

August 11, 2022

South Bend Board of Park Commissioners
219 South St. Louis Blvd.
South Bend, IN 46617

Dear Commissioners,

The following is the second of three scheduled reports from the Ecological Advocacy Committee (EAC) in 2022. This report replaces the July report not presented due to the canceled July 2022 park board meeting.

Citizen's Tree Board

As reported by the EAC in July 2021, the role of the citizens' tree board has always been nebulous. The "Whereas" section of the park board resolutions that created and renewed the EAC (004-2016 and 002-2021, respectively) only state that "the Park Board expanded the resolution which created the Urban Forestry Advisory Committee that expired on December 31, 1998." The committee has neither received nor located the referenced resolution, which expired in 1998.

The December 2021 EAC report stated that VPA liaison Matthew Moyers informed the committee that it was the wish of the VPA administration to define the role of the Urban Forestry Advisory Committee within Chapter 19 of South Bend municipal code. As such, in January, the EAC formed the "Tree Board" subcommittee consisting of Andy Schnabel and Amy Gillan to study and make recommendations on changes to Chapter 19 relating to the duties of the Urban Forestry Advisory Committee.

In March, the subcommittee reported they met with Matthew Moyers and City Forester Brent Thompson. They shared a draft of Chapter 19 revisions, which Messrs. Moyers and Thompson had previously vetted. Most of the proposed revisions were from Mr. Thompson and pertained to the semantics of city forestry operations. While the EAC agreed with most of the edits, the discussion turned to questions over EAC oversight and City Forestry's obligations to its Tree Board. Ultimately, the EAC tabled the matter until the subcommittee could obtain further guidance from VPA staff.

The committee revisited the topic in the April meeting. Mr. Thompson provided insight into his reason for revising several sections of Chapter 19. EAC Chair Steve Sass raised concerns over some of the legal wording and the premise of creating the Tree Board as a separate entity or subcommittee of the EAC instead of the entire EAC. The EAC resolved to submit all their questions and comments to the Tree Board Subcommittee no later than June 7.

At the June 27 EAC meeting, the subcommittee reported that the feedback that merited the most discussion was whether or not the Tree Board's role should provide oversight or be strictly advisory. Because the founding and renewing resolutions call for the EAC to serve in an advisory capacity to the Board of Park Commissioners, Mr. Thompson questioned the legality of allowing oversight. Mr. Sass stated concerns over several forestry department initiatives occurring without the advice, consent, or even knowledge of the EAC, and he provided examples of tree board codes from several Indiana municipalities (see Appendix A). The EAC resolved to defer to the city's legal counsel for guidance.

River Windows

In the December 2021 EAC report, the committee first raised concerns to the Board of Park Commissioners over the practice and methods of removing large sections of understory vegetation along the St. Joseph River. The stated concerns included, but were not limited to, increased erosion, bank destabilization, increased Canada Goose habitat, indiscriminate cutting of beneficial species, absence of a follow-up replanting plan, soil compaction, and disregard for ecological standards outlined in the 2021 Natural Resources Management Plan.

Before the March 2022 EAC meeting, committee members Lindsay Chadderton and Steve Sass summed up the committee's concerns in a memorandum on the subject of *Ecologically Damaging River "Window" Riparian Management Plans* (see Appendix B). Initially, the intended recipient of this memo was the Board of Park Commissioners. However, after further discussion, the committee resolved to ask Executive Director Perri to participate in an informal discourse to discuss the concerns and goals of South Bend's riparian management. This discussion, which took place on April 25, included Director Perri, six VPA staff, and five EAC members, resulted in several EAC members and VPA staff meeting onsite at Plaza Park on May 11 to survey upcoming vegetation clearance.

Without the guidance of a comprehensive, long-term plan for the city's riparian corridor, the EAC will continue to monitor the work performed, share concerns from the committee and the community at large, and suggest means of lessening the ecological damages on a case-by-case basis and provide frequent updates to the South Bend Park Board and the Common Council's PARC Committee.



EAC and VPA staff meeting to survey vegetation and erosion at Plaza Park

Invasive Plant Ordinance

In April of 2021, at the urging of the EAC and VPA administration, the South Bend Common Council passed a groundbreaking ordinance prohibiting the sale, planting, transfer, etc. of all of the plant species defined as “invasive” by the Indiana Invasive Species Council. Many of these invasive plant species are present in South Bend park properties, where they have caused an untold amount of ecological and cultural damage requiring a substantial investment of resources to mitigate.

The City of South Bend received significant media attention and accolades from regional ecological advocates. News agencies such as the Associate Press, The U.S. News and World Report, The Guardian, and the Northwest Indiana Times covered the story, and affiliate television stations from Fort Wayne, Indianapolis, Bloomington, and Evansville shared WSBT’s coverage. Representatives and citizens from Tippecanoe and Porter Counties and the municipalities of Fort Wayne, Dune Acres, Franklin, and Chesterton contacted the EAC Chair, requesting advice on establishing similar ordinances in their communities.

Although the ordinance went into effect on September 1, 2021, nothing has changed. Without an enforcement mechanism, local retailers, particularly the box stores on the south and northwest sides, continue to sell prohibited plants by the thousands. An educational effort by the EAC proved fruitless and resulted in employees from those stores stating to an EAC member that they have no control over their inventory.

Wildlife Coexistence Plan

In October 2021, due to a prioritization request from VPA staff to address Canada Geese, the EAC completed and submitted the draft of *Volume One of the Wildlife Coexistence Plan*. In March, the Superintendent of Elkhart City Parks informed the EAC Chair that Elkhart is using the EAC's draft as the basis for their plan, which they subsequently announced at a public meeting at Elkhart City Hall. The regional Urban Wildlife Biologist with the Indiana Department of Natural Resources was also very complimentary and supportive of the plan.

The reaction in South Bend has been far less enthusiastic. In December 2021, Mr. Moyers reported to the EAC that the VPA staff was reviewing the EAC-approved plan and using it as a "white paper reference" for their own implementation guide. At the February and March EAC meetings, he stated that it was still under review, and by May, it was no longer on the agenda.

Regardless of the actions of VPA staff, the commissioners are entitled to see the work of their advisory committee. Aside from the entities listed above, the City of Goshen and St. Joseph and Elkhart County Parks are among those who have received copies of the draft plan. Therefore, the EAC chair included it in the park board packet.

Back the Bend

On April 2, EAC members Steve Sass and Andrew Schnabel were joined at Woodlawn Park by Hamilton County Parks Superintendent of Natural Resources and Education Amanda Smith to host eight Notre Dame students for a morning of invasive plant removal.



Notre Dame students Luca and Pete removing honeysuckle at Woodlawn Park

Urban Tree Canopy Intern Program

Several EAC members met virtually with Jovita Weah, the enFocus representative leading the 2022 internship program, and EAC member Charlene Rountree agreed to speak in person to the interns. EAC chair Sass asked what initiatives or work begun by the 2021 interns were continuing through the 2022 interns. Ms. Weah replied none because the 2021 program was abbreviated and not administered by enFocus. However, she explained they were building momentum for 2023 and beyond.

Seitz Park Landscape Plan

VPA provided the EAC with a draft landscaping plan for Seitz Park. Most of the plants were of European or Asian origin, including two existing invasive Norway maple trees (*Acer platanoides*) and several others known to have escaped cultivation in the Midwest. Two members of the EAC met with the design consultants from SmithGroup to suggest alternatives. Their revised plan is marginally improved but is still predominantly guided by the premise that the landscaping palette must be derived solely from the wants and needs of human uses of the property and without consideration for South Bend's wildlife inhabitants. The EAC is still in the process of reviewing the revised plan for compliance with the 2021 NRMP.

Howard Park Bioswales

Originally brought to the attention of the park board by the EAC in the summer of 2020, the bioswales at Howard Park are now at a critical juncture and require immediate, extensive resources to prevent catastrophic loss and embarrassment to the city. Responding to complaints from South Bend residents, EAC members visited the bioswales at Howard Park in July of 2022 and found them to be in a state of near complete neglect. Without a management plan, these heavily disturbed areas have become inundated with weeds and now serve as breeding grounds for numerous invasive plant species, including those recognized by the State of Indiana as "invasive, detrimental, and noxious weeds."

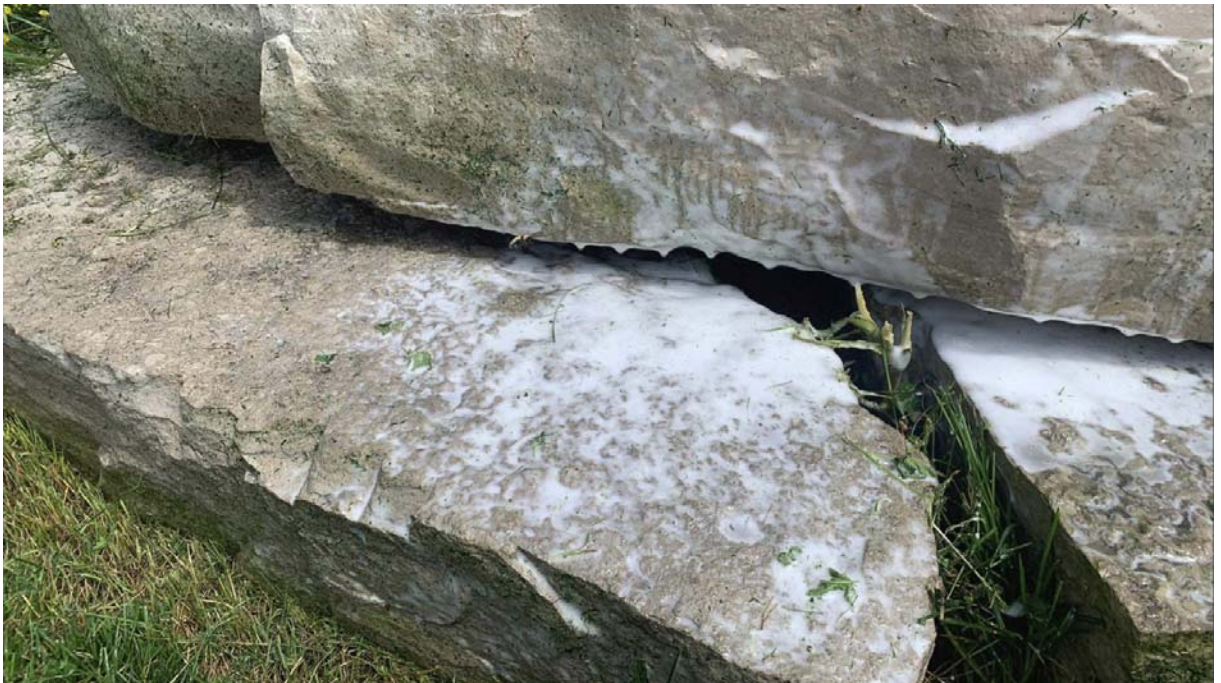
Recently, while surveying citizen complaints about noxious weeds, EAC Chair Sass witnessed an equally troubling situation. A VPA employee in a utility vehicle driven by another VPA employee along the margin of the bioswales appeared to spray a white projectile foam from an aerosol can 15 feet or more into the direction of the bioswales. The spray appeared to have targeted a stone bench structure, now covered in the white foam.

On closer inspection, Sass observed several bumblebees nearby the targeted area. Upon showing the photos to bumblebee experts, they identified the insects presumably targeted for disposal by VPA staff as *Bombus fervidus*, an uncommon species known as the great northern or yellow bumblebee. Not only do *Bombus fervidus* pose little threat to humans, but they are also a species on the decline. In fact, a published report by the New Hampshire Agricultural Experiment Station estimated that their population has declined by 96 percent over the past 150

years. The international organization NatureServe and the State of Indiana list them “vulnerable,” the same designation currently applied to monarch butterflies.



Canada thistle (*Cirsium arvense*), a plant classified as both “detrimental vegetation and “noxious weed” by the State of Indiana allowed to set seed at Howard Park



Spray foam insecticide applied near bumblebee activity along the Howard Park bioswales



Bombus fervidus, an important pollinator ranked as “globally vulnerable” by NatureServe, and “vulnerable” by the State of Indiana targeted by insecticidal spray at Howard Park



Adjacent sign stating that the area has been planted for pollinators and wildlife.

As previously reported, the EAC has led two volunteer efforts to plant beneficial, native plants in the bioswales. Grown and donated by the IUSB botany club, EAC members, students, and community volunteers installed over 1000 plants in August and October 2021. Unfortunately, despite coordination with VPA staff, many of these plants did not survive because grounds crews repeatedly mowed them over.



Bryan Horvath and family planting native plants into swale at Howard Park (October 2021)



Planting location after repeated mowing (June 2022)

Feral Cats Colonies

As reported to VPA administration in April 2021 and probably earlier, the Mishawaka-based organization Meow Mission is maintaining feral cat communities at Riverside Park and 35th Street Wetlands. According to the United States Department of Agriculture’s Animal & Plant Health Inspection Service, feral cats “are a major, if not the greatest, source of mortality to native birds, mammals, reptiles, and amphibians.” The EAC understands that placing private property such as cat houses on South Bend’s public lands without a permit is illegal. The committee urges VPA to work with Meow Mission to remove the structures and the animals from city park properties.



Meow Mission maintained feral cat houses at Riverside Park

Biological Surveys and Inventories

The EAC continues to survey plant species and breeding bird activities at all South Bend park properties. The December report will contain the results of the 2022 data.

Conclusions and Recommendations

Currently, in the sixth year of the EAC, South Bend Park’s ecological health seems to be getting worse instead of better. Although there have been notable advances, such as the cessation of ill-timed mowing at Fredrickson and Ponader Parks and the removal of the invasive shrubs lining the parking lot at Rum Village, they are overshadowed by matters such as the neglect of

the bioswales at Howard Park, the squandering of volunteer labor, irresponsible use of insecticides and the non-enforcement of the invasive species ordinance.

The 2021 Natural Resources Management Plan provides the framework for establishing South Bend's park system as a national leader in ecological health, but achieving this goal means that VPA must have the will and the talent to match. Progress will not come without the staff's hard work and dedication, which will occasionally manifest in increased workload and techniques and procedures outside the status quo. VPA must also hire or train staff to be knowledgeable in ecological matters, and they must insist that design consultants follow the guiding principles established in the NRMP.

Yours in service,

Steve Sass
Ecological Advocacy Committee
2022 Chair

Appendix A: Stated Duties of Tree Boards from Several Indiana Municipalities

Columbus

- To study the problems and determine the needs of the City of Columbus in connection with its tree planting program.
- To recommend to the Recreation and Parks Commission the type and kinds of trees to be planted in parks, public places, and along city streets.

Bloomington

- Advise City Landscaper (Urban Forester) on practices of urban forestry,
- Assist the City Landscaper (Urban Forester) in formulating policies and procedures of urban forestry and formulating procedures for administering the provisions of this chapter,
- Promote public education on the proper selection, planting, and care of trees by assisting in composing a manual and by other means,
- Assist the City Landscaper (Urban Forester) in efforts to fund and promote the acquisition and distribution of additional trees on public property and right-of-ways,
- Provide information and advice to the Board of Public Works on cases before it regarding trees or in adopting additional policies and practices relating to trees.

Fishers

- The Tree Board, in conjunction with development staff, shall provide a list of desirable and undesirable trees, shrubs, and groundcover species for planting in public spaces. No species other than those included on the Tree Board's list of desirable trees may be planted as street trees without special permission of the Board or its designee.
- No person shall plant, treat, spray, or prune a street tree or hire someone to care for a street tree unless the Tree Board first grants a proper permit
- No person shall remove a street tree unless the Tree Board has issued the proper permit.

Carmel

- The Committee is responsible for assisting the City in the development and administration of a comprehensive community tree management program.

Evansville

- (A) Study the problems and determine the needs of the City in connection with the development and execution of a tree-planting program.

- (B) Assist the properly constituted officials of the City and citizens of the municipality, in the dissemination of news and information regarding the care, preservation, pruning, removal, selection, planting, maintenance, and disposal of public trees.
- (C) Provide regular and special meetings at which the subject of trees, insofar as it relates to the city, may be discussed by the members of the Tree Advisory Board.
- (D) Coordinate its efforts with related projects of such groups as the Board of Public Works, Engineering Department, and Parks Board.
- (E) Communicate with the State Highway Department as to any highway projects which would affect public trees.
- (F) Review, with the Mayor and Common Council, all plans for preserving existing public trees and planting new public trees.
- (G) Recommend to be removed any public tree or part thereof which is in an unsafe condition or is affected with any injurious fungus, insect or other pest, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements.
- (H) Recommend to the proper authority the type and kind of public trees to be planted upon city-owned streets or parts of city-owned streets or in parks as is designated. Recommendations will be appropriate to the visibility requirements of existing on and off-premise business signage. The types and kind of trees will be responsibly chosen to avoid materially obstructing the property by impairing the visibility of business signage.
- (I) Issue permits as required by this subchapter (refer to Section 3.30.1010).
- (J) Govern all aspects of the city's Arborist certification program.
- (K) Conduct educational and fund-raising campaigns as necessary and work with private and public agencies and organizations to establish programs for planting and care of public trees.
- (L) Establish a non-reverting tree capital improvement fund to be used by the Board to accept public and private sector resources for programs of the Board. In the event of the discontinuance of the Tree Advisory Board, the remainder of this fund shall revert to the general fund of the City. All fees and fines connected to the enforcement of this subchapter shall be deposited into this fund.
- (M) Annually submit a budget to the Common Council for appropriation of the fund(s) aforementioned.

Madison

- Ensuring proper planting procedures
- Choosing planting sites for the 30 to 40 trees planted annually
- Reviewing and acting upon requests for removal and pruning of street trees
- Providing educational information on trees to citizens
- Planning an annual Arbor Day celebration
- Promoting public awareness of the importance of the city's trees
- Planning and coordinating a yearly project.

Appendix B: Copy of Memorandum Drafted by EAC Regarding River Vistas (Windows)

The Ecological Advocacy Committee of the South Bend Parks Board of Park Commissioners wishes to formally advise the commissioners that we unanimously agree that the city's current initiative to extend the "river vista" project across large swaths of the banks of the St. Joseph River has the potential to pose significant ecological, water quality and infrastructure risks.

Background

Vegetated river banks containing a combination of deep and shallow-rooted plants provide a vital role in the function and stability of the river and its riparian zone. This vegetation serves to anchor the shoreline, thus preventing erosion. Erosion not only adds sedimentation to the river but could also threaten infrastructures such as sidewalks, roads, and other structures. Additionally, these plants help filter chemical pollutants, absorb stormwater, serve as wildlife habitat and corridors, and discourage water to land passage of Canada Geese.

Specific Concerns

The EAC's concern over the city's riverbanks is not a new matter. As early as 2017, the committee identified "Aquatic Resource Management" as one of its six primary topics of concern in the 2017 Natural Resources Management Plan. The 2021 version of the plan calls the St. Joseph River, the city's "defining asset," contains a "Guiding Principle" titled "Erosion and Bank Stabilization" and lists several management strategies relating to shorelines and river windows.

The EAC has identified several fundamental concerns with this project.

1. The absence of a well-designed and funded riparian planting and management program, coupled with the seasonal or yearly cutting of vegetation, will likely favor shallow-rooted invasive bush honeysuckle over deep-rooted trees, thus increasing the potential for bank destabilization.
2. The current river vista procedures utilize an overly-standardized approach to riverbank management that fails to consider that the river and its riparian margins are a dynamic system with areas of riverine erosion and deposition, overland bank flow, and wildlife movement.
3. The procedures lack details about replanting and long-term management, do not adequately provide for the protection of nesting birds, and call for vegetation removal based solely on size with no regard to species.
4. South Bend's river windows project sharply contrasts with the riparian management standards defined by other midwestern cities, including Chicago's, located at

https://www.chicago.gov/content/dam/city/depts/zlup/Planning_and_Policy/Publications/Chicago_River_Design_Guidelines/chicago_river_design_guidelines_2019.pdf.

Recommendations

The EAC believes the city has a responsibility to balance the community's desire for scenic views of the St. Joseph River with sound ecological practices. Therefore, the committee recommends that the city take the following steps to minimize damage to the river and its riparian areas:

1. Work planned and performed in sensitive riparian zones should consider numerous environmental factors and principles and treat every section of the river on a case-by-case basis.
2. Strive to eliminate or minimize the use of heavy, soil-compacting machinery in riparian areas.
3. Amend the procedure that calls for removing vegetation based solely on size alone to include considerations for species.
4. Utilize the river vista project as an opportunity to remove invasive plants, including mature trees.
5. Clear only those areas where the city has the allocated resources to apply herbicide to stumps and replant and maintain suitable riparian vegetation consisting of a combination of deep and shallow-rooted species.
6. Before beginning work, identify and mark desirable native plants that should be protected and maintained to avoid the cost of replanting and the temporary loss of bank stability.
7. Refrain from general bank clearing in the following areas:
 - a. Where the toe slope of the bank is eroding
 - b. Where the riparian zone slope nears or exceeds a safe mowing angle
 - c. Where walkways are proximal to the inside (eroding) bank of the river
 - d. Locations directly upstream of bridges
8. Utilize the expertise of the City Forester, City Engineer, the Ecological Advocacy Committee, area biologists, aquatic experts, and others to survey all proposed project areas for potential factors that warrant retention of current bank vegetation or other ecological or structural considerations.

The Chicago River Design guidelines" provides more detailed guidance on general best practice, including preservation and restoration, and a "plant palette" for back-plantings.

Finally, we would recommend that the non-selectively removal of all plants below a certain size is, in the long term, less sustainable or cost-effective for the city. There is value in protecting established early-growth native species.