

Papakeechee Protective Association
Pow Wow
March 10, 2011

It's been awhile since the last newsletter was released. There is a lot going on so this is to update all members of the work that is being done on the dam and levee project.

Your board of directors for Lake Papakeechee is keenly aware of the comments and concerns members have regarding the scheduled improvements for our dam/levee. This newsletter will provide facts and general plans all members have to continue our stewardship of the lake.



Prior to the onset of the dam/levee project, The Board started talking about the new regulations that would have an effect on us as dam owners (back in 2002). In 2003 the Indiana General Assembly passed the Dam and Water Safety Act. As a result of passing this bill the IDNR created the Indiana Dam Safety Inspection Manual. In this manual there is a "Dam Hazard Classification System". As defined by Indiana Law, "hazard classification" means a rating assigned to a structure by the department (IDNR) based on the potential consequences resulting from the uncontrolled release of its contents due to a failure or wrongful operation of the structure.

Indiana currently places all dams into one of three hazard classifications:

- 1) High hazard: a structure the failure of which may cause the loss of life and serious damage to homes, industrial and commercial buildings, public utilities, major highways, or railroads.
- 2) Significant hazard: A structure the failure of which may damage isolated homes and highways, or cause the temporary interruption of public utility services.
- 3) Low hazard: A structure the failure of which may damage farm buildings, agricultural land, or local roads.

Lake Papakeechee came into being in 1913 when Charles Sudlow and fellow investors purchased the swamp lands south of Lake Wawasee and constructed the dam and levies that exist today. In 1928 the Lake Papakeechee Corporation was formed and the lands platted for resale, as a private development. This remains true today. Lake Papakeechee is a private, members only development, and members are responsible for the maintenance of the lake and its structures.

Lake Papakeechee holds 178 surface acres of water, has a water height of 10 feet along the levee, with properties and utilities in the path of the water flow should there be a breach in the levee. Any one of these items defines Lake Papakeechee as High Hazard.

Lake Papakeechee has always been a high hazard dam by design. Since we are a private lake we are responsible for the dam and levee along with the necessary repairs and modifications that are required.

It is the State of Indiana that passed a law requiring all dams (public or private) be inspected by qualified engineering firms at the owners expense. These reports must be submitted every 2 years to the DNR - Division of Water. Failure to comply with the filing of these reports or in making the required repairs could result in losing the lake. The DNR has the authority to drain the lake to the point that the dam and levee have no effect and are then no longer an issue. Draining the lake to that point would result in lowering the water level to the original 5 ponds that existed prior to 1913. The sight and smell would be unforgettable.

The issue of private lake has been challenged in court several times and each time the ruling has been that we are a private lake. We pay the taxes on all of the land under the water and a 1 foot boundary margin around the lake. It is against the law for an individual to cross the 1 foot margin unless they are members of the Association. Even members must ask permission from the board of directors before attempting to alter the 1 foot margin around the lake in any form. Violation of the 1 foot boundary margin can result in the loss of lake rights.

Lake Papakeechee was pro-active in 2003 by obtaining some initial core boring samples in the dam and levee. This gave us an idea about the composition of the embankments. The materials found are similar to other dams built around the same time frame, a substantial amount of sandy clay material. This is not the best conditions that we could have hoped for, and it is not the worst case to have. These core boring samples became part of the engineering analysis that was performed in 2009 when additional samples were analyzed.

In January of 2008 we assessed a special dam and levee fee on all properties in the Association. This was done after it was presented to the members of the Association as part of a 3 vote system. After reviewing the requirements of the DNR the board voted to address this before the members at the annual meeting in 2007 and at a special meeting in Dec 2007. It was after consideration of the comments from the association members that the board elected to pass the dam and levee fee. The time line was submitted to the DNR for the raising of funds and the work to be completed between 2007 and 2015. (The DNR wanted all repairs to be completed in 3 years.) The amount of the fee is proportional to the lake front non-lake front dues already in place. The amount to be collected is based upon the estimated cost for the repairs of \$850,000. The DNR is allowing us to proceed with this time frame even though it exceeds their expectations.

The following is a partial list of the events that have occurred since we started collecting the dam and levee fee.

- Lowered the lake level.
- Installed monitoring wells.
- Obtained a survey for the dam, spillway and levee.
- Found a leak at the dam to be an artesian well cap that is loose.
- Sent out notices about piers, stairs, boats, and other personal property on the levee.

- We have removed most of the violations from the levee with a small portion remaining.
- We have met with the state representative about our situation to see about possible grant money that is available.
- We met with the Syracuse town hall and representatives from Tri-county, Lake Wawasee and Syracuse lake to discuss the overall project concerning the water shed.
- We had DNR Deputy Director Ron McAhron address the board of directors on the requirements of the DNR.
- Contracted with Earth Explorations to obtain the additional core samples and to install the monitoring wells.
- Additional survey work for the boundaries of the properties on the levee.
- Had discussions with the DNR about the change of events and the raising of the levee.
- Contracted with Earth Explorations to perform Geotechnical work and the Hydraulic and Hydrology study for finalizing submittal to the DNR.
- Met with the DNR at Indianapolis to present plans for a 30% stage including construction details and Hydraulic and Hydrology studies.
- Received permission from DNR to proceed with plans for construction.
- Met with JFNew (Environmental Specialists) on the impact of the wetlands and possible mitigation solutions.
- Met with Williams Creek Consulting (Environmental Specialists) on the impact of the wetlands and possible mitigation solutions.
- Contracted with Williams Creek for development of mitigation plans.
- Met with Earth Explorations to determine and survey a location for the toe drain outflow pipe.
- Test holes were dug in the proposed area of the new spillway. This was done to see to avoid surprises as to what type of fill was used when the old hatchery ponds were filled in.
- Talks with Army Corps of Engineers and IDEM on details for Early Coordination Meeting to obtain permits for filling in pond.
- Met with the DNR in Indianapolis to present the 90+% complete set of plans for their approval. After a long discussion on the work that has been done the DNR is pleased with the efforts and the attitude that we have put into this project. The DNR has accepted our plans and will allow us to submit application for a construction permit to modify our dam and levee as required.
- DNR permitting process to take 3 to 4 months.
- Met with Williams Creek Consulting in Indianapolis to review our proposal for IDEM and Army Corps of Engineers for approval to proceed with application for permits.
- Application for permitting has been submitted to IDEM and ACOE.

The dam assessment fee that is being collected is used only for the dam and levee project expenses. The money that we have in reserve is in the bank in a money market account earning interest.

Here is a list of the expenses that we have had to pay out to date.

➤ Moore & Moore	\$1,360.00
➤ Earth Explorations	\$3,000.00
➤ Doriot & Associates	\$2,660.00
➤ Moore & Moore	\$2,000.00
➤ Moore & Moore	\$6,850.00
➤ Earth Explorations	\$19,991.25
➤ Earth Explorations	\$10,493.75
➤ Earth Explorations	\$12,287.00
➤ Williams Creek	\$4,315.00
➤ Williams Creek	\$520.00
➤ Earth Explorations	\$23,637.25
➤ Williams Creek	\$2,600.00
➤ DNR	<u>\$200.00</u>
Total Dam Project Expenses	\$89,914.25

This is a breakdown of the collection of the Dam and Levee fees.

➤ 2008	\$82,455.00
➤ 2009	\$90,077.78
➤ 2010	\$85,671.89
➤ 2011	\$60,995.18
➤ Interest Earned	<u>\$767.75</u>
Total Dam Project Collected	\$319,967.60

Money available for project \$230,053.35

These dollar amounts are larger than this Association has ever seen. With the extra burden that has been placed on all of us the board is constantly looking for ways to save money and still stay on task. Rest assured that every penny can be accounted for. From the beginning we have been working with an estimate of \$850,000, that is the amount our engineers figured it would cost us to do the project. With the amount collected to date and our estimated cost we still have to raise another \$530,000. When the construction begins, possibly in June, these dollars will be spent very quickly. That is why it is so important for all of us to do our part. With this in mind, the Board extends a special thank you to an Association member (who wishes to remain anonymous) for making a very generous donation of \$6,250.00 towards the dam and levee project. This is greatly appreciated! Gifts of donations are always welcomed and do help with the overall cost we're incurring with this project. The Board has mentioned before, too, that if anyone wanted to loan the Association money to help with this construction phase, we'd work with them. The sooner we can obtain the funding the sooner we get this project completed.

Association members are aware that every January 1st the mailings for the PPA dues goes out. Included with the billing for the dues is the special dam and levee assessment fee. We make a reminder note in the newsletter that come April 1st anyone that has not paid their dues for the year will become delinquent and lose their lake rights. This is the process the Board takes for delinquent payment. Shortly after April 1st a lien will be placed on their property and charges will be filed in Kosciusko County Superior Court. We will seek all dues and dam fees owed plus an additional \$150 administrative fee,

approximately \$90 for court costs, plus interest, attorney fees, lien filing and lien removal fees. The court summons will be served by the Sheriff's Department and your name will be published in the paper. I agree that the Dam and Levee fee is a pain, but why make it worse than it needs to be. After the court appearance and the Judge orders you to pay what you owe, you will have to petition the board to have your lake rights reinstated. During the loss of your lake rights you cannot cross the 1 foot margin around the lake which means no swimming, boating, piers, or fishing. Please refer to the Covenants and By-laws Handbook, you will find these articles Under the By-laws Article 1, Section 2, Para. 3, also Article 5, Section 2. Sadly, we've had to take members to court and the Board, to date, hasn't lost a single case against a delinquent member.

Each year chemicals are added to the lake for weed control. Notices are posted when the chemicals are applied. We treat the lake for curlyleaf pondweed and largeleaf pondweed, the main weeds in the lake. The chemical that we use is Avast! SC, a selective systemic aquatic herbicide, developed by SePRO corporation. AVAST is applied during the first part of May (weather permitting). The weather plays a major role in the timing of the chemical application. If we have a cool spring then the weeds are slower to mature. If the weather is hot the weeds will grow faster and go to seed. If we have a lot of rain then the chemicals will go out the spillway to Lake Wawasee. At a cost of \$1,650 per gallon (times 6 gallons) we want to get the best application possible. The chemicals are applied mid week when there is the least use of the lake, this makes it safe for swimming by the weekend. The restrictions for the lake are 1 day for fishing and swimming and 30 days for lawns and gardens. After 7 - 10 days of application you can see the weeds start to change color and die off. The curlyleaf pondweed will go to the bottom of the lake. The largeleaf pondweed has a stronger stem and requires the use of the harvester for removal. The cutting of the weeds occurs after the chemicals are applied so that the cuttings do not re-root making the problem worse than before. We cannot cut all of the weeds in the lake because the harvester does not work well in shallow water. If a property owner wants something special done around their shoreline then that is up to them to do. This is nothing new, it has always been that way.

Several members have made improvements to their property. The board would like to thank you for your efforts. There are also properties that have become unsafe and a hazard to the community. These properties are being investigated by the Board as well as the Board of Health and the Building Department. Failure of a member to accept the responsibility of maintaining their property could result in the Board taking corrective actions at the owners expense.

If a person has questions about the lake or dam and levee project, please don't jump to conclusions. Instead come to the PPA Board meetings that are held each month and the annual meeting held in August. During the cold months our meetings are held at the North Webster Community Center. During the summer they are held at the PPA Center. We are working at keeping our website updated with new information. Please visit the website at www.lakepapakeeche.org.

A special Thank You goes out to John Yerga for the printing of this newsletter. John is an Association member that lives on Nokomis Isle. John has helped the Association several times by donating his time and supplies in the printing of our newsletters.

A reminder of who is on the Papakeeche Board. With new Association members moving in, this will be helpful in knowing. Any questions you have regarding the lake, its maintenance, or projects we're involved with please either contact your district representative or myself.

President	Ron Schug	260-786-3562 (home)
Vice President	Jon Korejwa	260-385-8720 (cell)
Secretary	Pat Ebetino	260-639-0046 (home)
Treasurer	Sherry Doherty	260-856-3224 (home)
District 1 Rep	Ron Corson	260-856-2678 (home)
District 2 Rep	Bernie Ebetino	260-639-0046 (home)
District 3 Rep	Larry Clough	260-437-7309 (cell)
District 4 Rep	Steve Herendeen	260-856-2998 (lake)
District 5 Rep	Inta Khamsourivong	574-312-0085 (cell)
District 5A Rep	Jerry Miller	773-818-8471 (home)
District 6 Rep	Jim Whitehead	574-457-4081 (home)
District 7 Rep	Steve Schwartz	260-856-2971 (home)
District 8&9 Rep	Randy Girod	260-856-2669 (home)

We welcome spring and the promise of a summer full of great fishing, swimming, and plenty of relaxation!

Respectfully,

Ron Schug, President
Papakeeche Protective Association

