



LuAnne Kozma <luannekozma@gmail.com>

Letter on OHWM for the Hayes Township ZBA case?

Haas, Joseph (EGLE) <HaasJ1@michigan.gov>

Thu, Apr 14, 2022 at 6:35 PM

To: LuAnne Kozma <luannekozma@gmail.com>

Cc: Ellis Boal <ellisboal@voyager.net>, "Calabro, Eric (EGLE)" <CalabroE@michigan.gov>

LuAnne,

To be clear the OHWM on Lk Charlevoix – an inland lake is driven by the definition in the Inland Lakes and Streams Statue, Part 301. Not by the Part 325 Great Lakes Submerged Lands Act OHWM of Lake Michigan.

There is no Part 307 legal lake level and there are no structures on Lake Charlevoix to control the water surface elevation so maintaining a legal lake level 0.8 feet above Lake Michigan's OHWM is not possible. It is open to Lake Michigan which has it's OHWM determined as 580.5 IGLD according the Part 325 Great Lakes Submerged Lands Act (581.5 by the USACE) as you know. Yes the water surface elevations should be generally a similar elevation between Lk Michigan and Lk Charlevoix.

It may be worth noting that Lake Charlevoix is very large and water levels on Lake Charlevoix may have some temporary variation in elevation from one end to the other depending on weather/wind conditions.

Part of the reason the Law project needed a permit is because State of Michigan requirements/authority found in Part 301. Specifically this boat basin project was effectively enlarging Lake Charlevoix an inland lake regulated under Part 301, 324.30102 (1) (d) Create, enlarge or diminish an inland lake or stream. (f) Connect, dredge or enlarge within 500 feet of OHWM of an existing inland lake or stream. And (g) Connect...artificially constructed waterway etc with an existing inland lake...

EGLEs regulatory position would be that the lakes OHWM (similar to the Corps interpretation) follows the perimeter of the new excavated cut.

[Quoted text hidden]

 **mcl-451-1994-iii-1-inland-waters-301 (1).pdf**
50K