

SYNOPSIS OF LEGAL LAKE LEVEL SUB-COMMITTEE MEETING - MAY 29, 2019

ATTENDEES: Jeff VanBell; County Drain Commissioners Office, Tom Wheat; Prine&Newhof, Nick Loeks; Texas Township Board, Jennifer Jermalowicz-Jones; restorative Lake Services, Jim Roberts & Russ Walters; Crooked Lake, Len Bosma, Phil DeYoung, Steve Ott & Tom Rogers; Eagle Lake, Nick McLaughlin & Adam Grassi; Pine Island

Agenda Items: 1- What is the solution?

2- What will it cost?

3- What is the envisioned SAD?

4- Legal Lake Level questions:

- 1- What is the process (are there alternatives?)
- 2- Can lake boards be the authority for levels below the legal lake level?
- 3- How do residents help set the legal lake level?

1 - What is the solution? Sketch produced by Prine&Newhof shows a ground-based filtering system of perforated pipe and using soil to filter the water from Crooked Lake before entering the drain system, then flowing through a horizontal well drainpipe under Brentwood Trail and entering the wetland area, and then coursing on downstream through Bass Lake. The only sign of equipment at Crooked Lake will be a couple of man-hole covers. The Eagle Lake drain system would not require the soil filter; water would drain through buried pipes (likely following the current short-term solution route) and simply by gravity flow into Crooked Lake. Significant trenching will be required. Pipe currently being used for the short-term solution can be used for the long-term system. The easement process may be more involved, as these will require permanently deeded easements, and compensation would and should be expected. Route for piping may not follow the current route of the short-term due to easement availability and ability to reach proper depth for the gravity drain system. Drain office and Prine&Newhof will work together to establish most feasible route. DEQ and DNR will both likely be involved in the permitting process. The expectation is that the current short-term solution should lower Pine Island as Eagle and Crooked Lakes are lowered, and that Pine Island would further benefit from the proposed long-term system without requiring actual drain pipes connecting Pine Island and Eagle Lakes. A Drainage District does not require a legal lake level. Typically DEQ finds it easier to accept a legal lake level, does not look as favorably on a drainage district. Drainage District is a county drain, which gives drain commissioner easement to control the lake level. Step 1: Establish where easements would be needed. Step 2: Pursue DEQ permit through Drain Commissioners office.

2- What will it cost? Long-term solution will not require electrical utilities for operation. Pipe from short-term can be reused, saving expense. Significant expense will be required for deep trenching. Compensation for easements will be required. It's too early to accurately project cost until route can be established. Prine&Newhof will attempt to provide a preliminary estimate within a few weeks. Expectation is this will be considered a single project combining Crooked and Eagle lakes, not two separate projects. Single project SAD covers a greater area. Cost expected to be shared by affected residents (65%) and government entities (35%). "Those who benefit, pay".

3-What is the envisioned SAD? Set up in tiers, from 2 to 5 tiers. A Drainage District or Board of Determination would be set up through the Drain Commissioners office, but the requirements and limitations of a Drainage District would not be to the lakes advantage, establishing a SAD is much preferred. Drain Commissioner would be involved in establishing tiers. Tier 1 would be the riparian owners. Tier 2 would be back lots, or those with deeded access. Tier 3 would be areas like The Vineyards and Pine Island Lake. For inclusion in a SAD, direct benefit must be shown. (A Board of Determination does not need to show direct benefit to properties included). **NOTE: When the Court makes a determination on the legal lake level, it also makes a determination on the SAD.**

4-Legal Lake Questions:

What is the process?

Process starts with petition from the lake. DEQ requires engineering study. Work already done by Prine&Newhof for the short-term solution gives a jump-start on this part of the process.

Can lake boards be the authority for levels below the LLL?

Yes, as long as it is within the LLL. Court can give the lake association authority to maintain the level.

How do residents help set the LLL?

Collection of historical lake level data. Septic systems/saturation levels impact LLL determination.

STEP 1 – Petition: Prepare answers for all of the questions raised today

STEP 2 – Petition: Involve attorney in preparation of petition.

3 options to petition: 1- requires 2/3 of all legal owners on the lake (everyone listed on title)

2- County Board of Commissioners establishes level

3- DNR establishes level

GROUP CONSENSUS: Proceed with this as a single project involving both Crooked and Eagle lakes, establishing legal lake levels for each lake, working in concert through the petition process with both lakes on the same calendar schedule.

Jeff & Tom: Consider route, easements, DEQ permit

Steve & Russ: Lead individual/joint LLL committees

Respectfully submitted by: Phil DeYoung