

# Four Lakes Task Force

Gladwin and Midland Counties' Delegated Authority  
of the Four Lakes Special Assessment District

## Community Information Session: Webinar

### Status Report and Path Forward

March 13, 2024



# This is an Information Session

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- These meetings are focused on keeping the community informed and providing an opportunity to ask questions
- This meeting is being held virtually to accommodate as many people as possible
- This is not a board meeting or hearing – no formal action will occur

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- Please use the Q&A feature in GoToWebinar or email questions to [info@fourlakestaskforce.org](mailto:info@fourlakestaskforce.org) and we will answer questions during the meeting and at the end



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May 19, 2020

# Edenville Dam Failed



# Sanford Dam Overtopped



# FERC ordered lowering of Smallwood Lake



# FERC ordered lowering of Secord Lake





*Secord Dam Site*

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# Where We Are Now



# Agenda

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1. Regulatory Obligations
2. Construction Status
3. Critical Issues
  1. Permits
  2. Financing
  3. Appeal Impact
4. Questions and Answers



# County and Four Lakes Structure

Under Part 307, inland lakes, of the Natural Resources and Environmental Protection Act

## Counties

- Gladwin and Midland counties are owner of the dams and bottomlands
- They have a joint county agreement with Four Lakes Task Force

*The dams and lakes are regulated by Part 307, Inland Lakes, of the Natural Resources and Environmental Protection Act (Part 307) and Part 315 Dam Safety of NREPA*

## Four Lakes Task Force

- A 501(c)(3) non-profit with a charitable purpose that includes lessening the burden of government by serving as the Part 307 Delegated Authority
- May accept donations and grants

*Part 307 Delegated Authority for restoring and maintaining the lake levels, dams and bottomlands*

*Authority over the Four Lakes Special Assessment District (SAD)*

## Four Lakes SAD

- An established geographic boundary of waterfront properties along or near the four lakes and “backlot” properties with dedicated (private easement) access

*Under Part 307, a county board may determine by resolution that the whole or a part of the cost of a project to establish and maintain a normal level for an inland lake shall be defrayed by special assessments*

## Community Responsibilities

- FLTF can support via donations as its status as a non-profit
- However, these activities cannot be funded by Four Lakes SAD, such as:
  - Vegetation control
  - Dredging
  - Parks and recreation

*Funding responsibilities fall to other authorities such as lake improvement boards or township-led special assessments*

*Lake associations and FLTF as non profits can help via funds or volunteering.*

# Natural Resources and Environmental Protection Act

## Part 307 Inland Lake Levels

Outlines the process to establish and maintain normal (legal) lake levels for inland lakes

- Costs to maintain legal lake level may be defrayed by special assessment
- Lake Level special assessment based on benefit to the property



## Part 315 Dam Safety

Dam's are regulated that are  $\geq$  6 ft. in height and impounds  $\geq$  5 surface acres at the design flood elevation, must first obtain a permit from the Department of Environment, Great Lakes, and Energy (EGLE)



## Part 303 Wetlands Protection

Requires anyone conducting certain activities in regulated wetlands must apply for a permit from EGLE



## Part 301 Inland Lakes and Streams

Requires a permit from the Water Resources Division of EGLE for certain construction activities on inland lakes and streams



# Incorrect Statements

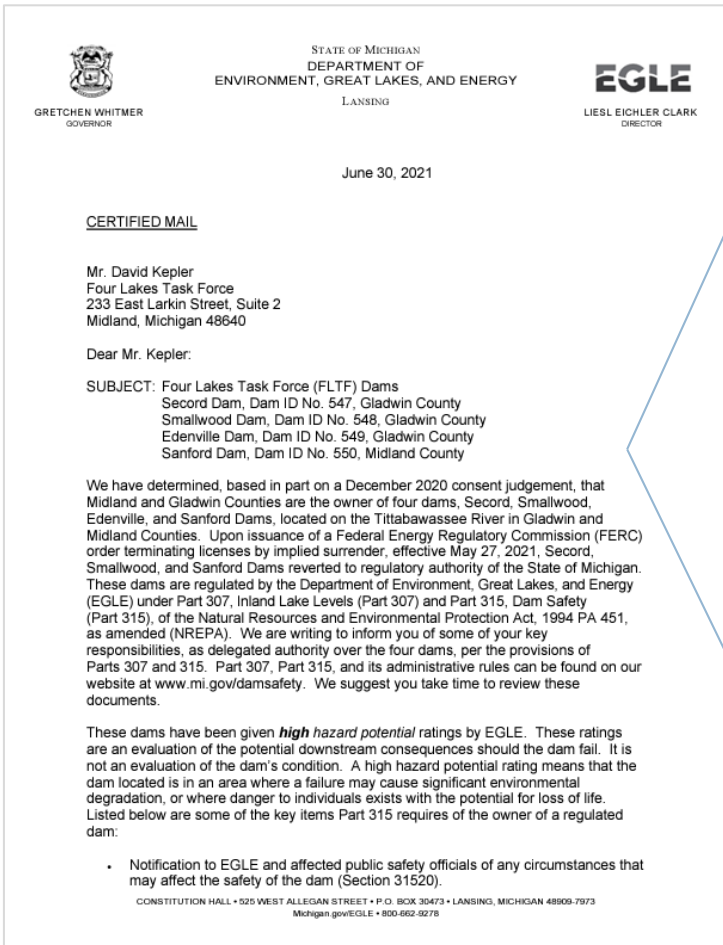
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- ✗ They are building a Taj Mahal.
- ✗ Secord and Smallwood repaired with grant money.
- ✗ We are paying for operations and maintenance and there's nothing to maintain.
- ✗ These are high-risk dams necessary for flood control.
- ✗ The State will not allow the Tittabawassee to return to a river.
- ✗ They won't stop the project. That is a scare tactic!
- ✗ Four Lake Task Force is "closing up shop."
- ✗ The head of EGLE Dam Safety confirms they are not the reason for over-design on Secord and Wixom.

# County and FLTF Obligation Under Part 307, Inland Lakes and Part 315, Dam Safety

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- Midland and Gladwin Counties are the owner of four dams, Secord, Smallwood, Edenville, and Sanford Dams, located on the Tittabawassee River in Gladwin and Midland Counties.
- ..dams are regulated by the Department of Environment, Great Lakes, and Energy (EGLE) under Part 307, Inland Lake Levels (Part 307) and Part 315, Dam Safety (Part 315), of the Natural Resources and Environmental Protection Act, 1994 PA 451.
- These dams have been given **high hazard potential** ratings by EGLE. .... It is not an evaluation of the dam's condition. A high hazard potential rating means that the dam located is in an area where a failure may cause significant environmental degradation, or where danger to individuals exists with the potential for loss of life.
- ....FLTF submitted Feasibility Studies on March 17, 2021, for each dam addressing deficiencies.....

June 30, 2021, EGLE letter to FLTF

[EGLE Letterhead Lansing Central \(four-lakes-taskforce-mi.com\)](http://EGLE.Letterhead.Lansing.Central(four-lakes-taskforce-mi.com))

# EGLE Letter: “outstanding deficiencies that need to be addressed...”

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## SECORD

- ❑ The spillway has inadequate capacity to safely pass the ½ PMF (probable maximum flood) as required by Part 315.
- ❑ Concrete components of the dam are showing signs of deterioration and are beyond their design life.
- ❑ The existing tainter gates are beyond their design life and exhibit signs of deterioration. The hoisting mechanisms are insufficiently sized for the range of design service loads and do not meet current industry design standards.
- ❑ The embankment dams are overly steep, have insufficient slope stability, and exhibit excessive amounts of seepage.
- ❑ Downstream energy dissipation and erosion protection is inadequate.

## SMALLWOOD

- ❑ The spillway has inadequate capacity to safely pass the ½ PMF as required by Part 315.
- ❑ Concrete components of the dam are showing signs of deterioration and are beyond their design life.
- ❑ The existing tainter gates are beyond their design life and exhibit signs of deterioration. The hoisting mechanisms are insufficiently sized for the range of design service loads and do not meet current industry design standards.
- ❑ Downstream energy dissipation and erosion protection are inadequate.

*EGLE: “FLTF should continue to pursue improvements to the facility as outlined in the March 2021 Feasibility Study. Impoundment water levels shall be maintained at the current, drawn down level until the above referenced deficiencies are remedied.”*

# EGLE Letter: Emergency and Stabilization Work

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## □ EDENVILLE

- FLTF is moving forward with designs and construction contracting to finish stabilization of the Tobacco spillway, modification of the Tittabawassee spillway, stabilization of the remaining embankments, and diversion of the Tittabawassee River, to fulfill the requirements of the emergency order. This work shall be completed as expeditiously as possible under the current emergency permit (WRP026173).

## □ SANFORD

- The current route of the Tittabawassee River through the breach section is causing continued head-cutting through the native substrate and downgrading of the upstream river reaches. Due to the ongoing concerns with impacts to infrastructure and elevated sediment transport downstream impacting natural resources, FLTF is proposing emergency stabilization work at the dam. FLTF should continue to pursue these stabilization measures and apply for permits according to local, state and federal laws.

# EGLE Letter: Edenville and Sanford

## “In addition to emergency work...”

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- “FLTF has presented feasibility level plans for reconstruction of the [**Edenville and Sanford**] Dam in accordance with current and anticipated state regulations and industry standard practices. FLTF should continue to pursue these efforts according to the Feasibility Study and apply for permits according local, state and federal laws.
- However, if FLTF determines that reconstruction of the [**Edenville or Sanford**] Dam isn’t feasible in a reasonable timeframe, a plan to address remaining concerns with long-term dam safety and stability and ongoing natural resource impacts will need to be developed and implemented.
- The plan would need to consider such alternatives as additional stabilization and restoration measures or removal of the dam and restoration of impacted reaches of the river channel.”



# Construction Status



Sheet pile installation for cofferdam upstream of Smallwood Dam

# Secord Dam



Auxiliary spillway basin

Auxiliary spillway chute

Left embankment

Primary spillway

Powerhouse

Low level outlet

# Secord Dam



February 14, 2023



February 27, 2024

# Secord Dam



*Auxiliary Spillway Basin – Looking west*



Mar 6, 2024 at 12:03:15 PM  
1° N  
FLTF - Secord Daily Dam Inspection

*Auxiliary Spillway Chute – Looking west*



# Secord Dam

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Feb 22, 2024 at 10:40:34 AM  
48° NE  
FLTF - Secord Daily Dam Inspection

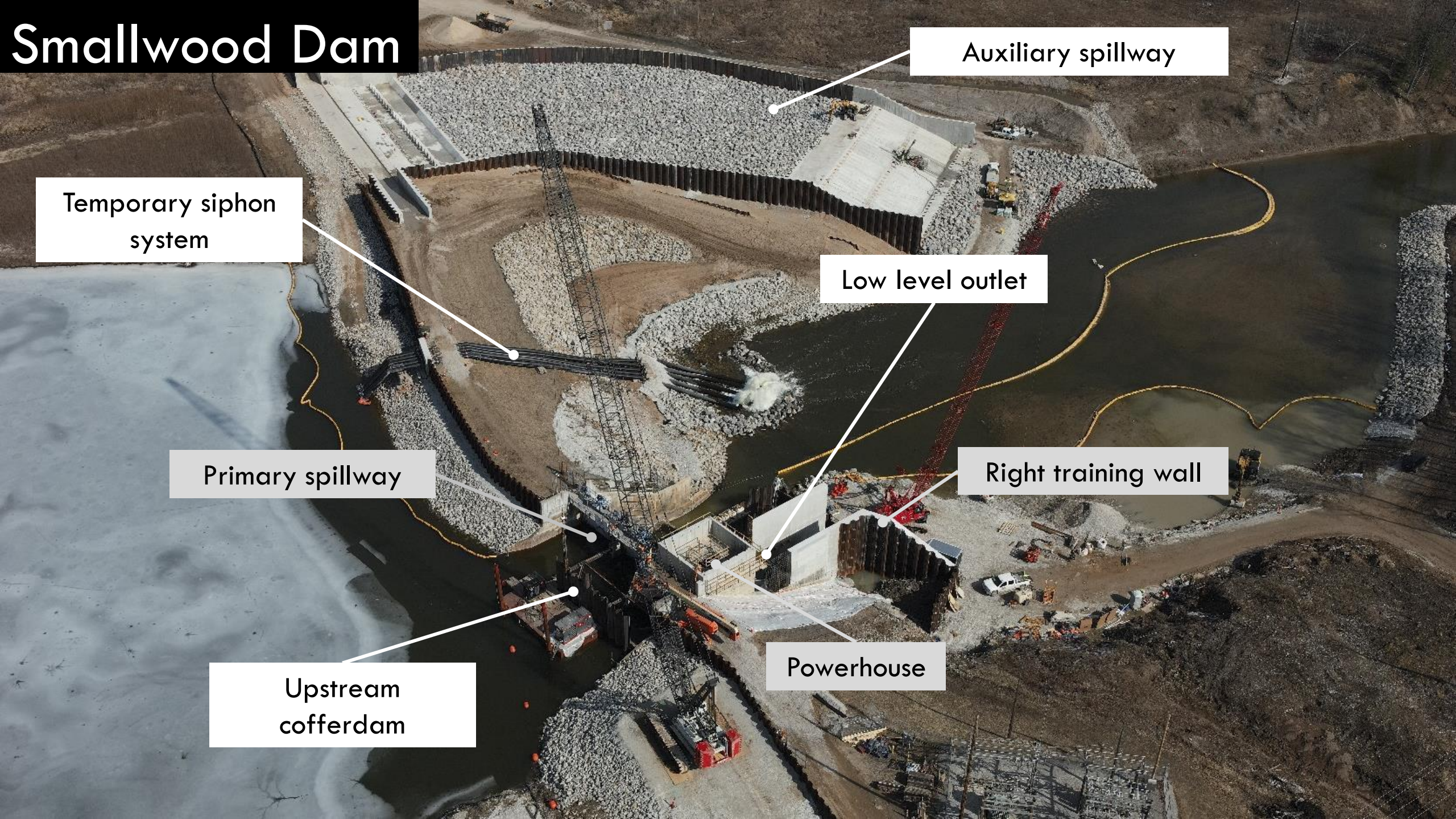
Low Level Outlet and Existing Powerhouse – Looking North



Feb 21, 2024 at 3:13:48  
334°  
FLTF - Secord Daily Dam Inspection

Primary Spillway – Looking Northwest

# Smallwood Dam



Auxiliary spillway

Temporary siphon system

Low level outlet

Primary spillway

Right training wall

Upstream cofferdam

Powerhouse

# Smallwood Dam



February 14, 2023



February 27, 2024

# Smallwood Dam



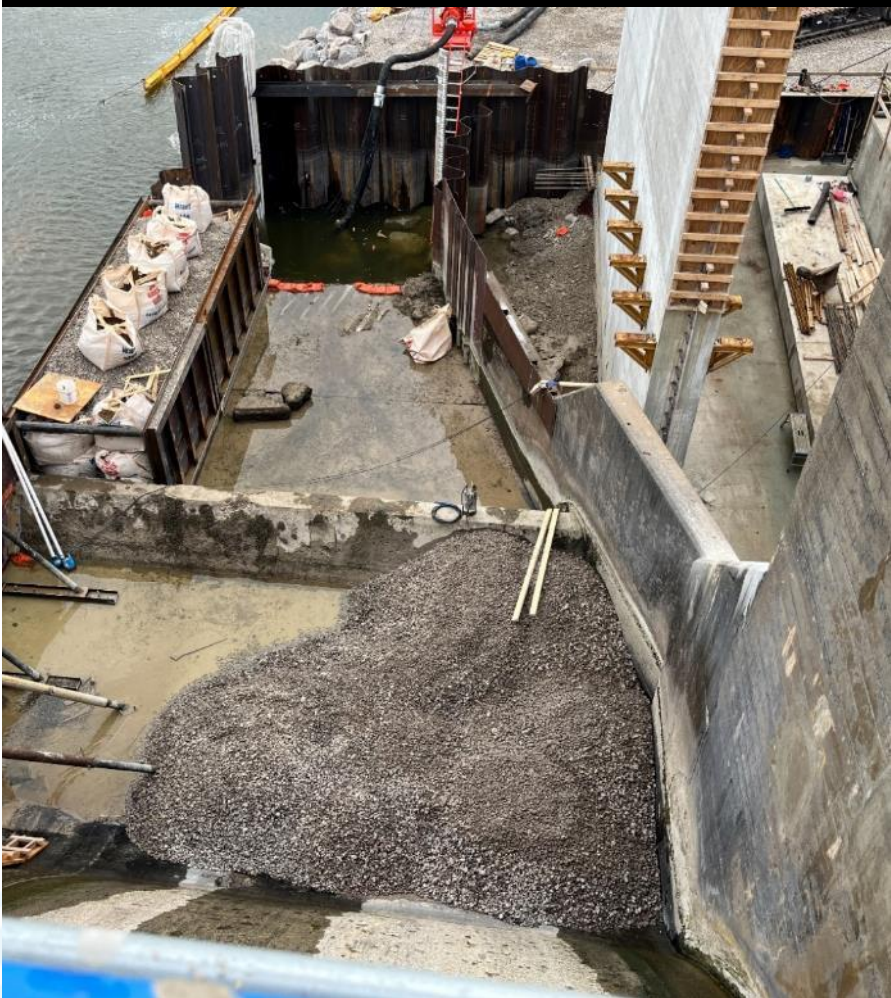
Auxiliary Spillway – Looking East



Auxiliary Spillway – Lower Chute, looking North



# Smallwood Dam



Downstream Cofferdam – Looking East



Low Level Outlet Area – Looking West



Downstream Cofferdam – Looking West

# Edenville Dam – Tittabawassee



SCB (soil-cement-bentonite) wall

Downstream slope

Primary spillway

Powerhouse

Phase II - I Wall stabilization

# Edenville Dam

April 13, 2023

March 1, 2024



# Edenville Dam

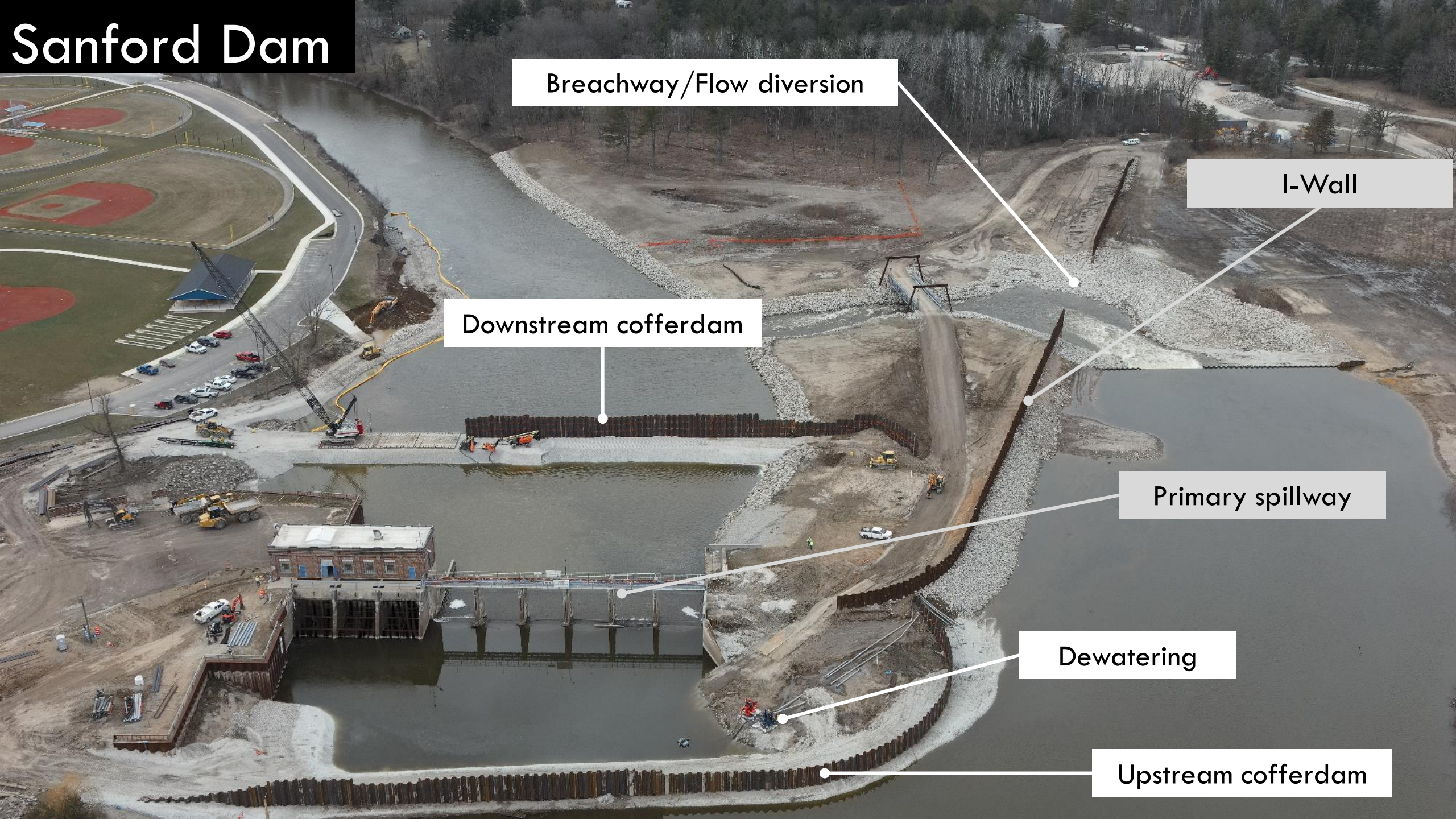


Soil-Cement-Bentonite Wall Installation – Looking South



Phase IV – Embankment Restoration – Looking West

# Sanford Dam



Breachway/Flow diversion

I-Wall

Downstream cofferdam

Primary spillway

Dewatering

Upstream cofferdam

# Sanford Dam



October 27, 2023



March 1, 2024

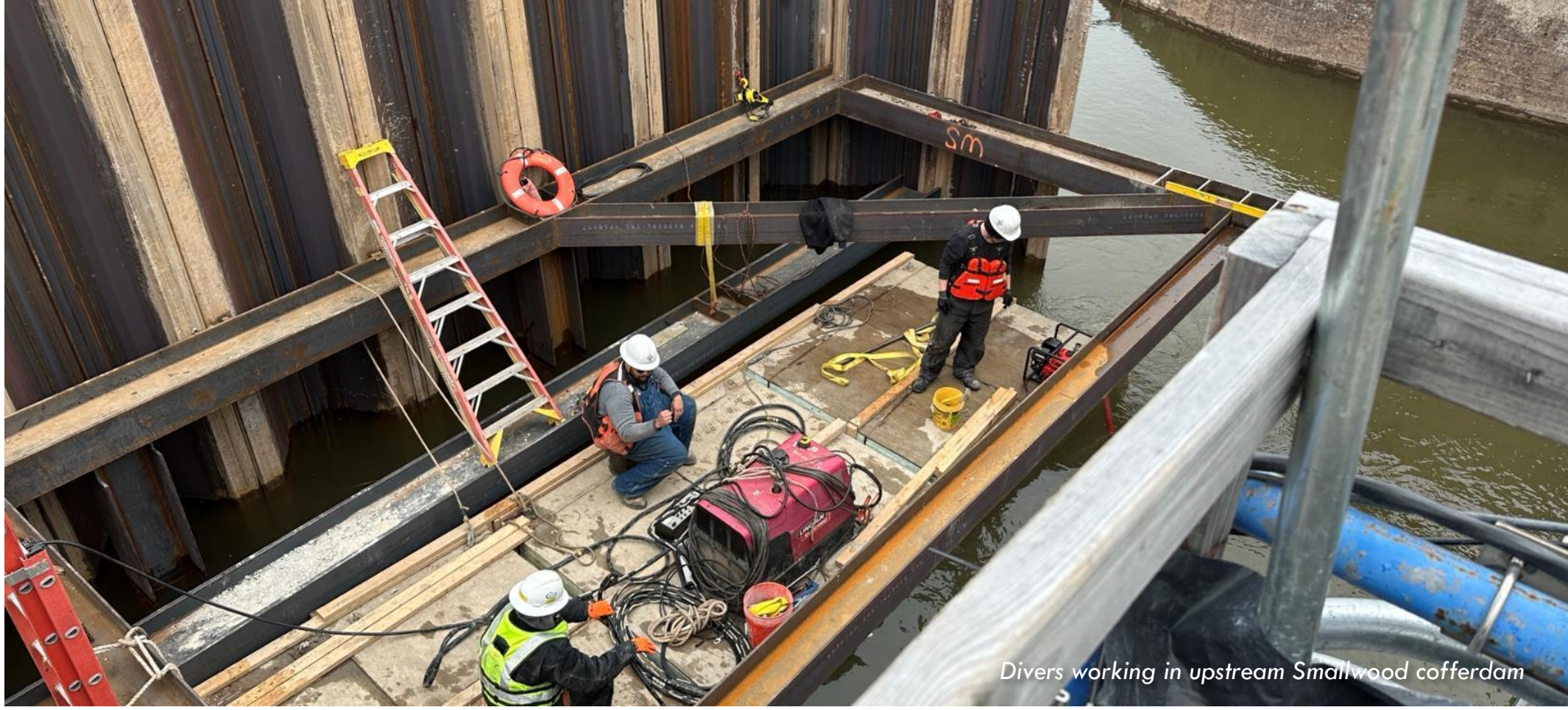
# Sanford Dam



*Upstream Cofferdam Area – Looking North*



*Downstream Cofferdam Area – Looking South*



*Divers working in upstream Smallwood cofferdam*

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## Financing Timing & Critical Issues



# Dependencies

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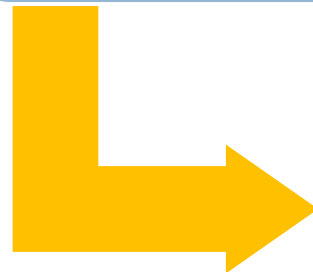
Claim of  
Appeal

- An Appeal to court to vacate the special assessment rolls
- Does not allow for certification to proceed with municipal bond financing



Financing is  
Suspended

- Without financing the dams cannot be completed
- Michigan funds become a limiting factor



Suspending  
Construction

- Dam safety requirements are given first priority
- A stable phase must be left for each dam

# U.S. Fish & Wildlife Service (USFWS) Take Permit

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- Permit is required due to anticipated/potential impacts (i.e., “take”) of endangered Snuffbox mussels
- Required multi-year habitat and environmental impact studies
- **Edenville Dam cannot use funds from financing without the Take Permit**
- Earliest FLTF likely to receive the permit is September



Photo by Dr. Chris Barnhart, Missouri State University

*The logperch is a host fish for snuffbox mussels. In this photo, a logperch approached the female mussel, which then snapped shut. Oftentimes, the mussel will snap closed on a fish's head or snout, ensuring that glochidia are released into the fish's gills.*

# Summary of Financing Sources

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- **State of Michigan:** Can be utilized for any dam's restoration
  - Including Edenville prior to mussel Take Permit
  - With suspension of project, no more than \$14 million remains at year-end
- **Bond Financing:** Can be utilized for any dam's restoration. For Edenville, there must be a Take Permit received to utilize bond financing
- **U.S. Army Corps CWIFP Loan:**
  - Can be utilized for only Sanford and Edenville restoration
  - For Edenville, there must be a Take Permit to utilize CWIFP (Corps Water Infrastructure Financing Program) loan
- **The appeal** changed the staging of funds and the project
  - Eliminated the possibility of an Edenville final phase start by May
  - Established the need to address construction suspension on all four dams



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# Moving Forward

# Part 307

## Appeal in the Establishment of and Assessment Roll

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- **Part 307:** *If the county board determines that a special assessment district is to be established, the delegated authority shall compute the cost of the project and prepare a special assessment roll.*
  - ▣ Process: Notification, a public hearing and county approval
  - ▣ The special assessment roll ... shall be final and conclusive unless appealed in a court within 15 days after county board approval
- Following the approval of the assessment rolls by the Boards of Commissioners for Gladwin and Midland counties,
  - ▣ on February 21 a group of landowners and others represented by the Heron Cove Association filed a Claim of Appeal.
  - ▣ Until the appeal is resolved by the Midland Circuit Court, FLTF cannot proceed with financing the final phases of the lake level project. Four Lakes filed a motion to try and expedite the appeal process.

# Outcome of an Appeal

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- While FLTF continues to work on grants and donations the probability of a \$217 million grant in the next 6 months is very unlikely.
- **The objective is to maintain restoration construction on all the dams.**
  - ▣ Need a positive resolution by July or cost and schedule will be impacted
- **Checkpoints:**
  - ▣ Edenville final phase start has been delayed until financing is addressed
  - ▣ **In May:** Determine if Secord construction needs to be suspended in June
  - ▣ **In July:** Determine if Smallwood construction needs to be suspended in July
- **If there is no positive resolution before September:**
  - ▣ Four restoration construction projects underway will be suspended by end of 2024
  - ▣ *They can be restarted but the costs and the delays will likely be significant*

# The Future of the Four Lakes

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- There is not a “do nothing” option. It is not be permitted to leave the dams in the rivers as they are
  - ▣ It creates significant and uncertain environmental, legal and governance issues

## **There are only two long-term alternatives:**

1. Dams with Normal (Legal) Lake Levels with a Special Assessment
2. Rivers without dams

*The normal lakes are a legal right and creates a financial obligation of the property owners in the special assessment district*

## Questions and Answers

Please use the Q&A feature in GoToWebinar or email questions to [info@fourlakestaskforce.org](mailto:info@fourlakestaskforce.org) and we will address as many questions as we can

We will not answer questions related to the Heron Cove Association or legal matter's related to its appeal.



