



MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS FLOODING TASK FORCE MEETING HELD ON MARCH 21, 2019

A meeting of the Charter Township of Texas Flooding Task Force was held on March 21, 2019, commencing at approximately 10:30 a.m. at the Texas Charter Township Hall.

1. INTRODUCTIONS

Supervisor John Hinkle opened the meeting, thanking everyone for taking the time to attend and inviting the Task Force members to introduce themselves. The following members of the Task Force were present:

- Engineer Tom Wheat, Prein & Newhof
- Engineer Tom Smith, Prein & Newhof
- Derek Haroldson, DEQ
- Jeff VanBelle, Deputy Drain Commissioner
- Travis Bartholomew, RCKC Deputy Director
- Jim Roberts, Crooked Lake Association
- Jack Levy, Sen McCann District Manager
- John Casper, Bass Lake Representative
- James Baker, City of Kalamazoo Public Services Director
- Len Bosma, Eagle Lake Association
- Jennifer Jones, Restorative Lake Sciences
- Dan Moyle, Kalamazoo County Road Commissioner
- Kalamazoo County Commissioner Christine Morse
- Russ Walters, Crooked Lake Association
- Amy Coon, Eagle Lake Association
- Dian Latora, Pine Island Development Representative
- Johanna Thompson, Vineyards Representative
- Texas Township Trustee Nick Loeks
- Texas Township Trustee Tim Brown
- Texas Township Superintendent Julie VanderWiere
- Texas Township Supervisor John Hinkle

2. FLOODING STATUS

Jim Roberts (Crooked Lake) reported that Crooked Lake is at 32.25" above high water mark.

Diane Latora (Pine Island Development) reported that ground water is now seeping into basements and many residents have been forced to install \$20-\$30k pumping systems.

Johanna Thompson (Vineyards Development) reported that the retention basin in the Vineyards is at the highest level.

Amy Coon (Eagle Lake) reported that Eagle Lake has gone up 1 1/2" in the last week; 6" since January and; 10" from last September. Both North Eagle Lake/East Eagle Lake areas are flooded. The City of Kalamazoo has been to the lift station by her house because of high water volume alarms. The conditions continue to get worse as each day passes.

Len Bosma (Eagle Lake) stated he was thankful for the MDEQ permit. He is concerned about some of the conditions in the permit particularly reference to the zebra mussels. They are everywhere in Southwest Michigan and water fowl can be the vector for transfer and there is no way to prevent this type of transfer. He stated that the permit is excessive.

Jeff VanBelle (Drain Commission) reported that the flood levels are the worse than ever. Homes are being abandoned that are not on the lakes, foundations are cracking and this damage will continue for a while. We need to wrap our heads around this crisis.



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Christine Morse (Kal. County Commissioner) reported that she met with Sheriff Fuller and Mike Corfman, Kal. County Emergency Manager. Texas Township would have to spend 10% of their budget on infrastructure repair/replacement in order to qualify for a Local Emergency Declaration. We have not met the criteria that is in place as of yet.

Amy Coon (Eagle Lake) responded that Newaygo County recently got a State of Emergency from the Governor. This does not seem fair as we have been dealing with our flooding for a long time and our situation is worse.

Christine Morse responded that it is imperative for a legal lake level to be established in order for the long term fix to move forward.

James Baker (City of Kalamazoo) reported that the City is responsible for the sewer lift stations. They have been monitoring them over the weekend. If the water levels get too much higher the city will dyke the lift stations.

Tom Wheat (Prein & Newhof) asked James Baker about sump pumps going into the sanitary sewers. It is illegal and will cause the lift station to get overwhelmed and in turn cause sewer backups in the nearby houses.

James Baker responded that sump pumping needs to be kept to a minimum as the system can be overwhelmed and cause back-ups. They can bring in additional diesel pumps to help but there is a limit because of the downstream capacity.

Tom Wheat explained that we have a draft permit from MDEQ. There are several conditions that we need to abide by that Derek Haroldson will go over today. We are chasing down all the conditions so we are prepared. But the filtration system has been ordered as well as the pipe and the river screen. The filtration system is large and needs to be heated therefore needs to be placed in a temporary pole barn structure. We are pretty confident that we have a location for the system.

Travis Bartholomew (RCKC) reported that RCKC has been active on Treasure Island as this has only one outlet for ingress/egress. They have brought in pumps and have been partnering with residents for the electricity. They blocked off the storm water system and are pumping the road water back into the lake. He stated that they have been successful to this point.

3. REVIEW DRAFT PERMIT CONDITIONS

Derek Haroldson reported that last Friday he sent the draft permit to the Township for review. We have one remaining issue to resolve. The Township has asked to start pumping without the filtration system in place due to zebra mussels not being transferred in cold water temperatures. The MDEQ is considering the waiver request but is seeking more information on what temperature zebra mussels do become active. They are evaluating the risk of allowing the waiver. The screening will still be required. They are determining at what water temperature they could allow pumping. If the waiver is allowed, pumping could start 1 month earlier. Derek explained that the Township is not going to sign the permit until this waiver request is decided because going through the permit amendment process is time consuming.



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Derek then reviewed the following highlights of conditions on the permit:

- Augmentation wells are not permitted to run except for regular maintenance during the life of the permit.
- 40 micron filtration system is required to be used for the water being transferred from Crooked Lake
- BSA (Boy Scouts of America) 30" culvert needs to be cleaned out prior to the commencement of pumping.
- 7 wetland monitoring points have been established. There are 7 additional monitoring points (total of 14). The following thresholds will require pumping cessation or reduction if reached.
 - 12th Street culvert: 4" above WSE from March 1, 2019
 - Bass Lake Culvert: 6" above WSE from March 1, 2019
 - Max rise of Bass Lake 6"
 - Max rise of Atwater Pond 4"
- Crooked Lake draw down to 895 instead of 893
- When the pumping starts, it will start slow at 1000gpm for the first week, can be increased after that. The max gpm the filtration system will allow is 2000.
- Monitoring 7 wetland points and observe for changes in conditions in particular the critical habitat areas
- Monitor water quality and invasive species for Eagle, Crooked and Bass Lakes. Township required to put together a monitoring plan that is to be approved by MDEQ

Jim Roberts inquired how much Crooked Lake would be lowered before Eagle Lake started pumping?

Tom Smith responded that there is not a specific plan, but obviously the pumping has to start on Crooked Lake before we can pump from Eagle.

Jim Roberts commented that we could pump right now with invasive screens due to there being no risk for zebra mussel transfer while the water temperatures are cold. Additionally, we have no assurance that there are not zebra mussels on Bass Lake now.

Len Bosma commented that the discussion on zebra mussels must continue. They are omni present in Michigan now. The State of Michigan other than advisory has no control measures in place for zebra mussels. In light of the 500-600 people that are being impacted he does not understand why the State is adjudicating more on this when they don't take any measures to control the spread of zebra mussels currently.

Derek Haroldson responded that the State can't regulate water fowl, but the State can prevent the spread downstream. He indicated that we do not know they are/are not in Bass Lake or Atwater. However, when you hydrologically connect two systems you must ensure that both are protected. He then stated that he is not an expert on zebra mussels but MDEQ is considering the waiver request.

Len Bosma stated in that context, Eagle Lake doesn't have them either so MDNR should close down the public boat launch to prevent the transfer.



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Derek Haroldson responded that Yes, there should be washing stations at all public boat launches. But this is a much higher level issue that should be considered.

Nick Loeks inquired how long the permit is valid for?

Derek Haroldson responded with the current pumping rates and drawdown estimates we should be complete by September 30, 2020. However, there is a provision for an extension for up to 1 year. MDEQ does not want to issue the permit long term. The timing is somewhat based on dormant period for some of the threatened and endangered species. The water level changes need to be reduced during dormant times.

Russ Walters commented that the limits on downstream have been considered while the flooding continues to increase. We could be over the 4" on Atwater and 6" on Bass Lake by the time we pump. How will that work?

Derek Haroldson responded that we had to set a benchmark. If Atwater is up an inch during pumping then we could only raise if 3".

Russ Walters asked is we are wasting our time then. \$500k has been spent; will the water already have been raised to those limits by the time we pump? Should level be re-calculated? The permit must have logical benchmarks.

Tim Brown asked if there is any data on these downstream check points prior to January? Could they be the same because there is an outlet?

Tom Smith replied the lakes are not going to rise in an equivalent manner. There are valid concerns with the benchmarks, due to the upcoming spring rains.

James Baker responded that Oakland Drive does have USGS historical data for review.

Jeff VanBelle asked for clarification on the permit being issued with WSE levels taken in March? Do we need to look at that again? Can that be adjusted? What is being pumped from Eagle to Crooked?

Tom Wheat responded that we have no restrictions from Eagle to Crooked Lake. We can make adjustments and pump more out of Eagle which will mean that Crooked will drawdown slower and Eagle will go down faster.

Jeff VanBelle stated that Derek is reviewing Zebra Mussel information and will determine if we will be allowed to pump ahead of the filtration system.

Tom Wheat stated the contractor advised we could put short term in place in 2 weeks. We could put in temporary pump and pipe and start once it is installed. However, we are limited by the seasonal weight restrictions and we have to have the river screen in place as well.

Jim Roberts commented that we can't start pumping from Eagle into Crooked until Crooked homes are not flooded.



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Tom Wheat stated that we want both lakes to draw down; there is no arbitrary number that has been set for Crooked Lake to be at before pumping can start.

Tom Smith commented that the goal of the flow rate is to be equal. Eagle will be half of Crooked.

Jim Roberts commented that we don't have measurements for Bass Lake.

John Casper replied that Bass Lake has gone up 3" over winter. The outflow is up 6" and Bass Lake rose 1 ½ " last week.

Jim Roberts commented that Crooked Lake went up 3" and Eagle Lake 10" over winter.

Russ Walters commented that if we get this permit who decides how much we pump out of each lake? The Lake Assoc would like to have a say in that.

John Hinkle commented that the spirit is what is most fair. We will continue to be transparent in the process and the progress.

Amy Coon inquired to Derek how the zebra mussel information has been provided and when will a decision be made?

Derek Haroldson responded that MDEQ is reviewing now and will have a decision by next week.

Amy Coon inquired about the gully; does MDEQ not care that that used to flow to Bass Lake?

Derek Haroldson responded that MDEQ has reviewed all of the data available. Certainly in 1920's there was a connection. In the 1960's it was gone. If there was a connection it may have been man made. There hasn't been an outlet since the 1920's.

Tom Wheat commented that there are questions on complicated systems with several points of data. If it does appear we need permit revisions, how long will that take?

Derek Haroldson responded that first we would need to determine if the permit requires revision. There is criteria through Inland Lakes and Streams but they would try to process within 30 days.

Tom Wheat responded to address Russ Walters's concern. We are putting together a spread sheet to keep track of all the data. This will be tied to graphs. We may be able to put these graphs on the website periodically. Ultimately, it will be up to the Township to make the decision on how much is pumped.

Tom Smith commented that the drawdown rates will be updated based on the information obtained.

Jim Roberts inquired what will happen if it is discovered this spring that Bass Lake already has zebra mussels? Will we still be required to filter?



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Derek Haroldson responded that if it can be proven that zebra mussels were in Bass Lake before, it would be reconsidered. We have no indication that Bass Lake has zebra mussels.

Jim Roberts commented that in Crooked Lake, they are in the big lake but none have been located in the west lake.

Jennifer Jones replied that there is a difference in the substrate types in these two sections of Crooked Lake, which is why they are not in the west lake.

Derek Haroldson inquired if Jennifer had studied where they are located in Crooked Lake?

Jennifer Jones responded that they have not done a study as they have not been requested to do one. They were not present in 2011 but were present in 2015.

Len Bosma asked if we could look at the big picture. State needs to protect those interests. State needs to consider people impacted. Please consider those residents that are impacted vs the potential of downstream impacts. Is the State not culpable for not taking action?

Derek Haroldson responded that the need for flood relief is well document. It is critical; we are trying to balance the urgency. The delay in getting a final permit issued is not for a lack of sympathy. The last piece is the risk of pumping without filtration.

Russ Walters stated if it is found that there are zebra mussels in Bass Lake is there a provision in the permit that will allow us to stop filtering? It does slow down the process.

Derek Haroldson replied that they would be open to adding language; if it is conclusively determined Bass Lake has zebra mussels.

Tim Brown inquired what was the water temperature when AeM took the test? What is the historic temperature of the lake?

Jennifer Jones responded that it depends on the weather.

4. TIMING OF FILTRATION AND PIPING

Tom Wheat reported that we are working on getting the contractor under contract and that all of the equipment has been ordered.

Russ Walters inquired if we knew where the filtration equipment was going to go?

Tom Wheat replied that we have located property in Bentwood and are working with the owner on an easement.



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Russ Walters commented that he thought there was a delay because we were going to put in in the consumers easement.

Nick Loeks asked if the filter equipment can be placed before the building is built? In case there are zebra mussels in Bass Lake, then we would not have the added expense of the building.

Tom Wheat replied that we could wait until October.

5. EASEMENT ACQUISITION

Julie VanderWiere reported that all of the initial easements have been received and have been recorded. We would like to thank the following property owners for stepping up and agreeing to the easements. Without their generosity, this project would not be possible;

Salim and Amal Harik
Lukasz and Rachelle Niec
Elage Point
Allen and Diana Bellware
Rajesh and Nita Dagli
CLTA
Bentwood Shores LLC

6. TREASURE ISLAND EMERGENCY ROAD STABILIZATION PROJECT

Travis Bartholomew reported that RCKC is in conversation with the Township to determine what can be done to keep the road open. They are working with the Township to get an emergency contract to do grade changes to the road. They plan to start small then raise the road as needed. They plan to use 9A (which is ¾" - 1" stone) to place on top of the road. This will help to keep the road out of the water. It will be a gravel road. They will be working closely with COK to ensure the necessary sanitary structures are raised. They will also have to work with some of the residents as there are some driveways that they will need to transition once the road is changed. They will need to coordinate easements for these.

There is approximately 1400 ft. of work to be done on Treasure Island Causeway and Woods Drive. The hope is that long term the material can be used on another project. There are no guarantees that this will work but they felt it was important to try something and they appreciate the partnership with the Township. He advised that we will have work through the seasonal weight restrictions that are currently in effect.

Amy Coon thanked the RC for their proactive approach to this issue.

Tom Wheat reminded everyone that this emergency road lift will be larger aggregate and will not be conducive for people to ride their bikes on it.



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7. SECOND PUBLIC HEARING ON SPECIAL ASSESSMENT DISTRICT

Julie VanderWiere reported that there may be change in the date for the second public hearing. This will be decided at the next township board meeting. If it is changed we will notify everyone in the weekly updates as well as the required public notice. It will still be held at KVCC, but is likely to be in a different auditorium than the Dale B Lake.

8. QUESTIONS/COMMENTS

Tom Smith reported that the draw down graph with new flow rates has been updated. It is on the website and there are some copies available here today. The graph now shows Pine Island Lake as well. With the new gpm rates it will take approximately 1 ½ years to draw down to the target. The graph accounts for evaporation and typical rain events. He is encouraged about the drawdown for Pine Island Lake.

John Casper inquired if the draft permit was going to be put on the website?

Julie VanderWiere responded that the permit once issued, will be posted on the website.

John Casper inquired if the monitoring will be conducted by a disinterested party or not?

Derek Haroldson responded that the permit does not stipulate.

John Casper stated that the lake temperatures should be taken by a contractor that is not interested.

Russ Walters commented that there should be reasonableness. We need to bring logic back into the consideration.

Tim Brown commented that the water quality report did not test for zebra mussels. He inquired if Jennifer could test for that? He stated that Bass Lake was 10 degrees C when tested and the AeM report does not indicate that zebra mussels were looked for.

Jim Roberts commented since Jennifer Jones already tests Eagle and Crookes Lakes. He recommended that Jennifer test Bass Lake as well, if John Casper would be ok with that.

John Casper responded that he would have to discuss with remainder of owners of Bass Lake and he would get back to him.

Jennifer Jones suggested that SCUBA gear should be used look for zebra mussels in Bass Lake. She would like John Casper to go with her.

John Casper stated that he will get back by the end of the week.

Christine Morse wanted everyone to know that she is listening and working with the Township. He is happy to hear any comments.



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Russ Walters commented that when DEQ said that downstream property owners could stop the permit, we hired an attorney to review. The association has been told by the Township Attorney that this is not a lawful expense for SAD 1 or for the new SAD for Flood Mitigation. He wanted to be transparent and let everyone know that he will be going to the next board meeting to make a comment about this.

The next Task Force Meeting was scheduled for Thursday, April 11, 2019 at 10:30am.

Submitted by Superintendent Julie VanderWiere