



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

December 28, 2022

VIA EMAIL

Wendy Davis

[REDACTED]  
Montrose, Michigan 48457

Dear Wendy Davis:

After reviewing the enclosed Environmental Permit Panel's Meeting Summary and Recommendations regarding the Petition for Permit Application Review received on October 25, 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 any 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: Payge Atwell  
Edwin Martel  
Robert Kaufman  
Tony Anthony, Environmental Permit Review Commission  
Bradley Venman, Environmental Permit Review Commission  
Aaron B. Keatley, Chief Deputy Director, EGLE  
James Clift, Deputy Director, EGLE  
Teresa Seidel, EGLE  
Brad Pagratis, EGLE  
Stephanie Becsey, 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*

<b>1. MEETING DATE</b>	
December 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>	
Wendy Davis – Payge Atwell, Edwin Martel, Robert Kaufman	
<b>4. ENVIRONMENTAL PERMIT PANEL MEMBERS</b>	
Tony Anthony Bradley Venman	
<b>5. EGLE STAFF</b>	
<u>Water Resources Division (WRD)</u> Chris Conn Brian Rudolph Luis Saldivia Anne Garwood Cheri Meyer Samantha Peterson	
<u>Panel Staff:</u> Aimee Crouch Dale Shaw Stephanie Becsey	
<b>6. DOCUMENTS SUBMITTED TO THE PANEL</b>	
Submitter	Description
Petitioner	<ol style="list-style-type: none"> <li>1. Davis – EPRC Petition</li> <li>2. Exhibit 1 Org Windy Davis application</li> <li>3. Exhibit 1a Windy Davis Application HPJ-KJCC-BJB0-V6</li> <li>4. Exhibit 1b Windy Davis site Photo</li> <li>5. Exhibit 1c Wendy Davis Site Plan</li> <li>6. Exhibit 1d Windy Davis Statement</li> <li>7. Exhibit 1e Public Notice</li> <li>8. Exhibit 2 Windy Davis communications</li> <li>9. Exhibit 3 Windy Davis USGS Google 9-1-2021</li> </ol>

<p>WRD</p>	<ol style="list-style-type: none"> <li>10. Exhibit 4 Windy Davis North End of Lake</li> <li>11. Exhibit 5 Windy Davis Pondperfection new</li> <li>12. Exhibit 6 Windy Davis USGS 1968</li> <li>13. Exhibit 7 Windy Davis USGS 2012</li> <li>14. Exhibit 8 Windy Davis USGS 2016</li> <li>15. Exhibit 9 Windy Davis USGS Google 6-10-2018</li> <li>16. Exhibit 10 Windy Davis USGS 2020</li> <li>17. Exhibit 11 Example Wennerberg approval and Peritted drawing</li> <li>18. Exhibit 12 Example Wennerbert EPRC decision 2022-06-14</li> <li>19. Exhibit 13 MRE proposed settlement 1 of 3</li> <li>20. Exhibit 14 MRE proposed settlement 2 of 3</li> <li>21. Exhibit 15 MRE proposed settlement 3 of 3</li> <li>22. Letter of Auth RK ECM</li> <li>23. Letter_of_Auth_RK_ECM</li> <li>24. Windy Davis application</li> <li>25. Windy Davis Pondperfection new</li> <li>26. Windy Davis USGS 1968</li> <li>27. Windy Davis USGS 2012</li> <li>28. Windy Davis USGS Google 6-10-2018</li> </ol> <ol style="list-style-type: none"> <li>1. WRD Wendy Davis Statement</li> <li>2. RE 4509 Tee Lake Rd West Branch (Wendy Davis)</li> </ol>
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**7. SUMMARY OF DISCUSSION**

The petitioner and their representatives have stated that there was historical use of the area for boat docking, lake access, and recreation. The area was not maintained and is marginally functional for boat docking and lake access. The petitioner’s consultant stated that the emergent wetland condition should not be regulated by EGLE.

EGLE stated that they have approved over 98% of applications submitted to them. Further, EGLE has not decided on this project. EGLE stated that the proposed dredging activity at the site is regulated, which is self-evident by the submission of an application. EGLE’s intent is to be protective of the lake bottom and shallow water habitat, but believes there is a permissible use for this site.

The Panel questions were focused on the historical use and the applicability of regulation for this site. After reviewing the submitted information and information presented at the meeting, a recommendation was submitted.

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

The Panel recommends that EGLE and the Petitioner consider an alternative that minimizes dredging but considers the location of the dock, dimensions of two boats (a pontoon boat and fishing boat), and a small recreational area within the historically used area.

The Panel recommends to the EGLE Director that a compromise be reached that is protective of the environment, assures maintenance of historic use and is in compliance with applicable laws.

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