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GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENT

LANSING



REBECCA A.
HUMPHRIES
DIRECTOR

July 15, 2010

Mr. Joseph S. Sawyer, City Manager
City of Corunna
402 North Shiawassee
Corunna, Michigan 48817

Dear Mr. Sawyer:

SUBJECT: Corunna Dam, Dam ID 379, Shiawassee County

We are in receipt of your letter dated June 8, 2010, in which you requested clarification of some of the issues related to the dam safety order (Order) issued to the City of Corunna (City) on December 4, 2009. We appreciate that the City would like to reach a mutual agreement on how to address the deficiencies of the dam. The Order requires you to submit a plan and schedule. We have offered to meet and discuss your options. If you prefer not to, then submit your plan and schedule in writing, and we will either approve them or return our comments in writing.

The Order was issued under Section 31518 of Part 315 of the Natural Resources and Environmental Protection Act of 1994 (NREPA), as amended, in response to the progressive, ongoing structural failure of the dam. As stated in the Order, 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.”

Conditions clearly exist that endanger the Corunna Dam. The department is required by law to order the owner to alleviate the danger to the dam. This requirement is not dependent on the dam hazard potential classification. Drawdown of the impoundment is one measure to accomplish this.

The City alleges that a drawdown would create more hazards than it would alleviate. Please submit an engineering analysis to support that allegation, and provide any engineering proposals of alternative measures that could be quickly implemented to alleviate the danger to the dam.

Mr. Joseph S. Sawyer

Page 2

July 15, 2010

Regarding the requirement to obtain a permit to draw down the impoundment behind the Corunna Dam, Section 30102 of Part 301, Inland Lakes and Streams, of the NREPA states:

Except as provided in this part, a person without a permit from the department shall not do any of the following:

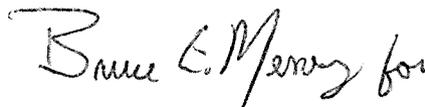
- (a) Dredge or fill bottomland.
- (b) Construct, enlarge, extend, remove, or place a structure on bottomland.
- (c) Construct, reconfigure, or expand a marina.
- (d) Create, enlarge, or diminish an inland lake or stream.**
(our emphasis added).

Drawing down the impoundment behind the Corunna Dam would constitute diminishing and inland lake or stream. Part 301 does not include a provision exempting projects such as proposed. Note that when this department processes the application for a permit under Part 301, we will review it for impacts under Part 303, Wetlands Protection, of the NREPA, and other potential environmental and resource impacts associated with the project. This review will include a site visit during which staff will be available to meet with you and/or your engineering representative to discuss any concerns you may have.

Please be advised that the conditions of the Order are still in effect, and the City has not yet complied with the Order.

If you have any questions or comments, please contact Jim Pawloski at 989-705-3443, or you may contact me.

Sincerely,



Byron Lane, P.E., Chief
Hydrologic Studies and Dam Safety Unit
Land and Water Management Division
517-241-9862

cc: Mr. Jim Pawloski, DNRE