



## MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS FLOODING TASK FORCE MEETING HELD ON OCTOBER 24, 2019

A meeting of the Charter Township of Texas Flooding Task Force was held on October 24, 2019, commencing at approximately 10:30 a.m. at the Texas Charter Township Hall.

### 1. INTRODUCTIONS

In Supervisor Hinkle's absence, Trustee Nick Loeks 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
- Derek Haroldson, EGLE
- Kyle Alexander, EGLE
- Travis Bartholomew, RCKC Deputy Director
- Jeff VanBelle, Kalamazoo Deputy Drain Commissioner
- Jack Levy, Sen McCann District Manager
- Andy Tata, Boy Scouts
- Kalamazoo County Commissioner Christine Morse
- Gerry Robbins, N Eagle Lake Dr. Representative
- Phil Deyoung, Eagle Lake Association
- Nate Henschel, Congressman Upton's Office
- James Baker, City of Kalamazoo Public Services Director
- John Casper, Bass Lake Representative
- Amy Coon, Eagle Lake Association
- Jim Roberts, Crooked Lake Association
- Russ Walters, Crooked Lake Association
- Dian Latora, Pine Island Development Representative
- Mark Rose, Vineyards Representative
- Texas Township Trustee Tim Brown
- Texas Township Trustee Nick Loeks
- Texas Township Superintendent Julie VanderWiere

### 2. FLOODING STATUS

Jim Roberts (Crooked Lake) advised that Crooked Lake is 19.75 inches above the high water mark. Since the change to the pumping rate the lake has not gone down at all.

Amy Coon (Eagle Lake) advised Eagle Lake is the same as where we were at the end of September, where rates were reduced. We need to discuss the rate today because we won't reach our goal if the rates don't increase. The rates need to go back up. We don't to be at this level next June and have spent a lot of money for nothing. This has been extremely frustrating.

John Casper (Bass Lake) reported that since the culvert replacement Bass Lake is the lowest it has been all summer.

Dian Latora (Pine Island Development) reported that the water levels were going down until the 4 inch rain in September. Since then our backyards have gone up 12 inches. We are concerned for winter snow and spring rains.



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Jerry Robbins (N. Eagle Lake Drive) reported that there is flooding in the culverts where the road was raised. The road looks eroded near the buried culvert. The ground water is going up. He would like GEI present at the meetings to explain what they are observing in the wetlands. Every wetland is being stressed in the area of SW Michigan. He knows someone who lives on Portage Creek that has seen no increase since the pumping started.

Mark Rose (Vineyards Development) reported that water continues to flow down the road. RCKS fixed the sink holes on the road. They are concerned about the berms being built on PQ Ave because the berms will block the water and it is likely it will come into the Vineyards.

Nick McLaughlin (Pine Island Lake) reported that Pine Island Lake is about 1 ft. higher than it was this time last year. We have had more rain and are not pumping enough.

### **3. Flood Mitigation Project Update**

#### **Bass Lake Culvert**

Tom Wheat reported that since the culvert has been installed Bass Lake has lowered. He is happy with the performance of the culvert and it has plenty of capacity.

#### **Monitoring and Pump Rate Permit Change Request**

Tom Wheat stated that GEI advised there was no reason to continue to monitor the wetland vegetation during the fall/winter months because it is all going dormant. As a result, the Township is going to be requesting to reduce the vegetation and water level monitoring in the wetlands during the dormant stage. We are reviewing the downstream impacts but will be drafting a proposal to EGLE requesting increasing the pumping rate.

Jim Roberts advised that he spoke with GEI representative this week. EGLE requiring sampling through the winter does not make sense. GEI has been doing the monitoring with no comparison. Why was there no control point to start with? This is very upsetting.

Tom Wheat responded that we did discuss that during the conference call with EGLE. We are looking at adding reference points in Scouter's Pond because the wetland is similar.

Jim Roberts stated that should have been part of the control from the beginning. GEI also indicated all the wetlands in SW Mi are seeing the same stress. Wetland stress is being made more important than human stress. People are suffering from PTSD.

Nick McLaughlin stated that he asked his father, Douglas McLaughlin, PHD and an expert in this field, to review the GEI data and the EGLE white paper. He made several comments in a memo in reference to his review. He stated there is an over emphasis on stress to invasive species that are bad for the wetlands. The Tamarack wetland water levels have remained nearly the same level throughout the pumping. The glossy buckthorn is undesirable and invasive to the wetland and the red maple is a common aggressive invasive plant. Neither of these plants are good for the health of the wetland and can be a threat to it. GEI does not report threat to



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Tamarack site. Nick read the memo from his father in its entirety. He then asked why ELGE was concerned about invasive species when they are bad for the wetland.

Derek Haroldson responded that those are only two species and GEI is looking at many others as well.

Nick McLaughlin then asked what the purpose of the EGLE white paper was.

Derek Haroldson responded that it was an overview of how we got to where we had to reduce the pumping rate.

Russ Walters responded that he thought it was written to justify a bad decision. He did not think it provided compelling information.

Kyle Alexander, EGLE, stated that we need to keep things in perspective. Ideally we would have had base line data. We could have not allowed the pumping at all until baseline data was collected for 6 month to a year. We chose to move forward without the data now we are playing catchup. These decisions are not being made lightly.

Nick Loeks asked who specifically is making the decisions. He requested the names of those individuals.

Kyle Alexander responded that there are many people involved at EGLE making the decisions.

Tom Wheat commented that the EGLE permit requires 7 sites to be monitored for the impact on the vegetation as well as the water surface elevations. He then read the EGLE permit monitoring requirements.

Christine Morse commented that this is a sticky point. How do you arrive at the decision that the pumping is causing the stress with no baselines?

Derek Haroldson responded that with a lack of baseline or control point data it is difficult. Due to the urgency of the permit, it was issued without the baseline data. We know the normal function of these systems and everything is higher then it was at the start of pumping. We are looking at a lot of data. It was not an easy call and we know there are ramifications. We will continue to work with the Township through this permit.

Jerry Robbins commented that he was thankful EGLE issued the permit. But there is a balance that must be considered. This is uncharted territory. Let's look at that has been presented and review the information.

Russ Walters commented that this may have been an expedited process but we worked on this for one year. There have been discussions with GEI about amending the monitoring requirements. We have spent all this money and will have no results with the reduced pumping rates. We have stopped making progress. We don't know what is going to happen in the winter and whether we really will be able to pump or not. We need to have something happen now with an increase in the pumping rate.

Kyle Alexander responded that EGLE is quite supportive of bringing in a comparison wetland.



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Nick McLaughlin stated that he has a request. Institute better control measures and can we please have 2000 gpm back as default? The human cost is too great there are many displaced homeowners. Acknowledge the justification was wrong and go back to the 2000 gpm. Then provide more solid basis for a reduction in the pumping rate.

Phil Deyoung responded that it seems like too much emphasis has been given on the 20 acres of wetland downstream. What about the upstream wetlands. We have miles of land that are all damaged.

Derek Haroldson responded that it is not about one 20 acre wetland. It is about balancing the pumping and adding millions and millions of gallons of water downstream that is already impacted. He advised that he will gladly review the memo. He is still working with the Township, reviewing the data and we are figuring it all out as we go. We will respond to it keeping an open mind.

Nick McLaughlin asked that EGLE would acknowledge that the criterion was not in place to reduce the rate. He then asked who has asked for it to be reduced.

Derek Haroldson responded that there are findings of adverse impact. It is not spelled out what happens next, the permit does not lay it out. That is why we are reviewing now,

Nick McLaughlin again asked that EGLE please reinstate the 2000 gpm until it is determined.

Jim Roberts thanked Nick McLaughlin and Douglas McLaughlin for the report. Jennifer Jones has advised that the wetlands are adaptive to large fluctuations in water levels. The lack of control wetland created a premature flawed decision to reduce the pumping rate. DEQ should admit they made a mistake. Human stress and property damage should be taken into consideration. I ask along with Nick that 2000 gpm is reinstated. It was irresponsible to reduce in the first place.

Russ Walters inquired if any humans actually complained?

Kyle Alexander responded that Aaron Keatley has received feedback from downstream people.

Derek Haroldson responded that just last week he took a call about trees in the Atwater Millpond. Atwater has gone up about ½ inch. Al Sabotage has gone up 3 inches but Bentwood has taken the brunt of it, but that wetland is more adaptive.

Russ Walters asked if Bentwood was the primary driver to the reduction in the rate.

Derek Haroldson responded that it was not, all of the wetlands have been considered.

Amy Coon commented that pumping is an easy scapegoat. Atwater reached the max with the 4 inch rain but the pumps were turned off. Healthy wetlands need droughts and floods. Why is there so much focus on water in wetland when it is natural? Are you trying to protect yourself if someone sues EGLE? Impacted residents are already talking to attorneys. I also ask that the pumping rate is increased back to 2000 gpm.



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Jeff VanBelle stated that he has talked to people downstream. Mostly they ask questions about what is going on. He agrees with Derek Haroldson that we couldn't put everything in the permit. We did see positive effects upstream. We don't even know the amount. Everything has stopped right now because of the redacted rate. Maybe the scope is larger than we thought and should be considered.

Jerry Robbins commented that a month ago Derek asked for decrease in pumping. There is damage that is happening now. Consider this an emergency to get an answer. We want an answer within 48 hours on whether we can turn the pump back up.

### **4. UPDATE FROM LONG TERM SOLUTION SUBCOMMITTEE**

Russ Walters advised that they are circulating the legal lake level petition now. They have sent emails to everyone. Crooked Lake Association is having a meeting at the township Wednesday Oct 30<sup>th</sup> to answer questions. There is a group of people who are opposed to the legal lake level. The association is trying to deal with that.

Amy Coon commented that Eagle Lake Association has signatures from 143 homes. We are still trying to determine the answer of how the 66% is going to be calculated, which is a problem because they do not know how many they need.

Christine Morse responded that it is 66% of the owners. If the Lake Association owns property it equals one vote. Stacy Hissong is the expert on Legal Lake Levels and that is who the Drain Office is working with.

Amy Coon commented that the biggest problem they are having is misinformation. We can't go forward with the long term solution if the short term is not at the target level.

Tom Wheat responded that was not true. We can go forward with the long term but it will cost a lot more money.

Nick Loeks asked if there has been any discussion at the County Commission if the Associations do not get the 66% but are close, at what point would the CC take it on anyways?

Christine Morse responded that the County Commission has not discussed it at all.

Nick Loeks responded that was very frustrating that the County Commission has not even discussed this.

Russ Walters inquired if there was a solution that only helps Eagle Lake?

Tom Wheat responded that it would have to be a permanent pump station because it could not be gravity then.

Russ Walters commented that they have been told it had to be a joint project. We are not sure we can get the support. He suggested that we might want to look at a solution for just Eagle Lake.



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Jeff VanBelle responded that the Drain Office sees this as one project and the Engineer agrees with that.

Nick Loeks asked if Crooked Lake could be seen as a pump through lake and not have to establish a Legal Lake Level?

Jeff VanBelle responded no.

Jim Roberts asked Derek there is a request for an answer in 48 hours. Can you do that?

Derek Haroldson responded that they hear the ask but don't know we can turn it around in that time frame.

Kyle Alexander responded that when they get back to the office today they will let their supervisors know of the ask.

Jim Roberts requested that EGLE please take into the consideration the human aspect when making your decision.

Derek Haroldson stated the concern is that everything is saturated. We are concerned about how much more the system can take. We do care. This is not simple; we are trying to apply our best professional knowledge.

Kyle Alexander stated that the human component is not lost on us.

### **5. SANITARY SEWER**

Tom Wheat advised that they have been informed by Portage that the 12<sup>th</sup> Street Interceptor is over max capacity. Most of Texas Township sewage pumps through the 12<sup>th</sup> Street interceptor. Prein & Newhof is currently conducting a REU (Resident Equivalent Usage) study. They have discovered that there is infiltration coming from around the lakes. The infiltration is illegal and most likely from sump pumps that are connected into the sanitary sewer system. It is overwhelming the sanitary sewer system. When they finish up the study they will then use CCTV to get a better idea which houses are illegally connected and then we will have to take action. We can not continue to operate the lift station above capacity it is detrimental to the system.

Jim Roberts inquired how much money the township spent to update the 12<sup>th</sup> Street lift station.

Tom Wheat responded that the project to 12<sup>th</sup> Street interceptor did not increase capacity. We may need to increase rates to pay for the increased flow. The sanitary system is not sized for the increased flow due to infiltration.

### **5. QUESTIONS/COMMENTS**



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Travis Bartholomew shared that RCKC opened S Ave between 6<sup>th</sup> and 8th Street and P Ave to the County Line. Texas Township only has one road closed now, O Ave. They are still pumping 24/7 at Treasure Island. We think we are at a point that we will need to shut down because we can't keep the pumps going over the winter.

Jerry Robbins asked Travis Bartholomew about when I94 was constructed and if they changed the water system flow pattern because now the water flows into Eagle and Crooked Lake. Can we go to the State for support and funding because of what they did?

Jeff VanBelle responded that MDOT reached out this summer. They are concerned about their highway as well. They said there could be financial help if a project was determined. If we get past 2021 without resolving this flooding, we will have to switch gears. This is much larger than it appears.

Amy Coon commented that there is a request for EGLE to respond in 48 hours. The decision is so impactful now with the road and sewer issues. The June rain event damaged more properties, we need a decision.

Nick McLaughlin expressed concerns from Pine Island Lake. We have been left out of goals for drawdown. 90+ years of data show it as a marsh. We are asking for a permit amendment to add Pine Island Lake to a drawdown to 900 WSE and keep Pine Island South from pumping into the storm drain because it is adding water and silt into our lake. We want you to close off the drain that is going to Pine Island South.

Jeff VanBelle responded that it isn't just the Drain Office. If we stop 1 we have to stop all. Drain Easements have legal right to drain. This is a civil matter involving property owner vs property owner.

Nick McLaughlin inquired if EGLE gets involved in this?

Kyle Alexander responded that it is a civil matter and not something EGLE would not get involved with.

Nick McLaughlin questioned even if it is affecting Pine Island Lake?

Christine Morse responded that this is a civil law and has to be dealt with that way.

Russ Walters asked who has standing.

Nick McLaughlin asked if this was something the AG's office would resolve then asked who is responsible to protect the natural resources?

Derek Haroldson commented that there is a potential crossover but not EGLE's responsibility.

Tom Wheat suggested that Soil Erosion and Control at Kalamazoo County would be a good place to start.

Jeff VanBelle stated that we have to be very careful how we handle this because we are in a crisis.

Derek Haroldson stated unless it is injurious it is civil.



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Russ Walters stated that we will continue to look for signatures but wanted this group to know that we are having issues getting them.

Jim Roberts commented that Jeff VanBelle Wil be at the meeting Wednesday as well as Tom Wheat.

**The next Task Force Meeting was scheduled for Thursday, November 21st, 2019 at 10:30am.**

Submitted by Superintendent Julie VanderWiere