

**MINUTES OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER
BASIN DEVELOPMENT COMMISSION
HELD THURSDAY, MARCH 4, 2021
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 2:30 p.m. CST.

Scott Pelath, Executive Director, explained the electronic meeting procedures.

Mike Novotney, Secretary, called the roll.

Members Present at Roll Call

Rob Churchill	John Coulter, Sr.	Craig Cultice
Bill Emerson	John McNamara	Ryan Mueller
Mike Novotney	James Walstra	John Shure (IL)

Approved proxies present

Dan Gumz for Bill Crase

Staff Present

Scott Pelath

Mr. Novotney stated the presence of a quorum.

Approval of minutes from January 22, 2021, meeting

John Coulter moved that the minutes be adopted. Craig Cultice seconded the motion.

MOTION ADOPTED BY VOICE VOTE.

Finance Report

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

Ryan Mueller moved that the Commission accept the finance report. Mr. Cultice seconded the motion.

MOTION ADOPTED BY VOICE VOTE.

OLD BUSINESS

Jasper County FEMA Project

Mr. Pelath reported that he expected work to resume in July. Jim Walstra expressed ongoing concerns about the pace of FEMA's reimbursements, and asked the Commission to remain open to assisting with cash flow until the work is completed. Mr. Walstra said the county would be able to make repayments, but sufficient cash to finish the work is imperative until FEMA honors their portion.

The chair noted that he also has been having difficulties with FEMA reimbursements.

Yellow River project design update

Mr. Pelath introduced Ross St. Clair from Cardno, who gave a report on the design progress for Phase I of the Yellow River bank reconstruction.

Mr. St. Clair reported that Mr. Pelath had signed all permit applications, and the applications would be submitted promptly. The design and project continue to meet established timetables, and the 90% deliverables would be completed by May. He was hopeful that construction could still begin in CY2021.

Other project updates

Mr. Pelath expected logjam management work at the LaSalle Fish and Wildlife Area to commence and be completed by March 31.

Mr. Novotney said woody debris removal along the river in Porter and Jasper County, between LaPorte Co. and Dunn's Bridge, was scheduled for as soon as conditions permit, possibly as early as April. He also expected that work on the extension of the "Coal Road" access route would begin in the coming weeks.

NEW BUSINESS

Spring flood forecast

Mr. Pelath presented relevant forecast information [ATTACHMENT 2] from the National Weather Service which showed the Kankakee River Basin's spring flood risk was below average.

Legislative update

Mr. Pelath reported on State Rep. Doug Gutwein's amendment to Department of Natural Resources legislation that would grant SEA 368 authority to the Commission. While final passage of the larger bill was not yet certain, he specifically thanked Rep. Gutwein and the lawmakers for their efforts.

Mr. Pelath also described SB 389, which would remove classes of wetlands from Indiana Department of Environmental Management oversight.

***De minimis* assessment bills**

Mr. Pelath asked that a draft policy pertaining to small Kankakee River Basin assessments of less than two-dollars be withheld from consideration at the present time.

Endangered bat population survey report

The chair recognized Jeremy Sheets of Orbis Environmental to present the results of the Commission's 2020 bat population survey [ATTACHMENT 3].

Floodwater storage evaluations

Mr. Pelath reported that Burke Engineering has been assisting with the evaluation of potential flood storage areas. He also noted that the best opportunities often overlap with NRCS easements, and it must be demonstrated that floodplain reconnection will further NRCS goals for those properties.

OTHER BUSINESS

LaPorte County received a grant for a traveling Smithsonian exhibit of the county's natural water history. Mr. Pelath asked if some of the Commission's historical records could be donated for the exhibit. He said many of the older records are of historic value, but not of current work value. Mr. Pelath also had spoken with his predecessor Jody Melton, who concurred.

Mr. Mueller moved that such records be donated. Mr. Cultice seconded the motion.

MOTION ADOPTED BY VOICE VOTE.

EXECUTIVE DIRECTOR'S REPORT

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

PUBLIC COMMENT

None

NEXT MEETING

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

ADJOURNMENT

The meeting adjourned at 3:36 p.m. CST.

ATTACHMENT 1

EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members
From: Scott D. Pelath, Executive Director
Date: March 2, 2021

With a protracted stream of frigid temperatures and substantial snowfall, the National Weather Service estimated that there was a 17-percent chance of Shelby reaching major flood stage during the current period. Hopefully, a continued, gradual thaw in tandem with channel capacity due to low gage levels will prevent the worst from occurring. A number of conditions have been similar to 2018, however, and we are monitoring the situation closely.

Finance Report

State Budget. The Indiana House has passed its version of the state budget, which contains a recommended a \$28,000 annual increase in our administrative appropriation. The \$36 billion measure now has moved to the Indiana Senate for further consideration.

Revenue. We have received a \$24,400 payment for the November 2020 rent installment on River's Edge Farm, a \$15,000 gage reimbursement from NIPSCO, \$11,153 in state administrative support, and a \$2000 check from Co-Alliance for over \$52,000 in revenue since the last meeting. Our accountant, Stephanie Kuziela, has sent invoices to the counties for their annual administrative support.

Assessments. With permission from the Commission, I have provided data regarding possible adjustments to the state assessment schedule. However, I have sensed some growing reluctance among some lawmakers.

Many issues are already resolvable under the current statute. For instance, a county can adopt any assessment schedule it wants as long as it raises what the state assessments would have raised. A county also has an opportunity to retain dollars for taking that step.

At first, I was skeptical that counties would do this, but now 3 out of 8 counties already are implementing a legal alternative what the state schedule prescribes. For instance, a county could adopt a per-acre rate for commercial properties if they simply pass an ordinance. What did not draw much interest a year ago could be worth reconsideration now.

My point is that the existing option do not necessarily strengthen the legislative case.

Furthermore, what I didn't know until the data was available is that if a state adjustment is not done right, a one-size-fits-all changes in the state schedule could potentially cause funding shifts between counties. That is a problem of a different sort.

The Attorney General's office believes we do as a Commission have an ability to waive the collection of those 2-cent and 25-cent fees on small agricultural parcels. The revenue impact is minor, and they are a potential headache for our partners at the county level. I have this issue on the agenda for next week. I simply would urge that we avoid the slippery slope of being too deep in the assessment appeal business.

Grant Application. I have submitted an application for \$50,000 from the Natural Resources Conservation Service (NRCS) to hydroseed at least ten miles of streambank. If received, the amount would be matched by \$25,000 in budgeted dollars from the Commission. I cannot predict the outcome, but a determination is expected in April.

Regional Conservation Partnership Program (RCP). I have had several preliminary discussions with both NRCS and the Indiana Department of Agriculture about the potential for the formation of a Regional Conservation Partnership. While the specific shape and goals of such a partnership would have to be developed, our adopted work plan and mission make the Commission a strong candidate.

A regional partnership could potentially support the part of our work plan pertaining to floodplain reconnection, erosion, retention, vegetation, and soil health. It could also mean a substantial investment of federal dollars in the basin to match the contributions of the Commission and its partners.

I intend to ask the Technical Advisory Committee to begin evaluating the possibilities of a regional partnership at the committee's next meeting.

Jasper County FEMA Project. As was discussed at the last meeting, due to COVID-related factors, FEMA has been slow in payments to Jasper County. At the same time, under FEMA supervision, the county has a specific timetable for project completion in order to meet the requirements for full federal reimbursement.

Commissioner Walstra, Vince Urbano, and I have discussed the possible need to adjust the timing of Commission support for the project to ensure it is completed under the federal terms.

Yellow River Construction Costs. Cardno is nearing the completion of the bank reconstruction design, and construction cost estimates are still under development. We have budgeted \$700,000 for this year, and we currently have a placeholder expectation of \$2 million for construction. Once the plans are substantially complete, the Indiana Finance

Authority is willing to review the project and consider if full or partial financing options might be available to the Commission.

Recent claims. Below is the current list of claims for river work and administrative expenses requiring either advance or retroactive approval by the Commission:

Claims to be approved as of 3/2/21					
PO.#	DATE	TO	DESCRIPTION	AMOUNT	CHECK.#
17-21	1/15/21	INPRS	1st Jan INPRS	\$143.76	EFT
18-21	1/21/21	IRS	Payroll Taxes	\$1,101.62	EFT
19-21	1/30/2021	Scott Pelath	Payroll 1/16/21-1/31/21	\$4,792.00	EFT
20-21	2/2/21	Ambetter	Health Insurance Feb	\$1,832.89	EFT
21-21	2/4/21	INPRS	2nd Jan INPRS	\$143.76	EFT
22-21	2/5/21	IRS	Payroll Taxes	\$1,101.66	EFT
23-21	2/6/21	Cardno	Inv 306539	\$19,035.53	Check # TBD
24-21	2/15/21	Scott Pelath	Payroll 2/1/21-2/15/21	\$4,792.00	EFT
25-21	2/16/21	IN Dept of Rev	Payroll Taxes	\$178.74	EFT
26-21	2/16/21	IN Dept of Rev	Payroll Taxes	\$386.68	EFT
27-21	2/16/21	American Expres	CC Expenses: Meals, QB, Adobe	\$235.79	EFT
28-21	2/16/21	Kevin Misch Exc	Inv 806367	\$4,900.00	Check # TBD
29-21	2/17/21	INPRS	1st INPRS Feb	\$143.76	EFT
30-21	2/17/21	U.S. Geological	Inv 90871272 Oct-Dec 2020	\$30,975.00	pay online
31-21	2/19/21	IRS	Payroll Taxes	\$1,101.62	EFT
32-21	2/27/21	INPRS	2nd FEB INPRS	\$143.76	EFT
33-21	2/28/21	Scott Pelath	Payroll 2/16/21-2/28/21	\$4,792.00	EFT
34-21	3/1/21	Scott Pelath	Mileage Reimbursement Dec 23-Feb 28	\$369.87	Check # TBD
35-21	3/2/21	NIRPC	Jan & Feb 2021 Accounting Services	\$2,550.00	Check # TBD
36-21	3/2/21	Christopher Burk	Inv 21316	\$7,615.10	Check # TBD
37-21	3/2/21	Cardno	Inv 307897	\$2,292.50	Check # TBD
38-21	3/2/21	Hill Excavating	Inv 13: controlled burn, riprap	\$2,635.00	Check # TBD
39-21	3/2/21	Derflinger & Son	Invoice for Channel Maintenance on Yellow River	\$40,000.00	Check # TBD
40-21	3/2/21	AI Allsop Constru	Inv 2045 Kankakee River Tree Removal	\$13,800.00	Check # TBD
				\$145,063.04	

Other Legislation

With help from Ryan Mueller and the DNR, HB 1395 was amended to extend SEA 368 authority to the Commission. We thought the Commission might have the tool available to it, but a careful reading of the statute confirmed that it only applied to surveyors and drainage boards. If enacted, the provision would allow the Commission to initiate coordinated site visits from regulators.

You may already have read about SB 389, which would remove IDEM from isolated wetland regulation. The proposal has inspired strong on both sides. Since the federal government also has authority over these same wetlands, I anticipate that if the measure passes, it will look different than it does now. Clearly, some lawmakers want to revise

IDEM's authority in some areas, but they're not sure how to use the scalpel yet. The Senate passed it, and the House will consider it next month.

Floodplain Reconnection

Under our retainer agreement with Burke Engineering for Technical Services, they have been helpful in developing a conversation with NRCS regarding floodplain reconnection and flood storage. A number of areas along the Kankakee are recommended for water control structures under our work plan, and for a number of them, no setback flood protection is necessary due to natural elevation. These properties are low-hanging fruit.

The only catch is that many of these same areas already are subject to an NRCS easement. However, the potential exists that our plan could actually enhance some of these easements, and we have engaged in discussions with NRCS about how both of our goals might be met. Some of the barriers are not simple to overcome, but neither are they unthinkable or insurmountable. I have found encouragement in recent communications.

I have asked Burke to develop profiles of some of these area for NRCS to consider in detail. If we can substantiate that one of our water control structure would enhance their easement, we then would be in a position to refine details and seek approvals.

Yellow River project

In recent days, Ross St. Clair from Cardno and I have presented the Yellow River design concepts at public meetings of the Marshall County and Starke County drainage boards. The solicitation of property owner input and cooperation has commenced.

Logjam Management

This past week, Scott Girardi from the Corps of Engineers trained a number of our eligible contractors on compliance with our 10-year logjam management permit.

The Corps and I “test-drove” our communication system prior to the removal of a logjam at the Norfolk Southern bridge at Shelby. Since the logjam was solidly embedded in the sediment, our permit stipulated that we contacted them before beginning work. They responded promptly, and the logjam – which had been there for some time -- was removed within days. The system worked well.

After a break due to weather and ice conditions, Allsop is continuing work in the upper Kankakee north of IN-39. Planned efforts in Porter County are eligible to commence when conditions permit. Likewise, M&K Excavating’s work on the LaSalle Fish and Wildlife Area banks are expected to begin once snow

I submitted to the Corps our expected logjam management work over the course of the present calendar year.

Thayer Farm

Zack DeYoung, manager of the LaSalle Fish and Wildlife Area, and technical staff from the DNR Division of Water are currently working through modeling to determine the optimal water control structure dimensions to promote our shared goals.

Bank Repairs

Newton County. We still need to reseed the access path to last year's bank repair project. I hope to have that task fulfilled by the end of April.

Sumava Resorts. The new Newton County Surveyor, Steve Snell, is requesting an SEA 368 review for the affected sections.

Grand Marsh Park Bank Reconstruction and Stabilization

Once DNR permits are finalized, our partners in Lake County are prepared to move forward with the project. Bill Emerson and I have discussed whether summer conditions would be optimal for beginning the work. The Lake County Drainage Board had already opened sealed bids for the project.

Berm at River's Edge Property Adjacent to the Deardorff Property

After consulting with the relevant regulatory authorities, the berm separating River's Edge Farm from the Deardorff Property is eligible to be repaired as soon as conditions permit. Misch Excavating will complete the work for approximately \$5600.

Bridges

I inquired with Norfolk Southern about the possible future removal of the railroad bridge at Schneider. While they confirmed it is no longer in service, apparently the federal government still regulates it through the Surface Transportation Board, as thus is ineligible for removal. The next step is to learn how it might be removed from federal oversight. I have been in contact with U.S. Sen. Todd Young's office about how to initiate that inquiry.

Traveling Smithsonian Exhibit

With written support from the Commission, LaPorte County has been funded for a traveling Smithsonian exhibit of the county's water history of both Lake Michigan and the Kankakee River.

I have a large archive of old KRBC material that Jody Melton compiled over decades. It is interesting, but since it has been superseded by other sources of information, it is not necessarily useful in day-to-day work. I have discussed donating these materials for the exhibit with both Jody and LaPorte County. I think it is a good idea, but since the archives technically belong to the Commission, I would seek some guidance and approval before doing so.

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.

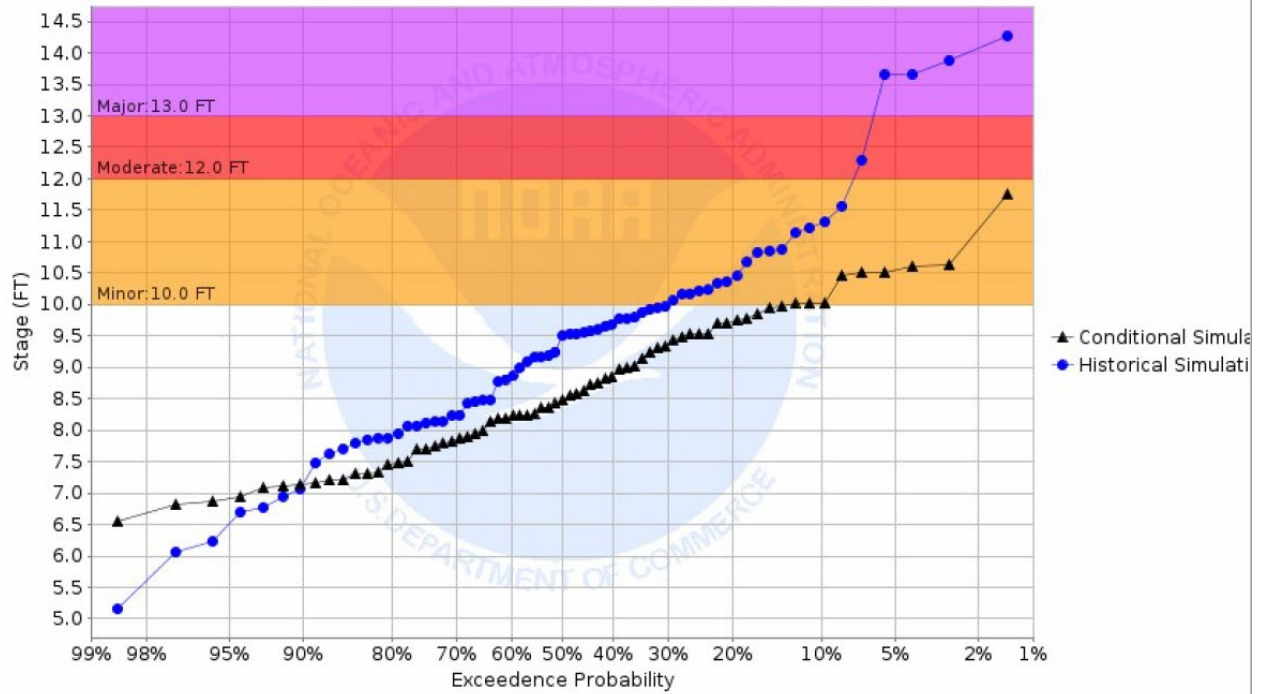
ATTACHMENT 2

▲_{CS} = **Conditional Simulation**

●_{HS} = **Historical Simulation**

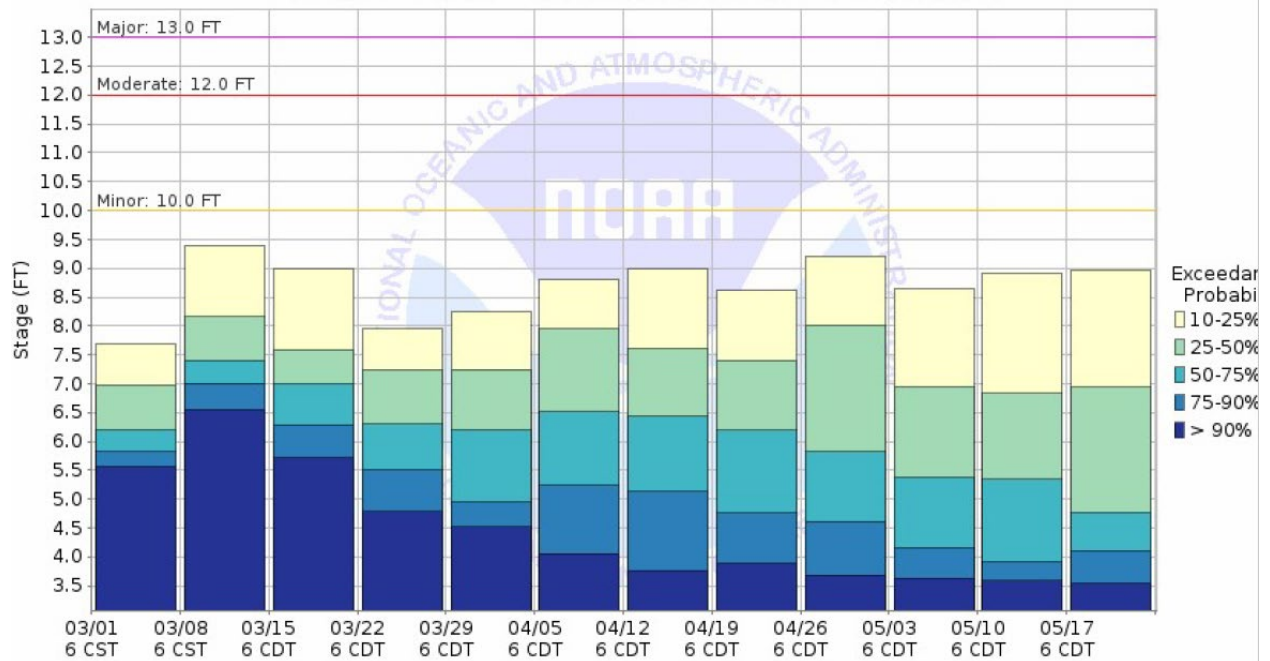
Chance of Exceeding River Stage at Kankakee River at Dunns Bridge (Wheatfield 5NE) (DBRI3)
Forecast for the period 03/01/2021 - 05/30/2021

This is a conditional simulation based on the conditions as of 02/22/2021



Weekly Chance of Exceeding River Stage at Kankakee River at Dunns Bridge (Wheatfield 5NE) (DBRI3)
Forecast for the period 03/01/2021 - 05/30/2021

This is a conditional simulation based on the conditions as of 02/22/2021



ATTACHMENT 3

2020 Kankakee River Acoustic Survey

Porter, Jasper, LaPorte, and Starke Counties, Indiana



Jeremy Sheets and Megan Martin



Introduction

- The two areas were broken into eight 1-kilometer sections
- One detector per section = 8 acoustic sites



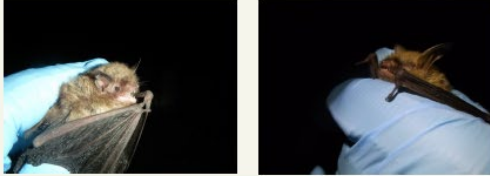
Methods

- Detectors were placed in potential fly-ways resulting in two nights of recordings (16 acoustic-nights)



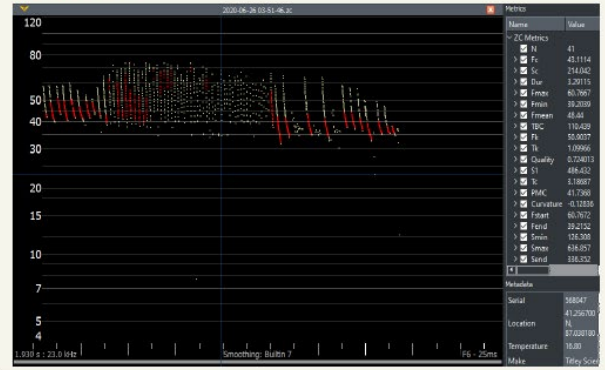
Results

- 3,569 total recordings
- Automated Analyses: 3,252 bat calls, 9 species
 - 32 calls in genus *Myotis*
 - 18 - Little brown bat (State Endangered)
 - 7 - Northern long-eared bat (NLEB, Federally Threatened)
 - 7 - Indiana bat (Federally Endangered)
- Visual Analyses confirmed:
 - Indiana and NLEB at Sites 5 and 6
 - Call at Site 4 was not NLEB but an eastern red bat



orbis

Results



orbis

Results



orbis

Discussion

- Threatened and Endangered (TE) bats are potentially absent from the western section (Clearing can be conducted)
- TE species confirmed in eastern section at sites 5 and 6 (Clearing should only occur Oct 1-March 31)
- State listed species were recorded
 - Little brown bat at sites: 1, 5, 6, and 7
 - Tricolored bat at sites: 1, 2, 3, 4, 5, 6, and 8



orbis



- Ecological Survey, Assessment, Planning, and Training
 - Wildlife Survey, Planning, and Management
 - Cultural Resource Management

Jeremy Sheets
Senior Wildlife Biologist
jsheets@orbisec.com
South Bend, Indiana
574.303.7758

www.orbisec.com