

March 9, 2023

Dan LeFevre
Forest Lake Property Owner's Association
daniel.lefevre@att.net

Via Email

Dear Dan,

Re: Forest Lake – Lake Level Special Assessment District

Please accept this brief letter in response to your request for our office to explain why Arenac County (“County”) needs to establish the boundaries of a Forest Lake – Lake Level Special Assessment District for the proposed Forest Lake level project and why the Forest Lake Property Owner’s Association cannot complete the proposed project on its own without involving the County.

Part 307 of Michigan’s Natural Resources and Environmental Protection Act (“Part 307”) allows circuit courts to establish legal lake levels. See MCL 324.30701 *et seq.* Once a legal lake level is established, a county has the sole jurisdiction to maintain that level including by improving and repairing lake level infrastructure. See MCL 324.30702(3). Part 307 makes special assessments to benefitting property owners the primary method to fund maintenance and repairs of lake level infrastructure. See MCL 324.30711.

Here, Arenac County has jurisdiction under Part 307 to maintain the legal lake level of Forest Lake. Since the County ultimately must maintain the lake’s legal level, it must be involved in the project because permits necessary for the project will require the County’s approval including required permits from the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”). Similarly, grant conditions or conditions of obtaining any other funds for the project will also require the County’s approval because it is the party responsible for maintaining the lake level under court order (this is despite any awards that may have previously been granted without involving the County).



Accordingly, it is legally necessary to establish the boundaries of a Forest Lake – Lake Level Special Assessment District to allow the County to be involved in this project and to allow it to finance any necessary portions of the project. Although Part 307 does not require a county to obtain any property owner support for establishing a lake level district (and there is no language in Part 307 allowing property owners to “vote” or submit petitions to not authorize the creation of a district) or to take actions to maintain the lake level, we understand Arenac County wants to ensure transparency and obtain stakeholder support for this process and is working to actively involve your Property Owner’s Association.

I hope this letter helps explain why the County needs to be involved in this lake level project and why it is legally necessary to establish a Forest Lake – Lake Level Special Assessment District. As always, do not hesitate to contact me with any additional questions or concerns.

Sincerely,



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ASSOCIATE

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