

Lake Drawdown/Dam Operation: Michigan Attorney General Files Enforcement Action Against Hydroelectric Companies



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The Michigan Attorney General (“AG”) filed a civil action in the Circuit Court for the 30th Judicial Circuit (Ingham County) on behalf of the Michigan Department of Environment, Great Lakes, and Energy and Michigan Department of Natural Resources against STS Hydropower, LLC, and Eagle Creek Renewable Energy, LLC. See No. 22-0150-CE.

The Complaint alleges that the two companies mismanaged the drawdown of the Morrow Lake to complete repairs of their dam on the Kalamazoo River.

The Complaint addresses the operation of a hydroelectric project on the Kalamazoo River. The hydroelectric project is known as the Morrow Dam. The dam created the impoundment known as Morrow Lake.

The Michigan AG’s Complaint alleges that the State of Michigan and Federal Energy Regulatory Commission requested measures to minimize the environmental impact of the drawdown of the lake. It further alleges that the referenced companies drawdown resulted in hundreds of thousands of cubic yards of settlement mobilizing down a stretch of approximately 30 miles of the Kalamazoo River. This is alleged to have created a public safety hazard, choking the river and smothering aquatic life and habitat as well as impeding recreational use.

The Complaint seeks:

- A declaration that Defendants STS Hydropower, LLC, and Eagle Creek Renewable Energy, LLC, violated Parts 17, 31, 301, 303, 401, and 487 of the NREPA, as well as the common law doctrines of conversion, and public nuisance;
- A declaration that Eagle Creek is the alter ego of STS Hydropower;
- Civil fines;
- Recovery of the full value of natural resource damages;
- A declaration that Defendants’ violations of the common law and NREPA have created an ongoing public nuisance and an order requiring the abatement of the public nuisance;
- An order requiring Defendants to restore and repair the damage they caused;
- The relief authorized by MCL 324.1704, MCL 324.3115, MCL 324.30112, and MCL 324.30316; and
- An order reimbursing the State’s enforcement expenses, including oversight costs, litigation expenses, and attorney fees.

A copy of the Complaint can be downloaded [here](#).