July 24, 1974

Mr. Thomas Lennox, City Manager
City of Corunna
402 North Shiawassee Street
Corunna, Michigan 48817

Dear Mr. Lennox:

Thank you for your letter of July 10, 1974, regarding the Corunna Mill Pond Dam.

With regard to the condition of the Dam, in the near future, engineers from our Hydrological Survey Division, will conduct an inspection of the Corunna Mill Pond Dam. Should our inspection reveal that a hazardous condition may exist in the structure of the Dam, this Department may then exercise its authority provided in Section 2c of Act 184, Public Acts of 1963, as amended, by ordering the owner to submit a report prepared by a registered professional engineer on the condition of the Dam. Should the report indicate that a hazardous condition does exist, this Department may then order the Company to make the necessary repairs or remove the dam.

This Department has no authority over the operation of privately owned dams, or the maintenance of water levels controlled by such dams. Past Michigan Supreme Court decisions have upheld the right of dam owners to regulate impounded water levels within their flowage rights, and their right to remove their dams.

Other than an outright purchase of the dam, the only means by which a local unit of government can gain control of a dam, is through the Inland Lake Level Act, being Act 146, Public Acts of 1961, as amended (copy enclosed). Under this Act, the County Board of Commissioners, either by petition of two-thirds of the freeholders abutting a lake, or by their own motion, may initiate action to have a legal lake level established by the Circuit Court. Once a legal level is established, it then becomes the responsibility of the County Board of Commissioners to maintain that lake level. This Act allows the County Board of Commissioners to establish a special assessment district to pay for the maintenance of the legal lake level. The Act also provides the County Board of

Commissioners with power of condemnation of private property in order to carry-out the purposes of the Act.

Should you have any further questions in this regard, you may wish to contact our Hydrological Survey Division, Eighth Floor, Stevens T. Mason Building, telephone, 517-373-3930.

Sincerely,

ENVIRONMENTAL PROTECTION BRANCH

Ralph W. Purdy
Deputy Director

LAC/bm