



STUTMAN LAW MICHIGAN DAM INVESTIGATION

Midland, Michigan recently suffered significant flooding due to the failure of two earthen dams on the Tittabawassee River, both owned by Boyce Hydro Power LLC. On May 19, 2020, following heavy rains, the Edenville Dam catastrophically collapsed, then the downstream Sanford Dam overflowed and permitted a large surge of water to enter the city. Thousands of nearby residents were told to evacuate and Michigan Governor Gretchen Whitmer declared a state of emergency. We expect to see a significant number of claims associated with the failure of these two Dams.

Prior to the failures, the Edenville Dam in particular has been the subject of ongoing controversy and litigation. The Federal Energy Regulatory Commission (“FERC”) recently revoked Boyce Hydro Power’s license to operate as a producer of hydroelectric energy after concluding that Boyce Hydro failed to maintain the Edenville Dam in such a condition that it could safely withstand the largest predictable storm event, in violation of FERC regulations. Boyce Hydro and the State of Michigan were also recently involved in litigation over the water level required in the lake behind the Edenville Dam, with the State insisting on a higher water level in the lake than what Boyce Hydro deemed safe. FERC’s revocation of Boyce Hydro’s license became effective in September 2018, and regulatory authority for the Edenville Dam reverted to the State of Michigan.

Stutman Law is already investigating potential claims against all entities involved in the maintenance of the Edenville Dam, inclusive of Boyce Hydro Power and the State of Michigan, and is prepared to handle claims arising from the flooding. If you have any questions about these failures or any associated claims, please contact Kevin Smith at smithk@stutmanlaw.com or Dan Hogan at hogand@stutmanlaw.com.

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