



## MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS FLOODING TASK FORCE MEETING HELD ON JANUARY 27, 2022

### Via Zoom

A meeting of the Charter Township of Texas Flooding Task Force was held on January 27, 2022, commencing electronically via Zoom at approximately 10:30 a.m.

#### 1. INTRODUCTIONS

Supervisor Nick Loeks 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
- Engineer Tom Wheat, Prein & Newhof
- Derek Haroldson, EGLE
- Kyle Alexander, EGLE
- Amy Coon, Eagle Lake Association
- Dale Shugars, Kal County Commissioner
- Shawn Deverell, Sen Sean McCann's Office
- Jerry Robbins, Eagle Lake Drive
- John Casper, Bass Lake
- Len Bosma, Eagle Lake Association
- Jason Wiersma, Kal County Drain Commissioner
- Zena Vos, Kal County D/Drain Commissioner
- Russ Walters, Crooked Lake Association
- Acacia Costales, Representative Christine Morse's Office
- Texas Township Supervisor Nick Loeks
- Texas Township Superintendent Julie VanderWiere
- Kyle O'Meara, (FSBR) Drain Office Attorney

#### 2. STATUS OF FLOODING

Amy Coon (Eagle Lake) reported that this morning the lake measured .24, however there was ice all around the gauge so the number may not be accurate.

Russ Walters (Crooked Lake) reported that the lake is fine right now.

John Casper (Bass Lake) reported that the lake appears to be good.

#### 3. DRAIN COMMISSION UPDATE ON LONG-TERM PROJECT/NORMAL LAKE LEVEL

- Easement Status Tom Wheat reported that we were able to reach an agreement with the Bentwood Shores HOA for the easement to their wetland. The last easement that is required is the ELGAE Point Association, they are agreeable to the easement, but we need to know how the intake design before the easement can be written.
- EGLE Permit Status Tom Wheat advised they are working on the permit status. We had a meeting with EGLE last week, Jan 19<sup>th</sup>, to discuss four outstanding issues. Three of them are more administrative and we just need to get more information to EGLE for review. The last one is more challenging. The issue is using the soils as a barrier to keep the AIS (Aquatic Invasive Species) from going from one lake to the other. We have seen other projects where AIS is near the intake, but it does get transferred to the other lines. The meeting last week, EGLE advised that they want more information. We need to have more meetings to determine exactly where we need to go to provide the proper



## **MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS FLOODING TASK FORCE MEETING HELD ON JANUARY 27, 2022**

### **Via Zoom**

amount of proof to EGLE. We did have a meeting with the Drain Office to discuss next steps. This unfortunately will cause a delay because we need to get more information. As terms as the administrative complete this will be the last issue. We look forward to having further conversations with EGLE

Jerry Robbins asked if this has been used before wouldn't EGLE have that documented somewhere.

Tom Wheat responded that is being used for Public Water, so the process is a little different.

Jerry Robbins asked if this is not approved where do we go next?

Tom Wheat responded that is what we are trying to figure out.

Russ Walters stated that we have been talking about this approach from the very beginning. Has this been raised before, and we haven't gotten an answer or is this a new issue that we haven't heard yet?

Kyle Alexander responded that he didn't think this is a new issue. We dealt with this on the short term as far as AIS control and that standard has not changed from that project. Unfortunately, we don't have a project in front of us that will prove that this infiltration system will work. This has not been implemented before for this type of use and this is so site specific that we don't know for certain that it will work. We have evidence that it could work but we need certainty that it will. The bar has not been moved. We want the project to show it can filter to 40 microns indefinitely.

Russ Walters asked what else is in the woods?

Kyle Alexander responded that we did not see the details of this project until December. We got back with the Township as quickly as we could.

Tom Wheat advised that this was presented during the LLL.

Russ Walters is there anything else that could come up? Why weren't these concerns raised sooner. We need this project constructed this year.

Kyle Alexander responded that the issues are AIS control, the expectations are the same, understanding more of how the augmentation will function with the drain system and the other issue is more on the well pumps and how they will work?

Derek Haroldson added that we also want to know more about the monitoring long term. They also have asked for references to modeling the impact for the downstream properties. In different rain fall scenarios how will this impact the downstream? If we can get the first three issues resolved, we can consider the application complete for the public hearing purposes but will need the last issue resolved to issue a permit.



## MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS FLOODING TASK FORCE MEETING HELD ON JANUARY 27, 2022

### Via Zoom

Russ Walters stated that it seems that we keep jumping over hurdles and there are more. What else will come up how many more hurdles will there be.

Kyle Alexander advised that these are the major issues, but he can't promise that any more won't come up.

Derek Haroldson advised that when you resolve one issue and provide more information that may bring up other issues or questions that need to be addressed.

Len Bosma stated that for Eagle Lake this is very difficult to hear. The presence of Zebra Mussels in MI is very prevalent. Are there any other technologies that EGLE is aware of that can be used?

Kyle Alexander responded that what we see that is most common is a mechanical filter system.

Len Bosma stated the proposal was to use the earth as a filter.

Kyle Alexander responded that the proposal does not show that the earth will be able to filter to the required level and how it will work in the long term. This proposal does not detail this information.

Len Bosma questioned how do you show that for any filter. The assumption is that the filter will work.

Kyle Alexander stated that we can't permit on assumptions. We need to talk more with the Township and the Engineers to see if this will work and can be moved forward with a reliable maintenance plan.

Len Bosma stated no plan will be 100%, you have to trust the experts.

Kyle Alexander responded that we have shared this plan with the AIS experts in the state and no one is comfortable

Nick Loeks why wasn't this brought up in April?

Kyle Alexander advised that we did bring this up. We said it had to filter to 40 microns back then. We had conceptual plans provided to us but we advised we needed actual plans that would show it will work.

Len Bosma asked what steps do we have to do to show this will get approved.

Tom Wheat added what level do we need to show

Kyle Alexander advised one way is to show where this has been used before and that it is effective. We are not aware of this being done anywhere. The other option is to show a demonstrative project showing it does not pass the AIS. Or it could be a different filter system all together.



## MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS FLOODING TASK FORCE MEETING HELD ON JANUARY 27, 2022

### Via Zoom

Tom Wheat said we need to know what we can do without having to build the project.

Nick Loeks asked is there proof around the state that show zebra mussels can be passed through the ground water

Tom Wheat stated that the expert that we are working with, said that there are no studies because it doesn't happen.

Kyle Alexander responded that any time there is a new innovative project proposed to the EGLE the most common path forward is a demonstrative project. We won't say no but we need it to be demonstrated to show it will be effective. I understand this brings challenges

Kyle O'Meara, Attorney for the Drain Office., shared that he understands the concerns and they are good concerns. The permitting issues and questions are generally more of an in-depth review. Tom Wheat and EGLE are not going to be able to provide an adequate answer today. We are all working together to resolve these options to answer EGLE's concerns. I know that the timing is a huge deal for everyone. We need to take a step back so that we can continue to move this forward.

#### 4. COMMENTS/QUESTIONS

Russ Walters shared that he thinks we need to provide feedback to the rest of the lake residents. I hate to go back and tell them that there is another delay. We need to have an explanation. We need to put a response together with the Township, Lake Assoc and Engineers. We need to show that we are making some progress. This should be sometime in the Spring.

Nick Loeks advised that is definitely achievable once we have more information about how we can move forward.

Dale Shugars asked what happens if we don't get the permit and the legal level is way above what it is supposed to be? Is there an emergency exception at that time? Should we have stayed with the short-term solution instead of moving forward to the long term?

Tom Wheat responded that Crooked Lake is near their LLL and Eagle Lake is about 8 inches above theirs. Someone once said that "we have to get the patient to the hospital first then we can treat them." Several people have said that we don't want anyone else to have to go through this again. That is why we committed to not passing this problem down to the next generation.

Kyle O'Meara stated when you establish the NLL there is a reasonable expectation that it will take time to get to that LLL. However, you can always ask the Court to give a stay to the LLL or ask for it to be amended. If you can't meet the order there is a way to get the pressure off the County. When you set a LL, the term used is Normal level. It is assumed that there will be some normal fluctuation. It is not



**MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS  
FLOODING TASK FORCE MEETING HELD ON JANUARY 27, 2022**

**Via Zoom**

static. This project is very complex. EGLE has to be able to answer questions that this project will be safe.

Dale Shugars advised that he would like to compliment everyone that has worked on this project. The residents that have suffered so much and still willing to help pay to resolve the problem and the Township and Drain Office working to help resolve it. I also understand EGLE's position that they are protecting the resources. Does EGLE have the ability to revoke the permit if down the road it is determined not to work?

Kyle Alexander responded that we want to get it right at the front end but that is why the maintenance plan is so important. That is why we are asking for the additional proof. We are very committed to working with the Township, Drain Office and Engineers to get this to the finish line.

Len Bosma commented that we need to provide some communication to our residents. We need to come out now to explain the delay. They are interested and want to know what the delay is.

Nick Loeks advised that he would like to get information out sooner rather than later but we need additional information before we can do that.

**The next Task Force Meeting has been scheduled via Zoom for Thursday, February 24, 2022, at 10:30 a.m.**

Submitted by Superintendent Julie VanderWiere  
January 27, 2022