

Four Lakes Task Force



Public Informational Meeting

The Four Lakes

Sanford, Wixom, Smallwood and Secord

The Purpose of Meeting



- ❑ **Collect your input**
 - Please fill out our comment cards
 - Question/Answer period AFTER presentation
- ❑ Explain why the Four Lakes Task Force was formed
- ❑ Discuss common issues of the Four Lakes
- ❑ Review findings of Legal Lake Level Study
- ❑ Provide preliminary estimates of cost
- ❑ Inform of Circuit Court Hearing process
- ❑ Explain the next steps and tentative schedule

Dams and Lakes Facts



- ❑ The four dams are currently **private property** owned by the Boyce Trusts and used for Hydro-electric power generation
 - **Dams and lake bottoms are privately owned**
- ❑ Thus, in most instances, the property owners (**your**) riparian rights are limited
- ❑ Dams and water levels historically licensed and regulated by the Federal Energy Regulatory Commission (FERC)
 - **The Edenville Dam Hydro-license revoked in September 2018 for non-compliance**
- ❑ The other 3 Dam Hydro-licenses expire in 2028
 - **FERC can revoke license(s) sooner for non-compliance**
- ❑ Consumers Power contract expires in 2022

Dams and Lakes Facts



- ❑ ***FERC licenses are the only mechanism currently in place to regulate our lake levels***
- ❑ ***A Michigan Legal Lake Level is another mechanism, but we don't have this now!***
- ❑ Four Lakes Task Force is taking action to ensure lakes are sustained into the future

Four Lakes Task Force Goals



1. Lake levels maintained this year and every year into the future
 - ***Enacting Michigan Part 307 Legal Lakes Levels is best avenue to accomplish this goal***
2. All dams are repaired and *become and remain compliant* with safety standards and safety requirements
3. Midland and Gladwin Counties own dams/lakes
4. A Community Authority will manage dams

Why all Four Lakes?



- ❑ Most cost effective and expedient to go through process once, rather than four times
- ❑ All the lakes have similar sustainability issues that need to be addressed now
 - All the dams have FERC compliance issues
 - Can't depend on hydro-electric to pay bills in the future
- ❑ The Dams have always been operated by one organization
 - That is the best way to operate these dams

Process to Establish A Michigan Legal Lake Level – Part 307



- ❑ Part 307 of Public Act 451 of 1994
 - Michigan Natural Resource and Environmental Protection Act allows for the enactment of Circuit Court ordered Michigan Legal Lake Levels on inland lakes
- ❑ Part 307 requires
 - ***A Delegated Authority be identified***, by Resolution of County Commissioners, to implement Part 307
 - Completion of legal lake level study by Professional Engineer to provide recommendation of ***Legal Lake Levels*** and boundary of ***Special Assessment District***
 - Order of ***Circuit Court*** to set Legal Lake Levels and Special Assessment District boundary

Part 307 Lake Level Order



- ❑ Counties named Four Lakes Task Force as their ***Delegated Authority*** to do the work for establishing legal lake levels
- ❑ Task Force created Part 307 implementation team
- ❑ Task Force has petitioned ***Circuit Court*** to establish Michigan Part 307 Legal Lake Levels for all 4 lakes
 - Same lake levels as each FERC license requires
- ❑ Establishing a Legal Lake Level requires
 - Specifying the lake level(s) based on engineering data
 - Creation of a Special Assessment District
 - Identify Delegated Authority to acquire, repair, improve, maintain and manage the dams

Hydro-electric Power Generation



- ❑ Hydro-electric generation may go away in the future due to poor economics, revocation, abandonment, or expiration.
- ❑ **Michigan Legal Lake Level provide legal requirement that lake levels will be maintained *regardless of Federal Hydro-electric License(s)*.**
- ❑ Task Force supports hydro-electric generation as long as it benefits the lake community
- ❑ The **Special Assessment District** WILL NOT invest in hydro-electric generation or FERC safety compliance
- ❑ Task Force is in negotiations with Boyce to transition to a new owner and operator for the Power Assets

Four Lakes Task Force Board



- ❑ Board is the **Delegated Authority** of Midland and Gladwin Counties by unanimous resolution, and a 501c3 Non Profit
- ❑ Board Members
 - Dave Kepler – Chair, and Sanford Lake Resident
 - Adam Beebe – Sanford Lake Association
 - Carl Kerr – Secord Lake (**Lake Association is now forming**)
 - Mark Mudge – Smallwood Lake Association
 - Dave Rothman – Wixom Lake Association
 - Don Zakett – Wixom Lake Association
- ❑ County Legal Representatives
 - Doug Jacobson, Gladwin County
 - Bill Smith, Midland County

Task Force Part 307 Implementation Team



- ❑ Engineer – Spicer Group, Inc.
 - Ron Hansen PE, PS
- ❑ Attorney – Clark Hill
 - Joe Colaianne
- ❑ Financial Expert
 - Tamara McGovern
- ❑ Communications Expert
 - Carrie Houtman

Communications Plan



- ❑ FAQ available in hard copy tonight or on website
- ❑ Website Address
 - www.four-lakes-taskforce-mi.com
- ❑ Phone Number
 - (989) 315-8366
- ❑ Facebook: *Four Lakes Task Force*
- ❑ Instagram: *foullakestaskforcemi*

Engineer's Report



- ❑ Implementation Plan and Schedule
- ❑ Legal Lake Level Study Requirement
 - Recommendation of legal or “normal” lake levels
 - Tentative Special Assessment District Boundary
- ❑ Special Assessments
 - Methods for spreading assessment
 - Estimate annual amounts
 - Anticipated timing of assessments
- ❑ Circuit Court hearing
- ❑ Next Steps

Preliminary Implementation Schedule



TASK	Estimated Start	Estimated Completion
Lake Level Hearing	April 5, 2019	April 5, 2019
Land & Easement Acquisition	April 2019	August 2019
Dam Operator	April 2019	on going
Engineering Design of Dams	May 2019	May 2020
Permitting	May 2020	September 2020
Bidding	September 2020	October 2020
Computation of Cost	October 2020	October 2020
Special Assessment Hearing	October 2020	November 2020
Financing	October 2020	January 2021
Construction of Repairs to Dams	January 2021	April 2023

Michigan Legal Lake Levels or “Normal” Elevations



- ❑ No change current levels based on FERC licenses
- ❑ Winter drawdown starts on December 15th and is achieved by January 15th
- ❑ Summer level in Spring once water temperature reaches 39°
- ❑ Water level allowed to fluctuate 0.3 feet above and 0.4 feet below normal elevations

Lake Levels per FERC Licenses		
Lake	Summer Level (NGVD 29)	Winter Level (NGVD 29)
<i>Sanford</i>	630.8	627.8
<i>Wixom</i>	675.8	672.8
<i>Smallwood</i>	704.8	701.8
<i>Secord</i>	750.8	747.8

Tentative Special Assessment District (SAD)



- ❑ Properties which front lakes
- ❑ Properties with private easement access to lake
- ❑ Includes private property, MDNR and local government property
- ❑ Maps showing properties in tentative district on web site (www.four-lakes-taskforce-mi.com)
- ❑ Maps available for review at meeting following presentation
- ❑ If you received mailed notice to this meeting, you are in the tentative SAD

Tentative Special Assessment District



Four Lakes Task Force

<i>Lake</i>	<i>Township</i>	<i>Lake Front</i>	<i>Private Easement</i>	<i>Total</i>
Sanford	<i>Edenville</i>	479	592	1071
	<i>Jerome</i>	465	324	789
	TOTAL	944	916	1860
Wixom	<i>Edenville</i>	6	0	6
	<i>Tobacco</i>	909	143	1052
	<i>Hope</i>	245	19	264
	<i>Billings</i>	1392	372	1764
	<i>Hay</i>	332	249	581
	TOTAL	2884	783	3667
Smallwood	<i>Hay</i>	550	75	625
	<i>Secord</i>	160	18	178
	<i>Gladwin</i>	14	0	14
	<i>Buckeye</i>	1	0	1
	TOTAL	725	93	818
Secord	<i>Secord</i>	1148	4	1152
	<i>Clement</i>	651	48	699
	<i>Bourret</i>	244	17	261
	TOTAL	2043	69	2112
TOTAL PARCEL COUNT		6596	1861	8457

Method of Financing



- ❑ Grants and Private Funding
- ❑ Special Assessment District
 - Pays costs that are not covered by grants or private financing

Tentative Assessment Method



- ❑ Assessments will not be same for all landowners
- ❑ Assessment factor will be established for each category of land ownership

Estimated Annual Special Assessments



- ❑ Residential property owner
 - Less than 300 ft. of frontage
 - \$350 annually
 - Greater than 300 ft. of frontage
 - \$700 annually
 - Private easement and no frontage
 - \$88 annually
- ❑ Commercial, agricultural and other properties
 - Details provided on website

Special Assessments



- ❑ Not expected until 2021
- ❑ A Special Assessment Hearing will be held before and assessment are levied
 - You will receive a notice
 - Anticipated to be fall of 2020
- ❑ Final amounts provided at Hearing
 - Only estimates at this point
- ❑ There is an appeal process

Preliminary Estimate of Cost



- ❑ Planning level estimate includes budget for
 - Lake level study
 - Acquisition of dams and lakes (Lake Level Assets)
 - Dam repairs and improvements for safety requirements
 - Annual maintenance and operation of dams
 - Professional services, administration and financing
- ❑ \$20 million
 - \$5 million State grant is identified and pending
 - Pursuing additional grants and funding

Circuit Court



- ❑ Hearing date tentatively scheduled April 5, 2019
 - You will receive notice in mail
 - Also, check website and local newspapers
- ❑ Circuit Court does
 - Order establishment of Legal Lake Level
 - Order Special Assessment District
- ❑ Circuit Court does not
 - Set project cost
 - Set special assessment amount
 - Set project schedule

Four Lakes Task Force Delegated Authority



- ❑ Items Four Lakes Task Force Board and County Officials are responsible for pending Circuit Court Order
 - Scope of project and project cost
 - Assessments
 - Project schedule
 - Annual Maintenance and Operation
- ❑ Special Assessment Hearing would be required before any assessment levied
 - Landowners in SAD would be noticed
 - Earliest hearing would be Fall 2020

Questions



- ❑ Hand in comment card
- ❑ Questions will be drawn from cards collected
- ❑ Questions will be answered on website if they cannot be answered tonight.

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