



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

February 12, 2021

E-MAIL AND CERTIFIED MAIL

Mr. David H. Fox
Eagle Creek Renewable Energy, LLC
Two Bethesda Metro Center, Suite 1330
Bethesda, Maryland 20814
david.fox@eaglecreekre.com

Dear Mr. Fox:

SUBJECT: Morrow Dam Sediment Release – Next Steps

Thank you for meeting with the Michigan Department of Environment, Great Lakes and Energy (EGLE) and Michigan Department of Attorney General (MDAG) virtually last week to discuss steps towards resolving the matters referenced in EGLE's November 25, 2020 Enforcement Notice. This letter serves to reiterate that due to the urgency of restoring the river to its condition prior to the 2019 drawdown, as our conversations proceed and we work to address these issues administratively, EGLE expects STS Hydropower, LLC to continue working on the following:

- Developing and submitting plans to remove any of those sediment deposits identified in the Phase I Field Investigation Report submitted to EGLE on February 9, 2021. EGLE will follow up with a formal response to this report.
- Identifying and quantifying additional areas of sediment that were deposited on Kalamazoo River bottomlands, floodplain and/or wetlands as result of the unauthorized drawdown of Morrow Lake in 2019.

Please be aware that sediment left in place during spring flows will likely result in remobilization, increased turbidity, and reduced flood storage capacity. Mussel beds, fish spawning substrate, and aquatic habitat for invertebrates, fish, turtles, and amphibians will be covered for an additional year compounding impacts to recruitment, growth, and survival of aquatic life. Recreational access and quality issues will continue, and there will be greater risks of long-term impacts to the fishery. For these reasons, EGLE expects work to remove sediments to begin by March 1, 2021 and for STS Hydropower to complete as much work as is feasible prior to the spring thaw and the fish spawning season. EGLE is willing to coordinate with STS Hydropower on which sites to prioritize.

As mentioned in our January 28, 2021 letter, plans for removing the sediment should include cross sections of the proposed excavation area, a narrative description of the restoration sequence, a detailed description of proposed equipment and methods, a copy of a signed access agreement from landowners where necessary, a turbidity

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monitoring plan and sediment characterization data where necessary, and a timeline for conducting the work. Plans for removing any portion of the deposited sediment will be reviewed by EGLE when they are submitted and should not be contingent on a final plan being developed for the entire impacted reach.

If you have any questions, you may contact me at 517- 243-7160;
NelsonH1@Michigan.gov; or EGLE, P.O. Box 30458 Lansing, Michigan 48909-7958.

Sincerely,



Helana L. Nelson, Environmental Quality Specialist
Enforcement Unit
Water Resources Division

HN: KA:SE

cc: Mr. Lee Johnson, Honigman LLP
Mr. Nick Ivancic, Eagle Creek Renewable Energy, LLC
Ms. Jody Smet, Eagle Creek Renewable Energy, LLC
Ms. Melissa Sonleitner, Eagle Creek Renewable Energy, LLC
Mr. Marty Karpenski, Eagle Creek Renewable Energy, LLC
Ms. Megen Miller, MDAG
Ms. Kelly Drake, MDAG
Mr. Jerrod Sanders, EGLE
Mr. Luis Saldivia, EGLE
Mr. Kyle Alexander, EGLE
Mr. Derek Haroldson, EGLE
Mr. Kevin Schrems, EGLE
Mr. David Harn, EGLE
Mr. Dan Peabody, EGLE
Mr. Chris Lantinga, EGLE
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