



YEAR IN REVIEW

We think it is safe to say that 2020 is a year we will each not soon forget. As they say, this is one for the history books.

As a volunteer organization, the **Secord Lake Association (SLA)** saw our mission change in May. Prior to May our purpose was centered on our lake community. We were the liaison between Gladwin County, the townships, the FLTF and our lake community regarding the planned acquisition of the four dams to include Secord. Those plans had been communicated over the past few years and were scheduled to be implemented in June 2020.

Despite what the former dam owner said, with the May flood event, damage was done to the Secord dam as evidenced by the FERC required draw down and subsequent required reports. Our mission changed. We are now focused on safely restoring our lake level. This is a situation put in place by a series of events that none of us sought or thought was possible. Life throws us challenges, and this reality is ours to deal with whether we like it or not.

Regarding the restoration of Secord and the four (4) lakes, there are **Michigan state laws** that have not received a lot of attention. Understanding these laws may allow for some context into the activities we are witnessing to safely return our lake.

A section of the law reads “A person applying for a permit to reconstruct a failed dam shall file a complete application **not less than 1 year after the date of the failure**. If such an application is filed more than 1 year after the date of the failure, the department shall consider the application to be an application to construct a new dam.” [Michigan Legislature - Section 324.31512](#)

Other sections of this legislation carry additional stipulations regarding a “complete application” including:

- 1) The plan and specifics must be approved before construction can begin;
- 2) A permit to construct a new dam or reconstruct a failed dam may require a performance bond to assure completion of the project; and
- 3) A licensed professional engineer shall prepare all plans and specifications.

What does this mean for the Secord dam? A plan to reconstruct the dam needs to be developed by professional engineers, with financing arranged as part of the detailed plan to be submitted for approval within 1 year of the dam failure. If more than 1 year has elapsed, the application process required is for the construction of a new dam. Clearly the regulations and requirements at the Federal, State, and local levels to conduct the numerous studies to obtain the various approvals for a new dam are more onerous, expensive and time consuming than to reconstruct an existing dam. It is safe to say the entire process to secure the required new dam permits would be years before a shovel could begin to move dirt.

The event took place on May 17, 2020 . . . meaning we have until May 16, 2021 to meet the requirements for a permit to **reconstruct Secord dam**. As we read this, we are in mid-December, meaning we are at about the halfway point of the one-year timeframe. **Meeting this May 2021 deadline is a key milestone.**

Progress to date to meet the May 2021 date:

- 1) The FLTF professional engineers were allowed, by court order, in early October to conduct an inspection of Secord dam. This was the first time any FLTF engineers had been on the property to evaluate the situation since the flood.
- 2) The FLTF has set the stage to secure financing for the project(s). FLTF has been specifically working within the state legislative process to change a state statute to allow for the special assessment to be financed for up to 40 years (from

10 years) while also securing low-interest, long-term financing from the US Department of Agriculture. Low-interest financing over a longer period is intended to help reduce the annual cost for property owners.

- 3) These financing actions in addition to the existing Special Assessment District (SAD) and fundraising will meet the standards of the permit application for reconstruction.
- 4) In November, the FLTF submitted plans to FERC and EGLE to make repairs to stabilize the Secord dam. [11/5/20 FLTF to FERC Interim Measures for Risk Reduction and Winter Operations](#)
- 5) On December 7th it was announced “The Boyce-FLTF settlement motion with both parties agreeing on the terms of condemnation was granted in bankruptcy court.” [Bankruptcy Court Ruling Enables Condemnation to Proceed | Operations Transition Team Announced - FOUR LAKES TASK FORCE \(four-lakes-taskforce-mi.com\)](#)

Regarding Secord, what can we expect in the New Year?

- 1) Formal and legal transfer of Secord dam, dam property and bottomland ownership to Gladwin County.
- 2) With approvals, some of the required repairs, inspections and professional engineering reports will be completed by FLTF for the Secord dam using grant money obtained from state and federal allocations.
- 3) In mid-January, a Secord-specific survey will be mailed to all Secord Lake property owners at the address where the tax bills are sent. The survey will ask owners a variety of questions to include “Do you want the lake restored?” The survey will come from Public Sector Consultants and they are due back the first week of March. The SLA will send reminders when surveys are mailed.
- 4) More information will be provided, to include public town hall meetings regarding the SAD and what that means to us as Secord Lake property owners in the short and long term. The exact amount of the Secord Lake assessment through the SAD will be approved after a series of public hearings by the Gladwin County Commissioners along with the townships. The Secord Lake assessment will not be determined by the FLTF or SLA.
- 5) A formal process for Secord Lake property owners to provide feedback and comments regarding the SAD will be communicated once the amount of the assessment has been determined and the plan will be shared and questions answered.
- 6) The Secord dam reconstruction application will be completed and submitted with a request for approval of the permits no later than the May 2021 deadline.

Here are a few questions we have received:

Q: When will water levels return to Secord lake?

A: Have confidence in the FLTF and the engineers as they conduct their work, submit their reports, and make required repairs; we will learn more. The guidance provided by the FLTF at this point is we should not expect increased water levels in 2021. The SLA will continue to monitor the numerous variables and will continue working with the FLTF to restore water as soon as safely possible. We will keep you updated.

Q: Who makes up the FLTF?

A: Like the SLA, the FLTF is made up of volunteers with property on one of the four (4) lakes. This structure was put in place by the counties of Gladwin and Midland to oversee the acquisition and maintenance of the four (4) dams, prior to the May 2020 disaster. Once the dams were damaged / destroyed, the counties asked the FLTF to focus on restoration to help meet the 1-year timeframe required by Michigan law. The SLA has two members on the FLTF Board, as does each of the other three lakes associations, along with a Gladwin County Commissioner. While some of the professional services are paid (legal, engineering, regulatory, etc.), the people in the day-to-day operations are unpaid volunteers.

Q: Social media posts say we should start over with a new group of people to fix the lakes.

A: There is a lot to unpack with this question, with two key things to consider . . . TIME and RESOURCES.

TIME - Remember the 1-year timeframe for a dam reconstruction permit versus a new dam construction permit. Twelve months is not a lot of time for a project of this magnitude, and we have about 6 months of time left. Starting over would likely mean application for new dam construction permits. The time and cost to do so would be more than what we have in reconstruction. We also need to realize the political resistance we may encounter as there are environmental groups that would like to see the dams removed with the river returned.

RESOURCES - The FLTF has the existing resources coupled with local, state, and federal relationships to complete this project. Look at what the FLTF has have done in a short period of time with fundraising (approximately \$50 Million in funds raised without SAD funding), changing a state statute to allow for financing of up to 40 years, and securing low-interest financing from the Federal Government. The FLTF board members are lake property owners and are volunteers already in place and currently working to restore all four lakes.

If they were to be replaced, who would be better positioned to restore our lakes in a timely manner? If we view the skill set of the FLTF volunteers and replace them with “paid staff” with similar capability, what would that cost us as lake property owners annually? Who would pay for those people to work on our behalf and how long would it take them to get to the point where the FLTF is today?

Q: Do you have more insight into the January survey? Is this a binding survey or a vote?

A: The survey is designed to gain input on specific lake issues from the property owners of record and is not a vote. As each lake has a unique situation, the feedback will help the counties understand what people are thinking on the specific lakes. For instance, the restoration of Secord, while a sizable project, is a fraction of what the rebuild cost to restore Wixom will be. Those costs will be applied to a SAD that is lake specific. We are confident Secord Lake property owners want our lake returned. There may be a situation where another group of lake property owners may not want their lake restored due to the long-term costs via a SAD. This survey will seek input from each individual lake, to help the counties understand the needs and thoughts of the property owners.

Q: What can I do to help?

A: Stay informed and join the SLA - - you can help your friends and family stay informed. You can learn more at the SLA website www.secordlakeassociation.org and the FLTF website <https://www.four-lakes-taskforce-mi.com/about.html>

You can participate in the public FLTF meetings via Zoom along with SLA meetings. You can also catch up by watching past recorded meetings. Check the web sites above for more information. When the time comes, attend the town hall meetings to learn more about the SAD, the process and to get your questions addressed.

Ask questions - - we welcome them. Please realize at times we may not be able to provide the answer you want. Our goal is to keep us all informed based on the best information we have at the time. Available information is updating almost weekly. We know more today about the actual condition of the Secord dam than we did just two months ago. Remember, each of the SLA volunteers lives on the lake as well and want our water back as soon as possible just like everyone else.

You can also join the Secord Lake Association or renew your membership for 2021. As a volunteer group we seek help. Help comes from people lending a hand where they can. Whether fundraising, communications or helping with erosion and weed issues, help may come in many forms. Your \$25 annual membership fee helps defer some of our expenses in communications and provides support to the SLA to help restore Secord. You can join the SLA or renew your membership for 2021 right on the SLA website – www.secordlakeassociation.org

The Secord Lake Association will continue to work with the FLTF to restore Secord Lake and to provide information as it becomes available. We welcome your questions and feedback. We recognize the anxiety uncertainty creates . . . we all feel it. We will continue to do our best to represent the interests of our SLA members to return Secord Lake levels safely, meeting the requirements of Federal, State and Local authorities, as soon as humanly possible.

In closing, 2020 has been a difficult year. We wish you a safe, wonderful holiday season. It is hard to put this type of greeting into words as each of us has been impacted in various ways this past year. The one thing we do share is the love of our lake and the possibilities of the New Year.

Thank you for your continued support.

Secord Lake Association

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