

**MINUTES OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER  
BASIN DEVELOPMENT COMMISSION**

**THURSDAY, MARCH 31, 2022  
9:30 A.M. CST/10:30 A.M. EST**

**LAPORTE COUNTY SOIL AND WATER CONSERVATION DISTRICT  
2857 WEST STATE ROAD 2, SUITE B  
LAPORTE, IN 46350**

**FOR MEMBERS PARTICIPATING ELECTRONICALLY  
JOIN MEETING FROM COMPUTER, TABLET OR SMARTPHONE AT  
[HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/319606517](https://global.gotomeeting.com/join/319606517)  
DIAL IN USING PHONE AT (646) 749-3122, ACCESS CODE: 319-606-517**

John McNamara, Chair, called the meeting to order at 9:30 a.m. Central, and the Pledge of Allegiance was recited.

Mike Novotney, Secretary, called the roll.

*Members Present at Roll Call*

Bill Crase	Bill Emerson	John McNamara	Ryan Mueller
Mike Novotney	Dick Welsh		

*Members Present via Videoconference*

Rob Churchill	Craig Cultice	Jim Walstra
---------------	---------------	-------------

*Staff Present*

Scott Pelath

*Guests Present Physically and via Videoconference*

Donald Lode	Derek Daube	Jack Ryan	Renee Allsop
Jacob Tosch	Stephen Bowers	Michael Herrman	John Richardson
Adam Bales	Allan Cameron	Christine Keil	Grant Poole
Jen Birchfield	Jeremy Sheets	Jim Sweeney	Jodie Overmyer
Joe Haney	Julie Mitrisin	Julie Morris	Kevin Breitzke
Michael Stone	Charlie Dewes		

Mr. Novotney declared the presence of a quorum.

### **Approval of minutes from January 21, 2022, meeting**

*Mr. Novotney moved that the minutes be adopted. Bill Emerson seconded the motion.*

MOTION ADOPTED.

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes  
Bill Emerson – Yes  
John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – 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. A written report was contained within his Executive Director's Report [ATTACHMENT 1].

*Ryan Mueller moved that the Commission approve finance report and the claims list. Bill Crase seconded the motion.*

MOTION ADOPTED.

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes  
Bill Emerson – Yes  
John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – Yes

### **Recognition**

The chair recognized State Rep. Jim Pressel. Rep. Pressel expressed his appreciation for the work of the Commission, and the chair thanked Rep. Pressel for his ongoing assistance and support of the Commission's work. Mr. Emerson also expressed his appreciation to Rep. Pressel.

## **OLD BUSINESS**

### **Water control structure at Aukiki WCA in Jasper County**

The chair recognized Charlie Dewes from Burke Engineering to update the Commission on the design of the new water control structure at the Aukiki Wetland Conservation Area.

Mr. Dewes said the existing structure does not function, and Burke has developed a preliminary design of a new structure to allow floodwater to enter the levee complex within the property. He said there would be no adverse impact to surrounding areas. He reported that it is an ideal candidate for this type of flood storage project given that there are no setback protection needs.

### **Yellow River Bank Reconstruction, Phase II (*TAC Rec. 1-2022*)**

Mr. Pelath presented Technical Advisory Committee (TAC) Recommendation 1-2022 [ATTACHMENT 2] regarding Phase II site selection of Yellow River bank reconstruction.

Mr. Crase endorsed the recommended selection. The chair noted that future designs would include two severable options that could be constructed in a manner consistent with the Commission's cash management.

*Mr. Crase moved the Commission adopt TAC Recommendation 1-2022. Dick Welsh seconded the motion.*

MOTION ADOPTED.

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes  
Bill Emerson – Yes  
John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – Yes

### **Thayer Farm transition**

Mr. Pelath noted that construction of DNR's planned water control structures is expected to commence in the late spring.

### **Downstream logjam management**

Mr. Pelath reported that Delta III has been removing large, woody debris downstream of Lake County's Clay Street bridge. He also noted the cost value of trusted contractors conducting logjam management for a flat, daily rate.

## **Regional Conservation Partnership Program update**

Mr. Pelath reported that the Indiana Department of Agriculture has submitted its program funding application, but that Natural Resources Conservation Service consideration was not expected for several months.

## **Shady Shores hydrological review**

Mr. Pelath reported that Burke Engineering completed a hydrological review of the Shady Shores subdivision. The report has been shared with Lake County for consideration in its management of water control structures within the community.

Mr. Pelath noted the report's suggestions for resolving ongoing sediment deposits at the mouth of the Shady Shores' bayou, but that the project would have to be considered separately. He expressed his preference for a sustainable solution.

## **NEW BUSINESS**

### **Flood Response/Flood Resilience Plans (*TAC Rec. 4-2022*)**

Mr. Pelath presented TAC Recommendation 4-2022 [ATTACHMENT 3] pertaining to the development and funding for a formal flood response and flood resilience plan for the Commission's jurisdiction. He also reported that the U.S. Army Corps of Engineers expressed willing to fund and lead the plan development.

*Mr. Crase moved that the Commission adopt TAC Recommendation 4-2022. Mr. Emerson seconded the motion.*

### **MOTION ADOPTED.**

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes  
Bill Emerson – Yes  
John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – Yes

### **Shahfer Generating Station property transition (*TAC Rec. 3-2022*)**

Mr. Pelath presented TAC Recommendation 3-2022 regarding the pursuit of private grant funding to floodwater storage design work at NIPSCO's Shahfer Generating Station. [ATTACHMENT 4].

John Richardson from Cardno also noted that Ducks Unlimited is also involved in the project and may have a different design concept.

*Mr. Emerson moved that the Commission adopt TAC Recommendation 3-2022. Mr. Welsh seconded the motion.*

MOTION ADOPTED.

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes  
Bill Emerson – Yes  
John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – Yes

**Kankakee FWA spillway (TAC Rec. 2-2022)**

Mr. Pelath presented TAC Recommendation 2-2022 urging maintenance of the drive-through spillway at the Kankakee Fish and Wildlife Area [ATTACHMENT 5].

*Mr. Crase moved that the Commission adopt TAC Recommendation 2-2022. Mr. Mueller seconded the motion.*

MOTION ADOPTED.

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes  
Bill Emerson – Yes  
John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – Yes

**Sediment management (TAC Rec. 5-2022)**

Mr. Pelath presented TAC Recommendation 5-2022 regarding sediment trap maintenance and construction [ATTACHMENT 6].

*Mr. Crase moved adopt TAC Recommendation 5-2022. Mr. Welsh seconded the motion.*

MOTION ADOPTED.

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes

Bill Emerson – Yes  
John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – Yes

### **Yellow River logjam management (TAC 6-2022)**

Mr. Pelath presented TAC Recommendation 6-2022 urging that Yellow River logjam management sections be subdivided and rebid. [ATTACHMENT 7].

*Mr. Mueller moved that the Commission adopt TAC Recommendation 6-2022. Mr. Emerson seconded the motion.*

MOTION ADOPTED.

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes  
Bill Emerson – Yes  
John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – Yes

### **Spring hydroseeding/invasive species control**

Mr. Pelath noted that the Commission will be hydroseeding a number of selected banks before May 31.

### **OTHER BUSINESS**

Mr. Crase asked the Commission to authorize the purchase of a drone for the Commission, and to provide necessary funds for both the drone and for Mr. Pelath to acquire the necessary training. He believed the drone would be highly useful for both river condition reconnaissance and project monitoring.

*Mr. Mueller moved that the Commission authorize the expenditure of up to \$2,000 for a drone and necessary training and licensing. Mr. Crase seconded the motion.*

MOTION ADOPTED

Rob Churchill – Yes  
Bill Crase -- Yes  
Craig Cultice – Yes  
Bill Emerson – Yes

John McNamara – Yes  
Ryan Mueller – Yes  
Mike Novotney – Yes  
Jim Walstra -- Yes  
Dick Welsh – Yes

## **EXECUTIVE DIRECTOR’S REPORT**

In addition to his written report, Mr. Pelath made a Power Point presentation to the Commission and the viewing public [ATTACHMENT 8].

## **PUBLIC COMMENT**

Stephen Bowers asked if the drive-through spillway at the Kankakee Fish and Wildlife Area could simply be raised. Mr. Pelath said that would be a more expensive project, and at the moment restoration to its original function is more feasible. Mr. Pelath also added that the project is one piece of a potentially more holistic adjustment to the property’s physical configuration.

## **NEXT MEETING**

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

## **ADJOURNMENT**

The meeting adjourned at 10:41 a.m. Central.

## ATTACHMENT 1

### EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members  
From: Scott D. Pelath, Executive Director  
Date: March 29, 2022

---

With the arrival of Spring, I am pleased to report that a number of 2022 projects are already underway.

#### **Finance Report**

**Balances.** As of the date of this report, we have a balance of \$720,060 in our non-assessment account and \$1,010,787 in our assessment account. However, I expect the latter figure to drop just under \$1 million once several other recent claims clear the bank.

**Assessments.** Over the past several weeks, I have worked with several counties on assessment details.

Newton County officials have put a lot of work into resolving last year's disparities, and I believe they've succeeded. I really credit the county auditor and the drainage board secretary for the energy they dedicated to it.

Because the Porter County Council's funding resolution only pertained to the unincorporated areas of Porter County, two Porter County conservancy districts have opted to make direct payments to the Commission. Valparaiso Area Lakes already has sent an approximately \$9000 check. Parcels in the other municipal stormwater districts will be subject to the assessment as defined in the statute.

Marshall County had been splitting the residential assessments between the two tax bills, but now will place it on the April bill as done in other counties.

For these reasons, I expect the overall revenue picture to be improved from last year. It will not be a budget-altering difference, but it should relieve a few pressures heading into next year.

**Other Revenue.** Last November's rent payment for the River's Edge Farm was received and deposited in the amount of \$24,400. We also received a \$15,000 reimbursement from NIPSCO and our quarterly \$13,000 distribution from the state. Jasper



and Lake Counties have remitted their shares of administrative support early, but I already have invoiced the other seven for the year.

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

CLAIMS LIST FOR MARCH 31, 2022 MEETING						
PO #	DATE	TO	DESCRIPTION	AMOUNT	CHECK #	Bank Account
19-22	03/09/2022	Allsop Excavating	Invoice #2250 logjam management Section F	\$ 45,000.00	2030	Special Assessment
20-22	01/24/2022	Allsop Excavating	Invoice #2226 logjam management Section E	\$ 19,000.00	2030	Special Assessment
21-22	02/02/2022	Cardno, Inc.	Inv 326590 Project #J216138800	\$ 7,289.00	2031	Special Assessment
22-22	01/11/2022	Christopher B Burke Engineering, LLC	Invoice #24235 technical services	\$ 1,644.00	2032	Special Assessment
23-22	02/08/2022	Christopher B Burke Engineering, LLC	Invoice #24529 technical services	\$ 3,978.50	2032	Special Assessment
24-22	02/08/2022	Christopher B Burke Engineering, LLC	Invoice #24528 technical services	\$ 4,960.60	2032	Special Assessment
25-22	3/14/2022	Christopher B Burke Engineering, LLC	Inv 24896 Misc Tech support Jan 30-Feb 26	\$ 443.25	2032	Special Assessment
26-22	3/14/2022	Christopher B Burke Engineering, LLC	Inv 24897 Aukiki Controlled Breach Design Jan 30-Feb 26	\$ 8,162.00	2032	Special Assessment
27-22	03/09/2022	Delta III INC	Trap #18 maintenance	\$ 38,250.00	2033	Special Assessment
28-22	03/09/2022	Dirt Works Excavating	Cutting all pre-marked trees from Marshall County Line West	\$ 12,800.00	2034	Special Assessment
29-22	03/09/2022	Dirt Works Excavating	Logjam removal at Hwy 10 & 39	\$ 5,250.00	2034	Special Assessment
30-22	02/23/2022	Hill Excavating	Invoice #129 logjam management	\$ 4,300.00	2035	Special Assessment
31-22	03/01/2022	Hill Excavating	Invoice #128 logjam management	\$ 5,400.00	2035	Special Assessment
32-22	03/14/2022	Northwestern Indiana Regional Planning Commission	Accounting Service January 2022	\$ 1,275.00	1623	GENERAL
33-22	03/14/2022	Northwestern Indiana Regional Planning Commission	Accounting Service February 2022	\$ 1,275.00	1623	GENERAL
34-22	03/14/2022	Northwestern Indiana Regional Planning Commission	Accounting Service March 2022	\$ 1,275.00	1623	GENERAL
35-22	03/01/2022	On-Site Computing	Web hosting fee & Office 365 User names	\$ 600.00	1624	GENERAL
36-22	02/15/2022	Postmasters	Invoice #533167 Printing & Mailing Services	\$ 0.51	1625	GENERAL
37-22	03/14/2022	Scott Pelath	Mileage	\$ 996.11	1626 & 2036	split
38-22	1/14/2022	Scott Pelath	Payroll 1st Jan	\$ 3,608.93	EFT	GENERAL
39-22	1/21/2022	INPRS	1st Jan Contribution	\$ 221.03	EFT	GENERAL
40-22	1/31/2022	INPRS	2nd Jan Contribution	\$ 221.03	EFT	GENERAL
41-22	1/31/2022	Scott Pelath	Payroll 2nd Jan	\$ 3,608.91	EFT	GENERAL
42-22	2/4/2022	Internal Revenue Service	Payroll Tax and Withholding	\$ 1,097.12	EFT	GENERAL
43-22	2/4/2022	IRS	Feb Fed Payroll Taxes	\$ 1,097.12	EFT	GENERAL
44-22	2/7/2022	Ambetter	Feb Health Ins	\$ 1,819.57	EFT	GENERAL
45-22	2/15/2022	Scott Pelath	Payroll 1st Feb	\$ 3,608.93	EFT	GENERAL
46-22	2/15/2022	Indiana DOR	Payroll Tax Withholding	\$ 386.68	EFT	GENERAL
47-22	2/17/2022	INPRS	1st Feb Contribution	\$ 221.03	EFT	GENERAL
48-22	2/18/2022	IRS	Feb 2nd Fed Payroll Taxes	\$ 1,097.08	EFT	GENERAL
49-22	2/28/2022	Scott Pelath	Payroll 2nd Feb	\$ 3,608.91	EFT	GENERAL
50-22	3/1/2022	Ambetter	March Health Ins	\$ 1,819.57	EFT	GENERAL
51-22	3/1/2022	INPRS	2nd Feb Contribution	\$ 221.03	EFT	GENERAL
52-22	3/2/2022	Ambetter	April Health Ins	\$ 1,819.57	EFT	GENERAL
53-22	3/15/2022	Scott Pelath	Payroll 1st March	\$ 3,608.93	EFT	GENERAL
54-22	3/16/2022	INPRS	1st March Contribution	\$ 221.03	EFT	GENERAL
55-22	3/18/2022	IRS	Fed Taxes	\$ 1,097.08	EFT	GENERAL
56-22	3/18/2022	Indiana DOR	Payroll Tax Withholding	\$ 386.68	EFT	GENERAL
57-22	3/4/2022	IRS	Fed Taxes	\$ 1,097.12	EFT	GENERAL
58-22	2/12/2022	American Express	Docusign, Quickbooks, Adobe, Christos, USPS	\$ 190.01	EFT	GENERAL
59-22	3/18/2022	Cardno, Inc.	Roost tree survey	\$ 4,496.61	TBD	Special Assessment
60-22	3/28/2022	U.S. Geological Survey	1st Qtr. CY2022 gages	\$ 30,975.00	TBD	Special Assessment
61-22	3/29/2022	Hill Excavating	Invoice #136 materials and seeding	\$ 13,225.00	TBD	Special Assessment
62-22	3/29/2022	Allsop Excavating	Invoice #2271 logjam management Section F	\$ 55,000.00	TBD	Special Assessment
63-33	3/29/2022	The Stanger Group	Invoice #1281 Bremen bank reconstruction	\$ 63,493.50	TBD	Special Assessment
64-22	3/29/2022	Delta III INC	Invoice #11555 logjam management Clay Street	\$ 30,000.00	TBD	Special Assessment
				\$ 390,146.44		

### **Yellow River project**

Work on the Starke County section of Phase I is expected to begin sometimes in May, contingent on safe river conditions. The potential roost trees on the site already have been removed in advance of bat roosting season, which begins on April 1.

Cardno already is working on the site design for Phase II. In February, the Technical Advisory Committee formally recommended two specific sites for the next project area.

### **Yellow River Basin Reconstruction – Bremen**

The Stanger Group already has completed the “Commission’s side” of the bank reconstruction in Bremen. As you recall, this project is a partnership between the Commission and the Marshall County SWCD.

The SWCD’s side will include substantial regrading along with a public kayak launch at the town park next to the Yellow River.

### **Logjam Management**

Allsop has completed substantial amounts of Section F along the Kankakee River from U.S. 6 to IN-104. Delta III is pulling logs and severe leaners downstream of the Clay Street Bridge in Jasper, Lake, and Newton Counties. Sizable logjams from the Yellow River at the Kankakee FWA and the Kankakee River at English Lake.

Earlier this month, the Corps of Engineers conducted its annual logjam management training for contractors.

In order to maintain motion forward, the Technical Advisory Committee recommended that the targeted section on the Yellow River be subdivided into small project areas. I fully agree. Although it made sense at the time, the currently designated project areas are simply too large – and the ensuing bids too costly – to complete as single initiatives. Reducing them to more digestible pieces will allow work to move forward without unreasonably affecting cash-flow considerations.

### **Wheatfield Power Plant**

The Technical Advisory Committee has recommended that the Commission pursue and accept funding from a solar company, NextEra, to support partial redesign of the Shahfer Power Plant property for flood storage.

There remain a lot of moving parts to this initiative, so I will restate much of which I have previously shared:

When the Shahfer Plant closes in 2023, NIPSCO has to fill in its coal ash ponds with about 2 million cubic yards of fill. They have only two options. They can either dig new holes and fill in the old holes, or they can scrape the fill off of several hundred acres. NIPSCO wants to do the latter if they can close the cost gap for their shareholders. Either way, they will be investing eight-figure sums.

DNR has a primary role in closing the funding gap with other sources of funding. They are working on it. DNR and NIPSCO also agree that flood water storage should be integrated into any restoration plans for the property.

NIPSCO has tentatively approved preference convert substantial sections – about 500 acres – into flood storage, recreation, and habitat. They now also embrace this as potential as a benefit to their broad customer base.

Many of NIPSCO's holdings in the vicinity will convert to solar generation. Some of it is hemmed in by adjacent private property that cannot, under any circumstances, be adversely affected. As with any property of this type, some areas are unsuitable for recreating. The plant itself will remain there in the foreseeable future.

There aren't any other options for most of the property. I might remain in NIPSCO's rate base, although at some point in the future portions might also fall under state management.

John Richardson of Cardno – who helps oversee our Yellow River work – has already been working for NIPSCO on this issue for two years. NIPSCO asked John to submit a design proposal, which I have shared. It is reasonable given the scope, and we would seek to fund it with outside revenue. DNR received it as well, and likes it. The quote is modifiable downward if the initially targeted acres are reduced for any reason. In any case, support of the design is important for maintaining our partnership role and integrating the Commission's flood control interests.

NextEra has expressed a willingness to supporting the full cost of the design, and the Commission is the preferred recipient of such funds. NextEra's only concern is that if they give the money, they want to make sure the project will actually happen. That's reasonable.

The Technical Advisory Committee recommended that the Commission seek funds to support the design work, which at this point, is the key hurdle to the initiative moving forward. Fortunately, is surmountable one.

I have to state unambiguously that NIPSCO is the lead partner. It is their property and their decision, and their investment would be the largest by order of magnitude. Furthermore, all aspects are subject to design, modeling, and any other emergent issues. However, I believe both NIPSCO and DNR our sense our involvement makes a better and broader initiative.

The bottom line is that the addition of several hundred acres of flood storage would greatly benefit our flood mitigation mission, particularly given the parcels location, its magnitude, its remoteness from assets in need of protection, and its existing viability for such a purpose.

### **Formal Flood Response/Flood Resilience Plans**

Our work plan recommends the development of a basin-wide flood response plan beginning in CY2024. Since we serve multiple jurisdictions, and this is a sizable undertaking, I contacted the U.S. Army Corps of Engineers for technical and possible financial assistance.

After several meetings, the Corps has expressed enthusiasm for the task, and has identified a source of funding to pay for it. As of last week, the USACE staff in Chicago was completing an application for dollars to support the plan's development.

On behalf of the Commission, I offered to support the grant through coordinating meetings with stakeholders and emergency response officials through the entire basin.

The eight Indiana counties and its numerous municipalities have a wide assortment of existing plans that either are not integrated with each other, are incomplete, or not sufficient. A master document would help ensure that during the next flood event, jurisdictions have a clear picture of their expected roles, are better able to act in concert, and have tangible plans for actions to take under defined conditions.

The Technical Advisory Committee recommended that the Commission support the Corps' offer of assistance.

## **Thayer Farm Transition**

Installation of water control structures is on track for later this spring.

## **Aukiki**

Burke Engineering is continuing to work on the design and permitting of the new water control structure at the Aukiki Wetland Conservation Area. The current thinking is that next spring might be a realistic target for construction and installation.

## **Shady Shores**

Burke Engineering has completed and issued the hydrological review of the Shady Shores community. Lake County currently is reviewing how the report's recommendation might be implemented.

One recommendation would be pertinent to the Commission. In order to prevent the accumulation of sediment at the mouth of the Shady Shores bayou, it might be possible to construct a structure that would resolve the issue. I expect the Technical Advisory Committee will further review the possibility in the months ahead.

## **Regional Conservation Partnership Program (RCPP)**

The Indiana Department of Agriculture has submitted its application for program funding. The Department does not expect a preliminary response for several months.

## **Kankakee FWA Drive-Through Spillway**

With support from the technical committee, I am seeking permits for the removal of decades of accumulated sediment in front of the Yellow River's drive-through spillway at the Kankakee FWA.

The FWA manager retrieved the structure's original design from 1982, and it is clear that approximately 2000 m<sup>3</sup> of sand must be removed to restore the spillway's original function. At one point, the structure was high enough about the river to have a two-to-one grade of rip-rap leading to the water. Sand is not level – if not higher – than the bottom of the structure. That means that water is entering from the Yellow River far sooner than was original planned.

DNR has an area to place the excavated material, and once the permits are pursued, I am reasonably confident in the proposed work's viability and value. The physical

configuration of the FWA carries with it a number of longstanding issues, but this is an immediately improvable one.

### **Sediment Traps**

The maintenance of Trap #18 on the Kankakee River was completed in February, just a day before the minor flood event.

The technical committee recommended the maintenance of the Yellow River trap just upstream of IN-39 and consideration of a new trap at the mouth of the Robbins Ditch on the Kankakee. I have been in touch with regulators and initiated the early stages of the permitting process.

### **Outreach**

Over the past several weeks, I was the keynote speaker at the Jasper County SWCD annual dinner and the Lake County SWCD annual dinner. I also attended SWCD annual dinners in Newton, Porter, and St. Joseph Counties. I also enjoyed serving on the Headwaters Yellow River steering committee in Marshall County.

This morning, I discussed current Kankakee River Basin business on Lakeshore Public Radio in Merrillville.

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

## **ATTACHMENT 2**

### **RECOMMENDATION 1-2022**

To: Kankakee River Basin and Yellow River Basin Development Commission  
From: Technical Advisory Committee (TAC)  
Subject: Site Evaluation of Yellow River Reconstruction, Phase II  
Date: February 24, 2022

---

**DESCRIPTION:** At its January 21 meeting, the Commission approved a contract for Cardno to begin designing Phase II of the Yellow River Bank Reconstruction Project in Starke County. Part of the contract instructed Cardno to evaluate potential project sites in direct consultation with Starke County officials and the Commission.

**LOCATION:** Yellow River downstream of the Phase I site in Starke County

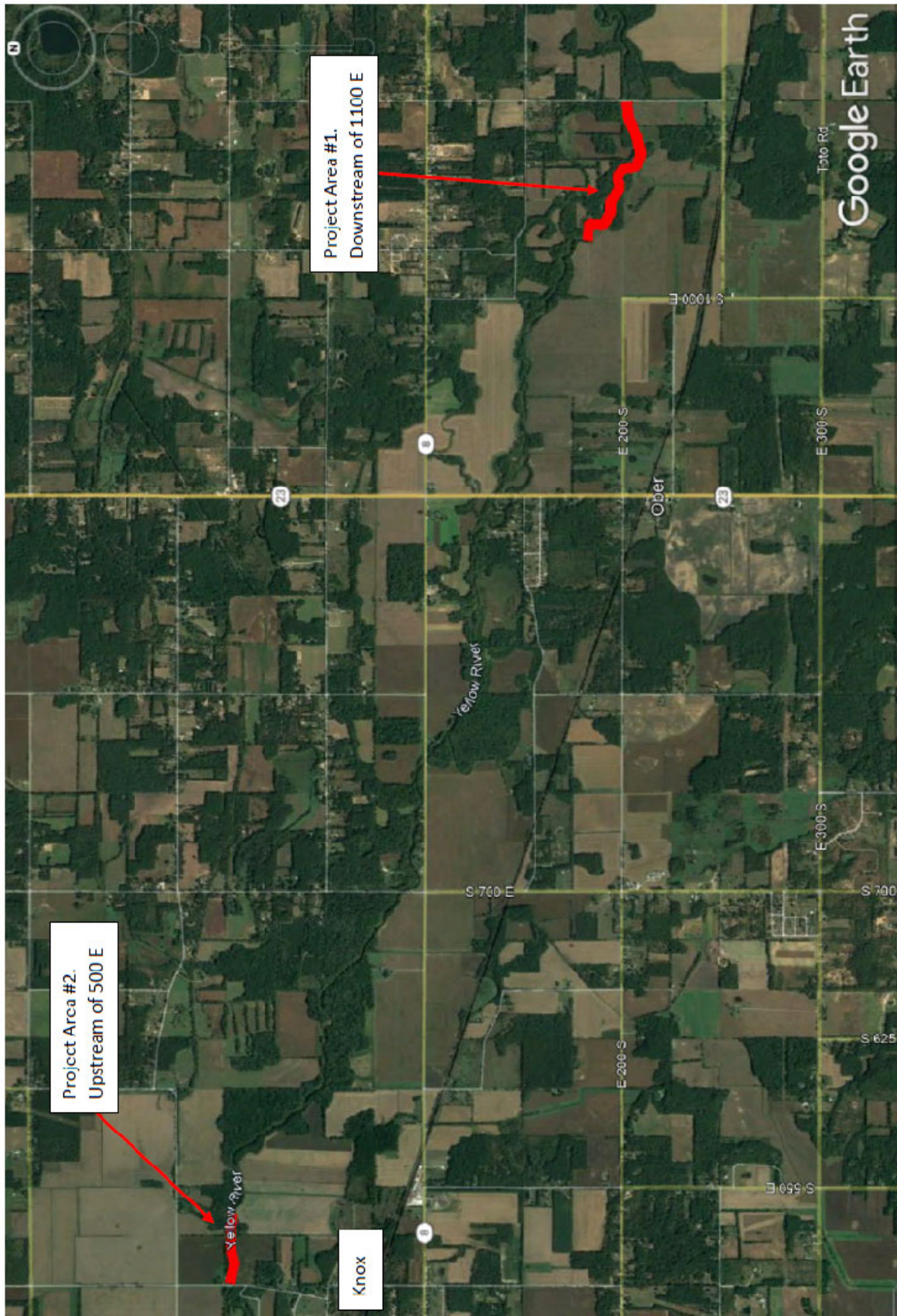
**ISSUES:** Commission staff requested that 1) overall feasibility; 2) potential costs and benefits; 3) financial and construction flexibility, and 4) the existence of any previous riverbank improvements be considered in its evaluation. Flexibility in the design was particularly emphasized to ensure the scope remains within any amounts budgeted by the Commission. Cardno tentatively has recommended two sites [ATTACHMENT] that fit these criteria.

**RECOMMENDATION:** The Committee recommends that the Commission adopt the recommended project scope when confirmed by 1) surveying; 2) on-site analysis at lower water levels; and 3) the concurrence of the Starke County Surveyor and Drainage Board. The Committee also recommends that design include severable sections in order to ensure the Commission's budget parameters are met.

**ADOPTED BY COMMITTEE 2/24/2022**



Phase II Design: Consists of two separate project areas within Starke County





### **ATTACHMENT 3**

#### **RECOMMENDATION 4-2022**

To: Kankakee River Basin and Yellow River Basin Development Commission

From: Technical Advisory Committee (TAC)

Subject: Flood Response/Flood Resilience Plan

Date: February 24, 2022

---

**DESCRIPTION:** Recommendation 5.2.5 and 5.2.6 of the Commission’s work plan urge the development of formal Flood Response and Flood Resilience Plans.

*“Flooding along the Kankakee, Yellow River, Iroquois River, and other tributaries is unavoidable. Flood response plans should be developed for each flood-prone community along the corridor to help emergency responders take appropriate actions in response to flooding of homes, critical infrastructure, and transportation corridors. Such plans would provide guidelines on how to forecast, detect, and classify the severity of the flooding event, communicate with emergency response personnel, notify affected citizens, take appropriate flood fight actions, and implement post-flood recovery.”* (Flood and Sediment Management Work Plan; page 51, paragraph 3)

As with certain other recommendations, the provision is not targeted not solely to the Commission specifically, but to the watershed generally. However, the Commission has a primary leadership role in and a direct interest in promoting timely and coordinated flood responses.

**LOCATION:** N/A

**ISSUES:** The work plan recommends the development of these essential documents beginning in CY2024. However, given the historic frequency of flood conditions on the Kankakee and Yellow Rivers, initiation of the task may be expedited with sacrificing other funded priorities.

**RECOMMENDATION:** In order to expedite the formalization of Flood Response and Flood Resilience Plans, the Committee recommends that the Director seek outside sources (e.g. USACE; FEMA; DNR) of funding and technical assistance for the formulation of these important documents. The Committee also recommends that the Commission support these efforts as necessary to 1) better integrate the basin’s existing emergency response procedures; 2) better clarify jurisdictional roles during a flood event; 3) more thoroughly identify specific actions to be taken in response to a flood event; and 4) provide a working template for successors in various roles throughout the watershed.

**ADOPTED BY COMMITTEE 2/24/2022**

**ATTACHMENT 4**  
**RECOMMENDATION 3-2022**

To: Kankakee River Basin and Yellow River Basin Development Commission  
From: Technical Advisory Committee (TAC)  
Subject: Wheatfield power plant property transition  
Date: February 24, 2022

---

**DESCRIPTION:** NIPSCO's Shahfer Power Plant in the vicinity of Wheatfield is scheduled to close. NIPSCO's parent company, NiSource, currently is considering future uses of the property. NIPSCO officials calculate their land holdings in the vicinity to be approximately 3000 acres.

Once the power plant is retired, the coal ash ponds will be to be refilled and capped. To meet this requirement, NIPSCO reportedly has two options available to it:

- 1) Dig two new holes, and use the earth to fill in the ponds; or
- 2) Obtain the fill from a broader area on the NIPSCO property.

There is a cost differential between both options, with the first option being less expensive to NiSource shareholders. However, provided it is economically feasible through partnership with DNR, NIPSCO's preference is to covert some of its holdings to solar energy generation and place a sizable portion under Department of Natural Resources management for wildlife and recreation.

NIPSCO also has been mindful of the region's flood mitigation needs, and has remained fully open to the area serving as a manageable floodwater storage area during peak events. The Commission Director has formally communicated this interest to NiSource officials, and the Commission is being considered as a recipient of a grant to fund advance design and hydrological modeling work.

**LOCATION:** East of IN-49 in Jasper County near the Kankakee River

**ISSUES:** If the property is converted to DNR management without integrating flood storage needs from the outset, the Commission could miss an opportunity to store substantially floodwater during peak events.

**RECOMMENDATION:** The Committee recommends that the Commission pursue and accept outside grant funds to support hydrological modeling and redesign of the property for flood storage needs. The Committee further urges that the Commission support the transition of the property provided that flood mitigation goals incorporated into its eventual use. The

Committee also recognizes that given the scope of the area, partnership with NIPSCO, DNR, and other funding sources will be necessary to ensure the transition's feasibility.

**ADOPTED BY COMMITTEE 2/24/2022**

DRAFT

## **ATTACHMENT 5**

### **RECOMMENDATION 2-2022**

To: Kankakee River Basin and Yellow River Basin Development Commission

From: Technical Advisory Committee (TAC)

Subject: Sediment removal at Kankakee Fish and Wildlife Area (FWA) spillway

Date: February 24, 2022

---

**DESCRIPTION:** Adjustments to the physical configuration of the physical configuration of the Kankakee FWA is part of the Commission's forty-year work plan. The long-term recommendation is for physical structures to allow for an optimal relationship between the discharges of the two rivers.

An ongoing concern is that the physical assets of the FWA serve to prematurely divert the Yellow River to the Kankakee River. This dynamic often occurs while the Kankakee River is at flood stage and the Yellow River is not.

**LOCATION:** Kankakee FWA along the Yellow River side of 10-Mile Road in Starke County

**ISSUES:** Among many other possible tasks, a significant amount of sediment has accumulated in front of the drive-through spillway at the FWA on the Yellow River. Because it has raised the channel bottom in next to the water control structure, water is entering from the Yellow River more quickly than was intended by the structure's design.

**RECOMMENDATION:** The Committee recommends that the Director seek approval from the appropriate regulatory agencies for the removal of that sediment. Contingent on regulatory authorization, available funding, and a suitable location for placement of excavated material, the Committee further recommends that the Commission authorize the project.

**ADOPTED BY COMMITTEE 2/24/2022**

## **ATTACHMENT 6**

### **RECOMMENDATION 5-2022**

To: Kankakee River Basin and Yellow River Basin Development Commission  
From: Technical Advisory Committee (TAC)  
Subject: Sediment Trap  
Date: February 24, 2022

---

**DESCRIPTION:** Under a set of conditions, state and federal regulators will permit the construction and maintenance of sediment traps along the Kankakee and Yellow Rivers.

Many of the existing traps have filled with sediment over time, and would need to be maintained in order to limit the transportation of new sediment downstream. The Commission previously has approved the maintenance and construction of these devices as a measure to reduce the downstream transportation while more longer-term sediment reduction measures are being executed. The costs and benefits of maintaining or constructing a particular trap are evaluated on a case-by-case basis within the Commission's budgetary parameters.

**LOCATION:** Various previously permitted locations along the Kankakee and Yellow Rivers upstream of the LaPorte-Porter County Line

**ISSUE:** Under the Commission's budgetary parameters, the next trap selected for maintenance is yet to be determined.

**RECOMMENDATION:** The Committee recommends that the Commission authorize the maintenance of the existing trap nearest to IN-39 on the Yellow River and the construction of a new trap near the mouth of the Robbins Ditch on the Kankakee River. The Committee further recommends that in order to maintain the feasibility of the work, the need to transport excavated material away from the site should be avoided.

**ADOPTED BY COMMITTEE 2/24/2022**

## **ATTACHMENT 7**

### **RECOMMENDATION 6-2022**

To: Kankakee River Basin and Yellow River Basin Development Commission

From: Technical Advisory Committee

Subject: Yellow River Logjam Management

Date: February 22, 2022

---

**DESCRIPTION:** The natural flow of the Kankakee and Yellow Rivers is frequently impeded by logjams and fallen trees, particularly as they collect at natural and structural barriers. These tree and logjams complicate flood and erosion management, and can present tangible human safety hazards. Removal of logjams and debris is a frequent activity of the Commission, and an ongoing task expected in every year of the Commission's forty-year work plan.

The Commission received a 10-Year permit from the U.S. Army Corps of Engineers to conduct logjam management activities along the Kankakee River, which is a navigable waterway under their guidelines. Logjam management activities on the Yellow River are distinct, and must adhere to any regulations applicable to that waterway.

**LOCATION:** Yellow River

**ISSUE:** The Commission sets logjam management priorities in consideration of available resources. In 2019, the LaPorte and Starke County Surveyors solicited bids for three sections along the Yellow River to conduct fallen and severely leaning tree removal. However, given the respective lengths of the three sections, subdivision of the sections into smaller project areas would 1) improve the long-term feasibility of the overall initiative and 2) allow work to manageably progress. To meet the annual recommendations of the work plan, the Commission might consider resoliciting bids or dividing the project locations to better fit within its annual budget.

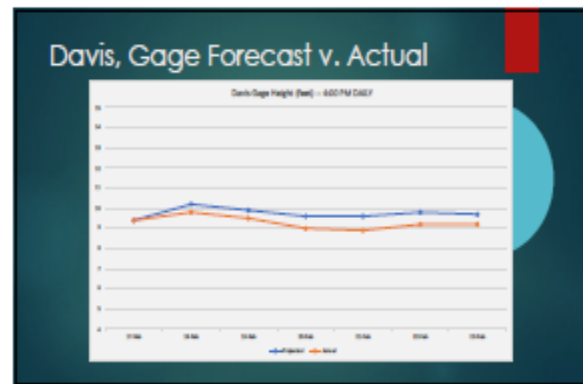
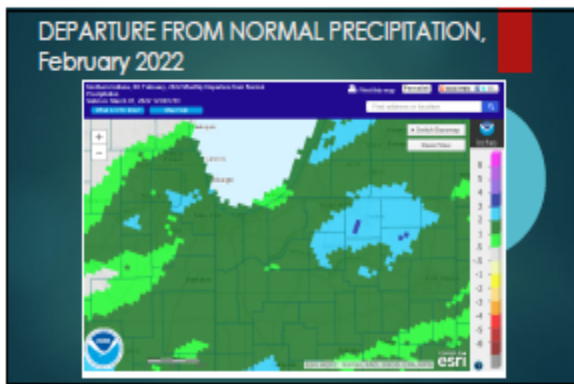
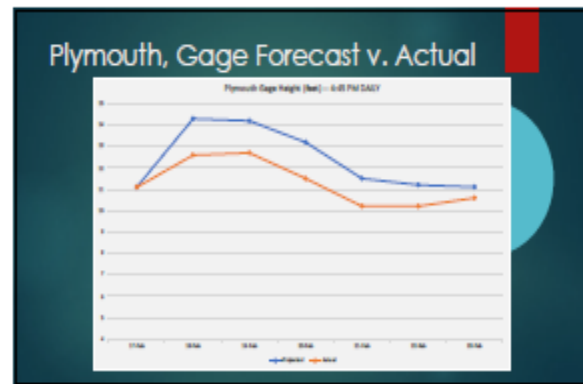
**RECOMMENDATION:** The Committee recommends that the Commission subdivide logjam management activities through Sections A, B, and C on the Yellow River into smaller project areas, with the stretch from English Lake upstream to IN-39 at the Kankakee Fish and Wildlife Area being the initial priority. This recommendation from the Committee is intended to ensure that work progresses in an orderly manner, and that work not face interruption because of the current dollar amounts attached to each section as currently defined.

**ADOPTED BY COMMITTEE 2/24/2022**

## ATTACHMENT 8

### FLOOD EVENT ANALYSIS AND RIVER WORK UPDATES

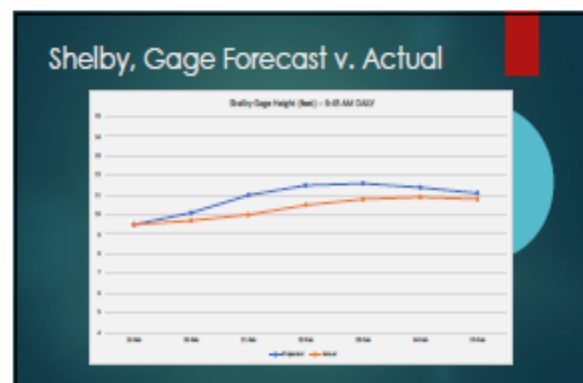
KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT  
COMMISSION, MARCH 31, 2022



### FLOOD FORECAST V. ACTUAL

SOURCES:

- NATIONAL WEATHER SERVICE PROJECTIONS
- U.S. GEOLOGICAL SURVEY GAGES



## STATE LINE BRIDGE AFTER FLOOD EVENT



## AUKIKI WETLAND CONSERVATION AREA ACTION STAGE



## ARMEY DITCH IN BREMEN, February 17

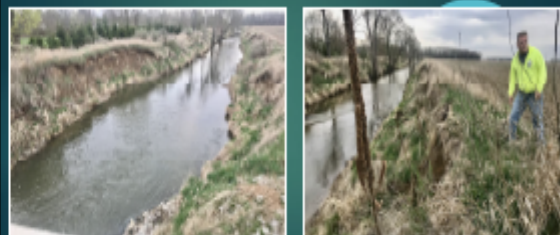


## PROJECTS

## ARMEY DITCH IN BREMEN, February 18



## BREMEN BANK RECONSTRUCTION "BEFORE" *From IN-104, April 9, 2021*





## BREMEN BANK RECONSTRUCTION

*Flood Stage, February 17, 2022*



## TARGET FOR SEDIMENT REMOVAL

*"DRIVE-THROUGH SPILLWAY," KANKAKEE FWA, JULY 2, 2021*



## BREMEN BANK RECONSTRUCTION

*"Commission Side", March 30, 2022*



## TARGET FOR SEDIMENT REMOVAL

*"DRIVE-THROUGH SPILLWAY," KANKAKEE FWA, MARCH 2, 2022*



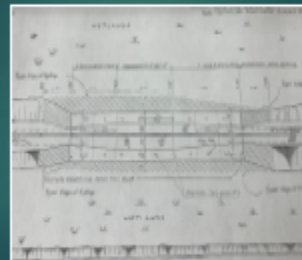
## BREMEN BANK RECONSTRUCTION

*"SWCD Side", March 30, 2022*



## TARGET FOR SEDIMENT REMOVAL

*"DRIVE-THROUGH SPILLWAY," ORIGINAL PLAN (1982)*



FINAL PHOTOS

LOGJAM MANGEMENT ASSET  
*New tunnel under I-65*

