Lost Nation-New Landing
River Conservancy District of IL
205 Cuyahoga Drive; Suite A
Dixon, IL 61021

Minutes
WATERSHED PLANNING COMMITTEE AND TECHNICAL ADVISORY COMMITTEE JOINT MEETING

September 14, 2009 1:00 PM to 3:00 PM
Lost Lake Community Center Dixon, Illinois

Attendees:

WPC Members:	Dan Boehle	Steve Larry	
TAC Members:	Sharon Hartzold	Bill Lindenmeier	Dave Meisenheimer
	Mike Reibel	Joe Rush	Marlyn Schafer
Facilitator:	Rebecca Olson		
Minutes Recorder:	Rebecca Breckenfelder		

1. Introductions.
2. Approve minutes from June 22, 2009 Watershed Planning Committee meeting. - approved
3. Approve minutes from July 27, 2009 Technical Advisory Committee meeting. - approved
4. Presentation: Marlyn Schafer, U.S. Army Corps of Engineers. Dave Meisenheimer introduced Marlyn Schafer, a regulatory project manager with the US Army Corps of Engineers, a position which he has held for the past 15 years. He specializes in agricultural projects, especially stream bank stabilization. Marlyn has worked on watershed projects at Blackhawk Lake in western Iowa and Springfield Lake in Springfield. Marlyn said that the presentation that he is giving is a pretty broad perspective of the corps' programs so some of the things may not apply. He reviewed the RCD's LMC Mission Statement to get an idea of what they have planned for the watershed. The Corps' authority through the clean water act involves perennial streams (like Clear Creek) and intermittent and ephemeral streams (tributaries), natural and manmade lakes, abandoned quarries and borrow pits, manmade ponds adjacent or connected to a jurisdictional stream or wetland, and jurisdictional wetlands (abutting or adjacent to rivers and streams). Steve Larry asked if a county road commission does work on a road and changes a culvert is the Army Corps consulted on that time of work or do they just do it? Marlyn said that it depends on the circumstances – if they are putting in a new road then they need to get a permit, however, if it is an existing road and they are just replacing the culvert with the same size culvert then that is considered maintenance and it is not necessary to contact the corps. If there is going to be a change in the road (widened or reshaped) or a bigger culvert put into place that is going to increase the footprint then they may need to get a permit from the Corps, albeit, it is a simple one – a nationwide permit under linear transportation. A diagram of the regulatory jurisdiction shows that Section 10 covered all structure and work

in a navigable waters of the US and Section 404 covers the discharge of dredged or fill material in the swamps, marshes and bogs adjacent to the waterways. They don't have any jurisdiction in the upland area. Rebecca asked for confirmation that streams or wetlands that are isolated from navigable waterways are not under the corps jurisdiction and Marlyn confirmed that statement. The blue lines on the USGS topographic map show them where there might be streams in the watershed, however, some of the streams may have been tiled and converted into grass waterways and non-wetland grass waterways are not regulated by the Corps. Marlyn gave examples of activities that are exempt from requiring a corps permit such as:

1. Work in upland drainage ways, ditches, and grassed waterways
2. Work in ponds, abandoned quarries, abandoned borrow pits, wetlands and farmed wetlands which are isolated from jurisdictional streams/wetlands (would still need to coordinate with the NRCS if they are in the farm program)
3. Installing drainage tile outlets and ditch outlets into stream channels for drainage of non-wetland
4. Replacing or installing drainage tile thru a wetland or farmed wetland (tile must be the same size and depth as old tile, must not drain any additional wetland and must be non-perforated tile
5. Excavation and dredging removal of accumulated sediments, gravel and debris from streams and drainage ditches to original depth and banks (excavate no deeper than original ditch bottom, material cannot be side cast into wetland), cut and remove fallen trees and woody debris, remove damaged/unstable trees from stream bank by cutting (must work from bank or gravel sandbar and material must be disposed of in a non-wetland area to be exempt)
6. Construction or maintenance of farm ponds for livestock
7. Construction or maintenance of farm and forest roads thru wetlands or across streams (permanent or temporary roads, stream and wetland impacts must be held to a minimum, road fill must be bridged, culverted or otherwise designed to prevent water flow restrictions thru stream or wetland
8. Maintenance and emergency reconstruction or recently damaged dikes, dams, levees, riprap, breakwaters, causeways, bridge abutments, approaches, another structures, (reconstruct to condition prior to the event that caused the damage, should be done within one year after event
9. Maintenance of drainage ditches (manmade ditches including previously manipulated streams, must not convert an area of waters of U.S. to another use, such as draining wetlands
10. Regrading stream bank for seeding or planting vegetation (2:1 slope)
11. Excavation of sediments from degraded or farmed wetland. including removal of emergent or small scrub shrub vegetative cover (removal of mature trees from wetland or streambed by grubbing the root balls is not allowed)
12. Construction of a wetland berm or structure for shallow water ponding if structure fill is on non-wetland
    NOTE: Type of equipment used for excavation includes backhoe, excavator or dragline that scoops up material so that there is only incidental fallback. Equipment must be positioned at the top of the stream bank, edge of the wetland, or on a sand /gravel bar excavated material must be removed and disposed of in a non-wetland location

    NOT ALLOWED: No channel relocation allowed. Use of bulldozers, graders, tractors with front-end loaders and blades where soil and vegetative material would be pushed around in waters or wetlands - these discharges requires a permit.

Rebecca asked the construction of a berm in the wetland or stream itself would require a permit as far as dirt moving and digging out the area for a wetland and Marlyn said that if the work gets into a wetland or stream itself than they would need to get a permit unless they are working from the shore and taking the material out and putting it on a non-wetland site then they do not need to get a permit. Joe rush asked if they get equipment into the stream or wetland than would they need to get a permit and Marlyn said yes.

If a permit is required, then they can get an application from the NRCS office or call the Corps and they will send them out to you. The joint application includes:

- US Army Corps of Engineers
- Illinois Dept of Natural Resources Office of Water Resources (Any work done in the floodplain of Clear Creek would require the submittal of a permit application to the DNR)
- Illinois Environmental Protection Agency (they will process the water quality certification and their review coincides with the corps' review process)

Not all projects are going to require a prolonged process – there are a lot of projects that involve stream bank and wetland restoration that require a permit, but because they fall under the nationwide permit program it is a very quick process. Once they receive the permit application, it typically takes under 30 days for them to approve it, depending on what the project involves or whether they have to coordinate with any other agencies such as the fish and wildlife service or the Illinois soil preservation agency. Types of Department of the Army Permit:

- **Nationwide Permit 3. Maintenance** – authorizes major repairs of currently serviceable stream structures damaged by natural events (culverts, bridges, farm crossings, etc) Repairs should be done within reasonable time (2 years of event)
- **Nationwide Permit 13. Bank Stabilization** – up to 500 feet along lake shoreline and stream banks blanket riprap stone toe protection gabion baskets and concrete walls are included. Structures extending into the channel are not included (Jetties, Bend way Weirs, stream barbs, etc.) **Permit application is not required for projects 500 feet or less in length 27:00**
- **Nationwide Permit 16. Bank Stabilization Activities in State of Illinois** – up to 1000 feet (riprap, stone toe protection, sheet piling, seawalls, gabion baskets, etc.) Includes Bend way Weirs, stream barbs, current deflectors, hard points and other low profile jetty structures. IEPA certified. Regional permits are issued for 2-5 years. No channel relocation permit application required.
- **Nationwide Permit 27. Stream and Wetland Restoration Activities** – Restoration and enhancement of streams and open waters, re-meandering previously straightened stream channel restoration, enhancement, and creation of wetlands and riparian areas. Includes projects under CRP, WRP and other federal contracts with NRCS, Farm Services Agency or Fish and Wildlife Service. Projects under IL Dept of Ag Illinois Stream Stabilization and Restoration Program, IL DNR and other state programs. Private and locally funded projects, includes installation of rock riffles (boulder weirs). IEPA certified.
- **Nationwide Permit 41. Reshaping Existing Drainage Ditches** – previously straightened streams that need to have minor work done. Permit application required if reshaping more than 500 feet of drainage ditch in waters of the US, ditch banks can be regraded but the channel cannot otherwise be increased in drainage capacity beyond original design, cannot change the ditch center line IEPA issued the Water Quality Certification with Special Conditions
- **Nationwide Permit 45. Repair of Uplands Damaged by Discrete Events** – restore storm-damaged stream banks – limit of 2 years from time of event can go back and restore bank and will cover riprap work that they want to install to cover fresh fill. Cannot be used to reclaim lands lost to normal erosion processes over an extended period.

Standard Permit Process:

Applicant submits application⟶ Application Received Acknowledged and Processed⟶Public Notice Issued⟶ Application Reviewed - Corps/Individuals/Special Interests/Local Agencies/Commonwealth Agencies/Federal Agencies ⟶ Public Hearing may be held⟶ Evaluation Factors-Conservation/ Economics/Aesthetics/Environmental Concerns/Public Welfare/Water Supply Quality/Navigation/Etc. ⟶⟶Application Either Approved or Denied

Public notice is issued for a 21-30 day comment period. Sent to federal state county and local government agencies, legislator, organization, adjacent landowners, and others. Adverse comments must be addressed by the applicant. This will delay project approval. Standard permits may take 9 months to 1 year or longer to complete. Very advisable that there be a watershed plan – if the work is contrary to a watershed plan, then it is very unlikely that they would get the permit. Projects that help the environment such as remeandering of streams or recreating wetlands would go under nationwide permits and would be much easier to obtain.

Stream & Wetland Mitigation – The clean water act requires no net loss of waters of the U.S. If a project will result in permanent adverse impacts or permanent loss of stream or wetland, then mitigation must be provided prior to or concurrent with the project causing the impacts. Typical projects are stream channelizations, filling of streams to convert to grassed waterways, and draining/filling of wetlands. For example, if they have an acre of wetland that they want to drain, then they are going to have to provide a 1½ to 2 ratio or mitigation, or create 1 ½ to 2 acres of wetland somewhere else. Because of this rule, most of the time it is not economical for the landowner to do the work, so they won't proceed with the work.

Threatened and Endangered Species – Before issuing a standard permit or certain nationwide permits, the corps will coordinate with the Threatened and endangered species, the U.S. Fish and Wildlife Service (FWS) in Rock Island, and the IDNR in Springfield. If the NRCS/SWCD is involved with the project, then they may perform the coordination with FWS and IDNR.

National Historic Preservation Act – Before issuing a standard permit or certain nationwide permits, the corps will coordinate with the Illinois Historic Preservation Agency. If NRCS are involved, then their Cultural Resources Review process will satisfy the NHPA requirements. Marlyn listed contact information for his agency and the other agencies that are involved in the permitting process.

Continuing Authorities Program - As a taxing authority, the LNNLRCD is eligible for assistance for use of various programs for example: **Small Flood Control Projects** ; **Emergency bank Protection Projects** – The corps may spend up to $500,000 in one locality during any fiscal year for the construction, repair, restoration and modification of emergency stream bank and shoreline protection works designed to protect : highways, bridge approaches, and public works, as well as churches, hospitals, schools, and other non-profit services endangered by bank erosion and shoreline protection on public property – **Cannot be used for protection of private property.** Joe Rush asked if it was for before or after damages have occurred and he said that it could apply to either before or after damage occurs.

Aquatic Ecosystem Restoration - provides authority for the Secretary to carry out an aquatic eco-system restoration and protection project including manipulation of the hydrology in an along bodies of water

including wetland and riparian areas Each project if limited to a federal cost share of not more than $5 million.

5. **Updates since last meeting: EPA grant application submitted by RCD for demonstration/stabilization projects**. The RCD submitted a second grant application to the EPA for some implementation of stabilization of some property that is upstream of the lake and some lakeshore property owned by the RCD. They would use the sites as a demonstration area to showcase various stabilization techniques. They received EPA funding for a grant that they submitted last December for the clear creek watershed planning effort although they haven't seen the contract yet. The work that they are doing now will count as a match toward the project and eventually they will get a contract signed and they can start submitted some of the costs of this effort to the EPA. Steve asked what type of cost sharing work they can do and Rebecca said that that question segues nicely into item 6.

6. **Review stages and tasks for watershed planning.** Rebecca took the EPA's guide to watershed planning and broke it down into a step by step process. After today's meeting they will be done with stages 1 and 2; stage 3 involves some of the major costs because they are inventorying the watershed, which will involve going out into the field and collecting and organizing data for the watershed. The NRCS is working on some of this, which Rebecca has asked Dave Meisenheimer to talk about later. Some other major costs are outlined in stage 4 – assess water body/watershed problems some of which will involve computer modeling. Creating their published plan will be somewhat costly because they will need to hire consultants such as computer modelers and GIS analysts to do the work, as well as someone to take all of their WPC's prioritized concerns and goals and putting them into a formal plan. Based on the assessment of the watershed they will be identifying areas that they can work on that will give them the best bang for their buck. They will also have someone doing an assessment from the air. The time that the two committees put in can be used for matching funds for grants. Steve asked who would keep track of the volunteer hours that are used for matching funds and Rebecca said that It is very important that everyone keep track of their time and she has a form that everyone can use for this purpose to keep a standard. If it is a volunteer, then they have a set rate for volunteers, otherwise, if a person is working on behalf of an organization, then he or she would put the set rate that he or she is paid by that organization. Rebecca will e-mail a copy of that to everyone so that they will have it electronically. Steve asked when they should start keeping track and Rebecca said right away and retroactively, they should record any of their time spent at meetings, traveling, and any other work outside of the meetings that they have performed. Joe Rush asked if the recon work that he and Rebecca has done and she said yes.

7. **Establish planning group structure.**

   a. **Determine leadership necessary, nominate and elect leadership for the committee**. They have been trying to do this since the very first meeting; however, they haven't had very good attendance and so have put it off. What they need is someone to take over facilitating the meetings from Rebecca and someone to take the minutes when Becky is unable to. The job of the facilitator is basically to attend the meetings and help them move along. Rebecca can work with the individual on creating the agendas for the meetings and Becky helps coordinate the mailings and e-mails to inform committee members of the meeting dates.
   Marty McManus – TAC Chairperson / Joe Rush - Vice-Chairperson Marty McManus volunteered at the last meeting to be the chairperson if no one else stepped up. Joe Rush is willing to be the vice-chair as he feels that it is important for the chairperson to be at all of the meetings and doesn't know if he will be able to do so.
   David Meisenheimer – Help take TAC Minutes Steve thinks that for both groups if the chair can't make it, then the vice-chair should try to come. Steve asked how often the TAC will plan to meet and Rebecca said that the next meeting will not be until after harvest because they have assessments that need to happen before the meeting won't happen until the crops come off, although she doesn't know the frequency of the meetings. Steve asked Becky what her time availability was to take minutes and Becky said that during the winter she has a lot more time to devote to minute taking. She becomes overloaded between March through September with budgeting, boat stickers, etc. Steve said that there probably wouldn't be very many meetings during March because that is when they start planting season. Dave Meisenheimer volunteered to help with taking the minutes of the TAC meetings.

Steve Larry – WPC Vice Chairperson – Steve volunteered to be vice-chair, but would like to have more members present to discuss appointing a chairperson. He asked Rebecca to be the facilitator for one more meeting to make that happen. Steve said that it would be nice to have a well-known stakeholder take on the role of chairperson because other stakeholders in the watershed would be more likely to know and relate to that person.
Dan Boehle – Help take WPC Minutes – when Becky is not available to take the minutes, Dan will take the minutes or record the meeting and pass it on to Becky to type up.

b. **Committee structure: separate or one committee with sub-component.** Steve suggested that the two committees could continue to meet together unless it becomes a purely technical or purely planning based meeting. Joe Rush said that it may be difficult getting the two groups together on a continual basis since they each have different times that the watershed planning committee and TAC meets. Sharon Hartzold said that January through March the WPC may be more available to meet during the day as they are not out in the fields. Dan Boehle said that livestock operators may still have issues with meeting during the day. Sharon said that if the two groups meet jointly, that they have to be careful to ensure that decisions only are made by the planning committee. They discussed having a separate WPC meeting in December, coordinating the best date with the WPC members and keeping it open to TAC members to come if they'd like.

8. **Review geographic scope of watershed.** The Clear Creek watershed was defined as the areas draining in to Babbling Brook and Clear Creek and Rebecca wants to discuss it to see if that definition should be changed. The group agreed that it was a good definition of the area. Sharon said that they should look at whether they should include the area between the dam and the Rock River to keep that designation. Steve asked what the advantage was in having the area between the dam and the Rock River defined in the watershed and Joe said he is not sure but he wonders if there are more grant opportunities if it goes all the way to the Rock River as opposed to stopping at the dam and Rebecca said yes. The Rock River was a biologically significant stream, although it is no longer, in talking with the EPA they recommended that she highlight that their work would be protecting the Rock River. Sharon said that much of the work that they perform upstream of the dam would only affect the lake and so they may have to focus some specific inventories, evaluations, and possible treatment to the area between the dam and Rock River to keep that designation.

   Green River Conservation Group – Karen Rivera sent Rebecca an e-mail asking if the Clear Creek Watershed would like to partner with the Green River Group to create a plan very similar to the Clear Creek Watershed's goals, to attract Federal Fish and Wildlife funds, which, in the near future, are supposed to be much larger than currently available. Rebecca asked the group if they wanted her to explore that further. Steve asked where the Green River is and Bill Lindenmeier said that it is in Lee Center about 25 miles south east of here. The commonality between the Green River and the Clear Creek Watershed is that they both run into the Rock River. The Green River Group has a large area defined in their group of which the Clear Creek Watershed is within. Rebecca can look into what they have in mind. Steve said that he doesn't want to overwhelm the planning group with bigger plans. They may just be able to partner on certain grants.

   At their last meeting the TAC pointed out that the Clear Creek Watershed is close to two protected areas that are outside the watershed and Rebecca wondered if they needed to enlarge their focus area to go outside the watershed to look at Lowden State Park to Franklin Grove State Park. Steve said that to enlarge the scope they might be taking risks and that at least initially, he would like to stay focused on just the watershed. Sharon said that they might lose some of the credibility of their plan if they try to bring other areas outside of the watershed in to selectively include a high priority that someone has to "look good". **Those present decided to stay with the current defined geographic scope.**

9. **Review natural resource concerns and priorities.** The WPC came up with a list of resource concerns and the TAC reviewed them and put in their input. Sharon asked how the group defines a waterway – she wants to make sure that they are all thinking of the same thing (in obstacles and priorities, it is mentioned). Rebecca said that as she recalls it is the same thing and as you get into the fields and away from the streams you get into grass waterways. Sharon asked for clarification on the statement under secondary priorities and Rebecca said that they had discussed directing tiling into a wetland; however, at the next meeting they will clarify that statement.

10. **Create preliminary goals for Watershed/Water bodies** - Tabled for next WPC meeting

    a. **Restorative and remedial.**

    b. **Protective and preventative.**

    Sharon said that an easier term for people to grasp is "future conditions" as in "What are the preferred future conditions that they want to see in the watershed in 50 years." Rebecca asked the TAC if there were any recommendations that they would make to the WPC on future conditions. Sharon said that they could look at land use, land cover, current recreational and wildlife conditions and how they want them to look. What is there idea for future row crop agriculture or natural areas – do they want to sustain, improve, increase, decrease, etc. This is where we are now and this is where we want to go. The technical committee will come up with some different options as to how they get from where they are now to where they want to be.

11. **Prioritize key goals. –** Tabled for next WPC Meeting Steve said that items 10 and 11 will be what they will tackle the next WPC meeting. Sharon said that the inventory will hopefully confirm the conditions that the WPC has identified to help clarify some of the priorities that they established and perhaps they may either find that it is not as big an issue as they thought or they may take some of their priorities to a higher level.

12. **Discuss next steps.**

    a. **Assemble all ready available data**. The technical committee will next meet after they have collected and assembled some data. They have already assembled most of the data that is already available.

    b. **Visually evaluate key water bodies and natural resources.** Dave said that the NRCS has done the field portion of the rapid watershed assessment (it is down with Roger Windhorn) and they have still yet to walk the streams segments to assess those, which they will do this fall. Cultural resources - Sharon Santure has a summary of the cultural resources of the area.

    Rebecca said that she would like the TAC to provide whatever information that they have on the watershed to the WPC. If there is an aspect of the watershed that the members have expertise in then they could share it with the group and become part of the planning process to be considered. If they have a list of information that they have identified that they need or anything that they can think of then they can send it to Rebecca and she can work with them to see what they are in the process of doing. Sharon talked about census information such as demographics, ages, population, income level, farm size, typical crops.

13. **Adjourn.** Meeting adjourned a 2:55PM