



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

August 16, 2022

VIA EMAIL

Mike Isley

[REDACTED]
Southfield, Michigan 48034

Dear Mike Isley:

After reviewing the enclosed Environmental Permit Panel's Meeting Summary and Recommendations regarding the Petition for Permit Application Review received on May 6, 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.

Sincerely,

Liesl Eichler Clark
Director
517-284-6700

Enclosure

cc/enc: Tony Anthony, Environmental Permit Review Commission
Bryan Burroughs, Environmental Permit Review Commission
Lei Meng, 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

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

1. MEETING DATE June 15, 2022	
2. MEETING LOCATION Michigan Department of Environment, Great Lakes, and Energy (EGLE), Constitution Hall, Lee Walker Conference Room, Lansing.	
3. PETITIONER Mike Isley	
4. ENVIRONMENTAL PERMIT PANEL MEMBERS Tony Anthony (Chair), Lei Meng and Bryan Burroughs	
5. EGLE STAFF <u>Water Resources Division</u> Chris Conn Robert Primeau Patrick Durack <u>Panel Staff:</u> Robert Reichel Brad Pagratis Dale Shaw Stephanie Fredline Meredith Prince	
6. DOCUMENTS SUBMITTED TO THE PANEL	
Submitter	Description
Petitioner	1. Isley Petition – includes several attachments submitted with the petition.
Water Resources Division, EGLE	1. WRD Statement-Isley Petition 2. WRD-Minor-Project-Categories

7. SUMMARY OF DISCUSSION

The applicant submitted a Minor project permit to dredge their pond. EGLE requested the applicant submit an Individual project permit. The applicant requested review by the Environmental Permit Panel. EGLE supported their position by the following: (1) the pond is inline of a stream and (2) during EGLE's initial inspection the stream appeared to have a continuous flow. However, EGLE did state they had not conducted a hydrologic study to verify their assumption. EGLE would conduct this study once the new permit be submitted.

A second item between the applicant and EGLE, was the method in which the applicant would have more time to proceed with the process. The applicant requested a 120-day extension and EGLE placed the application on administrative hold until a new Individual project permit was submitted. The applicant requested a 120-day extension rather than an administrative hold.

The review panel considered the appropriateness of the time extension and the type of permit application needed.

8. PANEL RECOMMENDATIONS TO RESOLVE PERMIT APPLICATION CONCERNS

In the matter of Isley Petition for permit application review before the Environmental Permit Review Panel, the panel finds:

The 120-day extension requested by the applicant is not necessary nor procedurally appropriate to be granted. The 120-day extension requested is a provision of the processing period (324.1301). This application is still in the application period (324.1305), and was properly noticed to be administratively incomplete at this time. Thus, an administratively incomplete permit application, is functionally on indefinite extension until the applicant addresses the incomplete components of the application, as outlined by EGLE. Definitions and provisions of the application period and processing period can be found in 324.1301 (sections h and i).

EGLE has identified Minor Project permit category #38 (Pond: Inland Lakes and streams) to be the governing project category for this application, not category #29 (Maintenance dredging on inland lakes and streams). While the two categories are difficult to differentiate within the minor permit rules document, the EPRC does not find reason to recommend reclassification of the proposed project to category #29. Category #38 excludes minor permits for pond maintenance dredging for ponds inline with streams, thus this proposed project is excluded from a minor project, and must be reapplied for under an individual permit, as noticed to the applicant by EGLE.

9. ADDITIONAL PANEL RECOMMENDATIONS *(Not required)*