



**ANNUAL REPORT
2021**

**Jeffery J. Wenzel
ST. JOSEPH COUNTY
DRAIN COMMISSIONER**

**Traci Wenzel
ST. JOSEPH COUNTY
DEPUTY DRAIN COMMISSIONER**

**Michigan Drain Code of 1956
Act 40 of 1956**

An act to codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties. History: 1956, Act 40, Imd. Eff. Mar. 28, 1956; Am. 1970, Act 144, Imd. Eff. Aug. 1, 1970; Am. 1973, Act 208, Imd. Eff. Jan. 11, 1974; Am. 1982, Act 449, Eff. Mar. 30, 1983.

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SUMMARY

Precipitation was relatively normal for 2021. The past couple of years we are not experiencing huge flood events like in years past. The Drain Commissioner is responsible for maintaining legal lake levels throughout the county (twelve) and we received several phone calls regarding lake levels over the year. I tried to maintain the court ordered legal lake levels around the county as best as possible.

During the year, 137 SESC permits were issued which includes waivers and extensions. As the County Enforcing Agent, either Traci or myself review the plans, visit the site, and issue the permit with specific recommendations if needed. We then re-visit the site periodically and after significant rain events for program compliance along with a final inspection once the project is complete. My deputy and I are both state certified for Soil Erosion and Sedimentation Control and Stormwater Construction Management which allows us both to be able to issue SESC permits and do the inspections. The number of permits were down some than in the past years due to the ongoing issues with Covid-19. Even during the entirety of the pandemic, Traci and I were still able to perform inspections on open permits.

The Drain Commissioner performed drain maintenances projects on different county drains throughout the year which is less cost for constituents in the drainage districts, the county, MDOT, and the townships. There were eleven drain maintenance permits given to local farmers and constituents for them to do maintenance at their own expense. Since this is a cost savings for all of those in a drainage district (landowners, townships, state, county, and local municipalities) it is greatly appreciated by the drain office.

The Drain Commissioner's office over the course of the last couple of years starting in 2019 has been working with engineers and legal counsel continuously on three different petitioned drainage projects. The Nye Drain located in Sturgis Township and the City of Sturgis was petitioned in 2018. The project was completed at the end of 2020 and vegetation & completion took place in the spring of 2021. Corey Lake Intercounty Drain located in Fabius Township in St. Joseph County and Newberg Township of Cass County has been a very contentious project with many meetings and public hearings held at the Fabius Township Hall and via Zoom when the Covid-19 pandemic started. There are many lakes involved with this project which is making this a long process. Currently, we are in the process of obtaining drainage easements from landowners and starting the permitting process with EGLE. The Wildcat Drain which is in the City of Three Rivers and Lockport Township, MDOT has petitioned our office and agreed to pay all expenses on this project. The project is still in the process, and we are still trying to obtain easements for this one as well.

The Michigan Drain Code (Act 40 of Public Acts of 1956, as amended) is the law that governs the responsibilities of the Drain Commissioner.

GENERAL DRAIN COMMISSIONER DUTIES

- Provide for the operation and maintenance of more than 187 county and inter-county drains, platted basins, and numerous other stormwater collection systems necessary for storm water management, drainage, flood prevention and stream protection to agricultural and developed lands
- Recover the costs of operation by levying special assessments on local governments, private property owners, Michigan Department of Transportation, and others who benefit from drainage and storm water management
- Finance drain projects through the sale of bonds and notes
- Maintain records of the establishment and operation of each drain district
- Oversee the management of all drainage district financial accounts
- Review and issue approval to plans for private storm water systems in new developments and redevelopments
- The St. Joseph County Board of Commissioners has delegated the administrative duties to the St. Joseph County Drain Commissioner to oversee lake level projects. The Drain Commissioner must determine the apportionment of costs incurred and assess for maintenance of the lake level. St. Joseph County is responsible for twelve lake level control structures: Fish Lake, Lake Templene and Sand Lake, Corey Lake, Beaver Lake, Palmer and Long Lake in Colon Township, Klinger Lake, Long Lake in Fabius Township, Kaiser Lake, Pleasant Lake, Omena Lake, Clear Lake, and Eberhard Lake. The Inland Lake Level Act (**Act 146, P.A. of 1961**) requires inspection of all lake level control structures on all inland lakes that have normal levels established under this Act to be completed once every three years by a licensed professional engineer.
- On May 15, 2012 the St. Joseph County Board of Commissioners delegated the Drain Office to be the County Enforcement Agent (CEA) for Soil Erosion and Sedimentation Control serving all of St. Joseph County under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 452, as Amended. The primary objective is to protect the watercourses within the county from sediment loads caused by unchecked soil erosion. The Soil Erosion County Enforcement Agent (CEA) is responsible for the administration, management, and enforcement of the provisions of the Act. The CEA has the responsibility of overseeing all non-agricultural earth change activities within St. Joseph County, that are one or more acres in area and/or within 500 feet of a watercourse or lake.

- Serve on the Parks and Recreation Commission, Board of Public Works, Colon Lake Board, and Lake Templene Lake Board.
- Work with local property owners, county municipalities, The St. Joseph County Conservation District, The St. Joseph County Road Commission, The Michigan Department of Transportation, and the Michigan Department of Natural Resources and Department of Environmental Quality, and the Michigan Department of Agriculture

**SOIL EROSION AND SEDIMENTATION CONTROL
(SESC)**

For the calendar year 2021 the drain office permitted 143 SESC permits including new permits and extensions. \$19,718.00 was deposited for the year for Soil Erosion and Sedimentation Control. Below is the number of permits issued per township from January 1, 2021 to December 31, 2021.

Burr Oak Township	1
Colon Township	8
Constantine Township	7
Fabius Township	26
Fawn River Township	0
Florence Township	1
Flowerfield Township	1
Leonidas Township	3
Lockport Township	6
Mendon Township	4
Mottville Township	2
Nottawa Township	14
Park Township	8
Sherman Township	23
Sturgis Township	1
White Pigeon Township	16
City of Sturgis	8
City of Three Rivers	14
TOTAL	<u>143</u>

PETITIONED DRAIN PROJECTS

On August 6, 2018 the St. Joseph County Drain Commissioner's office received a petition for maintenance and improvement of the Nye Drain from Sturgis Township. This project was finished in December 2020 and was seeded and vegetated in the spring of 2021.

In July 2019, the St. Joseph County Drain Commissioner's office received a petition for maintenance and improvement of the Corey Lake Intercounty Drain from the residents on Corey Lake. This intercounty drain is in Fabius Township, St. Joseph County and Newberg Township, Cass County. In 2021, there were a few meetings regarding this project and the next steps to take to move forward with it. We started the process to obtain easements from landowners and the permitting process with EGLE.

In June 2019, the St. Joseph County Drain Commissioner's office received an application and petition for laying out and designating a county drainage district. The Wildcat Drain is in the City of Three Rivers and Lockport Township and this project is still in progress and we are still trying to obtain drainage easements from a couple of landowners.

DRAIN ACTIVITY

Bennett & Birch Drain, Leonidas Township

A constituent with property in the drainage district received a permit from our office to remove deadfall and vegetation from the drain.

Colon #1 Drain, Colon Township

Yoder Excavating received a drain permit to remove deadfall, cut vegetation, and remove deadfall and sedimentation from the drain.

Corey Lake Drain, Fabius Township

The Corey Lake Drain is an intercounty drain with Newberg Township, Cass County. Several meetings have been held throughout the last couple of years regarding the Corey Lake Drain and the steps we need to take to get the project started. We have been working closely with engineers, legal counsel, EGLE, and MDARD to get this process going as fast as possible despite the pandemic which caused some delays in the process. We are currently in the process of obtaining easements from landowners and permitting from EGLE.

Fletcher Drain, Mendon Township

Detweiler Excavating received a drain permit from our office to clean brush/debris from the drain, level spoils, and dipping of the drain to create a better flow for constituents that live on the drain.

Garman and Foster Drain, Mendon and Park Townships

Permission was granted to a local farmer to remove deadfall and cut vegetation out of the drain at their expense and were issued a drain permit for the year to do so.

Grover and Coohon Drain, Colon Township

A couple of drain permits were issued to constituents on the drain to remove deadfall and cut vegetation from the drain at their expense on their own properties.

Leonidas, Mendon, Little Portage Drain, Mendon and Leonidas Townships

A maintenance permit was given to a local farmer to remove deadfall, sedimentation, and debris, and remove vegetation in the drain.

Nottawa #1 Drain, Nottawa Township

Detweiler Excavating received a permit to do maintenance work on the drain which included dipping and cleaning out deadfall.

Park Drain, Park and Lockport Townships

The drain was plugged due to beavers. They were removed from a beaver trapper that receives our beaver permit that is issued yearly from the DNR.

Plumb Lake Drain, Burr Oak Township

The drain was plugged due to beavers. They were removed from a beaver trapper that receives our beaver permit that is issued yearly from the DNR.

Portage Lake Drain, Mendon Township

Permission was granted to a local farmer to remove deadfall and cut vegetation out of the drain at their expense and were issued a drain permit for the year to do so.

Section Twenty-Eight Drain, Mendon Township

A local farmer was granted a permit to clean a portion of the drain on his property.

Smith and Tyler Drain, Mendon Township

A drain permit was issued to a local farmer to clean out the Smith and Tyler drain.

Tutewiler Drain, Leonidas Township

Permission was granted to property owners along the drain to remove deadfall and cut vegetation out of the drain at their own expense to help the flow of the drain.

Wildcat Drain, City of Three Rivers and Lockport Township

In June 2019, the St. Joseph County Drain Commissioner's office received an application and petition for laying out and designating a county drainage district. This project is ongoing as we continue to work close with engineers and legal counsel. We are still in the process of obtaining easements and hoping we will be able to complete a project in the fall of 2022.

Yaple Drain, Leonidas Township

This project is ongoing, and we work closely with our legal counsel regarding this. The county road commission will also be installing a couple of culverts under Longnecker Road as a part of this project.

LAKE ACTIVITY

Clear Lake, Fabius Township

The drain office received several calls from constituents on the string of lakes that include Long, Clear, Mud, Kaiser, and Corey. When Long Lake pumps water to lower their lake level it affects all the other lakes previously listed. If Long Lake is pumping water because their lake level is high, the other lakes are also high at that time especially Clear Lake. Many constituents become concerned about the excess water they will be receiving as their lake is already above their legal lake level. As drain commissioner, I do the best I can to control the legal lake levels without flooding everyone else out on the other lakes.

Corey Lake, Fabius Township

Corey Lake receives water from Clear Lake, Long Lake, Harwood Lake in Cass County, Mud Lake, and Kaiser Lake as well. The Corey Lake outlet is closely watched and maintained as best as possible. We are continuing to work with our engineers and legal counsel for a project for the Corey Lake Intercounty Drain to help alleviate flooding issues in the string of lakes in the township.

Fish Lake, Sherman Township

The Fish Lake control structure must be cleaned out multiple times per year due to blockage. I watch this control structure frequently.

Klinger Lake, White Pigeon Township

The Klinger Lake Dam is maintained on a regular basis. The drain office continues to work closely with the Klinger Lake Association on any issues that arise pertaining to the Klinger Lake dam.

Lake Templene/Sand Lake, Nottawa & Sherman Townships

The legal lake level for Lake Templene is monitored on a regular basis. There was not a drawdown that took place in the fall of 2021, but a new permit was applied to EGLE for a drawdown. Weed control and aeration played a big role in improving the quality of the lake. Sand Lake residents feel that when the Lake Templene has their drawdown over the winter that this helps improve their lake as well.

Long Lake, Fabius Township

The legal lake level was monitored weekly by either myself and/or the Fabius Township supervisor. Pumping takes place when necessary, by approval from the Drain Commissioner. Turning the pump on and off is necessary due to the string of lakes (Long, Clear, Mud, Kaiser, and Corey) that are all affected when Long Lake is pumping water to lower its lake level. The pump ran off and on all season. At the end of the season the pump was winterized, once the weather breaks the pump will be ready for spring 2022.

Omena Lake, Sherman Township

Detweiler Excavating

Palmer and Long Lake, Colon Township

The Lamberson Dam is controlled by the Village of Colon personnel. The Lamberson Dam controls the water levels of Palmer and Long Lake. Repairs and maintenance are also done by the Village. I am a Colon Lake Board member and therefore I am kept up to date on any issues that arise pertaining to these two lakes.

Dam Inspections

Every three years it is required by the state (EGLE) to have our dams around the county inspected by a licensed engineer and then turn in a report by the end of that calendar year. Inspections on twelve of our legal lake levels were made in the fall of 2021. Beaver Lake, Clear Lake, Corey Lake, Eberhard Lake, Fish Lake, Kaiser Lake, Klinger Lake, Long Lake, Omena Lake, Pleasant Lake, Sand Lake, and Lake Templene all were inspected individually with reports placed on file with EGLE.

DRAIN PERMITS

Drain permits were issued in 2021 for the following drains:

Bennett & Birch Drain
Colon #1 Drain
Fletcher Drain
Garman Foster Drain
Grover-Cohon Drain

Leonidas, Mendon, Little Portage Drain
Portage Lake Drain
Section 28 Drain
Smith & Tyler Drain
Tutewiler Drain

Drain maintenance permits are necessary when a property owner wishes to work on a county drain at their own expense. Drain permits are granted upon approval by the Drain Commissioner. Those requesting permits are often farmers. Permits are also necessary when someone wants to cross or parallel an established county drain and replace a culvert. This often occurs when utility companies or new developments need to work in or around a county drain. Multiple conditions must be met to assure that proper drain maintenance is achieved. As Drain Commissioner, I go to inspect the drain multiple times for a project that was permitted to assure proper procedures were followed per the permit requirements.

BEAVER PERMITS

Beavers along with the high waters created an issue in county drains over the year. As the St. Joseph County Drain Commissioner, I apply for a permit from the Michigan Department of Natural Resources each year to trap beavers in established county drains. Once a permit is received from the MDNR, a permission letter to trap per the drain office permit is granted to multiple local beaver trappers so that beavers can be trapped in county drains when necessary in the off season. Sixteen permission letters were granted in 2021 and 41 beavers were trapped within our county drains. The St. Joseph County Road Commission works closely with the drain office when they see beaver trapping is necessary in county drains as well. This assistance is greatly appreciated.

FINANCIAL

ASSESSMENTS:

The following assessments were filed with the St. Joseph County Clerk on September 28, 2021:

Eberhard Lake, Burr Oak Township
\$1,500.00 (Maintenance Assessment, Dam Inspection) **Year 1 of 1**

Park Drain, Park and Lockport Townships
\$10,000 (Maintenance Assessment) **Year 1 of 1**

Nottawa #1 Drain, Nottawa Township
\$5,500.01 (Maintenance Assessment) **Year 1 of 1**

Fletcher Drain, Mendon Township
\$5,000.00 (Maintenance Assessment) **Year 1 of 2**

Handshaw Drain, Lockport Township
\$1,500.00 (Maintenance Assessment) **Year 1 of 1**

Nye Drain, City of Sturgis and Sturgis Township
\$21,254.30 (Petitioned Assessment) **Year 1 of 5**

Wasepi Drain, Nottawa Township
\$4,000.00 (Maintenance Assessment) **Year 1 of 1**

Total Drain and Lake Assessments 2021 --- \$48,754.31

DRAIN AND LAKE LEVEL FUNDS

Below are the summaries for the drain and lake level accounts:

FUND	Balance 12-31-2021
Long Lake Revolving Fund (Fabius)	\$3,413.95
Drain Assessment Fund (*)	\$91,775.65
Klinger Lake Level Fund	\$20,383.88
Revolving Drain Fund	\$149,280.40
Revolving Drain Maintenance Fund	\$0.00
Omena Lake	\$16,954.07
Palmer & Long Lake Level Fund (Weed Control)	\$0.00
Fish Lake Drain Fund	\$7,633.30
Eberhard Lake Level	\$852.94
Grey Lake Level Study Fund	\$818.76
Corey Lake	\$17,646.07
Pleasant Lake	\$7,551.77
Clear Lake	\$5,394.07
Kaiser Lake	\$5,220.75
Debt Service	\$0.00
Beaver Lake	\$4,768.03
Lake Templene	\$190.19
Minnewaukan Lake	\$0.00
Lamberson Dam	\$92.10
TOTALS	\$326,459.12

DRAIN

AINSLEY	\$0.00
AMBS	\$0.01
BARTHOLOMEW/SPRING CREEK	\$2.86
BEAVER LAKE	\$3,936.25
BEAVER LAKE & EXTENSION	\$1,043.30
BENEDICT LAKE	\$1,996.49
BENNETT & BIRCH	\$795.39
BERKLEY & REED	\$451.46
BLACK RUN	\$2,013.17
BRICKER	\$121.62
BRISTOL	\$5.46
BROOKS	\$6.62
BURR OAK VILLAGE	\$1.47
BURR OAK/COUNTYLINE	\$5,981.04
CALVERT & FOUR COUNTY	\$2,374.68
CARL	\$71.84
CARTER-BOWER	\$156.32
CLARKS	\$2.72
CLYDE	\$2,132.32
COLE & DARLING	\$37.91
COLON NO.1	\$51,239.05

COOPER	\$35.70
COPENHAFFER	\$1,482.06
COREY LAKE (DRAIN)	-\$128,092.03
DAVIS TILE	\$27.98
DELONG	\$3.18
DENT EXTENSION	\$3.34
DRY LAKE	\$2.57
FABIUS NEWBERG	\$0.00
EBERHARD LAKE (DRAIN)	-\$584.44
EDWARDS-STARKWEATHER	\$1.00
FARNHAM	\$45.31
FAWN RIVER	\$26.14
FELKER	\$2,581.41
FLETCHER	-\$8,531.00
FOUR COUNTY	\$40.20
FOUR COUNTY BRANCH	\$39.26
FOWLER	\$32.32
FREEMAN	\$5,307.70
GARMAN FOSTER BRANCH	\$6,634.53
GEMBERLING	\$230.04
GILL & TRY	\$331.88
GILLET	\$7.06
GOOSE LAKE	\$91.52
GRAVES	\$17.56
GROVER-COOHON	\$32,621.67
HALLWOOD-BRANCH #1	\$262.41
HANDSHAW	-\$430.00
HASBROOK & MUMBY	\$0.15
HASSINGER	\$978.30
HAZZARD	\$45.54
HENRY	\$39.45
HEPNER-COOK	\$100.00
HILL	\$159.41
HIMBAUGH & NOBLE	\$21.92
HOG CREEK & BRYANT LAKE	\$606.44
HOOVER-KELLY	-\$1,518.69
JOHNSON & KELLY	\$408.59
KEIGHTLY	\$217.62
KIBBIE & AKEY	\$3.42
KISER & BICKLE	\$0.00
KLADY	\$0.00
LAIRD TOMPKINS & DOANE	\$5.31
LEONIDAS VILLAGE	\$20.59
LEONIDAS/MENDON/LITTLE PORTAGE	\$886.57
LITTLE PORTAGE CREEK EXTENSION	\$0.00
LEVERANCE & REED	\$246.59
LITTLE PORTAGE CREEK	\$200.00
LITTLE SWAN CREEK	\$5,028.89
MARVIN	\$21.33
MCCAULEY	\$100.00
METTY RICE	\$45.01
MOE	\$1,158.75

MOORE & BURGNER	\$19.18
MOOREPARK	\$39.49
NEEDHAM	\$100.00
NOTTAWA LOCKPORT	\$57.68
NOTTAWA NO.1	-\$3,870.54
NYE	-\$76,379.00
OLDORF	\$19.99
OUTWATER	\$4.65
PARK	-\$15,658.11
PIERCE-SHERMAN	\$10.50
PLUG EXTENSION	\$44.66
PLUM	\$0.01
PORTAGE CREEK INTERCOUNTY	\$140.50
PORTAGE LAKE DRAIN	\$36,914.72
PROFILE (LAKE)	-\$14.77
RAILROAD STREET & TRY	\$55.42
REED	\$317.86
REED & HAGER	\$1.44
RUMSEY	\$0.00
SADAWASSER	\$4,071.81
SAMUEL CLYDE	\$16.93
SAM METTA	\$0.00
SANBORN & HOG CREEK	\$172.01
SECTION FIFTEEN	\$100.00
SECTION FOUR	\$1,994.87
SECTION FOUR & FIVE	\$33.47
SECTION LINE	\$491.46
SECTION SEVEN	\$150.50
SECTION SIXTEEN	\$0.91
SECTION THIRTY-ONE	\$23.18
SECTION TWENTY-EIGHT	\$9.20
SHAW & AKEY	\$4.08
SIMPSON	\$6.91
SKIRVIN	\$7.69
SMITH & TYLER	\$150.00
SMITH WOODWORTH	\$37.11
SNAKE	\$614.90
STEPHENSON	\$331.32
STEWART LAKE	\$22,082.22
SWEET LAKE	\$0.00
THORNTON-BEAVER MARSH	\$27.73
TRECKLE	\$2.64
TUTEWILER, TOWN LINE & PLUG	\$2,786.94
WAITS	\$13.38
WANEER	\$87.29
WASEPI	-\$2,504.90
WILCOX	\$744.55
WILDCAT	\$136,177.84
WINGER	\$0.00
WOOD & WATSON	\$2,188.39
YAPLE	-\$10,449.85
YEATTER JOINT	\$1.93

YODER
TOTALS*

\$82.45
\$418,234.77

(*) This fund is the total of the individual drain accounts included with this report.

PROFESSIONAL

Besides office hours and field inspections, the Drain Commissioner also attended the following meetings and conferences:

MACDC – Winter Conference
MACDC – Spring Southwest District Meeting
MACDC – Summer Conference
MACDC – Fall Southwest District Meeting
Friends of the St. Joe River Association Meetings-Board Member
Board of Public Works Meetings
Park and Recreation Board Meetings
Colon Lake Board Meetings
Lake Templene Lake Board Meetings-Treasurer
Lake Association Meetings
Michigan Lake and Stream Annual Meeting
Midwest Aquatic Plant Management Society Conferences
Jones SGA Conservation Member
Farm Bureau Annual Meeting
Other various County, Township, Village, and City Meetings

**Thank you for the privilege of
serving as your
County Drain Commissioner**

**Jeffery J. Wenzel
St. Joseph County
Drain Commissioner**