

*****MINUTES*****

***Kankakee River Basin and Yellow River Basin
Development Commission***

Friday, July 28, 2023
9:30 a.m. CST/10:30 a.m. EST

LaPorte County Public Library Exchange
The Classroom, 2nd Floor
807 Indiana Avenue
LaPorte, IN 46350

John McNamara, Chair, called the meeting to order at 9:32 p.m. CDT, and the Pledge of Allegiance was recited.

Bill Crase, Secretary, called the roll.

ROLL CALL OF MEMBERS

Members physically present: Rob Churchill, Bill Crase, Bill Emerson, John McNamara, James Walstra

Members present via videoconference: Ryan Mueller, John Shure (IL), Andrew Wheeler (IL)

Approved proxies present: Angie Kibbie for Craig Cultice, Kevin Breitzke for Mike Novotney

Staff present: Scott Pelath, Executive Director

Mr. Crase reported the presence of a quorum.

ELECTION OF OFFICERS FOR STATE FISCAL YEAR 2024

James Walstra moved that the current slate of officers comprised of John McNamara, Chair; Bill Emerson, Vice Chair; Bill Crase, Secretary; and Mike Novotney, Treasurer, be re-elected for State Fiscal Year 2024. Mr. Crase seconded the motion.

Breitzke for Novotney -- Y

Churchill – Y

Crase – Y

Emerson – Y

Kibbie for Cultice -- Y
McNamara – Y
Mueller - Y
Walstra – Y

MOTION ADOPTED.

APPROVAL OF MINUTES FROM APRIL 27 MEETING

Bill Emerson moved that the Commission approve the April 27, 2023, minutes. Mr. Crase seconded the motion.

Breitzke for Novotney -- Y
Churchill – Y
Crase – Y
Emerson – Y
Kibbie for Cultice -- Y
McNamara – Y
Mueller - Y
Walstra – Y

MOTION ADOPTED.

FINANCE REPORT AND CLAIMS

Revenue update

Mr. Pelath reported recent revenue, claims, and recommendations for budget augmentations to the Commission. A written report was distributed as part of his formal Executive Director's report [ATTACHMENT 1].

Mr. Crase moved to approve the claims, approve the finance report, and allocate an additional \$125,000 to the channel maintenance, 50,000 for late summer hydroseeding, and \$75,000 for Yellow River Lodge and Management. Mr. Emerson seconded the motion.

Breitzke for Novotney -- Y
Churchill – Y
Crase – Y
Emerson – Y
Kibbie for Cultice -- Y
McNamara – Y
Mueller - Y
Walstra – Y

MOTION ADOPTED.

Report from accountant

The Commission's accountant, Stephanie Kuziela, explained the new process for approving claims and issuing payments. The goal is to improve efficiency and careful record-keeping through the increased use of electronic signatures. The Commission members also will begin to physically sign the claims list at Commission meetings.

Ms. Kuziela also reported on banking opportunities, such as Trust Indiana, that might yield a higher interest rate for the Commission. Ms. Kuziela and Mr. Pelath said they might recommend the consideration of deposit changes at a future meeting.

OLD BUSINESS

Yellow River Reconstruction, Phase II

Mr. Pelath reported on the progress of Phase II construction.

Yellow River Reconstruction, Phase III design

Mr. Pelath reported that the engineers formally asked IN-DNR for an SEA 368 early coordination meeting with regulators.

Jasper County FEMA project extension

Mr. Pelath reported that an SEA 368 early regulatory coordination meeting was scheduled for August 15. He noted that Burke Engineering, as the firm that provided the hydrological study for the original FEMA project, was providing technical assistance for the permitting. He introduced David Eichelberg, a native of North Judson, as a Burke vice president assigned to the project.

Formal flood response plan development

Mr. Pelath reported the completion of three workshops for the formal plan development. He expressed his appreciation for the thorough work of the Corps of Engineers and the participation of over sixty local officials and residents.

Kankakee FWA hydraulic study update

Mr. Pelath and Ian Hahus of Burke Engineering reported on the status of the model development for the Kankakee FWA.

State Line Bridge update

Mr. Pelath reported that discussions are ongoing with the relevant regulatory agencies regarding the bridge's removal.

Abandoned Norfolk Southern bridge at Schneider

Mr. Pelath expressed optimism regarding Norfolk Southern's openness to the Commission removal portions of antiquated bridge understructure. He again thanked Tony Ferraro from U.S. Sen. Braun's office for his assistance.

Logjam management report

Mr. Pelath explained ongoing and planned logjam mitigation work. He also suggested it is time for another logjam removal project using barges and permanent offloading locations. He also urged that such a project would be more financially feasible if the Commission owned its own barges.

Sediment traps

Mr. Pelath reported that maintenance of the Kankakee River trap near the Robbins Ditch was nearing completion.

Aukiki FWA spillway update

Mr. Pelath reminded the Commission that the project was already advertised for bids, but the Commission received only one late bid for far more than the budgeted amount. The Commission rejected the proposal.

He reported that he solicited a quote from Austgen Equipment, a highly qualified contractor, who could complete the project for far less than the budgeted amount of \$150,000. Because of the disappointing results of the prior bid process, Mr. Pelath asked for an exception to the Commission's \$100,000 bid threshold so the project could be completed prior to next year's flood season.

Mr. Crase moved that the Commission accept the quote from Austgen Equipment to complete the Aukiki spillway. Mr. Emerson seconded the motion.

Breitzke for Novotney -- Y

Churchill – Y

Crane – Y

Emerson – Y

Kibbie for Cultice -- Y

McNamara – Y

Mueller - Y

Walstra – Y

MOTION ADOPTED.

Private river gage pilot at Bremen

Mr. Pelath reported that the new privately produced Yellow River gauge for First Road in Marshall County had been ordered.

Invasive species eradication

Mr. Pelath reported the locations for bush honeysuckle eradication to be followed with native grass reseeded.

NEW BUSINESS

Reconsideration of Newton County bank reconstruction design

Mr., Pelath said he visited with Abonmarche to rejuvenated past Kankakee River Basin Commission plans to reconstruction a stretch of bank in Newton County. He further reported that outside funds might be available to support the project in the future. Mr. Pelath expected a report from Abonmarche at a future meeting.

Property access adjacent to River's Edge Farm

Mr. Pelath distributed a letter from Jody Melton [ATTACHMENT 2] regarding Jim Deardorff's request for a permanent recorded easement across the Commission's Porter County property.

The chair appointed a subcommittee of Kevin Breitzke, Bill Emerson, and Mike Novotney to advise Mr. Pelath in pursuit of a mutually agreeable solution. Commission members expressed willingness to continue allowing access but stated reservations about the grant of a recorded easement in perpetuity.

Access clearing downstream of US 231

Mr. Pelath asked that the planned access clearing project upstream of Dunn's Bridge in Porter County be moved to the Haberlin property downstream of US 231 in Porter County.

Mr. Crase moved that the planned access clearing project upstream of Dunn's Bridge in Porter County be moved to the Haberlin property downstream of US 231 in Porter County. Mr. Walstra seconded the motion.

Breitzke for Novotney -- Y

Churchill -- Y

Crane -- Y

Emerson -- Y

Kibbie for Cultice -- Y

McNamara -- Y

Mueller - Y

Walstra -- Y

MOTION ADOPTED.

Small bank repair pilot

Deferred to Executive Director's report.

CY2023 budget adjustments and augmentations

Completed during Finance report.

Other project updates

None

OTHER BUSINESS

None

EXECUTIVE DIRECTOR'S REPORT

See ATTACHMENT 3.

PUBLIC COMMENT


None

ADJOURNMENT

The Commission adjourned at 10:45 a.m. CDT.

APPROVED NOVEMBER 3, 2023

Bill Crase

DocuSigned by:

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Secretary

EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members
From: Scott D. Pelath, Executive Director
Date: July 26, 2023

Once again, the latest Yellow River project is finishing on time and under budget. Fortunately, the savings will permit the reallocation of funds to meet other Commission priorities.

Finance Report

Balances. As of the date of this memorandum, the assessment account balance is \$2,565,260. This account does not include a \$396,898 check from Lake County. Likewise, the cash balance of \$597,243 in our General Fund excludes outstanding farm rent and the most recent quarterly state allocation. These numbers are healthy, but we are well into construction season and large claims are coming due.

State Budget. The Indiana General Assembly improved our annual state allocation by \$27,000. The State Budget Agency also exempted us from the standard reserve requirement for state agencies, so we are now partially protected from expected General Fund revenue losses in the future.

Revenue. All counties have remitted or mailed their latest assessment revenue distribution. Likewise, we have received all eight counties' administrative support payments.

July assessment revenue came in about \$75,000 over projections. We will not know until the December distribution if this was part of an annual revenue increase or if more property owners were simply paying on time. Even so, it frees up cashflow for the current calendar year.

Budget Adjustments. July revenues were higher than projected and cash-on-hand in our assessment account exceeds remaining budget outlays by about \$250,000. Furthermore, material cost savings of at least \$200,000 have already been identified between both Yellow River project sections. While this is good news, it must be measured against the uncertainty of the December revenue distribution and unforeseen events.

I am going to recommend that a portion of these windfalls be allocated in the following manner: \$125,000 toward Channel Maintenance; \$50,000 for late summer hydroseeding; and \$75,000 for Yellow River logjam management. This is a conservative request. At the fall meeting, we can further reevaluate and make augmentations or adjustments for winter work.

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:

PO #	DATE	TO	DESCRIPTION	AMOUNT	Check #	Bank Account
103-23	5/17/2023	Scott D. Pelath	Administrative Mileage April 25-May 16 2023 at \$0.49 a mile	\$ 113.18	ACH	General
104-23	5/17/2023	Scott D. Pelath	Operational Mileage April 25-May 16 2023 at \$0.49 a mile	\$ 228.40	ACH	Special
105-23	5/17/2023	Christopher B Burke Engineering, LLC	Invoice 29650 FWA Hydraulics Study	\$ 2,004.00	ACH	Special
106-23	6/23/2023	Scott D. Pelath	Administrative Mileage May 17-June 22, 2023 at \$0.49 a mile	\$ 38.48	ACH	General
107-23	6/23/2023	Scott D. Pelath	Operational Mileage May 17-June 22, 2023 at \$0.49 a mile	\$ 514.99	ACH	Special
108-23	05/01/2023	Hill Excavating	Emergency fallen tree removal 4/19/23-4/20/23 INV 308	\$ 5,750.00	ACH	Special
109-23	4/28/2023	INPRS	INPRS EE & ER CONTRIBUTION	\$ 327.50	ACH	General
110-23	04/30/2023	Scott D. Pelath	Pay Period: 04/16/2023-04/30/2023	\$ 4,073.90	ACH	General
111-23	05/01/2023	Ambetter from MHS	Ambetter Health Ins	\$ 1,865.66	ACH	General
112-23	05/01/2023	Langfeldt Excavating, LLC	Bill No. 5586 Logjam emergency work	\$ 3,490.00	ACH	Special Assessment
113-23	05/02/2023	Stantec	Bill No. 2077490 Yellow River Phase III Design	\$ 22,438.79	ACH	Special Assessment
114-23	05/05/2023	Christopher B Burke Engineering, LLC	Bill No. 29487 March 26-April 29 final Knight Moffit Permit submittal	\$ 540.00	ACH	Special Assessment
115-23	05/05/2023	IRS	Tax Payment for Period: 04/29/2023-05/02/2023	\$ 1,390.99	ACH	General
116-23	05/08/2023	Delta Dental	Delta Dental	\$ 103.56	ACH	General
117-23	05/08/2023	DNR Division of Water	Bill No. FW32197-0 Application #FW-32197-0	\$ 200.00	1683	Special Assessment
118-23	1/27/2023	AMERICAN EXPRESS	ASFP, DOCUSIGN, ADOBE, CFS FLOWERS, OFFICE MAX	\$ 415.57	ACH	General
119-23	05/15/2023	Duneland Accounting, LLC	Bill No. 1075 Accounting Invoice May 2023	\$ 875.00	ACH	General
120-23	05/15/2023	Scott D. Pelath	Pay Period: 05/01/2023-05/15/2023	\$ 4,073.89	ACH	General
121-23	05/16/2023	INPRS	INPRS EE & ER CONTRIBUTION	\$ 327.50	ACH	General
122-23	3/16/2023	Christopher B Burke Engineering, LLC	Inv 29004 FWA Hydraulics Study	\$ 314.50	ACH	Special Assessment
123-23	05/17/2023	Hill Excavating	Bill No. 320 Inv 320 Riverbank repair	\$ 14,085.00	ACH	Special Assessment
124-23	05/17/2023	IN Department of Revenue	Tax Payment for Period: 04/01/2023-04/30/2023	\$ 494.50	ACH	General
125-23	2/24/2023	AMERICAN EXPRESS	Mancino, Christos, Docusign, Adobe, viking chili bowl,	\$ 148.85	ACH	General
126-23	05/19/2023	IRS	Tax Payment for Period: 05/13/2023-05/16/2023	\$ 1,391.01	ACH	General
127-23	3/28/2023	AMERICAN EXPRESS	Christos, Vaqueros, docusign, suzies, adobe, office max, go to meeting	\$ 401.91	ACH	General
128-23	05/25/2023	Ott HydroMet	Bill No. 581202 Ott Hydromet River gages	\$ 2,245.80	ACH	Special Assessment
129-23	05/31/2023	Mint City Tree Service	Bill No. 1799 Log jam removal June 2-3, 2023	\$ 6,552.75	ACH	Special Assessment
130-23	05/31/2023	Ott HydroMet	Bill No. 503553 Ott Hydromet River gage	\$ 5,669.72	ACH	Special Assessment
131-23	05/31/2023	Scott D. Pelath	Pay Period: 05/16/2023-05/31/2023	\$ 4,073.90	ACH	General
132-23	06/01/2023	Ambetter from MHS	Ambetter Health Ins	\$ 1,865.66	ACH	General
133-23	06/01/2023	INPRS	INPRS EE & ER CONTRIBUTION	\$ 327.50	ACH	General
134-23	06/02/2023	KD Materials Inc	Rip rap loads May 24 & 25	\$ 2,250.00	TBD	Special Assessment
135-23	06/05/2023	Hill Excavating	Bill No. 325 Herbicide application	\$ 59,613.75	ACH	Special Assessment
136-23	06/06/2023	Delta Dental	Delta Dental	\$ 103.56	ACH	General
137-23	06/07/2023	Christopher B Burke Engineering, LLC	Bill No. 29989 FWA Hydraulics Study April 30, 2023 to May 27, 2023	\$ 3,209.50	ACH	Special Assessment
138-23	06/07/2023	IRS	Tax Payment for Period: 05/31/2023-06/02/2023	\$ 1,390.99	ACH	General
139-23	06/07/2023	Stantec	Bill No. 2089546 Yellow River Phase III Design	\$ 13,172.70	ACH	Special Assessment
140-23	06/12/2023	Duneland Accounting, LLC	Bill No. 1085 Accounting Services June	\$ 875.00	ACH	General
141-23	4/27/2023	AMERICAN EXPRESS	Docusign, adobe, christos, usps, hello flowers, christos, office max	\$ 365.22	ACH	General
142-23	06/15/2023	Mint City Tree Service	Bill No. 1820 Log Jam removal 6/16/23	\$ 5,426.00	ACH	Special Assessment
143-23	06/15/2023	Mint City Tree Service	Bill No. 1813 Log jam clearing June 5-8, 2023	\$ 8,708.16	ACH	Special Assessment
144-23	06/15/2023	Scott D. Pelath	Pay Period: 06/01/2023-06/15/2023	\$ 4,073.90	ACH	General
145-23	06/16/2023	Ambetter from MHS	Ambetter Health Ins	\$ 1,865.66	ACH	General
146-23	06/16/2023	INPRS	INPRS EE & ER CONTRIBUTION	\$ 327.50	ACH	General
147-23	06/19/2023	K and L Excavating, LLC	Bill No. 417 Log jam removal	\$ 4,500.00	ACH	Special Assessment
148-23	06/20/2023	Hill Excavating	Bill No. 329 Inv 329 Herbicide application	\$ 9,203.25	ACH	Special Assessment
149-23	06/20/2023	IN Department of Revenue	Tax Payment for Period: 05/01/2023-05/31/2023	\$ 494.50	ACH	General
150-23	06/21/2023	Attorney General	MOU work April-June 2023	\$ 75.00	TBD	General
151-23	5/28/2023	AMERICAN EXPRESS	docusign, christos, adobe, newton county assessments, usps, christos	\$ 141.26	ACH	General
152-23	06/22/2023	IRS	Tax Payment for Period: 06/14/2023-06/16/2023	\$ 1,390.99	ACH	General
153-23	06/22/2023	Jasper County	Jasper County MOU-2nd Half of 2023 DisbursementSpecial Assessment	\$ 47,500.00	TBD	Special Assessment
154-23	06/30/2023	Scott D. Pelath	Pay Period: 06/16/2023-06/30/2023	\$ 4,073.89	ACH	General
155-23	6/27/2023	AMERICAN EXPRESS	USPS, ADOBE	\$ 21.21	ACH	General
156-23	06/23/2023	U.S. Geological Survey	Bill No. 91077981 River gage exp April-June 2023	\$ 32,925.00	ACH	Special Assessment
157-23	06/26/2023	Hill Excavating	Inv 330 Herbicide application	\$ 11,312.00	ACH	Special Assessment
158-23	06/26/2023	The Stanger Group, Inc.	Bill No. Pay App #9 Pay App #9	\$ 9,015.50	ACH	Special Assessment
159-23	06/29/2023	INPRS	INPRS EE & ER CONTRIBUTION	\$ 327.50	ACH	General
160-23	06/30/2023	Christopher B Burke Engineering, LLC	Bill No. 30167 Hydraulics Study May 28-June 24, 2023	\$ 4,874.50	ACH	Special Assessment
161-23	07/15/2023	Scott D. Pelath	Pay Period: 07/01/2023-07/15/2023	\$ 4,073.91	ACH	General
162-23	07/06/2023	Delta Dental	Delta Dental	\$ 103.56	ACH	General
163-23	07/06/2023	Hill Excavating	Inv 333 Logjam removal	\$ 2,000.00	ACH	Special Assessment
164-23	07/06/2023	IRS	Tax Payment for Period: 06/28/2023-06/30/2023	\$ 1,391.01	ACH	General
165-23	07/07/2023	The Stanger Group, Inc.	Bill No. Phase 2Pay App 1 Yellow River Restoration Phase II Pay App 1	\$ 249,543.90	ACH	Special Assessment
166-23	07/17/2023	INPRS	INPRS EE & ER CONTRIBUTION	\$ 327.50	ACH	General
167-23	07/14/2023	Duneland Accounting, LLC	Bill No. 1095 July Accounting Services	\$ 875.00	ACH	General
168-23	07/17/2023	Ambetter from MHS	Ambetter Health Ins	\$ 1,865.66	ACH	General
169-23	7/28/2023	INPRS	2ND HALF OF JULY Retirement EE &ER	\$ 327.50	ACH	General
170-23	07/19/2023	IN Department of Revenue	Tax Payment for Period: 06/01/2023-06/30/2023	\$ 494.50	ACH	General
171-23	07/21/2023	IRS	Tax Payment for Period: 07/15/2023-07/18/2023	\$ 1,390.97	ACH	General
172-23	7/24/2023	Scott Pelath	Administrative Mileage June 23-July 24th, 2023 at \$0.49 a mile	\$ 71.53	TBD	General
173-23	7/24/2023	Scott Pelath	Operational Mileage June 23-July 24th, 2023 at \$0.49 a mile	\$ 448.37	TBD	Special Assessment
				\$576,492.46		

Election of Officers

Our officers' terms officially ended on June 30. I have spoken with them, and each is willing to continue in his role for another year. They have done an outstanding job, they are unglamorous tasks, and things are working well from my perspective. I hope the Commission will take those things into consideration in its decision.

Yellow River Project, Phase II

The Stanger Group has virtually completed work at 500 East in Starke County. The work was so efficient and ahead of schedule that we are planning to add another 150-foot section of repairs to the section. The regulatory agencies are processing amendments for our current permits, and we have already received DNR clearance.

Stanger now has moved most equipment to the project further upstream at 1100 East, which is longer. Fortunately, we have flexibility built into the construction plans, and could carry work over into 2024 if necessitated by conditions.

Yellow River Project, Phase III

Stantec's Phase III designs for Yellow River banks reconstructions in both Marshall and Starke Counties are nearing substantial completion. This week, Stantec submitted an SEA 368 request to DNR to begin the regulatory consultation and permitting process.

Kankakee Logjam Management

This time of year, most logjam removals are isolated or at bridges. State Line Bridge was cleared again, for instance, as were Baum's Bridge, 1200 South in LaPorte County, and a host of others. Our amphibious excavator still plans to work downstream of US 41 once he finishes another project. We are planning to reconnoiter the river in that section over the next couple of weeks.

Yellow River Logjam Management

Mint City cut up sizable logjams downstream of IN-17 earlier this summer. They are prepared to do more once funds become available for that purpose. Because of the low water in January, we did a lot of logjam work that ordinarily would have been done later in the year.

Kankakee FWA Hydrological Study

At the Kankakee FWA on May 4, we had a kickoff site visit that included Commission members, Technical Advisory members, Burke Engineering staff, and state and local officials. Burke currently is refining their hydrological model to ensure that all potential river conditions support recommendations resulting from the study. I have viewed the model's development and so far, I am impressed with how it matches with on-the-ground experiences.

Jasper County FEMA Project Augmentation

Our SEA 368 meeting is scheduled for August 15. We look forward to the formal consultation with regulators.

Reconsideration of Newton County Bank Reconstruction

The old KRBC funded a design and acquired permits for a bank reconstruction project in Newton County downstream of I-65. The new Commission shelved the project because at the time, there was 1) no feasible or cost-effective way to pass under the interstate highway and 2) no way to avoid wetland mitigation.

Since we now have a tunnel beneath the highway, I visited with the original designer, Abonmarche in Valparaiso, to reconsider the feasibility of the plans. The affected bank is significantly degraded and an ongoing source of sediment erosion.

Sometime soon, I might recommend that we engage Abonmarche to recalculate the original cost estimate, re-evaluate any mitigation needs, and pursue possible outside funding sources for the work.

New River Gage in Bremen

I just received our new, private river gage to be installed at First Road over the Yellow River in Marshall County. Thanks to Craig Cultice and Commissioner Kevin Overmyer, the county highway department will mount the device and the attached solar panel. I anticipate it will be fully operational sometime in August. The river data will be viewable by any member of the public.

Sediment Traps

Jim Derflinger is making progress with the trap at the confluence of the Kankakee River and Robbins Ditch. Once he vacates the job site, we plan for him to move his equipment over to the permitted Yellow River trap upstream of IN-39. That is a short one, so it should not take long to finish.

We are still waiting for the DNR permit for the trap upstream of the Little Kankakee confluence. I hope to complete the work this fall.

Aukiki Wetland Conservation Area

After rejecting all bids at the last meeting, I asked Burke Engineering to simplify the spillway design and lower the expected costs. The only barrier was DNR consent, and they agreed with the changes. Fortunately, the modified plans still meet all the parties' floodwater storage and resource development goals for the area.

We are currently in discussions with a qualified and experienced contractor.

Invasive Species Control

We have sprayed for bush honeysuckle from English Lake to IN-104, from the Jasper County FEMA project to Norfolk Southern bridge in Newton County, from the Dehaan Ditch confluence to I-65 in Lake County, and from IN-49 to the LaPorte County Line in Porter County. Beginning at the end of August, we intend to reseed these areas with stabilizing grasses.

Asian bush honeysuckle is a pervasive and destructive invasive species, blocking sunlight for all other vegetation and leaving the river banks barren under its leaves.

Hydroseeding

We intended to resume bank hydroseeding operations at the end of August. Primary targets will be the areas where we recently reduced infestations of bush honeysuckle.

Formal Flood Response Plan

Approximately seventy-five local officials and stakeholders attended three separate flood response planning workshops co-hosted by the U.S. Army Corps of Engineers. We were extremely gratified by the turnout and the depth of input and guidance we received.

Kira Baltutis and Cara Pattullo from the Corps are doing an outstanding job for us. They have been highly organized and committed to the task, and I am optimistic that the flood response plan will be both adaptable and usable throughout the basin for years to come.

Property Access at River's Edge Farm

For approximately four years, our neighbor at the River's Edge Farm in Porter County, Jim Deardorff, has explained to me that his family is owed a permanent recorded easement across our property. The issue dates to a landlocked, two-acre parcel that was not included in the Commission's acquisition of the property in the 1990's.

To my knowledge, the Commission has never prevented any access to the parcel by way of land, and I have offered to reduce this policy to writing. However, Mr. Deardorff insists that a permanent recorded easement was assured. My predecessor, Jody Melton, recently wrote to me clarifying that he did assure the Deardorff Family access to the parcel in question. However, the correspondence does not specifically mention a recorded easement.

As one point, I explored the possibility of a right-of-first-refusal as a condition of an easement. I did not receive a favorable reaction. However, given the receipt of the Melton correspondence, I placed the issue on the proposed agenda for consideration.

Access Clearing Downstream of US 231 in Porter County

The last of our original \$2.3 million state capital dollar appropriation was slated to clear access in Porter County upstream of IN-49. Unfortunately, we needed to cross a property to get to the bank but did not have the necessary cooperation from the owner. He wanted a culvert repair outside of our easement but was unwilling to commit to a written ingress and egress agreement in return. Sometimes there is no deal to be had.

However, Hap Haberlin and the Lake County Park Department have requested access clearing along the north bank downstream of US 231. I will suggest that we simply reallocate the budgeted state dollars to this section.

Barges

Having traveled the Kankakee River between IN-49 and Dunn's Bridge, I strongly believe another barge project to remove woody debris. Access is poor, and the channel is too wide to reach both banks from one side. On the plus side, the barge work we have done in the past has held up extraordinarily well.

I often have balked at the Commission owning its own equipment due to the maintenance demands. However, barges have little to no maintenance costs, would help us control project costs for contractors, allow shorter and cost-contained areas of work, and permit quicker responses. They would also have applications in bank repairs where access is an issue and would be easy to transport and store.

No pun intended, but I wanted to float this idea in advance of budget development later this year.

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

ATTACHMENT 2

June 7, 2023

Kankakee River Basin and Yellow River Basin Development Commission

460 Lincolnway, Suite 322

Valparaiso, IN 46384

To the Commission members:

The Kankakee River Basin Commission in the 1990's began a project in conjunction with the Porter County Soil and Water Conservation District to purchase land and develop a project in the Porter County area called Rivers Edge Farm. The project was intended to control some floodwaters and to provide an area for natural restoration along the Kankakee River and several drainage ditches in Porter County.

Existing inside that River Edge Farm area was a small landlocked parcel of approximately 2 acres belonging to Ed Deardorff. Mr. Deardorff did not want his 2 acres to be part of the land sale because he used it for a camping/fishing site for his own recreation. By nature of the project Mr. Deardorff lost any public access to his property. An agreement between the KRBC, the Porter County SWCD, and Mr. Deardorff was that property access for Mr. Deardorff and his family would always be allowed through the Rivers Edge property by way of the internal levee roads.

As far as I am aware that agreement worked well, and the reconstituted River Development Commission honors that agreement. I would urge the Development Commission to continue to honor that agreement.

Sincerely,



Jody Melton

Former Executive Director

Cc: Mr. James Deardorff

ATTACHMENT 3


BASIN
DEVELOPMENT
COMMISSION
UPDATE

July 28, 2023

KANKAKEE RIVER BASIN AND
YELLOW RIVER BASIN
DEVELOPMENT COMMISSION

Scott D. Pelath, Executive Director

1




MISSION

*The Kankakee River Basin
and Yellow River Basin
Development Commission
advances Northwest Indiana's
safety, economic prosperity,
and quality of its natural
resources.*

2

LONG-TERM GOALS


- ◆ Reduce sediment entering the river system
- ◆ Stabilize banks
- ◆ Manage floodwater
- ◆ Protect vital economic assets
- ◆ Reduce human-made barriers



3

PURSUED OUTCOMES

- ◆ Safety and predictability for the region's residents and businesses
- ◆ Successful agricultural sector
- ◆ Improved water quality
- ◆ Development of both economic and natural resources



4

FORTY-YEAR WORK PLAN

Active Management Recommendation	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	
Yellow River Upstream Improvements																																							
Kankakee Bank Stabilization Improvements																																							
Zone-Specific Access and Logjam Management																																							
Large Wood Removal along Yellow River at Kankakee Fish and Wildlife Area																																							
Selective and Temporary Berm Maintenance																																							
Strategic Berm Removal & Setback Berm Construction																																							
Yellow River Downstream Improvements																																							
Bridge Removal / Replacement																																							
Storage Areas to Offset Increased Runoff																																							
Update Stormwater Ord. and Tech. Standards																																							
Education, Outreach, and Implementation Program Management																																							
Develop Flood Response and Resilience Plans																																							
Remove Infrastructure from Berm-Reliant Areas																																							

5

PHASE II, YELLOW RIVER BANK
RECONSTRUCTION

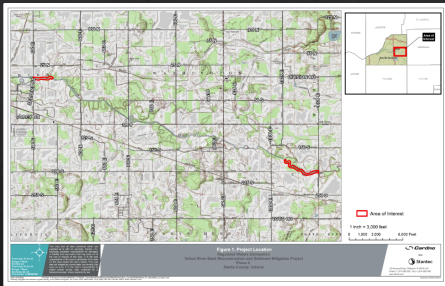
First section complete (500 East)

1100 East section

(40% of sediment in Kankakee originates in the Yellow River)

6

500 East and 1100 East in Starke County



7

500 East, Starke County – “Before”



8

500 East, Starke County – “After”



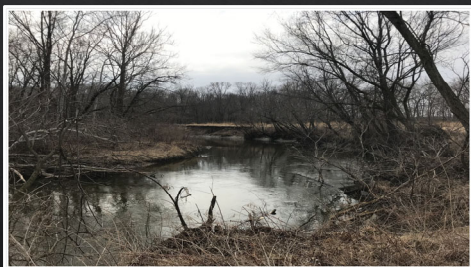
9

500 East, Starke County – “Sky View”



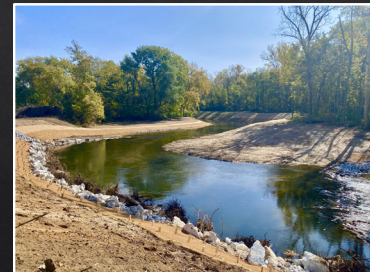
10

Starke County M-Bend (January 2019)



11

Starke County M-Bend (October 2022)



12

Starke County M-Bend (July 2023)



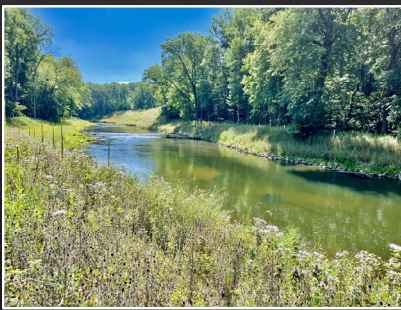
13

MARSHALL COUNTY, DECEMBER 2020



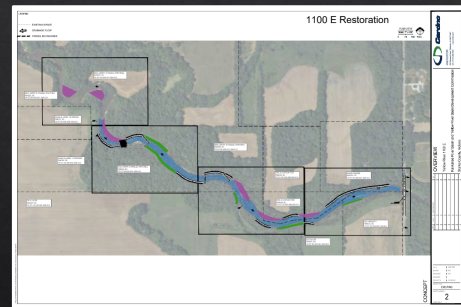
14

MARSHALL COUNTY, JULY 2023



15

UP NEXT -- 1100 East, Starke County



16

BARGE PROJECT FOLLOW-UP

17

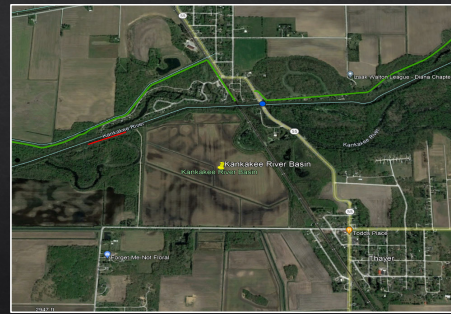
PORTER COUNTY LARGE WOOD REMOVAL
TWO YEARS LATER

18

FLOODWATER STORAGE DEVELOPMENT

19

THAYER FARM



20

SPILLWAY SEPTEMBER 2022



21

FIRST FLOOD EVENT – MARCH 6, 2023



22

THAYER FARM – MARCH 6, 2023



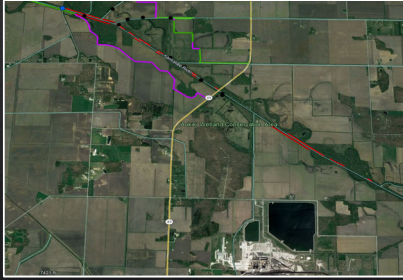
23

THAYER FARM – MARCH 30, 2023



24

AUKIKI WETLAND CONSERVATION AREA



25

AUKIKI WETLAND CONSERVATION AREA



26

BANK REPAIR PILOT

27

LAPORTE COUNTY BANK, APRIL 21



28

LAPORTE COUNTY BANK, JUNE 7



29

LAPORTE COUNTY BANK, JULY 27



30

PROPOSED FEMA PROJECT
AUGMENTATION SITE

31

JASPER COUNTY BANK, FEBRUARY 22



32

JASPER COUNTY BANK, FEBRUARY 22



33

SEDIMENT MANAGEMENT

34

TRAP #11 ON KANKAKEE (JULY 2022)



35

TRAP #11 ON KANKAKEE (JULY 2023)



36

HYRDOSEEDING

37

KANKAKEE RIVER (MAY 2023)



38

FURTHER QUESTIONS?

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(219) 861-7999
sdpelath@gmail.com

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