

BBAC Meeting Minutes – 12/10/15

MINUTES of the **BROWN BRIDGE ADVISORY COMMITTEE** **Thursday, December 10, 2015**

Governmental Center
County Training Room– 2nd Floor
400 Boardman Avenue
Traverse City, MI 49684

Present: Deni Scudato, Chair; Nelson Asper, Vice Chair; Marge Forgione; Michael Kreft; Paul Maxbauer; Judy Nemitz, and Ed Flees.

Absent (Excused): Dave Downer, Marty Colburn, City Manager

Others Present: GTCD Staff - Steve Largent, and Reb Ratliff; Kathleen Kasdorf, (Nominated BBAC Candidate)

- I Call to Order:** The meeting was called to order by Chairman Scudato at 5:23 pm.
- 1. Introductions** – Everyone introduced themselves to the new (nominated) BBAC member Kathleen Kasdorf. Scudato explained that a City Commission Ad Hoc Interview Committee recommended Ms. Kasdorf, Jamie Kidwell-Brix, and City Commissioner Amy Shamroe to replace Larry Gerschbacher, Jim Tuller, and City Commissioner Gary Howe who all resigned from the BBAC for various reasons. The City Commission was scheduled to approve the appointments at their last City Commission meeting but the meeting ran late so they will officially appoint the new members at their next regular commission meeting.

Ms. Kasdorf introduced herself. She’s a City resident, works at Interlochen Center for the Arts, and her and her husband are regular users of the Quiet Area. Everyone extended a warm welcome.
 - 2. Approval of Agenda:** Largent suggested adding 2016 Meeting Schedule to the Agenda.
Motion by Nemitz; 2nd by Flees to approve the Agenda as amended. Approved unanimously.
 - 3. Approval of 09/24/15 Minutes:**
Motion by Maxbauer; 2nd by Flees to approve the minutes as presented.
Approved unanimously.

II Review of Open Action Items:

Action Item 12-2: GTCD staff to install cement ramp to vault toilet building and make sure the building is otherwise accessible by wheelchair for those with disabilities.

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Background: In the Fall of 2014, the MDNR & the Traverse Area Paddle Club placed a vault toilet at the lower canoe landing at Brown Bridge at minimal cost to the City. The toilet was used and very much appreciated by paddlers, fisherman, and other visitors. GTCD staff is planning to pour a cement ramp to make the toilet wheelchair accessible. **Status:** Done.

Action Item 3-3: Largent to pull together information regarding the history of Park vs Not a Park for Brown Bridge to present at the next meeting.

Background: The Brown Bridge Quiet Area was deemed not to be City parkland by the City Attorney many years ago. Declaring Brown Bridge as “parkland” would require a 3/5 vote of the voters before it could be sold by the City. Many activities, such as oil and gas exploration, timber harvesting, and hunting to name a few would not be allowed if the property were declared “parkland”.

Status: On the Agenda.

Action Item 3-4: Largent to give a presentation at the next meeting regarding GTCD and the Parkland Program.

Background: The Grand Traverse Conservation District created the Cooperative Parkland Program in 1992 through a start-up grant from Rotary. The City and Grand Traverse County both own land along the Boardman River that require management by natural resource professionals. The Parkland Program has grown ever since. **Status:** On the Agenda.

Action Item 6-1: Largent will follow-up with Dituri to determine if settlement funds set aside for helping the breach impacted section of the River could be used above the former impoundment.

Background: As part of the settlement of lawsuits against the contractor & engineering firms after the October 2012 breach of the dewatering structure at Brown Bridge, \$180,000 was placed in a fund to be used for restoring the river. Rotary of Traverse City are holding the funds. A portion of the funds were used to pay Wil Harmen of Stream Mechanics to determine what should be done. Dave Downer suggested that a portion of this money be used to stabilize the banks above the former impoundment. Harmen agrees but isn't sure if the money can be used in this area. **Status:** On the Agenda.

Action Item 6-3: Largent to distribute a copy of Will Harmen's report to the BBAC.

Background: See above.

Status: Open - A request was made to the attorneys asking if the report can be made available to the public. Still no word as of this meeting.

Action Item 6-4: GTCD staff to review the information sent by the MDEQ and report back to the BBAC at the September meeting.

Background: At the direction of the BBAC Chairman, a request was made to the MDEQ's Office of Oil, Gas, and Minerals regarding records showing what, if any, wells at Brown Bridge have been “fracked”. GTCD staff received a response that included a link to a large spreadsheet showing all the wells in the area. **Status:** On the Agenda.

III Project Updates (GTCD Staff)

1. East End Bridge

Largent reported that the MDEQ permit application will be submitted by the end of next week. He stated that communication is on-going between the National Guard and the City Manager for potential air support to fly the bridge into place.

2. West End Bridge

Largent reported that proceeds from Rotary's Gourmet Game Dinner in September are being set aside for this project. The Gourmet Game Dinner Committee hopes to leverage Rotary Charities funding to match City's Parkland Improvement Fund monies.

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3. MDNR Habitat Improvement Grant & EQIP

- a. **Aspen Cuts** - Ratliff reported that AJD Forest Products crews are planning to start any day now. After they are finished, a second crew will come in and harvest the 250 trees designated for the River.
- b. **Tree & Shrub Work Bees** - Ratliff reported that 50 volunteers helped plant over 2,300 native trees and shrubs in the bottomlands at Brown Bridge. The plantings were funded through Environmental Quality Incentive Program monies. Contracted planting crews planted another 3,600 native trees and shrubs through the same program. He added that he's planning a spring volunteer work bee on April 30, 2016.
- c. **Trees for the Boardman** - Ratliff also reported that Norm Fred from Boardman River Clean Sweep received a \$700 grant from LL Bean through the American Canoe Association to plant larger stock in the bottomlands, specifically in spoil area 4. N. Fred then proposed an idea called "Trees for the Boardman" to District staff that would help raise additional funding to plant trees. Largent suggested this idea may need BBAC approval. Scudato suggested that waiting until the March meeting when the City Manager and the new City Commission liaison are present.

Action Item 12-1: Add "Trees for the Boardman" to the March meeting agenda and ask N. Fred to attend if he's in town.

4. **Habitat Wood** - Largent reported that the Grand Traverse Band was out in the bottomlands marking wood placement locations for the MDEQ to inspect as part of the permit process.

5. Streambank Erosion Concerns

- a. **Settlement Fund** - Largent reported that funding from the Settlement of the lawsuit *could be used* upstream of the former impoundment (see Action Item 6-1). Plans are to use a portion of this money to reconnect this section of river to the floodplain and to repair eroding streambanks. BBAC member Dave Downer is very concerned about the eroding banks and has championed for their repair. A USFWS grant is being prepared to support this effort (see below). Flees stated that he was also very concerned about two large clay banks that turns the river a milky color after heavy rains. He asked if any of the mitigation money could be used to for these banks. Largent stated that he would check.

Action Item 12-2: Ask City Manager Marty Colburn if he would check with the City Attorney if mitigation money could be used on these clay banks.

- b. **USFWS Grant Proposal** - Largent reported that he is preparing a US Fish & Wildlife Service grant pre-proposal to supplement the settlement funding so more restoration work can be done along the eroding section river above the former impoundment. If successful, GTCD will be invited to submit a full proposal.

IV Brown Bridge Gas & Oil Wells (GTCD Staff)

Ratliff reported that he looked over maps and other supporting documents that were sent by the MDEQ's Mel Kiogima, Senior Geologist, Office of Oil, Gas, and Minerals in Cadillac. One map of note showed the bottom-hole locations for each surface location. One surface location had as many as seven directional well drilled from the same site. A couple of the bottom-hole locations were drilled under the former impoundment. The information that the Mr. Kiogima sent over only showed one well site that had been

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fracked several others show on the list didn't have that information. A request will be made to Mr. Kiogima to determine if any of the remaining sites had been fracked.

Update: Conservation District staff recently received the requested information from Mr. Kiogima. Ratliff recently emailed that information to the BBAC. In short, of the 32 total drill records that includes both City owned and nearby Rotary-owned well sites, only one City well and one Rotary well have been fracked and those were in the early 80's. Both are currently "shut-in" and not producing. Half, or 16 of the 32 wells have been acidized. The [Difference Between Acidizing & Fracking](#) can be found by following this link.

V **Brown Bridge Parkland vs Non-Parkland (GTCD Staff)**

Largent passed around copies of an email dated August 21, 2001 to Beverly Cuthbert, BBAC, Chair, from City Manager Richard Lewis regarding this matter. He refers to a 1994 opinion by City Attorney Peter Doren. He reported that the fact that Brown Bridge is not considered "Parkland" is both a major concern and a major benefit. The benefits are that timber harvesting for wildlife habitat improvement purposes, river restoration activities, and other management objectives may not be allowable under a "parkland designation". Whereas a "parkland" designation provides protection against disposal /selling of the property without a 3/5 vote of City residents. Largent pointed out that Objective 1 of the Brown Bridge Quiet Area Management Plan is to seek a conservation easement or conservation ordinance to protect the property into perpetuity. Discussion ensued.

VI **History of Parkland Program**

Largent gave a brief PowerPoint presentation on the history of the Conservation District's Cooperative Parkland Program that started in 1992 through a startup grant from Rotary. The original Parkland Program included the City of Traverse City (Brown Bridge), Traverse City Light & Power (Dam oversight on weekends), and Grand Traverse County (NER) for the management of similar parklands along the Boardman River. The Parkland Program has grown to where it now includes 10 public parklands involving over 3,000 acres of land throughout the County.

VII **2016 Meeting Schedule:** The BBAC agreed to continue quarterly meetings on the 3rd Thursday of the month starting at 5:15 pm. These include the following dates and locations:

March 17 th	County Training Room, 2 nd Floor Governmental Center
June 16 th	Annual Potluck - Brown Bridge Quiet Area – Buck's Landing
Sept. 15 th	Brown Bridge Quiet Area – Pole Barn
Dec. 15 th	County Training Room, 2nd Floor Governmental Center

VII **Public Comment** – None.

VII **Adjourn**

Next Meeting: March 17, 2016 - 5:15 pm, Governmental Center

Minutes respectfully prepared and submitted by S. Largent.