

MOVING FORWARD

KALAMAZOO HARBOR MASTER PLAN
Technical Report
August 14, 2007

MOVING FORWARD

For the Kalamazoo Harbor to survive as an economic, cultural and natural resource, significant effort will be required. More than anything, the success of this effort will require collaboration and cooperation between local governmental units, and county, state and federal government agencies.

POTENTIAL FUNDING SOURCES

The following potential funding sources for dredging the harbor have been identified:

1. Superfund

Based on recent conversations with the EPA, they are close to settling with the remaining responsible parties on a plan to clean up upstream portions of the contamination in the Superfund site. While the harbor is considered part of the Superfund site, it is not part of the currently anticipated cleanup plans, based on the more significant health threats posed by the areas upstream. In Superfund projects, it is typical that the cleanup starts with the areas that most threaten public health and work towards the cleanup of less threatening areas.

While the contaminants in Kalamazoo Harbor are not the sole reason that dredging must occur, their presence contributes significantly to the cost of removing the sediment. Should future negotiations for Superfund sponsored cleanups occur, it would seem reasonable and prudent that the local communities advocate for the responsible parties to fund the cost difference between removing and disposing of the contaminated sediments and removing them if they were uncontaminated.

2. Great Lakes Legacy Act

The use of this funding pool is currently limited because the harbor is designated as a "Superfund" site, which in principle should be contributing to any cleanup of the harbor. One strategy being considered is to petition the United States Congress to downgrade the project area's designation from Superfund to an Area of Concern. Area of Concern is the appropriate designation for eligibility for Great Lakes Legacy Act funding. The harbor is currently listed as an Area of Concern, so any effort to change the Superfund status would need to leave the Area of Concern designation as is.

The funding for the Great Lakes Legacy Act is drawing to a close, so the communities need to determine, through negotiations and discussions with the EPA and congressional representatives, if further Superfund actions may assist with the cleanup, or if the Superfund designation should be removed in order to pursue Great Lakes Legacy Act funding.

3. EPA Brownfield Program

The EPA has grant programs in place to assess and clean up brownfields. The grants are typically in the \$200,000 to \$400,000 range, and for the needs of Kalamazoo Harbor, the most effective opportunity is to pursue a grant for assessing the harbor's contaminated sediments.

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This application of the grant program is not typical, and further discussion will be necessary with the EPA to determine how to fit the harbor's needs with the grant.

4. MDNR Waterways Program Grants and MDEQ Coastal Zone Management Grants

These grant programs have limited available funds, but could be used to fund, in part, additional engineering and environmental studies as the project moves forward.

5. State of Michigan Clean Michigan Initiative

This program funds the study and cleanup of brownfield sites in Michigan. The grant and loan programs typically require a developer partner and are utilized for upland sites. Like the EPA Brownfield Program, the cleanup of a harbor is not a typical application of this program. This program was approved by voters of the state with a fixed limit on the funding, and the majority of the dollars are already committed to other projects.

6. Taxing and Management Mechanisms

- Brownfield TIF District – There may be an opportunity to create a brownfield and/or other Tax Increment Financing (TIF) district that could be an effective tool for creating matching funds for larger grant opportunities, such as the Great Lakes Legacy Act program, or for generating cleanup funds for the harbor. The designation of “Brownfield” for the harbor, and structuring of a TIF district, is largely untested in a harbor setting with multiple riparian owners, and will require the consultation of finance and legal experts.
- Port Authority – Michigan law (PA 639) enables local governments to establish Port Authorities that can, among other things, take ownership of marina facilities, manage and maintain the harbor, and levy special assessments and/or taxes. Similar to the Brownfield TIF District opportunity above, the establishment of a Port Authority is a complicated matter and will require the consultation of finance and legal experts.
- As an interim step in addressing immediate needs, the Harbor Committee formed to start the harbor master planning process could become a Harbor Commission. In this capacity, the commission could represent and advise local municipalities and help manage the immediate maintenance dredging needs.

7. Special Assessment District

The communities could establish a special assessment district for the harbor that could provide some of the monies necessary for dredging, under Public Act 188 of 1954.

8. New Initiatives

Currently, Michigan's legislature is contemplating a bill that could be utilized by communities with inland lakes to establish TIF districts to finance lake improvements. If this bill were to be adopted into law, it could be a reasonable quick way to generate funds as a match for grants or for ongoing maintenance.

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FUTURE EFFORTS TO SUPPORT HARBOR DREDGING

In the months ahead, the following steps will need to be taken to move toward a solution:

1. Adoption of Master Plan by Local Communities
The Master Plan will be a more effective tool for moving forward if each of the three surrounding communities adopt the plan in support of the policies and ideals.
2. Determination of Likely First Phase of Dredging
Once a first phase is defined, and potential funding sources determined, grant applications can be filed to fund a sediment study and engineering of the work. Depending on the funding source selected, a source of matching funds may need to be identified.
3. Characterization of Sediments to be Dredged
The MDEQ has established guidelines for the testing of sediments in areas to be dredged. The testing program must also take into account the need to understand if silt and sand sediments can be separated for disposal and/or productive reuse.
4. Engineering of Dredge Plans
This work should include an analysis of whether dredge spoils should be pumped to the disposal site or trucked, as well as an analysis of reducing dredging costs through separation of silts and sands.
5. Disposal Site Confirmation and Assessment
The community will need to confirm whether or not the “airport” property is the preferred disposal site and perform a more detailed analysis and design of the disposal facility. The requirements for a dewatering and staging site within the harbor will also need to be firmed up, as well as an agreement to use the property for such purposes established.
6. Establishment of Management/Ownership/Funding Authority
The community should consider establishing a Port Authority or TIF district under new enabling legislation. The importance of such funding mechanisms cannot be understated as a means of generating matching funds for larger grant opportunities, as well as funds for regular maintenance and management of the harbor.
7. Pursuit of Funding and Permits
Once a source of matching funds is determined and established, the pursuit of larger grants, such as a Great Lakes Legacy Act grant (or its replacement) can begin.

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Short Term Efforts

In the boating season ahead, we propose that the following actions be completed for the harbor:

- Mark travel corridor with buoys.
- Fund and install improved dinghy dock.
- Fund and install improvements to the Spears Street boat launch.
- Continue maintenance dredging.

Related Study and Effort

Other areas of study and efforts should continue to ensure the success of the harbor. These could include:

- Investigate pedestrian access to the waterfront to study how the public points of access on the waterfront (e.g., street ends) are linked together to improve the visitor's experience and allow for community-to-community non-motorized connections.
- Consider zoning ordinance amendments to adopt a pier head line and protect the harbor's natural resources. The pier head line should be described by a surveyor or engineer to minimize future confusion and confrontations over its intent.
- Prepare and adopt, on a regional basis, a Kalamazoo Harbor/River watershed plan to improve the management of stormwater, erosion and sedimentation within the basin, all of which are contributing to the deposition of sediments within the harbor. The watershed plan should consider a watershed-based funding mechanism to maintain and improve the harbor and river. More locally, state-of-the-art stormwater management techniques should be encouraged through local site development ordinances.
- Prepare a market and engineering feasibility analysis to consider the opportunity to create public transient facilities as described in the Master Plan.
- Pursue funding and design for the expansion and improvement to the boat launch ramp facilities at Schultz Park and Union Street in Douglas.
- The community should monitor the design of the Blue Star bridge replacement to advocate pedestrian access and to ensure increased "air draft" (the height of the bridge above the water) to allow larger boats into the Douglas Harbor.
- The community should continue to work with the USACE to amend their federally mandated focus on commercial harbors to include recreational harbors in an effort to increase the frequency at which the area within the USACE's Project Limits is dredged. The community should also advocate that the USACE evaluate the condition of the breakwater piers as outlined in the Master Plan.

APPENDICES

APPENDIX A: JJR, LLC DIAGRAMS

APPENDIX B: JJR, LLC TECHNICAL STUDIES

APPENDIX C: RMT, INC. TECHNICAL MEMORANDUM

APPENDIX D: MDNR HARBOR ENVIRONMENTAL CONCERNS