

EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING
City of East Chicago, Engineering/Annex Building
4444 Railroad Ave.
East Chicago, Indiana
October 15, 2014
Wednesday, 5:00 P.M.

Transcript of the proceedings had in the
above-entitled matter, on the 15th day of October,
2014, at 5:00 p.m., at the City of East Chicago,
Engineering/Annex Building, 4444 Railroad Avenue,
East Chicago, Indiana, before Dawn M. Iseminger,
Registered Professional Reporter and Notary Public
for the County of Porter, State of Indiana.

1 A P P E A R A N C E S:
2

3 MR. JOHN FEKETE, President

4 MR. KEVIN DOYLE, Vice President

5 MR. HENRY RODRIGUEZ, Secretary

6 MR. RAY LOPEZ, Treasurer/Financial Officer

7 MR. JOHN BAKOTA, Board Member

8 MR. PATRICK RODRIGUEZ, Board Member

9 MR. FERNANDO TREVINO, FMT Consulting

10 MS. ELLEN GREGORY, East Chicago Waterway Board of
11 Directors' Attorney

12
13 Also Present:

14 JIM WESCOTT, Tetra Tech

15 TIM ANDERSON, CliftonLarsonAllen

16 NATALIE MILLS, USACE

17 TOM BARNETT, ArcellorMittal
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1 MR. FEKETE: I'd like to call to order the
2 October meeting of the East Chicago Waterway
3 Management Board of Directors. The time is 5:05.
4 Very good. First order of business is the call to
5 order. John Bakota?

6 MR. BAKOTA: Here.

7 MR. FEKETE: Kevin Doyle?

8 MR. DOYLE: Here.

9 MR. FEKETE: Henry Rodriguez?

10 MR. HENRY RODRIGUEZ: Here.

11 MR. FEKETE: Patrick Rodriguez?

12 MR. PATRICK RODRIGUEZ: Here.

13 MR. FEKETE: Ray Lopez?

14 MR. LOPEZ: Here.

15 MR. FEKETE: John Fekete, here. Ted Zagar?

16 (No response.)

17 MR. FEKETE: We have a quorum. The
18 consulting engineering report. Mr. Trevino.

19 MR. TREVINO: Yes. Fernando Trevino, with
20 FMT Consulting. I'd like to start off by going
21 over the contents of your packet. You have the
22 September 17, 2014, board meeting minutes for
23 approval consideration. You have the financial
24 statements that are dated September 30, 2014, from
25 CliftonLarsonAllen. You have the claim docket,

1 dated October 15, 2014, also on the agenda for
2 approval. You have the 2015 proposed budget, and
3 that's on the agenda for approval consideration.
4 You have the agreement for professional services
5 for court reporter between The District and
6 Iseminger & Associates, Inc. And, again, that's
7 on your agenda for approval consideration.

8 You have First Merchant's Bank bank
9 statements for September 2014 for accounts
10 ending in 608 and 616. You have the BMO Harris
11 E.C.I. facilities trust report dated October
12 14, 2014. You have the finance committee
13 meeting agenda dated October 14, 2014. You
14 have a user fee summary for some options to
15 consider for 2015.

16 You have the BMO Harris brokerage account
17 statement for the month of September 2014
18 accounting ending in 534; and another BMO
19 Harris bank statement report also for the month
20 of September 2014 account ending in 761. You
21 have a spending summary for F.M.T Consulting
22 for 2014 budget, and that's through
23 September -- year-to-date through September of
24 2014.

25 You have a letter from Mr. Tim Anderson

1 dated October 2nd regarding the budget increase
2 request.

3 You have a letter from -- or an e-mail from
4 Mr. Jim Wescott of Tetra Tech regarding forecast
5 spending in 2014 and 2015. You have an e-mail
6 from Attorney Ellen Gregory regarding 2015 rate
7 options for board consideration. You have a
8 package dated 2015, Legal Budget, dated October
9 13, 2014, which details the budget line items for
10 legal work anticipated in 2015; and those totals
11 are on the 2015 budget summary that's on the
12 agenda for approval. You have a letter dated
13 October 13, 2014, from Attorney Ellen Gregory.
14 You have a letter -- or the progress report from
15 Tetra Tech on the Great Lakes Legacy Act, and it's
16 for the month of September 2014, dated October 8,
17 2014.

18 You have a flyer and other affiliated
19 releases regarding the city's collaboration
20 with Ball State University regarding a study,
21 and I'll go into that in a little more detail
22 in a second. You have the Army Corps of
23 Engineer report to the budget -- I mean, to the
24 board, dated October 15th, 2014; and Attorney
25 Ellen Gregory's report to the board, dated

1 October 15, 2014.

2 A couple items to cover. At the last
3 meeting, I believe the board approved an
4 Explorer Pipeline license agreement; and since
5 then it has been executed by Explorer Pipeline,
6 and so we have the agreement here ready for
7 countersignature by Board President John
8 Fekete, and myself, to attest it.

9 As mentioned, there was a finance
10 committee that was held yesterday. The agenda
11 was in your packet. The attendance included
12 Mr. John Fekete, Mr. Lopez, and the newest
13 member to the committee, Kevin Doyle. A couple
14 of the main items covered included the review
15 of the 2014 budget spending, including the
16 review of my own 2014 budget line item for FMT
17 Consulting. And we also reviewed the proposed
18 2015 budget, which is recommended on today's
19 board agenda.

20 Also on the agenda is an agreement with
21 Iseminger & Associates for court reporter
22 services. Just as a brief history, we've been
23 using Iseminger since, I believe, November of
24 last year, and I think our experience with
25 Iseminger has been very good, and we are

1 recommending that we enter into a contract with
2 Iseminger & Associates; so that's on the agenda
3 for approval consideration.

4 Also, I met with board members, Ted Zagar
5 and Mr. Kevin Doyle, for a crash course, slash,
6 orientation on the district. The Great Lakes
7 Legacy Act project, the bathymetry report is
8 pretty close to being done, I believe, and we
9 will let Jim Wescott give us an update on that.

10 Mr. Jim Wescott and I met with the city's
11 wastewater department to discuss Tetra Tech's
12 testing of various sewer outfalls. We continue
13 to work on access agreements for key areas of
14 the canal and river. There's ongoing
15 discussion on a community stakeholder
16 engagement process. Tetra Tech's project
17 report is in your packet for additional
18 information. And as I mentioned, Mr. Wescott
19 is on the agenda for a further update on the
20 project.

21 Miss Natalie Mills, of the Corps, will give
22 an update on the progress from the Corps. And
23 Attorney Ellen Gregory will give us an update on
24 legal matters.

25 Some of the regular meetings I've been

1 participating included the BP bi-weekly
2 meetings; the Great Lakes Legacy Act project
3 team meetings; the Roxanna Marsh area
4 development meetings with EPA, city, and other
5 stakeholders; the dredging project meetings;
6 and the canal tech review committee.

7 A couple of announcements. I mentioned
8 that the -- and I'll hand out some flyers to
9 those in attendance. If you can pass those
10 out.

11 (Flyers are circulated.)

12 MR. TREVINO: The city of East Chicago, in
13 collaboration with Ball State University, will be
14 conducting a study regarding their particular
15 neighborhoods. The study will show how physical
16 barriers that have divided the communities include
17 Indiana ship canal and the Grand Cal' River and
18 railroad lines and other major thoroughfares can
19 be converted into connectors. The study will
20 provide new and creative economic and recreational
21 development opportunities, and it will be held
22 October 23rd from 5:30 to 7:30 at three of the
23 city community centers: Roxanna, King Center, and
24 Heritage Hall.

25 Another announcement. The Hoosier

1 Environmental Council and Healing Our Waters,
2 Great Lakes Coalition, and Save the Dunes will
3 be hosting a Grand Calumet River remediation
4 and restoration site visit for congressional
5 staffers; and that will be held this Friday,
6 October 17th, from 10:00 a.m. to noon, and the
7 meeting place is the Knights of Columbus on
8 Indianapolis.

9 We also, on the agenda, have a presentation
10 from Mr. Kris Krouse, the executive director of
11 Shirley Heinze Land Trust. I met Mr. Krouse at
12 the Strong Cities community meeting that was held
13 in Gary at the Genesis Center that was approved by
14 the board for my attendance. So, in the spirit of
15 continuing to look for opportunities for potential
16 future uses of the canal and river, I thought
17 there might be some overlap here in the
18 possibility of capturing some synergies, and, you
19 know, you never know if those opportunities exist.
20 And the more we talk to some of the agencies that
21 are doing work along the rivers and canals, I
22 think we can increase our opportunities to work
23 together. So Mr. Kris Krouse is here, and he is
24 on the agenda.

25 Also, as a reminder to the board, the

1 F.M.T performance evaluation is due this month.
2 And if you didn't bring it with you, I have
3 extra copies here. That concludes my report.

4 MR. FEKETE: Any questions for Mr. Trevino?
5 (No response.)

6 MR. FEKETE: Thank you very much. Next order
7 of business is the approval consideration of the
8 board meeting minutes for September 17, 2014.

9 MR. LOPEZ: Motion to accept.

10 MR. BAKOTA: Second.

11 MR. FEKETE: I have a motion and a second.
12 All in favor, signify by saying aye.

13 (All signify aye.)

14 MR. FEKETE: Any opposition?

15 (No response.)

16 MR. FEKETE: Hearing none, the minutes are
17 approved.

18 The accounting consultant report,
19 Mr. Anderson.

20 TIM ANDERSON: Tim Anderson from
21 CliftonLarsonAllen. You guys all have a copy of
22 the September 30th accounting report?

23 MR. TREVINO: Yes.

24 TIM ANDERSON: Page 2, this is the first page
25 with numbers on it (indicating). This is for the

1 nine months ended September 30th. We have cash
2 receipts in our two checking accounts of \$625,000.
3 And we've had disbursements, as you can see them
4 itemized, \$398,000. So we've increased our cash
5 \$227,000 from January through September 30th. The
6 user fees, the trust money, less our budgeted
7 expenses.

8 The cash balance at January 1st was
9 \$1.6 million. And the cash balance at
10 September 30th is \$1.9 million. We have two
11 operate -- or we have two checking accounts:
12 An operating account and the user fee account.
13 And the balances are listed at the bottom of
14 Page 2.

15 Page 3 just shows the monthly activity in
16 those two accounts: The interest earned and
17 the cash disbursements that we write each
18 month. And those two balances will reconcile
19 back to that -- to the balances on Page 2.

20 Page 4 is really the important page, and
21 I -- how does it show up on your -- is it
22 landscaped?

23 MR. TREVINO: Yeah, it's landscaped.

24 MR. PATRICK RODRIGUEZ: Same.

25 TIM ANDERSON: So you've got to turn it?

1 Everybody turn your screens. The first column is
2 the budget that was passed; that's the
3 \$1.1 million. We get to add to that our payables
4 from last year, and that arrives at a total
5 appropriation. So the total appropriation column
6 is what we've got to spend for the year. The cash
7 disbursements January through September, you can
8 see, is \$398,000. And the checks that you have to
9 approve today on this claim voucher are 41.

10 So our available budget is \$745,312 at the
11 end of September -- or actually after you write
12 these checks today, the balance is 745. And
13 that available budget ties back into our
14 operating checking. So we keep enough in the
15 operating checking to cover our budget.

16 Do you guys have any questions about how
17 that works?

18 MR. FEKETE: Just a brief note here. It
19 seems like a large amount of money that's
20 available, but the big hitter is the Great Lakes
21 Legacy Act project.

22 TIM ANDERSON: Right.

23 MR. FEKETE: Just to call that to your
24 attention.

25 TIM ANDERSON: And we don't lose it if we

1 don't spend it. It just gets rolled into next
2 year. Okay, that's my report. Thank you.

3 MR. LOPEZ: Thank you. That was good.

4 MR. FEKETE: The accounts payable voucher --
5 has everyone had a chance to look at it? I will
6 entertain a motion to approve the accounts payable
7 voucher dated October 15, 2014.

8 MR. BAKOTA: Motion to approve.

9 MR. FEKETE: Do I hear a second?

10 MR. DOYLE: Second.

11 MR. FEKETE: I'll take a roll call vote.

12 John Bakota?

13 MR. BAKOTA: Yes.

14 MR. FEKETE: Kevin Doyle?

15 MR. DOYLE: Yes.

16 MR. FEKETE: Henry Rodriguez?

17 MR. HENRY RODRIGUEZ: Yes.

18 MR. FEKETE: Patrick Rodriguez?

19 MR. PATRICK RODRIGUEZ: Yes.

20 MR. FEKETE: Ray Lopez?

21 MR. LOPEZ: Yes.

22 MR. FEKETE: John Fekete, I vote yes. Ted
23 Zagar?

24 (No response.)

25 MR. FEKETE: The motion has been approved.

1 The next item of business is the consideration of
2 the 2015 budget.

3 MR. TREVINO: Yes. Mr. President, you have
4 in your packet the proposed 2015 budget. As
5 mentioned during my report, this proposed budget
6 was reviewed by the finance committee yesterday,
7 and it's pretty consistent with the 2014 budget;
8 and it's recommended for approval.

9 MR. FEKETE: Are there any questions?

10 (No response).

11 MR. FEKETE: Hearing none, I'll entertain a
12 motion to approve the 2015 budget as presented.

13 MR. LOPEZ: Motion to approve.

14 MR. FEKETE: Is there a second?

15 MR. DOYLE: Second.

16 MR. FEKETE: We have a second. Roll call
17 vote. John Bakota?

18 MR. BAKOTA: Yes.

19 MR. FEKETE: Kevin Doyle?

20 MR. DOYLE: Yes.

21 MR. FEKETE: Henry Rodriguez?

22 MR. HENRY RODRIGUEZ: Yes.

23 MR. FEKETE: Patrick Rodriguez?

24 MR. PATRICK RODRIGUEZ: Yes.

25 MR. FEKETE: Ray Lopez?

1 MR. LOPEZ: Yes.

2 MR. FEKETE: John Fekete, I vote yes. Ted
3 Zagar?

4 (No response.)

5 MR. FEKETE: Motion to approve the 2015
6 budget has been approved.

7 The next order of business is the
8 consideration of the court reporter contract.

9 MR. TREVINO: Yes. Again, as mentioned in my
10 report, just as a brief history, when I arrived,
11 we were using Mary Slafendorf up until, like, the
12 summer of last year, and we were looking for a
13 qualified court reporter to take her place. And
14 since then, we've been using -- almost
15 exclusively -- Iseminger & Associates, and they've
16 done a good job responding to our requests and
17 needs, and the recommendation is to approve.

18 MR. FEKETE: Any questions or comments?

19 (No response).

20 MR. FEKETE: I would like to just add my
21 approval to the comments that Mr. Trevino just
22 articulated. I want to thank you very much for
23 the work you've been doing.

24 THE REPORTER: Than you.

25 MR. FEKETE: Entertain a motion to approve

1 the contract as presented.

2 MR. BAKOTA: Motion to accept.

3 MR. DOYLE: Second.

4 MR. FEKETE: We have a motion and a second.

5 Roll call vote. John Bakota?

6 MR. BAKOTA: Yes.

7 MR. FEKETE: Kevin Doyle?

8 MR. DOYLE: Yes.

9 MR. FEKETE: Henry Rodriguez?

10 MR. HENRY RODRIGUEZ: Yes.

11 MR. FEKETE: Patrick Rodriguez?

12 MR. PATRICK RODRIGUEZ: Yes.

13 MR. FEKETE: Ray Lopez?

14 MR. LOPEZ: Yes.

15 MR. FEKETE: John Fekete, I vote yes. Ted
16 Zagar?

17 (No response.)

18 MR. FEKETE: The consideration of the court
19 reporter contract has been approved.

20 The next order of business is the
21 presentation by Mr. Krouse of the Shirley
22 Heinze Land Trust.

23 MR. KROUSE: Kris, with a "K", K-r-i-s,
24 Krouse. Well, can I stand? My name is Kris
25 Krouse. I have been the executive director of

1 Shirley Heinze Land Trust since 2005. Originally,
2 from Fort Wayne, Indiana. Graduated from
3 St. Joseph College. Ended up consulting for a
4 couple of years. Then I got an MBA from IUN and
5 took the post at Shirley Heinze in 2005.

6 For those of you that aren't familiar with
7 Shirley Heinze, it was once an environmental
8 fund and is now Shirley Heinze Land Trust. It
9 was founded in memory of a wonderful woman that
10 lived in Ogden Dunes. She passed away of
11 lymphoma at the young age of 54, and a few of
12 her friends, Robert and Betty Lou Seidner --
13 that name will come up again in a little bit,
14 but they decided to memorialize her to create a
15 land trust for Northwest Indiana. The
16 organization was -- you know, \$30,000 was a
17 substantial gift; particularly, in the 1970s,
18 but it's not enough to go hire a bunch of staff
19 and buy a bunch of land, which is kind of what
20 land trusts do. So the organization was pretty
21 much voluntary all the way through the '80s,
22 and then in the mid '90s; and then we ended up
23 getting a nice chunk of Berkshire Hathaway
24 stocks in the mid '90s, and that perpetuated
25 the organization a little bit and allowed us to

1 actively acquire some of the land holdings we
2 have today; and it also allowed us to hire
3 staff.

4 So we had a full-time executive director
5 in the mid '90s. That evolved into getting
6 some substantial grants from U.S. Fish &
7 Wildlife for land acquisition and restoration
8 throughout Northwest Indiana; particularly the
9 southern Lake Michigan coastal region, which is
10 the north half of Lake and Porter County, and
11 the northwest corner of LaPorte County.

12 So we leveraged a lot of dollars from the
13 original donation. We worked to develop a fund
14 raising program. We gradually added staff.

15 You fast forward to 2014. Fernando
16 said -- I should back up. Fernando said I
17 could talk for 45 minutes, but I'll try to keep
18 it to 15. So, thank you.

19 Today, 2014, we have approximately 1400
20 acres that we own and actively manage. If you
21 look at the map here, it highlights our major
22 project areas. We like to say we have 16
23 project areas in Northwest Indiana, one of
24 which is here in East Chicago on the Grand
25 Calumet River, named our Seidner Dune and Swale

1 Nature Preserve. Just to give you a little
2 background on that preserve, it was permanently
3 protected in the late '90s in honor of the
4 Seidner family that founded Shirley Heinze Land
5 Trust, and we have been actively working to
6 restore and maintain that as ecologically -- it
7 is ecologically significant, globally rare dune
8 and swale habitat. It is immediately adjacent
9 to property you're also probably familiar with
10 that The Nature Conservancy manages, DuPont's
11 property, and also Beemsterboer, that they own
12 outright. We have worked in partnership with
13 The Nature Conservancy and also DNR's division
14 of nature preserves. It is a state-dedicated
15 nature preserve. That's when the state comes
16 in and says, This is such an ecologically
17 significant place, the state is going to put a
18 permanent conservation easement on the
19 property. So no matter what happens to Shirley
20 Heinze, or any other organization that owns a
21 state nature preserve, that ecological resource
22 will always be protected. And over the years,
23 we have secured grant moneys to actively
24 maintain -- or restore and maintain Seidner.
25 So that's, I guess, probably what has the most

1 relevance to all of you in the room. There is
2 a few other experts in the room that could
3 probably talk in a little more detail about the
4 remediation project. And, obviously, I think,
5 you guys are pretty familiar with what's going
6 on out there. But we've partnered with DNR and
7 IDEM. We're in tune with what's going on. We
8 have some responsibility down the road in terms
9 of managing the wetlands that are a part of the
10 remediation project. So we look forward to
11 upholding our end of the bargain, so to speak,
12 and ensuring that the remediation and,
13 particularly, the remediation that occurs
14 within the wetlands on our property is
15 maintained in perpetuity.

16 So the land acquisition piece: 1400
17 acres, 16 project areas. And what makes us
18 kind of unique as a land trust, when you think
19 of the land trust movement throughout the
20 country, there's about 1700 land trusts in the
21 United States, and 700 of those aren't staffed.
22 And then narrowing it down further, there's
23 about 20 active land trusts in the State of
24 Indiana, and we are right there at the top of
25 the heap in terms of land trust in the State of

1 Indiana when it comes to staff and operating
2 budget; although, we have the smallest
3 geographic area. And I think that has some
4 relevance in terms of what the ecological
5 resource is here, and what we do as a land
6 trust that's a little different than other land
7 trusts in the country; and that is, we actively
8 manage the property that we own. We don't just
9 take the property and hold it in perpetuity.
10 We have people, boots on the ground, that are
11 removing invasive species, planting native
12 plants, and trying to bring back the ecology
13 that was once here pre-settlement times. So
14 that's something we really feel, as an
15 organization, we can hang our hat on. It is
16 very similar to The Nature Conservancy's model.
17 So if you're familiar with The Nature
18 Conservancy and what they do globally, we're
19 doing that in a local level right here in
20 Northwest Indiana and throughout Northwest
21 Indiana.

22 A couple of years ago we had a lot of
23 discussion at the board level, and we said, you
24 know, there's a gap here. You know, it's great
25 that we're preserving this land, it's awesome

1 that we're restoring it, but a lot of people
2 don't know who we are or what we're doing. So
3 we got involved with this Mighty Acorns
4 program. It's some curriculum that was
5 developed by The Nature Conservancy, the Field
6 Museum in Chicago, and really was implemented
7 in Chicago Public Schools with the intent of
8 getting 4th, 5th, and 6th graders out into
9 nature so that they could have, you know, that
10 experiential learning, going out on a field
11 trip, and really get -- not just an ecology
12 background, but have opportunities to do
13 observation and see science in action outdoors.

14 So we got involved with that program in
15 2010 in the School City of Hobart. And fast
16 forwarding to today, in 2014, we're partnering
17 with the Field Museum. ArcelorMittal is a big
18 partner, the Dunes Learning Center, and Shirley
19 Heinze Land Trust. This school year, we'll end
20 up serving 4,000 kids. That's relevant to all
21 of you here in this room in East Chicago
22 because three of the elementary schools in East
23 Chicago are participating in that program this
24 year. And this is kids that actually get to go
25 out on a field trip in the fall, the winter,

1 and the spring, and learn about what is an
2 invasive plant? What is a native plant? You
3 know, why should I care about ecology? And
4 it's really exciting for us to be involved in
5 implementing that program in East Chicago. And
6 all the kids are going to Arcelor's research
7 facility to learn and participate in this
8 program. So those are -- that's another kind
9 of relevant point; and hopefully, overtime,
10 we'll be able to get that program instituted in
11 more schools throughout the city.

12 So the other thing that would probably be
13 relevant and of interest to all of you is
14 that -- and it's not going to happen today --
15 but at some point, and one day, we aspire to
16 not just get Seidner and that whole dune and
17 swale complex open to the community as a
18 resource where people can passively recreate --
19 when I say "passive," I mean, you know, it's
20 not going to be an ATV road course or a place
21 where people can go shoot guns, but a place
22 people can walk, do birding, botanizing, and,
23 in a way, exercise by getting outdoors and
24 seeing the beautiful ecosystem. So our hope,
25 as a segue to the remediation project, is have

1 more public access on the site, along the Grand
2 Calumet River, between Cline and Kennedy, and
3 then one day, hopefully, and I don't want to
4 get too far ahead of myself, or ourselves as
5 whole, but it would be great to see paddling on
6 the river one day. And I think that because of
7 your commitment to remediating a river that was
8 contaminated for many, many years, the
9 opportunity is becoming more and more of a
10 reality that one day that might occur. So I --
11 it is great that you guys are all supportive of
12 the remediation activities that are occurring,
13 and we're hopeful that you'll check out our
14 website and learn about the good work Shirley
15 Heinze Land Trust is doing throughout Northwest
16 Indiana. Come join us for -- we have a great
17 hike program, and we're always doing things
18 throughout Northwest Indiana. It's not just --
19 I like to think of Northwest Indiana as a
20 region, as a whole. I know sometimes with all
21 the municipal complexities of the region, we
22 have a lot of municipalities, that we get a
23 little siloed sometimes, but it's pretty
24 exciting. And I think being a regional land
25 trust, there's a lot of opportunity for us to,

1 you know, bring people outdoors and get people
2 from East Chicago to go to Michigan City or
3 Valparaiso, and vice versa, to explore nature
4 and really recreate on properties that are open
5 to the public and free. We don't charge
6 anything for people to come out to our
7 properties. So I urge all of you to put it on
8 your agenda to go visit the 16 project areas
9 that you see on your map. And if you ever have
10 any questions, I'd be happy to answer them by
11 e-mail. And, I guess, I can also open it up
12 for questions.

13 MR. FEKETE: I have one question. I know
14 from time to time that you do have scheduled
15 hikes.

16 MR. KROUSE: Yeah.

17 MR. FEKETE: And could you just keep Fernando
18 in the loop on when those occur?

19 MR. KROUSE: Yes, most definitely.

20 MR. FEKETE: I get them through the IDEM
21 contact, but everybody should get the opportunity
22 to take a look at that.

23 MR. KROUSE: I should have passed out -- I
24 don't like to be too forward in meetings like
25 this, but if anyone at all would like to be added

1 to our mailing list -- you know, we accept
2 donations. And when you look at our pie chart,
3 over half of the income we generate annually comes
4 from individual and corporate contributors. The
5 rest is grants, and we do have an investment
6 portfolio that generates some income. But you can
7 go on our website and participate in the hike
8 program and receive our literature for free. That
9 being said, I hope all of you send me an e-mail
10 asking to be put on the mailing list.

11 UNIDENTIFIED SPEAKER: Kris, you have a
12 website?

13 MR. KROUSE: We do.

14 UNIDENTIFIED SPEAKER: Do you update the
15 website and say there's a hike Tuesday?

16 THE WITNESS: By all means, yes. And as we
17 developed it, if you would have asked me that five
18 years ago, I would have ran back to the office to
19 try and update the website, but actually Barb
20 Labis, Paul Labis's husband [sic], she's our --

21 MS. GREGORY: Wife.

22 MR. KROUSE: -- communications coordinator.
23 She has really raised the bar for us internally in
24 terms of keeping our website fresh and updated,
25 and our branding is a lot better than what it was

1 a couple years ago because of her. So that's an
2 exciting development, as well, within the
3 organization.

4 MR. BAKOTA: What's the access point for that
5 Seidner Dune and Swale?

6 MR. KROUSE: It would be the service road off
7 of Kennedy. And it's not something that we've
8 promoted, and we're not promoting it at all right
9 now because of the remediation and dredging
10 activities. But our hope -- and we were in
11 dialogue with Resco, the refractory right there,
12 about them maybe helping us install some type of
13 parking lot or put a parking lot there at the
14 corner in front of their facility. There also may
15 be an opportunity, I hope, to maybe do some type
16 of parking along the roadway, maybe into the
17 preserve a little ways, but that still has to be
18 ironed out with The Nature Conservancy, EPA, and
19 IDEM, in terms of what we might be able to do,
20 because if you go back there right now, the road
21 has been expanded to get the large earth moving
22 vehicles back there. So my hope, I don't know for
23 sure, but maybe we could create a small parking
24 lot back there. Now, getting a bus full of kids
25 along that service road, that's a little different

1 topic of conversation and probably something we
2 would like to do out in that open field there, if
3 we could work something out with Resco. So
4 nothing is a done deal at this point, but we're
5 pretty committed to trying to promote and figure
6 out how to have more public access there in the
7 future, and really the remediation project was a
8 step in the right direction for us to be able to
9 do that.

10 MR. TREVINO: I want to thank Mr. Krause for
11 coming tonight. We tried to schedule it a couple
12 times, and we had to reschedule it, and I know he
13 is busy.

14 MR. KROUSE: Yeah.

15 MR. TREVINO: And you mentioned, you know,
16 you guys write grants, and that's one of our kind
17 of components that we've been exploring. So
18 sometimes grants are more successful when you have
19 partners. So if there's a grant that may have
20 overlap to what the district is interested in, you
21 know, we might consider partnering on something
22 that has overlap with the East Chicago Waterway;
23 so keep that in mind.

24 MR. KROUSE: Yeah. And on that subject,
25 there's a Chi/Cal River Fund, and there's several

1 foundations from Chicago; and ArcelorMittal is
2 also a big supporter financially of that program.
3 And there was funding secured to do additional
4 restoration on that Cline Kennedy branch of the
5 Grand Cal; so that's pretty exciting. And there's
6 some outreach tied into that that I'll make sure
7 you're apprized of and kept informed of.

8 MR. TREVINO: I appreciate it. And some of
9 the work you're doing is consistent with our
10 mission statement to advance economic and
11 recreational development of the waterways. Thanks
12 again for coming tonight.

13 MR. KROUSE: Thanks for having me. And I did
14 bring some news letters. We appreciate the
15 opportunity to tell you about what we do.

16 MR. BAKOTA: I might add, this year has been
17 an extraordinary year with regard to all of the
18 fall colors, for people interested in walking
19 around and looking at how it looks. Especially,
20 with the moisture we're getting.

21 MR. TREVINO: Thanks, Kris.

22 MR. KROUSE: You're welcome.

23 MR. FEKETE: The next order of business is
24 the Great Lakes Legacy Act project update report.
25 Mr. Wescott.

1 MR. WESCOTT: Hello, again. We haven't done
2 too much as it relates to the East Chicago funded
3 part of the project. Most of the effort in the
4 last month has been on the federal funded
5 component. We plan to start the fieldwork for the
6 sampling the week of October 27th, and then we'll
7 probably start with the Grand Calumet River east
8 and west branch the week of the 27th, and then
9 jump to the Indiana Harbor Canal and the Lake
10 George Canal the week after that. We'll get a lot
11 of sampling done. We'll install some wells within
12 the river. And then there will still need to be
13 some additional sampling that I hope to get most
14 of it done by the end of the calendar year. Most
15 of the other work is the upland sampling, which
16 includes taking some soil samples on the south
17 tank farm, which I have to coordinate with ARCADIS
18 and BP, because of the ongoing work that they plan
19 there. As then as I had mentioned in the past,
20 trying to get access to the Buckeye terminal
21 marsh. That's where the east and west branch come
22 together. I continue to talk to different people,
23 and I think I'm closer, but the person I was
24 talking to last week was in California. So
25 hopefully we -- she is confident we'll get

1 approval. I just haven't gotten approval. So
2 there's some work that I haven't quite scheduled
3 because I don't want to schedule things and then
4 not get the site access. So the Corps of
5 Engineers and EPA are funding most of the
6 fieldwork, and that'll start the week of the 27th.

7 The bathymetry, I've gotten most of the
8 data from the surveyor. He hasn't finished a
9 final report, but that should be in your hands
10 by the next meeting. But most of the data I'm
11 getting from him is really just electronically
12 computer design files. There's not going to
13 be, like, a book. But there will be a summary
14 report with photos and some other data that
15 I'll use, and, obviously -- and I can share the
16 computer files with Fernando, too. I don't
17 know how you archive them or share them with
18 the engineer department here, but obviously
19 it's information that you and the City of East
20 Chicago can potentially use for other projects.

21 MR. FEKETE: Are there any questions for
22 Mr. Wescott?

23 (No response.)

24 MR. LOPEZ: Thank you for a good report.

25 MR. FEKETE: There was a question raised

1 earlier in our discussions with regard to the Lake
2 George branch.

3 MR. WESCOTT: Yes.

4 MR. FEKETE: Are you taking water samples at
5 all?

6 MR. WESCOTT: So we are -- one of the aspects
7 of this project that the federal partner is
8 funding is to collect some water samples from
9 outfalls within the project area just to identify
10 any potential unknown sources of contamination
11 that the city -- or that they just don't know
12 about. And that one of the drivers for that was
13 on the previous section that included Kris's marsh
14 that goes from Kennedy to Cline, there was an
15 unknown source of contamination right at Cline
16 Avenue that we identified at the beginning of our
17 project that now, for this new section, they want
18 us to kind of do the same thing -- like
19 proactively go out and make sure that we're not
20 cleaning it up and there's a sewer that nobody
21 knows about that's dumping oil into the river. So
22 we've identified a few outfalls. We're not going
23 to try to sample every one of them, but just to
24 try to get a snapshot of what's there. So we're
25 going to work with the East Chicago Waterway

1 Management -- Sanitary District, and look at an
2 outfall on the west branch, and then a few on the
3 Indiana Harbor Canal, and then one that is sort of
4 in Hammond. It's right at Calumet Avenue. That
5 doesn't necessarily drain BP but it drains --
6 there's a drainage ditch that comes around right
7 next to Calumet Avenue, and we just want to see if
8 there's anything coming in; and, so, that one
9 would be the Lake George Canal.

10 MR. BAKOTA: That Lake George branch, you
11 know, I go there quite often and look at it, and
12 it looks like there's a source that's supplying
13 some sort of contamination. There's an oil slick
14 on the waterway after they stopped dredging, you
15 know.

16 MR. WESCOTT: There are some separate
17 sampling efforts -- mainly associated with the
18 south tank farm area -- that I believe there's
19 something coming out. But from my perspective,
20 that's already sort of a known issue, the south
21 tank farm.

22 MR. BAKOTA: But then again the wells there
23 haven't been picking up lately. I don't know if
24 you have a report -- the last report we had -- it
25 hasn't been picking up that much contaminants

1 within the wells.

2 MR. WESCOTT: Right.

3 MR. BAKOTA: I mean, disregarding that it
4 would be coming from groundwater from the south
5 side, if the wells aren't picking up. I mean, I
6 don't know.

7 MR. WESCOTT: I mean, I can talk to Fernando
8 more. There are so many entities that are looking
9 at sort of that part of the project area, that
10 it -- and from my perspective, I've only got so
11 much money, right, to look at the whole project
12 area; and I know there is a lot of money focused
13 on the south tank farm and areas of the Lake
14 George Canal -- particularly, east of that land
15 bridge -- that it doesn't make sense for me to
16 kind of do -- take some more samples when there's
17 already EPA, and BP, and a lot of the other
18 entities sampling already that's sort of --
19 everybody can see the sheen from Indianapolis
20 Boulevard. And I'm sure somebody will figure it
21 out.

22 The main thing for this project and for
23 me, is that as we get into the design, to make
24 sure we're not spending money to fix something
25 that is just going to get re-contaminated down

1 the road. I mean, that's really the crux. So
2 I just need to work with Fernando, and we have
3 these multiple working groups through EPA, and
4 BP is a participant, just to make sure that all
5 the efforts trying to address issues on Lake
6 George Canal are sort of working
7 collaboratively, rather than me going in one
8 direction and others going in another
9 direction, so that, ideally, when we get to the
10 point when we're going to do something in that
11 part of the project area, that it's actually
12 going to do some long lasting benefit.

13 MR. BAKOTA: Yeah.

14 MR. WESCOTT: But, so we are going to take
15 one sample on Lake George, but it's sort of
16 outside that south tank farm area.

17 MR. BAKOTA: I mean, if there's a source
18 there that is supplying pollution, it should be
19 addressed. I'm not saying that you should address
20 it.

21 MR. WESCOTT: Right.

22 MR. BAKOTA: I mean, if we're doing -- it's a
23 navigational dredge, but there's a source --
24 something. Whether it's leaching from the land or
25 there's a line there or something.

1 MR. WESCOTT: Correct.

2 MR. BAKOTA: Like the dredging is stopped; so
3 I don't see much disturbance within the -- you
4 know, from dredging that would cause it.

5 MR. WESCOTT: Right.

6 MR. FEKETE: It was my understanding, I think
7 based on some conversations that we've had with
8 Scott Ireland, is that basically you can't really
9 be using Great Lakes Legacy Act to continue a
10 project if there's a known source of contamination
11 or ongoing source of contamination. Is that
12 correct?

13 MR. WESCOTT: That's -- and EPA can probably
14 talk to that better than I can. I think it's
15 EPA's perspective that there is already a
16 corrective plan in place for, like, the south tank
17 farm. And so we would continue to move forward on
18 addressing what we can do to clean up the Lake
19 George canal, as long as it's working in tandem
20 with the other efforts that are already in place.
21 If it looks like, for whatever reason, there's a
22 break down among all the parties and it isn't
23 going to get addressed -- you know, the EPA
24 believes that there's an issue and other entities
25 don't believe there's an issue, that EPA probably,

1 through the Great Lakes Legacy Act, wouldn't want
2 to commit more money to that part of the project
3 area. You know, they might do something with the
4 landlock portion, if they can show it is separate
5 and we can kind of cross that one off. But that
6 section that's right where the CDF is, is kind of
7 the worst place really. I mean, it is just a
8 mess, and I don't really have an answer for you.
9 It's just we'll try to do as much as we can to
10 move it along to, like, get it down the football
11 field, but I don't know if we're going to score a
12 touch down, kick a field goal. I don't know where
13 we're at.

14 MR. BAKOTA: They say it's affecting
15 wildlife, you know, they said they've seen ducks
16 with oil. Well, that's one of the sections there,
17 you know, that is heavily polluted.

18 MR. WESCOTT: Right.

19 MR. BAKOTA: And there is wildlife that goes
20 in that area. And, I mean, I know this is going
21 to be an affect on wildlife within the dredging
22 thing, but it seems like they're just ignoring
23 that source.

24 MR. WESCOTT: Are there any other questions?

25 MR. LOPEZ: That was great. Thank you.

1 MR. PATRICK RODRIGUEZ: Go ahead. You know
2 what, it is just that I'm listening to you, and
3 I'm watching your body language, and it seems to
4 me there's an underlying something that you're not
5 really saying. Is there an issue or isn't there
6 an issue with that area?

7 MR. WESCOTT: Well, I think the issue there
8 are -- I know that there's -- that the district is
9 working with BP and BP's consultants to look at
10 the south tank farm, right? And so -- and I'm not
11 in the middle of that, and so it's hard for me --
12 so I'm sort of one level removed from really
13 having good information to give the district. I
14 mean, I can talk about the Great Lakes Legacy Act
15 project, but I can't really talk specifics about
16 the work that's going on at the south tank farm.
17 Although, I know that there are issues associated
18 with the south tank farm and its impact on the
19 canal, I don't know specifically the investigation
20 that ARCADIS is going to do and the conversations
21 that BP and the district has had.

22 MR. TREVINO: It's a complex scenario.
23 There's a lot of moving parts. You know, the
24 south tank farm is kind of under a consent decree.
25 The Great Lakes Legacy is -- the way I understand

1 it, is you can't spend Great Lakes Legacy Act
2 money or get credit for something that's on a
3 consent decree. I think I remember hearing that.

4 I think that's the case. So there's a lot
5 of complexities affiliated with that branch.

6 MR. PATRICK RODRIGUEZ: Wouldn't it be
7 conducive to his best interest and our best
8 interest that there's some information sharing?

9 MR. WESCOTT: Well, there is, to an extent.
10 And I missed -- we have a monthly call, which I
11 missed. So I don't know what they put out. And
12 Fernando has some additional calls with EPA on a
13 monthly basis.

14 MR. TREVINO: Yeah. And one of the things
15 we've been exploring is to see if BP would be
16 interested in expediting efforts in the Great
17 Lakes Legacy Act, and we've been, you know,
18 basically looking under every rock to see how we
19 could expedite the investigation and remediation
20 efforts in that area, but, you know, there's a lot
21 of, you know, as I mentioned, complexities
22 affiliated with moving forward over there.

23 MR. PATRICK RODRIGUEZ: Okay. Thank you.

24 MR. FEKETE: Thank you. Army Corps of
25 Engineers' report, Natalie mills.

1 MS. MILLS: Good evening. I'm Natalie Mills,
2 with the Army Corps of Engineers. The facility
3 and dredging operations contract: The contractors
4 shut down. They'll return to the site in the
5 spring of 2015. That's our schedule right now.

6 The permanent well installation: We
7 awarded a contract on the 30th of September to
8 install some additional wells for the gradient
9 control system; so we need the additional wells
10 to aid in the drawdown of the groundwater. We
11 anticipate that they'll start work some time in
12 the spring of 2015, but we haven't received
13 their proposed schedule yet.

14 CDF documentation: As far as the TSCA
15 permit, we're still waiting to hear back on a
16 public meeting. We recently sent an e-mail
17 asking on the status, but we haven't heard
18 anything back on the status of that permit.

19 Oil boom coordination: I don't have
20 anything to update at this time.

21 PCA and non-federal funding: I did give a
22 reminder to Kim that we're still waiting on
23 some -- a response to you all's question on,
24 like, a re-opener of the LCA, if necessary. So
25 she hasn't had an opportunity to take that back

1 up to headquarters yet, is the last that I got.

2 The Feddeler parcel: I think the last
3 thing we're waiting to hear back is are you
4 guys going to hire the appraiser?

5 MS. GREGORY: We're actually waiting for a
6 response from Kim on the e-mail that we sent last
7 week.

8 MR. TREVINO: Yeah. There were a couple
9 questions that we had regarding how the PCA would
10 be interpreted in this particular instance.

11 MS. GREGORY: I just left a voice mail for
12 Kim today.

13 MS. MILLS: Was I included in the e-mail?

14 MS. GREGORY: Yes.

15 MS. MILLS: Okay. I'll check and see if I
16 have a response. I'll follow up with her
17 tomorrow.

18 MR. TREVINO: We just needed some clarity on
19 what the cost, where the expenses would come for
20 certain work under the PCA.

21 MS. MILLS: Okay. The parkway improvement:
22 Work is scheduled to start the week of the 27th of
23 October.

24 MR. BAKOTA: Thank you.

25 MS. MILLS: Yes, and I'm going to remain

1 engaged with the people that are supposed to do
2 the work just to ensure that they keep to that
3 schedule.

4 MR. BAKOTA: When they complete, I'll have a
5 case of champagne.

6 MS. MILLS: I'll be there for that. And one
7 other thing to note, we're continuing to work with
8 the East Chicago Sanitary District. Like I
9 reported previously, we're going to be sending
10 some of the water from the pond to the sanitary
11 district for treatment. So we're still trying to
12 work out some of the details. Nothing has been
13 finalized yet. We haven't received any approval,
14 but just to let you guys know that that -- we did
15 submit a permit request.

16 MR. BAKOTA: Has that been done before?

17 MS. MILLS: No. Previously, we had the
18 wastewater treatment plant on site. But this
19 version is -- the costs is more -- the cost is
20 more beneficial.

21 MR. BAKOTA: Uh-huh.

22 MS. MILLS: So when we hear anything more,
23 I'll update the board.

24 MR. BAKOTA: Question: Has Congress
25 appropriated money for the next year's dredging

1 yet?

2 MS. MILLS: We haven't received the money
3 yet, nope.

4 MR. BAKOTA: They haven't appropriated an
5 amount? Is there a requested amount?

6 MS. MILLS: We've heard an amount but we're
7 not permitted to discuss.

8 MR. BAKOTA: Okay.

9 MR. TREVINO: Fair enough.

10 MS. MILLS: Yeah.

11 MR. FEKETE: Any other questions for
12 Miss Mills?

13 (No response.)

14 MS. MILLS: All right. Thank you.

15 MR. TREVINO: Thanks for your help with the
16 Indy Boulevard Parkway.

17 MS. MILLS: Oh, no, thank you. Sorry for the
18 longevity.

19 MR. FEKETE: Next order of business is our
20 attorney's report. Ellen.

21 MS. GREGORY: Ellen Gregory, with Ellen
22 Gregory Law. The first thing I want to report on
23 is the status of the consent decree, slash, AOC,
24 which is the administrative order consent, which
25 is basically the agreement between BP and EPA

1 regarding the south parcel. So the consent decree
2 is basically with Department of Justice and BP.
3 They had a document finalized, and I think
4 actually even maybe signed by BP, and then EPA
5 wanted to go back and change some of the language
6 regarding the work that they're doing on the south
7 parcel, which was discussed earlier. So the
8 consent decree is still with BP. And the AOC, I
9 believe, is also still with BP. And then once DOJ
10 and BP get a draft together, it will be circulated
11 around to the whole group.

12 Again, on the PCA, as Natalie mentioned,
13 we're waiting to hear back from The Corps on
14 some questions that we had about revising the
15 PPA.

16 The Feddeler issue: Just to kind of
17 clarify, we're trying to clarify with The
18 Corps -- both with the real estate attorney and
19 with Kim Szabo, who does the environmental
20 aspects -- how the work, going forward, in
21 negotiating with the Feddeler's attorney on
22 their claim of property interest on the CDF,
23 kind of clarify who's going to be doing what
24 and how the credits are going to be assigned
25 for if the district spends money on the

1 negotiations.

2 The user fees: We have just one appeal
3 that's kind of lingering. We're going to pull
4 in the attorney general's office to help us
5 with it. It's basically a company that was
6 assessed user fees paid through 2013 and then
7 voluntarily dissolved the company. So we have
8 to figure out through the AG's office how to
9 handle that.

10 On the Great Lakes Legacy, as was
11 mentioned earlier, we're working on putting
12 together some access agreements for property
13 that Tetra Tech needs to do the work going
14 forward.

15 And then finally on the real estate
16 issues: We are waiting to hear back from BP on
17 when they can sit down to have either a phone
18 conference or a sit-down meeting regarding the
19 easements on the ECWMD properties and possibly
20 transmitting some of those parcels.

21 That's all I have. Any questions?

22 MR. FEKETE: Any questions?

23 (No response.)

24 MR. FEKETE: Thank you very much.

25 MS. GREGORY: Okay.

1 MR. FEKETE: Any new business to come before
2 the board?

3 (No response.)

4 MR. FEKETE: Any other business, old or
5 otherwise?

6 (No response.)

7 MR. FEKETE: Any public comments?

8 (No response.)

9 MR. FEKETE: Our next board meeting will be
10 November 19, 2014, at 5:00 in this location. I
11 will now entertain a motion for adjournment.

12 MR. BAKOTA: Motion to adjourn.

13 MR. FEKETE: Second?

14 MR. LOPEZ: Second.

15 MR. FEKETE: All in favor signify by saying
16 aye.

17 (All signify aye.)

18 - ADJOURNED -

C E R T I F I C A T E

I, Dawn M. Iseminger, Registered Professional Reporter (RPR), and Notary Public within and for the County of Porter, State of Indiana, do hereby certify that I appeared at The City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, on the 15th day of October, 2014, to report the proceedings had of the District Board of Directors' Meeting.

I further certify that I then and there reported in machine shorthand the proceedings given at said time and place, and that the testimony was then reduced to typewriting from my original shorthand notes, and the foregoing transcript is a true and accurate record of said proceedings had.

Dated this 15th day of October, 2014.



Dawn M. Iseminger, RPR
My Commission expires: 7/22/2017

