

Good Morning Steve,

Per our conversation, below please find a summary related to the issuance of a stormwater discharge permit from your office to DTE for the solar project.

The Arenac County Drain Commissioner Office is responsible for reviewing and issuing permits to development projects which are regulated by the Counties' storm water management plan. As the DTE solar development near Twining will be discharging and contributing stormwater to existing county drains, DTE is required to submit their development plans for review and approval before a drain connection or crossing permit can be issued.

Spicer Group, acting as the Drain Office's engineer will be performing these reviews to ensure that future development does not negatively impact the existing drainage infrastructure or contribute new stormwater runoff to non-participating properties. DTE is aware of this requirement and has entered into an agreement with the Drain Office to pay for all costs associated with the required design reviews. The County or the landowners within the various special assessment districts near Twining are not paying for this engineering work.

To date, DTE has not yet submitted a design plan for review to Spicer and only conceptual layouts of the solar development have been shared. Until design plans and calculations are shared, reviewed and approved, the Arenac County Drain Office will not be issuing any permits to DTE.

Please let me know if you need anything further.

Thank you.

**Warren T. Miller PE**

Regional Manager

**SPICER GROUP, INC.**

Direct: 906-281-0771

[www.spicergroup.com](http://www.spicergroup.com)

Stronger. Safer. Smarter. *Spicer.*

Hi Steve,

As we discussed, here is an outline / summary of the legal agreement(s) and our role in the Au Gres Solar (DTE) project – note that this could be applied to any proposed solar development in the future.

In protecting the Drain Commissioner’s Office, Intra- and Inter-County Drain ROW’s, and Intra- and Inter-County Drainage Districts, our involvement in proposed renewable energy projects includes the following non-exhaustive list of different types of agreements:

- **Cooperation or Escrow Agreement.** This is the initial agreement that includes a bond or security held by the drain office so no engineering, legal, or other costs are borne by drainage districts. Since county and intercounty drains have no funding source separate from special assessments, developers are responsible for all costs. We do the initial cooperation or escrow agreement to ensure the costs are covered and not assessed to drainage district landowners.
- **Drain Crossing Agreement(s) (DCA).** DCA’s relate to physical crossings of drain ROW’s. These can be done on a blanket agreement or one per drain and replaces individual drain permits.
- **Stormwater Maintenance Agreement(s) (SWMA).** The SWMA relates to maintenance of the stormwater management plan after it has gone through review, revisions, and is approved.
- **Easements.** Additional easements may be required, depending on the proposed project. For example, if an access road is allowed within an existing drain easement, additional drain easement area may be required.
- **425 Agreement(s).** Agreements for extending a drain or drain maintenance may be required, depending on the proposed project design.
- **Relocation Agreement(s).** Agreements relating to relocating a drain may be required, depending on the proposed project design.
- **Hold Harmless Agreement (HHA).** An HHA ensures the Developer’s responsibility post-construction if there are any issues or complaints raised by area landowners.

Thank you,

**Ross K. Bower II**

Member • Fahey Schultz Burzych Rhodes