



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

August 11, 2022

VIA EMAIL

Nicholas Beldyga

[REDACTED]  
Burt, Michigan 48417

Dear Nicholas Beldyga:

After reviewing the enclosed Environmental Permit Panel's Meeting Summary and Recommendations regarding the Petition for Permit Application Review received on May 23, 2022, I agree with the Panel's recommendations. I have directed Department of Environment, Great Lakes, and Energy's (EGLE) Water Resources Division staff to start work on the resolution per the recommendations.

If you have additional questions regarding this matter, please contact Aaron B. 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: AJ Holmes

Robert Kaufman

Lori Myott, Environmental Permit Review Commission

Imad Salim, Environmental Permit Review Commission

Bradley Venman, Environmental Permit Review Commission

Robert Reichel, Department of Attorney General

Aaron B. Keatley, Chief Deputy Director, EGLE

James Clift, Deputy Director, EGLE

Teresa Seidel, EGLE

Brad Pagratis, EGLE

Aimee Crouch, EGLE

Dale Shaw, EGLE

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

**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>  July 7, 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>  Nicholas Beldyga – Petitioner Robert Kaufman – Representative AJ Holmes - Representative	
<b>4. ENVIRONMENTAL PERMIT PANEL MEMBERS</b>  Brad Venman (Chair), Imad Salim, Lori Myott	
<b>5. EGLE STAFF</b>  <u>Water Resources Division</u> Luis Saldivia Joseph Haas Erin Emington  <u>Panel Staff:</u> Robert Reichel Dale Shaw Stephanie Fredline Meredith Prince	
<b>6. DOCUMENTS SUBMITTED TO THE PANEL</b>	
<b>Submitter</b>	<b>Description</b>
Petitioner	1. Petition – includes several attachments submitted with the petition. 2. 2-9-22 423+ iriquois-v3

<p>Water Resources Division, EGLE</p>	<ol style="list-style-type: none"> <li>3. 423+irqouis+wall-v3</li> <li>4. BELDYGA SEAWALL PHOTO 2</li> <li>5. BELDYGA SEAWALL PHOTO 3 (1)</li> <li>6. BELDYGA SEAWALL PHOTO 3</li> <li>7. Beldyga.correction.requests</li> <li>8. Beldyga.EPRC.brief</li> <li>9. CORRECTION REQUESTS</li> <li>10. HPD-0QTR-QBEKW-v3-SubmissionDownload TABLE OF CONTENTS</li> </ol> <ol style="list-style-type: none"> <li>1. WRD EPRC Statement-Beldyga</li> <li>2. WRD-Minor-Project-Categories</li> <li>3. Email Communications and Attachments</li> </ol>
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**7. SUMMARY OF DISCUSSION**

The Petitioner/representatives submitted a permit application for replacement of the 64’ long wooden seawall at the shoreline of their property on a canal connecting to Houghton Lake in Roscommon County. The application proposed to install a PVC grade seawall in front of the existing wooden seawall.

The Petitioner says that EGLE’s suggested mitigation requirements would cause him to lose his historical access and use of the sea wall to moor his pontoon boat, and potentially reducing the navigability within the canal.

As summarized during the hearing, EGLE’s Water Resources Division has not yet reached a decision on this permit application. EGLE and the Petitioner are seeking guidance from EPRC. Lake bottom lands and the connecting canal’s water are natural resources which belong to the state and the public and are protected by laws administered by EGLE. Construction and replacement of sea walls requires a permit under Part 301.

In order to qualify for the Minor Project 42 (MP-42) Replacement of Existing Seawalls permit category, in addition to requirements for installing toe stone along the base of the seawall (or an approvable alternative such as engineered coir logs, as discussed during the hearing) as part of an approved replacement seawall design, MP-42 requires an additional Best Management Practices (BMP) to mitigate for habitat loss and provide for potential nutrient reductions to the adjacent water body. It is noted that the Petitioner has proposed installation of 1 ft high by 3 ft wide (at the base) toe stone that EGLE has found acceptable. Regarding the BMP, panel discussion on July 7, 2022 included options such porous pavement, bioretention, mulch strip, or a combination of these options for EGLE and the Petitioner to consider.

Available guidance documents provided by EGLE staff offer many resources to homeowners and small businesses to incorporate attractive BMPs into shoreline protection and landscaping.

It was noted during the hearing that the approvable options discussed with EGLE staff are not the only solution, and it is the petitioner's responsibility to choose their proposed option as part of a revised permit application for ultimate permit approval.

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

The panel recommends that the department and the applicant continue to discuss and explore compromises that incorporate the toe stone and best management practice (BMP) requirements as required by the law. A few options were discussed during the EPRC meeting, and the panel recommends both the department and the applicant pursue those options as well as others.

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