

ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC) PERMIT APPLICATION REVIEW PANEL

MINUTES

Tuesday, July 27, 2021, 10:00 a.m. – 12:00 p.m.

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
ConCon A and B Conference Rooms, Constitution Hall
Lansing, Michigan 48933

RE: In the Matter of the Petition for Permit Application Review of the
William Brown Permit Application

EPRC Panel Members:

Tony Anthony
Jeff King
Evan Pratt

Petitioners:

William Brown – participated virtually via Teams / call-in
John Cavedo, Jr.

EGLE Water Resources Division (WRD) Staff:

Luis Saldivia
Chris Conn

Panel Staff:

Robert Reichel – Michigan Office of Attorney General (OAG)
Brad Pagratis – EGLE
Dale Shaw – EGLE

1. Call to Order and Welcome

The meeting was called to order at 10:04 a.m. by Chair Tony Anthony.

2. EPRC Panel Roll Call

Dale Shaw, EGLE Regulatory Affairs Officer, called the roll and a quorum was present.

3. Approval of Agenda

Tony Anthony requested an adjustment to the agenda as presented. He recommended that time be inserted between items 4 and 5 to allow both EGLE staff and the Petitioner three minutes to speak before moving onto Panel deliberations.

Motion: Evan Pratt made a motion to approve the agenda as provided with the addition of allowing the Petitioner and EGLE staff up to three minutes speaking time before the Panel deliberations; Jeff King seconded the motion. The motion was passed by all members present.

4. Approval of EPRC Panel Minutes from July 12, 2021

Motion: Evan Pratt made a motion to approve the minutes as provided; Jeff King seconded the motion. The motion was passed by all members present.

4.1 Additional Time for Petitioner

John Cavedo, Jr. was given time to provide the panel with any additional information, reply to, or comment. John Cavedo, Jr. stated he felt that EGLE moved the goal post on them several times throughout the process and provided examples and asked the panel to consider this as they deliberate.

John Cavedo, Jr. also spoke about Rule 281.814 and Part 303 and the impacts to this permit application.

4.2 Additional Time for EGLE Staff

Chair Tony Anthony asked EGLE staff if they would like additional time to provide the panel any additional information. Luis Saldivia, Field Operations Manager, declined the additional time.

5. EPRC Panel Questions, Deliberation, and Recommendation

The EPRC panel asked additional questions of both EGLE staff and John Cavedo, Jr. and deliberated on their final recommendation to EGLE's Director.

Break: Jeff King made a motion to take a five-minute break from 10:50 to 10:55 a.m.; Tony Anthony seconded the motion. The motion was passed by all members present. The panel reconvened at 10:58 a.m.

After the panel deliberated, each panel member discussed meeting notes and their recommendation on the permit application. Chair Tony Anthony wrote down the panel's recommendation to EGLE's Director and read it aloud to get the other Panel member's verbal approval before making a motion.

Motion: Evan Pratt made the following motion: We recommend approval up to five feet wide finger piers for the following reasons:

1. EGLE presented a concern of damage to the environment caused by excessive shading. This is supported by Garrison 2005. However, Garrison 2005 study piers averaging 4.3 feet and found no damage to plant life. (See the discussion section in Garrison 2005.)
2. No additional information was provided such as comments by the Department of Natural Resources, actual collected data, or other research.
3. The area of the piers does not extend beyond the area of the original permit.

Jeff King seconded the motion. The motion was passed by all members present.

Evan Pratt took meeting notes as the meeting progressed. The Panel read Evan Pratt's notes and all agreed his notes accurately reflected today's meeting.

Motion: Jeff King made a motion that the Panel accept Evan Pratt's notes from today's meeting and that the notes summarized the meeting accurately; Tony Anthony seconded the motion. The motion was passed by all members present.

6. Public Comment

No public comments were received.

7. Adjournment

Motion: Jeff King made a motion to adjourn the meeting at 11:20 a.m.; Evan Pratt seconded the motion. The motion was passed by all members present.

Prepared by:
Dale Shaw, Regulatory Affairs Officer
EGLE

August 3, 2021

Meeting minutes were APPROVED at the Environmental Permit Review Meeting 2-6-25