

**MINUTES OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER
BASIN DEVELOPMENT COMMISSION
FRIDAY, OCTOBER 29, 2021
10:00 A.M. CENTRAL/11:00 A.M. EASTERN**

**LAPORTE COUNTY PUBLIC LIBRARY EXCHANGE
THE CLASSROOM, 2ND FLOOR
807 INDIANA AVENUE
LAPORTE, IN 46350**

John McNamara, Chair, called the meeting to order at 10:00 a.m. Central, and the Pledge of Allegiance was recited.

Ann Okeson of the LaPorte County Public Library welcomed the Commission to the new facility.

Mike Novotney, Secretary, called the roll.

Members Present at Roll Call

Craig Cultice	Bill Emerson	John McNamara	Ryan Mueller
Mike Novotney	James Walstra	Dick Welsh	

Members Present via Videoconference

Andrew Wheeler (IL)

Approved Proxies Present

Dan Gumz for Bill Crase

Staff Present

Scott Pelath

Guests Present Physically and via Videoconference

Don Lode	Al Allsop, Jr.	Al Allsop, Sr.	Allen Wehrmann
Jon Stoltz	Ross St. Clair	Bob Barr	Tony Hendricks
Christine Keil	Nicole Messacar	Jennifer Thum	Josh Griffin

Mr. Novotney declared the presence of a quorum.

Approval of minutes from September 19, 2021, meeting

Bill Emerson moved that the minutes be adopted. Craig Cultice seconded the motion.

MOTION ADOPTED

Craig Cultice – Yes
Bill Emerson – Yes
Dan Gumz for Bill Crase – Yes
John McNamara – Yes
Ryan Mueller – Yes
Mike Novotney – Yes
James Walstra – Yes
Dick Welsh – Yes
Andrew Wheeler (IL) – Yes

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. Because new assessment dollars remained to be allocated, he also recommended an amendment to the annual budget to guide the Commission through the remainder of the calendar year [all items contained in the written Executive Director’s Report, ATTACHMENT 1].

After presenting it in detail, Mr. Pelath said adoption of the budget amendment would address several items on the agenda simultaneously.

Ryan Mueller moved that the Commission adopt the proposed budget amendment. Jim Walstra seconded the motion.

MOTION ADOPTED

Craig Cultice – Yes
Bill Emerson – Yes
Dan Gumz for Bill Crase – Yes
John McNamara – Yes
Ryan Mueller – Yes
Mike Novotney – Yes
James Walstra – Yes
Dick Welsh – Yes
Andrew Wheeler (IL) – Yes

Mr. Emerson moved that the Commission approve the finance report and the list of claims. Mr. Cultice seconded the motion.

MOTION ADOPTED

Craig Cultice – Yes
Bill Emerson – Yes
Dan Gumz for Bill Crase – Yes
John McNamara – Yes
Ryan Mueller – Yes
Mike Novotney – Yes
James Walstra – Yes
Dick Welsh – Yes
Andrew Wheeler (IL) – Yes

OLD BUSINESS

Regional Conservation Partnership Program (RCPP)

Mr. Pelath referred the Commission to Technical Advisory Committee Recommendation 8-2021 [ATTACHMENT 2]. He also noted the presence of Jennifer Thum from the Indiana Department of Agriculture and Josh Griffin from the Indiana Department of Natural Resources, who both are working on the state’s application form an RCPP for the Kankakee River Basin.

Mr. Pelath explained the intended goals of the RCPP, which include targeted soil health and surface water management in the larger watershed. Although the Commission committed its planned Yellow River work for FY2022 and 2023 as in-kind match, state officials asked for similar pledges for FY2024, 2025, and 2026.

Mr. Pelath said the recommendation included several caveats, which included 1) that in-kind matches be for work the Commission is planning, anyway; 2) that the Commission will not make a cash match; and 3) there be recognition of possible Yellow River delays caused by flood responses and other emergency, exigent, or immediate needs.

The chair recognized Ms. Thum and Mr. Griffin, who each spoke in support of the recommendation and expressed confidence in their ability to fulfill its stipulations.

Mr. Pelath noted that if approved, the RCPP will take some of his administrative time.

Mr. Emerson moved that the Commission adopt TAC Recommendation 8-2021 and the pledge of additional in-kind match. Mr. Cultice seconded the motion.

MOTION ADOPTED

Craig Cultice – Yes
Bill Emerson – Yes
Dan Gumz for Bill Crase – Yes
John McNamara – Yes
Ryan Mueller – Yes
Mike Novotney – Yes
James Walstra – Yes

Dick Welsh – Yes
Andrew Wheeler (IL) – Yes

Riverbank seeding

Mr. Pelath asked the to allocate an additional \$25,000 in assessment revenue for river bank hydroseeding. He said the additional amount would allow the Commission to seed more barren and eroding banks during the October seeding window.

Dick Welsh moved that \$25,000 in additional funds from the assessment account be allocated to hydroseeding. Mr. Emerson seconded the motion.

MOTION ADOPTED

Craig Cultice – Yes
Bill Emerson – Yes
Dan Gumz for Bill Crase – Yes
John McNamara – Yes
Ryan Mueller – Yes
Mike Novotney – Yes
James Walstra – Yes
Dick Welsh – Yes
Andrew Wheeler (IL) – Yes

Thayer Farm Update

Mr. Pelath said the design for the Thayer Farm transition is complete, and installation of water control structures is expected to commence in 2022 according to LaSalle FWA management.

Logjam Management Planning

Mr. Pelath stated his intention to recommend additional downstream large wood removal in the CY2022 budget. He also reported the intention to maintain some access in preparation for the work.

NEW BUSINESS

Kankakee Fish and Wildlife Area Configuration

Mr. Pelath reported on the Technical Advisory Committee's lengthy discussion regarding the Kankakee FWA configuration. One major issue is the entrance of Yellow River water into the Kankakee River while the former is not a flood stage and the latter is at flood stage. Mr. Pelath said while the local impact is known, the broader impacts are not fully understood.

Mr. Pelath said the issue is addressed within the Commission's work plan.

Ryan Mueller expressed DNR’s willingness to hold higher-level discussions about possible adjustments in the overall physical configuration.

Shady Shores Hydrological Review

Mr. Pelath referred the Commission to Technical Advisory Committee Recommendation 6-2021[ATTACHMENT 3] regarding a study of water flow at Shady Shores and the possible need to remove sediment at the mouth of its bayou.

Mr. Emerson noted that a water control structure does not operate as designed, and that the lack of water flow through the community poses an ongoing problem for its residents. He stated that he supports the study.

Mr. Pelath said that because the hydrological issues and in the area are potentially complex, a technical review is merited.

Mr. Novotney asked if the bayou a regulated drain, and if the water control structures are under county jurisdiction. Mr. Emerson said the inlet structure is under the county, but the outlet structure and mouth of the bayou are on the Commission’s easement.

Mr. Novotney asked that any physical asset investments by the Commission in the area remain in easements under the jurisdiction of the Commission so we can adequately maintain such assets and protect investments made by the Commission.

Mr. Novotney moved that the Commission adopt TAC Recommendation 6-2022 and allow the hydrological study of Shady Shores. Mr. Emerson seconded the motion.

MOTION ADOPTED

- Craig Cultice – Yes
- Bill Emerson – Yes
- Dan Gumz for Bill Crase – Yes
- John McNamara – Yes
- Ryan Mueller – Yes
- Mike Novotney – Yes
- James Walstra – Yes
- Dick Welsh – Yes
- Andrew Wheeler (IL) – Yes

Access Improvements

Mr. Pelath referred the Commission to Technical Advisory Committee Recommendation 7-2021 [ATTACHMENT 4] regarding access improvements.

Mr. Mueller moved that the Commission adopt the recommendation. Dan Gumz seconded the motion for Bill Crase.

MOTION ADOPTED

Craig Cultice – Yes
Bill Emerson – Yes
Dan Gumz for Bill Crase – Yes
John McNamara – Yes
Ryan Mueller – Yes
Mike Novotney – Yes
James Walstra – Yes
Dick Welsh – Yes
Andrew Wheeler (IL) – Yes

Water Control Structure Planning and Design

Mr. Pelath presented Technical Advisory Committee Recommendation 5-2021 pertaining to water control structure planning [ATTACHMENT 5].

Dick Welsh expressed specific concerns regarding the recommendation's inclusion of the DNR's Dick Blythe property in LaPorte County. Given his knowledge of the area, Mr. Welsh stated that it might require costly setback flood protection to manageably serve as storage.

Mr. Pelath suggested that the recommendation could be adopted without the inclusion of the Blythe property. He added that the property still would have to clear several layers of approval and additional evaluation prior to implementation, so floodplain reconnection there was not imminent.

Mr. Novotney suggested that since further analysis, permitting, and approvals were necessary in any circumstances, he believes the recommendation to move forward with water control structure planning was important, and could be adopted with the understanding that any single project's feasibility was yet to be determined as part of the planning process.

Mr. Novotney moved that the Commission adopt TAC Recommendation 5-2021 regarding water control structure planning. Mr. Cultice seconded the motion.

MOTION ADOPTED

Craig Cultice – Yes
Bill Emerson – Yes
Dan Gumz for Bill Crase – Yes
John McNamara – Yes
Ryan Mueller – Yes
Mike Novotney – Yes
James Walstra – Yes
Dick Welsh – Yes
Andrew Wheeler (IL) – Yes

OTHER BUSINESS

The chair noted the good work of the Technical Advisory Committee.

EXECUTIVE DIRECTOR'S REPORT

Mr. Pelath made a presentation regarding Commission projects in 2021 [ATTACHMENT 6].

PUBLIC COMMENT

The chair expressed his amazement at how much work the Commission has accomplished, and told the Commission that they were doing a great job.

Nicole Messacar thanked the Commission for its ongoing support of the River Days education program for regional students.

Allen Wehrmann encouraged the Commission's involvement in Alterra's interstate water supply planning initiatives.

Mr. Cultice remarked that this year the Marshall County Drainage board invested \$104,000 to mitigate Yellow River logjams, and combined with Commission projects, over \$750,000 was invested in the Yellow River in Marshall County this year. He remarked that such focus was unprecedented.

NEXT MEETING

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

ADJOURNMENT

The meeting adjourned at 11:34 a.m. Central.

ATTACHMENT 1

EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members
From: Scott D. Pelath, Executive Director
Date: October 27, 2021

There has been a whirlwind of activity since the last meeting, so there is much to cover.

Finance Report

Balances. As of October 26, we have \$866,048 in our non-assessment operating fund. In our assessment account, our cash-on-hand is \$1,276,009. Major recent payments include the Yellow River project and the remainder of the Lake County bank reconstruction.

Assessments. I continue to project our December assessment revenue will be substantially smaller than the July distributions – somewhere around \$900,000. Lake and Porter County have paid in full, and except for Marshall County, the remaining counties collected all of the smaller assessments in June. Marshall County officials are especially detailed in following the statute, but I told them if it's more convenient to adopt the practices of the other counties, they will not have any complaint from us.

I am reaching out to Porter County's municipal stormwater districts regarding their integration with the Porter County Council's ordinance, and I intend to fully revisit Newton County's numbers with the new surveyor, Beau Watkins, in preparation for next year. If trends continue, it looks like an annual trend of \$2.7-\$2.8 million per year, which is not wildly off from the original state estimates.

Other Revenue. I have submitted a voucher to the State Budget Agency for our quarterly administrative distribution of \$13,121. We received a \$15,000 gage reimbursement from NIPSCO, which was credited back to the assessment account.

Yellow River Construction. Construction invoices have totaled a little over \$200,000 at this point. Cardno makes a recommendation for payment along with the submission of any claim. Because of cashflow considerations, I still plan to fund the Starke County section of the current project with funds from the June 2022 assessment. This should allow us sufficient flexibility to complete the project, continue with other projects, and maintain flexibility for emergencies.

Jasper County FEMA project. The feared cash flow issues have arrived. FEMA is again slow to pay, and to make matters worse, they took back an alleged overpayment. Finally, they declined to cover a vital access road for the project – a cost of about \$57,000.

After meeting with Jim Walstra and Vince Urbano, I am going to recommend that we “frontload” our reimbursement to Jasper County by paying the full 2028 and 2029 obligations this year. This would provide them with \$180,000 in extra dollars to complete the work by FEMA’s deadlines while also reducing the length of our reimbursement schedule. The worst outcome would be to lose federal reimbursement because of insufficient cash to finish the project as designed and permitted.

Assessment Budget Amendment/Winter Work. Because we intentionally underbudgeted our assessment revenue for the current year, I am going to recommend we budget some smaller scale projects suitable for late fall and winter.

The proposal below is made with the knowledge that it includes *none* of the December draw of assessment dollars, and still leaves an unbudgeted surplus of over \$84,000. Furthermore, it is highly unlikely that all or even most the budgeted items would be fully expended before January. Budgeting is not the same as spending, of course. Still, a more thorough, short-term budget will help with planning.

Cash Balance as of October 25	1,276,009.15
NIPSCO Reimbursement	15,063.00
TOTAL:	1,291,072.15
Yellow River Reconstruction - Marshall*	482,038.09
Jasper County Early Local Match Payments	180,000.00
Large Wood Removal US 30 to US 35	126,500.00
Channel Maintenance****	50,000.00
Bremen Bank Reconstruction	50,000.00
Sediment Trap Maintenance at US 6***	50,000.00
Technical Services*	44,302.50
Grand Marsh Park Bank Repair and Access*****	37,180.43
Yellow River Logjams (50%)	35,200.00
Hydroseeding****	36,845.00
River Gages*	31,997.00
FWA Repair Hauling	25,000.00
Access Mowing and Clearing	25,000.00
Sumava Resorts Repairs	20,000.00
Jensen Ditch Culverts near US 35	13,000.00
Yellow River Phase II Design and Permitting**	-
TOTAL OUTLAY:	1,207,063.02
SURPLUS:	84,009.13
* Remaining funds in current budget	
** Funding postponed to 2022 budget	
*** Contingent on permitting	
**** Augmented from current budget	
*****Reduced from current budget	

Recent claims. The following list shows claims for river work and administrative expenses requiring either advance or retroactive approval by the Commission.

Claims to be approved at October meeting

PO #	DATE	TO	DESCRIPTION	AMOUNT	CHECK #	Bank Account	
136-21	10/7/2021	Austgen Equipment, Inc	Inv 41900 Streambank Restoration 1/2	\$41,252.62	1598	General Bank Account	Checks run 10/7/21
137-21	10/7/2021	Austgen Equipment, Inc	Inv 41900 Streambank Restoration 2/2	\$41,252.63	2006	Special Assessment	
138-21	10/7/2021	Cardno	Inv 316642 Up to 7/30/21	\$3,793.40	2007	Special Assessment	
139-21	10/7/2021	Cardno	Inv 320013 Upto 9/24/21	\$8,153.34	2007	Special Assessment	
140-21	10/7/2021	Delta III	Logjam removal	\$4,900.00	2008	Special Assessment	
141-21	10/7/2021	Dirt Works Excavating	Logjam removal	\$2,550.00	2009	Special Assessment	
142-21	10/7/2021	The Stanger Group, Inc.	Inv 1250 Tree removal, grading, riprapp	\$171,102.67	2010	Special Assessment	
143-21	8/31/2021	Scott Pelath	Payroll August 16-31, 2021	\$3,603.06	ACH	General Bank Account	
144-21	8/31/2021	INPRS	INPRS 2nd August	\$221.03	ACH	General Bank Account	
145-21	9/1/2021	Ambetter	Health Insurance	\$1,832.89	ACH	General Bank Account	
146-21	9/13/2021	American Express	CC Purchases	\$395.42	ACH	General Bank Account	
147-21	9/15/2021	Scott Pelath	Payroll Sept 1-15, 2021	\$3,603.04	ACH	General Bank Account	
148-21	9/15/2021	INPRS	INPRS 1st Sept	\$221.03	ACH	General Bank Account	
149-21	9/22/2021	IRS	Taxes 1st half Sept	\$1,101.66	ACH	General Bank Account	
150-21	9/30/2021	Scott Pelath	Payroll Sept 16-30,2021	\$3,603.06	ACH	General Bank Account	
151-21	9/30/2021	INPRS	INPRS 2nd Sept	\$221.03	ACH	General Bank Account	
152-21	10/1/2021	Ambetter	Health Insurance	\$1,832.89	ACH	General Bank Account	
153-21	10/5/2021	IRS	Taxes 2nd half Sept	\$1,101.62	ACH	General Bank Account	
154-21	10/13/2021	American Express	CC Purchases	\$260.15	ACH	General Bank Account	
155-21	10/15/2021	Scott Pelath	payroll Oct 1-15, 2021	\$3,603.04	ACH	General Bank Account	
156-21	10/15/2021	INPRS	INPRS 1st Oct	\$221.03	ACH	General Bank Account	
157-21	10/20/2021	Indiana Department of Re	Sept Payroll Taxes	\$386.68	ACH	General Bank Account	
158-21	10/20/2021	IRS	Taxes 1st half October	\$1,101.66	ACH	General Bank Account	
159-21	10/21/2021	Stanger Group	Inv 1255 Erosion & sediment control	\$168,164.77		Special Assessment	
160-21	10/22/2021	Dirt Works Excavating	June Invoice	\$4,500.00	online	Special Assessment	
161-21	10/25/2021	USGS	Invoice 90921021	\$30,975.00	online	Special Assessment	
162-21	10/25/2021	Austgen Equipment, Inc	Invoice 41745-1	\$45,241.35		50-50 Gen & Special	
163-21	10/25/2021	Austgen Equipment, Inc	Invoice 41900-1	\$14,559.75		Special Assessment	
164-21	10/25/2021	Hill Excavating	Inv 89 Hydroseeding	\$61,845.00		25K General 36,845 Spec	
165-21	10/25/2021	Hill Excavating	Inv 75 logjam log removal	\$70,400.00		50-50 Gen & Special	
166-21	10/25/2021	Scott Pelath	Mileage Reimbursement 9/17/21-10/22/21	\$543.05		General Bank Account	
167-21	10/26/2021	INPRS	INPRS 2nd Oct	\$221.03	ACH	General Bank Account	
168-21	10/27/2021	Northwest Indiana Paddli	Sponsorship	\$300.00		General Bank Account	
169-21	10/27/2021	NIRPC	August, September & October Accounting Svcs	\$3,825.00		General Bank Account	
				\$696,888.90			

Yellow River project

You have received regular updates from me on the progress of the Yellow River bank reconstruction. I could not be more pleased with the results to this point. Banks have been

regraded, stabilizing vegetation is taking root, and enhanced riffle is directed streamflow away from the banks.

Work was ahead of schedule until precipitation raised the water level over a foot. Since then, the schedule has been more contingent on water conditions.

Stabilization of the 45-foot sand bank remains the project's greatest challenge, but Cardno and The Stanger Group have found solutions. The final stage of construction will be stabilization of sizable gully immediately upstream from the project site.

Whenever convenient, I urge members to view the project for themselves. I'll be happy to meet anyone there.

Yellow River Basin Reconstruction – Bremen

The Marshall County SWCD has now received all necessary permits, and they are in the process of soliciting construction bids. I have included the cost estimate for our share of the project in the budget amendment.

Logjam Management

Allsop removed a significant number of fallen trees in the Yellow River through the Kankakee FWA. Hill Excavating in Starke County and Mint City in Marshall County have cut-up sizable logjams and open the streamflow. Special ongoing thanks go to the Marshall County Drainage Board for their funding of work upstream of Plymouth.

With Allsop, I have started marking trees for removal in order to reduce the potential for misunderstandings. His team soon is expected to finish the stretch between the mouth of the Robbins Ditch and US 30. Continuation to the area between US 30 and US 35 is contingent upon funding.

Delta-3 removed a sizable logjam near 1200 South in LaPorte County, and they are making plans to remove some sizable ones near US 421. Norfolk Southern cleared their bridge upstream of the Dehaan Ditch, and Misch cleared the railroad bridge at Shelby again.

For next year, I hope to budget for a substantial large wood removal project further downstream.

Hydroseeding

Hill Excavating just completed fall hydroseeding operations over seven miles of banks. I have regularly shared their progress, locations, and details of the seeding method.

As we refine the method of seeding from the channel, the potential for controlling erosion, improving water quality, stabilizing banks, a preventing repair costs at an affordable rate is

immense. We still will have to monitor results, but larger-scale hydroseeding could become one of our wiser investments in watershed.

The next seeding window will arrive in April. It will be worthwhile to seize the opportunity before invasive species begin their growth cycles.

Thayer Farm Transition

Zack DeYoung at the LaSalle FWA reported to the Technical Advisory Committee that he expects to install water control structures at the Thayer Farm in 2022. If plans remain on schedule, this will be our first sizable floodwater storage development.

Other Floodwater Storage Development

The Technical Advisory Committee recommended that the Commission proceed with the design and permitting of three improved water control structures. Each lies on public property or NRCS easements that should already be holding significant floodwater. NRCS intends to review two reports prepared by Burke Engineering that new water control structures would benefit the easements. In one case, the water on the landward side is the best defense against a problematic and difficult-to-repair streambank.

Sumava Resorts

I have two of the three permits necessary to repair approximately 250 non-contiguous feet of bank at Sumava Resorts. In this case, landowner cooperation is probably the identifiable hurdle. Many of the residential structures there are on or very near the easement.

Shady Shores

Some members of the community have requested that the Commission dredge the mouth of their bayou, which runs through the entire community. When the river drops below seven feet, the bayou becomes stagnate as it is cut-off from the river.

The dilemma is that the water control structure to let water *out* of the bayou does not function. The residents there reportedly have never opened it since it was first installed.

My observation is that standing water is a potential health hazard, but if the water goes in, it has to re-enter the channel somewhere. Otherwise, the Kankakee will continue to drop sediment as soon as it slows into the bayou. It might, anyway.

The Technical Advisory Committee's recommendation is that given the delicate nature of the situation and the resident's close proximity to it, we should obtain some technical guidance. Despite any impulses to help, this is a situation we can't inadvertently make worse. Lasting disputes over the water control structure also require some conclusive resolution.

Regional Conservation Partnership Program (RCPP)

As approved by the Commission, we have committed over \$2 million in in-kind match to support the Indiana Department of Agriculture's application to form a Regional Conservation Partnership for the Kankakee River Basin.

The Department asked the Technical Advisory Committee for an additional \$1 million in annual in-kind commitments for an additional three years of Yellow River work. They stated they are pursuing the maximum national investment targeted toward the Kankakee basin.

The general Committee consensus was that it was worthwhile as long as we're merely committing work that we're doing, anyway. However -- and I have made this point to the Department -- the Commission will, under no circumstances, make an involuntary cash contribution or be held to account if project spending falls short in a given year.

The Department has answered that we should be unconcerned about the necessity of either. Apparently, reductions in in-kind matches are common, and the worst outcome is that fewer federal dollars are available under the RCPP.

Before the Commission makes a decision, I expect that continued assurance is desired.

An approved RCPP application will, without question, create additional administrative tasks. The in-kind contributions require accounting. On the other hand, a seat at the table for NRCS planning is potentially of value. They typically have a lot of confidentiality restrictions, and an RCPP would involve us more on the front end of decisions.

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 meeting in LaPorte, I welcome any issues I can resolve in advance.

ATTACHMENT 2

RECOMMENDATION 8-2021

To: Kankakee River Basin and Yellow River Basin Development Commission
From: Technical Advisory Committee (TAC)
Subject: Regional Conservation Partnership Program (RCPP)
Date: September 10, 2021

DESCRIPTION: The Indiana Department of Agriculture (“the Department”) intends to apply for Regional Conservation Partnership (RCPP) funding through the Natural Resources Conservation Service (NRCS). With up to \$20 million in federal funding, the Department intends to lead a regional conservation effort focused through various soil health and water management practices. According to the Department, approximately 70-percent of the funding will be targeted at landowner programs and incentives.

The partnership’s goals are to mitigate excess water, to improve water quality, and build community involvement in the conservation and wise use of natural resources.

LOCATION: The Kankakee River Basin in Indiana excluding the Iroquois River Basin

ISSUES: Federal funding under RCPP requires a match of state in-kind and cash contributions. The level of match commitments directly affects the amount of federal dollars available for RCPP programming in the Kankakee watershed.

The Commission already has committed its planned Yellow River streambank reconstruction as in-kind match for federal RCPP conservation dollars. The value of the work for Fiscal Years 2022 and 2023 exceeds \$2 million.

Jennifer Thum, a senior Department official, publicly requested that the Technical Advisory Committee recommend additional, in-kind matches of \$1 million in annual Yellow River work in Fiscal Years 2024, 2025, and 2026. She reported that the additional matches would substantially increase the NRCS’s level of investment throughout the region.

The Commission’s Executive Director noted that while Yellow River reconstruction is a top Commission priority, specific amounts of match have not yet been designated or permitted beyond Calendar Year 2022. The Director also expressed that the Commission was unlikely to consider direct cash matches, and that consideration must be given to contingencies, emergencies, and unforeseen demands on resources.

The Department has assured that in-kind pledges are not expected to be exact, and variations between in-kind pledges and actual in-kind expenditures are typical.

RECOMMENDATION: The Technical Advisory Committee recognizes the value of the planned RCPP for the Kankakee River Basin, supports its goals, and in particular lauds its potential to reduce sediment entering the Kankakee and Yellow Rivers. The Committee also acknowledges the vital importance the State of Indiana’s support of the Commission’s mission.

The Committee recommends that the value of any Commission work performed on the Yellow River through Fiscal Year 2026 be pledged as in-kind match for the RCPP. The Committee also recommends that planned water quality projects like bank hydroseeding also be contributed as in-kind match.

However, given the concurrent priorities within the Commission’s work plan, the Committee also recommends that:

- 1) The value of in-kind match for the RCPP not exceed \$1 million in any given year;
- 2) Pledges should include only in-kind contributions of work funded by the Commission; and
- 3) The Commission stipulate to the Department that an in-kind pledge in any given year may be reduced for unavoidable reasons such as:
 - a. flood emergencies;
 - b. repair of breaches or impending breaches;
 - c. reduction of the scope of Yellow River projects due to labor and construction costs;
 - d. rejections or delays of regulatory permits from IDEM, DNR, or USACE;
 - e. statutory changes affecting the Commission; and
 - f. interruptions or delays in the Commission’s expected revenue.

ADOPTED BY COMMITTEE 9/10/2021

ATTACHMENT 3

RECOMMENDATION 6-2021

To: Kankakee River Basin and Yellow River Basin Development Commission
From: Technical Advisory Committee (TAC)
Subject: Shady Shores water conditions
Date: September 10, 2021

DESCRIPTION: Shady Shores, an unincorporated community in Lake County, lies adjacent to the Kankakee River. Through the residential area is a constructed bayou connected to the river by its opening to the east and a non-operational water control structure to the west.

LOCATION: Lake County

ISSUES: The bayou’s opening is blocked with sediment, and water does not flow into it at local gage levels of less than 7’. Water trapped within the bayou then becomes stagnated, posing a potential health hazard to local residents.

Furthermore, a control structure that would allow water and sediment to flow through the area and re-enter the Kankakee is non-operational, either through vandalism or fears of its effects.

Local residents have requested the removal of sediment at the mouth of the bayou. However, without an effective way to ensure flow through the area, the success of any removal may be short-lived.

RECOMMENDATION: The Committee recommends that Commission sanction a hydrological review of the community to develop a lasting solution for safe water flow at Shady Shores. The study is urged to consider the value of sediment removal and the optimal operation of the existing water control structure.

ADOPTED BY COMMITTEE 9/10/2021

ATTACHMENT 4

RECOMMENDATION 7-2021

To: Kankakee River Basin and Yellow River Basin Development Commission
From: Technical Advisory Committee (TAC)
Subject: Access Improvement
Date: September 10, 2021

DESCRIPTION: The Director has received several requests for mowing or access clearing along the Kankakee River. Sufficient access to the channel is essential for safely managing logjams, maintaining bank stability, implementing erosion control efforts, and making basic repairs.

LOCATIONS:

LAKE COUNTY – Mowing and 1-2” tree cutting from the Norfolk Southern Railroad Bridge to the Isaac Walton League Property; approximately 1.5 miles

LAPORTE COUNTY – Mowing and small tree cutting from U.S. 35 downstream to the end of DNR property; approximately 0.6 miles

LAPORTE COUNTY – Clearing atop bank from a line extending from a line extending from the end of 1650 South upstream to 1500 South, approximately 1.5 miles

PORTER COUNTY – Approximately 1.5 miles beyond previously approved access improvement work

ISSUES: Maintenance of access and the cost-contained establishment of new access atop the banks of the Kankakee provides lasting value beyond the initial cost of the work. If tree removal atop the bank is necessary, work would be limited to the periods between October 1 and March 31 outside of endangered bat roosting season. Any access creation that would entail crossing a regulated wetland would require approval from the appropriate federal and state agencies.

RECOMMENDATION: Subject to the budgetary limitations of the Commission, the Committee recommends that Commission make reasonable funds available for this access maintenance and creation, provided that work 1) does not require extensive permitting and 2) is not wider than is necessary to safely accommodate work vehicles and heavy equipment.

ADOPTED BY COMMITTEE 9/10/2021

ATTACHMENT 5

RECOMMENDATION 5-2021

To: Kankakee River Basin and Yellow River Basin Development Commission
From: Technical Advisory Committee (TAC)
Subject: Water control structure planning
Date: September 10, 2021

DESCRIPTION: The Director has identified properties already connected to the Kankakee River that could provide timelier and more effective floodwater storage during flood events. Each property is already enrolled in a wetland program or serves a conservation purpose. Furthermore, they have in common water control structures that either are insufficient or less than optimal for connecting the Kankakee River to manageable sections of its floodplain.

LOCATIONS:

- 1) NEWTON COUNTY – 200+ acre parcel upstream of the DeHaan Ditch owned by Swamped LLC; property enrolled in permanent NRCS easement

- 2) JASPER COUNTY – Aukiki Wetland Conservation Area, a 300+ acre area managed by the Jasper-Pulaski Fish and Wildlife Area

- 3) LAPORTE COUNTY – Dick Blythe Area, a 175+ acre wetland conservation area under Kankakee Fish and Wildlife Area management; property enrolled in permanent NRCS easement

ISSUES: With improved water control structures, each of the properties could absorb more floodwater during a flood event. The properties already provide some floodwater storage, but the amounts are less than the properties could manageably hold.

In each case, analysis to this point shows that none would require any setback flood protection improvements. Furthermore, two are public properties – which are legally expected to absorb floodwater ahead of private properties -- and none would have any acquisition costs. In the case of the Newton County property, increased water pressure from the landward side would be vital for preserving a failing bank and avoiding further costly repairs in that area.

RECOMMENDATION: The properties rank high in the Commission’s criteria for floodplain reconnection. Although two have existing NRCS easements, none carry costs for acquisition or setback flood protection.

The Committee recommends that the Commission pursue agreements with NRCS, the Department of Natural Resources, and landowners for more effective water control structures at these properties. Furthermore, the Committee urges the Commission to make funds available for design, permitting, hydrological modeling, and construction.

ADOPTED BY COMMITTEE 9/10/2021

ATTACHMENT 6

BASIN DEVELOPMENT
COMMISSION UPDATE

KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT
COMMISSION, OCTOBER 29, 2021

GRAND KANKAKEE MARSH
COUNTY PARK

BANK CONDITIONS "BEFORE"
March, 2021




March, 2021



March, 2021



August, 2021



August, 2021



August, 2021



August, 2021



Channel View, October 2021



YELLOW RIVER BANK RECONSTRUCTION

DRONE FOOTAGE, DECEMBER 2020
Courtesy of Porter County Stormwater



Facing East, October 8, 2021



Facing East, October 29, 2021
Following 4' increase



OBSERVATIONS SO FAR

- Close teamwork between designer and contractor brings value and savings
- The amount of added channel capacity may have been undersold
- Toe wood works, but its utility on a project merits case-by-case evaluation
- On-site rock probably should be planned for as a supplement rather than a primary source
- Property owner preferences require careful consideration
- Enhanced rifle immediately and effectively protects the banks from erosion
- Erosion mats and seeding yield quick results

HYDROSEEDING

Hydroseeding Areas



Typical Seeding Target



Typical Seeding Target



Hydroseeding Process



Early Growth (10-14 days)



Observations So Far

- ▶ Seeding from the channel markedly increases efficiency and conservation of material
- ▶ Speed and observability are substantially improved
- ▶ Seeding at low gage levels allows stabilization of more surface area
- ▶ Rapid change in river depth due to precipitation is an inherent factor
- ▶ First growth takes about 10 days in mild weather
- ▶ Results should be fully assessed in Spring, Summer, and Fall 2022