the entire 204-acre Thayer tract would be to manage it as a wetland complex. This would entail installing water control structures as needed to allow the property to gain and lose water seasonally to mimic the natural rising/falling cycles of the river and also to facilitate public access in the fall. Timing of water management would be as follows:

Summer (June-Mid-September) - Drawdowns will occur when river levels would allow to facilitate ground disturbance rotated around the property year to year through disking, mowing, etc. to encourage annual seed producers to grow and promote a mixture of annual and perennial vegetation on the property. This practice would provide the maximum amount of food/cover for a whole host of wildlife species and to discourage woody vegetation from taking hold of the property.

Fall/Winter (September-February) This would be the period of time where we would begin diverting/pumping water (if needed) onto the property to a 1'-2' max depth. Holding water in the fall would facilitate waterfowl hunting opportunities and provide food for migrating waterfowl. If periods of in climate weather occur structures would be opened to allow for the flow of water through the property.

Spring (February-June) During this time of year we would be mimicking the rising and falling of the river, when possible during river drops we would be letting water out of the property to begin de-watering the wetland and vice versa when the river level rises. De-watering when possible in early spring would allow the property to accommodate more water during spring flood events. This also exposes the ground to allow for vegetation to begin growing.

Flood Events

At any time of year control structures will be set to allow the property to equalize with the river when the Shelby river gauge reads or is forecasted to reach 11.5 feet. All control structures installed to allow the property to equalize will be designed to be self-functioning to avoid human error.

The Kankakee River Basin and Yellow River Basin Development Commission ("the Commission") has maintained operational control over the property for approximately two decades. During that time, the property has served as agricultural ground, generating commodity revenue for both a tenant farmer and the Commission.

In 2019, the Commission determined that the Thayer tract would better serve their mission as a flood storage area under Indiana Department of Natural Resources (DNR) management. The Commission's primary stipulation was that the property's floodwater storage potential be maximized during flood events. Using data from the U.S. Geological Survey gage located at nearby Shelby, IN, the National Weather Service currently defines 11.5 feet as "moderate flood stage."

Public opportunities

Upon the Division of Fish and Wildlife taking over management the property will be opened up for public use throughout the year. The public will be allowed access to the property for birding, hiking, wildlife viewing, etc., throughout much of the year. Hunting opportunities will be allocated through a draw process done at the LaSalle FWA headquarters. Being that the area will be best suited for waterfowl hunting in the fall there would be a limited number of hunters allowed on limited days (shooting schedule would be set by property manager). All hunting in general on this property would be held in accordance with Fish and Wildlife property rules/regulations.

General Management

Once the Thayer farm transitions to management by the Division of Fish and Wildlife, any habitat management or cost associated with this management will be the responsibility of the Division. This includes; spraying for invasive species, any disking/planting, installation/management of control structures, necessary permitting for projects, etc.

LaSalle Fish and Wildlife Area staff will be in charge of all of these above items. Any major decisions will be discussed and approved by the director of the Commission.

ATTACHMENT 3

RESOLUTION 2020-04

A RESOLUTION PERMITTING THE EXECUTIVE DIRECTOR OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT COMMISSION (“the Commission”) TO ENTER INTO WRITTEN AGREEMENTS AND AUTHORIZE EXPENDITURES UNDER CERTAIN CONDITIONS

WHEREAS, the Commission is a body corporate and politic in the STATE OF INDIANA;

WHEREAS, the Commission has primary responsibility for Kankakee River and Yellow River flood control under IC 14-13-9;

WHEREAS, the Commission employs an Executive Director to carry out its priorities, directives, and policies;

WHEREAS, the Commission routinely authorizes and funds repairs and projects within its exclusive easement;

WHEREAS, some of this work is performed under emergency conditions that pose an immediate risk to human safety or property; and

WHEREAS, some work requires immediate modification due to onsite conditions, observations, and discoveries;

NOW THEREFORE, BE IT ORDAINED that in order to ensure the timely, responsive, and effective delivery of Commission services, the Commission authorizes its Executive Director to enter into emergency written agreements and to authorize the expenditure of funds for work modifications under the following circumstances:

1. If emergency conditions are present, the Executive Director may enter into a written agreement to procure services in response to such emergency provided that, prior to the execution of the agreement, the Executive Director obtain verbal authorization from at least two (2) of the following:
 - a. The Chair of the Commission;
 - b. The Vice Chair of the Commission;
 - c. The Secretary of the Commission; and
 - d. The Treasurer of the Commission.
2. If three (3) or more of the persons listed above are unavailable or incapacitated, any other member of the Commission may grant authorization if efforts to contact the

members listed above have been reasonably exhausted. In all cases, verbal authorization must be granted by at least two members.

3. Any written agreements entered into by the Executive Director under emergency conditions shall be considered and ratified by the Commission at its next public meeting.
4. For cases in which the Commission has previously authorized funds for a work project, the Executive Director may authorize certain work modifications that would increase the authorized project cost by up to ten-percent (10%) or \$10,000, whichever is lower. Reasons for such Executive Director authorizations include:
 - a. The identification of a hazard that would force the modification of work plans;
 - b. Compliance with a regulatory standard that was not previously identified in the work plans;
 - c. The avoidance of set-up costs for reasonably anticipated future work in the immediate project area;
 - d. Necessary adaptation to weather conditions or other natural conditions;
 - e. Unintended work stoppages or delays that are outside the control of those performing the work; and
 - f. Other unforeseen circumstances directly related to the fulfillment of the authorized work.
5. The Executive Director shall report such cost modifications to the Commission at the first public meeting after such authorization is made. The Commission shall then consider the authorization for final approval.

Adopted this 8th day of October, 2020

By:

	, Chair	John R. McNamara
Signature	Title	Printed Name

On Behalf of the Kankakee River Basin and Yellow River Basin Development Commission