



**WHITE CLOUD CITY COUNCIL
SPECIAL MEETING AGENDA
1087 Newell, White Cloud, Michigan 49349
May 19, 2025 @ 3:30 p.m.**

A. Meeting Called to Order

1. Roll Call
2. Approval of the Agenda
3. Invocation & Pledge of Allegiance

B. Public Comment

Members of the public may address the City Council. Comments are limited to a maximum of two (2) minutes per citizen.

C. New Business

Presentation of GEI Consultant's Recommendation for Drawdown of the water at the White Cloud Dam and Council Action on Expenditure Authorization of Permit to proceed

D. Public Comment

Members of the public may address the City Council. Comments are limited to a maximum of two (2) minutes per citizen.

E. Council Member Comments

F. Adjourn



To: Mayor Miller & City Council

From: April Storms, City Manager

Date: May 15, 2025

Subject: *Special Council Meeting – Monday, May 19th at 3:30 PM.*

Dear Council Members,

Ahead of our special meeting on Monday, May 19th at 3:30 PM at the Newaygo County Board of Commissioners office, I want to provide important context and clarity, so you are fully informed before the meeting and vote.

1. Purpose of the Meeting and Vote

The purpose of this meeting is to vote on whether or not to approve the expenditure necessary for the engineer to move forward with the drawdown permit process.

This vote is NOT to approve the lowering of the water. This is a fight at the State level but not a council responsibility to vote on EGLE's order.

It is strictly about whether or not the city will fund the permit process tied to EGLE's recent directive in the amount of \$40,000.

2. Council Member Abstentions

At the recommendation of the City Attorney, Mayor Miller and Councilmember Shears will abstain from voting on this item due to a potential appearance of a conflict of interest, as both individuals own or reside on property along the river. For the official record, they will each state:

"I am abstaining from this vote due to a potential conflict of interest, as I own (or reside on) property along the river and may be personally impacted by the outcome."

This language satisfies both legal and ethical standards for abstaining from voting.

In accordance with the City Attorney's guidance, neither Mayor Miller nor Councilmember Shears may participate in the discussion or offer any opinion on the matter. Mayor Miller will continue to preside over the meeting but will defer deliberation and decision-making entirely to the remaining members of the Council.

3. Recent Discussion with Mayor, Mr. Fox, and EGLE Concerns



On Tuesday, May 13th, I met with Mayor Barney and Mr. Joe Fox to discuss our growing concerns with EGLE's actions regarding the feasibility study.

Mr. Fox has confirmed that he plans to attend the meeting to express his concern with EGLE's approach. He agrees with our stance that:

- EGLE is weaponizing the very feasibility study they asked us to participate in as part of the grant process.
- They are attempting to enforce an unfunded mandate on a financially stretched community.
- The order came immediately after a two-year study, but we are given no real opportunity to respond or plan accordingly.
- They are overstating the risks associated with the dam to further an agenda that is not reflective of the true conditions.

Mr. Fox has asked if I would be willing to testify before the Michigan House and Oversight Committee, and I told him that if he can secure the opportunity, I will testify on behalf of our community.

4. My Position & Recommendation

- I have no intention of authorizing the lowering of the water prior to the Kids Free Fishing event, regardless of what happens at the state level.
- I have personally reassured the Gilbert family, who put significant time, energy, and financial resources into making this event a success, that under no circumstances will I allow the water to be lowered before the event takes place.
- EGLE's poor execution of this process should not jeopardize a community tradition that is months in the making and focused on our youth.

Furthermore, I believe that EGLE's behavior is both unreasonable and unethical. Using a feasibility study that we agreed to participate in cooperatively as part of a grant requirement—only to then turn it into a mandate—is an abuse of public trust.

5. Legal References and EGLE Threats

I've included several Public Acts related to Dam Safety for your review. These are the same acts Mr. Horak frequently references as threats. However, when I asked him directly what penalties or next steps the city would face if we did not move forward with the permit, his response was:



"I'll have to go back and read the act to see what needs to be done."

In other words, the threat was issued without a clear understanding of the enforcement pathway. I encourage each of you to review the highlighted areas of these acts that I believe are most relevant. It's important that you are as familiar—if not more familiar—with our legal standing than EGLE appears to be.

I've also included the most recent email correspondence from EGLE from 05/05/2025. I have not received a response to the most recent email attached.

6. Guests Expected at the Meeting

The following individuals are expected to attend Monday's meeting:

- Dan DeVaun, GEI Consultants (Feasibility Study Presentation)
- Thomas Horak and Luke Tremble, EGLE Dam Safety Unit
- Mr. Joe Fox, to speak in support of our position

7. Final Thoughts

We serve the public, not the state. Our residents elected you, and they pay my salary to represent their interests and defend them when the system overreaches.

It is now up to you to decide:

Should we fund a \$40,000+ permit, under the pressure of a rushed mandate, without negotiation, collaboration, or a reasonable timeline?

I've also included recent correspondence from property owners and residents for your consideration. While a drawdown may eventually be required, we deserve the right to stand up for our community's interests and challenge the process used to force this issue.

If any of you would like to discuss further or meet individually on Monday, I am happy to make myself available.

There are updates and correspondence from 01/01/25-05/15/25.

Sincerely,

April Storms
City Manager

April Storms

From: April Storms
Sent: Monday, May 5, 2025 11:59 AM
To: Horak, Thomas (EGLE); Trumble, Luke (EGLE)
Cc: Brian Miller
Subject: FW: Drawdown Permitting Support Services
Attachments: White Cloud Dam Drawdown Permitting Support 5-1-25.pdf

Dear Mr. Horak & Mr. Tremble,

I wanted to provide an important update regarding the permitting process with GEI. The city was given an estimate for the necessary permitting work on Thurs., May 1st which I have attached for your review. The total cost is projected at \$40,000—well beyond my authority to approve without formal approval from the Council for the expenditure itself.

Given the upcoming election tomorrow and GEI's limited availability (they are only available on Monday, May 5; unavailable from May 7–16), along with Dan's surgery and absence during our regularly scheduled meeting on May 13th, we have scheduled a special meeting for Monday, May 19, which will be his first day back.

I must emphasize that I am not authorized to proceed with any portion of the estimate without the Council's approval due to the cost of each individual element exceeding the City Manager's authority to approve. This project is not currently budgeted, and I cannot reallocate, move, or expend funds independently. I am also not willing to violate Charter provisions by moving forward without proper approval, especially when the Council has not yet had the opportunity to review GEI's recommendation tied to this expenditure.

If it were possible to convene a meeting later this week or if GEI were available to attend our regularly scheduled meeting next Tuesday evening, I would certainly have pursued that option. However, those alternatives are not feasible. As such, I'm currently faced with either violating Charter requirements or delaying compliance with EGLE's request for permit work.

I want to be clear that this delay is not due to unwillingness to cooperate but is simply a result of logistical and legal constraints. Furthermore, I have maintained full documentation of our communications with GEI regarding timelines and my responses and the collaborative efforts that took place in an effort to do this as quickly as practical and possible.

Once the Council convenes, we can collectively proceed and identify what funding we would utilize, as this significant expense was neither anticipated nor discussed during last week's meeting with the Mayor and EGLE representatives which we weren't expecting. The Mayor and I were under the impression this permitting cost would be below the CM's threshold of approval to begin. We had no idea and could not have anticipated the enormous impact this would have on our city's budget.

I will continue to move forward, planning for the public meeting and contacting other agencies to see how we can proceed with permitting without absorbing a \$40,000 unfunded mandate. If EGLE has funds to assist with moving forward with the permitting process, then I'd certainly be open to exploring that option in the meantime.

Lastly, will EGLE be able to provide a representative at the Special Board meeting on Mon., May 19th at 3:30pm? I think it's important that the community understand the EGLE order and mandate and we move forward having provided the most information possible.

Thank you,

April Storms
City Manager

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader." ~ John Quincy Adams

From: April Storms
Sent: Monday, May 5, 2025 9:28 AM
To: DeVaun, Dan <ddevaun@geiconsultants.com>
Subject: RE: Drawdown Permitting Support Services

Good Morning Dan,

Unfortunately, we were unable to secure the board room or coordinate a meeting of this scale with only three days' notice and no office hours between Thursday afternoon and this morning. Additionally, our team is currently preparing for the upcoming election tomorrow. Additionally, as required by state law, our City Clerk must download the epollbook at 4:00 PM today—a process that can take anywhere from 15 minutes to two to three hours, depending on system demand and how smooth it goes. The Clerk also serves as the official recorder for meeting minutes so that would have been a conflict that we couldn't have avoided. Please also note that our election staff is currently working extended hours, having staffed the office over the weekend as required, and will be working a 15-hour day tomorrow.

Given these constraints, we will proceed with the special meeting as scheduled for **Monday, May 19th at 3:30pm.**

Regarding the permitting request, I do not have the authority to approve expenditures of this magnitude without City Council approval. If the cost were minimal—within \$500—I could proceed with preparation. However, with the permit alone being \$10,000 of the total \$40,000 of potential expenses. I am not comfortable moving forward without Council's approval. This meeting allows for Council members to speak directly with GEI and ask necessary questions before any action is taken. This is a reasonable request on my part.

EGLE will need to determine their next steps independently. At this time, we will continue preparing for the May 19th meeting and will fulfill our responsibility to provide accurate information and appropriate public engagement in the interim. It is important to emphasize that this is not an emergency situation; the city's position on this project remains unchanged from where it has stood over the past two years.

If EGLE chooses to pursue an emergency order or funding the permit independently, that is within their authority. However, it is not appropriate for the city to be asked to absorb unfunded mandates or bypass the approval processes laid out in our city charter. I have consulted with other professionals and am confident in my decision to proceed as planned, ensuring transparency and ethical governance.

If residents have further questions or concerns before the meeting, I am happy to direct them to the appropriate parties driving this initiative, both GEI and EGLE, especially where city collaboration or communication has not been adequately sought.

Thank you for your understanding and cooperation as we navigate this process.

*April Storms
City Manager*

“If your actions inspire others to dream more, learn more, do more and become more, you are a leader.” ~ John Quincy Adams

From: DeVaux, Dan <ddevaux@geiconsultants.com>
Sent: Monday, May 5, 2025 7:54 AM
To: April Storms <citymanager@cityofwhitecloud.org>
Subject: RE: Drawdown Permitting Support Services

Good Morning April,

Were you able to get an emergency meeting scheduled? Just trying to figure out my schedule for the day.

Thanks,

DANIEL DEVAUN
Senior Project Manager
cell: 616.915.7013
4472 Mount Hope Road Suite A Williamsburg, MI 49690

GEI



From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Thursday, May 1, 2025 8:35 AM
To: DeVaux, Dan <ddevaux@geiconsultants.com>
Cc: McDermott, Janeen <JMcDermott@geiconsultants.com>
Subject: [EXT] RE: Drawdown Permitting Support Services

EXTERNAL EMAIL

Can you please call me when you have a few minutes? I have a few questions as far as the permitting process. This isn't something I can move forward with without council's approval. We don't have \$40,000 to do this – we used 100% of our funds budgeted and saved for the Dam Repair/Feasibility Study and the Safe Routes to School project.

Unfortunately, I'm going to have to schedule an emergency council meeting next week and get direction on moving forward.

*April Storms
City Manager*

"The greatest leader is first a servant." ~ John C. Maxwell

From: DeVaun, Dan <ddevaun@geiconsultants.com>
Sent: Thursday, May 1, 2025 7:59 AM
To: April Storms <citymanager@cityofwhitecloud.org>
Cc: McDermott, Janeen <JMcDermott@geiconsultants.com>
Subject: Drawdown Permitting Support Services

April,

Attached is our proposal for the permitting support of the emergency drawdown effort. Because there is some uncertainty about the level of effort needed to meet regulatory needs for this situation, this contract is being billed on a time and materials basis. Please review and let me know if you have any questions. If everything looks good, please sign and return and we'll get started in earnest.

Thanks,

DANIEL DEVAUN
Senior Project Manager
cell: 616.915.7013
4472 Mount Hope Road Suite A Williamsburg, MI 49690

GEI



NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31521 Emergency orders.

Sec. 31521. (1) The department may issue emergency orders as provided in this section. The department may, by written notice, order an owner to immediately repair, draw down, breach, or cease operation of a dam where a dam is in imminent danger of failure and is causing or threatening to cause harm to public health, safety, welfare, property, or the natural resources or the public trust in those natural resources. If an owner fails to comply with an order, or is unavailable or unable to be contacted, then the department may undertake immediate repair, drawdown, breaching, or cessation of operation, as may be necessary to alleviate the danger, and may recover from the owner the costs incurred in a civil action commenced in a court of competent jurisdiction. The department may terminate an emergency order upon a determination in writing that all necessary emergency actions have been complied with by the owner and that an emergency no longer exists.

(2) When ordering emergency actions under subsection (1), the department may specify maximum drawdown level and discharge rates and require sediment surveys, water quality sampling, monitoring, or any other action determined necessary by the department to ensure adequate protection of the public health, safety, welfare, property, or natural resources or the public trust in those natural resources. The department may modify the requirements of an emergency order if, during the conduct of ordered actions, it determines that the modification is necessary to protect the public health, safety, welfare, property, or natural resources or the public trust in those natural resources.

(3) Upon the issuance of an emergency order, the department shall provide the owner with an opportunity for a hearing pursuant to the administrative procedures act of 1969 within 15 days of the date of its issuance. At the hearing, the department shall determine, based on information and fact, if the emergency order shall be continued, modified, or suspended as necessary to protect public health, safety, welfare, property, or natural resources or the public trust in those natural resources.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31519 Order to limit dam operations; order to remove dam; hearing.

Sec. 31519. (1) Where significant damage to the public health, safety, welfare, property, and natural resources or the public trust in those natural resources or damage to persons or property occurs or is anticipated to occur due to the operation of a dam, the department may order the owner to limit dam operations. These orders may include, but are not limited to, cold water release, minimum flow releases from dams, impoundment fluctuation restrictions, or requirements for run-of-the-river operation. In issuing these orders, the department shall take into account social, economic, and public trust values.

(2) Where significant damage to persons, property, or natural resources or the public trust in those natural resources occurs as a result of the condition or existence of a dam, the department may order the removal of the dam following a determination by the department that, due to the continued condition or existence of the dam, the dam is likely to continue to cause significant damage. In issuing a removal order, the department shall take into account social and economic values, the natural resources, and the public trust in those natural resources and shall not issue a removal order when those factors exceed adverse impacts on natural resources or present danger to persons or property. The department shall not issue a removal order involving a dam subject to the regulatory authority of the Michigan public service commission or the federal energy regulatory commission unless that commission has concurred in writing with the order.

(3) Prior to finalizing an order under this section, the department shall provide an owner an opportunity for a hearing pursuant to the administrative procedures act of 1969.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31520 Sudden or unprecedented flood; unusual or alarming circumstance or occurrence; emergency drawdowns, repairs, breaching, or other action; notice.

Sec. 31520. (1) The owner or his or her agent shall advise the department and the affected off-site public authorities and safety agencies of any sudden or unprecedented flood or unusual or alarming circumstance or occurrence existing or anticipated that may affect the safety of the dam within 24 hours of the flood, circumstance, or occurrence.

(2) The owner shall notify the department as soon as possible of any necessary emergency drawdowns, repairs, breaching, or other action being taken in response to an emergency condition.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31523 Emergency action plans; submissions; review; consistency with other plans; contents of plans.

Sec. 31523. (1) An owner shall prepare, and keep current, emergency action plans for all high and significant hazard potential dams owned by that person.

(2) Emergency action plans shall be submitted to the department.

(3) The applicable county or local emergency management coordinators shall review for consistency emergency action plans with the county or local emergency operations plan prior to submission of those plans to the department.

(4) An emergency action plan shall be consistent with the applicable provisions of the affected county or local emergency operations plans and the Michigan emergency preparedness plan as developed pursuant to the emergency preparedness act, Act No. 390 of the Public Acts of 1976, being sections 30.401 to 30.420 of the Michigan Compiled Laws.

(5) Emergency action plans shall include, but not be limited to, the name, address, and telephone number of the person, and of an alternate person, responsible for operation of the dam; the name and telephone number of local emergency management coordinators; and a listing of occupied facilities, buildings, and residences that may be threatened with flooding due to a failure of the dam.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31518 Inspection reports; determination of hazard potential classification; inspection schedule; notice; additional inspection reports; contents of inspection report; visual inspection and report; detailed investigation or evaluation; life or property threatened by breach of dam; cause of action; ordering actions to alleviate danger.

Sec. 31518. (1) An owner shall submit to the department inspection reports prepared by a licensed professional engineer that evaluate the condition of the dam. The inspection report shall be submitted as follows:

- (a) Not less than once every 3 years for high hazard potential dams.
- (b) Not less than once every 4 years for significant hazard potential dams.
- (c) Not less than once every 5 years for low hazard potential dams.

(2) The department shall determine the hazard potential classification of all dams and shall establish an inspection schedule. The inspection schedule shall require annual submission of inspection reports for approximately 1/3 of all high hazard potential dams, 1/4 of all significant hazard potential dams, and 1/5 of all low hazard potential dams. The department shall notify owners in writing when inspection reports are due. The department may order additional inspection reports following an event or change in condition that could threaten a dam.

(3) An inspection report required by this section shall include, at a minimum, all of the following:

- (a) An evaluation of the dam's condition, spillway capacity, operational adequacy, and structural integrity.
- (b) A determination of whether deficiencies exist that could lead to the failure of the dam.
- (c) Recommendations for maintenance, repair, and alterations of a dam as are necessary to eliminate any deficiencies.

(4) Instead of engaging a licensed professional engineer to prepare an inspection report, local units of government or an organization of the type described in section 31508(2)(a) through (c) may request the department to conduct a visual inspection of a dam owned by that local unit of government and prepare a report on the condition of the dam in accordance with subsection (3). The department shall notify a requesting local unit of government as to when the inspection is to occur.

(5) If an inspection report discloses the need for a more detailed investigation or evaluation of certain dam features for the purpose of determining the condition of the dam, the department may order the completion and submission of that detailed investigation or evaluation at the expense of the owner. An investigation or evaluation required under this subsection shall be conducted under the supervision of a licensed professional engineer.

(6) If an owner does not submit an inspection report as required by subsection (1) or conduct additional investigations if required by subsection (5), the department or any person who would have life or property threatened by a breach of the dam may have a report prepared and recover the costs of preparing the report in a civil action commenced in a court of competent jurisdiction. This subsection does not limit the right of any person to bring a cause of action in a court of proper jurisdiction to compel an owner to comply with the requirements of this part.

(7) If, based on the findings and recommendations of the inspection report and an inspection by the department, the department finds that a condition exists which endangers a dam, it shall order the owner to take actions that the department considers necessary to alleviate the danger.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31516 Spillway capacity; minimum criteria; freeboard; auxiliary spillway; duty of owner.

Sec. 31516. (1) Spillway capacity shall meet the following minimum criteria:

(a) Low hazard potential dams shall be capable of passing the 100-year flood, or the flood of record, whichever is greater.

(b) Significant hazard potential dams shall be capable of passing the 200-year flood, or the flood of record, whichever is greater.

(c) High hazard potential dams, less than 40 feet in height, as measured from the 200-year design flood elevation to the lowest downstream toe elevation, shall be capable of passing the 200-year flood, or the flood of record, whichever is greater.

(d) High hazard potential dams, 40 feet or greater in height, as measured from the 200-year design flood elevation to the lowest downstream toe elevation, shall be capable of passing the half probable maximum flood. The half probable maximum flood criterion may be reduced to not less than the 200-year flood, with proper documentation evidencing a failure of a dam under half probable maximum flood conditions will not cause additional flood damage or loss of life.

(e) Spillway design capacity shall not be less than the flood of record.

(2) Freeboard shall be considered when determining spillway capacity.

(3) If a dam cannot pass the design flood, an auxiliary spillway must be provided. The owner must document, to the satisfaction of the department, that the dam has sufficient spillway capacity, and that proper means are available to operate the spillway or spillways during the design flood.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31526 Person aggrieved by action or inaction of department; hearing; determination; judicial review.

Sec. 31526. (1) A person aggrieved by any action or inaction of the department under this part or rules promulgated under this part may request a hearing on the matter involved. The hearing shall be conducted by the department in accordance with the provisions for contested cases in the administrative procedures act of 1969.

(2) A determination of action or inaction by the department following the hearing may be subject to judicial review as provided in the administrative procedures act of 1969.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31522 Structural integrity and operation of dam; investigations and studies.

Sec. 31522. The department may make, or cause to be made, hydrologic or other investigations and studies as may be required to facilitate its decisions regarding the structural integrity and operation of a dam.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

(we did 😊)

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31524 Violation; order; suspension, modification, or revocation of permit; remedies cumulative; civil action.

Sec. 31524. (1) If the department determines that a person is in violation of this part, a rule promulgated under this part, or a condition set forth in a permit issued under this part, the department may issue an order requiring the person to comply with the conditions or to restore the site affected by the violation as nearly as practicable to its original condition. Restoration may include, but is not limited to, removing fill material deposited or replacing soil, sand, or minerals.

(2) An order shall state the nature of the violation and the required remedial action, and shall specify a time for compliance that the department determines is reasonable, taking into account the seriousness of the violation and the nature of any threat to public health, safety, welfare, property, or natural resources, or the public trust in those natural resources, that may be involved.

(3) If the department determines that a person is in violation of this part, a rule promulgated under this part, an order issued by the department, or a permit, the department, after notice and opportunity for hearing pursuant to the administrative procedures act of 1969, may suspend, modify, or revoke a permit. The remedies under this section and section 31525 are cumulative and do not prevent the department from imposing other penalties available under this part, a rule promulgated under this part, or an order of the department.

(4) If the department determines that a person is in violation of this part, a rule promulgated under this part, an order issued by the department pursuant to this part, or a permit issued pursuant to this part, the department may bring a civil action in the circuit court.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31525 Commencement of civil action; request; place; civil fine; contempt; willful or reckless violation as misdemeanor; penalty; subsequent violations; fine for failure to obtain permit; restoration of site; schedule of administrative monetary penalties for minor violations.

Sec. 31525. (1) The attorney general may commence a civil action for appropriate relief, including injunctive relief, upon request of the department under section 31524.

(2) Any civil action under this section may be brought in the circuit court for the county of Ingham or for the county in which the dam is located.

(3) In addition to any other relief granted under this section, the court may impose a civil fine of not more than \$10,000.00 for each day of violation of this part, a rule promulgated under this part, or a permit issued under this part.

(4) A person found guilty of contempt of court for the violation of an order of the court shall be subject to a civil fine not to exceed \$10,000.00 for each day of violation.

(5) A person who willfully or recklessly violates this part, a rule promulgated under this part, an order issued by the department, or a condition in a permit issued under this part, which violation places or may place a person in imminent danger of death or serious bodily injury or may cause serious property damage or serious damage to natural resources, or a person who has knowledge of or is responsible for such a violation, is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year or a fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation, or both. A person who violates this section a second or subsequent time is guilty of a felony, punishable by imprisonment for not more than 2 years or a fine of not less than \$10,000.00 for each day of violation, or both.

(6) A person required to obtain a permit for activity regulated under this part who does not obtain that permit shall be fined not less than twice the fee charged for the appropriate permit application.

(7) In addition to the orders of compliance and penalties provided under this part, the court may order a person who violates this part, a rule promulgated under this part, or a permit issued under this part to restore the site affected by the violation as nearly as practicable to its original condition. Restoration may include, but is not limited to, removing fill material deposited or replacing soil, sand, or minerals.

(8) The department may establish, by rule, a schedule of administrative monetary penalties for minor violations of this part, a rule promulgated under this part, a permit issued pursuant to this part, or an order issued by the department pursuant to this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31517 Duties of owner; inspection; notice of final approval; notice of project not completed in accordance with plans, specifications, or conditions; enforcement action.

Sec. 31517. (1) Except for minor projects authorized pursuant to section 31513, the owner shall do both of the following:

(a) Within 10 days after the completion of a new, reconstructed, enlarged, repaired, or altered dam, notify the department of its completion.

(b) Within 20 days after submitting the notice of completion, file with the department as-built plans and a statement signed by a licensed professional engineer certifying that the project was constructed in conformance with plans and specifications approved by the department.

(2) The department shall inspect the project and shall provide the owner with written notice of final approval if the project is determined to have been completed in accordance with approved plans, specifications, and permit conditions.

(3) If the project is determined not to be completed in accordance with plans and specifications approved by the department and permit conditions, the department shall provide notice to the permittee as to the specific reasons the department determines the project not to be completed in accordance with those plans, specifications, or conditions. The department may then take enforcement action as provided in this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31512 Necessity for immediate action; emergency conditions; application for permit to reconstruct failed dam.

Sec. 31512. (1) When immediate action is necessary to protect the structural integrity of a dam, the department may issue a permit before the expiration of the 20-day period referred to in section 31511(1). This subsection does not prohibit an owner from taking action necessary to mitigate emergency conditions if imminent danger of failure exists.

(2) 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.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

Popular name: Act 451

Popular name: NREPA

7



SPECIAL MEETING – NOTIFICATION –RESIDENTS

May 7, 2025

Dear Residents,

This letter is to inform you of an upcoming Special City Council Meeting scheduled for **Monday, May 19, 2025, at 3:30 PM**. The meeting will take place at the Newaygo County Board of Commissioners Office, located at 1087 E. Newell St., White Cloud, MI.

Purpose of the Meeting

The meeting has been called in response to a recent order issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) on April 18, 2025. This order mandates that the city immediately pursue a permit to lower the water level of the pond by 6–7 feet—a significant action that will impact our community and environment.

This order stems from a feasibility study the city commissioned as part of the Dam Risk Reduction Grant process. Conducted over 18 months and completed in February, the 300-page study was reviewed by EGLE, which then requested a formal recommendation from engineering firm GEI. In mid-April, GEI recommended a drawdown of approximately 7 feet, similar to the level observed during the board break last summer. EGLE has asked that this be completed “as soon as practically possible.” **The reason for this draw down recommendation is due to deficiencies that were identified in a Feasibility Study in February, stating that the dam cannot withstand a 200- year storm.** The city received a recommendation from GEI on April 4th after an initial order from EGLE on 04/01/25 to ask for a reasonable timeframe with goals, which we sent and determined with GEI were sufficient. (these documents are included in the correspondence available to you online or at city hall)

If you would like access to the documents including email correspondence, EGLE orders, notes, etc. Please visit: www.cityofwhitecloud.org – under Public Notices. I’ve put all the information under one link titled “EGLE Dam Orders- Apr. 2025” or stop at city hall for a copy. They are available at the desk for your review.

City's Response and Concerns

Upon receiving this directive, the City sought to negotiate a more reasonable timeline—one that would allow for community input, engineering consultations, and exploration of funding sources. Unfortunately, these requests were denied.



SPECIAL MEETING – NOTIFICATION –RESIDENTS

Due to this lack of cooperation, I requested the mayor's involvement. A meeting was held on April 30, 2025, between the Mayor, City Manager, EGLE representatives, and GEI, resulting in a narrow agreement: EGLE will allow a public Special Council Meeting by May 19. However, the City must begin the permit application process immediately, and the drawdown must begin no later than June 9, 2025—pending permit approval.

On May 1, the city received a \$40,000 estimate from GEI for the drawdown permit. This cost exceeds the City Charter threshold for the City Manager's approval, and, more importantly, it represents an unfunded mandate being pushed onto our residents without due process or community consideration. I have since notified EGLE of our decision to decline moving forward unilaterally and have requested their participation at the May 19 meeting. GEI will also be present to explain their recommendations and answer questions.

A History Dam Management

Since my appointment as City Manager in January 2022, we have taken significant steps to ensure Dam safety. Working closely with our Department of Public Works Supervisor, we have implemented a daily monitoring protocol, logging water levels, weather events, and dam performance for over three years. Not once during this time has the water overtopped the dam. These measures reflect our dedication to public safety and proactive governance.

Despite this record of responsible management, EGLE has shown little willingness to collaborate or respect local input. We received GEI's technical recommendation dated April 4 only the following week—yet were immediately expected to act on it without Council review or public input.

My Position

Let me be candid: this is deeply frustrating. The current timeline being forced upon us is unreasonable. According to EGLE's updated directive:

- Permit application must begin ***immediately*** in collaboration with GEI and be submitted by May 20, 2025. (\$40,000 expense)
- Water drawdown must begin on or before June 9, 2025, pending permit approval.
- The city retains full responsibility for dam operations under Part 315 until drawdown is completed.

We believe this action disregards the community, environmental, and financial impacts on our residents. Furthermore, it is built upon a narrative of imminent risk that is not supported by the historical record, including the 1986 dam failure, which, while significant,



SPECIAL MEETING – NOTIFICATION –RESIDENTS

did not result in loss of life even under poorer conditions and less oversight than today. More progress has been made in dam management and structural improvements over the past two years than in the entire decade prior to my tenure

Your Voice Matters

I am calling on you—residents—to stand with us. We cannot allow our community to be sidelined or railroaded by unfunded state mandates. **We must have a voice in the future of our dam, our lake, and our city.**

I have formally requested that representatives from EGLE be present at the meeting. Mr. Horak and Mr. Tremble will be present, as well as, GEI Engineer Dan DeVahn, has confirmed his attendance, and they will be available to present their findings and answer questions.

I also encourage you to contact our local representatives and lobbyists, as their support may prove instrumental in helping us navigate this process. The Mayor and I have a meeting with Representative Fox next Tuesday morning and are in contact with MML regarding navigating forward.

Please join us at the Special City Council Meeting on:

Monday, May 19, 2025, at 3:30 PM
Newaygo County Board of Commissioners Office
1087 E. Newell St., White Cloud, MI

Your presence and input are vital as we navigate this critical challenge. Please understand this a mandate on our local unit that is not funded nor supported by our local unit. This is at a State of Michigan Level – through EGLE Dam Safety Unit.

The contact information for EGLE Dam Risk Reduction Orders coming from Mr. Horak are as follows:

Thomas Horak, P.E.
Dam Safety Unit
Water Resources Division, EGLE
517-231-8594
horakt@michigan.gov



SPECIAL MEETING – NOTIFICATION –RESIDENTS

Lucas A. Trumble, P.E., Supervisor

Dam Safety Unit
Water Resources Division, EGLE
517-420-8923
trumbl@michigan.gov

Thank you for your continued support, partnership, and commitment to protecting the future of our community.

Sincerely,

April M. Storms

City Manager
Office: 231-689-1194
Cell: 231-250-2471
citymanager@cityofwhitecloud.org

In Order 5.7.25
back to 4.1.25

April Storms

From: April Storms
Sent: Wednesday, May 7, 2025 11:57 AM
To: Horak, Thomas (EGLE); Trumble, Luke (EGLE)
Cc: Brian Miller; Slotkin_CDS@slotkin.senate.gov; SenROutman@senate.michigan.gov; josephfox@house.mi.gov; jlamacchia@mml.org; White Cloud DPW
Subject: RE: Drawdown Permitting Support Services

Good Morning Thomas,

We have provided the full feasibility study to the council, along with GEI's recommendation. Unfortunately, under the Open Meetings Act, only elected officials were allowed to participate in public meetings remotely and vote during the height of the pandemic. That temporary amendment to the OMA, which permitted public bodies to meet and vote electronically, **expired on December 31, 2021**. It was only applicable during the COVID-19 emergency. As a result, while the council may attend remotely, they are not permitted to vote under current law.

The council has received nearly daily updates, including our ongoing email correspondence, all communications from GEI, and my updates with EGLE. Every council member was hand-delivered all pertinent information last week following our meeting, and again on Thursday, including GEI's cost estimate.

It is clear that I received GEI's recommendation and, shortly after, a separate directive from EGLE dated April 18, 2025—leaving me with less than two weeks to comply which is what resulted in the request of the Mayor for the 04/30/25 meeting.

Following our April 30, 2025, meeting, the Mayor and I could not have anticipated that the "permit" we agreed to move forward with completing would carry such a significant cost burden. In the meantime, I am actively seeking other alternatives. The Mayor and I are scheduled to meet with a state representative next Tuesday, and I spoke with a lobbyist this morning to assist in exploring potential solutions to handle the environmental approach. We also have leaned into the MML for additional guidance on how we might be able to move forward with this mandate that we can't afford.

Additionally, we held a city election yesterday. As with many small communities, preparing for and executing an election is a demanding task—especially for those of us who wear multiple hats. I worked a 15-hour day focused entirely on election administration. As the City's sole administrative authority and the appointed election chair, there are multiple authorities and responsibilities that fall directly on me. Despite these constant demands, I will continue to be timely and responsive in all communications and will honor and respect the process as much as I am able—within the scope of my legal authority and management role to do so. However, I simply do not have the authority or capacity to fulfill the actions you're requesting—nor am I willing to violate the city charter to do so. As the dam owner, we have accepted the decision to hold the meeting on May 19th, and that is when the meeting will take place.

Should EGLE proceed with enforcement, the City will comply. However, we cannot be expected to implement an order for which there is no allocated funding. ***This is not a refusal to comply***, though it continues to be interpreted that way.

If EGLE issues a drawdown order and is willing to undertake the environmental work and associated costs, we will absolutely do everything within our ability to facilitate the process. But we simply cannot carry out actions that are financially out of reach. We are not understanding how a mandate can be issued without accompanying resources, while still expecting immediate compliance from a small municipality. It places us in an impossible position—and that, quite frankly, does not make sense to me.

If an alternative is identified that falls within my City Manager expenditure authority—such as EGLE collaborating to fund or support this mandate—I will move forward with processing the draft and preparing the necessary documentation ahead of the May 19th meeting. I have also asked the city council to provide independent direction if they wish for me to proceed differently. However, I believe the extensive communication between myself, GEI, and EGLE clearly demonstrates that we have gone above and beyond in fulfilling our due diligence. I have embraced the responsibility of leading with integrity, respect, and a proactive mindset. I initiated follow-up meetings with GEI after the feasibility study, secured a professional recommendation at EGLE's request, collaborated with GEI to develop a timeline for response, and completed multiple rounds of grant applications—including detailed reporting and budgeting of our local match.

To suggest that I am intentionally neglecting the duties of my position is both inaccurate and unfair, and I find such an implication deeply concerning.

I will plan on seeing you and Luke at the Newaygo County Board of Commissioners Meeting on May 19 at 3:30 p.m. The council has received the complete packet of correspondence, including all relevant communication, emails, GEI's recommendation, the feasibility study, and any other materials to ensure they are fully informed and prepared.

Have a great day,

April Storms
City Manager

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader." ~ John Quincy Adams

From: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Sent: Wednesday, May 7, 2025 11:09 AM
To: April Storms <citymanager@cityofwhitecloud.org>; Trumble, Luke (EGLE) <TrumbleL@michigan.gov>
Cc: Brian Miller <bjmiller45@gmail.com>
Subject: RE: Drawdown Permitting Support Services

April and Brain,

Thank you for bringing these concerns to our attention, however, it is EGLE's position that further delay beyond what has already been agreed upon; permit application submittal on or before May 20, 2025, and commencement of drawdown on or before June 9, 2025, is not acceptable. The GEI feasibility study and recommendation letter identify several deficiencies with the dam that endanger the dam and identify interim risk reduction measures, specifically drawdown of the impoundment, that need to be implemented as soon as practical to ensure the safety of the dam. The longer it takes to implement these interim risk reduction measures, the more likely it is that a dam failure will occur.

EGLE urges the City to consider any alternatives available in order to expedite its internal processes and gain necessary approvals to submit a permit application and begin the drawdown within the agreed upon timelines. The City should consider, at a minimum, providing the feasibility report and recommendation letter to City Council via email, if that hasn't already occurred, meeting virtually to obtain necessary approvals ahead of the May 19, 2025, planned council meeting, discussing with GEI to potentially refine their scope of work and roles and responsibilities to potentially realize some cost savings, and initiating consultation with EGLE and DNR related to anticipated permit conditions such that plans to address those concerns can be included in the forthcoming permit application.

The City received GEI's report and recommendation letter over one month ago. It is EGLE's position that given the severity of the deficiencies identified in the report and urgency of the recommended drawdown, that the time that will have passed between receiving these documents and the May 20th permit application submittal date will have provided sufficient time to engage with City Council, obtain necessary approvals, and enlist the services of your consultant, as necessary, to prepare and submit a timely permit application. Any further delay will go against the recommendations of your engineer and result in violation of the April 18, 2025, EGLE Dam Safety Order. Violation of an order will result in escalated enforcement action, as authorized under Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Luke and I are available to assist with any of these discussions and convey the urgency that is commensurate with a situation of this nature. I am also available for the May 19 council meeting and plan to attend.

Thomas Horak, P.E.

Dam Safety Unit

Water Resources Division, EGLE

517-231-8594

horakt@michigan.gov

From: April Storms <citymanager@cityofwhitecloud.org>

Sent: Monday, May 5, 2025 11:59 AM

To: Horak, Thomas (EGLE) <HorakT@michigan.gov>; Trumble, Luke (EGLE) <TrumbleL@michigan.gov>

Cc: Brian Miller <bjmiller45@gmail.com>

Subject: FW: Drawdown Permitting Support Services

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Mr. Horak & Mr. Tremble,

I wanted to provide an important update regarding the permitting process with GEI. The city was given an estimate for the necessary permitting work on Thurs., May 1st which I have attached for your review. The total cost is projected at \$40,000—well beyond my authority to approve without formal approval from the Council for the expenditure itself.

Given the upcoming election tomorrow and GEI's limited availability (they are only available on Monday, May 5; unavailable from May 7–16), along with Dan's surgery and absence during our regularly scheduled meeting on May 13th, we have scheduled a special meeting for Monday, May 19, which will be his first day back.

I must emphasize that I am not authorized to proceed with any portion of the estimate without the Council's approval due to the cost of each individual element exceeding the City Manager's authority to approve. This project is not currently budgeted, and I cannot reallocate, move, or expend funds independently. I am also not

willing to violate Charter provisions by moving forward without proper approval, especially when the Council has not yet had the opportunity to review GEI's recommendation tied to this expenditure.

If it were possible to convene a meeting later this week or if GEI were available to attend our regularly scheduled meeting next Tuesday evening, I would certainly have pursued that option. However, those alternatives are not feasible. As such, I'm currently faced with either violating Charter requirements or delaying compliance with EGLE's request for permit work.

I want to be clear that this delay is not due to unwillingness to cooperate but is simply a result of logistical and legal constraints. Furthermore, I have maintained full documentation of our communications with GEI regarding timelines and my responses and the collaborative efforts that took place in an effort to do this as quickly as practical and possible.

Once the Council convenes, we can collectively proceed and identify what funding we would utilize, as this significant expense was neither anticipated nor discussed during last week's meeting with the Mayor and EGLE representatives which we weren't expecting. The Mayor and I were under the impression this permitting cost would be below the CM's threshold of approval to begin. We had no idea and could not have anticipated the enormous impact this would have on our city's budget.

I will continue to move forward, planning for the public meeting and contacting other agencies to see how we can proceed with permitting without absorbing a \$40,000 unfunded mandate. If EGLE has funds to assist with moving forward with the permitting process, then I'd certainly be open to exploring that option in the meantime.

Lastly, will EGLE be able to provide a representative at the Special Board meeting on Mon., May 19th at 3:30pm? I think it's important that the community understand the EGLE order and mandate and we move forward having provided the most information possible.

Thank you,

April Storms
City Manager

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader." ~ John Quincy Adams

From: April Storms
Sent: Monday, May 5, 2025 9:28 AM
To: DeVaun, Dan <ddevaun@geiconsultants.com>
Subject: RE: Drawdown Permitting Support Services

Good Morning Dan,

Unfortunately, we were unable to secure the board room or coordinate a meeting of this scale with only three days' notice and no office hours between Thursday afternoon and this morning. Additionally, our team is currently preparing for the upcoming election tomorrow. Additionally, as required by state law, our City Clerk must download the epollbook at 4:00 PM today—a process that can take anywhere from 15 minutes to two to three hours, depending on system demand and how smooth it goes. The Clerk also serves as the official recorder for meeting minutes so that would have been a conflict that we couldn't

have avoided. Please also note that our election staff is currently working extended hours, having staffed the office over the weekend as required, and will be working a 15-hour day tomorrow.

Given these constraints, we will proceed with the special meeting as scheduled for **Monday, May 19th at 3:30pm.**

Regarding the permitting request, I do not have the authority to approve expenditures of this magnitude without City Council approval. If the cost were minimal—within \$500—I could proceed with preparation. However, with the permit alone being \$10,000 of the total \$40,000 of potential expenses. I am not comfortable moving forward without Council's approval. This meeting allows for Council members to speak directly with GEI and ask necessary questions before any action is taken. This is a reasonable request on my part.

EGLE will need to determine their next steps independently. At this time, we will continue preparing for the May 19th meeting and will fulfill our responsibility to provide accurate information and appropriate public engagement in the interim. It is important to emphasize that this is not an emergency situation; the city's position on this project remains unchanged from where it has stood over the past two years.

If EGLE chooses to pursue an emergency order or funding the permit independently, that is within their authority. However, it is not appropriate for the city to be asked to absorb unfunded mandates or bypass the approval processes laid out in our city charter. I have consulted with other professionals and am confident in my decision to proceed as planned, ensuring transparency and ethical governance.

If residents have further questions or concerns before the meeting, I am happy to direct them to the appropriate parties driving this initiative, both GEI and EGLE, especially where city collaboration or communication has not been adequately sought.

Thank you for your understanding and cooperation as we navigate this process.

April Storms
City Manager

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader." ~ John Quincy Adams

From: DeVaan, Dan <ddevaan@geiconsultants.com>
Sent: Monday, May 5, 2025 7:54 AM
To: April Storms <citymanager@cityofwhitecloud.org>
Subject: RE: Drawdown Permitting Support Services

Good Morning April,

Were you able to get an emergency meeting scheduled? Just trying to figure out my schedule for the day.

Thanks,



DANIEL DEVAUN
Senior Project Manager
cell: 616.915.7013

4472 Mount Hope Road Suite A Williamsburg, MI 49690



From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Thursday, May 1, 2025 8:35 AM
To: DeVaan, Dan <ddevaun@geiconsultants.com>
Cc: McDermott, Janeen <JMcDermott@geiconsultants.com>
Subject: [EXT] RE: Drawdown Permitting Support Services

EXTERNAL EMAIL

Can you please call me when you have a few minutes? I have a few questions as far as the permitting process. This isn't something I can move forward with without council's approval. We don't have \$40,000 to do this – we used 100% of our funds budgeted and saved for the Dam Repair/Feasibility Study and the Safe Routes to School project.

Unfortunately, I'm going to have to schedule an emergency council meeting next week and get direction on moving forward.

*April Storms
City Manager*

"The greatest leader is first a servant." ~ John C. Maxwell

From: DeVaan, Dan <ddevaun@geiconsultants.com>
Sent: Thursday, May 1, 2025 7:59 AM
To: April Storms <citymanager@cityofwhitecloud.org>
Cc: McDermott, Janeen <JMcDermott@geiconsultants.com>
Subject: Drawdown Permitting Support Services

April,

Attached is our proposal for the permitting support of the emergency drawdown effort. Because there is some uncertainty about the level of effort needed to meet regulatory needs for this situation, this contract is being billed on a time and materials basis. Please review and let me know if you have any questions. If everything looks good, please sign and return and we'll get started in earnest.

Thanks,

DANIEL DEVAUN
Senior Project Manager
cell: 616.915.7013
4472 Mount Hope Road Suite A Williamsburg, MI 49690

GEI



May 1, 2025

Ms. April Storms
City of White Cloud
12 North Charles Street
White Cloud, MI 49349



Consulting
Engineers and
Scientists

RE: White Cloud Dam Drawdown Permitting Support, White Cloud, Michigan

Dear Ms. Storms:

GEI Consultants of Michigan, P.C. (GEI) appreciates the opportunity to continue providing engineering and consulting services for the White Cloud Dam on the White River in White Cloud, Michigan. EGLE Dam Safety has issued an order to immediately pursue drawdown of the impoundment to minimize risk to the dam associated with the deficiencies identified in the recent Feasibility Study. This proposal is for permitting support for the drawdown effort.

Scope of Services

In order to prepare an EGLE Joint Permit Application and support regulatory requirements of the drawdown, GEI proposes to perform the following tasks:

- Task 1 – Joint Permit Application preparation
- Task 2 – Wetland Delineation
- Task 3 – Stranded Organism Monitoring
- Task 4 – Project Management and Meetings

Task 1: Joint Permit Application Preparation

Task 1.1: Joint Permit Application Preparation

GEI will develop an EGLE Joint Permit Application for the project and submit the application via the MiEnviro Portal. The City will receive a request for fee payment from EGLE and will be responsible for payment. It is anticipated that the application will include Parts 301 – Inland Lakes and Streams, Part 303 – Wetlands, and Part 315 – Dam Safety. Prior to submission of the permit application, we will coordinate with regulatory and resource staff to discuss and agree upon project specific permitting requirements. It is anticipated that permitting sketches outlining the areas impacted by the drawdown of the impoundment will be developed for the application. It is anticipated that a wetland delineation will be required as part of the application. Task 2 covers the work associated with the wetland delineation. It is anticipated that preparation of the JPA could take up to 2 weeks following notice to proceed and cost up to \$10,000.

Deliverable:

- EGLE Joint Permit Application with project sketches

Task 2: Wetland Delineation

Task 2.1: Wetland Delineation

GEI will perform an on-site evaluation to delineate wetlands according to criteria defined by the U.S. Army Corps of Engineers (USACE), which includes evaluation of soils, vegetation, and hydrology. This wetland delineation protocol is the accepted method by EGLE. GEI will flag wetland boundaries with high visibility flagging tape and/or wire flags. Wetland boundaries will be mapped in the field concurrently with delineation services using Global Positioning System (GPS) technology with equipment capable of providing sub-meter accuracy. GEI will complete USACE Wetland Data Forms and analyze and compile data in report format to accompany a

GIS/CAD generated map. Please note that EGLE requires that wetland delineation reports with completed USACE Wetland Data Forms be submitted as part of the permit application package for any project with proposed wetland impact activities. Given this is an emergency permit process, it is expected that the wetland delineation report will follow the submission of the JPA. GEI will submit a copy of the final report, map, and data forms to the City.

During the feasibility study, GEI identified that the White Cloud impoundment was flagged as potential habitat for three state listed species: wood turtle (threatened), Blanding’s turtle (special concern), and pickerel frog (special concern). During the wetland delineation, evaluation of suitable habitat or presence of these species will be performed and reported.

The wetland delineation will be completed within 3 weeks of notice to proceed with the report following 2 weeks later. The estimated fee for the wetland delineation is \$6,000

Deliverable:

- Wetland Delineation and Threatened & Endangered Species Assessment Report

Task 3: Stranded Organism Monitoring

Task 3.1 Stranded Organism Monitoring

GEI anticipates that during the drawdown, EGLE and DNR will require stranded organism monitoring. GEI will prepare a Stranded Organism Monitoring Plan for EGLE and DNR review and approval. It is anticipated that this plan will include daily monitoring of the impoundment water levels, near shore areas that are being dewatered, identify, document and as necessary relocate stranded organisms, and preparation of a technical memorandum summarizing the findings of the monitoring effort.

For the purposes of estimating level of effort, we anticipate daily monitoring of the impoundment by two staff over the duration of the drawdown (anticipated to be 7 days). The estimated cost for the stranded organism monitoring effort is \$18,000.

Deliverable:

- Stranded Organism Monitoring Plan
- Stranded Organism Monitoring Technical Memo

Task 4: Project Management and Meetings

Task 4.1 Project Management and Meetings

Our project manager, Dan DeVaun, PE will participate in coordination meetings with the City and regulatory agencies and will facilitate internal coordination to advance the emergency drawdown permit. We anticipate up to three (3) virtual meetings. Additionally, this task will include tasks such as internal coordination, health and safety plans, and other administrative needs. This task is estimated to cost \$6,000.

Project Cost

The above-described scope of work will be conducted on a time and materials basis for each task. GEI’s cost for the scope of work described is estimated at \$40,000 which will be invoiced monthly based on time and materials expended.

Task	Fee
1. Joint Permit Application Preparation	\$10,000
2. Wetland Delineation	\$6,000
3. Stranded Organism Monitoring	\$18,000
6. Project Management & Meetings	\$6,000

May 1, 2025

Total	\$40,000
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Assumptions:

- The proposed scope does not include any turbidity monitoring. It is assumed that enough of the impoundment will remain to capture most sediment that may be mobilized from the upstream reaches. However, EGLE may require turbidity monitoring.

Schedule

GEI will perform tasks as outlined in each task description above. It is anticipated that the JPA will be prepared and ready for submission within 2 weeks of the notice to proceed. Supplemental information will follow submission of the application.

Terms

GEI will perform the proposed scope of work according to the attached Standard Professional Services Agreement. Work will be performed on a time and materials basis in accordance with the attached Fee Schedule. Please sign and return one copy of the attached agreement, which will serve as our contract and notice to proceed.

We look forward to providing professional services to you on this project. Please feel free to contact me, at (616) 915-7013 or ddevaun@geiconsultants.com should you need any additional information or have questions regarding our proposal.

Sincerely,

GEI CONSULTANTS OF MICHIGAN, P.C.



Dan DeVaun, PE
Senior Project Manager



Janeen McDermott, PE
Senior Water Resources Engineer

Attachment(s): Standard Professional Services Agreement and 2025 Fee Schedule



STANDARD PROFESSIONAL SERVICES AGREEMENT

1. AGREEMENT

This Agreement is made and entered into by and between

GEI Consultants, Inc., 4472 Mount Hope Road, Suite A, Williamsburg, MI 49690 and
Client
City of White Cloud, 12 North Charles Street, White Cloud, Michigan, 49349

By this Agreement, the parties do mutually agree as follows:

2. SCOPE OF SERVICES

GEI shall perform the services described herein and in **Exhibit A**.

3. EFFECTIVE DATE

The effective date of this Agreement shall be the latter of the acceptance dates indicated in Article 16, Acceptance. Acceptance of this Agreement by both parties shall serve as GEI's Notice to Proceed with the services described in **Exhibit A**.

4. FORCE MAJEURE

- a) Force Majeure "Event of Force Majeure" means an event beyond the control of GEI and CLIENT, which prevents a Party from complying with any of its obligations under this Agreement, including but not limited to, acts of God (such as, but not limited to, fires, explosions, earthquakes, drought, tidal waves and floods, epidemics, war, hostilities, acts of terrorism, riot, commotion, strikes, go slows, lock outs or disorder, unless solely restricted to employees of GEI or its subcontractors.
- b) Neither CLIENT nor GEI shall be considered in breach of this Agreement to the extent that performance of their respective obligations (excluding payment obligations) is prevented by an event of Force Majeure. Either CLIENT or GEI shall give written notice to the other upon becoming aware of an Event of Force Majeure.

5. COMPENSATION

- a) CLIENT agrees to pay GEI in accordance with the payment terms provided in **Exhibit B** but in no event later than thirty (30) days of CLIENT's receipt of invoice.
- b) GEI will submit invoices monthly or upon completion of a specified scope of service in accordance with GEI's standard invoicing practices, or as otherwise provided in **Exhibit B**.
- c) Payment is due upon receipt of the invoice. Payments will be made by either check or electronic transfer to the address specified by GEI, and will reference GEI's invoice number.
- d) Interest will accrue at the rate of 1% per month of the invoiced amount in excess of thirty (30) days past the invoice date, or as otherwise provided in **Exhibit B**.
- e) In the event of a disputed or contested invoice, only that portion so contested will be withheld from payment, and the undisputed amounts will be paid.

6. PERFORMANCE STANDARDS

- a) GEI will perform its services under this Agreement in a manner consistent with that degree of skill and care ordinarily exercised by members of GEI's profession currently practicing in the same locality under similar conditions. GEI makes no other representations and no warranties, either express or implied, regarding the services provided hereunder.
- b) GEI shall correct deficiencies in services or documents provided under this Agreement without additional cost to CLIENT; except to the extent that such deficiencies are directly attributable to deficiencies in CLIENT-furnished information.
- c) Unless otherwise specifically indicated in writing, GEI shall be entitled to rely, without liability, on the accuracy and completeness of information provided by CLIENT, CLIENT's consultants and contractors, and information from public records, without the need for independent verification.

* following 4.30.25
mtg.

April Storms

From: Trumble, Luke (EGLE) <TrumbleL@michigan.gov>
Sent: Wednesday, April 30, 2025 1:14 PM
To: April Storms; bjmillier45@gmail.com; ddevaun
Cc: Horak, Thomas (EGLE)
Subject: RE: Follow-Up to April 18, 2025 Correspondence

Good catch. Thank you for making that correction.

Lucas A. Trumble, P.E., Supervisor

Dam Safety Unit
Water Resources Division, EGLE
517-420-8923
trumblel@michigan.gov

From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Wednesday, April 30, 2025 1:11 PM
To: Trumble, Luke (EGLE) <TrumbleL@michigan.gov>; bjmillier45@gmail.com; ddevaun <ddevaun@geiconsultants.com>
Cc: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Subject: RE: Follow-Up to April 18, 2025 Correspondence

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Please see amended date in red below.

Thank you.

*April Storms
City Manager*

"The greatest leader is first a servant." ~ John C. Maxwell

From: Trumble, Luke (EGLE) <TrumbleL@michigan.gov>
Sent: Wednesday, April 30, 2025 12:21 PM
To: April Storms <citymanager@cityofwhitecloud.org>; bjmillier45@gmail.com; ddevaun <ddevaun@geiconsultants.com>
Cc: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Subject: RE: Follow-Up to April 18, 2025 Correspondence

Hi Brian and April,

Thanks for taking the time to meet today. I wanted to follow up to with some key bullets from that meeting:

- EGLE accepts the timelines outlined below with the following modifications:
 - The City will work with their engineer to immediately engage with EGLE and DNR staff to ensure that the permit application to be prepared addresses both safety and environmental concerns with lowering the White Cloud Mill Pond.

- The permit application will be submitted on or before April (correction) May 20, 2025, for expedited review by EGLE.
- The drawdown will commence on or before June 9, 2025, assuming authorization from EGLE is provided.

This deviation from EGLE's April 18, 2025, dam safety order are acceptable under the following terms/considerations:

- The City is reminded that the safety of the dam remains the primary concern and that the City has the authority and responsibility under Part 315 to take any necessary actions to ensure the safety of the dam.
- EGLE concurs with GEI's April 4, 2025, letter recommending that drawdown of the impoundment occur as soon as practical to provide interim risk reduction until a long-term solution for dam safety can be implemented. Any delay in lowering the impoundment level increases the risk that damage to or failure of the dam could occur.
- EGLE agrees that City Council and public engagement are important parts of this process but urges the City to consider ways to expedite these processes to the extent possible, such that dam safety is not compromised. The safety of the dam needs to be the number one concern when considering timing of interim risk reduction measures and these should not be delayed unnecessarily.
- The timeframes outlined above may need to be reconsidered if weather conditions or condition of the dam structure dictate that action be taken sooner.
- The City will continuously monitor the dam and stream flows and operate the dam, as appropriate, to ensure the safety of the dam until draw down of the impoundment occurs.

If you have any questions or concerns, or if you would like Dam Safety Staff involvement in the public engagement process, please let us know.

Thanks again,
Luke Trumble

Lucas A. Trumble, P.E., Supervisor
Dam Safety Unit
Water Resources Division, EGLE
517-420-8923
trumblel@michigan.gov

From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Tuesday, April 22, 2025 10:31 AM
To: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Cc: DeVaan, Dan <ddevaan@geiconsultants.com>
Subject: [EXT] Follow-Up to April 18, 2025 Correspondence

EXTERNAL EMAIL

Good Morning Thomas,

I spoke with Dan from GEI earlier today and have just emailed him two available meeting dates—May 13 and May 19. Given the anticipated number of questions, I believe it is important that Dan attend personally. He has longstanding experience with EGLE, the city, and has served as my primary point of

contact throughout my tenure as City Manager. His familiarity and open line of communication make him the most suitable person to address the recommendation and questions.

Due to a scheduled medical procedure on May 12, Dan will be unavailable for the regular City Council meeting on May 13. Accordingly, I have scheduled a **special meeting on Monday, May 19 at 3:30 PM.** The purpose of this meeting will be to review GEI's recommendation and EGLE's order, and to provide the board with the opportunity to ask questions directly.

Additionally, I have a meeting with the mayor this afternoon at 4:00pm. I plan to discuss Dan's recommendation to begin the permitting process with GEI, with the intent of having the permit ready for submittal following the May 19 meeting. While this action does not mitigate or reduce the associated risks, it may be a step towards doing the necessary leg work with the DNR, permitting process, etc.

I'm asking EGLE to understand the board's need to engage directly with the City Engineer regarding the recommendation that led to the order for drawdown. Dan understands the need for this communication and while none of us can predict the future, we will measure and monitor the water daily in between now and the meeting on May 19th meeting. We will error on the side of caution and reach out to EGLE if there is any significant reason for concern or overtopping. Dan has been copied on this email for visibility. If the Mayor is okay with me proceeding with GEI for the permit process over the next few weeks, then the intent would be that after the May 19th meeting the permit would be ready. This is the best compromise that I can offer at this point until my board can have the opportunity understand this recommendation and order that is being ordered.

Please let me know if this is an acceptable plan moving forward and if so, if you could provide me something in writing allowing this extension so that I can provide the city council with the order that says May 1, everyone understands the extension to May 19 meeting, and that there is not a lot left in our hands at this point and the purpose for this meeting and Q&A.

Best regards,

April M. Storms
City Manager

"The greatest leader is first a servant." ~ John C. Maxwell



April Storms

From: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Sent: Wednesday, April 23, 2025 6:56 AM
To: Trumble, Luke (EGLE); April Storms
Cc: ddevaun
Subject: RE: Follow-Up to April 18, 2025 Correspondence

Follow Up Flag: Follow up
Flag Status: Completed

Thanks for your email, April.

We understand the City Council's desire to engage directly with your engineer to understand the recommendation for immediate drawdown and to ask directed questions. However, since the proposed meeting with the Council and your engineer causes further delay, it is not advisable to wait until after the meeting to submit a permit application. EGLE will still recommend that a permit application be submitted as soon as practicable to start the process. The City is advised that under Section 31512(1) of Part 315, "When immediate action is necessary to protect the structural integrity of a dam, the department may issue a permit before the expiration of the 20-day period referred to in section 31511(1). This subsection does not prohibit an owner from taking action necessary to mitigate emergency conditions if imminent danger of failure exists." Additionally, Section 31520 states that "The owner shall notify the department as soon as possible of any necessary emergency drawdowns, repairs, breaching, or other action being taken in response to an emergency condition." In short, it is the dam owner's responsibility to make sure that proper action is taken to ensure that the safety of their dam is protected. Submitting a permit application as soon as practicable is to the City's benefit in that it allows EGLE to consider potential impacts to life, infrastructure, and resources and allows the City to avoid impacts to natural resources and violation of environmental statutes. If it is possible to meet even sooner, or to submit the permit application ahead of the meeting and then hold the meeting while the permit is under review, that would be advisable.

Thanks,

Thomas Horak, P.E.

Dam Safety Unit

Water Resources Division, EGLE

517-231-8594

horakt@michigan.gov

From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Tuesday, April 22, 2025 10:31 AM
To: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Cc: ddevaun <ddevaun@geiconsultants.com>
Subject: Follow-Up to April 18, 2025 Correspondence

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

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Best regards,

*April M. Storms
City Manager*

"The greatest leader is first a servant." ~ John C. Maxwell



April Storms

From: April Storms
Sent: Tuesday, April 22, 2025 10:31 AM
To: Horak, Thomas (EGLE)
Cc: DeVaun, Dan
Subject: Follow-Up to April 18, 2025 Correspondence

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Best regards,

April M. Storms
City Manager

"The greatest leader is first a servant." ~ John C. Maxwell

April Storms

From: April Storms
Sent: Friday, April 18, 2025 9:27 PM
To: DeVaan, Dan
Cc: McDermott, Janeen
Subject: Re: EGLE WRD Dam Safety Correspondence: White Cloud Dam, Dam ID No. 526

I just think that would have been nice to share before now. I'm not making the decision to move with drawdown permitting without the council being informed and having some understanding. Otherwise, I'm to blame.

I'll proceed the way I feel necessary. At this point, it feels as if neither GEI or EGLE are being honest with me in correspondence because both have had multiple contacts in the past 2 wks and opportunities to weigh in, it's certainly not been "flexible" as Mr. Horak stated or met the conditions of items 1 or 2 as you stated.

Have a good weekend.

April Storms
City Manager

From: DeVaan, Dan <ddevaan@geiconsultants.com>
Sent: Friday, April 18, 2025 12:51:55 PM
To: April Storms <citymanager@cityofwhitecloud.org>
Cc: McDermott, Janeen <JMcDermott@geiconsultants.com>
Subject: RE: EGLE WRD Dam Safety Correspondence: White Cloud Dam, Dam ID No. 526

Hi April,

I sympathize with the challenges of the timing being pushed on you to implement the drawdown. However, you are able to achieve risk reduction with this drawdown, with minimal cost and no physical changes to the dam. This allows for greater time to work through the decision-making process of next steps. While I understand the concern the community will have with seeing the lake drawn down, it is important to understand that we can't actually predict when a dam will fail. We can only assess the level of risk based on a dam's condition and performance. Currently, the White Cloud Dam is at an unacceptably high level of risk. Based on this condition, EGLE has decided that immediate drawdown is the only acceptable solution. Frankly, it's hard to argue with that given the level of risk reduction for minimal effort.

In order to move forward with the drawdown, you will need to coordinate with EGLE to get an emergency permit. We can help you with that, but it does take a nominal effort to pull together the materials and submit the application. If you would like, Janeen can pull together a Time and Materials proposal to complete that task. Let us know if you'd like us to get started on that and the application.

Sincerely,

GEI

DANIEL DEVAUN
Senior Project Manager
cell: 616.915.7013
4472 Mount Hope Road Suite A Williamsburg, MI 49690



From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Friday, April 18, 2025 10:45 AM
To: DeVaun, Dan <ddevaun@geiconsultants.com>
Subject: [EXT] Fw: EGLE WRD Dam Safety Correspondence: White Cloud Dam, Dam ID No. 526

EXTERNAL EMAIL

My correspondence wasn't even due to him until 4/30. I could have waited but in good faith made an effort to be timely.

I really don't get it bc between my convo with you and him and he said "flexible" timeliness this is not even negotiable.

So nice to start the weekend!
April Storms
City Manager

From: Preston, Kendra (EGLE) <PrestonK6@michigan.gov>
Sent: Friday, April 18, 2025 9:14:18 AM
To: April Storms <citymanager@cityofwhitecloud.org>
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>; Kelli Arnold <clerk@cityofwhitecloud.org>; Abby Watkins <abbym@newaygocountymi.gov>; ddevaun <ddevaun@geiconsultants.com>; McDermott, Janeen <JMcDermott@geiconsultants.com>; Tonello, Mark (DNR) <TONELLOM@michigan.gov>; Nelson, Helana (EGLE) <NelsonH1@michigan.gov>; Huska, Rebecca (EGLE) <HuskaR2@michigan.gov>; Delehanty, John (EGLE) <DelehantyJ@michigan.gov>; Trumble, Luke (EGLE) <TrumbleL@michigan.gov>; Manuszak, Mason (EGLE) <ManuszakM@michigan.gov>; Horak, Thomas (EGLE) <HorakT@michigan.gov>
Subject: EGLE WRD Dam Safety Correspondence: White Cloud Dam, Dam ID No. 526

Good morning,

Please see the attached correspondence regarding the White Cloud Dam. If you have any questions regarding the specifics of this correspondence, please contact Thomas Horak at 517-231-8594 or HorakT@Michigan.gov.

Thank you,
Kendra M. Preston, Secretary
Dam Safety Unit
Water Resources Division
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
517-388-0791 | PrestonK6@Michigan.gov

Follow Us | Michigan.gov/EGLE





GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION



PHILLIP D. ROOS
DIRECTOR

April 18, 2025

VIA E-MAIL

City of White Cloud
April Storms, City Manager
12 North Charles Street
White Cloud, Michigan 49349-0607

Dear April Storms:

SUBJECT: White Cloud Dam, Dam ID No. 526

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), Dam Safety Unit has received and reviewed the City of White Cloud's (City) April 15, 2025, response to EGLE's April 1, 2025, Dam Safety Order. The City's response included an April 4, 2025, letter from GEI which included several recommended actions to ensure the safety of the dam, including immediate drawdown of the impoundment to the extent practicable. EGLE's April 1st Dam Safety Order directed the City to take the following actions as authorized under Section 31518 of Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended:

1. Develop a high-level plan and schedule to address the deficiencies at the dam. This plan will help us set reasonable deadlines for making both short term and long-term decisions and carrying out those decided upon remedial actions. Please provide this plan for review by May 1, 2025. The schedule should include the following deadlines, and the intermediate milestones needed to reach them.
2. Finalize a plan for interim risk reduction measures. This plan may include interim repairs, drawdown, or other measures. Implement the plan as soon as practicable. This plan will likely require input from your engineer and a permit from EGLE. Provide the plan to EGLE for review by June 2, 2025.
3. Finalize a plan for long-term remedial action. This plan should include a repair or removal plan, or a proposal for an alternative dam modification project. Provide this plan to EGLE for review by November 3, 2025.

April Storms, City of White Cloud
Page 2
April 18, 2025

The City's April 15th response to EGLE proposes to provide the interim risk reduction plan by August 31, 2025, and to implement the plan sometime after that. However, the April 4th GEI letter included with the City's response recommends immediate drawdown of the impoundment to the extent possible by removing all stoplogs and opening all gates at the dam's spillway, which is expected to lower the impoundment by six (6) to seven (7) feet. The City's proposal to delay implementation of necessary risk reduction measures, including drawdown of the impoundment, until after August 31, 2025, does not align with the recommendations of GEI and presents an unacceptable risk of failure of the White Cloud Dam.

As stated in EGLE's previous communication, the White Cloud Dam is regulated under Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.31501 *et seq.*; and the corresponding administrative rules. Section 31518 (7) of Part 315 states:

If, based on the findings and recommendations of the inspection report and an inspection by the department, the department finds that a condition exists which endangers a dam, it shall order the owner to take actions that the department considers necessary to alleviate the danger.

The results of the GEI Study and April 4, 2025, letter, indicate that conditions do exist that endanger the dam. Further, GEI's recommendation for an immediate drawdown indicates the risk of delaying action. Therefore, you are hereby ordered under Section 324.31518 to take the following corrective actions to alleviate danger at the dam:

Within two (2) weeks, by May 2, 2025, apply for a permit to drawdown the impoundment, Lake White Cloud, by six (6) to seven (7) feet, as recommended by your engineer. Initiate drawdown of the impoundment when authorized by EGLE. Maintain the drawdown of the impoundment, to the extent possible, unless authorization for refilling is provided by EGLE. The EGLE joint permit application package can be downloaded from our website at: MiEnviro.Michigan.gov/ncore/external/home. All provisions of the April 1, 2025, Dam Safety Order remain in effect.

April Storms, City of White Cloud
Page 3
April 18, 2025

Community engagement is still encouraged to keep the public informed of necessary short-term actions being taken and to obtain input on the long-term remedial actions. However, interim risk reduction measures, including drawdown of the impoundment, are necessary to ensure the immediate safety of the dam, and cannot be delayed. We anticipate your cooperation in resolving this matter. If you have any questions about this dam or permit requirements, please contact me at 517-231-8594 or HorakT@Michigan.gov.

Sincerely,



Thomas J. Horak, P.E.

Dam Safety Unit

Water Resources Division

cc: Don Barnhard, City of White Cloud DPW
Kelli Arnold, City of White Cloud Clerk
Abigail Watkins, P.E.M., M.E.P., Newaygo County Emergency Services
Dan DeVaun, P.E., GEI
Janeen McDermott, P.E., GEI
Mark Tonello, DNR
Helana Nelson, EGLE
Rebecca Huska, EGLE
John Delehanty, EGLE
Lucas A. Trumble, P.E., EGLE
Mason Manuszak, EGLE

April Storms

From: DeVaun, Dan <ddevaun@geiconsultants.com>
Sent: Monday, April 14, 2025 9:53 AM
To: April Storms
Subject: RE: draft egle response
Attachments: egle dam safety resp 04.15.25 - DD edits.docx

Hi April,

I think the letter looks good. I've added a couple of edits. Only thing they may push back on before excepting this as meeting criteria #1 and #2 is commitment to the interim measure (drawdown) and the schedule. I'm hoping my edits make it clear that this is being considered, but requires a decision by the council and more consultation with EGLE and other stakeholders.

DANIEL DEVAUN
Senior Project Manager
cell: 616.915.7013
4472 Mount Hope Road Suite A Williamsburg, MI 49690

GEI



From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Monday, April 14, 2025 9:11 AM
To: DeVaun, Dan <ddevaun@geiconsultants.com>
Subject: [EXT] draft egle response

EXTERNAL EMAIL

Good Morning Dan,

This is what I drafted to send to Thomas tomorrow when I give it to the council. Would you be willing to review and offer feedback or edit it with additional information that you think may help meet the criteria for #1 & #2?

Thank you,

April M. Storms
City Manager

"The greatest leader is first a servant." ~ John C. Maxwell





Letter - w/ D. DeVaux
Email 4-14-25

April 15, 2025

EGLE Dam Safety Unit
Michigan Department of Environment, Great Lakes, and Energy
PO Box 30458
Lansing, MI 48909-7973

RE: Response to Correspondence Received April 7, 2025 — Dam Safety Compliance

Dear Thomas Horak,

Thank you for your correspondence dated April 1, 2025, outlining the necessary next steps to address the deficiencies identified at our dam. We understand the importance of developing a comprehensive, phased approach to ensure both interim safety and long-term sustainability of this infrastructure.

As outlined in your order, the city has been tasked with:

1. **Developing a high-level plan and schedule** to address deficiencies and establish reasonable deadlines for both short- and long-term decisions and remedial actions. This plan is due for your review by **May 1, 2025**.
2. **Finalizing a plan for interim risk reduction measures**, such as interim repairs, drawdown, or similar strategies, to be submitted to EGLE for review by **July 30, 2025**.
3. **Finalizing a long-term remedial action plan**, including dam repair, removal, or an alternative modification proposal, due for EGLE review by **November 3, 2025**.

We are pleased to confirm that the City has talked with its engineering consultant and received the formal recommendation from GEI Consultants on April 7, 2025, and a copy of that report is attached for your records. Based on a review of GEI's findings, we believe these recommendations fulfill the requirements set forth in Items 1 and 2 of the order. Implementation of the interim measure will require review and approval from the City Council as well as consultation and permitting from EGLE. We intend to press forward with these activities as outlined in the following schedule.

To summarize, the City has established the following high-level schedule and targets to guide our next steps:



- **June 2025** – Host a Community Forum in collaboration with GEI to discuss their recommendation and gather public input. EGLE Dam Safety Unit is invited to participate in this meeting to ensure transparency and foster open dialogue.
- **August 31, 2025** – Target date to:
 - Finalize a decision on **interim risk reduction measures** including collaboration with EGLE on permitting interim dam safety measures.
 - Identify and pursue **alternative funding sources** for both interim and long-term work.
- **November 3, 2025** – Submit a finalized **long-term remedial action plan**, which will include options for repair, removal, or modification of the dam. This plan will be developed in consultation with engineers and will reflect input from City Council, Administration, and community stakeholders.

We will continue to engage our engineering partners and incorporate public feedback throughout this process. In the spirit of collaboration, I encourage your team to attend the public forum as we refine these plans.

Additionally, I would like to highlight a comment made by Mr. Horak during our phone discussion on April 9, 2025, in which he acknowledged that there have been “significant leaps forward” since I’ve assumed this position. We’re pleased to report that, thanks to the consistent, proactive efforts of our Department of Public Works including daily water level monitoring and rainfall forecasting, we have not experienced any overtopping events in the 3.5 years since these additional monitoring measures were implemented. While we fully recognize that this does not eliminate the underlying risk, this and our completion of the Dam Risk Safety Grant Funding projects does reflect the effectiveness of our current monitoring practices and our ongoing commitment to risk reduction.

We appreciate your ongoing patience and support as we develop a solution that is both effective and reflective of our community’s best interests. Should you require additional documentation or clarification, please don’t hesitate to contact me directly. Otherwise, if we do not hear back, we will assume that this response satisfies the requirements for Items 1 and 2 and will proceed with implementing the target dates as proposed.

Sincerely,

April Storms
City Manager

Attachments: GEI Consultants Recommendation Report (Received 04/07/2025)



- **Vertical Drilling & Chemical Grouting**
 - Sealed seepage zones with injected chemical grout along primary spillway walls.
- **Flowable Fill Placement**
 - Filled voids at berm/spillway interface; coordinated to minimize gate closure time.
- **Auxiliary Spillway Enhancements**
 - Extended concrete sidewalls with structural reinforcement, improving flood resilience.

Summer–Fall 2024

- **Feasibility Study (Part 1) Completion**
 - Delivered to the City in **February 2025**.
 - Included engineering analysis of current dam conditions, long-term risk, and financial impact evaluations.

April 2025

- **Final Recommendations Received from GEI**
 - Despite initial study delivery in February, GEI's official recommendation arrived **April 2025**.
 - Included updated **hydrologic modeling** and **stability assessments** based on recent near-overtopping data.
- **Study (Part 2 Completed) Findings**
 - Identified need for additional geotechnical investigations to improve modeling accuracy.
 - Emphasized operational strategies to reduce overtopping risk.

April 1–15, 2025

- **Good Faith Coordination with GEI and EGLE**
 - On April 1, GEI requested a **recommendation**.
 - City promptly responded on **April 15**, prior to the requested **April 30 deadline**, in full collaboration with EGLE and coordinated with GEI engineers on response to EGLE's correspondence received **April 1**.

Ongoing Community Engagement

- **Public Forums & Stakeholder Meetings**
 - Hosted forums with EGLE officials, board members, local leaders, and residents.
 - Transparent communication maintained throughout feasibility process.
- **Acknowledgement of Leadership Improvements**



- EGLE official Mr. Horak publicly acknowledged:

“The management of the White Cloud Dam has significantly improved over the past three years—I cannot deny that.”

The City Manager respectfully requests the courtesy and collaboration necessary to act in the best interest of our community, including meaningful engagement between the project engineers and the board. Given that the feasibility and dam improvement project has taken three years to complete, allowing only two weeks to respond to the final recommendation is not only unreasonable, it undermines the significance and complexity of the work that has been undertaken and the impacts it has on our residents, homeowners, community and recreation.

April Storms

From: April Storms
Sent: Monday, April 7, 2025 8:28 AM
To: Horak, Thomas (EGLE)
Cc: White Cloud DPW
Subject: RE: Wednesday Rain

Thomas,

I was out of the office last week for training.

The water was at max about 1-2 days after the rain at about 4" above normal and then it started receding. It's about 4" below normal currently but they have been monitoring, measuring and writing down everyday for the past several months so they are keeping a close eye on it.

*April Storms
City Manager*

"The greatest leader is first a servant." ~ John C. Maxwell

From: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Sent: Thursday, April 3, 2025 8:41 AM
To: April Storms <citymanager@cityofwhitecloud.org>
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>
Subject: Wednesday Rain

April,

Just wanted to check in to see how the dam was handling the flow after the storms. Do you have an estimate of how much rain the city or upstream area received yesterday? Has the impoundment already peaked or is it still rising?

Thanks,

Thomas Horak, P.E.
Dam Safety Unit
Water Resources Division, EGLE
517-231-8594
horakt@michigan.gov



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION



PHILLIP D. ROOS
DIRECTOR

April 1, 2025

Rcd 4-1-25

VIA E-MAIL

April Storms, City Manager
City of White Cloud
12 North Charles Street
White Cloud, Michigan 49349-0607

Dear April Storms:

SUBJECT: White Cloud Dam, Dam ID No. 526

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), Dam Safety Unit has received and reviewed the White Cloud Dam Disposition Feasibility Study (Study) completed by Janeen McDermott, P.E., and Dan DeVaun, P.E., both of GEI Consultants, dated February 14, 2025. The Study analyzes the dam's current hydraulic, geotechnical, and structural conditions and identifies factors of safety related to modern dam safety standards. The study goes on to propose alternatives to repair the deficiencies identified in the Study and to remove the dam, including high level, long-term cost estimates for each alternative. The City of White Cloud (City) has been presented with this report and is expected to develop a plan based on the findings of the Study.

Regardless of the long-term plan the City wishes to pursue, the Study identifies significant issues at the dam that may require more immediate risk reduction measures while the long-term plan is developed. Hydraulically, the dam is unable to pass the 0.5% chance (200-year) design storm event without overtopping regardless of gate operation. Even with all stoplogs removed from the dam, the 1% chance (100-year) storm event comes within 0.5 feet of overtopping the concrete floodwall on the upstream side of the crest. This is an inappropriate amount of freeboard for a high hazard dam. The hydraulic analysis presented in the Study, in part, helps corroborate previous concerns with capacity that stem from recent activations, or near activations, of the roller compacted concrete overflow emergency spillway.

The Study's geotechnical analysis also raises significant concerns with the stability of the dam. Although the dam is currently stable, the factor of safety for global stability is concerningly less than modern industry standards. The calculated factor of safety for normal pool level is only 1.2 while it should be at least 1.5. When the impoundment rises to a flood pool elevation, the factor of safety drops to 1.1 while it should be at least 1.4. For reference, a factor of safety of 1.0 means the dam can handle exactly the calculated load it is expected to experience with no buffer. A factor of safety less than 1.0 means that the dam is expected to fail under that loading condition.

Additionally, the Study indicates that the principal spillway inlet structure does not meet the minimum factor of safety of modern design standards related to overturning. Further, it identifies the principal spillway wingwalls, chute wall span, and slab that spans between the chute walls as being out of compliance with current design guidelines. GEI also recommends completing an in-depth bridge inspection, replacing, or shoring up the existing structure.

For a summary of observed and calculated deficiencies, see Table 3-8 on pages 38 and 39 of the Study. The deficiencies are presented in multiple categories that include Dam Safety, Public Safety, Operation, and Maintenance.

The White Cloud Dam is regulated under Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.31501 *et seq.*; and the corresponding administrative rules. Section 324.31518 (7) states:

If, based on the findings and recommendations of the inspection report and an inspection by the department, the department finds that a condition exists which endangers a dam, it shall order the owner to take actions that the department considers necessary to alleviate the danger.

The results of the Study show that conditions do exist that endanger the dam. Therefore, please review the Study's findings with your engineer and propose a plan and schedule to address the concerns. It is expected that the next steps will likely only be temporary risk reduction measures while the City considers the alternatives identified in the Study. Since the primary deficiencies of the dam are caused or exacerbated by an increased impoundment level, drawdown of the impoundment must be considered at least until a long-term plan is devised.

You are hereby ordered under Section 324.31518 to take the following corrective actions:

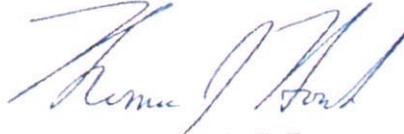
1. Develop a high-level plan and schedule to address the deficiencies at the dam. This plan will help us set reasonable deadlines for making both short term and long-term decisions and carrying out those decided upon remedial actions. Please provide this plan for review by May 1, 2025. The schedule should include the following deadlines, and the intermediate milestones needed to reach them.
2. Finalize a plan for interim risk reduction measures. This plan may include interim repairs, drawdown, or other measures. Implement the plan as soon as practicable. This plan will likely require input from your engineer and a permit from EGLE. Provide the plan to EGLE for review by June 2, 2025.
3. Finalize a plan for long-term remedial action. This plan should include a repair or removal plan, or a proposal for an alternative dam modification project. Provide this plan to EGLE for review by November 3, 2025.

April Storms, City of White Cloud
Page 3
April 1, 2025

Most of the repairs and risk reduction measures the City will consider, including a drawdown, will require a permit from EGLE. The EGLE joint permit application package can be downloaded from our website at:
<https://mienviro.michigan.gov/ncore/external/home>.

We anticipate your cooperation in resolving this matter. If you have any questions about this dam or permit requirements, please contact me at 517-231-8594 or HorakT@Michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Horak". The signature is fluid and cursive, with the first name "Thomas" and last name "Horak" clearly legible.

Thomas J. Horak, P.E.
Dam Safety Unit
Water Resources Division

cc: Don Barnhard, City of White Cloud DPW
Abigail Watkins, P.E.M., M.E.P., Newaygo County Emergency Services
Dan DeVaun, P.E., GEI
Janeen McDermott, P.E., GEI
Helana Nelson, EGLE
Rebecca Huska, EGLE
John Delehanty, EGLE
Lucas A. Trumble, P.E., EGLE
Mason Manuszak, EGLE



Rec'd 4-7-25

April 4, 2025
Project No. 2302435

VIA EMAIL: citymanager@cityofwhitecloud.org

April Storms
City Manager
City of White Cloud
12 North Charles Street
White Cloud, Michigan 49349

Re: **White Cloud Dam Recommendation Letter**
White Cloud, Michigan

Dear Ms. Storms:

Based on our discussion with you on Thursday March 20th, we are providing this formal recommendation letter to accompany the White Cloud Dam Feasibility Study delivered to you on February 17, 2025. Given the identified deficiencies at the dam and the elevated risk of dam failure, GEI recommends the City pursue an immediate drawdown of the impoundment to the extent practicable. This drawdown will need to be implemented in coordination with Michigan Department of Environment, Great Lakes, and Energy (EGLE) Dam Safety unit, and following receipt of a permit from EGLE.

Existing Condition of the Dam

The White Cloud Dam is classified as a high hazard potential dam. Dams with a high hazard potential are those where a failure or mis-operation could result in expected loss of life and severe impacts. As of May 25, 2022 the White Cloud Dam was determined to be in poor condition by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Dam Safety unit. A poor condition rating means a dam safety deficiency is recognized for loading conditions that may realistically occur. Remedial action or further investigations and studies are necessary to determine risk.

GEI completed a comprehensive review of existing information associated with the dam including review of previous dam safety inspections, available as-built drawings, and a site visit to the dam. Our team also completed geotechnical and structural field investigations and subsequent analysis, and a hydrology and hydraulic analysis of the existing structure.

Through these reviews and engineering analyses the following observations and deficiencies have been identified and have been categorized as follows.

- **Dam Safety:** Ensuring dams are constructed, operated, and maintained in a manner that protects people and property from the risk of failure.

April 4, 2025

- Public Safety: Protection of people and their property from harm.
- Operations: Activities involved in maintaining and protecting a dam and the area of affects.
- Maintenance: Regular work performed to keep dam safe and functioning.

Category	Observation/Deficiency
Dam Safety	Insufficient hydraulic capacity to pass the 200-year design flood.
	Dam modifications required to modify parapet wall to span gap of protection at current boat launch.
	Insufficient global factor of safety of right earthen embankment.
	Seepage at downstream toe of right earthen embankment.
	Tailwater erosion at downstream right earthen embankment.
	Concrete deficiencies located throughout the principal spillway.
	Primary spillway intake global stability – overturning, does not meet current industry standards for factors of safety or resultant location.
	Primary spillway intake and chute concrete structural elements do not meet current industry standards for factor of safety (demand to capacity ratios).
	Structural stability concern associated with severe deterioration of beams supporting the existing bridge over the primary spillway.
Public Safety	Install signage and floating barriers (booms) upstream of the spillways to warn and redirect swimmers and boats away from the spillway hazards.
	Deteriorating fencing and guardrail embedment along roadway shoulder and adjacent to primary spillway chute.
	Install fencing at auxiliary spillway crossing.
Operation	Remove sandbagging as part of the EAP.
	Update O&M Plan with results of H&H Analysis regarding stoplog operation to prevent overtopping.
	Trash rack in auxiliary spillway not in use.
	Install staff gauge to monitor and record impoundment levels.
Maintenance	Rotation of flood wall at left embankment with possible upstream toe erosion.
	Fill and armor eroded area at auxiliary spillway left downstream wall.
	Remove vegetation from embankments.
	Cracking in pavement along crest of dam.
	Deterioration of RCC overtopping section on downstream left embankment.
	Minor concrete deficiencies at the auxiliary spillway walls.
	Deteriorating steel bracing across primary spillway chute to be removed.
	Minor concrete repair to traffic barrier over auxiliary spillway.
Inadequate riprap along waterline of upstream slopes.	

The dam safety deficiencies are of biggest concern as they pose the greatest risk to the City of White Cloud and downstream people, environment, property, and infrastructure.

The lack of sufficient hydraulic capacity means that if a large flood event occurs, the existing dam structure does not have the ability to pass enough flow to prevent the impoundment from filling and overtopping the dam in an uncontrolled manner. This could lead to dam failure during a flood and significant impacts downstream of the dam, including potential loss of life.

The gap in the parapet wall, the short concrete wall that runs nearly the entire length of dam, requires City of White Cloud staff to place sand bags in order to prevent uncontrolled overtopping during large

April 4, 2025

flood events. Given the dam's inability to pass large flood flows, this gap in the wall is a significant risk to uncontrolled overtopping and potential dam failure.

The seepage visually observed on the right earthen embankment indicates there is saturated conditions in the earthen embankment under normal impoundment water surface elevations. Increased water surface elevations in the impoundment may increase flow through the earthen embankment and this could cause a dam failure.

The low global factor of safety of the right earthen embankment and stability concerns associated with the primary spillway and bridge over the primary spillway indicate these features of the White Cloud Dam are at risk of failure as they do not meet current industry standards during normal conditions or during flood events. If any one of these were to fail, this could cause a dam failure.

Based on the severity and risk associated with the deficiencies above, GEI recommends that immediate actions be taken to reduce the risk of dam failure to the extent practicable.

Immediate Recommendations

The dam safety deficiencies of greatest immediate concern are the lack of sufficient hydraulic capacity and the seepage and insufficient global factor of safety at the right earthen dam embankment. A drawdown of the impoundment is recommended to lower the risk associated with these deficiencies. The water level within the impoundment should be lowered to the maximum extent possible by removing all stop logs from both the primary and auxiliary spillways.

Before a drawdown is completed, the City needs to submit a Joint Permit Application through the MiEnviro Portal here: <https://www.michigan.gov/egle/maps-data/mienviroportal>

What will a drawdown look like

The recommended drawdown will lower the normal water surface elevation in the impoundment approximately 6-7 feet during normal flows, like what was seen in late August/early September 2024. The approximate limits of the new impoundment during normal flow are depicted in Figure 1 below.

April 4, 2025

Figure 1. Approximate limits of White Cloud impoundment after drawdown during normal flow.



The drawdown will expose impounded sediment, primarily in the upper impoundment area and edges of the current impoundment, and in the near term following the drawdown there will be bare soil exposed. The native seed bank held within the soils will fairly quickly (2-3 weeks) germinate and green vegetation will establish (2-3 months), similar to Figure 2.

April 4, 2025

Figure 2. Pigeon River cuts a channel through the muck where there once was an eight-foot-deep impoundment behind the dam. (Photo Credit: Howard Meyerson)



Source: (<https://howardmeyerson.com/2014/09/30/golden-lotus-dam-permanent-draw-down-complete-removal-to-come/>)

Long Term Recommendations

The White Cloud Dam has significant dam safety deficiencies which should be addressed through rehabilitation of the dam or dam removal. The City of White Cloud needs to decide which alternative presented in the feasibility study they wish to pursue and then seek funding sources (e.g. grant funds, special assessment district, taxes, etc) to fund the selected alternative including engineering design, permitting, and construction costs.

Summary

Given the identified deficiencies at the dam and the elevated risk of dam failure, GEI recommends the City pursue an immediate drawdown of the impoundment. This drawdown will need to be implemented in coordination with the EGLE Dam Safety unit and following receipt of a permit from EGLE.

We are also aware that the City received a response from EGLE regarding the feasibility study on April 1, 2025. In this letter EGLE ordered the following corrective actions to address the White Cloud Dam deficiencies:

1. Develop a high-level plan and schedule to address the deficiencies at the dam. Due May 1, 2025.
2. Finalize a plan for interim risk reduction measures. Due June 2, 2025.
3. Finalize a plan for long-term remedial action including a repair or removal plan, or a proposal for an alternative dam modification project. Due November 3, 2025.

April 4, 2025

The immediate drawdown of the impoundment recommended by GEI addresses the second requirement. GEI can assist you with the first and third requirements as well as the permitting for drawdown of the impoundment through a new contract, scope of work, and fee.

If you have any questions or would like to discuss continued services with GEI, please feel free to contact me at 734-680-1612 or jmcdermott@geiconsultants.com.

Sincerely,

GEI CONSULTANTS OF MICHIGAN, P.C.



Janeen McDermott, P.E.
Senior Water Resources Engineer



Dan DeVaun, P.E.
Senior Project Manager

JMM/DLV

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GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION



PHILLIP D. ROOS
DIRECTOR

April 1, 2025

VIA E-MAIL

April Storms, City Manager
City of White Cloud
12 North Charles Street
White Cloud, Michigan 49349-0607

Dear April Storms:

SUBJECT: White Cloud Dam, Dam ID No. 526

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), Dam Safety Unit has received and reviewed the White Cloud Dam Disposition Feasibility Study (Study) completed by Janeen McDermott, P.E., and Dan DeVaun, P.E., both of GEI Consultants, dated February 14, 2025. The Study analyzes the dam's current hydraulic, geotechnical, and structural conditions and identifies factors of safety related to modern dam safety standards. The study goes on to propose alternatives to repair the deficiencies identified in the Study and to remove the dam, including high level, long-term cost estimates for each alternative. The City of White Cloud (City) has been presented with this report and is expected to develop a plan based on the findings of the Study.

Regardless of the long-term plan the City wishes to pursue, the Study identifies significant issues at the dam that may require more immediate risk reduction measures while the long-term plan is developed. Hydraulically, the dam is unable to pass the 0.5% chance (200-year) design storm event without overtopping regardless of gate operation. Even with all stoplogs removed from the dam, the 1% chance (100-year) storm event comes within 0.5 feet of overtopping the concrete floodwall on the upstream side of the crest. This is an inappropriate amount of freeboard for a high hazard dam. The hydraulic analysis presented in the Study, in part, helps corroborate previous concerns with capacity that stem from recent activations, or near activations, of the roller compacted concrete overflow emergency spillway.

The Study's geotechnical analysis also raises significant concerns with the stability of the dam. Although the dam is currently stable, the factor of safety for global stability is concerningly less than modern industry standards. The calculated factor of safety for normal pool level is only 1.2 while it should be at least 1.5. When the impoundment rises to a flood pool elevation, the factor of safety drops to 1.1 while it should be at least 1.4. For reference, a factor of safety of 1.0 means the dam can handle exactly the calculated load it is expected to experience with no buffer. A factor of safety less than 1.0 means that the dam is expected to fail under that loading condition.

Additionally, the Study indicates that the principal spillway inlet structure does not meet the minimum factor of safety of modern design standards related to overturning. Further, it identifies the principal spillway wingwalls, chute wall span, and slab that spans between the chute walls as being out of compliance with current design guidelines. GEI also recommends completing an in-depth bridge inspection, replacing, or shoring up the existing structure.

For a summary of observed and calculated deficiencies, see Table 3-8 on pages 38 and 39 of the Study. The deficiencies are presented in multiple categories that include Dam Safety, Public Safety, Operation, and Maintenance.

The White Cloud Dam is regulated under Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.31501 *et seq.*; and the corresponding administrative rules. Section 324.31518 (7) states:

If, based on the findings and recommendations of the inspection report and an inspection by the department, the department finds that a condition exists which endangers a dam, it shall order the owner to take actions that the department considers necessary to alleviate the danger.

The results of the Study show that conditions do exist that endanger the dam. Therefore, please review the Study's findings with your engineer and propose a plan and schedule to address the concerns. It is expected that the next steps will likely only be temporary risk reduction measures while the City considers the alternatives identified in the Study. Since the primary deficiencies of the dam are caused or exacerbated by an increased impoundment level, drawdown of the impoundment must be considered at least until a long-term plan is devised.

You are hereby ordered under Section 324.31518 to take the following corrective actions:

1. Develop a high-level plan and schedule to address the deficiencies at the dam. This plan will help us set reasonable deadlines for making both short term and long-term decisions and carrying out those decided upon remedial actions. Please provide this plan for review by May 1, 2025. The schedule should include the following deadlines, and the intermediate milestones needed to reach them.
2. Finalize a plan for interim risk reduction measures. This plan may include interim repairs, drawdown, or other measures. Implement the plan as soon as practicable. This plan will likely require input from your engineer and a permit from EGLE. Provide the plan to EGLE for review by June 2, 2025.
3. Finalize a plan for long-term remedial action. This plan should include a repair or removal plan, or a proposal for an alternative dam modification project. Provide this plan to EGLE for review by November 3, 2025.

April Storms, City of White Cloud
Page 3
April 1, 2025

Most of the repairs and risk reduction measures the City will consider, including a drawdown, will require a permit from EGLE. The EGLE joint permit application package can be downloaded from our website at:

<https://mienviro.michigan.gov/ncore/external/home>.

We anticipate your cooperation in resolving this matter. If you have any questions about this dam or permit requirements, please contact me at 517-231-8594 or HorakT@Michigan.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas J. Horak". The signature is stylized and written in cursive.

Thomas J. Horak, P.E.
Dam Safety Unit
Water Resources Division

cc: Don Barnhard, City of White Cloud DPW
Abigail Watkins, P.E.M., M.E.P., Newaygo County Emergency Services
Dan DeVaun, P.E., GEI
Janeen McDermott, P.E., GEI
Helana Nelson, EGLE
Rebecca Huska, EGLE
John Delehanty, EGLE
Lucas A. Trumble, P.E., EGLE
Mason Manuszak, EGLE

April Storms

From: April Storms
Sent: Wednesday, March 19, 2025 4:00 PM
To: Horak, Thomas (EGLE)
Subject: RE: Inspection Report

That would be great if we could do that. 2 years would be fine for reinspect.

Thank you,

April Storms
City Manager

My Expectations (+) Others Limitations (-) Grace = A Recipe for Resentment.

From: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Sent: Wednesday, March 19, 2025 3:45 PM
To: April Storms <citymanager@cityofwhitecloud.org>
Subject: Inspection Report

April,

Thanks for letting me come in the office and chat for a few minutes yesterday. One quick thing I wanted to revisit: I was talking about the inspection report being due this year. Thinking on that for a minute more, the feasibility study hits the base requirements for a Part 315 inspection report and then goes beyond the base requirements. So, I want to count that study as the Part 315 report. The only slight catch is that the investigations took place in 2024, so the cycle would reset on that date meaning the dam would be due for inspection again in 2027 instead of 2028 if it were required to be inspected this year also. Let me know if that causes any issues on your end.

Thanks,

Thomas Horak, P.E.
Dam Safety Unit
Water Resources Division, EGLE
517-231-8594
horakt@michigan.gov

April Storms

From: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Sent: Tuesday, January 28, 2025 1:42 PM
To: April Storms
Cc: Trumble, Luke (EGLE); Manuszak, Mason (EGLE); McDermott, Janeen; White Cloud DPW
Subject: RE: EGLE WRD Dam Safety Correspondence: White Cloud Dam - Violation Notice VN-016408

Thanks April,
We will review and be ready to discuss tomorrow.
Talk to you then.

Thomas Horak, P.E.
Dam Safety Unit
Water Resources Division, EGLE
517-231-8594
horakt@michigan.gov

From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Tuesday, January 28, 2025 1:04 PM
To: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Cc: Trumble, Luke (EGLE) <TrumbleL@michigan.gov>; Manuszak, Mason (EGLE) <ManuszakM@michigan.gov>; McDermott, Janeen <JMcDermott@geiconsultants.com>; White Cloud DPW <dpw@cityofwhitecloud.org>
Subject: RE: EGLE WRD Dam Safety Correspondence: White Cloud Dam - Violation Notice VN-016408

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Good Afternoon Thomas,

Attached is the response to WC's VN: 016408. I'm headed out to an afternoon conference meeting from 2p-5p and won't be back in the office until tomorrow morning. We plan on still meeting with you at 10am. I wanted to gather as much as I was able too to provide you prior to our discussion tomorrow in response to the violation. It's a bit difficult when it's so many months later but attached is what I was able to gather this morning and put together.

We will chat more with you tomorrow.

Thank you,

April Storms
City Manager

From: Horak, Thomas (EGLE) <HorakT@michigan.gov>
Sent: Thursday, January 16, 2025 11:29 AM
To: April Storms <citymanager@cityofwhitecloud.org>

Cc: Trumble, Luke (EGLE) <TrumbleL@michigan.gov>; Manuszak, Mason (EGLE) <ManuszakM@michigan.gov>

Subject: RE: EGLE WRD Dam Safety Correspondence: White Cloud Dam - Violation Notice VN-016408

Hi April.

You should have received the violation notice yesterday for the drawdown during the dam repairs last year. Sorry for the delay in getting it to you. That violation includes a list of informational items we request from you for review. Once the City is able to review the violation and pull relevant information, we would like to set up a meeting to discuss the specific violation and, more importantly, the long term plan/funding/operation of the dam. Can you provide a handful of dates/times when you would be available over the next few weeks for this type of meeting, even if it's before the City's formal response to the violation? If you have any questions about the violation and/or your response, feel free to get in touch ahead of the meeting also.

Thanks,

Thomas Horak, P.E.

Dam Safety Unit

Water Resources Division, EGLE

517-231-8594

horakt@michigan.gov

From: Preston, Kendra (EGLE) <PrestonK6@michigan.gov>

Sent: Wednesday, January 15, 2025 12:54 PM

To: citymanager@cityofwhitecloud.org

Cc: abbym@newaygocountymi.gov; Nelson, Helana (EGLE) <NelsonH1@michigan.gov>; Huska, Rebecca (EGLE) <HuskaR2@michigan.gov>; Delehanty, John (EGLE) <DelehantyJ@michigan.gov>; Horak, Thomas (EGLE) <HorakT@michigan.gov>; Trumble, Luke (EGLE) <TrumbleL@michigan.gov>

Subject: EGLE WRD Dam Safety Correspondence: White Cloud Dam - Violation Notice VN-016408

Good afternoon,

Please see the attached violation notice regarding the White Cloud Dam, MiEnviro Site:
<https://mienviro.michigan.gov/nsite/site/5138582513446031323/documents>.

If you have any questions regarding the specifics of this notice, please contact Luke Trumble at 517-420-8923 or TrumbleL@Michigan.gov.

Thank you,

Kendra M. Preston, Secretary

Dam Safety Unit

Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy (EGLE)

517-388-0791 | PrestonK6@Michigan.gov

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EGLE MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



January 28, 2025

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Lucas A. Trumble
Dam Safety Supervisor
P.O. Box 30458
Lansing, MI 48909-7958

Re: Response to violation notice: VN-016408 – Water Level Violation
Letter dated: 01/15/25
Violation occurrence: August/September 2024

Dear Lucas,

I am writing in response to the violation notice VN-016408 concerning the water level issue that occurred on or about August 20-25, 2024. Please find attached the necessary documentation to provide clarification and context regarding this situation.

Enclosed, you will find attachments for the following:

1. Email correspondence from our engineer (Jan. 2025)
2. The final project inspection report from the inspector w/ photo
3. Email correspondence from Dam Repair project (July-August 2024)
4. Photos documenting the lake (08/23-09/15/24)
5. Memos regarding updates (08/14-09/05)
6. DPW water level monitoring log (levels July-Sept. 2024)

Following the project inspection, the water level initially remained stable. However, after the water level began to drop, we were unaware that there were broken boards that needed replacement. It wasn't until after our emergency meeting with the EGLE Dam Safety Unit on September 5, 2024, (to address the low water level) that we identified the broken boards as the root cause of the issue.

Once we received guidance from the EGLE Dam Safety Team, we promptly took action to replace the broken boards. After this repair, the water level returned to normal, and we have not experienced any further issues that have resulted in the water being drawn down.

We appreciate EGLE's continued oversight in this matter, and we remain committed to ensuring compliance with all regulations. Please let us know if any further information is required or if there are additional steps we should take.

Thank you for your attention to this matter.

Sincerely,

April Storms, City Manager
Donald Barnhard, DPW Supervisor

April Storms

From: David Kuipers <dkiipers@hollandengineering.com>
Sent: Wednesday, January 22, 2025 11:28 AM
To: April Storms
Cc: White Cloud DPW
Subject: RE: EGLE WRD Dam Safety Correspondence: White Cloud Dam - Violation Notice VN-016408
Attachments: IDR - White Cloud Dam.pdf; 20240816_103937.jpg

Good morning April,

I reviewed the Violation Notice letter. Holland Engineering was not involved in construction inspection for this project as that was handled by White Cloud DPW. Doug Hughes from Holland Engineering did perform a final inspection with Barney on 8/16/2024 (See attached IDR). The project was complete at that point in time. This was several days before the August 20, 2024 date referenced when the water level was 8" below normal. The referenced drawdown appears to be unrelated to the construction project.

The Violation Notice references the City of White Cloud's lake level log. Were there any recorded drawdowns during the construction period between of July 8, 2024 and August 16, 2024? I am not sure how to answer the questions for the referenced dates as they did not occur during the construction period. I have attached a picture that Doug took during the final inspection of the auxiliary spillway wall extensions. The water level does not appear to be significantly below normal level.

If EGLE's only concern is with draw down between 8/20/24 and 8/25/2024, this is not related to construction and the questions on page 2 of the letter should not apply. If broken spot logs were discovered, this should be the only explanation.

Thanks,
David

David J. Kuipers, P.E.
Senior Project Manager
dkiipers@HollandEngineering.com

HOLLAND
ENGINEERING

220 Hoover Blvd, Holland, MI 49423
616-392-5938 (o) • 616-893-7197 (c) • 616-392-2116 (f)

From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Thursday, January 16, 2025 10:37 AM
To: David Kuipers <dkiipers@hollandengineering.com>
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>
Subject: FW: EGLE WRD Dam Safety Correspondence: White Cloud Dam - Violation Notice VN-016408

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi David,

We discovered at this time that there were broken boards so the draw down was not as drastic as what they are implying and I thought that's why we had a meeting to discuss... but I wanted to pass along because the engineer or contracting part of this explanation, I can't provide. I can provide the narrative that we met because even despite replacing boards the water wasn't raising, but ultimately, we had broken boards that we were unaware of that we had to replace. As soon as we replaced the boards, the water came up.

I will work on my draft of a letter to explain that part but the 'draw down' numbers, contractor/engineer portion, I'll wait for your response.

Thank you,

*April Storms
City Manager*

From: Preston, Kendra (EGLE) <PrestonK6@michigan.gov>
Sent: Wednesday, January 15, 2025 12:54 PM
To: April Storms <citymanager@cityofwhitecloud.org>
Cc: abbym@newaygocountymi.gov; Nelson, Helana (EGLE) <NelsonH1@michigan.gov>; Huska, Rebecca (EGLE) <HuskaR2@michigan.gov>; Delehanty, John (EGLE) <DelehantyJ@michigan.gov>; Horak, Thomas (EGLE) <HorakT@michigan.gov>; Trumble, Luke (EGLE) <TrumbleL@michigan.gov>
Subject: EGLE WRD Dam Safety Correspondence: White Cloud Dam - Violation Notice VN-016408

Good afternoon,

Please see the attached violation notice regarding the White Cloud Dam, MiEnviro Site:
<https://mienviro.michigan.gov/nsite/site/5138582513446031323/documents>.

If you have any questions regarding the specifics of this notice, please contact Luke Trumble at 517-420-8923 or TrumbleL@Michigan.gov.

Thank you,

Kendra M. Preston, Secretary
Dam Safety Unit
Water Resources Division
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
517-388-0791 | PrestonK6@Michigan.gov
Follow Us | [//Michigan.gov/EGLE](https://Michigan.gov/EGLE)



08/16/24 Post Construction Inspection- White Cloud



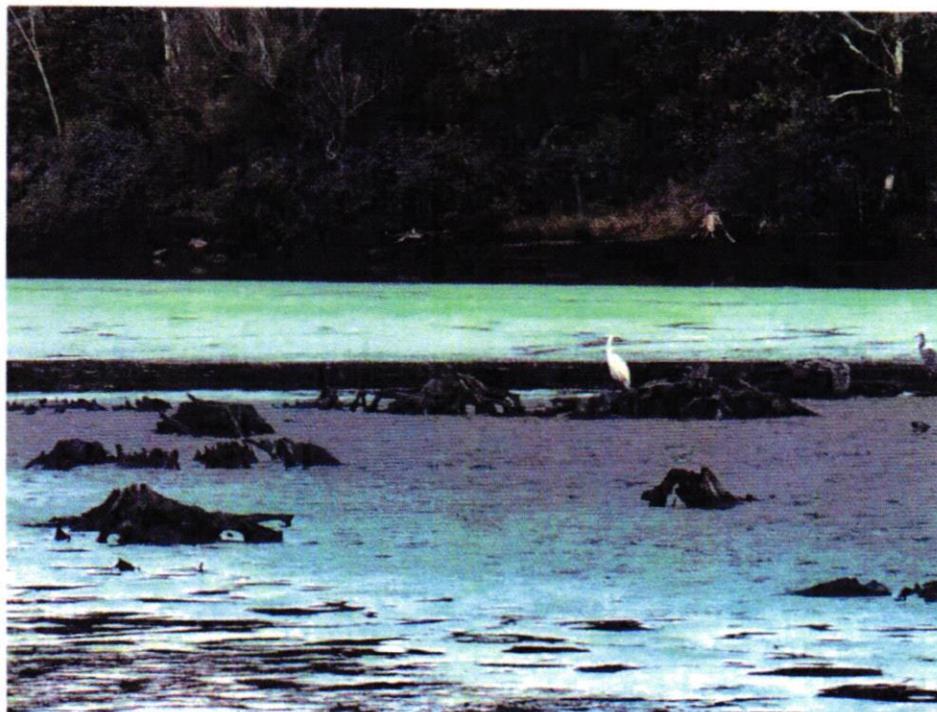
8/23/24 White Cloud



8/27/24 White Cloud



09/04/24 White Cloud



09/15/24 White Cloud



City of White Cloud ~ 2024 Lake Levels ~ DPW Monitoring

7-11-24 2" below normal lake level @ 7:50 a.m. Took out 1 row of stop logs at aux. spillway for contractor. (Tridon Const. Dam Repairs)

7-12-24 8" below normal lake level @ 7:45 a.m.

7-13-24 12" below normal lake level @ 3:00 p.m.

7-14-24 14" below normal lake level @ 9:25 a.m.

7-15-24 18" below normal lake level @ 7:40 a.m.

7-16-24 20" below normal lake level @ 7:35 a.m.

7-17-24 22" below normal lake level @ 7:45 a.m.

7-18-24 24" below normal lake level @ 7:50 a.m.

7-19-24 26" below normal lake level @ 7:45 a.m.

7-20-24 N/A

7-21-24 N/A

7-22-24 30" below normal lake level @ 7:55 a.m.

7-23-24 30" below normal lake level @ 7:40 a.m.

7-24-24 32" below normal lake level @ 8:05 a.m.

7-25-24 32" below normal lake level @ 7:50 a.m.

7-26-24 32" below normal lake level @ 7:45 a.m.

7-27-24 34" below normal lake level @ 9:35 a.m.

7-28-24 34" below normal lake level @ 10:00 a.m.

7-29-24 34" below normal lake level @ 7:50 a.m.

7-30-24 34" below normal lake level @ 8:05 a.m.

7-31-24 34" below normal lake level @ 7:40 a.m.

8-1-24 34" below normal lake level @ 8:55 a.m.

8-2-24 35" below normal lake level @ 7:45 a.m.

8-3-24 25" below normal lake level @ 9:35 a.m.

8-4-24 25" below normal lake level @ 10:05 a.m.

8-5-24 25" below normal lake level @ 7:35 a.m.

8-6-24 25" below normal lake level @ 7:50 a.m.

8-7-24 15" below normal lake level @ 7:55 a.m. Heavy rains on Tuesday.

8-8-24 18" below normal lake level @ 7:45 a.m.

8-9-24 20" below normal lake level @ 7:35 a.m.

8-10-24 20" below normal lake level @ 9:20 a.m.

8-11-24 19" below normal lake level @ 9:45 a.m.

8-12-24 19" below normal lake level @ 7:40 a.m.

8-13-24 20" below normal lake level @ 7:55 a.m. *Dam repairs finishing up. Replaced 1 row of stop logs in aux. spillway*

8-14-24 18" below normal lake level @ 7:30 a.m.

8-15-24 18" below normal lake level @ 8:30 a.m.

8-16-24 16" below normal lake level @ 8:10 a.m.

8-17-24 16" below normal lake level @ 7:50 a.m.

8-18-24 12" below normal lake level @ 9:25 a.m.

8-19-24 8" below normal lake level @ 8:10 a.m.

8-20-24 8" below normal lake level @ 7:45 a.m. Replaced 1 row of stop logs in aux. spillway.

8-25-24 7' below normal lake level @ 5:45 p.m.

8-26-24 7' below normal lake level @ 7:35 a.m. Closed metal gate on aux. spillway.

8-27-24 6' below normal lake level @ 7:50 a.m.

8-28-24 5' below normal lake level @ 6:55 a.m.
8-29-24 4' below normal lake level @ 7:40 a.m.
8-30-24 32" below normal lake level @ 7:55 a.m.
8-31-24 34" below normal lake level @ 7:30 a.m.
9-1-24 36" below normal lake level @ 9:30 a.m.
9-2-24 44" below normal lake level @ 7:40 a.m.
9-3-24 46" below normal lake level @ 7:45 a.m.
9-4-24 48" below normal lake level @ 7:35 a.m.
9-5-24 50" below normal lake level @ 7:45 a.m. Removed stop logs. Found bottom stop log broken. Replaced and reinstalled logs. Also removed 4" brick under logs. Lowered mechanical gate to a 4" opening.
9-6-24 40" below normal lake level @ 8:10 a.m.
9-7-24 Added 2 more stop logs to center section of dam. 24" below normal lake level @ 6:35 a.m.
9-8-24 N/A
9-9-24 12" below normal lake level @ 9:20 a.m. Added 1 stop log to center section of dam.
9-10-24 8" below normal lake level @ 8:15 a.m. Opened main steel gate in aux. spillway to allow for more water downstream.
9-11-24 8" below normal lake level @ 8:20 a.m.
9-12-24 8" below normal lake level @ 8:05 a.m.
9-13-24 8" below normal lake level @ 7:50 a.m.
9-14-24 9" below normal lake level @ 4:00 p.m.
9-15-24 9" below normal lake level @ 9:40 a.m.
9-16-24 10" below normal lake level @ 7:55 a.m.
9-17-24 10" below normal lake level @ 7:50 a.m.
9-18-24 11" below normal lake level @ 8:00 a.m.
9-19-24 11" below normal lake level @ 9:35 a.m.
9-20-24 12" below normal lake level @ 7:40 a.m.
9-21-24 12" below normal lake level @ 9:45 a.m.
9-22-24 12" below normal lake level @ 9:25 a.m.
9-23-24 10" below normal lake level @ 7:45 a.m.
9-22-24 8" below normal lake level @ 7:55 a.m.
9-23-24 8" below normal lake level @ 7:50 a.m.
9-24-24 8" below normal lake level @ 7:45 a.m.
9-25-24 Heavy rains, 4-6" above normal @ 7:40 a.m.
9-26-24 12" above normal lake level @ 6:45 a.m. *Removed 1 row of stop logs and opened metal gate*

Adjustments needed over past 30 days were necessary because of broken boards and re-establishing normal lake levels. (Met w/ EGLE 09/05/25 to seek advice/guidance)

9-27-24 2" below normal lake level @ 6:50 a.m.
9-28-24 2" below normal lake level @ 9:50 a.m.
9-29-24 2" below normal lake level @ 9:25 a.m.
9-30-24 4" below normal lake level @ 7:55 a.m.

April Storms

From: April Storms
Sent: Friday, August 16, 2024 12:52 PM
To: candicedault@yahoo.com; lorishears@att.net; Brian Miller; hermanbecker@yahoo.com; Jeffrey Murchison; Damon Anuci
Cc: Dan Evans; White Cloud DPW; Kelli Arnold; Makayla Brandt
Subject: Fwd: White Cloud Dam Rehabilitation

Please see update below. We will start raising the water as soon as the equipment is moved. He's assured me that they want it out of there as badly as we do! Then we can continue to raise water levels.

Have a great weekend! I'll see some of you at the library pig roast!

April Storms
City Manager

From: David Kuipers <dkiipers@hollandengineering.com>
Sent: Friday, August 16, 2024 11:43:37 AM
To: April Storms <citymanager@cityofwhitecloud.org>; Bernie LaCross <blacross@tridonn.com>
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>
Subject: RE: White Cloud Dam Rehabilitation

Good morning Bernie,

Doug Hughes from Holland Engineering met Barney this morning and reviewed the repair work at the dam. All work appears to have been completed in accordance with the plans and specifications. There are no punch list items other than removal of the scaffold pics and brackets, and remaining miscellaneous lumber from the site. Please remove these items as soon as possible.

Thank you for your work.

David J. Kuipers, P.E.
Senior Project Manager
dkiipers@HollandEngineering.com

HOLLAND
ENGINEERING

220 Hoover Blvd, Holland, MI 49423
616-392-5938 (o) • 616-893-7197 (c) • 616-392-2116 (f)

From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Tuesday, August 13, 2024 3:28 PM
To: David Kuipers <dkiipers@hollandengineering.com>; Bernie LaCross <blacross@tridonn.com>
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>
Subject: RE: White Cloud Dam Rehabilitation

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Great. Thank you!

Bernie, Please see below.

April

From: David Kuipers <dkuipers@hollandengineering.com>
Sent: Tuesday, August 13, 2024 3:24 PM
To: April Storms <citymanager@cityofwhitecloud.org>
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>
Subject: RE: White Cloud Dam Rehabilitation

April,

I spoke with Barney. I will get with Doug Hughes from our office, who walked the spillway with me prior to repairs, to stop and take a look at in the next few days. I will have him coordinate with Barney for the timing.

Thanks,

David J. Kuipers, P.E.
Senior Project Manager
dkuipers@HollandEngineering.com



220 Hoover Blvd, Holland, MI 49423
616-392-5938 (o) • 616-893-7197 (c) • 616-392-2116 (f)

From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Tuesday, August 13, 2024 2:13 PM
To: David Kuipers <dkuipers@hollandengineering.com>
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>
Subject: FW: White Cloud Dam Rehabilitation

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

David, Thoughts?

April

From: Bernie LaCross <blacross@tridonn.com>
Sent: Tuesday, August 13, 2024 2:09 PM
To: dkuipers@hollandengineering.com; White Cloud DPW <dpw@cityofwhitecloud.org>; April Storms <citymanager@cityofwhitecloud.org>
Cc: Anthony Dore <awdore@tridonn.com>; Dean Smith <dsmith@tridonn.com>; Rodney Smith <rsmith@tridonn.com>;

Subject: White Cloud Dam Rehabilitation

Good afternoon All,

I just spoke with Brad from BVR Restoration and he has informed me that his portion of the work is complete, which completes the restoration project with the exception of removal of the scaffold pics and brackets from the spillway. We would like to remove that equipment from the spillway as soon as possible. We will however, leave them in place in the event that Holland Engineer or the City would like to utilize them for inspection or punch list purposes as well as to make any corrections that may be required. If someone chooses to utilize the pics they will be required to provide their own fall protection equipment. Please let us know as soon as possible if anyone cares to utilize them so we can schedule their removal.

BVR Restoration and Tridonn Construction are willing to attend any post project reviews, meetings, or inspections if desired.

Please let us know if you would like to schedule such a meeting.

It has been a pleasure working the you all, and we certainly appreciate the work.

Thank you.

Bernie



Brian "Bernie" LaCross

President

PH: 231-777-2681

CELL: 231-206-3323

EMAIL: blacross@tridonn.com

Dam Repairs - Update - 8/14/24

The contractor has completed the Dam Repairs. Our Engineer must come inspect the repairs before the contractor can remove the scaffold, brackets and equipment from the spillway.

The DPW have replaced a few boards back to slowly start bringing the water back up at the Mill Pond. Once the engineer inspects & approves the repairs, the contractors will remove their equipment and the DPW will continue to replace boards to raise the water level back up.

I'm hopeful by the end of the week the equipment will be removed, and we will be restoring water levels. If you have any further questions, please feel free to contact me at the city office.

Thank you for your understanding and cooperation during this project!

April Storms
City Manager
231-689-1194

August 26, 2024

Public Notice: Low Water Levels

I want to inform our community that the current low water levels in the river are due to a combination of factors, primarily the recent lack of rainfall. Additionally, since the river was previously lowered facilitate the necessary dam repairs, there has been no significant rain to help restore the water to its usual level; had the water not been lowered for the repairs, the impact of the low rainfall wouldn't be as visible as the river would have been at normal levels.

Please be assured that all gates are securely closed, and all boards have been inspected, are intact, and in place. There are no issues with the dam's structure, and everything is functioning as intended.; However, it will take some rainfall before the water level returns to normal.

The city has no intention of removing the dam or decreasing the capacity of the Mill Pond or the river. Unfortunately, water levels are determined by some factors that are out of our control. The repairs were mandatory if the city chose to keep and maintain the dam and had to be completed during a time where temps were above 60 degrees.

I sincerely apologize for the concern that this caused, and any inconvenience caused by lack of recreational use of the river. I sincerely appreciate your understanding and patience as we wait for nature to take its course.

April Storms
City Manager
231-689-1194
citymanager@cityofwhitecloud.org

Please call or email me with questions or concerns. I will not be responding to social media questions as I'm unable to manage Facebook daily during the duration of work hours

August 27, 2024

Public Notice: Low Water Levels - UPDATE

I am writing to provide additional context to the public notice released August 26. I have had several questions and calls regarding the low water levels at the dam. This provides a timeline in hopes of providing additional clarification.

Water Levels were lowered at the beginning of July for Dam repairs.

Repairs were anticipated to last approximately 3 weeks. There were two additional deficiencies found underneath the road (that were not visible to the public). Those additional repairs required fiscal approval and the order of materials that had to be shipped from out of state, which extended the completion of the Dam repairs until 8/13/24.

On 8/13/24. The city was notified that the dam repairs were finished. Tridonn Construction requested that the Engineer do a final inspection prior to Tridonn removing their equipment.

On 8/16/24. The Engineer approved the repairs and notified Tridonn that the project was completed to satisfactory conditions and standards. They could remove their equipment.

There was some rainfall on the weekend of 08/17-08/18. We did not benefit from that rainfall to increase the water levels due to the equipment waiting for removal. It appeared that the water level increased when it rained, however, no boards were able to be placed to retain that rainwater.

On 8/20/24. Tridonn Construction removed their equipment from the Auxiliary Spillway.

On 8/20/24. in the afternoon, the city was notified that the equipment had been removed. We began to raise the water level by placing boards back into the dam.



September 5, 2024

Dear Residents,

I'm pleased to inform you that we met with EGLE and the engineer this morning and we have received permission and direction from the EGLE Dam Safety Unit to make additional necessary adjustments to the normal water flow at the dam.

This additional change will allow us to release less water downstream to help refill the lake. These changes are being made this afternoon and will be made in a controlled manner to ensure both the safety of the dam and the needs of our community. We will continue to communicate with EGLE and the engineer to adjust daily until the pond is refilled.

We appreciate your understanding as we work toward the common goal of refilling the lake to normal levels.

April Storms
City Manager

****This was when we discovered that the water level was low due to broken boards – prior to that, we thought it had been a combination of the water level being slightly lowered for the project and no rainfall – we were not aware that these boards were broken until AFTER this meeting. Once we found that the boards were broken, they were replaced*****

April Storms

From: Bernie LaCross <blacross@tridonn.com>
Sent: Thursday, July 25, 2024 5:11 PM
To: April Storms; dkuipers@hollandengineering.com
Cc: White Cloud DPW; Anthony Dore; bvrrestorationllc@aol.com; com-inbound-white-cloud-dam-rehabilitation-eogpfxeca@us02.procoretech.com
Subject: RE: White Cloud Dam Patching

Follow Up Flag: Follow up
Flag Status: Completed

Thank you April, we will get it taken care of.

From: April Storms <citymanager@cityofwhitecloud.org>
Sent: Thursday, July 25, 2024 4:43 PM
To: Bernie LaCross <blacross@tridonn.com>; dkuipers@hollandengineering.com
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>; Anthony Dore <awdore@tridonn.com>; bvrrestorationllc@aol.com; com-inbound-white-cloud-dam-rehabilitation-eogpfxeca@us02.procoretech.com
Subject: RE: White Cloud Dam Patching

Please go ahead and move forward with the additional repair.

I will discuss with David if we need to amend anything on our end.

On behalf of the city, you can move forward with the necessary additional repairs.

Thank you,

April Storms
City Manager

From: Bernie LaCross <blacross@tridonn.com>
Sent: Thursday, July 25, 2024 10:50 AM
To: dkuipers@hollandengineering.com
Cc: White Cloud DPW <dpw@cityofwhitecloud.org>; April Storms <citymanager@cityofwhitecloud.org>; Anthony Dore <awdore@tridonn.com>; bvrrestorationllc@aol.com; com-inbound-white-cloud-dam-rehabilitation-eogpfxeca@us02.procoretech.com
Subject: White Cloud Dam Patching

Good afternoon David,

I was informed earlier this week from BVR Restoration that there is approximately 40 SF of additional deep patching required at the dam.

See attached photos. Estimated cost for the additional work is approximately \$6,200.00.

BVR Restoration on site and available to review the area with you if you would like to visit the site. It is my understanding that BVR has reviewed the area with Barney.

The material does take some time to procure, so please let us know as soon as possible if we are authorized to proceed with this work.

Also, based on the "Reviewed" response to the submittal for the Drill and Fill Grouting and the Crack Injection Products, those products have been ordered.

Please let me know if you have any questions.

Bernie



Brian "Bernie" LaCross

President

PH: 231-777-2681

CELL: 231-206-3323

EMAIL: blacross@tridonn.com



Pre-Const Meeting

Meetings WHITE CLOUD DAM REHABILITATION
Export

- PDF

Meeting Minutes: WHITE CLOUD DAM REHABILITATION

- Meeting
- Related Items (0)
- Emails (0)
- Change History (53)



Meeting Information

Meeting #

1

Meeting Name

WHITE CLOUD DAM REHABILITATION

Video Conferencing Link

Meeting Location

12 N Charles St, White Cloud, MI 49349

Private Meeting

Yes

Draft Meeting

No

Meeting Date

June 24, 2024

Timezone

Eastern Time (US & Canada)

Start Time

2:00 PM

End Time

3:00 PM

Overview

Pre Construction Meeting

Notes

Attachments

Scheduled Attendees

Person	Company	Present	Absent	For Distribution Only	Conference
Rahm, Brad	BVR Restoration LLC				
Barnhard, Barney	City of White Cloud				
STORMS, APRIL	City of White Cloud				
KUIPERS, DAVID	Holland Engineering				
Dore, Anthony	Tridonn Construction Company				

Person	Company	Present	Absent	For Distribution	Only	Conference
LaCross, Brian	Tridonn Construction Company					
Smith, Rodney	Tridonn Construction Company					

Agenda

1 - Uncategorized Items

View	1.1	1	Introductions	LaCross, Brian (Tridonn Construction Company)	Open
			<p>Discuss team members and their roles. Contact information. Barney Barnhard will be the main point of contact for the City. Anthony Dore will be Tridonn's Site Superintendent and the main point of Contact for Tridonn. BVR Restoration will be the concrete repair contractor and Brad Rahm will be the contact person. Email addresses and cell phone numbers are on Procure Home Page, Please contact Bernie if you are unable to locate information on Procure.</p>		
			Official Documented Meeting Minutes:		
View	1.2	1	Safety Issues/Updates		Open
			<p>Contractors are required to follow all applicable safety requirements. It was noted that fluctuating water levels in the spill ways could potentially create safety hazards. The work area is adjacent to a narrow public road, use caution when working near the road. It was also discussed that intermittent lane closers may be required to perform some of the work. Contractors to provide signage and flagging as necessary.</p>		
			Official Documented Meeting Minutes:		
View	1.3	1	Rain Storm/Water Level Communication		Open
			<p>Contractors will be required to monitor the weather and discuss weather events with Barney when active on site.</p>		
			Official Documented Meeting Minutes:		
View	1.4	1	Schedule/Progress Review		Open
			<p>Determine Start Date and Completion Date. July 8, Start date. 5 day work week with weekends if necessary. 3-4 weeks project duration. The July 31st completion date was discussed with the potential of the project possibly extending beyond the 31st. It was determined that liquidated damages would not be assessed if contractors mobilized and remained working on site until the project was complete, weather permitting.</p>		
			Official Documented Meeting Minutes:		
View	1.5	1	Permit		Open
			<p>Permit Requirements The City will not require a permit for this work.</p>		
			Official Documented Meeting Minutes:		
View	1.6	1	Submittals		Open
			<p>Submittals for concrete, and concrete repair have been approved. BVR will submit hydrophilic grout and cement grout following review with Holland Engineering.</p>		
			Official Documented Meeting Minutes:		
View	1.7	1	Grouting Requirements		Open
			<p>Description:</p>		
			Official Documented Meeting Minutes:		
View	1.8	1	Progress Meetings		Open
			<p>Description: Additional meetings are not anticipated, in the event circumstances dictate an additional meeting, all parties will be notified.</p>		
			Official Documented Meeting Minutes:		

STORMS, APRIL (City of White Cloud)
Dore, Anthony (Tridonn Construction Company)
Barnhard, Barney (City of White Cloud)
Rahm, Brad (BVR Restoration LLC)
LaCross, Brian (Tridonn Construction Company)
KUIPERS, DAVID (Holland Engineering)
Smith, Rodney (Tridonn Construction Company)

[View](#) 1.9 1

Additional Work

Open

Description:

**BVR will sound repair areas to confirm square footage.
Depth of repair will be confirmed once material is removed.
BVR will photo document repair areas.
Holland Engineering needs to be contacted if additional work is required.**

Official Documented Meeting Minutes:

[View](#) 1.10 1

Video of Leaking Cracks

Open

Description:

Bernie will work with David to attempt to post videos of leaking cracks in wall to Procore.

Official Documented Meeting Minutes:

Minimize Sidebar



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION



PHILLIP D. ROOS
DIRECTOR

January 15, 2024

VIA E-MAIL AND U.S. MAIL

VIOLATION NOTICE
VN No. VN-016408

April Storms, City Manager
City of White Cloud
12 North Charles Street
White Cloud, Michigan 49349-0607

Dear April Storms:

SUBJECT: Violation Notice: Request for Information
Site Name: White Cloud Dam, Dam ID No. 526
Property Location: S, State St., Everett Township, Newaygo County,
Michigan 49947, Town 13N, Range 12W Section 5
Parcel Number: 62-15-05-400-002

On August 26, 2024, the Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division (WRD), Dam Safety Unit was informed that an unauthorized drawdown had occurred at Lake White Cloud at the above referenced parcel of property. Based on available information, the drawdown was conducted contrary to Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection, and Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCLs 324.30101 *et seq.*, 324.30301 *et seq.*, and 324.31501 *et seq.*; and the corresponding administrative rules. This letter is being sent because the City of White Cloud has been identified as the owner responsible for the property and the unauthorized activities.

Section 30102(1)(d) of Part 301 prohibits the diminishment of an inland lake or stream without first obtaining a permit from EGLE. Section 30304(d) of Part 303 prohibits draining surface water from a wetland without obtaining a permit from EGLE. Section 31515(2) of Part 315 prohibits the implementation of changes in approved plans and specifications of permitted activities without prior approval of the department. A review of WRD files indicates that active permit number WRP038904 was issued for repairs on the White Cloud Dam. The permit explicitly states multiple times that no drawdown or raising of Lake White Cloud is authorized by the permit, including Permit Condition Y.12. No correspondence with EGLE regarding the drawdown was found prior to the event, and no permit was issued for the drawdown. Therefore, it appears that these activities were conducted in violation of Part 301, Part 303, Part 315, and Permit number WRP038904.

EGLE was made aware, after the fact, that the impoundment was drawn down by the contractor so that they could complete work within the principal spillway chute in a completely dry condition without the risk of water flowing through the spillway. EGLE contends that work could have been completed in the dry within the spillway chute by simply closing all spillway gates and ensuring stoplogs were in place down to the sill. Further, the City of White Cloud's lake level log reveals

January 15, 2025

the impoundment went from eight (8) inches below normal lake level on August 20, 2024 to seven (7) feet below normal lake level only five (5) days later on August 25, 2024. This rate of drawdown would not have been permitted in the absence of an emergency.

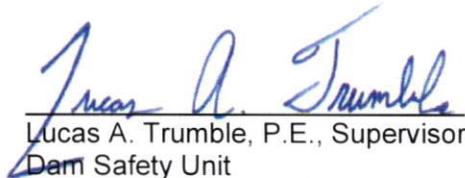
To assist EGLE's review and disposition of this matter, we are requesting that you provide, by no later than 10 days following receipt of this letter, a written response to this Violation Notice. Please review the incident and include within your response the confirmation of the above summary of events and/or any factual disputes or further details where necessary. If there is any other relevant information that will assist our review, please also include it in the response. Relevant information includes, but is not limited to, the following pieces of information:

- Name of contractor(s) who completed the drawdown and subsequent spillway work.
- Justification provided by your contractor and/or engineer that a drawdown was necessary to complete the work.
- Dates of the start and end of drawdown and refill.
- Rates of drawdown and refill.
- Pictures of the drawn down impoundment and receiving channel.
- Contractor or inspector daily reports for the project.
- Documentation or photos of any stranded fish or other organisms during the drawdown.

The City of White Cloud or its designated agent will be responsible for completing and reporting the findings of this incident review to the WRD. It is EGLE's intent that information gained from this review will be used by the WRD, in cooperation with the City of White Cloud, to formulate appropriate actions for remediating the unauthorized drawdown and preventing similar occurrences in the future. The WRD staff may conduct additional inspections to determine compliance with Part 301, Part 303, Part 315 and Permit Number WRP038904.

We anticipate your cooperation in resolving this matter. If you have any questions, you may contact me at 517-420-8923 or at TrumbleL@Michigan.gov.

Sincerely,


Lucas A. Trumble, P.E., Supervisor
Dam Safety Unit
Water Resources Division

cc: Abigail Watkins, Newaygo County Emergency Services
Helana Nelson, EGLE
Rebecca Huska, EGLE
John Delehanty, EGLE
Thomas Horak, EGLE