

DATE: MAY 19, 2009

TO: MAYOR AND CITY COUNCIL

FROM: LINDA BERAUER, CHAIR, PARKS ADVISORY COMMISSION

RE: PARK ADVISORY COMMISSION RESOLUTION ON THE REPORT AND
RECOMMENDATIONS OF THE HURON RIVER IMPOUNDMENT
MANAGEMENT PLAN

Attached is the Park Advisory Commission (PAC) Resolution on the Report and Recommendations of the Huron River Impoundment Management Plan (HRIMP). Because this resolution was approved by an uncharacteristically narrow 5-4 margin, at the conclusion of our deliberations the Commission agreed to include a summary of the minority opinion along with the approved resolution when these materials are forwarded to Council. With this memo you should receive the approved PAC resolution well as the minority opinion.

PAC unanimously supports the 30 consensus HRIMP recommendations for the stewardship of the portion of the Huron River and its impoundments that lie within the purview of the City of Ann Arbor, and the establishment of a River Stewardship Committee as recommended by the HRIMP report. PAC also unanimously agrees that whatever decisions are made should be made with the interests of the various recreational groups, including rowers, canoeists, kayakers, anglers, and hikers, in mind. A five member majority supports keeping Argo Dam in place and a four member minority supports dam removal.

The majority voted to recommend that Council pursue a course of action that retains Argo Dam and preserves Argo Pond, as reflected in the attached resolution. Argo Pond is the main feature of two of our most centrally located large parks. With its open water and view of the river valley, it is enjoyed by anglers and paddlers as well as by those who enjoy walking the trails around the pond and by those engaging in various recreational activities in the newly restored Bandemer Park. Argo Pond also currently serves several thriving rowing programs with 600 members and Argo is their preferred water space. Were the dam to be removed, alternate locations would need to be found for the rowers as recommended in the HRIMP report, and this would require lengthy negotiations and considerable expense, particularly at Barton Pond, where there may be legal and site issues that are still in the process of being resolved.

This resolution recommends that Council pursue optimal solutions for the repair and management of the mill race and toe drains to meet the requirements of the DEQ while preserving the impoundment for all current users including rowers, paddlers, and anglers.

This resolution also recognizes that Argo Pond is difficult for non-rowers to use when the rowing crews are practicing or racing due to marine right of way rules and the creation of wakes by the gasoline powered launches used by crew coaches, and that the sound of the megaphones used for

coaching carries across the Pond onto the trails and into surrounding neighborhoods. Therefore, PAC recommends that the new River Stewardship Committee set a deadline for all megaphone use to be phased out and replaced by electronic headsets, and work to formulate a coaching strategy that will not entail violations of the "no wake" rule. Because Argo Pond is used by many other constituencies in addition to the rowers, PAC also recommends that the River Stewardship Committee formulate a shared use plan and schedule for the multiple users and explore the possibility of an appropriate fee structure for heavy users of the pond.

Finally, PAC as a whole recognizes that implementation of the HRIMP recommendations will require additional staff and significant capital expenditures that are not reflected in the Park budget adopted for FY 2010 and 2011. For this reason, PAC recommends that, in addition to the required repair of the toe drains, only those HRIMP recommendations that require minimal capital funds be implemented during FY 2010 and 2011. PAC further recommends that additional funds be provided for any additional responsibilities that are assigned to Park and Recreation Services, Park Operations, and the Natural Area Preservation program to implement the HRIMP recommendations for river stewardship.

The minority report favors removal of the Argo Dam in order to restore the river to a more natural and sustainable state, improve water quality and flood control, and provide an environment suited to more aquatic and avian species. The minority feels that, on balance, the environmental benefits and the improvement for certain recreational activities such as canoeing and kayaking outweigh the costs of displacing the rowing community to one or more of the other three other impoundments within the system. Financial considerations on both the expense and revenue sides also factor significantly into the minority decision to recommend dam removal. Finally, the minority recognizes there may be an unexpected potential benefit of the removal of Argo Dam: a relatively low-cost solution to complete a critical missing link in the Border to Border trail at the northern end of Bandemer Park under the railtracks at Huron River Drive, thus linking Bandemer to Barton Park and beyond to Bird Hills Nature Area and Skyline High School.

**PARK ADVISORY COMMISSION
RESOLUTION ON THE REPORT AND RECOMMENDATIONS OF THE
HURON RIVER IMPOUNDMENT MANAGEMENT PLAN**

WHEREAS, the Huron River Impoundment Management Plan (HRIMP) Committee has produced a report with recommendations on the management of the four dams owned by the city on the Huron River, and

WHEREAS, the Park Advisory Commission (PAC) supports many of the recommendations, and

WHEREAS, the hearings and communications since the April release of the HRIMP report have produced additional information and options for the repair of the headrace and earthen embankment below Argo dam that offer the potential of the least expensive course of action to meet the immediate requirements of the state¹ as well as improvements in the access to pathways and use by canoes and kayaks while continuing the other water recreational uses, including the four rowing teams, and

WHEREAS, the implementation of the HRIMP recommendations will require significant additional staff and capital expenditure from Parks & Recreation, Parks Operations, and Natural Area Preservation that are not reflected in the budgets to be adopted for 2010 and 2011, and

WHEREAS, the HRIMP report recommends two courses of action with regard to Argo dam, 1) remove Argo dam, or 2) leave the dam and Argo Pond as is, but make necessary repairs to the headrace and embankment² by using the hybrid solution without the whitewater component, and

WHEREAS, either of the two courses will require substantial funding and time for completion in a period of extreme financial pressure from the national, state and local recession that is projected to result in a General Fund deficit of approximately 8 million or 10% of the General Fund for FY10 and FY11 combined, and will require significant cuts to City services in all areas through at least 2010 and 2011, and

WHEREAS, “Argo dam is not failing. The structure with the gates is in very good shape and is well maintained. The MDEQ office of dam safety wants us to repair old toe drains along the millrace embankment. Those drains are not working properly but there is no sign of any failure there either. We inspect the dam regularly and have contingency plans in place if any issues are identified.” (M. Naud 5-19-2009)

WHEREAS, there are alternate solutions for repair and management of the headrace and embankment that leave Argo dam and Argo Pond in their current state as the main element of the most central regional city park, and second most popular park in the city with its open water and view of the river valley, a major entry to the city, with a board walk, pathways, newly completed Bandemer Park with disc golf, picnicking, parking and boating facilities, and

WHEREAS, the alternate solutions maintain the option of restoring hydroelectric power generation from Argo Dam in the future when it may again be economically feasible and needed, and

WHEREAS, the restoration of the of the middle section of the Huron to a river ecosystem through the City of Ann Arbor is a desirable long term goal, it will require that all four dams be removed, a scenario that is not currently feasible³, and

WHEREAS, the removal of Argo dam impoundment that is less than 2 miles from Barton dam and therefore cannot be expected to produce a significant improvement in water quality and biological diversity that would offset the loss of Argo pond, the central park feature for the Downtown and west side of Ann Arbor, and

WHEREAS, the current use of Argo pond services four successful rowing programs, A2 Pioneer High, Huron High, AARC & the University of Michigan, programs that have thrived on Argo Pond, their preferred and optimal water space, and

WHEREAS, the city of Ann Arbor recently spent over \$300k to develop Bandemere Park and customizing it to accommodate rowing, and

WHEREAS, alternate locations to provide for the rowing community as promised in the HRIMP report face difficult and likely lengthy negotiations and expenses, particularly Barton where there are legal and site issues, and

WHEREAS, Argo Pond is difficult for non-rowers to use when the rowing crews are practicing or racing due to marine right of way rules giving the rowers the right of way through the majority of the non weed infested waters on the pond, and

WHEREAS, the rowing clubs have multiple boats that require megaphone use for coaching, the sound of which carries across the Pond and into surrounding neighborhoods, and

WHEREAS, the rowing clubs use gasoline motored launches to coach crew boats which are known to regularly violate the "no wake" impoundment rule and,

THEREFORE, BE IT RESOLVED that the Park Advisory Commission (PAC) recommends that City Council:

- 1) Accept the Huron River Impoundment Management Plan (HRIMP) report, and establish a very broadly based River Stewardship Committee to address:
 - i) aquatic vegetation management that identifies best management practices (BMP) and also funding
 - ii) the questions regarding sedimentation, toxins, water temperature and fisheries for which there is inadequate scientific information to make decisions
 - iii) propose a timeline and costs for sustainable use of the dams and their future removal or replacement, and
- 2) Direct the implementation of the HRIMP recommendations that require minimal capital funds and additional staff during 2009-2011, and

3) Approve immediate engineering appraisal of the alternate options for the repair of the headrace and earthen embankment toe drains below Argo dam that offer the potential of the least expensive courses of action that would meet the immediate requirements of the state, as well as those for a water course or portage for canoes and kayaks, and

4) Provide funds for additional responsibilities assigned to Parks and Recreation, Park Operations, and Natural Area Preservation that will be required for any adopted recommendations to be implemented in 2009-2011, and

5) Accept the course of action for Argo dam that retains Argo Dam and Argo Pond with the repair of the toe drains in the embankment below the dam with BMP flow controls, and appropriate design of the water supply to the headrace, and plan to create a water bypass or suitable portage for canoes and kayaks, and

6) Establish lines of responsibility within the city departments and staff for implementing recommended actions of the Huron River Impoundment Management Plan.

BE IT FURTHER RESOLVED, that the Park Advisory Commission recommends that as long as there are rowing clubs using impoundments within the city's purview for their activities that the new River Stewardship Committee, as proposed in the HRIMP recommendations, formulate an appropriate fee structure, shared use plan and schedule, and set a deadline for all megaphone use to be phased out. Such a body should also work to formulate a coaching strategy that will not entail violations of the "no wake" impoundment rule.

Resolution Approved May 19, 2009; Amended June 2, 2009

Sponsored by Commissioners David Barrett and Gwen Nystuen

Ayes: Commissioners David Barrett, Julie Berson-Grand, John Lawter, Gwen Nystuen, Sam Offen

Nays: Commissioners Linda Berauer, Tim Berla, Brigit Macomber, Scott Rosencrans

Notes:

¹ "The toe drain failure is complicated by the dense growth of trees and brush on the raceway embankment and by the inability to block the flow of water into the raceway during an emergency. The toe drain system should be repaired immediately, and a means of blocking flow into the raceway canal should be devised as soon as possible. In addition, at a minimum, dead and leaning trees should be removed from the raceway embankment as soon as possible." DEQ 11—18-2004

² The Dam Safety office of the DEQ in April of 2008 following a December 2007 Dam Safety Inspection Report recommended "that a contingency plan be developed to rapidly shut off flow to the headrace in the event of concerns over the headrace" and would "like the plan

to include provision that the embankment crest and toe be visually inspected every two weeks, at a minimum, and after any significant wind storms to detect potential stability issues with the embankment, including uprooted trees, new or increased seepage or flow from the toe drains, and embankment sloughs”, and further that the “headrace contingency plan is intended to be a short term plan . . . “

³ Removal of Barton Dam is unlikely because the impoundment serves as the reservoir for over 85% of the city water supply and it also generates hydroelectricity economically. Its removal would be the cornerstone of restoring a riverine ecosystem to the Middle Huron. Superior Dam outside the city, east of Geddes dam, also generates hydroelectricity, and therefore is unlikely to be removed in the near future. Geddes Dam, on the east side of Ann Arbor, creates the impoundment for Gallup and Furstenberg Parks, Huron Hills Golf Course, and Ruthven Park (not developed NE corner featuring a glacial kame). This location and the attraction of the expanse of open water, bridges and trails, playgrounds, and boat facilities, is the most visible and popular park area in Ann Arbor. Argo Dam serves the center and west side of the Ann Arbor in the same manner, and while smaller provides the new board walk, Bandemere disc golf, and picnic areas that are added to connecting trails, biking, hiking, and many types of water recreation enjoyed by a wide range of ages and economic classes. From a park use point of view, a linear stretch of river does not begin to provide the recreational attraction and use that the expanse of water of an Argo Pond provides.

Park Advisory Commission
Minority Opinion on the Report and Recommendations
of the Huron River Impoundment Management Plan

Prepared by Commissioners Linda Berauer, Tim Berla, Brigit Macomber, and Scott Rosencrans

As was agreed to by the Park Advisory Commission (PAC) on the completion of deliberations regarding the recommendations in the report by the Huron River Impoundment Management Project (HRIMP) Committee, we are submitting the following summary of the resolution supported by the minority in those deliberations to ensure that Council has a full view of the range of opinion on PAC. The unusual step of forwarding a minority report was agreed to by PAC in consideration of the close vote (5 to 4) in favor of the resolution recommending retaining Argo Dam and preserving Argo Pond.

It should be noted that all of the 30 consensus recommendations in the HRIMP report pertaining to the stewardship of the Huron River and the establishment of a River Stewardship Committee were unanimously supported by PAC. Also unanimously supported is the recommendation that additional funds be provided for any additional responsibilities that are assigned to Park and Recreation Services, Park Operations, and Natural Area Preservation to implement the HRIMP recommendations on stewardship of the river.

The remaining issue, for which there was no conclusive recommendation in the HRIMP report, is the future disposition of Argo Dam. The minority recommends the removal of Argo Dam for the following reasons:

Ecological: Dam removal will improve the overall ecology of a significant stretch of river within the city limits resulting in improved natural habitat for a greater number of aquatic and avian species and will also provide a healthier environment for all users of the river.

Environmental Health: Dam removal will create a longer stretch of fast water river which provides for natural control and remediation of sediment, weeds, and algae as well as run-off pollutants such as phosphorous. It is expected that dam removal would create a substantial floodplain and stream buffer, which will provide flood storage and protect water quality.

Recreational Use: The three other impoundments within the system are able to satisfy the recreation needs of those users who desire flat, slow moving water and a pond-like setting. The removal of Argo Dam would enhance the recreational experiences for thousands of other river users who prefer a riverine setting with faster moving water.

Financial Considerations - Expenses: Maintaining two dams exclusively for recreational use is redundant; it is difficult to justify the expense of maintaining two such major infrastructures. Assuming the costs of dam repair and dam removal are roughly equivalent over the next twenty years, the scale will tip after 20 years and we will be faced with the same dilemma.

Financial Considerations – Park Revenue: In 2008, the City's canoe livery operations provided over \$400,000 of revenue which netted a surplus of nearly \$60,000. Staff believes

that the removal of Argo Dam would result in increased use of the canoe livery and associated revenues, resulting in greater net profits.

Financial Considerations – Potential Grant Funds: According to staff there is a high likelihood of obtaining federal funding that is available for dam removal, while there is no comparable source of funds for dam repair and maintenance. Funding resources are also available for the riparian restoration component of river restoration projects.

Financial Considerations – Potential low-cost solution for a safe railroad crossing to complete a critical missing link in the Border to Border trail: If removal of the dam results in at least a 12” drop in water level under the railroad tracks at the northern end of Bandemer Park at Huron River Drive, there would be sufficient clearance under the railroad trestle to construct a walkway under the trestle. This would be a significantly less expensive way to link Bandemer to Barton Park and beyond to Bird Hills Nature Area and Skyline High School than the currently proposed several million dollar tunnel under the railroad crossing.

We take very seriously the input from the Michigan Department of Natural Resources, the Washtenaw County Water Resources Commissioner, and the Huron River Watershed Council, all of which recommend removal of Argo Dam.

The land that emerges after the dam is removed should be immediately and formally designated as park land and revegetated with native species.

No dam is a permanent structure. The HRIMP report provides estimated costs for maintaining the dam over the next twenty years; but it does not include the additional costs associated with the ultimate removal or rebuilding of the dam at the inevitable end of its life. The Washtenaw County Water Resources Commissioner believes that Argo Dam is two thirds through its anticipated fifty-year lifespan.

The sole current purpose of Argo Dam is to maintain an impoundment for recreational activities. Geddes dam was also rebuilt in order to create the City’s most heavily used park, Gallup Park. We do not believe that two dams and impoundments are needed for recreational activities and question whether it is fiscally responsible to use a significant amount of finite financial resources to maintain such major infrastructure where it may only be a matter of convenience for a small constituency whose needs can be met elsewhere. The three other impoundments within the system are able to satisfy the needs for recreation of those users who desire flat, slow moving water and a pond-like setting. The removal of Argo Dam would enhance recreational experiences for thousands of other river users who prefer a riverine setting with faster moving water.

We recognize the value of the rowing programs to the community at large. Approximately 600 rowers currently use Argo Pond for their rowing activities. This includes teams from the area high schools, a community-based rowing club, and the UM men’s rowing club. The high school teams are enthusiastically supported by their families and friends and our community should be proud that such a popular high school sport is self-funded and open to all students. The rowing programs in Ann Arbor are nationally recognized for consistent excellence.

We understand the difficult transition to alternate venues that would be required if Argo Dam is removed. However we believe it is possible to find solutions for adequate facilities for the high school teams and the community-based rowing club on both Barton and Geddes impoundments. We recognize that such an endeavor would require negotiation and diplomacy with other civic and/or private entities and that all participants would need to have a desire for success. The cooperation of the Ann Arbor Schools will be critical. It may be possible for the University of Michigan Men's Crew Team, which also currently uses Argo, to move in with the Women's Varsity Crew Team at their facilities on Belleville Lake where they currently spend part of the year. These negotiations and logistics, as recommended by the HRIMP report, should be undertaken by City staff and the new River Stewardship Committee.

A further parks consideration is the potential to create an affordable and safe railroad crossing at the northern end of Bandemer Park if Argo Dam is removed. This is a critical missing link in the Border to Border trail and when completed will greatly enhance the safety and accessibility of biking and walking trails linking Bandemer to Barton Park and beyond to Bird Hills Nature Area and Skyline High School. It is estimated it would cost several million dollars to build a tunnel underpass under the tracks between Bandemer Park and Huron River Drive. If the dam is removed it is possible that the river level would drop sufficiently to allow for a walkway under the railroad trestle similar to the walkway under the trestle just below Barton Dam. Such a walkway would be significantly less expensive than a tunnel underpass and more affordable to build in the near future.