



MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS FLOODING TASK FORCE MEETING HELD ON SEPTEMBER 24, 2020

Via Zoom

A meeting of the Charter Township of Texas Flooding Task Force was held on September 24, 2020, commencing electronically via Zoom at approximately 10:30 a.m.

1. INTRODUCTIONS

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

- Engineer Tom Smith, Prein & Newhof
- Derek Haroldson, EGLE
- Jeff VanBelle, Deputy Drain Commissioner
- Travis Bartholomew, RCKC Deputy Director
- Keshia Dickason, Senator McCann's Office
- Christine Morse, Kalamazoo County Commissioner
- Nick McLaughlin, Pine Island Lake
- John Casper, Bass Lake
- Amy Coon, Eagle Lake Association
- Jerry Robbins, N Eagle Lake Association
- Andy Alspaugh, Kalamazoo County Emergency Management Department
- John Curran, Senator McCann's Office
- Jim Roberts, Crooked Lake Association
- Russ Walters, Crooked Lake Association
- Len Bosma, Eagle Lake Association
- Dian Latora, Pine Island Development
- Marc Rose, Vineyards Development
- Texas Township Trustee Nick Loeks
- Texas Township Trustee Tim Brown
- Texas Township Superintendent Julie VanderWiere
- Texas Township Supervisor John Hinkle

2. STATUS OF FLOODING

Amy Coon (Eagle Lake) reported that Eagle Lake is at a new low, 901.64. The draw down has slowed down a little bit as it was .02 each day and now it is .01.

Jim Roberts (Crooked Lake) reported that they are at 5.65 inches above the highwater mar. We are going down about 50% slower than we were in the summer.

Dian Latora (Pine Island Development) reported that they are going down at a slower rate but they are down about 36 inches from the all time high. She thought they had about 18-24 inches more to go.

Nick McLaughlin (Pine Island Lake) reported that they had dipped under 904 above sea level this week. They continue to go down about 1- 1 ½ inches per dry week.

Jerry Robbins (N Eagle Lake Drive) reported that they were still dealing with the heavy rains from a few weeks ago but they are doing ok.

Marc Rose (Vineyards Development) reported that they are in good shape. The road project is about completed.

John Casper (Bass Lake) reported that Bass Lake is in good shape and is draining well.



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3. SHORT TERM PROJECT UPDATE

Pumping Rate

Tom Smith reported that approximately 3-4 weeks ago we noticed a dramatic change to how the lakes were drawing down as Crooked Lake was not dropping at the same rate as it was before. The pumping rates have been triple checked and they are correctly set. Bass Lake is lower than it was previously which confirms that the water is not moving from Crooked Lake to Bass Lake sub-surfacely as quickly as it was before.

Tom Smith stated that due to the cone of influence, Eagle Lake is dropping faster than the area around it down stream, however it will catch up and level off as well. This is a result of the Lakes downstream not pulling as much water as they were before. This is not shocking, but we need to know why it is happening. He believes that it has to do with the soils. When the ground water levels were at higher levels there appeared to be better conveyance through the soils. Now we are not getting as much water flow at the level we are at. We will keep monitoring and will recommend changes if needed. Otherwise, we are making good progress.

Tom Smith also stated that the latest rainfall projections are that we are not supposed to be as wet as last fall.

Len Bosma asked if the pumping rate could be addressed. He stated that he does not understand the rationale used by EGLE. Tom Smith discussed why we should have an increase. He then asked Derek Haroldson (EGLE) if the rate could be reviewed and a rate increase considered.

Derek Haroldson responded that the pumping rate decrease had to do with the wetland monitoring through the wells and the control sites. EGLE staff were seeing signs (impacts) in the wetland. The factors change as we move into fall, some species become dormant and it will be important to keep the levels stable. However, he anticipates increases through the winter after reviewing the data to ensure no negative impact. We need to wait it out another 30-45 days to ensure the leaf off has had a chance to finish.

Derek Haroldson added that EGLE just approved an increase after a ½ inch or more rain event to adjust for the rainfall. We will be able to increase the rate for a short amount of time to move water through the system. If there is a rain event of ½ inch or more, the Township will send a request to EGLE requesting an increase up to 2000 gpm for up to 2 days. We don't feel this will negatively impact downstream. This process was just implemented and has not been utilized yet.

Russ Walters commented that last night Crooked Lake Association held a Board meeting. The drawdown rate was discussed at length. There are many conspiracy theories right now going around to explain why Crooked Lake is not going down as quickly as it was before. He has told everyone to show him the data that supports the theories. Crooked Lake has gone up 1.08 inches and Eagle Lake has gone



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down. There is a serious concern about fairness of the pumping rate. We were told it there was to be equal draw down rates and the rates are not equal right now and no adjustment is being made.

Tom Smith responded that it is clear that something has changed. We will put together information on the lake levels for the Board to review. This is not a pumping issue.

Nick McLaughlin commented that over the course of the pumping project, Crooked Lake is down 34.4 inches from the highest level and Eagle Lake is down 24.4 inches from the highest level. That is more than a 10 inch difference. There are more factors at play than just the pumping.

Russ Walters asked why Crooked Lake should continue to pay into next year when we are going up and not down. He stated that he doesn't know how he can argue to be a good neighbor when our lake is going up.

Jim Roberts commented that there is a rumor going around that the contractor is getting paid under the table to increase the rate at Eagle Lake.

Russ Walters then asked how do I explain the 2.76 inch difference.

Jeff VanBelle responded that he talked to the contractor at length yesterday. He has also heard the rumors. The contractor is not being paid to increase the rate. They do have adjust the rates *temporarily* when they clean the equipment and turn the system back on. However, there are only a select few staff members that know how to and are allowed to make the adjustments. He further stated that we did not do a full blow hydrogeo study to understand the whole system before we started because this was an emergency. We do not fully understand how all the lakes are connected.

Tom Smith responded that because Bass Lake is drooping it tells us that it is due to soils and not anything else. Had we had time for a full study, we would have known what to expect. The Board still has the option to adjust the rates. This is a ground water issue.

Jerry Robbins commented that he understands Eagle Lake's concern but let's continue to work together. Decrease Eagle Lake's pump rate and see what happens.

Christine Morse asked Russ Walters if he could explain that Eagle Lake didn't drop the same early on but it is now. The Board is listening and will adjust if necessary. People don't trust the Government right now, so the data is very important.

Russ Walters responded that he did not have the data to refute the 2.76 inch difference. He is being asked why should we pay more when we are fine right now and more and more people are asking if we should extend the temporary easements.



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Christine Morse commented that the thing to highlight is that we are trying to get to the long-term solution. The more we bring the lake down now the less the long term will cost to implement.

Jim Robers asked Derek Haroldson when the rate was reduced to 1000 gpm?

Derek Haroldson responded August 14th.

Jim Roberts commented that we had a rainfall event that increased the lake 1.75 inches in one night.

EGLE Pumping Regime Changes for Rainfall Event

Jeff VanBelle asked what the protocol was for the request to increase pumping?

Derek Haroldson responded that the Township needs to document through the rain gage a rainfall event of .5 inches or more. The Township then can make a request up to 2000 gpm. We will determine the amount of the increase up to 2000 gpm and the length of the increase up to 2 days. We need the ability to say No, but most cases it will be reasonable.

Jim Roberts commented that if Bass Lake is lower than what it has been and downstream is lower, shouldn't we be able to increase the rate? Maybe not up to 2000 gpm but some? GEI has also indicated the wetland is in good shape as well.

Derek Haroldson responded that Bass Lake responded to the lower pumping rate. We need to keep it at 1000 gpm for the next 30 days then we will review and entertain an increase of an additional 200 gpm.

Len Bosma asked Derek Haroldson if he could commit to Oct 15th an increase in the rate? He also asked what happens when there is a rainfall event on the weekend or off- hours and we won't be able to get ahold of you to ask for an increase. Can we just increase on .5 inch rain event on the weekends?

Derek Haroldson responded that Len made a good point about weekends and off hours. He advised that he would work with the Township on an after hours protocol. The Township could request ahead of time for an increase on Oct 15th but we will have to review.

Permit Extension

Derek Haroldson advised that EGLE received the extension request from the Township some time ago. He would like to hear on the status of the easement extensions. And would like to know what date would extension request be through.

Julie VanderWiere reported that the Attorney is working on the extension agreement. We are still working with the Bentwood Association to try to get an extension on the wetland easement. As long as we move the pump all of the others are in pretty good shape.

John Hinkle inquired what effect do you think there will be from the winter snow and spring rains?



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Tom Smith responded that last year we had a lot of rain. The weather service is expecting average rainfall. We are hoping not to see the amount of rain increase as we had last year. 2018-2019 were the wettest years in history.

John Hinkle inquired what was the normal increase in the water level of the lakes after the winter.

Jim Roberts responded that the normal increase on Crooked Lake is 8-12 inches. Bentwood Shores has a sticking point for the wetlands. We have had 2 meetings with the Bentwood Association. Previously Bentwood Association was opposed to extending the easement to the wetlands, now they are going to consider it. They do want to help out, but some of their push back is that there has been a lot of issues during the project. One of the residents lost their water service during the installation of the equipment, which flooded out their yard. There are easements on both sides of this house and equipment on both side yards. This is a big ask and they did not feel appreciated. The meetings did help and they are now considering.

Russ Walters commented that the Bentwood Association would like to negotiate a deal. They don't want to be the ones holding up the project. But they need to know if this is going to benefit Crooked Lake or not. They are waiting to hear back from the Township, however, the Association has not provided a list to the Township yet either.

Len Bosma commented that he attended the meeting with Bentwood Residents. Eagle, Vineyard and Pine Island residents are all grateful for the Bentwood Association. Maybe we did not say that enough but they are very much appreciated.

Jeff VanBelle commented that the contractor is very sensitive to the impact on Bentwood. They all take one way in and out to the pump and have tried to reduce the impact.

John Hinkle responded that we are all suffering trauma fatigue. We are trying to bring a solution to the damage and uncertainty.

4. DRAIN COMMISSION UPDATE

Jeff VanBelle reported that he attended a zoom meeting with Luke Trundle from EGLE because they are trying to work from the top down. They are reviewing comments they received from EGLE and MDNR and we are working on addressing them. We also have discussed the MDNR Fisheries comments. We do not see any major hiccups at this time. We took Steve Rice (GEI), Tom Wheat, DNR to look at the whole system and documented everything. Prein & Newhof was to provide the photos that were taken of the system before the pumping started. Jeff indicated that there were questions on the downstream impacts, we need to answer those now. We all are on a learning curve. Downstream is a focus that we are addressing. We will amend and resubmit to Luke.



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Jeff indicated that this has altered the schedule slightly but we still think it will save time down the road. We want EGLE to be comfortable with the process.

Jeff also stated that obtaining easements are a nightmare. He appreciates all the work that Jim and Russ have spent working on the easements. We have to keep focus on the long-term solution. The long term is absolutely necessary, it is our own insurance policy.

Nick McLaughlin stated that he appreciates the notion that it would be valuable as an insurance policy. However, he believes the water system changed substantially when we approved the neighborhood. The long term is recreating the system that used to exist.

Tom Smith commented that it is safe to say that there are cycles and this is going to happen again. Maybe not in our lifetime. We are concerned about responding to MDNR questions. We are not sure they understand that what we are dealing with now is not what we will always deal with. This will not overtop the structures all the time. The impacts downstream will be relatively minimal compared to what we are pumping now.

Len Bosma asked what does the delay do to the schedule and what does this do to our court date?

Tom Smith responded that they have to get the report done first before they can get a court date.

Jeff VanBelle stated that their Attorney has all of the paperwork prepared, they are just waiting on the lake study report. He then asked if Tom Smith had a timeline for the completion of that?

Tom Smith stated that they plan to get the report to Jeff VanBelle next week.

Jeff VanBelle stated that the lake level will go to court this year. The Lake Study is not available to the public yet and it will not be released until it is finalized.

Len Bosma inquired if the build schedule is still possible?

Jeff VanBelle responded that it was.

Russ Walters commented that we thought this was a sure thing. Now he is wondering if there is opposition? Does anyone know of opposition? Organized or not.

Jeff VanBelle stated that he has received two inquiries on the proposed lake levels. This is extremely low. We are keeping James Baker (COK Director of Public Services) in the loop. The impacts will be extremely minimal.

Christine Morse commented that she has said previously, it would be wise once the report is finalized to think about outreach to the City of Kalamazoo. They need to understand that their flooding is a



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separate issue and not caused by this project. Commissioner Bauer lives in an area that floods within the city and asked previously about some educational information or even attending a meeting.

5. COMMENTS/QUESTIONS

Jeff VanBelle asked about the EGLE permit extension and when EGLE needed a request.

Derek Haroldson responded that the permit expires Sept. 30th. He is going to send the Township something on the extension soon. We have no reason to say no to the extension request. It of course will have the same conditions as the original permit.

Jim Roberts asked if the permit extension should be only to June 1st as that is when the some of the easement extensions will expire.

Derek Haroldson advised that he could extend the permit to June 1st.

Russ Walters stated that he would like concrete data about the increase on Crooked Lake to help explain the difference in the 2.76 inches.

Jeff VanBelle asked Tom Smith to create a document for Russ Walters.

Derek Haroldson advised that he also would like that document.

Jim Roberts Thanked John Casper and the Bass Lake Residents for their participation and for helping the lakes and the Township.

Len Bosma echoed Jim's comment and also thanked EGLE, Township, Bass Lake, Crooked Lake, Jeff VanBelle and Prein and Newhof. He also stated that the long-term solution is critical.

The next Task Force Meeting has been scheduled for Thursday October 22, 2020 at 10:30 a.m.

Submitted by Superintendent Julie VanderWiere
September 30, 2020