



TO: Ann Arbor City Council
FROM: John Fournier, Assistant City Administrator
CC: Stephen Postema, City Attorney; Craig Hupy, Public Services Service Area Administrator; Tim Wilhelm, Deputy City Attorney; Sara Higgins, Strategic Planning Coordinator
RE: Response to Resolution R-21-326 regarding Narrow Gauge
DATE: 9/16/2021

In this memo staff provides a response to Council Resolution [R-21-326](#) regarding stormwater issues related to the Narrow Gauge area. Specially, the resolution directed the City Administrator - to:

Prepare a report for City Council evaluating whether there are interim measures that can be implemented to address reported flooding issues in the Narrow Gauge area while [an] engineering report is underway, to be communicated to City Council by September 16, 2021.

Staff reports that there are no interim measures that can be implemented before the engineering report is completed, and this is ultimately because the entire area including the stream that runs through city owned property and the detention pond are waters of the state and no work can be done within them that is not permitted by the state. The state will not permit any work without an engineering report.

Analysis

Based on staff experience and observations, there is no undesigned flooding that occurs in this drainage area. The instance of water being detained during and after a rain event in The Forest neighborhood detention basin is not an instance of flooding as the detention basin is intended to detain stormwater during and after a rain event. It is important to also note that the private detention basin for The Forest neighborhood was designed as an "inline" detention pond, which means that the creek itself flows immediately through the low area of the detention pond. As this creek is considered "Waters of the State", a permit would be required to complete any earthwork in the creek, including removal of sediment from the creek within the City's park property or from the creek and detention basin in The Forest condominium.

There are instances of sedimentation within the stream channel that affect the flow of water in Millers Creek. However, the water does not overflow the banks of the stream channel. The concern of sedimentation can be traced to the upstream branches located within and outside the City's Narrow Gauge Park property that are severely eroded. Any potential recommendations identified upon completion of the study already in progress will address the source of the sediment within the drainage area, with streambank stabilization likely a key element of a holistic watershed management approach.

Legal

An attorney/client privileged memo has been prepared by the City Attorney and will be communicated to Council separately.

Engineering/Maintenance

Immediate sediment removal in the creek area within Narrow Gauge Park is not an interim option as this would not address the cause of the erosion, and the current upstream erosion would create another sediment island. A system-wide analysis (Engineering Study) is necessary to determine an



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engineering solution, if possible. It is likely that any recommendations will require the partnership activities by all property owners within the entire drainage area.

It is important to note that the proposed engineering study only addresses the area upstream of the culvert at Green Road. Private property owners have the obligation and responsibility for maintenance of the streambank, which may include stormwater detention facilities and stormwater conveyance systems.

Permitting Jurisdiction

This waterway is currently not a County Drain. Therefore, Washtenaw County Water Resources Commissioner's Office (WCWRC) does not currently have any jurisdiction. This waterway is Waters of the State and under the jurisdiction of the Michigan Department of Environmental Quality (EGLE). Any work proposed in the stream channel will require a permit from EGLE and any work that EGLE would approve requires an engineered design, with hydrologic/hydraulic calculations.