



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT**

ISSUED TO:

Lake Isabella Property Owners Association
1096 Queensway
Lake Isabella, MI 48893

Permit No.	13-37-0018-P
Issued	November 12, 2013
Extended	
Revised	
Expires	November 12, 2018

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- Part 301, Inland Lakes and Streams
- Part 315, Dam Safety
- Part 325, Great Lakes Submerged Lands
- Part 323, Shorelands Protection and Management
- Part 303, Wetlands Protection
- Part 353, Sand Dunes Protection and Management
- Part 31, Floodplain/Water Resources Protection

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Permitted Activity:

Drawdown Lake Isabella a total of 6 feet at a rate of no more than 6 inches a day. Refill of Lake Isabella shall start when the water temperature as measured in the tailrace of the dam reaches 34°F and be completed by the time the water temperature as measured in the tailrace of the dam reaches 39°F. The stream flow shall not be completely shut off at any time. All work shall be completed in accordance with the attached plans and the terms and conditions of this permit.

THIS PERMIT DOES NOT AUTHORIZE ANY STRUCTURAL MAINTENANCE/REPAIR TO THE DAM, GATES OR SPILLWAY.

Water Course Affected: Lake Isabella

Property Location: Isabella County, Sherman Township, Section 35 26

Subdivision, Lot Town/Range 15N, 6W Property Tax No. 381951815

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that Act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.

- I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the MDEQ.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31, and wetland).
- M. In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the State (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the State and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent.
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the waterbody are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the MDNR, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. Authority granted by this permit does not waive permit or program requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA). To locate the Soil Erosion Program Administrator for your county visit www.mi.gov/degstormwater and look for Soil Erosion and Sedimentation Control Program under "Related Links".

2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state or federal approval or authorization, necessary to conduct the activity.

3. No fill, excess soil, or other material shall be placed in any wetland or surface water area not specifically authorized by this permit, its plans, and specifications.

4. Dredging is not authorized by this permit.
5. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
6. The permit placard shall be kept posted at the work site, in a prominent location at all times for the duration of the project, or until permit expiration.
8. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning at the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
9. Please provide the name, address, and telephone number of the person responsible for compliance of these permit conditions, and who has the authority to stop work on the project, whom the MDEQ shall contact if necessary:

Name: Richard JAKUBIN GEORGE KING
 Print 200 MAIN 1096 QUEENSWAY
 Address MT. PL MID LAKE ISABELLA, MI 48893
 Telephone Number 989-972-0911 x 248 989-644-3326
 Email address rjakubin@IsabellaCounty.org LAKEISABELLA@WINNTEL.NET

10. Notification shall be made to the MDEQ's Water Resources Division and property owners around Lake Isabella, five days prior to starting the project. Please notify the DEQ, Water Resources Division Saginaw Bay District Office, Julia Miller, 401 Ketchum, Suite B, Bay City, MI 48708 or millerj2@michigan.gov. When notifying the DEQ indicate how the property owners around the lake will be notified.
11. The permittee shall provide passage of flow during and after construction. During periods of low stream flow the permittee shall provide a minimum flow release approximately equivalent to the stream flow into the impoundment.
12. The drawdown and flooding of the impoundment shall not exceed six (6) inches of elevation in a 24-hour period. The stream flow shall not be completely shut off to allow flooding of the impoundment. A minimum amount of stream flow shall be provided to the stream downstream from the dam. Flooding of the impoundment shall not occur during periods of below normal stream flow.
13. A water flow into the South Branch of the Chippewa River shall not be less than 94 cubic feet per second in March, 119 cubic feet per second in April and 84 cubic feet per second in May.
14. Lake Isabella shall be monitored on a weekly basis for dissolved oxygen in the lake at depths of 5, 10, and 15 feet and near the bottom. Sampling data shall be sent to the DEQ, Water Resources Division, 401 Ketchum, Suite B, Bay City, MI 48706. The DEQ will work with the DNR Fisheries Division to determine if sampling is required during the entire drawdown. The DEQ will contact the permittee immediately if the sampling indicates an adverse environmental impact to determine a solution.
15. During the drawdown the permittee shall conduct, at least daily, stranded fish, reptiles, amphibians, and mussels surveys to relocate them as described in the attached DNR Stranded Mussel Protocol (permanently inundated portions of Lake Isabella). Frogs and turtles stranded by the drawdown shall also be relocated back to permanently inundated portions of Lake Isabella).

16. Prior to the initiation of the drawdown authorized in this permit the applicant or their agent shall collect sample background measurements of turbidity in the South Branch of the Chippewa River, upstream of Lake Isabella. These background turbidity values shall be provided to the Department of Environmental Quality, Water Resource Division (WRD), Saginaw Bay District Office (SBDO) care of Julia Miller within 5 business days of collection.

17. During the period of drawdown authorized by this permit the applicant or their agent shall monitor and record turbidity levels daily, using the same method used to measure the background turbidity. The measurements shall be taken at the intersection of the South Branch of the Chippewa River and Coldwater Road. If the turbidity at the Coldwater Road location exceeds the background level of turbidity by more than 10% of the background level, all drawdown activities will cease for a period not less than 24 hours. The applicant or their agent shall contact the SBDO and consult with WRD staff to determine when the drawdown may resume.

18. This permit shall become effective on the date of the MDEQ representative's signature. Upon signing by the permittee named herein, this permit must be returned to the MDEQ's Water Resources Division, 401 Ketchum, Suite B, Bay City, MI 48708 for final execution.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

X [Signature]
Permittee Date 11-12-13

X Richard F. Sakilic Drawdown / GEORGE KUIB LPOA OPER MGR
Printed Name and Title of Permittee

By: [Signature] 11/12/13
Julia D. Miller
Water Resources Division
989-894-6228
[Signature]

Michigan DNR, Fisheries Division
Jessica Mistak
July 15, 2009

Stranded Freshwater Mussel Survey Protocol

Stranded Mussel Survey

Stranded mussel surveys shall be conducted whenever there is potential for mussels to be stranded, either through a reservoir drawdown or river being dewatered. These surveys should focus on areas with high mussel densities or rare species, if known. If information on mussels is not available for the waterbody of interest, survey either the entire reservoir shoreline to the depth of the thermocline or the entire dewatered stretch of river. Conduct the survey on a daily basis unless historical information allows for less frequent surveys (e.g., if historical data shows that mussels are found only at certain reservoir depths, focus survey efforts on those depths). Survey dates should be coordinated with the DNR in advance to facilitate participation.

A report of stranded mussel efforts shall be provided to the DNR within 30 days after the event and include the following:

- Survey date and time
- Weather conditions
- Water elevation
- Mussel condition (live or dead), species, number, and location/GPS coordinates
- Voucher specimens (shells) and photographs of each mussel species. A DNR Cultural or Scientific Collector's Permit should be requested at least 30 days in advance of the drawdown for collection of voucher specimens (shells) of each mussel species
<http://www.michigan.gov/dnr/0,1607,7-153-10364-35079--,00.html>

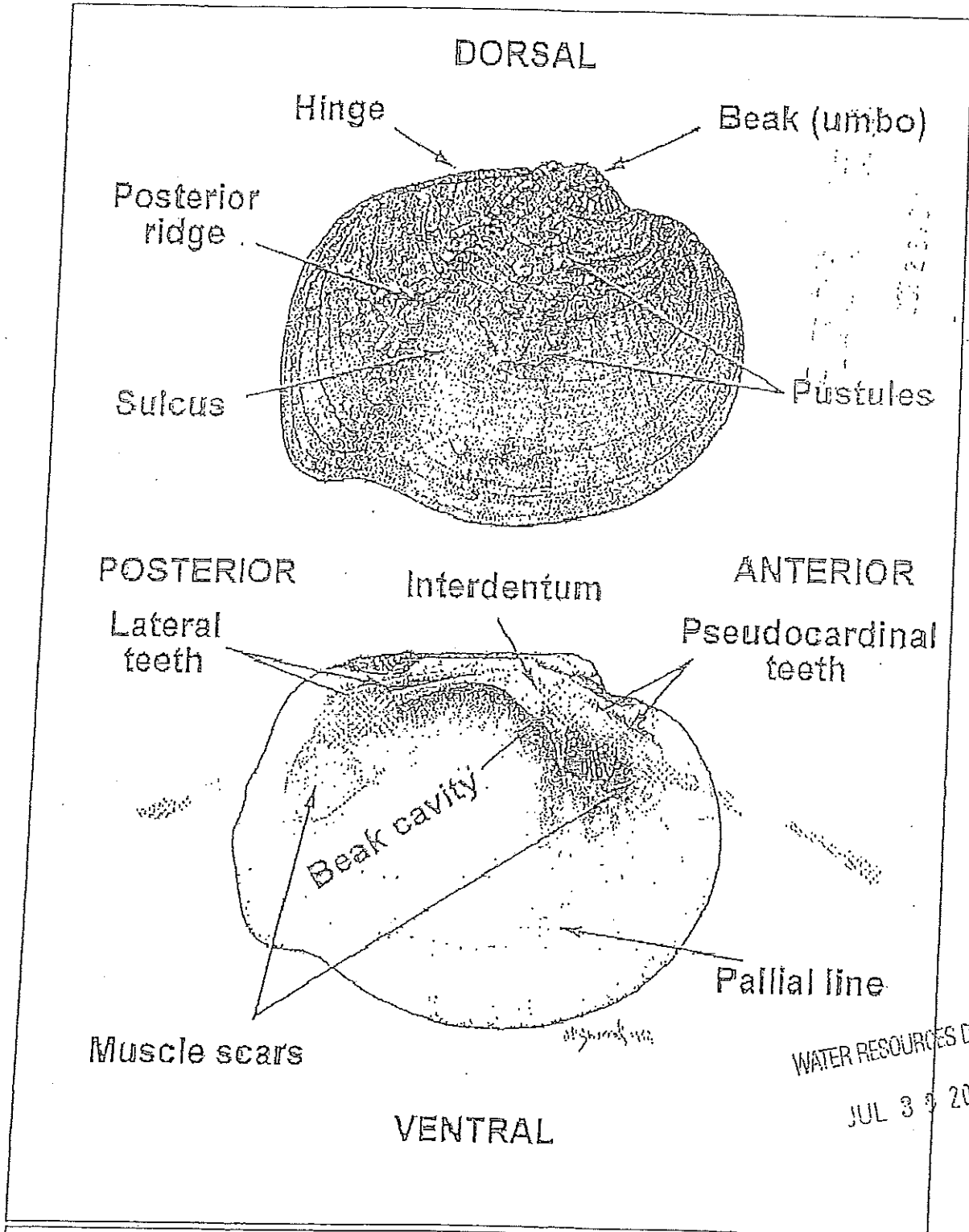
Handling

To minimize stress and mortality, all stranded mussels shall be handled using the following procedures:

- Relocation efforts should take place in the early morning when air temperatures are cooler.
- Do not expose the mussels to air any longer than necessary. Mussels should remain in the water inside a mesh collecting bag or cooler until ready for relocation.
- Place the mussels in a permanently inundated portion of the water body; however to avoid placement in unsuitable habitat, place the mussels no deeper than necessary. Relocation areas should be identified in advance.
- Place the mussels in the same type of sediment as they were found (e.g., sand substrate to sand substrate).
- Mussels should be carefully placed into the sediment in the correct position. Care should be taken to orient the mussel in the posterior up position (see following diagram). If staff is uncertain of the correct position, the mussel should be placed on the substrate surface and left to appropriately burrow to the correct direction, position, and depth.

WATER RESOURCES DIVISION
JUL 30 2013

Michigan DNR, Fisheries Division
Jessica Mistak
July 15, 2009



Source: Cummings, K.S. and C.A. Mayer. 1992. Field Guide to Freshwater Mussels of the Midwest. Manual 5. Illinois Natural History Survey, Champaign, IL. 194pp.

WATER RESOURCES DIVISION

JUL 30 2013