

**CHARTER TOWNSHIP OF VAN BUREN**  
**Environmental Commission**  
**Wednesday, June 17, 2020**  
**MEETING MINUTES**

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; the meeting was called to order by Chairperson Brownlee at 7:04 p.m. via Virtual Meeting:

**ROLL CALL:**

**Present:** David Brownlee (Chairperson), Peter Creal, Ronald Merrit II, Benjamin Ross, and Trustee Paul White (Board Representative)

**Absent:** Norm DeBuck (excused) and Tony Gibson (excused)

**Staff:** Matthew Best (Public Services Director), Elizabeth Renaud (Executive Assistant), Ryan Nicols (Communications Specialist), and Deanna Murphy (Recording Secretary).

**Additional Present:** Mark Gross, Senior Vice President, Eagle Creek Renewable Energy

**APPROVAL OF AGENDA:**

Motion Commissioner Creal, Second Commissioner Ross to approve June 17, 2020 Meeting Agenda as presented. Motion Carried.

**APPROVAL OF FEBRUARY 19, 2020 ENVIRONMENTAL COMMISSION MEETING MINUTES:**

Motion Commissioner Merrit, Second Commissioner Creal to approve the Meeting Minutes of February 19, 2020 as presented. Motion Carried.

**COMMUNICATIONS:**

Director Best announced that the Township Hall is open for business with the exception of Senior Services and Parks & Recreation; however, residents with proper identification can pick-up a landfill pass at the main entrance. It was further explained that the new procedures have been put in place when entering the Township Hall to ensure the safety of our staff, visitors and residents. Upon arrival, all visitors must wear a mask inside the building, have their temperatures recorded thru a contactless process, and will be asked to take a quick standard confidential screening questionnaire. The only reason the Township is taking names/phone numbers is for contact tracing. If someone ends up with a confirmed case of the coronavirus, the State and/or doctors will be able to obtain contact information of others who may have come in contact or become infected. When the public calls, it is explained that we prefer to continue to conduct business remotely even though the Township Hall is open.

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

1. French Landing Dam Discussion (Mark Gross, Senior Vice President, Operations at Eagle Creek Renewable Energy)

Director Best explained in light of the recent dam failures (Sandford and Edenville Dams) in Midland County, this was a good time to provide an update on the French Landing Dam. Mark Gross was invited to provide the Commission and public an update. Eagle Creek Renewable Energy, who acquired STS Hydro a couple of years ago, is now Van Buren Twp.'s dam operator and is providing the same commitment of providing a safe hydro-electric dam to the community. Mark Gross has +20 years' experience in hydro-electric operations. Van Buren Township is the co-licensee of the dam.

Mr. Gross explained that the dam, public and employee safety is their #1 priority. They are regulated by the Federal Energy Regulatory Commission (FERC) who oversees hydro-power plants outside the Core of Engineers and Bureau of Reclamation in the United States where electricity is generated. The US Bureau of Reclamation manages a lot of the dams out west that deal with irrigation and flood control. A very rigorous program is followed for dam safety (safety, performance and maintenance) and to maintain the integrity of the dam structure. As a result of last year's annual inspection with FERC, Eagle Creek plans to shore-up some rip rap (type of rock used to create seawalls that prevent shoreline erosion) on the upstream side and perform an inspection of the bypass gates to ensure they have identified any deficiencies. Over the past 15-20 years, there has been a significantly higher use of wake boarding boats, which are designed to make more waves than an ordinary boat and having a higher impact on shorelines and reservoirs. There had been discussion that the French Landing Dam was a high-hazard dam. Dams are rated in this classification because of the impact they could have if the dams were to fail downstream (potential loss of life or high value properties). This classification has nothing to do with the stability or the integrity of the dam itself. Eagle Creek Renewable Energy has an emergency action plan for a potential worst-case scenario that is shared with emergency management providers, search providers, and law enforcement in the event of an issue or failure of the dam. In summary, the French Landing Dam is performing as designed.

Commission questions:

Q: Does the US Army Corps of Engineers classify the dam? Who classified the French Landing Dam as high hazard?

A: The Army Corps of Engineers has its own methodology which is very similar, if not identical, to what the FERC uses. Eagle Creek Renewable Energy uses FERC's classifications.

Q: Even though the French Landing Dam is classified as high hazard, it does not mean it is unsafe. In light of the recent events that occurred in Midland County, the rating does not make sense to the general public. Why does the FERC say it is a high hazard dam?

A: The rating is based on the population and its proximity. It is completely independent of the integrity of the dam. The ones that come up with this rating do not have intimate

knowledge of the dam itself. They look at the topography and see what has changed downstream such as new housing and shopping developments. Then they use the hazard rating to determine what level of dam safety compliance needs to be applied to that particular structure.

Q: Who owns and operates the Ford Lake Dam?

A: It is believed that the Ford Dam is owned by Ypsilanti Township and was constructed in 1932. Director Best will find out and let the Commission know.

Q: The worst-case scenario for Belleville residents would be a catastrophic failure of Ford Lake Dam, which is rated as a severe risk. Does Eagle Creek have any knowledge of this?

A: None. Director Best explained that Ford Lake Dam is the immediate water body to the west of Belleville Lake. The dams are in series – Ford Lake runs into a small Huron River connection and then into Belleville Lake. There is a very short area between the French Landing Dam and the Ford Lake Dam.

Q: With the recent dam failures in Midland County and assuming the French Landing Dam is structurally sound, as soon as flood waters go over the wall/flood gates, it could erode the berms resulting in a small breach that could become a large breach. What would the impact be on Ford Lake if the French Landing Dam experiences a failure?

A: Since Van Buren Twp. is the emergency action plan holder of the French Landing Dam, Director Best participates in a safety meeting including all the other members in the emergency action plan. If something happens, there is a call-tree and a list of actions that are taken and are very well thought out and practiced. Telephone calls are made to our Public Safety Dispatch, Police Department, Township Supervisor, as well as all the organizations downstream from the dam. The Ford Lake Dam has its own emergency action plan as well.

Q: Who accepts liability should a catastrophic failure happen to the French Landing Dam (land, property, loss of life)?

A: Van Buren Township is the owner of the French Landing Dam; not Eagle Creek Renewable Energy. Eagle Creek is a co-license holder/leaser. Back in the 1980's, instead of removing the dam, DTE transferred ownership of the dam to the Township. When transferred, there was significant reconstruction work on the dam, which was partially funded by some of the houses on the lake through a special assessment district. The Township then found a partner/leasee to operate the dam for hydro-electric energy.

Q: It is an opinion that both Sanford and Wixom Lakes are very similar in construction to Belleville Lake. Since both lakes appear to be the same type of construction as Belleville Lake, what assurance is there that a catastrophic event (flooding of Ford and Belleville

Lakes) will not occur as it did recently in Midland? Also, it is known that there was a small water leak halfway down the Sanford Lake Dam that finally ruptured due to the amount of water behind it. How safe are the Edison Lake and Belleville Lake Dams? How deep does wave action under the water surface go against the dams?

A: Mr. Gross explained that he is unfamiliar with the upstream dams. Wave action generally impacts at the surface and is mostly concerning for dams with earthen embankments, which have a tendency to erode when water crests over it and could ultimately lead to dam failure. Wave action could also be caused by a storm or wind that could blow water over the dam that could start an erosion path that could lower the crest of the dam and ultimately lead to failure.

Q: When was the last time the French Landing Dam was inspected and is the report available to the Township?

A: Last year (2019) and Director Best has a copy of the report. It is operating as designed and is in good working order.

Q: What regulatory agency inspects the integrity of the dam?

A: Eagle Creek with FERC conducts an annual inspection, which was done last year. Every five years Eagle Creek hires an engineering consultant (3<sup>rd</sup> party) for an independent inspection/report. The last results stated the dam is working as designed and there are no outstanding concerns. Recommendations were made to replace some washed down rip rap, gate inspections, and patching some eroding concrete, but there were no major findings/issues. Director Best added that since 2015, the Township has replaced the stone rip rap twice and has plans to do it again. It is a regular maintenance action item. The bypass gates are going to be inspected this year. It is a hands-on, climb around close inspection and is typically conducted every five years. If there is any visible rust or corrosion, they want to get a close-up visible inspection.

The Commission requests that they are kept informed of all future inspections on the French Landing Dam.

Every dam built is uniquely different. The basic design can be similar (clay core embankment, concrete, arch-type) but every dam is designed differently depending on the geology of location. The design takes into account how much water needs to be impounded, the depth, and the potential of probable maximum flooding. A dam is designed to withstand or manage the maximum inflow would be (watershed).

Q: What is the life span of the French Landing Dam?

A: There is no answer to this question. If maintained properly, it could last another hundred years.

Q: Were there any safety violations or any concerns with the spillway?

A: In the last inspection, there were no safety issues raised.

Q: Can the Township benefit from a lake drawdown to conduct any needed repairs on the structural integrity of the dam?

A: Drawdowns have occurred in the past primarily to give residents the opportunity to work on underwater structures. A drawdown does not help nor hurt the dam if done properly. If there was a deficiency that needed to be remediated and could only be done with a drawdown, then it would be done. The local dam operator's job is to monitor the levels coming into the lake through the gates and he will raise/lower within the 3" up/down from 655" to balance out and to make sure the dam is protected from storm flows. The operator and Eagle Creek also work with other partners within the dam network (upstream and downstream) to make sure water is flowing properly. There is constant communication. The dam operator is onsite daily and really does care about the lake and the Township is lucky to have him.

2. Iron Belle Trail Update (Director Best)

The Iron Belle Trail consists of multiple sections partially funded through multiple grants. Since COVID-19 started, State-level funding has tightened and there are a lot of unknowns. The Township has been actively pursuing State grants from the Michigan Trust Fund and other State opportunities. Also, several State grants have been put on hold until the State determines its revenue and prioritizing funding for education, healthcare and emergencies from the recent disasters (COVID-19 and flooding). Plans are ready for the section from Edgemont to Martinsville, which included a \$300,000 Michigan Trust Fund grant matched by \$100,000 from the Township. Luckily, the Township has already received funds for the engineering portion of this project. The Parks & Recreation Department are working closely with the State. Two other grants have been received for engineering work for sections around Huron River Drive to Haggerty Road and the curved area by Sandy's Marina. The project that extends from Washtenaw County line into Van Buren Park (\$1.2 million funding) continues to be worked on because it also includes private funding from other foundations and grants.

The Township secured a CDBG grant of \$500,000 to pave "the saddle" area of Van Buren Park (the dip between the front and back half of the park). The County is currently out for bid for the paving, which the Township provided the engineering specs and details sheets.

Finally, the Ralph Wilson Foundation (and others) committed funds to rebuild the Denton Road Bridge from the back eastern half of Van Buren Park to Denton Road (connecting the area by Harbour Club Apartments to Van Buren Park). This project is well on its way and will continue to move forward. It will not be accessible for cars; only emergency vehicles.

Q: What type of bridge will be constructed over the creek?

A: There are three design options; however, the concrete bridge structure design, which is similar to U of M's bridge over the Huron River, is the most viable option (cost effective and longer life span). It will end up looking like rusted steel beams (weathered look). It is very attractive and the design is being worked on currently.

3. Park Projects and Improvements (Executive Assistant Renaud)

Reopening status on all Township parks:

a. Van Buren Park, Quirk Park, Riggs Park and French Landing Park:

- Opening on June 22<sup>nd</sup>.
- Park patrons will be asked to follow social distancing guidelines and practice proper hygiene to limit transmittal of COVID-19.
- All pavilion rentals have been cancelled and refunds issued to pavilion renters.
- Play structures will be open on June 22<sup>nd</sup> but they will be not sanitized. People will be asked to follow social distancing.
- Van Buren Park's front restrooms will be open; however, the back loop restrooms will remain closed. The beach area will remain closed for the remainder of the summer.
- Riggs Park and French Landing Park restrooms will remain closed.

b. Quirk Park's Splash Pad:

- Will be opening on July 6<sup>th</sup> with restrooms opening on June 22<sup>nd</sup>.

c. Haggerty Sub Park:

- Due to its small size, this park will remain closed since social distancing cannot be managed properly.

Director Best added that the users of the lake like to congregate at the sandbar and go up onto the beach area. A large sign has been posted reminding patrons that the beach is closed. Because of its size, the Township cannot guarantee safe social distancing.

4. MS4 Permit Update

This is a municipal storm water permit required by the federal government related to Township properties (Fire Stations, Township Hall, Parks and other properties) that discharge storm water. The Township applied for a renewal in 2017, which was just reviewed about a month ago. As a Township, we are unique as we are only responsible for our own properties and the County is responsible for remainder. The permit requirements include public education, public outreach and good housekeeping practices (all the things to keep storm water clean, pipes are properly connected, storm water outlets are clean, detention ponds are working properly). The Township complies with these requirements as members of both the Alliance of Downriver Watershed as well as the Alliance Rouge Communities. We applied in 2017 and received the State's first response in January 2020. We had to make some adjustments on the permit application

and the draft permit is ready, which is available on the State's website. The specific actions for compliance can be found in the Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Action Plan. A public draft will be posted next week or so for public view and comment and is essentially the same as the last MS4 Permit done eight years ago. It has nothing to do with the lake or rivers; only storm water from Township properties.

5. Open Discussion other new items
  - a. Chairman Brownlee requested that the Commission meet again July 15<sup>th</sup>. Director Best believes it is best to hold it via ZOOM (virtual meeting) as long as the State continues to allow us to do so. It will be difficult to practice social distancing at the Township Hall. Under the Governor's executive order, it allows for ZOOM meetings and voting action and passing motions. This Commission could probably continue utilizing ZOOM meetings since it is an "advisory" commission; however, the Township likes to treat all the commissions the same based on the Governor's executive order.

**ANNOUNCEMENTS/COMMENTS:**

Director Best thanked the Commission and attendees on having a successful ZOOM meeting. The Commission appreciates the public participation. If there are any further questions, feel free to reach out the Chairperson Brownlee and/or Director Best.

**ADJOURNMENT:**

Motion Commissioner Creal, Commissioner Merritt second to adjourn at 8:35 p.m. Motion Carried.

Respectfully submitted,

Deanna Murphy  
Recording Secretary