

ENVIRONMENTAL PERMIT REVIEW COMMISSION (EPRC) PERMIT APPLICATION REVIEW PANEL

MINUTES

Thursday, August 4, 2022, 1:00 p.m. – 4:00 p.m.

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Lee Walker Conference Room, Constitution Hall
525 West Allegan Street, Lansing, Michigan 48933

EPRC Panel Members:

Heather Dawson
Murray Borrello
Bryan Burroughs - Chair

Petitioner:

Joy Schwarting
Robert Kaufman – Representative
Edwin Martel – Representative

EGLE Water Resources Division Staff:

Chris Conn
Joseph Haas
Joshua Crane

Panel Staff:

Robert Reichel, Division Chief, OAG
Brad Pagratis, Information Management Division, Director, EGLE
Meredith Prince, Clerk, EGLE

1. Call to Order and Welcome

The meeting was called to order at 12:59 p.m. by Brad Pagratis, EGLE Information Management Division Director. He welcomed the participants and explained the established statute for the permit application review panel.

2. EPRC Panel Roll Call

Meredith Prince, Clerk, called the roll and a quorum was present.

3. Introduction of Panel

The panel members introduced themselves and provided a brief description of their expertise to the attendees of the meeting.

4. Process Overview

Robert Reichel, OAG Division Chief, provided a brief overview of the permit application review process and noted that he is assigned to the panel to assist with any procedural questions they may have.

5. Chair Designation

The panel members discussed the selection of the panel chair.

Motion: Murray Borrello made a motion for Bryan Burroughs to be the panel chair; Heather Dawson seconded. The motion was passed by all members present.

6. Approval of Agenda

Motion: Bryan Burroughs made a motion to approve the agenda, with the modification of a 15-minute time limit each for the petitioner and EGLE to present their positions. Murray Borrello seconded, and the motion was passed by all members present.

7. Petitioner Presents Position

Edwin Martel, petitioner's representative, provided the panel an overview of the petitioner's position as regards to the proposed project, project category, and the determination of the ordinary high water mark.

Edwin Martel answered questions from the panel about the project, evaluation of the site, the determination of the ordinary high water mark, and the dam in the area.

Joy Schwarting, petitioner, answered questions about the dam in the area.

8. EGLE Presents Position

Chris Conn, Environmental Quality Analyst, presented to the panel a high-level overview of permit application statistics, the current status of the application, and the determination of the ordinary high water mark.

Joshua Crane, Environmental Quality Analyst, presented to the panel his review of the project, the site inspection, and the Minor Project category.

Joshua Crane answered questions from the panel about the dam, the seawall, possible alternatives, and the Minor Project category.

9. 15-Minute Break

Motion: Bryan Burroughs made a motion for a 15-minute break from 2:30-2:45 p.m.; Murray Borrello seconded. The motion was passed by all members present.

10. Public Comment

Motion: Bryan Burroughs made a motion to limit public comments to three minutes each; Murray Borrello seconded. The motion was passed by all members present.

Edwin Martel made a comment pointing out an aspect of the proposed project as it pertains to the Minor Project category.

Joy Schwarting made a comment about the ordinary high water mark and the removal of the cement wall.

Steve Schwarting made a comment about the seawall and the effect on the neighboring property.

11. EPRC Panel Deliberation

The panel discussed the file.

Motion: Bryan Burroughs made the motion for the panel's Recommendation to the Director to state:

The panel requests that the applicant and EGLE attempt to find a mutually-agreed solution via the following actions:

1. Urge EGLE to conduct further, more stringent measurements of the OHWM taking into consideration changing site conditions and observations from multiple locations;
2. Utilize that information for applicant to create specific and acceptable proposals that either fit into the Minor Projects requirement or as an individual permit. If OHWM is confirmed to be as determined, it appears the current plan submitted by the applicant is more feasible under the individual permit category.
3. We urge the applicant to be flexible and timely in creating feasible and prudent alternatives as long as the ultimate goal is achieved, and applicant submit the appropriate permit fee commensurate with EGLE's determination.

Heather Dawson seconded the motion. The motion was passed by all members present.

12. Adjournment

Motion: Murray Borrello made a motion to adjourn the meeting at 3:39 p.m.; Heather Dawson seconded. The motion was passed by all members present.

Prepared by:
Meredith Prince, Clerk
EGLE

August 9, 2022

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