

Forest Lake Spillway Report
September 27, 2023
By: Dan LeFevre

- **Design Status:** GEI Consulting is finalizing the 90% Design submittal to EGLE with a projected date of 9/30/23. The current engineering estimate for construction cost remains \$6,777,256. The timing for the final design to go out to bid is currently projected to be on 11/17/23. Overall project completion continues to be targeted for August of 2024.

Two substantive design issues are actively being assessed. First, several weeks ago GEI introduced the possible need for a ~\$700k filter blanket system at the base of the dam on the non-lakefront side. There is evidence of seepage in this area that could originate from the earthen dam or from ground water from natural springs. To identify the source GEI has proposed the installation of five monitoring wells at a cost of ~\$70,000. The information gathered from these wells over the next several weeks may mitigate the need to install the filter blanket and could lead to a significant project savings, or substantiate the need for the filter blanket. FLLAB plans to meet on 9/29/23 to consider the \$70,000 change order. Secondly, GEI received initial quotes to replace the wooden stop logs with metal replacements. We were recently quoted for several new 6" logs at a cost of about \$500,000. For functionality and performance issues, we have asked the engineers to consider 24" logs similar to what is in place now. The issues are complex but we have had productive dialogue and we are working toward the most appropriate solution.

In the interim, Spicer responded to comments from EGLE on the demo bid and we expect final authorization for our demo permit application in early October. We also posted requests for demolition bids and the plan is for the FLLAB to meet in mid-October to review.

- **Grants:**
 - **USDA-NRCS Technical Assistance Grant:** The project has been awarded \$376,395 of technical assistance monies to fund engineering costs associated with the spillway repair. We have a request in process to seek additional funding. Not all of our engineering costs will be eligible for funding from this program, such as design work to alter the existing dam and engineering associated with establishing a special assessment district. We are working with USDA-NRCS to identify non-eligible engineering costs and allocate them to other funding sources.
 - **USDA-NRCS Financial Assistance Grant:** The project has been awarded \$2.82 million to fund 75% of the original Lapham designed spillway project. NRCS has agreed to allocate the existing grant to the new GEI/Spicer designed project, and they have been supportive of a request for an increase. We are currently working on a request for an increase, but we have been advised that it would likely be the final increase considered. As a result, our plan is to submit our increase request after we have entered into an agreement with a contractor. Not all of the ~\$5.6 million in estimated construction costs will be eligible for restoration funding under the NRCS program and some construction costs will need to be allocated to other funding sources.

- **EGLE – Dam Safety Grant:** FLPOA was awarded a \$2.32 million grant to assist with our spillway replacement and dam upgrades. We have been asked to assemble information required to draft a grant agreement, and legal and accounting considerations are being reviewed in light of the establishment of the FLLAB. Specific details and funding constraints will be made available to us after we have received a draft grant agreement.
 - **MEDC:** FLPOA was awarded an \$800,000 Michigan Enhancement Grant that is being administered by the Michigan Economic Development Corporation (MEDC). The grant funding agreement signed in February of 2023 identified four funding uses that were identified to *replace* the \$654,946 FLPOA allocation administered by Arenac County since June of 2021. We expect the first \$400,000 installment to be funded this week.
 - **Michigan Disaster Relief Grant:** FLPOA was awarded a \$286,042 grant early in the project which are allocated to reimburse FLPOA for funded construction costs.
 - **Chippewa Indian Tribe Grant:** FLPOA was awarded a \$50,000 grant to be utilized toward the purchase of replacement stop logs in the dam inlet structure.
 - **FLPOA Matching Funds:** The FLPOA allocated \$654,946 to the project in June of 2022. The funds are currently utilized to fund project invoices on a temporary basis until grant funding requests are received. FLLAB has agreed to return any of these unused funds at the end of the project.
- **Grant and Funding Cooperation Agreement:** A grant and funding cooperation agreement has been approved and signed by both FLPOA and FLLAB.
 - **Lake Level Easement:** An easement has been drafted by the Fahey Schultz Burzych Rhodes law firm to provide a mechanism for FLPOA and FLLAB to work together by providing scope of access and use for the dam property. A few excerpts from the draft easement are copied below. The agreement is under review by the FLPOA BOD.
 - This conveyance shall be deemed a sufficient conveyance to vest in the County an easement over the Easement Area with such rights of entry upon, passage over, storing of equipment and materials including excavated earth as necessary for construction, and erecting fences, infrastructure, and signage, as may be necessary or useful for the establishment, construction, access to, operation, maintenance, improvement, and control of lake level infrastructure and other related activities utilized to maintain the legal lake levels of Forest Lake.
 - The Landowner, its agents, employees, or contractors shall not construct any additional non-movable or permanent structures within the specific limits of the Easement Area without the prior written consent of the County. The Landowner may complete routine repairs and maintenance of the existing docks located with the Easement Area. This conveyance shall also be deemed sufficient to vest in the County an easement over the Easement Area for the clearing and/or grading of the Easement Area and the spreading and/or removal of spoils and excavated materials that originated from the Easement Area.
 - The County shall not use the Easement Area as a County, public, or municipal park or for any similar use that allows members of the general public to access Forest Lake or to sunbathe, launch boats, or use the Easement Area for recreational activities.
 - **Maintenance Agreement:** A proposed agreement has been drafted and circulated to both BOD's for review. An annual maintenance schedule was drafted and estimated \$13,600 in recurring costs for mowing, stop log adjustments, inspections, snow plowing and salting. The responsibilities of each party are being assessed pursuant to Part 307 of MI law and from a practical perspective to maintain responsible costs for all parties within the proposed district.