



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
GAYLORD DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

November 12, 2021

VIA EMAIL

Mrs. Carrie Barnes  
412 South Union Street  
Traverse City, Michigan 49684

Dear Mrs. Barnes:

SUBJECT: Application Denial; Submission Number HP6-WPNY-PHWPX  
Site Name: 28-121 N South Long Lake Road-Traverse City

This letter is to notify you that your application for a permit submitted under the authority of Part 301, Inland Lakes and Streams, and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and Part 13, Permits, of the NREPA, is hereby denied. The application was received by the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), on March 2, 2021.

The purpose of the project, as described within your application, is to build an inland boat house, boat basin and entrance channel. Initial proposed activities included a corner portion of the boat house impacting the adjacent wetland area. Approximately 17 cubic yards of clean fill was proposed to be discharged into 300 square feet of wetlands to make this corner area suitable for boathouse construction (footing protection). The proposal also included the dredging of approximately 507 cubic yards of native material from a 7,432 square foot area of existing lake bottom, lakeward of the ordinary high water mark of Long Lake, to construct an entrance channel to navigate into the inland boathouse area. Additionally, the applicant proposes to construct an approximately 40-foot-long by 5-foot-wide boardwalk, supported by helical piers, across a portion of the inland wetland area. Construct approximately 84 square feet of boardwalk-style ramp over wetlands, also supported by helical piers. To voluntarily compensate for the proposed wetland impacts referenced above, convert two areas of existing upland into wetland, including an outfall area below a proposed driveway bridge over a manmade water feature, and a narrow swale through a larger rain garden area. The proposed wetland creation will total approximately 2,119 square feet. To voluntarily compensate for constructing the Part 301 boathouse entrance channel, remove an existing approximately 255-foot-long, vertical sheet pile seawall along the shoreline and replace it with diverse Michigan native plantings using bioengineering techniques.

After due consideration of the permit application, site conditions, and other pertinent materials, your application is denied for the following reason:

- a. The proposed project will have significant adverse effects on the natural resources associated with the impacts of the dredge channel on the nearshore habitat on the lake.

Although discussions between the Department and your representation included eliminating the dredge channel, the negative impacts of the project remain. It is the conclusion of the WRD that the basic purpose of the project is stated too narrowly and when pertaining to the riparian right to wharfage, a feasible and prudent alternative with less resource impact is available in the form of utilizing a seasonal dock structure. Rule 4 of the administrative rules of Part 301 of the NREPA states that "In each application for a permit, all existing and potential adverse environmental effects shall be determined and the department shall not issue a permit unless the department determines both of the following: (a) That the adverse impacts to the public trust, riparian rights, and the environment will be minimal. (b) That a feasible and prudent alternative is not available." The WRD finds the potential adverse impacts on the nearshore habitat of Long Lake are significant and that a feasible and prudent alternative is available. Therefore, it is the determination of the WRD that the application for permit is hereby denied.

The WRD has determined that feasible and prudent alternatives exist that would lessen or eliminate the negative effects of the project as proposed. As an alternative, we suggest that you consider the use of a seasonal dock structure. As discussed in previous meetings with your consultants/representation, other aspects of the project such as the steel wall removal and boardwalk are permissible activities.

If you choose to pursue this project in the future by incorporating any alternatives, it will be necessary to reapply for a permit by submitting a new application with all of the necessary information and application fees. Application fees are not transferable or refundable.

You have the right to appeal this denial by filing a petition for a formal administrative hearing. To preserve your right to an administrative hearing, a petition must be filed with the Michigan Office of Administrative Hearings and Rules within 60 days from the date of this denial letter. The petition can be found here [https://www.michigan.gov/documents/egle/EQP0201\\_656169\\_7.docx](https://www.michigan.gov/documents/egle/EQP0201_656169_7.docx) To request a hearing, submit the petition to: Michigan Office of Administrative Hearings and Rules, P.O. Box 30695, Lansing, Michigan 48909; or by fax to 517-335-7535.

If you would like to discuss project alternatives and plan modifications prior to filing a Petition for Contested Case, please contact me. Our discussions may continue during the informal review process after a Petition for Contested Case is filed, but your formal appeal must be filed within the 60-day deadline.

If you have any questions regarding this matter, please contact me at 989-330-9252; HaasJ1@michigan.gov; or EGLE, WRD, Gaylord District Office, 2100 West M-32, Gaylord, Michigan 49735-9282. Please include submission number HP6-WPNY-PHWPX in your response.

Sincerely,

Joseph Haas, District Supervisor  
Cadillac/Gaylord Resource Unit  
Gaylord District Office  
Water Resources Division

cc: Mr. Joseph Quandt, Kuhn Rogers PLC  
Mr. Bert Ebberts, Great Lakes Ecosystems  
Grand Traverse CEA  
Grand Traverse County Drain Commissioner  
Long Lake Township Clerk