

FOREST LAKE PROPERTY OWNERS ASSOCIATION

SPILLWAY REPAIR PROJECT UPDATE

OCTOBER 15, 2021

Introduction

The intent of this update is to provide accurate official information to clarify/refute recent rumors, social media posts by Association members and correspondence received by the Board of Directors.

Project Goals

The main goal of the Board of Directors is to construct a new spillway with proper structural integrity and sufficient hydraulic capacity to handle a storm event equivalent to the event of May, 2020. In addition, the Board has worked diligently to develop a plan to achieve that goal and minimize the financial burden to each Association member. The dam and spillway system present a major public safety liability for the Association and a properly designed and constructed spillway is necessary to minimize the downstream riparian liability. Therefore, the Board has never considered the spillway repair project as a "fast track" project with a priority goal of raising the lake to normal level as soon as next year. Our original intent and objective was to have the project complete by the spring of 2022 but the Board has never promised that the lake would be back to normal by next spring. Previous updates indicate that delays were possible due to many factors including government agency permit approvals, contractor availability, supplies availability, weather conditions, etc.

Spillway Design Document Status

As of this date a construction permit from the State of Michigan for the spillway repair project has not been issued. Our dam is classified as a "Significant Hazard Dam" and therefore the project has been subjected to a thorough and extensive review to insure that public safety of communities downstream of Forest Lake will not be compromised by the proposed construction.

The State of Michigan Department of Environment, Great Lakes and Energy (EGLE), Water Resources Division (WRD), DNR Dam Safety Unit issued a correction request to FLPOA on September 22, 2021. The request was for additional technical information required by EGLE for their review process. Our engineer, Lapham Associates, has provided the requested documentation and a virtual meeting with EGLE, Lapham, and FLPOA Board members was held on October 11, 2021 to discuss the recent submittal and to address any concerns in an attempt to stimulate more timely progress. Three separate State Agencies are now reviewing the

documents for dam safety requirements (hydrology, hydraulics, structural and geotechnical), wetlands impact and floodplain requirements. Additional documentation will be submitted to supplement and update the previous documentation while the review process continues.

Timeline Issues for Consideration

Our Contract for engineering did not specify a completion date. Typical engineering contracts may include completion dates for various tasks but a required permit issuance date would not be included since the engineer/owner has no control over the timeline required by the reviewing agencies. Our engineer completed the final design work in a timely fashion and made the initial submittal for permitting in approximately 4.5 months after the notice to proceed. Our preliminary schedule included 120 days for the permitting process which started immediately after completion of the design.

Our project is not the only project being reviewed by the State. The Dam Safety Unit has limited personnel and resources (possibly due to the pandemic) to review our project and other much more extensive projects resulting from the 2020 flood. In addition, our project is not the only engineering project that our consultant is working on. It is perfectly understandable that the FLPOA property owners have established a priority to restore the lake as soon as possible but other state-wide priorities of various severities are also being dealt with by the same agencies. Some lakes that are victims of the same disaster in the local communities will not see their lakes restored for many years so we must be appreciative of the fact that we have progressed way ahead of many others.

Procurement of USDA grant funding required approximately 6 months. Any costs for engineering or construction work which took place before the grant was issued is FLPOA's responsibility. The Board decided to delay the start of final engineering and proceed with the grant process due to the substantial cost savings to FLPOA members. If the priority was to expedite the approval process, the design process, and the construction process in order to obtain lake restoration by a specified date without grant assistance, the cost of the project would have to be carried by the FLPOA members alone and the special assessment could possibly be doubled.

Previous FLPOA Board's never dealt with a disaster of this magnitude, or complexity, especially during a major public health crisis. The current Board does not have any disaster mitigation experience and every task we have completed has taken considerable time and has been a learning experience. The Board is just as frustrated by the permitting process as the disgruntled property owners but we are continuing our effort to resolve the issues. Cooperation and support from property owners is being solicited and is appreciated as this is a huge burden on all involved.

The State of Michigan Dam Safety Unit will not allow us to raise the lake level to normal level until the new spillway is complete. The only exception would be if storage is required in the lake for a storm event which occurs during construction. Temporarily raising the lake level to provide for boating and recreational activities will not be possible and would hinder the efficient cost objective of dredging the lake while the lake level remains low.

Disruptive Activities by Association Members

The recent controversy created by and political interference and false Facebook posts was not respectful of the Board's continuing efforts to restore the lake for beneficial use by Association members. The Board did not solicit any political intervention with the permit process and the validity of the statement by Wentworth's office should have been verified before making false assumptions and statements. The Wentworth office statement is not true and the author has been notified. The Board issued the Contract to our engineer and non Board members do not have the right to interfere with the engineering process. Actions of this sort is disruptive and stymies working relationships and only serves to create more work and delays by spreading false and misleading information resulting in additional unwarranted criticism of the Board.

Conclusion

The Board appreciates the patience and support of the majority of our Association members. We do understand that a few members are anxious and impatient with the perceived progress but we request that the only official and factual information regarding the business of FLPOA is posted on our website and not on any social media sites.

A timeline with milestone dates for all activities associated with the lake restoration will be prepared by the Board after we have received competitive bids from qualified contractors and respective contracts are officially awarded for spillway construction and lake dredging.

Forest Lake Property Owners Association Board of Directors