

April 10, 2021

Long Lake Residents,

If you own lands within the boundaries of the current or the proposed revised Cloverdale Drainage District you will be receiving, and may have already received, a Notice Day of Review and estimated **assessment for the Cloverdale Drain District** in your postal mail. If you are a property owner within these boundaries and do not receive a notice please contact the Barry County Drain Commissioner's Office at 269-945-1385.

DAY OF REVIEW

This assessment also announces a **Day of Review to be held on April 22 from 9am-5pm at the Ever After Banquet Hall in Hastings**. Please review this information, and be aware that you ***MUST report to the Day of Review or reply in writing with 10 days if you wish to contest the assessment.***

LINK: [Cloverdale Drain Day of Review Announcement](#)

LINK: [Cloverdale Drain Day of Review FAQ](#)

LINK: [Proposed Changes to Cloverdale Drain District](#)

BACKGROUND

As some of you know, the Barry County Drain Commission received final permit approval for the water from Upper Crooked Lake south of Delton Rd to be pumped from the infiltration pond north of Delton Rd to the Delton Marsh, routing it to the Chain of Lakes (Jones/Mudd, Wilkinson and Cloverdale) and ultimately to and through Long Lake.

FILE ATTACHED: "Explanation of Findings Recommendation", regarding the approved permit, as written by EGLE (formerly DEQ)

CHANGES TO LONG LAKE

This apportionment being levied is to cover the costs of the changes being made to Long Lake that will aid in the throughput of the additional volumes of water.

These changes – being labeled as benefits or improvements - include:

- Replacing the north end "exit" of water from 2 side-by-side 24" and 21' diameters to a single 4' box culvert and rebuilding the bridge to North Shore Dr.
- Eliminating all pumping of water from Cloverdale Lake
- Adding a weir to control the height of Cloverdale Lake so that water only exits to Long Lake when the levels exceed their legal limit of 922'
- Adding an airburst filter to minimize the flow of aquatic invasive species (invasive weeds, like cabomba)
- Removing the old 10" diameter culvert and replacing with a 24" diameter culvert, to transport water from Cloverdale Lake to Long Lake under Guernsey Lake Rd.
- Creating a new drain entry into Long Lake at the south end to replace the old Cloverdale Drain established in 1904

OBJECTIONS:

- While all this may sound great, many of us know that we did not “NEED” any of this. Our lake, as it is, functions quite well, and we have historically accepted the water from Chain of Lakes in an osmotic flow. We have also taken the pumped overflow from Chain of Lakes for the past 3+ years.
- Until the waters from a lake 4 miles away – a lake with no natural inlet or outlet – became flooded, jeopardizing many of the homes. And then we are selected to take on an overflow that could take years to accomplish. It is clearly unfortunate for the people of Crooked Lake, that this cycle of nature inflicted loss of property and land with 8-9’ of additional water.
- Crooked Lake is in a different Drain district (Watson) and a different watershed. Water south of Delton Rd naturally flows south, aka Crooked; Water north of Delton Rd naturally flows north, aka Chain of Lakes and Long Lake. In essence this “change in directional flow” is not natural.
- The costs assigned to Long Lake are not what we were led to believe, or that we feel is warranted for a situation that we did not agree to, and one for which our lake is taking on all the risk.

CONCERNS RAISED AND FOUGHT FOR BY THE LLCA WATER QUALITY COMMITTEE AND ADOPTED BY APPROVED PLAN:

- Invasive zebra mussels and their larvae will be filtered before entering the Delton Marsh. This was a major concern and this filter was added to the plan for the protection of the receiving lakes that do not yet have zebra mussels
- Aquatic invasive plants will be filtered by an airburst filter at the exit of Cloverdale Lake before being transported under Guernsey Lake Rd to Long Lake. Prior to this time we did not have a filter. With the increased volume of water, we believe that this **added** feature will help keep our invasive weed concentrations manageable using our current invasive weed program.
- The flow of water after entering the Delton Marsh will be by natural flow only with no pumping involved. This will result in a more natural flow rate than we may have thought previously. Although there is “A LOT” of water that will ultimately channel into and out of Long Lake, this will take 2-3 years to accomplish.
- There are many monitors and controls that EGLE has mandated for the Drain Commission in an effort to safeguard potential hardship to our lake environment as well as our own habitats.
- Although not a part of the official EGLE plan, the Legal Lake Limit for Long Lake is being petitioned through the court as an additional safeguard, to be set at ideal level of 907.5’, with fluctuations from 907-908’

PLAN OF ACTION

- The LLCA Board of Directors has employed a local lawyer versed in property and water law, Dave Tripp of *Tripp, Tagg and Storrs*, to represent our interests at the Day of Review, and potentially beyond. For now, Dave is being retained for a ***discovery process*** into the costs being assessed per the “benefits” received, and the applicable drain codes under which this project has been predicated. Dave has already begun by submitting a very extensive FOIA request for further information regarding the assessment. We have not retained Dave on an ongoing basis at this time.

- This does not mean you are represented as an individual at the Day of Review.
- **You still MUST attend the Day of Review** at some point between 9am and 5pm
OR
You may appeal in writing the Drain Commissioner's decision to revise the district boundary to the Barry County Circuit Court within ten (10) days, and you may also appeal the determination of apportionments to the Barry County Probate Court within ten (10) days.
- The LLCA legal funding is not unlimited. If we wish to move forward with legal action in any collective way it will require more funding from residents on a voluntary basis. Please consider how much you might be able and willing to contribute to this effort if it appears to be a viable option. We do not want to overburden with a legal cost that may not be well spent if the outcome does not appear to be value-based.

As always, thank you for your support as we move forward together as the exceptional community that we are!

Your LLCA Water Quality Committee

Cynthia Schmitz, Doug Bamfield, Shannon Bessette, Jennifer Nunnally, Ron Root and Graham Smith