

LOOKING GLASS RIVER INTERCOUNTY DRAIN

DRAINAGE BOARD MEETING

Monday, November 21, 2016
Shiawassee County EOC Office
Corunna, Michigan

PRESENT: Michael Gregg, Michigan Department of Agriculture & Rural Development
Phil Hanses, Clinton County Drain Commissioner
Carla Clos, Ingham County Deputy Drain Commissioner
Tony Newman, Shiawassee County Drain Commissioner
Ken Recker, Livingston County Deputy Drain Commissioner

ALSO PRESENT: Alan Boyer, LSG Engineers & Surveyors
Ron Hoeft, LSG Engineers & Surveyors
Jenna Jullie, Shiawassee County Deputy Drain Commissioner
Paul Albosta, Prairie Grain
Ed Vandenboss, T & E Farms
Chris Tomac, Wombat Services
Beth Chattaway, Chattaway Excavating

Chairman Gregg called the meeting to order at 2:00 p.m.

MOTION by Newman to have Clinton County serve as permanent secretary of the board. **SECOND** by Clos. **MOTION CARRIED** unanimously.

Chair Gregg proceeded to open bids for Contract 1. Bids were opened and read as follows: Prairie Grain, \$112,230.00; Wombat Services, \$105,261.00; T&E Farms, \$280,700.00; Lloyd's Excavating, \$106,866.50; and Chattaway Excavating, \$130,312.50.

MOTION by Clos to refer bids for Contract 1 to LSG for review, checking, and recommendation. **SECOND** by Newman. **MOTION CARRIED** unanimously.

MOTION by Clos to approve the agenda as amended to move opening of Contract 1 bids to item 3. by Chair Gregg. **SECOND** by Hanses. **MOTION CARRIED** unanimously.

MOTION by Clos to approve the minutes of October 27, 2016 as presented. **SECOND** by Recker. **MOTION CARRIED** unanimously.

Boyer completed his review of the bids and recommended that Wombat Services be awarded the contract for Contract 1 in the amount of \$105,261.00.

Boyer talked about the need to submit a MDEQ permit application. Clos feels that because this is a established drain that MDEQ would not have jurisdiction over the maintenance work relative to the

type of equipment used for the work as long as it is completed in accordance with the Authorized Public Agency plan to protect downstream waters of the state. Boyer shared and discussed a technical memorandum he received from Mike Nurse of Streamside Ecological Services.

Being the appointed time of 2:30, Chair Gregg proceeded to open bids for Contract 2. Bids were opened and read as follows: Prairie Grain, \$177,190.00; T&E Farms, \$331,800.00; Chattaway Excavating, \$166,487.50; and Lloyd's Excavating, \$202,674.50.

MOTION by Clos to refer bids for Contract 2 to LSG for review, checking, and recommendation. SECOND by Recker. MOTION CARRIED unanimously.

Boyer completed his review of the bids and recommended that Chattaway Excavating be awarded the contract for Contract 2 in the amount of \$166,487.50.

Discussion took place on timing of work in order to comply with Drain Code section 196 spending limitations for maintenance. The board discussed work schedules with the contractors. Dependent on favorable weather, Chaddaway intends to begin work in early December and could possibly complete the work in Contract 2 before December 31. Wombat Services will begin work on Contract 1 after the first of the year with work to be completed by March 31.

MOTION by Clos to tentatively award Contract 1 to Wombat Services in the bid amount of \$105,261.00 and to authorize the engineer to prepare contract documents for signature by the board chair. SECOND by Newman. MOTION CARRIED unanimously.

MOTION by Clos to tentatively award Contract 2 to Chattaway Excavating in the bid amount of \$166,487.50 and to authorize the engineer to prepare contract documents for signature by the board chair. SECOND by Newman. MOTION CARRIED unanimously.

Board discussed finances and how to proceed with financing. After considering expenses to date, amounts for Contracts 1 and 2, and future expenses for engineering, finance, and work related to district boundary revisions, the board settled upon borrowing \$400,000 to be due on June 1, 2019. Board will work with Dickenson-Wright PLLC for financial advice.

MOTION by Clos to retain Dickinson-Wright to advise on borrowing for the financing of the maintenance project and authorize the board chair to sign the required documentation. SECOND by Hanses. MOTION CARRIED unanimously.

MOTION by Recker to receive and file Ingham County invoice #3164 for \$154.00 and Independent Newspaper invoice #59361 for \$139.20. SECOND by Hanses. MOTION CARRIED unanimously.

All unpaid invoices will be paid after deposit of funds from borrowing in late December.

MOTION by Newman to authorize board chair to sign the MDEQ permit application pending final review. SECOND by Hanses.

Hanses reminded the board members that we will need to be prepared to discuss the apportionment between the counties at the next meeting.

Approved as amended by the Drainage Board on December 16, 2016

The next meeting is scheduled for Friday, December 16, 2016, 2:00 p.m. at the Shiawassee County Drain Commissioners office.

MOTION to adjourn by Hanses. SECOND by Recker. MOTION CARRIED unanimously.

Meeting adjourned at 4:03 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Phil Hanses". The signature is written in a cursive, flowing style.

Phil Hanses, Secretary

Looking Glass River

11/21/16

Phil Hanses
PAUL ALBOSTA (PRAIRIE GRAIN)
Carla Clos
Alan Boyer
Ron Hoett
Mike Gregg
Ed Vandenberg
Jennifer
Elvis Tom
Beth Chattay
LEN BELK
Tony Newman

Clinton County
Frogman Candy
LSC
LSC
MPARD
Shia
Shiawassee Deputy Drain
wombat
Chattay Excavating
LSC
Shia Co Dr. Corn

AGENDA

Looking Glass River Intercounty Drain Drainage Board Clinton, Ingham, Livingston, and Shiawassee Counties

2:00 p.m., Monday, November 21, 2016

Shiawassee County Drain Office
149 Corunna Avenue L-1
Corunna, Michigan

1. Call the meeting to order and introduce the Board Members and Engineer

Board Members

Michael Gregg, Chair, Michigan Department of Agriculture & Rural Development
Phil Hanes, Clinton County Drain Commissioner
Patrick Lindemann, Ingham County Drain Commissioner
Brian Jonckheere, Livingston County Drain Commissioner
Anthony Newman, Shiawassee County Drain Commissioner

Engineer: Alan Boyer, P.E. LSG Engineers & Surveyors

2. Motion to elect a secretary
3. Review and approve the agenda
4. Review and approve the October 27, 2016 meeting minutes
5. Receive bids on Contracts 1 and 2 and take action to award a contract on the engineer's recommendation;
6. Authorize the solicitation of interest quotes for 434 notes and take appropriate action
7. Receive a financial report and authorize the payment of all properly presented invoices, drain orders, and vouchers
8. Discuss old/new business
9. Receive public comment
10. Set the date, time, and location of the next meeting
11. Adjourn

Technical Memorandum

To: Alan D. Boyer
LSG Engineers & Surveyors, Inc.
3135 Pine Tree Road, Suite D
Lansing, Michigan
48911

From: Mike Nurse, Streamside Ecological Services, Inc.

Date: November 21, 2016

Re: Looking Glass River Intercounty Drain; Preliminary Assessment

As requested, Streamside Ecological Services (SES) has conducted a preliminary assessment of the Looking Glass River Intercounty Drain (LGRICD). The purpose of our assessment was to address possible Michigan Department of Environmental Quality (MDEQ) permit requirements associated with the proposed work, determine if there are potential impacts to threatened or endangered plant or animal species, and provide suggestions to minimize ecological impacts to the Drain and adjacent wetlands.

Based on our understanding of the project (as described by LSG), the focus of the work is a maintenance effort on a legally designated county drain, established prior to 1972. The maintenance work consists of:

- Removal of log jams and debris impeding flow.
- Gaining access to the log jams with machinery.
- Removal of dead trees and/or trees that are likely to fall into the Drain, with no stump removal or grinding proposed.

It is also our understanding that the work to be completed will avoid disturbance of the drain bed by leaving imbedded material in the drain.

Initially, SES was requested to review a nine mile reach where maintenance is proposed. However, in an effort to reduce field assessment time and costs, LSG reviewed the entire project area and reduced the required assessment area to a reach between Beardslee Road and M-52. Therefore, this reach was the focus of SES's assessment.

Prior to field work, SES contacted MDEQ to identify past occurrences of threatened and/or endangered species within or near the project area. Based on MDEQ's review, the state threatened slippershell mussel (*Alasmidonta viridis*) has been known to occur in this drain.

This mussel usually occurs in sand or gravel substrate, is occasionally found in mud, and fish hosts for the mussel include johnny darter (*Etheostoma nigrum*) and the mottled sculpin (*Cottus bairdi*).

The Drain was reviewed by SES on November 8, 2016. The Drain had a swift flow, somewhat turbid water, and the water was above the ordinary high water mark of the Drain due to recent rainfall. The results of our findings are listed below and identified on the attached figures. Representative photographs are also attached.

- Significant areas of flooded forested wetland were present throughout most of the central portion of the assessment reach.
- The majority of the areas that were not part of the flooded wetland complexes contain obvious spoils berms.
- Log jams appeared relatively minor in this reach.
- Five areas were identified where breaks in the spoils berms occurred either as an outlet for a tributary, or drainage from wetlands behind the berms.

Based on our assessment, it is our opinion that removal of material above the bed is a drain maintenance operation, exempt from permit requirements under Part 301, Inland Lakes and Streams of the Natural Resource and Environmental Protection Act (NREPA), PA 451, as amended. Likewise, access along spoils berms, and placement of woody material throughout adjacent woods is exempt from Parts 301 and 303, Wetland Protection of NREPA. However, permits would likely be required under Parts 301 and 303 to gain access across entering tributaries and wetland drainage outlets since construction of a crossings, or disturbance of wetland grades would likely be required.

Access through the large flooded wetland areas in this reach will also likely require permits under Part 303 of NREPA. Much of these areas contain organic soils and, based on discussions with LSG, contain surface water all year. It is our opinion that access with heavy machinery, even with construction mats, is likely not reasonably feasible under current conditions.

Review of this reach and other reaches by SES suggest that habitat for the slippershell mussel is present within the project area. It is also likely that this system holds a population of johnny darters, a host for glochidea of this mussel. Simply because habitat exists for this species does not necessarily

mean it occurs in the project area. Intensive mussel surveys would be required to determine its presence/absence. However, it is our opinion that if disturbance of the Drain bed is avoided, there should be no impact to this species or its habitat, and surveys should not be required.

Regardless of whether or not permits are required, methods can be incorporated into the project to minimize wetland and/or stream impacts. These include:

- Maintaining stumps and root systems along banks, especially in areas where undercut banks are present.
- Remove only the central portions of the larger logs to provide a channel flow opening and maintaining woody material in the bed and near banks.
- Anchoring fallen logs along banks where erosion is occurring (Part 301 permit required).
- Minimize tree removal and maintain shade trees to the extent possible, especially along the south and west banks.
- Minimizing wetland soil disturbance by conducting work during dry times of the year and utilizing construction mats where possible.
- Assessing the flooded wetland areas after other log jams are removed to determine if flooding has recessed and access ^{is} of more attainable.

We appreciate the opportunity to assist with this project. Should you have any questions please do not hesitate to contact me.



Michael B. Nurse, President
Streamside Ecological Services, Inc.



Site Assessment Map



Flooded Forested Wetland



Tributary



Wetland Drainage



Tributary