

**ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC)
CONTESTED CASE REVIEW PANEL
MINUTES**

Friday, April 15, 2022, 1:00 p.m.

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Meeting held in Constitution Hall, Lee Walker Conference Room, Atrium, North Tower,
525 West Allegan Street, Lansing, Michigan and virtually via Microsoft Teams

RE: In the Matter of the Petition of Bay Mills Indian Community on the permit issued to Enbridge Energy, Limited Partnership – Docket No. 21-008197.

EPRC Members Present: Murray Borrello
Heather Dawson
Matthew Germane
Bradley Venman - alternate

Panel Staff: Wendy Wisniewski – Michigan Office of Administrative Hearings
and Rules (MOAHR)
Susan Maul – MOAHR
Polly Synk - Michigan Office of Attorney General (OAG)
Brad Pagratis - EGLE
Dale Shaw - EGLE
Stephanie Fredline - EGLE

Parties Present: Robert Lundberg– Attorney for Petitioner
Phillip DeRosier – Attorney for Permittee/Intervenor
Charles Cavanagh – OAG – Attorney for Respondent EGLE

1. Call to Order and Welcome

Brad Pagratis, Director, Information Management Division called the meeting to order and welcomed participants at 1:00 p.m. He explained the statutory establishment and the three-person panel process. He also explained that Bradley Venman is an alternate for this panel and will serve should one of the three panel members be unable to serve.

2. Roll Call

Roll call was taken and all three members were present.

3. Introduction of Panel Members and Panel Staff

The four panel members offered brief comments on their professional backgrounds. The panel staff introduced themselves and described the role they play with the panel.

4. Process Overview

Polly Synk, Assistant Attorney General, gave a brief overview of the statutory requirements and explanation of the legal process and permissible scope for the panel.

5. Chairperson Designation

The three panel members discussed the selection of the panel chairperson.

MOTION by Murray Borrello, seconded by Heather Dawson, to nominate Matthew Germane as Chairperson.

Yeas: Borrello and Dawson
Nays: None
Abstain: Germane

MOTION PREVAILED.

6. Approval of Agenda

The three panel members discussed the approval of the agenda.

MOTION by Heather Dawson, seconded by Murray Borrello, to approve the agenda. (Agenda attached).

Yeas: Borrello, Dawson, Germane
Nays: None
Abstain: None

MOTION PREVAILED.

7. Review and Discussion of File #21-008197

The panel began discussion of the file and presentation by the parties.

MOTION by Murray Borrello, seconded by Heather Dawson, to allow the parties 15 minutes each to provide information to the panel and 3 minutes each for public comments.

Yeas: Borrello, Dawson, Germane
Nays: None
Abstain: None

MOTION PREVAILED.

All of the parties were given the opportunity to share information on the matter. The panel asked questions of the parties and discussion continued. There was also discussion on the timeline for filing briefs previously agreed to by the parties (document attached). The parties offered the following timeframe and dates for submission of the briefs:

Petitioner's brief – limited to 20 pages, within 28 days of this meeting (no later than May 13th)

Respondent's and Intervenor's briefs – limited to 20 pages, within 10 days of receipt of Petitioner's brief (no later than May 23rd)

Petitioner's reply brief – limited to 10 pages, within 10 days of receipt of Respondent and Department's briefs (no later than June 2nd)

MOTION by Murray Borrello, seconded by Heather Dawson, to adopt this schedule.

Yeas: Borrello, Dawson, Germane

Nays: None

Abstain: None

MOTION PREVAILED.

8. Determination of Next Meeting

The panel and participants discussed the scheduling of the next meeting and agreed upon June 24, 2022 at 9:00 a.m.

MOTION by Murray Borrello, seconded by Heather Dawson, to schedule the meeting on June 24, 2022 at 9:00 a.m.

Yeas: Borrello, Dawson, Germane

Nays: None

Abstain: None

MOTION PREVAILED

9. Public Comments

There were no public comments.

10. Adjournment

MOTION by Heather Dawson, seconded by Murray Borrello, to adjourn the meeting at 1:35 p.m.

Yeas: Borrello, Dawson, Germane

Nays: None

Abstain: None

MOTION PREVAILED

Minutes approved by the Panel at a meeting on June 24, 2022.