



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

June 14, 2022

VIA EMAIL

Stephen Wennerberg

[REDACTED]  
Waterford, Michigan 48327

Dear Stephen Wennerberg:

After reviewing the enclosed Environmental Permit Panel's Meeting Summary and Recommendations regarding the Petition for Permit Application Review received on February 14, 2022, I agree with the panel's recommendation, with one exception: There can be no assurance that maintenance of historic channels will be in compliance with today's applicable state laws. As such, my decision focuses on compliance with those state laws.

The final decision to resolve permit application concerns is the following:

Department of Environment, Great Lakes, and Energy (EGLE) staff and petitioners should review data indicating the historical and dimensional nature of the channel in question and future need. This information may include historical photos and other historical documents. EGLE staff should continue to seek a compromise that is protective of the environment, considers anticipated navigational use of the canal, and is in compliance with applicable state laws.

If you have additional questions regarding this matter, please contact Aaron Keatley, Chief Deputy Director, at 517-284-6709 or [KeatleyA@Michigan.gov](mailto:KeatleyA@Michigan.gov).

Sincerely,

Liesl Eichler Clark  
Director  
517-284-6700

Enclosure

cc/enc: Tony Anthony, Environmental Permit Review Commission  
Murray Borrello, Environmental Permit Review Commission  
Imad Salim, Environmental Permit Review Commission  
Robert Reichel, Department of Attorney General  
Aaron Keatley, Chief Deputy Director, EGLE  
James Clift, Deputy Director, EGLE  
Teresa Seidel, EGLE  
Brad Pagratis, EGLE  
Dale Shaw, EGLE

**ENVIRONMENTAL PERMIT PANEL**  
 Petition for Permit Application Review  
 Meeting Summary and Recommendations

*This information is required by Section 1315 of Part 13 (Permits) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended*

<b>1. MEETING DATE</b>	
March 25, 2022	
<b>2. MEETING LOCATION</b>	
Michigan Department of Environment, Great Lakes, and Energy (EGLE), Constitution Hall, Lee Walker Conference Room, Lansing.	
<b>3. PETITIONERS</b>	
Stephen Wennerberg	
<b>4. ENVIRONMENTAL PERMIT PANEL MEMBERS</b>	
Tony Anthony (Chair), Imad Salim, Murray Borrello	
<b>5. EGLE STAFF</b>	
<u>Water Resources Division</u> Chris Conn Robert Primeau  <u>Panel Staff:</u> Robert Reichel Brad Pagratis Dale Shaw Stephanie Fredline Meredith Prince	
<b>6. DOCUMENTS SUBMITTED TO THE PANEL</b>	
Submitter	Description
Petitioner	1. Wennerberg Petition (includes several attachments submitted with the petition) 2. Wennerberg.brief.EPRC.pdf
Water Resources Division, EGLE	1. Wennerberg Permit Review Panel.pdf
<b>7. SUMMARY OF DISCUSSION</b>	
The petitioner consultant stated that the canal was planned navigational channel to serve multiple residents. Canal was not maintained, not currently navigable and in need for dredging. Limiting dredging to 15 feet creates an issue for boat traffic and it may fill back again. The petitioner consultant stated that emergent wetland condition is not believed to be regulated by EGLE.	

EGLE staff stated that the department has a good track record issuing permits with only 1% of permits denied. EGLE has not made a decision on this permit and willing to work with the applicant on a solution to minimize the environmental impact. EGLE disagreed with the reference that the canal is “Grandfathered in” and stated if the project is below the OHWM, then it is part of the lake and is regulated. EGLE disagreed that they treated the applicant differently and stated that they treat all applicants equally.

Panel members asked the petitioner if there is a document showing the original dimensions of the canal as claimed in the permit application. It was also mentioned that the current width of the canal may be due to widening caused by erosion of the banks over the years and may not represent the original width. The width of the canal estimated using Google aerial maps, that only go back to 2012, show the width to be around 19 feet. Panel members asked both the petitioner and EGLE staff if they have earlier permits illustrating the original dimensions and conditions of the canal. Both parties indicated that they do not have prior permits. The potential sources of the heavy nutrient load were discussed. The petitioner indicated that all residents are on city water/sewer systems and none served by septic systems. Also there are no significant agricultural areas tributary to the canal.

#### **8. PANEL RECOMMENDATIONS TO RESOLVE PERMIT APPLICATION CONCERNS**

Panel recommends that EGLE and petitioners review data indicating the historical and dimensional nature of the channel in question. This information may include historical photos and other historical documents. Panel recommends to EGLE director that a compromise be reached that is protective of the environment, assures maintenance of historic channels, and in compliance with applicable state laws.

#### **9. ADDITIONAL PANEL RECOMMENDATIONS** *(Not required)*