

Comments on “A Practical Proposal” (and Related Matters)

By

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9/16/2021 (slight correction in text line 15 on 9/24/21)

I applaud the two current Winslow Farm homeowners (and one former WF homeowner) for gathering much useful data and making suggestions that support the so-called “Option B” (in reality, another plan for retaining all of the ponds). Clarifications need to be made about certain claims and statements on the web site “WFCA Ponds: A Practical Proposal” (<https://apracticalproposal.info/wp/>) and in the 9/10/21 e-mail message that announced its availability. Even after reading the voluminous proposal, I still favor the conversion of ponds 3 and 4 to stream channels *and* the raising of our dues to help cover the cost.

The passages below may be useful in correcting some of the misstatements by the authors of the “Practical Proposal.” Items in quotes starting on the left margins below are taken from the 9/10/21 transmittal e-mail, the proposal itself, or their web site. My comments and clarifications are indented following each of the quoted sections.

“. . . P4-P7 are essentially at the same level making a redesign to a stream channel more challenging and expensive.”

There is no suggestion in the Bledsoe Riggert Cooper James Conceptual Design Report that ponds 1, 2, 5, 6, and 7 are to be converted to a stream channel. At this time, only ponds 3 and 4 are being considered for returning the areas to a more natural state. Under PE Andy Knust’s proposal, pond 5 would be enlarged to include a sedimentation basin (forebay), that would be dredged on a regular basis to minimize siltation of ponds 5, 6, and 7.

“Pond #4 would also be somewhat reconfigured. However, due to topography and a permanent concrete structure under the Moss Creek Drive Bridge water would backup in the area. The report suggested that a rain garden be installed to mitigate the negative effectives (*sic*) of standing water. The estimates did not include the majority of the costs for such.” . . . “The [BRC] Conceptual] plan acknowledges that water could pool into what is now P4.” . . . “A contractor explained that if we do the stream channel option, the concrete structure under the bridge at P4-P5, would always cause some water to pool in what is now pond #4.” . . . “If the ponds are filled with soil, there is no method to divert water away from residential property. Even during typical rainfall, flooding would occur.”

We are asked to believe that there will always be standing water in the area of pond 4 if the stream channel is constructed, and that even with typical rainfall flooding will occur. It is true that under the *greatest* flood conditions, water will overflow the banks of the proposed stream channel, but under all other conditions, it will move to pond 5, then into pond 6, on to pond 7, and eventually down the way to Clear Creek. I asked BRCJ Professional Engineer Andy Knust to comment on this. His 9/14/21 response was:

“Flood water would not be prevented from backing up into Pond 4 during major events. The profile of the channel could perhaps be modified to limit the extent of backwater in P4, but there would be no (easy) way to eliminate backwater entirely. The

time required for P4 to drain out would depend on the severity of the flooding, and possibly many other things, but ***I would not expect P4 to be standing water for more than a day or two.*** (emphasis added by GW)

“The statement you're concerned about is evidence that many people misunderstand the function of the ponds during storm events. Constructing a stream channel in place of the ponds would still provide for drainage of stormwater away from residential properties. Fill in the ponds would essentially only replace the dead storage below the outlet elevation, so there will be little or no loss of potential flood storage.”

Mr. Knust also addressed this situation in his May 14, 2021 written responses to the 54 questions submitted (https://hoosierpewter.com/GW/Knust_answers.pdf):

Q. Of most concern, will there be the potential for the creation of a muddy/weedy area at the end of pond #4 before emptying into pond #5? This is a major concern as we do not want to recreate a situation of a muddy weedy mess. It is assumed that the vertical gradient change from #3 to #4 will not be a problem.

A. Good question. This is a potential concern. To reduce the likely area of backwater at the end of the stream channel in Pond 4, you could put more fill into P4, raising the profile of the channel and have a steeper drop going into the culvert, similar to the proposed boulder drop at current location of the P3 overflow/spillway structure. The potential consequence would be further loss of flood storage volume in the area of P4 and potential impact to downstream peak flow. It may also be able to use perforated piping underdrains (e.g. field tile) to help dry out the overbank/floodplain areas in P4.

Q. Will WFCA then have to deal with flash flooding of the creek bed every time it rains?

A. No, the occurrence of flooding downstream will be very similar whether the ponds remain or get rebuilt as stream channel.

Q. For Scenario #2-Stream Channel Restoration, the report acknowledges that ponds #4, 5 and 6 are all on the same plane. One assumes that there is little to no decline in elevation from one to the other. The scenario indicates that pond #4 would be converted to a stream but 5 and 6 will remain as ponds. How will water be prevented from backing up/pooling in #4?

A. It wouldn't.

Q. Why is periodically soaking land with shallow and pooling water not a breeding ground for mosquitos?

A. Ideally, the water would soak into the ground, and standing water would not persist long enough for mosquitoes to breed. Perforated underdrains could be installed to help drainage. How are mosquitos controlled in the existing ponds?

Q. We have been working to maintain the ponds for years. If the WFCA “restores” the ponds to their original “like new” state, will this be a permanent upgrade or will [we] be revisiting pond upgrades again in the coming years?

A. The ponds will require continuous maintenance, dredging, pump repairs, aeration systems, etc. However, making the ponds deeper will help reduce the recurring costs and increase the success of maintenance.

Concerning possible grants: “Should anyone discover a feasible program and would be willing to assist with the process it would be welcomed.”

Allison Shoaf, a soil conservationist at the local US Department of Agriculture Natural Resources Conservation Service office provided me with the following information last July:

[The WFCFA] project could potentially receive funding through our EQIP Program: <https://www.nrcs.usda.gov/wps/portal/nrcs/in/programs/financial/eqip/>. The first step would be to schedule a site visit with myself and the District Conservationist, Cara Bergschneider, to discuss project eligibility. We don't have availability until this fall but we could definitely get you on our calendar if you'd like.

I made the WFCFA Board aware of this.

“The most significant concern is what can amount to \$154,000 in costs for required engineering plans, surveys, permits, legal fees, and relocation of utilities that were not included in the report estimates.” . . . “Federal and state **permitting** can be complicated and it is advisable to hire a specialist to handle the application process. Permitting costs could run \$5,000–\$6,000.”

Permitting costs are unavoidable. Among the voluminous previous documents concerning the WFCFA ponds, this statement, found on page 9 of the 2018 Davey Resource Group *Pond System Management Plan*, should be given careful consideration by all WFCFA members:

“Failure to perform agency coordination could lead to a violation notice mandating construction activity stop immediately and require remediation. Violations are very costly and burdensome to the landowner.”

“Of note, Ted Boardman has researched alternative methods to keep the ponds clear that are less expensive than the current chemicals and could delay the need for future dredging. The committee during 2019 experimented using enzymes rather than chemicals to clear ponds #1 and #2. A review should be undertaken to determine if the enzymes were introduced in 2020 and are currently being utilized, while examining the results for effectiveness.”

Mr. Boardman strongly supported the introduction of bacterial agents to the ponds during his time on the WFCFA Pond Committee. An estimate obtained from Steve Chafin of Eco-Systems in March 2019 was \$8,684.46 for 18 treatments in 2019. No contract was signed, but subsequently the product Aquatron Waste and Sludge Remover was introduced into pond 1 and pond 3 by two committee members as an experiment at a cost of around \$565.

An 11/29/2018 e-mail from William W. Jones states: “Although I've been retired 7 years from SPEA [IU's School of Public and Environmental Affairs--GW], in my 34 years there I taught about and conducted projects to identify lake and pond problems and their solutions. Melissa Laney, cc'd above, has ably taken over my SPEA duties. In addition to my SPEA work, I was one of 10 founders of the North American Lake Management Society in 1980. NALMS is the professional society for lake management.

While there have been many products hailed as “sediment digesters” I have seen no well-researched evidence that any of them work, other than make money for the product

purveyors. Sediment accumulation in retention ponds is inevitable since that is what they were designed to do. A retention pond that doesn't trap sediments is NOT working. Such ponds should be designed with access for equipment to periodically dig or suck out accumulated sediment. However I rarely see where developers and contractors spend this extra money. Once they turn the property over to an HOA, they can wash their hands of any responsibility for cleaning out the ponds. Sorry if i sound too harsh but I've talked to more plan commission and homeowner's association meetings around Indiana than I can count encouraging them to require access for long-term maintenance of these ponds - to little positive response. Did you know that Marion County alone has nearly 3,000 stormwater retention ponds and most have lush green fertilized grass right down to the shoreline and no natural emergent vegetation around the pond edges? This condemns them to become eutrophic (growing too much algae and/or submersed aquatic plants) and attracting non-migrating Canada geese."

"Since WFCA cannot assess residents who live closest to the pond at a different rate, seek contributions from Moss Creek and Moss Creek Village HOAs designated to be used only for pond improvement efforts."

As far as I know, the WFCA Board has had no recent discussions with the Boards of the MC/MCV HOAs to see if they might contribute on an ongoing basis to the maintenance costs of the ponds, despite legal efforts to force mediation. The current versions of the CCRs of both Moss Creek and Moss Creek Village HOAs contain a section on Common Expenses that excludes ". . . expenses assumed or incurred by the Community Association." The "Community Association" in both cases is defined as the Winslow Farm Community Association, Inc. If this prohibition is strictly applied, and the narrow view that the ponds are totally the responsibility of WFCA is maintained, then the only way that the Moss Creek Homeowners Association could legally provide money to the stream restoration project in my opinion is to incorporate the dry areas of land (or "wetlands") created by the stream restoration project into their common areas.

"Note: Recently a resident (NOT the WFCA Board) suggested that WFCA increase dues by \$180.00 to finance the Stream Channel Option."

The \$180 amount was calculated by Brent Eckhart, the Reserve Design Advantage professional who did the 2020 reserve study. (https://hoosierpewter.com/GW/WFCA_Reserve_Study_2020.pdf) It is the amount that he says is needed in order to build the WFCA Reserve Fund back to where it should be to cover anticipated expenses and replacement costs in *all* of the 50 Winslow Farm common areas. Thus, it was only partially related to the ponds.

"WFCA CCRs can only be altered with 62% vote of the membership."

Two-thirds (roughly 67%) of the voting members must approve a change to the CCRs. With 417 homes in Winslow Farm, 278 YES votes are required.

"WFCA is community association, it is NOT a homeowner's association. The regulations and responsibilities are different."

I personally believe that despite the name, Winslow Farm Community Association is truly a homeowners association under most definitions found on the web, and it would be to our benefit to acknowledge that. See:

“Resources for Indiana Community Associations, HOAs, and Condo Boards”

<https://www.eadsmurraypugh.com/resources>

“Community Associations: What are they and what do they do?”

<https://blog.realmanage.com/community-associations-what-are-they-and-what-do-they-do>

Indiana Code, section on Homeowners Associations

<http://iga.in.gov/legislative/laws/2021/ic/titles/032#32-25.5>

Edith Martinez-Guerra, Umesh Ghimire, Hariteja Nandimandalam, Anna Norris, Veera Gnaneswar Gude. “Wetlands for environmental protection.” *Water Environment Research* 92(10) October 2020, 1677-1694. (<https://doi-org.proxyiub.uits.iu.edu/10.1002/wer.1422>)