



## Local News

---

### Floodplain questions surround Harbor Shores

[Print Page](#)

*Residents worry about flooding; DEQ says it's not unusual for parks to be in floodplains*

By **RALPH HEIBUTZKI** - H-P Correspondent

Published: Wednesday, November 11, 2009 1:10 PM EST

BENTON HARBOR - With any development, the devil lies in the details, and the Harbor Shores project is no exception.

What, if anything, will happen to floodplain and wetland areas led the list of details discussed at Monday's 2 1/2 hour public hearing to consider a potential wetland conversion and mitigation plan.

Friends of Jean Klock Park cofounder Carol Drake - who's emerged as the project's leading critic - also wanted to know what the Michigan Department of Environmental Quality is doing to safeguard against use of contaminated concrete and soil in the construction - and who's liable, if that happens.

"You say that the contamination's not part of the project, but you (the DEQ) have an expert here to deal with it," Drake told DEQ staff during the hearing.

Harbor Shores is proposing to build a series of paths and boardwalks within the park on three mitigation parcels. Known as Parcels B, C and D, those areas are along Klock Road, and north and south of the Paw Paw River, respectively.

The paths and boardwalks are meant to provide access to the river and wetlands for recreation, according to a public notice of a permit request that Harbor Shores filed with the DEQ.

The developers will further excavate 1,747 cubic yards of what they call "unsuitable soils" and replace them with an equal amount of sand and limestone, the notice states.

A 10-foot-wide path would be built in the 100-year floodplain of the Paw Paw River, and also in the river floodway itself, the notice states.

A 6-foot-wide boardwalk would also be built in wetland areas and over the North Shore and Sawyer drains.

Several residents questioned whether the DEQ considered the chances of flooding in those areas if construction were allowed to proceed.

But Kameron Jordan, a district supervisor from the DEQ's Land and Water Management Division, said Harbor Shores' critics are reading floodplain definitions too literally.

"It's a 100-year floodplain," Jordan said. "That's what we regulate ... the 1 percent chance that something will go wrong there. It doesn't mean that there'll be heavy flooding all the time."

Also, it's not unusual for parks and recreational areas to be in floodplains, Jordan said. "In fact, it's promoted as a good use of the floodplain," he said.

The Federal Emergency Management Agency is responsible for mapping floodplain areas, Jordan said. The DEQ also has an engineer to review them, which hasn't happened yet, he said.

Benton Harbor resident Bette Pierman voiced another common complaint – that the definitions of wetland areas keep shifting to suit the developers' purposes.

"Any time we come back (for a hearing), it (the map) keeps changing, and we see things that are different," she said.

Jordan responded that some changes are not unusual because the mitigation parcel designations have to be reviewed every three years.

Also, the DEQ and U.S. Army Corps of Engineers walked through all proposed wetland areas before adding them to the project map, Jordan said.

"We agreed on those areas, because we didn't just take their (Harbor Shores') word for it," he said.

Jordan referred questions about contamination to David O'Donnell, a district supervisor for the DEQ's

Remediation and Redevelopment Division. Both work out of the agency's Kalamazoo office.

O'Donnell said if a developer is required to remediate something, "they can't exacerbate the problem. If they cause a problem, they're liable."

The city of Benton Harbor and Harbor Shores could also be held liable, as joint owner-operators of the property, O'Donnell said.

"In other words, the city had better be pretty savvy about what they're getting into," said Ann Burch of Sister Lakes.

A 10-day period follows from Monday's meeting to allow anyone who's not had the chance to comment, Jordan said. So far, there has only been one written comment, which came from the DEQ's Fisheries and Wildlife Division, he said.

The DEQ would then have 60 days to review Harbor Shores's application – which it could approve, deny or request changes, he said.

---

Copyright © 2009 - Herald Palladium

[x] Close Window