

SCHOOLCRAFT COUNTY BOARD OF COMMISSIONERS

MEETING OF THE WHOLE

The Schoolcraft County Board of Commissioners met on Monday, November 27, 2023, for a MEETING OF THE WHOLE in the District Courtroom of the Schoolcraft County Building, City of Manistique, Michigan, commencing at 3 p.m. The meeting was called to order and roll was taken:

Present: Commissioner Craig Reiter
Commissioner Troy Bassett
Commissioner Paul Walker
Commissioner Daniel P. Hoholik
Beth A. Edwards, Clerk

Absent: Commissioner Bruce Birr (excused)

Pledge of Allegiance was led by Commissioner Daniel P. Hoholik.

Commissioner Paul Walker advised of the purpose of the Meeting of the Whole and the talking points to be addressed (see attached).

Brief Public Comment: None

Discussion:

Attorney Stacy Hissong addressed the 1945 Indian Lake Level Court Order, Circuit Court having continuing jurisdiction, Part 307 has jurisdiction over structures, and a permit is needed for any work on the dam or draw down of the lake level. During discussions with the DNR they don't want to draw down the lake after October 1 as it endangers the habitat. Immediate attention needs to be placed on the current violation and working with EGLE for some level of draw down.

She further stated that the resolutions are important as to allow her team and the engineers to move forward with updating the Court Orders and setting up the Assessment Districts. Once those items are accomplished on all of the Schoolcraft County lake/dam situations (Indian Lake, Gulliver Lake, McDonald Lake, and Manistique Lake) there will need to be a decision as to how to move forward with the delegated authority. Currently Jean Vanderville is the delegated authority for all but it can be set up in many different ways; one for all, a different one for each, or a board could be set up to act as the delegated authority.

The Special Assessment Districts will allow the funds to finance projects specific to that dam. The assessment would also be assessed to the DNR/State land.

Commissioner Troy Bassett asked about whether the replenishing of the lake water level in the spring is an issue and Attorney Hissong stated that the DNR is more concerned with the draw down than they are with the replenish.

Commissioner Craig Reiter asked if it was going to be drawn down yet this winter? Attorney Hissong advised it was being worked on.

Luke O'Brien, Spice Engineering, addressed the possibility of installing deicers fans so the gates can be utilized all winter as EGLE is still doing modeling on the dam/lake level. EGLE's focus is on adverse impact on wildlife, not property damage or flooding. Any prior property damage or flooding should be reported with specific instances and dates.

Attorney Hissong stated that after the Resolutions are approved by the Board of Commissioners, Spicer will do a study which may vary from the current lake level order in place. She also stated information and communication is key. Possibly providing a website, questionnaires, and maybe in person contact with individuals.

Daniel P. Hoholik any historical information is helpful and needs to get to Spicer.

Craig Reiter addressed the lowering of the lake this year.

Troy Bassett addressed the individual experiences of the individual landowners are very important.

Paul Walker asked that the public in attendance let the board know during public comment what type of communication they would like.

Public Comment:

Rick Olson addressed the damage to the river if the gates are kept closed.

Greer Fish addressed the historic flooding of her basement on the east side of the lake.

Judy Warnke addressed the impact on the swans at the mouth of the river.

Robin LaCroix addressed the warmers will not work in Gulliver Lake.

Craig Reiter addressed his concern with Indian Lake level.

Paul Walker addressed the Exparte Order that was issued for a winter drawdown and at this point the DNR is still not willing to allow the lower lake level but this is still being worked on.

Keith Aldrich agrees with Dan Hoholik and has many years of experience living on the river.

Craig Reiter addressed what the potential fine would be if it was lowered.

Attorney Stacy Hissong would not advise lowering the lake level as significant fines would be imposed and additionally the County would be charged 10 times the number of fish and mussel they found impacted.

Paul Walker addressed no wiggle room for the County, the County will have to follow the law.

Robin LaCroix addressed Big Springs itself potentially can raise the lake a foot in 7 months.

Paul Walker addressed the need for all commissioners to receive every communication regarding the dams/lake level as they each have a dam in their jurisdiction.

Troy Bassett addressed ice buildup in the Spring.

Keith Aldrich addressed the Special Assessment District and the cost to property owners.

Attorney Stacy Hissong thought that questionnaires and website are good ideas for keeping the property owners informed.

Judy Lucas asked what the assessment covers.

Troy Bassett asked about public notice requirements.

Robin LaCroix inquired if the Drain Commissioner had to be the Delegated Authority.

Gracey Barr has concerns regarding flooding and septic tanks.

David Muxlow addressed the Harrison Beach area flooded the septic tanks in 1994-1995. LMAS may have those records.

Corey Barr is very concerned as City Manager and would like to be kept informed. The DNR doesn't care about property damage, they care about the mussels. If the river water is cut at any time the City will only have 24 hours of service water which includes the hospital and fire protection.

Rick Olson stated that the dam and the property where the lake level stick is will need to be plowed all winter.

Paul Walker addressed the Court Ordered water volume to the City Water Plant. What happens if that cannot be provided.

Corey Barr stated the City does have an Emergency Water Shortage Plan but it is at a significant monetary cost.

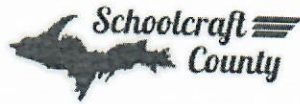
4:40 p.m. Attorney Stacy Hissong excused herself from the meeting.

Craig Reiter expressed his concern with the Court Order.

Paul Walker thanked they public for their input.

Troy Bassett asked if the DNR/EGLE decision could be appealed. Attorney Kyle O'Meara stated that it could not be appealed.

Adjournment: Meeting of the Whole was adjourned at 4:47 p.m.



TALKING POINTS

Schoolcraft County – Indian Lake Level & Winter Drawdown

1. Recently, the County became aware by the State of Michigan that a historical lake level order and lack of State permits does not authorize the County to conduct a historical winter drawdown of the lake.
2. Upon becoming aware, Schoolcraft County has been working diligently with legal counsel and other engineers to address concerns related to impacts from ice and the lake level control structure during winter.
3. Within days of being retained, engineers and counsel for the County have taken immediate steps with County officials to address the County's ability to avoid ice impacts and/or to conduct the historical drawdown. Namely they have, among other things:
 - a. Obtained an *ex-parte* emergency order in Circuit Court to allow a winter drawdown on Indian Lake if permitted by the State.
 - b. Submitted a permit application to the Michigan Department of Environment, Great Lake, and Energy ("EGLE") to allow a drawdown.
 - c. Discussed potential impacts of not conducting the drawdown with various stakeholders.
 - d. Attended an immediate meeting with EGLE and Michigan Department of Natural Resources ("DNR") to discuss the permit request for a drawdown.
4. After the meeting with DNR and EGLE, County engineers and officials are working to provide additional data to the regulators to support a request for a drawdown this winter.
5. Simultaneously, County officials and engineers are also determining improvement alternatives such as bubblers and fans to keep dam gates operational in the winter with the intent to mitigate impacts from ice.
6. In addition to the immediate concerns of Indian Lake, the County is also working with legal counsel and engineers to develop permanent solutions for the lake and other lake levels in the County as well as developing a process to keep all property owners informed.