

Exhibit 11
Planning Commission packet for November 2019 meeting
11-19-19



LuAnne Kozma

Fri, Aug 6, 5:34 PM
(5 days ago)

to me

Kristin,

Can you please clarify and provide, under the Freedom of Information Act: what exact documents were given to the Hayes Township Planning Commission for their November 19, 2019 meeting? Can you please provide the complete Planning Commission packet that contained all the information Planning Commission members had in front of them as they made this decision on that day about the boathouse and basin project requested by permit by Scott and Debra Law? **See Attached**

Also, I do not see any Shoreland Protection Committee meeting minutes **N/A**, any reference as to what exact day that site visit took place **See Attached**, site review notes by committee members **N/A**, photos taken during a site review by committee members **N/A**, or a report by the Shoreland Protection Committee **See Attached**. I also do not see anything that indicates that the Shoreland Protection Committee sought or received any input from Tip of the Mitt Watershed Council or Lake Charlevoix Association, as specified in the Zoning Ordinance. **See Attached**

I believe the members of the Shoreland Protection Committee were Marilyn Morehead and Roy Griffitts.

HAYES TOWNSHIP PLANNING COMMISSION

AGENDA

November 19, 2019 – 7pm

Hayes Township Hall

09195 Old US 31 N

Charlevoix, Michigan 49720

- Call to Order
- Pledge of Allegiance
- Review Agenda
- Declaration of Conflict of Interest (if any)
- Public Hearings – Potter rezoning request
- Shoreland subcommittee report and recommendation – Law property
- Public Comments Unrelated to Agenda Items
- Approval of Minutes
- Report of Township Board Representative to the Planning Commission
- Report of Planning Commission Representative to the Zoning Board of Appeals
- Zoning Administrator Report
- New Business

Master Plan review/approval for forwarding to Board of Trustees, with Shawn Winter, Beckett & Raeder, Inc.

Old Business

- Set Public Hearing Dates
- Set/Confirm Date of Next PC Meeting
- Planning Commission Comment
- Public Comment
- Adjournment

Note: A quorum of Township Board members may be present. No Township Board business will be discussed or conducted at this meeting.

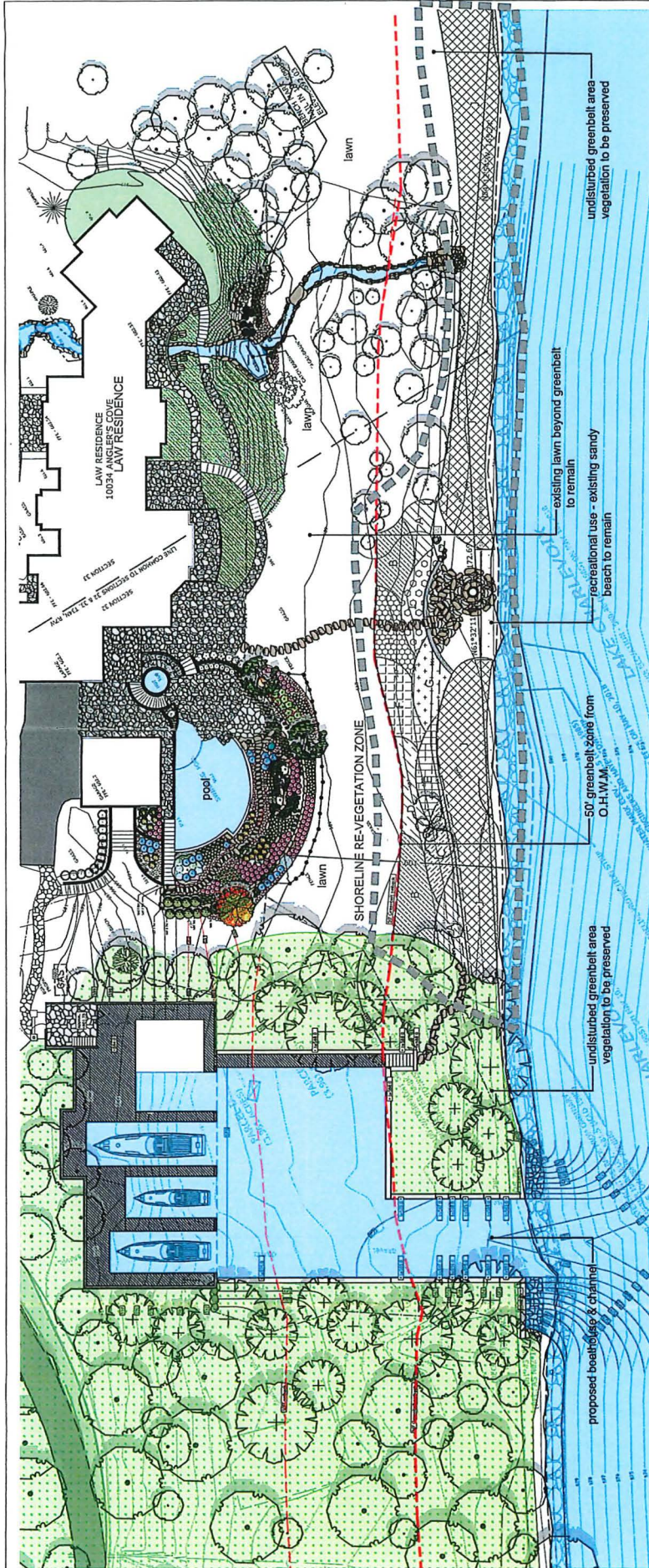
Hayes Township Planning Commission
Shoreland Protection Subcommittee
Report and Recommendation
November 19, 2019

An application for a zoning permit to allow construction of a private basin and boat house at the Law property, 10034 Anglers Cove, Charlevoix MI 49720 was received and reviewed by the Zoning Administrator. Applicable permits have been granted by the Army Corps of Engineers and the EGLE dept of the State. The Zoning Administrator has determined that the project meets the requirements for granting a permit with the exception of a review of a Shoreland Landscaping Plan, as the project will involve modifications to the Shoreland Protection Strip.

Drost Landscape working as the designer and builder of this project has provided drawings, an inventory of the existing plants, and a list of proposed changes to the Shoreland Protection Strip. The subcommittee and the Zoning Administrator met with Bob Drost at the site and walked the property to review the proposed plan. The property currently has several hundred feet of sand waterfront and lawn running to the sand, with some areas of native plantings.

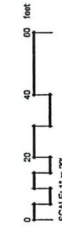
The proposed plan restores native plantings to the majority of the waterfront as well as restoring the area abutting the new boat basin to meet the planting requirements. This will involve replacing the sand and also removing sections of the existing lawn and replacing them with native plants as shown in the attached plans. Mr. Drost has sought input from Tip of the Mitt and the subcommittee and has worked to meet the intent of our ordinance.

Based on the above it is the recommendation of the Shoreland Protection Subcommittee that the planning commission approve the proposed site plan for this project with the requirement that a performance bond equal to the project cost be obtained in the event that circumstances arise in which the project might be delayed or left incomplete.



SHORELINE PLANTING SCHEDULE

KEY	Botanical Name	Common Name	Qty	Spacing
	Archostaphylos uva-ursi	Bearberry	500 sf	24" o.c.
	Carex eburnea	Bristleleaf Sedge	800 sf	18" o.c.
	Schizachyrium scoparium	Little Bluestem	300 sf	36" o.c.
	Juniperus conferta	Shore Juniper	280 sf	6' o.c.
	Physocarpus opulifolius	Common Ninebark	250 sf	6' o.c.
	Sporobolus heterolepis	Prairie Dropseed	350 sf	36" o.c.
	Symphoricarum tradescantii	Shore Aster	320 sf	24" o.c.
	Iris versicolor	Blue Flag Iris	320 sf	30" o.c.
	Potentilla anserina	Silkwed	300 sf	24" o.c.
	Ammophila breviflora	American Dune Grass	7,030 sf	36" o.c.



PLANTING PLAN

Project Number:
FREDOM
Drawn By:
DC
Date:
10-1-2019
Sheet:

L1.01

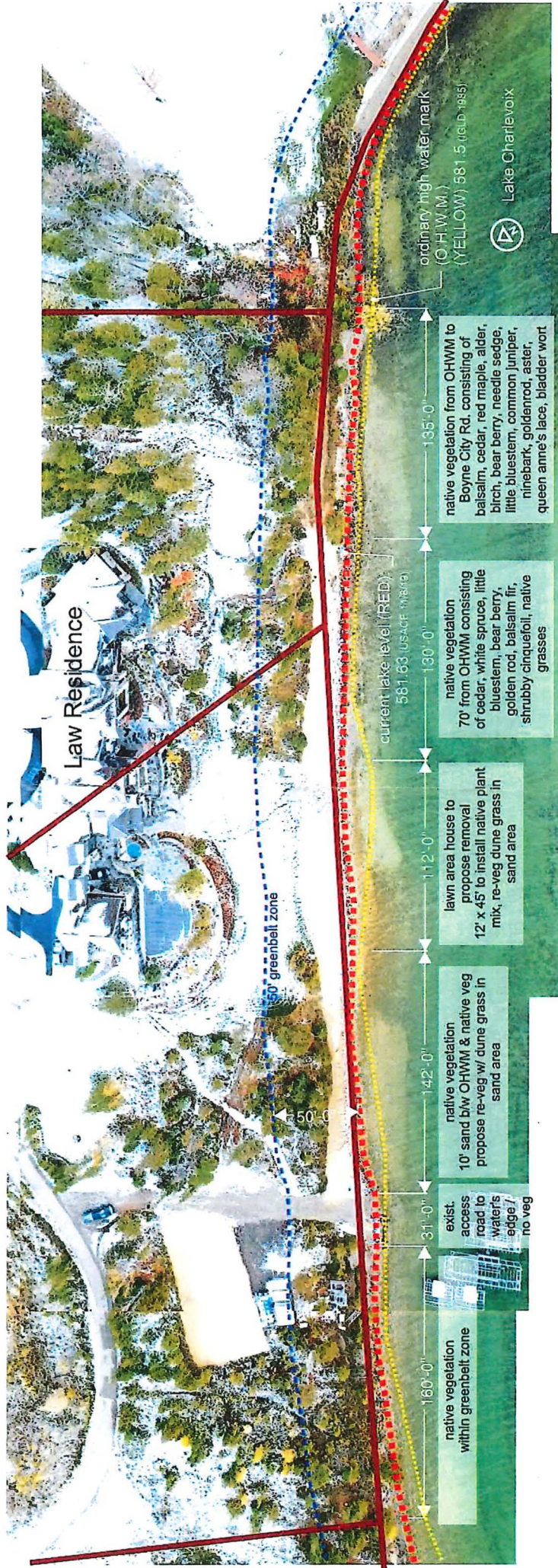
DROST LANDSCAPE

(231) 348-2624 | DrostLandscape.com
2010 Cedar Valley Road | Portley, MI

LAW RESIDENCE

SCOTT & DEBRA LAW
10034 ANGLERS COVE
CHARLEBOIX, MI 49720

REVISIONS:
11.11.2019



Disclaimer: Drone photography provided by Drost Landscape. Date of photograph taken 11/7/19. Parcel data provided via Charlevoix County parcel search & mapping.



Disclaimer: Drone photography provided by Drost Landscape. Date of photograph taken 11/7/19.

Exhibit 12
Photos of Law Property by Scott Rasmussen of EGLE
8-20-20

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

Law

County: **Charlevoix**
Town/Range:
Section(s):
Project:

Water Resources Division Photo Album

Photographs taken by: Rasmusson

Date photographs taken 08/20/20

























Exhibit 13

Photos of blacktopped drive on Law Property by LuAnne Kozma
Summer 2021





Exhibit 14
Planning Commission meeting minutes
11-19-19

from Kristin Baranski Aug 2 2021

Hayes Township Planning Commission
November 19, 2019 Regular Meeting
09195 Old US 31 N, Charlevoix, MI 49720

inCall to Order:

Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Pledge of Allegiance to the flag: Mr. Griffiths asked everyone to join him the in Pledge of Allegiance.

Members present: Roy Griffiths (Chair), Matt Cunningham (Board of Trustee Representative), Ed Bajos, Cliff Biddick, Doug Kuebler and Omar Feliciano (Vice-Chair), Marilyn Morehead

Also present: Ron VanZee (Zoning Administrator) and Kristin Baranski (Recording Secretary/Deputy Clerk)

Audience members signed in: Leslie Cunningham, Carter Whitney, Gary Potter and Jody Potter

Review Agenda: Agenda Approved

Declaration of Conflicts of Interests: None

Public Hearing -Potter Rezoning Request:

Leroy Potter

8292 Pincherry Road, Charlevoix, MI 49720

Property Tax ID: 15-007-124-022-00

The Potter public hearing opened at 7:02 pm. Mr. VanZee presented a letter of support from Haggard's Plumbing and Heating, the applicates' permit application, a copy of public notice published on October 25th, 2019, a google map image of property and any additional owner information from Hayes Township zoning and assessing files. The Potter property is legally non-conforming (due to a previous zoning change), is just over two acres, currently zoned agricultural (Ag) and has been taxed residential for a long time and not taxed agricultural. The Hayes Township Future Land Use Map encourages this and surrounding properties to be zoned Rural Residential (RR). Mr. and Mrs. Potter are requesting the property be rezoned Rural Residential to alleviate Agricultural setbacks. The rezoning would allow them to build a pole barn on their property. The Planning Commission reviewed Article X; section 10.01 in the Hayes Township Zoning Ordinance.

Article X; section 10.01; C; 5:

- a.) Is the proposed rezoning consistent with the Hayes Township Master Plan? **YES**
- b.) Is the proposed rezoning reasonably consistent with surrounding uses? **YES**
- c.) Will there be an adverse physical impact on surrounding properties? **NO**
- d.) Will there be an adverse effect on property values in the adjacent area? **NO**

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09195 Old US 31 N, Charlevoix, MI 49720

- e.) Have there been changes in land use or other conditions in the immediate area or in the community in general which justifies rezoning? **NO**
- f.) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations? **NO**
- g.) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning? **YES, BUT BRINGS PROPERTY MORE IN LINE WITH FUTURE LAND USE MAP.**
- h.) Are there substantial reasons why the property cannot be used as reflected in the Land Use Plan? **YES, PROPERTY IS ONLY JUST OVER TWO ACRES BUT ZONED AGRICULTURAL HAS GREATER SETBACKS THAT CURRENTLY CREATE ISSUE FOR PROPERTY OWNER.**
- i.) Is the rezoning in conflict with the planned use for the property as reflected in the Land Use Plan? **NO**
- j.) Is the site served by adequate public facilities or is the petitioner able to provide them? **YES**
- k.) Are there sites nearby already properly zoned that can be used for the intended purpose? **YES**
- l.) Are other local remedies available? **NO**

Doug Kuebler made a motion, supported by Ed Bajos, to rezone 08292 Pincherry Road, Charlevoix, Michigan 49720 from Agricultural to Rural Residential.

All supported by saying Yea.

Motion passed

Shoreland Subcommittee Report and Recommendation- Law Property: Marilyn Morehead (member of Shoreland Protection Subcommittee) presented a report for an application for a zoning permit to allow construction of a private **boat** basin and boat house at the Law property, 10034 Anglers Cove, Charlevoix, Michigan 49720. The Zoning Administrator has determined that the project meets the requirements for granting a **zoning permit** with the exception of a review of a Shoreland Landscaping Plan, as the project will involve modifications to the shoreland protection strip. The subcommittee, Zoning Administrator and Bob Drost (Drost Landscaping is working as the designer and builder of the project) met on site and walked the property to review the proposed plan. The proposed plan restores native plantings to the majority of the waterfront as well as restoring the area abutting the new boat basin. The road end will be removed eliminating run-off and from the lake, the property will look natural as the intention of the Shoreland Subcommittee promotes. Mr. Drost has sought input from Tip of the Mitt and the subcommittee and has worked to meet the intent of ordinance. Upon approval of

Hayes Township Planning Commission
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09195 Old US 31 N, Charlevoix, MI 49720

Planning Commission, Drost will submit for approval and permits from Army Corps of Engineers and the EGLE Department of the State. The Shoreland Protection Committee supports the approval of the proposed site plan.

Matt Cunningham made the motion; with support from Marilyn Morehead, to accept the report and recommendation from the Shoreland Protection Subcommittee and approve the plan, submitted by Drost Landscape with the revised date of 11-11-2019, for the Law Property at 10034 Angler's Cove, Charlevoix, Michigan with the following conditions:

The current natural areas of the shoreline will be maintained as natural shoreline and: this approval is contingent upon receipt of copies of approvals from all other appropriate agencies and, a performance guarantee bond in an amount sufficient to restore the shoreline should there be an interruption in the project completion; and the restored area shall be maintained in conformance with the zoning ordinance and the approved plan.

The amount of the bond is to be established by the zoning administrator who will monitor compliance with the special conditions required. The zoning permit will not be issued until the copies of the agency approvals are received and the performance bond is in place and the bond will be renewed as necessary for the duration of construction.

All supported by saying Yea.

Motion passed

Public Comments: None

Approval of Minutes:

Marilyn Morehead made a motion, supported by Doug Kuebler, to approve, as presented, the regular meeting minutes for October 15, 2019.

All supported by saying Yea.

Motion passed

Report of Township Board Representative: By Matt Cunningham

The Board of Trustees held the BOT monthly meeting on November 11, 2019. The board reviewed Ethics and Oath of Office for all committee members, reappointed Tom Darnton to the Zoning Board of Appeals, voted to appoint Ron VanZee to be interim Zoning Administrator and approved the contract with Beckett & Raeder. The Board of Review will meet on December 11, 2019 at 5:00 pm. The next monthly Board meeting is December 12, 2019 at 7:00 pm. at the Township Hall.

Report of Zoning Board of Appeals Representative: No activity to report

Hayes Township Planning Commission
November 19, 2019 Regular Meeting
09195 Old US 31 N, Charlevoix, MI 49720

Zoning Administrator report: Ron VanZee gave an oral report of all zoning activity in Hayes Township.

New Business: Edits were completed on the Master Plan and the Planning Commission has decided to send the Master Plan Draft to the Board for approval to distribute.

Marilyn Morehead made a motion, supported by Doug Kuebler, to request the Hayes Township Board of Trustees approval for distribution and review of the draft of the "Hayes Township Master Plan" pursuant to Section 41 (MCL 125.3841) of Public Act 33 of 2008: known as the Michigan Planning Enabling Act.

All supported by saying Yea.

Motion passed

Public Comment: Great work by planning commission

Adjournment: Ed Bajos, supported by Marilyn Morehead, made the motion to adjourn the meeting at 7:46 pm.

All supported by saying Yea.

Motion passed

Recorded by:



Kristin Baranski

Respectfully Submitted by:

Omar Feliciano/PC Vice-Chair

Exhibit 15
Ron Van Zee letter to Scott and Debra Law
11-25-19

Hayes Township

Office of Zoning Administrator

09195 Old US 31 N

Charlevoix, Michigan 49720

zoning@hayestownshipmi.gov (231) 497-4701

November 25, 2019

Scott and Debra Law

11460 N. Meridian Street

Carmel, IN 46032

Mr. and Mrs. Law,

Hayes Township Planning Commission, on November 19, 2019 at their regularly scheduled meeting, approved, with conditions, your application for boat basin and shoreland improvements.

The conditions for approval are:

1. The current natural areas of the shoreline of this parcel be maintained in their current natural state.
2. Approval is contingent upon receipt of copies of approvals from all other appropriate agencies.
3. A performance guarantee bond of \$150,000.00 be maintained through completion of work.
4. The altered areas of the shoreline shall be restored in conformance with the zoning ordinance and the approved plan.

The approved plans, submitted by Drost Landscape, are dated November 11, 2019, and signed by Roy Griffiths, Planning Commission Chair, are available for review at the Hayes Township Hall.

If you have any questions feel free to call or email me at any time.

Sincerely,




Ron Van Zee

Hayes Township Zoning Administrator

Exhibit 16
Great Lakes Ecosystems to US Army Corps
Drost Section F, modified
8-23-21

Great Lakes Ecosystems

P.O. Box 156
Indian River, Michigan 49749



April R. Champion
Department of the Army
Corps of Engineers
Regulatory Office
477 Michigan Avenue
Detroit, Michigan 48226-2550

TRANSMITTED VIA EMAIL ATTACHMENT
To: April.R.Champion@usace.army.mil
August 23, 2021

Dear Ms. Champion,

This letter is in response to your recent letter to me, dated July 21, 2021, requesting that I address concerns in writing to comments received during the Public Notice period for the Law Inland Boathouse Project, located at 10034 Anglers Cove, Charlevoix County, Michigan. Only three parties provided comments, and only one party, Tip of the Mitt Watershed Council (TOTMWC), wrote more than a one page response. Adjoining neighbors did not comment, nor did any local units of government, other organizations, or members of the general public. This project was approved previously by Hayes Township, and a zoning permit has been issued.

We appreciate the format wherein you reviewed the comments received, and identified those which in your opinion required further input from the applicant side of the equation. We understand that at the Federal level, per your statement, “the Corps of Engineers alone is responsible for reaching a decision on the merits of your Department of the Army permit application, and any information which you provide will be fully considered in our decision.” Please note that the Michigan Department of Environment, Great Lakes and Energy (EGLE), issued a permit for this project on December 15, 2020 (Permit Number WRP026483 v.1). We believe it is significant that both EGLE and Hayes Township have reviewed this project in great depth, and subsequently determined that the project was satisfactory and could move forward.

The following discussion follows in order the framework of your letter to me dated July 21, 2021.

Water Quality. We disagree with the commenter that “expressed concerns that the proposed dredging and subsequent maintenance dredging would negatively impact water quality by the release of toxic material into the waterway.” We have re-reviewed all of the submitted plans, and find there is minimal or no use of treated lumber. The boathouse foundation is poured concrete, and dockage, where present, is flotation, which in this case means that plastic floats will support the dock decking, and it is those floats that will be in constant contact with the water. It is normal for our flotation dock contractor to use treated lumber decking above the plastic floats, the same type of treated lumber decking used on thousands of docks (and pilings) in and around Lake Charlevoix, on a daily and yearly basis. If this entire project hinges on the use of treated lumber, then we are willing to try to have the dock decking be made of plastic instead.

We cannot fully agree that the “increase of impervious surfaces along the shore would limit buffering capacity along the shoreline and increase the velocity and duration of runoff that would be diverted directly to Lake Charlevoix,” but we acknowledge the potential for this to take place, and we have a prospective remedy. The typically impervious surfaces around the boathouse can be designed to be permeable, so that run-off can be contained below ground, temporarily, and along with run-off from the boathouse roof, be directed (piped) to a rain garden or bio-swale constructed on the opposite side of the adjoining county road, away from the lake, and within a natural community, where run-off can safely settle out, before disappearing into the ground.

As for the proposed dredging activity itself, this is set to take place in a rural area, far removed from any known sites of contamination. There is no reason to believe this proposed activity will in any way cause pollution of Lake Charlevoix. The proposed inland boat basin will be fully constructed before it is filled with water via siphoning, and dredging in the lake will be completed inside a turbidity curtain ring. The water that fills the boat basin, and the water of adjoining Lake Charlevoix, will meet calmly, once the earthen plug between the two is removed, as a final step of the construction process. All of these measures will contain the movement of materials in the construction site vicinity, and keep the project from negatively impacting Lake Charlevoix.

Effects on Aquatic Organisms. The commenter who “expressed concerns that the proposed dredging would allow invasive species to prosper, directly impact fisheries by decreasing the clarity of the waterway and increasing sedimentation, alter the habitat where fish live or spawn, and kill critical organisms on the lake bottom that play an important role in the aquatic food chain” writes lengthy letters for nearly every State and Federal Public Notice project in northern Michigan, often using standardized language. But some of her comments may have validity, in this instance, and we agree it is possible that “the proposed seawalls and bank stabilization would result in lake bottom scouring, which increases wave height, causing a loss of nearshore habitat that is critical for the survival of many macroinvertebrates, amphibians, and fish.” This concern lines up with the comments made by the Little Traverse Bay Bands of Odawa Indians (LTBB), in their December 1, 2020 response, stating that “The installation of sheet piling will sever the land water interface” and “LTBB suggests to limit the extent of sheet piling and riprap, and utilize native plants as a means of shoreline stabilization.” So we are proposing a major modification to help eliminate this concern - the removal of approximately 340 linear feet of steel sheet pile that was originally proposed around the mouth of the entrance channel, replacing it with tapered slopes comprised of native soils and stabilized with native species plantings. If the Corps finds this change to be acceptable, it will mean that the land water interface will not be severed, that aquatic organisms will be able to move freely from water to land and back, and that wave energy will be dissipated in a “soft” manner, rather than deflected sideways or down.

The proposed shift from a vertical steel seawall to naturally vegetated slopes directly addresses commenters concerns about **Erosion**, and also applies to or addresses the **Minimization and Alternatives** section of your letter to me dated July 21, 2021. Please study the attached, newly modified PROJECT OVERVIEW AND SECTION GUIDE, as well as newly modified Section C, Section D, Section F, and Section I, to understand the overall significance of this change as currently proposed. A secondary benefit of this change from hard seawall to soft-shore protection is that the proposed dredging area within Lake Charlevoix is now smaller, and the proposed volume of material to be removed is less. The attached Estimated Dredge / Fill Quantities table has been modified to reflect these “environmentally-friendly” modifications.

In general, because the boathouse and boat basin are proposed to be constructed in currently non-jurisdictional upland areas, we believe it is reasonable to leave the footprints of those two features alone, because in the simplest sense their creation will facilitate an expansion of the waters of the United States, not a diminishment. There is no question that the proposed boat basin will enhance fisheries habitat, through the addition of small-sized rock to the basin bottom and sides that will provide both suitable spawning areas as well as cover, in a manner that is consistent with the natural bottom of Lake Charlevoix in the general vicinity of the project. We believe there is no chance of the water in the basin warming significantly, since a) the basin is not that large, b) there will be a 10-foot deep connection to Lake Charlevoix, and c) shade from the boathouse will provide a cool haven for fish to congregate on summer days. Enlarging the entrance channel on the landward side of the OHWM, by implementing soft-shore protection, will provide greater freedom for organisms to come and go, and for water to move back and forth, from lake to basin to back to the lake. This free movement of water, and temperature attenuation, is expected to minimize or eliminate any concern about invasive species gaining a toehold. Also helping in this regard is our proposal to direct run-off from impervious surfaces to a bio-swale or rain garden on the opposite side of the adjoining county road (away from the lake), and use of native substrate from the project site to grow all of the plantings near the water, without the need to bring imported soils or bedding material from somewhere else.

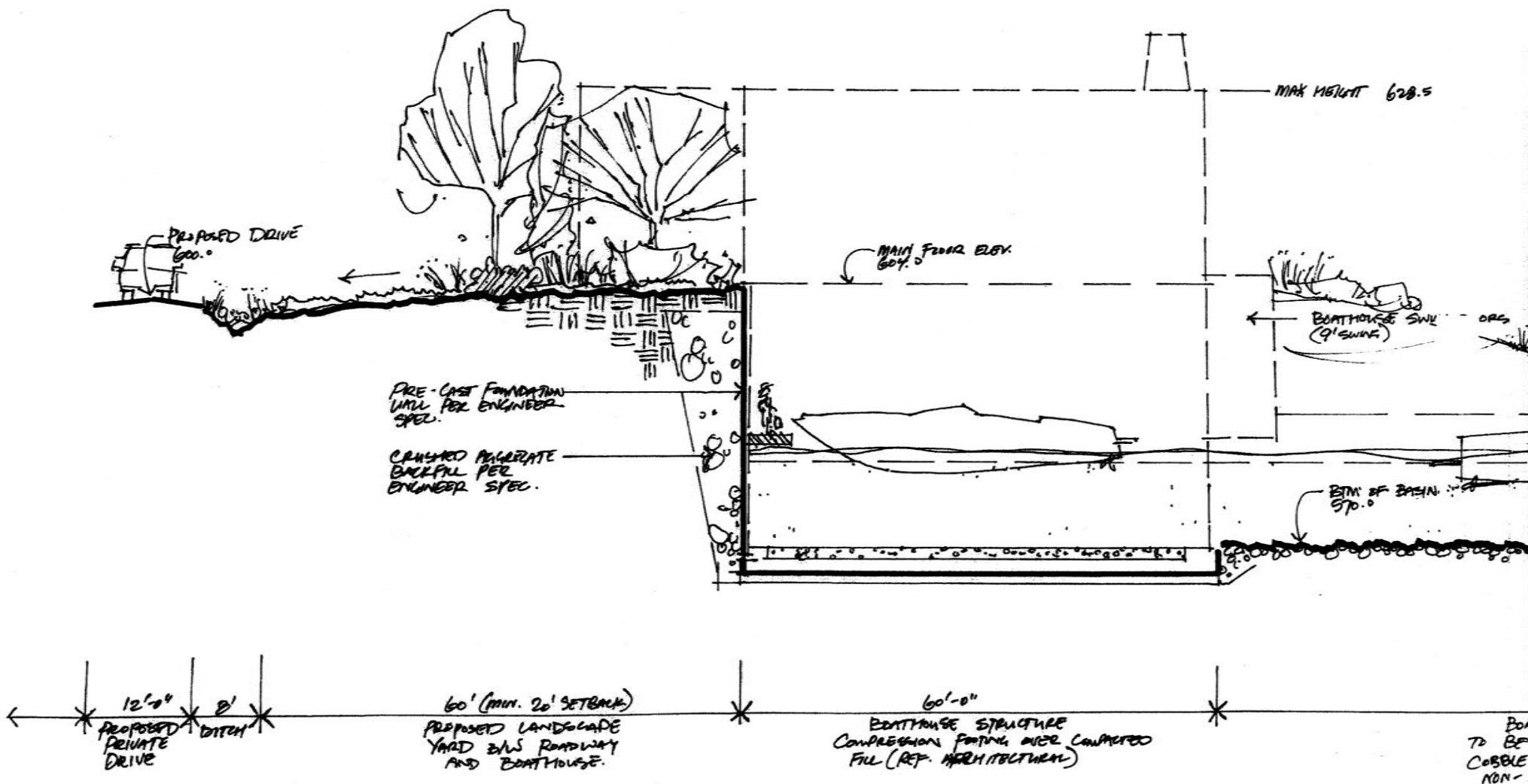
As with any complex project, we have tried to address all concerns from all parties, including your agency, EGLE, the commenters and our team. If you feel more can be done, after reviewing our response, please feel free to let me know. This project is consistent with similar projects that were permitted previously on Lake Charlevoix by EGLE and your agency - it is our hope that you will find the newly proposed modifications to be acceptable, so that this project too can be approved at both State and Federal levels. Like other projects of this scale that were permitted previously, the applicants own all of the property where the proposed boathouse and boat basin will be located. The lake bottom area where the proposed entrance channel will be constructed falls entirely within their riparian rights zone and does not adjoin any neighbors. No work is planned on private properties owned by others, or local units of government. This is a uniquely large waterfront parcel that can safely accommodate all of the project components.

Lastly, the application for this project does suggest that maintenance dredging may be required at approximately 3 year intervals. But that is only an estimate, and if this facet of the project proves to be controversial, we can remove that request, in hopes the activity can be avoided. The natural lake substate in front of the applicant's property appears to be hard rather than soft (i.e. cobble versus sand), which indicates that maintenance dredging may not be necessary.

Sincerely,

Bert C. Ebbers

Bert C. Ebbers
Consulting Biologist



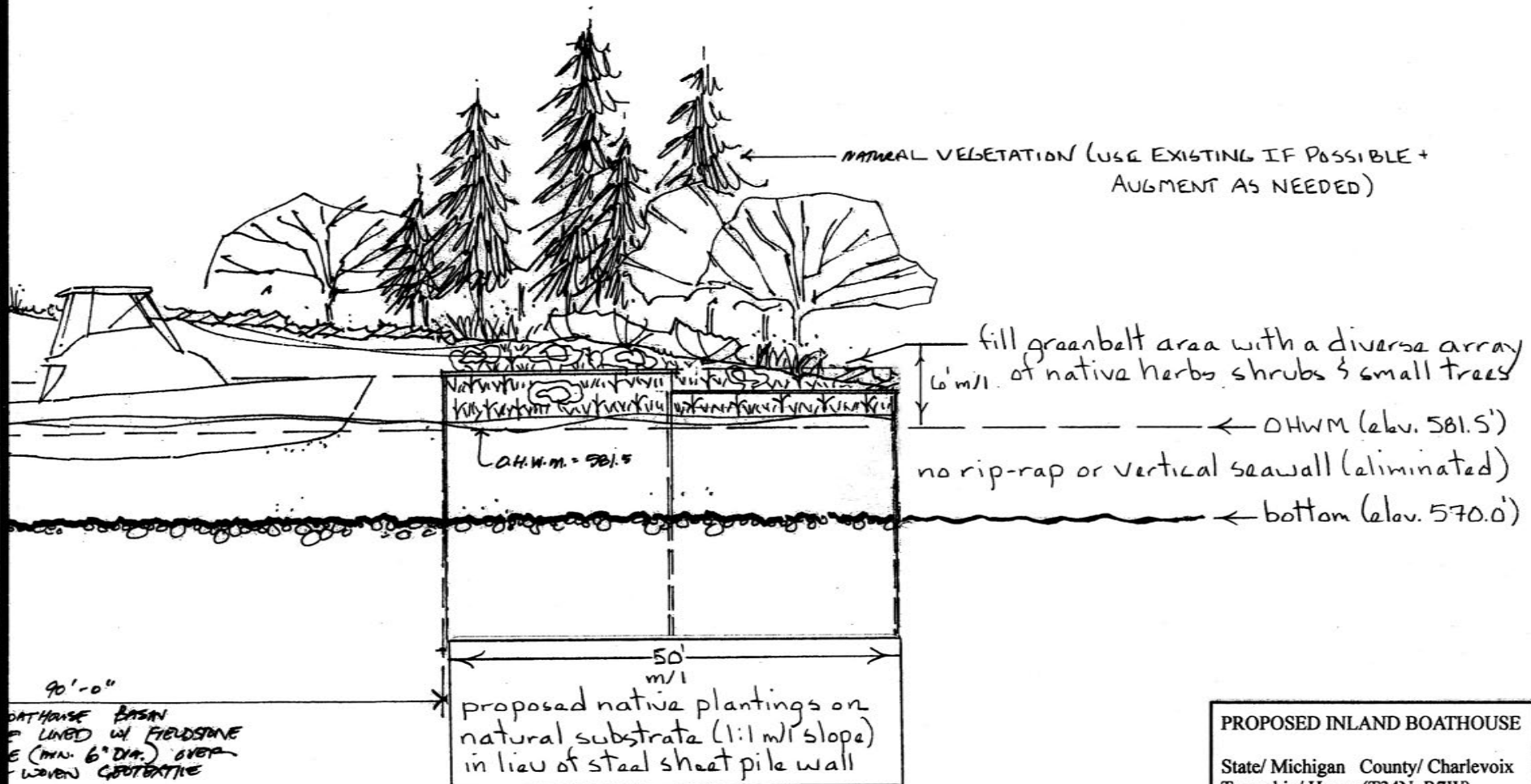
SECTION C'
SCALE 1/8" = 1'-0"

sheet 1 of 2

PROPOSED INLAND BOATHOUSE

State/ Michigan County/ Charlevoix
Township/ Hayes (T34N, R7W)
Section/ 32 (10034 Anglers Cove)
Body of water/ Lake Charlevoix
Applicant/ Scott & Debra Law via
Drost Landscape Company
Date/ 07-02-2020; mod. 8/23/21
Prepared by/ Great Lakes Ecosystems,
Box 156, Indian River, MI 49749
(c/o Bert C. Ebberts, 231-238-7615)

NOTE: All distances, measurements, elevations & quantities shown on this multi-sheet site plan are conceptual and approximate, intended for Michigan Department of EGLE & U.S. Army Corps of Engineers permitting purposes only (i.e. not a licensed survey degree of accuracy).

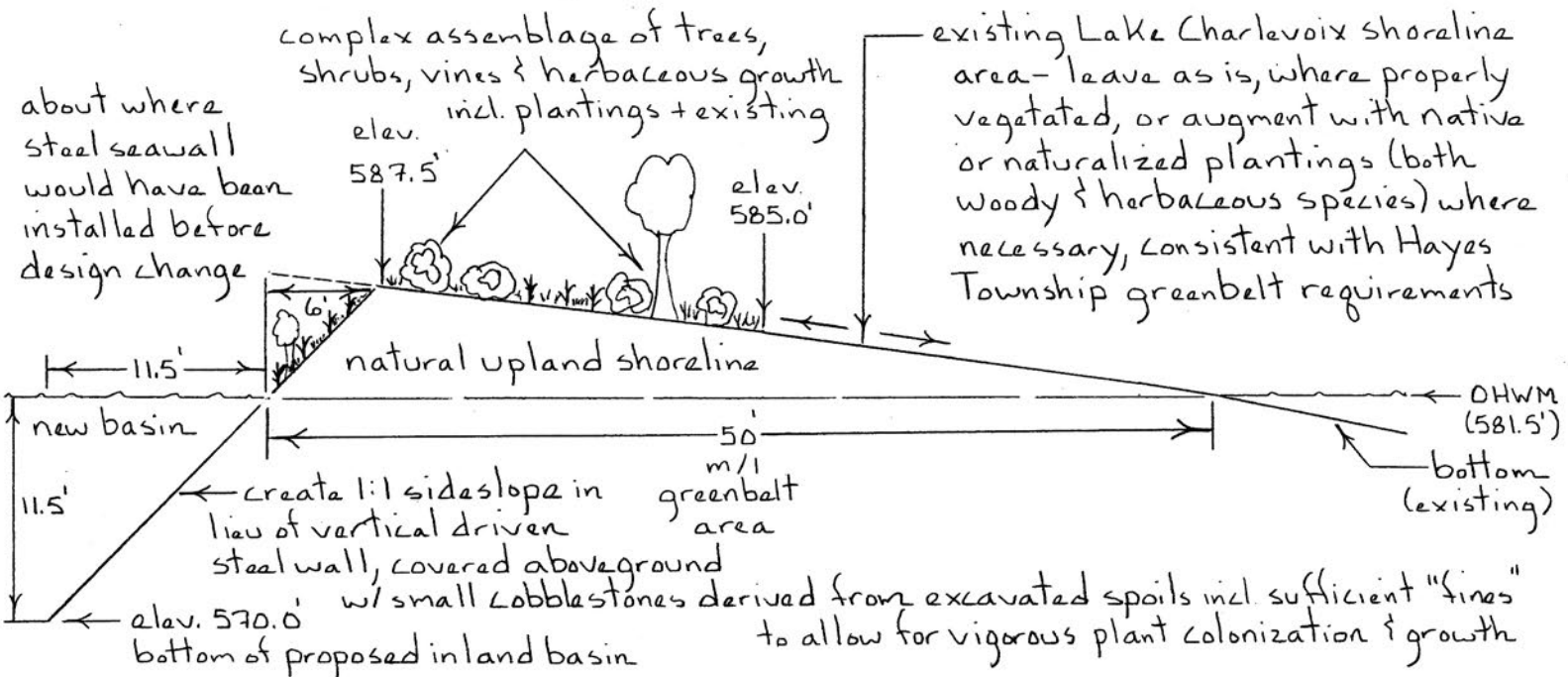


SECTION 'C'
SCALE: 1/8" = 1'-0"

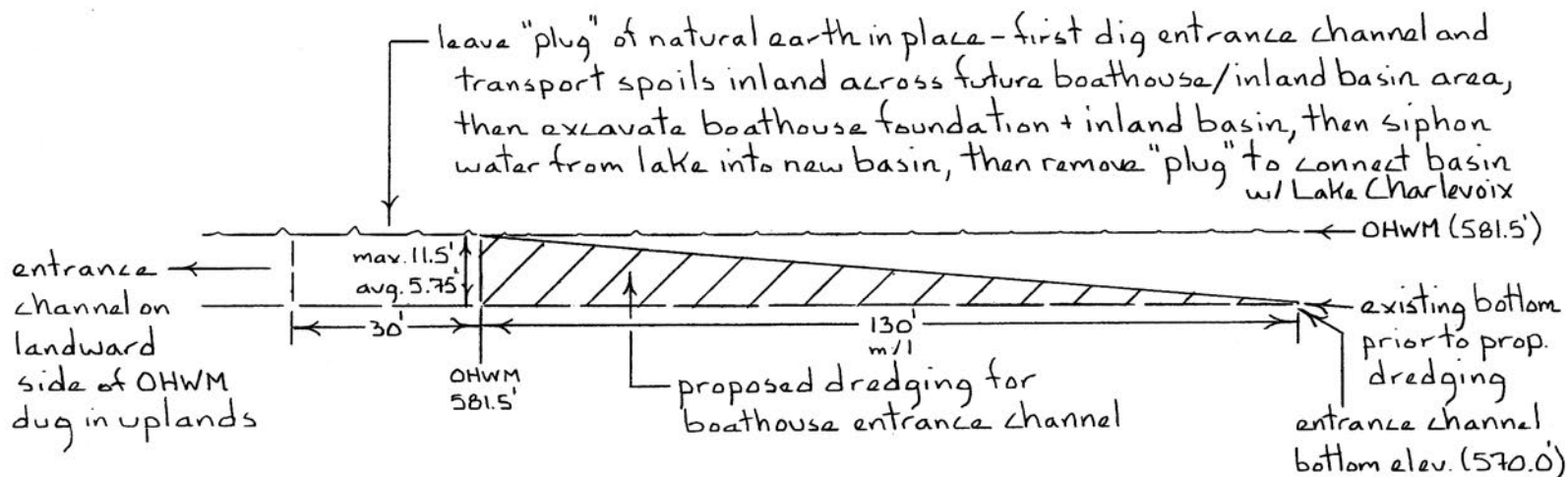
PROPOSED INLAND BOATHOUSE

State/ Michigan County/ Charlevoix
 Township/ Hayes (T34N, R7W)
 Section/ 32 (10034 Anglers Cove)
 Body of water/ Lake Charlevoix
 Applicant/ Scott & Debra Law via
 Drost Landscape Company
 Date/ 07-02-2020; mod. 8/23/21
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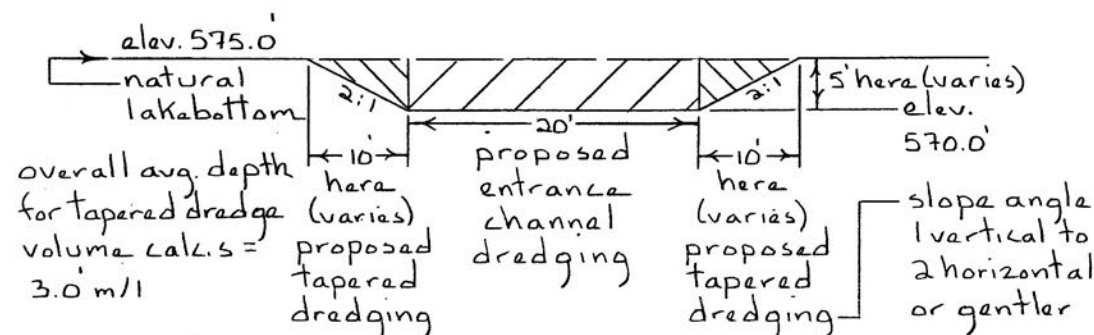
Section D: Scale 1"=10'
Typical Representative Design



Section H: Scale 1"=30' (Typical Design)



Section I: Scale 1"=20' (Typical Design)



PROPOSED INLAND BOATHOUSE

State/ Michigan County/ Charlevoix
Township/ Hayes (T34N, R7W)
Section/ 32 (10034 Anglers Cove)
Body of water/ Lake Charlevoix
Applicant/ Scott & Debra Law via
Drost Landscape Company
Date/ 07-02-2020; mod. 8/23/21
Prepared by/ Great Lakes Ecosystems,
Box 156, Indian River, MI 49749
(c/o Bert C. Ebberts, 231-238-7615)

native plantings continue ← 53' m/1 → native plantings continue

top of bank at elev. 584.0 or higher after implementing native plantings instead of vertical steel sheet pile wall

581.5' 43' 581.5' proposed channel width at elev. 581.5' after implementing soft-shore protection (plantings) instead of steel sheet piling

PROPOSED INLAND BOATHOUSE
 State/ Michigan County/ Charlevoix
 Township/ Hayes (T34N, R7W)
 Section/ 32 (10034 Anglers Cove)
 Body of water/ Lake Charlevoix
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OHWM (elev 581.5' IGLD1985)

proposed sideslope in lieu of vertical sheet pile wall, no steeper than 1 horizontal: 1 vertical (45° angle) and possibly gentler - extend new plantings down to OHWM or farther lakeward if conditions allow. Include both herbaceous & woody species.

TOP OF BANK
 Elev. = 587.0



O.H.W.M. = 581.5

20' proposed bottom width of channel as modified on 8/23/21

CHERRY LAKE
 ELEV. = 582.15

~~HEAVY GA. STEEL SHEET PILE WALL (LAPSE) FOR ASTM A-522 STANDARD~~ WITHDRAWN

CHANNEL BTM / TOP OF DREDGE 570.0

proposed sideslope in lieu of (replacing) steel sheet pile wall

DEPTH TO HARD PAN.

Replace previously proposed steel sheet pile wall with a diverse array of native or naturalized plantings (both herbaceous and woody species) on substrate native to the site including small cobblestones derived from excavated

spoils incl. marl or similar sized smaller necessary for vigorous vegetative colonization

APPROX 220'-0" TO PROPERTY LINE NATURAL VEGETATION

30'-0" CHANNEL FROM LAKE CHARLEVOIX TO BOATHOUSE BASIN TO BE LINED W/ FIELDSTONE COARSE (MIN. 6") OVER NON-WOVEN GEOTEXTILE

APPROX. 100'-0" NATURAL VEGETATION RESTORATION B/W CHANNEL AND MAIN HOUSE LANDSCAPE.

native plantings continue ← 53' m/1 → native plantings continue

top of bank at elev. 584.0 or higher
after implementing native plantings
instead of vertical steel sheet pile wall

43' proposed
channel width at elev. 581.5'
after implementing soft-
shore protection (plantings)
instead of steel sheet piling

PROPOSED INLAND BOATHOUSE

State/ Michigan County/ Charlevoix
Township/ Hayes (T34N, R7W)
Section/ 32 (10034 Anglers Cove)
Body of water/ Lake Charlevoix
Applicant/ Scott & Debra Law via
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Date/ 07-02-2020; mod. 8/25/21
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OHWM (elev 581.5' IGLD1985)

proposed sideslope covered
with diverse native plantings, no
steeper than 1 horizontal:1 vertical
(45° angle) and possibly gentler -
extend new plantings down to OHWM
or farther lakeward if conditions allow.
Include both herbaceous & woody species.

CURRENT LAKE
ELEV. = 582.15

O.H.W.M. = 581.5

CHANNEL BTM/
TOP OF DREDGE
570.0

20' proposed
bottom width
of channel as
modified on 8/23/21

Plant slopes on each side with
diverse array of native or
naturalized plantings (both
herbaceous and woody species)
on substrate native to the site
including small cobbles/ stones
derived from excavated
spoils incl. marl
or similar sized smaller
necessary for vigorous
vegetative colonization.

← APPROX 220'-0"
TO PROPERTY LINE
NATURAL VEGETATION

20'-0"
CHANNEL FROM
LAKE CHARLEVOIX TO
BOATHOUSE BASIN
TO BE LINED W/ FIELDSTONE
CERAMIC (MIN. 6") OVER
NON-WOVEN GEOTEXTILE

← APPROX. 100'-0"
NATURAL VEGETATION
RESTORATION B/W CHANNEL
AND MAIN HOUSE LANDSCAPE.

Exhibit 17
Law Boathouse “Project Overview and
Section Guide” by Drost Landscape
from EGLE Permit
12-15-2-2

NOTE: All distances, measurements, elevations & quantities shown on this multi-sheet site plan are conceptual and approximate, intended for Michigan Department of EGLE & U.S. Army Corps of Engineers permitting purposes only (i.e. not a licensed survey degree of accuracy).

proposed boathouse (inland)

Topview
Scale
1" = 40'

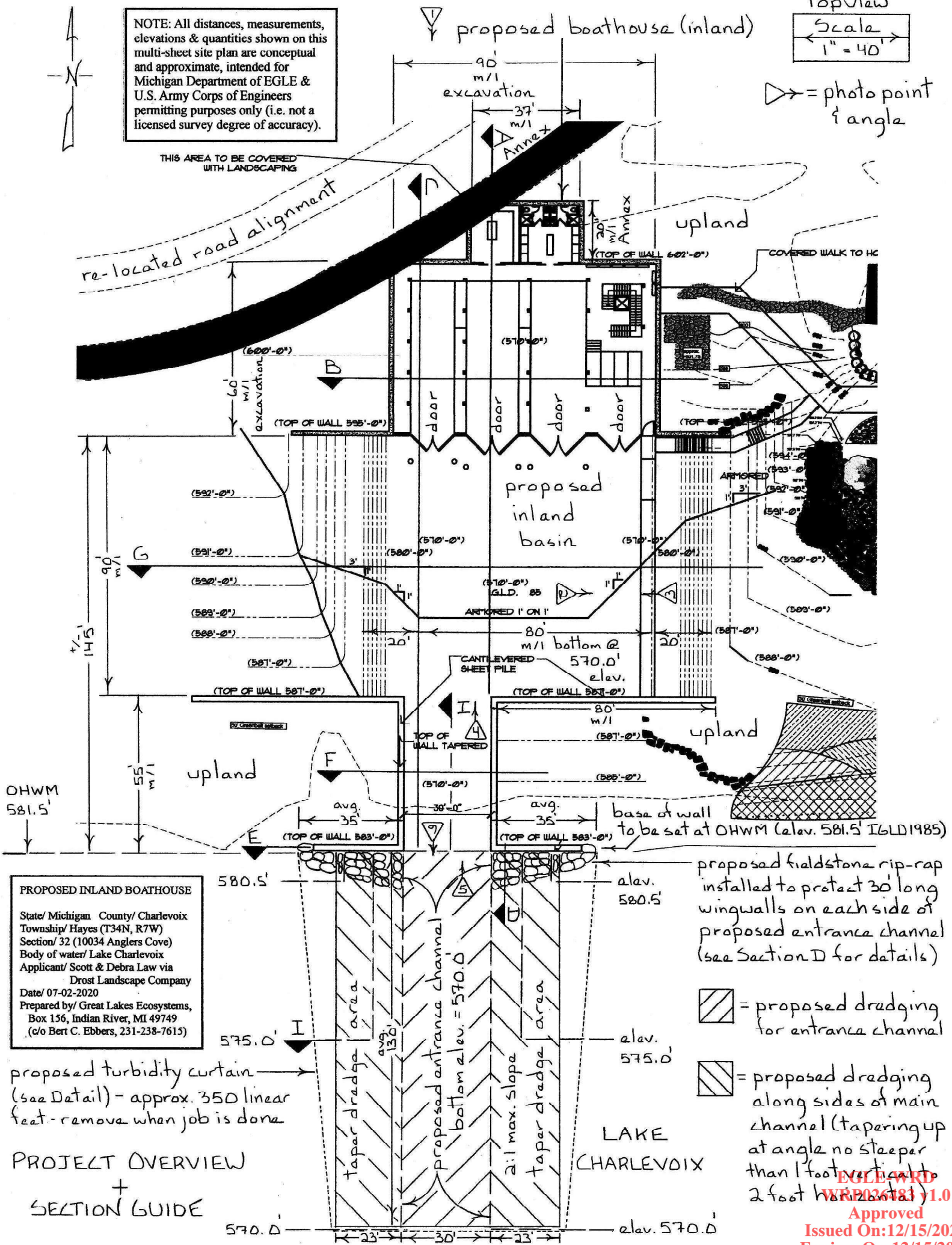
▷ = photo point
∠ angle

THIS AREA TO BE COVERED WITH LANDSCAPING

re-located road alignment

upland

COVERED WALK TO HC



PROPOSED INLAND BOATHOUSE

State/ Michigan County/ Charlevoix
Township/ Hayes (T34N, R7W)
Section/ 32 (10034 Anglers Cove)
Body of water/ Lake Charlevoix
Applicant/ Scott & Debra Law via
Drost Landscape Company
Date/ 07-02-2020
Prepared by/ Great Lakes Ecosystems,
Box 156, Indian River, MI 49749
(c/o Bert C. Ebbers, 231-238-7615)

proposed turbidity curtain
(see Detail) - approx. 350 linear
feet - remove when job is done

PROJECT OVERVIEW
+
SECTION GUIDE

proposed fieldstone rip-rap
installed to protect 30' long
wingwalls on each side of
proposed entrance channel
(see Section D for details)

▨ = proposed dredging
for entrance channel

▨ = proposed dredging
along sides of main
channel (tapering up
at angle no steeper
than 1 foot vertical to
2 foot horizontal)

EGLE WRD
WRD 20210110
Approved
Issued On: 12/15/2020
Expires On: 12/15/2025

Exhibit 18
Scott and Debra Law
Joint Permit Application to Michigan EGLE and USACE
7-16-20

Digital EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas

version 1.20

(Submission #: HP1-9DXD-DQG6D, version 2)

Details

Submission ID HP1-9DXD-DQG6D

Submission Reason New

Status Submitted

Fees

Fee \$500.00

Payments/Adjustments (\$500.00)

Balance Due \$0.00 (Paid)

Form Input

Instructions

[To download a copy or print these instructions. Please click this link \(recommended\).](#)

The EGLE/USACE "Joint Permit Application" (JPA)

READ THOROUGHLY BEFORE STARTING THE FORM

It is recommended to download a pdf of this page at www.michigan.gov/jointpermit for reference while filling out the form. Please also refer to this website for additional information regarding this form, including a glossary and other helpful resources on information required to be submitted in this form.

This is the Joint Permit Application (JPA) for construction activities where the land meets the water. This application covers permit requirements derived from state and federal rules and regulations for activities involving:

Wetlands
Floodplains
Marinas
Dams
Inland Lakes and Streams
Great Lakes Bottomlands
Critical Dunes
High Risk Erosion Areas

This application prevents duplication of state and federal forms for these activities and provides concurrent review under all pertinent state and federal laws. In the case of U.S. Army Corps of Engineers (USACE) jurisdiction, the Michigan Department of Environment, Great Lakes, and Energy will also send a copy of this Joint Permit Application to the USACE for simultaneous processing. The Michigan Department of Environment, Great Lakes, and Energy will provide coordination between state and federal agencies during the application review.

This application form is set up with the following sections to be completed by the applicant (note that it is recommended to gather all this information prior to starting this form):

Contact Information:

Applicant, Property Owner(s), Consultant(s), and any other Authorized Representative(s)

Authorizations are required from the property owner for:

- when the applicant is not the owner,
- when there is a consultant/representative for the applicant,
- when spoils disposal locations are not on site,
- when other permissions are necessary based on project specifics and are identified by the form.

Project Location Information:

Address, coordinates, and directions to the site, etc.

Background Information:

Existing site conditions, other related permits, existing easements/encumbrances, other related application numbers (pre-application meetings, Wetland Identification Program, etc.)

Permit Application Category and Public Notice Information:

This section asks what permit application category you believe fits your project. While this is not required to submit the application, knowing this will also help you submit the right permit application fee and avoid a correction request and processing delays.

The choices of permit application categories to select in the form are:

General Permit, \$50 fee (https://www.michigan.gov/documents/deq/wrd-general-permit-categories_555828_7.pdf)

Minor Project, \$100 fee (https://www.michigan.gov/documents/deq/wrd-minor-project-categories_555829_7.pdf)

Public Notice Individual Permit, range from \$500-\$4,000 depending on type of activity. For High Risk Erosion Areas and Critical Dune Areas fees for Public Notice individual permit applications can range from \$50-\$4000. Additional fees may be applied for some special project requirements such as hydraulic analysis, dam projects, and a special exception application in a critical dune area. See Fee Schedule on website for more information.

Unsure, select this and the permit reviewer will make the determination on permit type after the application is submitted based on the project details. However, some fee is required to be submitted with the application. If an additional fee is required, the Michigan Department of Environment, Great Lakes, and Energy will send a correction request that will show the remaining amount required. The application will not be considered complete without the proper fee.

Adjacent Landowner contact information for Public Notice projects is required by law. This includes any parcels touching the project parcel and parcels across the street.

Project Description:

Information on the Proposed Use and Purpose of the project (who and what the project is intended for and why is it needed).

This includes a written summary of the project as well as a list of project uses and types to select from as follows:

Project Use Selections:

Private
Commercial
Public/Gov/Tribal
Federal/State funded
Non-Profit
Other

Project Type Selections:

Agriculture
Airport
Development- Condo/ Subdivision/Residential
Development-Commercial/ Industrial
Drain-County
Drain-Private
Drawdown
Lake, Drawdown
Wetland Forestry
Landfill
Marina/Mooring Facility
Marine Railway
Mining-Mineral,
Mining-Sand and Gravel
Private Residence
Restoration-Wetland
Restoration-Stream
Transportation
Septic System Surveying or Scientific Measuring Device
Utility-Electrical, Fiber optic
Utility-Oil and gas pipelines

Utility-Sewer/water line
Other

Construction Details including sequencing, timeframes, SESC measures, etc.

Alternatives Analysis detailing all options considered and why this is the least impactful feasible and prudent proposal. The depth of this analysis is typically commensurate with the size and purpose of the project and at minimum should include variables such as alternate locations (including other properties), configurations and sizes (layout and design), and methods (construction technologies), and other constraints (local regulations, resource issues). Discussion should also include why the ☐do nothing☐ alternative is not feasible or prudent.

Project Compensation:

Narrative of how proposed impacts will be compensated (mitigated or other minimization measures), including amount, location, and method; or why mitigation should not be required. This can be traditional mitigation and/or other techniques used to minimize overall loss of functions.

Resource and Activity Type. This section is intended to determine what additional sections of the application are generated (as seen on the left side of the screen) for further information gathering. This includes questions regarding what Resource feature is involved (e.g., wetland, stream, floodplain, pond, dam, critical dune, etc.) and if there are identified Special Activities (i.e., activities requiring a specific series of questions to be answered). Be sure to choose all that apply to your project. If your activity is not listed, choose ☐None of the Above☐ and move on to the next question. More specific activity questions will appear later based on the resource section answers.

Resource Information and Impacts Sections (Multiple Sections). These are a series of sections that will appear on the left side of the screen based on your answers to the Resource and Activity Types section. You will input further information on the existing resources to be impacted (e.g., wetland type, permanent or temporary impact, water elevation data, drainage area, etc.) and all proposed Project Activities with their Dimensions (e.g., length, width, depth, square footage). For example, when ☐Wetland☐ is selected as a resource that your project will involve, a ☐Wetland Project Information and Impacts☐ section will appear on the left side of the screen that includes questions specific to gathering information about the wetland.

For projects including Floodplains, Marinas, Dams, Critical Dunes, or High Risk Erosion Areas individual sections will appear on the left side of the screen that include different sets of specialized questions as required by those programs. These sections do not share a specific format. Help tips will guide you in filling out these sections.

For projects including wetlands, ponds, inland lakes, streams, or the Great Lakes resources, individual sections will appear on the left side of the screen that are similar in format to each other. Each of these resource sections asks initial general information and then has additional questions regarding the Types of Activities proposed for each resource. The outline for these resource activity impacts questions is Activity Type, Dimensions Table, and Special Questions.

There are four overall ☐Types of Activities☐ groups for wetlands, ponds, inland lakes, streams or the Great Lakes:

Fill Activities

Dredge Activities

Structure Activities

Other Activities

Under each of these Types of Activity questions, specific activity lists will be shown that are typical for that type (fill, dredge, structure, other) and resource (wetland, lake, stream, etc). Follow these steps to accurately fill out the Activity Type Questions:

1. Start with the Fill question and choose any activities on the list that is included in your project. If your activity is not shown, then select ☐None of the Above☐ and move to the next question.

2. When you select an activity listed under Fill, Dredge, Structure, or Other, a dimensions table will appear under that question. This table is where you enter EACH activity OF THE TYPE YOU SELECTED and associated dimensions. Be sure that all the activities you selected are also listed in the table with the dimensions. Multiple activities covering the same footprint may be combined on one line in the table (for example, riprap on slopes of driveway fill can be entered on the same impact dimensions line and does not necessarily need to be broken out).

3. Continue to answer the Activity Type questions (Fill, Dredge, Structure, Other) until all have been answered with either a specific Activity listed under that Type or ☐None of the Above☐. If you did not find your activity in any list then select ☐Other☐ and provide a description of your activity in the space that appears. Please be as descriptive as possible.

Proposed mitigation questions may appear within specific resource types sections based on your answers. Enter any proposed mitigation in the appropriate section (wetland, stream, etc.) and if no mitigation is proposed you must provide commentary with an explanation as to why it is not required. Mitigation plans according to the mitigation checklist (link) are required for a complete application. When mitigation is proposed be sure to also select mitigation in the Permit Application Type section under the second question.

In the above sections, uploads will be prompted as required by the answers to questions. These should be uploaded in these

location (ex, mitigation plans should be uploaded in the mitigation section). Please do not wait to upload one large document with all plans combined at the end. Note that each individual upload is limited to 10M.

Upload of Proposed Site Plans.

Any plans or explanatory narratives not requested in previous sections should be uploaded in this section. Construction Plans including overhead view, cross sections, and profiles showing each impact either to-scale or with dimensions are required and typically would be uploaded here. Plan labels should correspond with labels entered in the form for each activity selected. The application will not be complete without the proper site plans. If drawings are not received with all required dimensions and resources identified, then the Michigan Department of Environment, Great Lakes, and Energy will send a correction request and your application processing will be delayed. However, please limit drawings, plans, and narratives submitted to the items necessary for permit review. For example, entire bid package documents and CAD drawings are often not helpful for permit review and may cause delays from wading through extraneous information. Plans, profiles and cross sections specific to the resource impacts are the most helpful.

Review:

This section allows you to see the entire form with the answers you entered. Please review for accuracy prior to hitting the submit button. A print option is provided on this screen (print to PDF is recommended). Once the application is submitted you may not make changes to it until the application has been assigned to a staff person.

Certify & Submit:

This is the final section of the application form. The **Submit Form** button selection certifies that all information in the application is true and accurate and that you have the authority to apply for the permit as indicated. This application will become part of public record.

We recommend that you have the above information ready prior to starting this application. You will be able to save in-progress applications and come back later, but all required uploads and questions are necessary before the system will allow submittal of the application. Some sections of this application form load faster than others depending on the complexity of the questions. Thanks for your patience while you work through the application. For assistance with this form visit:
<https://www.michigan.gov/jointpermit>

[Click here for additional information on maps, drawings, and other attachment](#)

Contact Information

Applicant Information (Usually the property owner)

First Name **Last Name**

Scott & Debra Law

Organization Name

Property Owners

Phone Type **Number** **Extension**

Mobile 231-330-8260

Email

bobdrost@drostlandscape.com

9915 East 300 South

Zionsville, IN 46077

Is the Property Owner different from the Applicant?

No

Has the applicant hired an agent or cooperating agency (agency or firm assisting applicant) to complete the application process?

Yes

Upload Attachment for Authorization from Agent

[LawGLE AgentAuthorization.jpg - 07/16/2020 06:07 AM](#)

[LawDrost AgentAuthorization.pdf - 07/16/2020 06:07 AM](#)

Comment

NONE PROVIDED

Agent Contact

First Name **Last Name**

Bert *Ebbers*

Organization Name

dba Great Lakes Ecosystems

Phone Type **Number** **Extension**

Business 2312387615

Email

ebbersbert@gmail.com

P.O. Box 156

Indian River, MI 49749

Are there additional property owners or other contacts you would like to add to the application?

Yes

Additional Contact Information (1 of 1)

Contact Role(s)

Contractor

Contact Information

Prefix

NONE PROVIDED

First Name **Last Name**

Jason *Bock*

Title

Project Manager

Organization Name

Drost Landscape Company

Phone Type **Number** **Extension**

Mobile 231-838-2198

Email

jbock@drostlandscape.com

P.O. Box 696

Petoskey, MI 49770

Project Location

DEQ Site Reference Number (Pre-Populated)

5214073915577506107

Project Location

45.29586190979159,-85.1802535150238

Project Location Address

10034 Anglers Cove

Charlevoix, MI 49720

County

Charlevoix

Is there a Property Tax ID Number(s) for the project area?

Yes

Please enter the Tax ID Number(s) for the project location

007-132-005-30

Is there Subdivision/Plat and Lot Number(s)?

No

Is this project within Indian Lands?

No

Local Unit of Government (LUG)

Hayes Township

Directions to Project Site

From the intersection of Burgess Road and Boyne City Road, near the Dunmaglas Golf Course parking lot, proceed west on Boyne City Road for 0.7 mile. Look for sign that says "Anglers Cove" and "Private Drive No Outlet". Turn left there (i.e. headed west toward Lake Charlevoix) and continue another 0.3 mile, past "Lawvoix Lane Private" on right, then down a hill and past the applicant's residence on the left. First unoccupied / undeveloped drive past the applicant's driveway, on the left, is the subject site.

Background Information

Has the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and/or United States Army Corps of Engineers (USACE) conducted a pre-application meeting/inspection for this project?

No

Has the EGLE completed a Wetland Identification Program (WIP) assessment for this site?

No

Environmental Areas are coastal wetlands on the shorelines of the Great Lakes. Enter this number only if a designated Environmental Area is in the proposed project area. Environmental Areas are designated locations along the Great Lakes shoreline. If you don't know whether there is an environmental area within the project area, leave blank. Additional information on Environmental Areas can be found by clicking the following link:

[Click Here for Link](#)

Environmental Area Number (if known):

NONE PROVIDED

Has the United States Army Corps of Engineers (USACE) completed either an approved or preliminary jurisdictional determination for this site?

No

Were any regulated activities previously completed on this site under an EGLE and/or USACE permit?

No

Have any activities commenced on this project?

No

Is this an after-the-fact application?

No

Are you aware of any unresolved violations of environmental law or litigation involving the property?

No

Is there a conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property?

No

Are there any other federal, interstate, state, or local agency authorizations associated with this project?

Unknown

Permit Application Category and Public Notice Information

Project Category Selection:

The Permit Application Category you apply under is dependent on the type and scope of activities you are undertaking and the resources affected. There is a three-tier permitting process to aid in expediting permits for regulated activities that occur on wetlands, inland lakes and streams, and the Great Lakes (Parts 301, 303, and 325): General Permit, Minor Project, and Individual Permit.

Additionally, Minor Project categories exist for floodplains under the authority of Part 31.

General Permit and Minor Project categories generally meet specific Best Management Practices criteria that have been shown to minimize impacts to resources if followed correctly. If you select a General Permit or Minor Project Category you must select the specific category(ies) that your project fits under. Any project that does not fit a General or Minor Category are Individual Permit projects. All projects in Critical Dunes, High Risk Erosion Areas, or Dam Safety projects will be Individual Permit Projects.

Indicate the type of permit being applied for.

Individual Permit for all other projects

This type of permit application requires that you include contact information for the adjacent landowners to this project. If you are only entering in a small number of bordering parcel owners contact information, please select "Enter list of recipients". If there is a rather large number of affected property owners such as a project that significantly affects lake levels, please upload a spreadsheet of the property owners. Please include names and mailing addresses.

Enter list of recipients.

This project may require public noticing. Please list the adjacent landowners to the project, along with any of the others that may apply:

Contact Type	Contact Person	Mailing Address	City	State	Zip Code
Adjacent Landowner	Douglas & Melissa Labelle	405 S Mission St	Mount Pleasant	MI	48858
Adjacent Landowner	Kelly J. Preston Trust	3755 Winsome Way	Dewitt	MI	48820-8154

[Link to General Permit Categories with Descriptions](#)

[Link to Minor Permit Categories with Descriptions](#)

[Link to Minor Project Category descriptions for Floodplain Only projects \(See R323.1316\)](#)

Project Description

Project Use: (select all that apply - Private, Commercial, Public/Government/Tribal, Receiving Federal/State Transportation Funds, Non-profit, or Other)

Private

Project Type (select all that apply):

Private Residence

Please enter your answers in the text box for the next four questions. If you have a long description, please use the document upload at the end of the section. Please make every effort to enter your information directly into the application text boxes. If the answer is in an attachment, please identify that in the text box below.

Project Summary (Purpose and Use): Provide a summary of all proposed activities including the intended use and reason for the proposed project.

In accordance with the attached site plans and supporting documents, construct an inland boat basin that measures approximately 120 feet by 90 feet, and an associated adjoining boathouse that measures approximately 90 feet by 60 feet plus a 37-foot by 20-foot annex, along with a 30-foot wide by 55-foot long entrance channel, all landward of the OHWM of Lake Charlevoix in an area that is currently all upland. Exact dimensions of proposed improvements are included in the attached plans and supporting documents. To access the proposed inland boat basin and boathouse, construct an approximately 130-foot long by 30 foot wide entrance channel lakeward of the OHWM of Lake Charlevoix, with tapered sideslopes, and protected by 35 linear feet of rip-rap on each side abutting a steel sheet pile wall set at the OHWM.

Project Construction Sequence, Methods, and Equipment: Describe how the proposed project timing, methods, and equipment will minimize disturbance from the project construction, including but not limited to soil erosion and sedimentation control measures.

Construct (dredge) proposed entrance channel in Lake Charlevoix from elevation 570.0 feet IGLD1985 inland to the OHWM (elevation 581.5 feet). Deposit spoils on shore, within footprint of future inland portion of the entrance channel, and truck away to remote upland repository. Then excavate inland basin and boathouse footprint areas, plus inland entrance channel except for a 25-foot wide "plug" sufficient to keep out Lake Charlevoix waters during construction of the boathouse structure. When inland areas are all satisfactorily completed, siphon water from Lake Charlevoix into newly completed basin. Lastly remove earthen "plug" allowing the newly filled basin to connect to Lake Charlevoix.

Project Alternatives: Describe all options considered as alternatives to the proposed project, and describe how impacts to state and federal regulated waters will be avoided and minimized. This may include other locations, materials, etc.

This is a unique improvement that is specific to the project site, which is entirely upland. The applicants own enough shoreline to provide adequate isolation from neighbors, and access to deep water for boating purposes is reasonably close by, so that channel dredging is minimized. The proposed improvement activities negate the need for extensive seasonal dockage and boat hoists normally situated lakeward of the OHWM of Lake Charlevoix, improving the safety of other boaters using the area and creating a less-cluttered shoreline. A Zoning Permit from Hayes Township has been issued for this project, verifying that the project meets necessary local approval.

Project Compensation: Describe how the proposed impacts to state and federal regulated waters will be compensated, OR explain why compensatory mitigation should not be required for the proposed impacts. Include amount, location, and method of compensation (i.e., bank, on-site, preservation, etc.)

The vast majority of the proposed improvements take place in an area that is not currently regulated by State or Federal agencies (non-jurisdictional). The channel dredging activities lakeward of the OHWM of Lake Charlevoix are believed to be insufficient to require compensatory mitigation. No wetland areas or sensitive natural communities will be impacted by this project.

Upload any additional information as needed to provide information applicable to your project regarding project purpose sequence, methods, alternatives, or compensation.

NONE PROVIDED

Comment

NONE PROVIDED

Resource and Activity Type

Important! Answer all questions completely. Properly identifying your project in this section generates the proper application sections. Incomplete applications will require corrections before they can be fully processed.

SELECT THE ACTIVITIES from the list below that are proposed in your project (check ALL that apply). If you don't see your project type listed, select "Other Project Type". These activities listed require additional information to be gathered later in the application.

Shore Protection such as Seawalls, RipRap, and Bioengineering

Other Project Type

The Proposed Project will involve the following resources (check ALL that apply).

Inland Lake (open water greater than 5 acres in size)

Major Project Fee Calculation Questions

Is filling of 10,000 cubic yards or more proposed (cumulatively) within wetlands, streams, lakes, or Great Lakes?

No

Is dredging of 10,000 cubic yards (cumulatively) or more proposed within streams, lakes, or Great Lakes? (wetlands not included)

No

Is new dredging or adjacent upland excavation in suspected contamination areas proposed by this application?

No

Is a subdivision, condominium, or new golf course proposed?

No

Inland Lake Project Information (1 of 1)

Inland Lake Information

This section is for entering information regarding the impacts to an Inland Lake only. Do not input information that pertains to other resources (Great Lakes, streams, floodplains, etc.).

Elevation data must include a description of the reference point or benchmark used and its corresponding elevation. If elevations are from still water provide the observation date and water elevation. Information provided in this section should pertain only to proposed activities in regards to Inland Lake impacts.

An OHWM can be determined by either surveyed information or through measurements taken in reference to a static benchmark such as an observed water level or base of a tree, etc.

OHWM for Inland Lakes (Part 301) is the line between upland and bottomland identified by the presence of a distinct change in character of the land caused by successive changes in water levels.

Some inland lakes have a legally established OHWM elevation (Legal Lake Level). You may also contact your County Drain Commissioner for Legal Lake Levels in your area.

For information see EGLE's YouTube video describing Legal Lake Levels.

[Determining the Ordinary High Water Mark - Video](#)

Lake Name

Lake Charlevoix

Water elevation reference* (show elevation on plans with description):

Other: IGLD1985

Ordinary High Water Mark (OHWM) elevation (feet):

581.5

Date of observation (M/D/Y)

7/8/2020

Inland Lake average water depth at activity location in a normal year (feet):

5.75

What length (feet) does the project activity(ies) extend waterward of the OHWM?

130

How far from water (at the OHWM) onto the land will the project extend? (E.g. a boat well that is dug into the shoreline 20 feet extends 20 feet landward)

225

Describe any measures used to retain sediment:

Turbidity Curtain

Will a turbidity curtain be used during the proposed project?

Yes

If there are multiple inland lakes associated with the project impacts, or different Ordinary High Water Mark (OHWM) elevation data on the inland lake, provide the information in duplicate inland Lake project information tabs by clicking on DUPLICATE or ADD NEW below. This adds a new section where you will enter the information about additional project impacts.

Inland Lakes, Great Lakes and Stream Impacts (1 of 1)

PLEASE READ

This section will collect information regarding Inland Lakes, Great Lakes, and Streams impacts and activities only. The initial questions are related to which waterbody the impacts pertain to. When there are multiple waterbodies (e.g., some impacts are on an inland lake and some impacts are on a stream), fill out a DUPLICATE tab for each waterbody impacted. For each waterbody, questions will be asked regarding the proposed activities. Proposed Activities questions are grouped into Fill, Dredge, Structures, Other and are only for the impacts related to these groups. Click [HERE](#) for more information on the Inland Lakes and Streams Protection Program.

[Link to information on Inland Lakes and Streams Permitting](#)

The following impact description applies to: (select only one at a time, duplicate this entire section if there are impacts to multiple waterbody types):

Inland Lake

Acres of Inland lake/Great Lake affected by your project below the Ordinary High Water Mark:

Category	Acres
Permanent	0.249
Temporary	0.000
	Sum: 0.249

The following questions gather information on the specific Types of Activities your project includes that will impact INLAND LAKES, STREAMS, AND GREAT LAKES. There are four overall Types of Activities: Fill, Dredge, Structure, and Other. Under each of the Activity Type questions, specific activity lists will be shown. If the activity is not shown in the list given, select None of the Above and move to the next question. When you select an activity under Fill, Dredge, Structure, or Other, a table will appear under that type. Only enter the dimensions of the activity that are within INLAND LAKES, STREAMS, or GREAT LAKES. Multiple activities covering the same footprint may be combined on one line in the table. Continue to answer the Activity Type questions (Fill, Dredge, Structure, Other) until all have been answered with either a specific Activity listed under that Type or ☐ None of the Above ☐. If you did not find your activity in any list then select ☐ Other, Other ☐ and provide a description of your activity.

Select from the following list all Fill Activities (select all that apply to this waterbody impacted):

Riprap

Complete this table for projects involving Fill below the Ordinary High Water Mark. Enter each activity/ location that corresponds with each activity selected in the previous question and enter the dimensions. Activities may be entered in one line of the table if they occupy the same impact footprint and cannot be broken out separately (Example: Activity - Driveway and Riprap slope). Multiple activities in different locations should be listed on different lines of the table.

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected Value for complex impact Area (square feet)
Rip-Rap Lakeward of OHWM	70	14	7.5	980	7350	272	NONE PROVIDED
				Sum: 980	Sum: 7350	Sum: 272	Sum: NaN

Type of Fill

Other: Fieldstone Rip-Rap

Source of Fill

Off-site

Is riprap proposed?

Yes

Indicate size range of riprap:

1-foot to 5-foot in diameter

Type of riprap

Field stone

Will material be installed under the riprap?

No

Activities Involving Dredging or Excavation: Select from the following list for Excavation/Dredge Activities (select all that apply to this waterbody impacted):

General Dredging New (lakes, stream, Great Lakes below OHWM)

Projects involving Excavation/Dredging below the Ordinary High Water Mark:

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected value for complex impact Areas (square feet)
Entrance Channel Main	130	30	5.75	3900	22425	831	NONE PROVIDED
Entrance Channel Sides	130	46	3.00	5980	17940	664	NONE PROVIDED
				Sum: 9880	Sum: 40365	Sum: 1495	Sum: NaN

Has this area been previously dredged?

No

Is long-term maintenance dredging proposed?

Yes

How often?

Once every 3 years (possibly).

What is the method used to be dredged?

Mechanical

How much volume of material will be removed (cubic yards)?

200

Has the dredge material been tested?

No

Bottom dredge elevation determined by?

Reference datum

Elevation:

570.0

Spoils Disposal

Will the excavation/dredge spoils be disposed of on site or off site?

Off-site

Where will the excavation/dredge spoils be disposed of?

See Annotated Equalization Map.

If your project includes STRUCTURES then select all of the proposed activities in the following list. If your activity is not shown, then select ☐ None of the Above ☐ and move to the next question. Only enter an impacted area in one of the impact tables (do not duplicate impact entries):

Boat House

Boat Well

Projects involving Structures constructed below the Ordinary High Water Mark:

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected value for complex impact AREAS (square feet)
Entrance Channel Landward of the OHWM	55	30	11.5	1650	18975	703	NONE PROVIDED
Boathouse Basin Center	90	80	11.5	7200	82800	3067	NONE PROVIDED
Boathouse Basin Sides	90	40	5.75	3600	20700	767	NONE PROVIDED

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected value for complex impact AREAS (square feet)
Boathouse Main Building	90	60	11.5	5400	62100	2300	NONE PROVIDED
Boathouse Annex	37	20	11.5	740	8510	315	NONE PROVIDED
				Sum: 18590	Sum: 193085	Sum: 7152	Sum: NaN

If your project includes Other Activities not listed in this section, then select from the proposed activities in the following list. If your activity has not been listed in this Section, then select **Other** and enter a description of your activity. Only enter an impacted area in one of the impact tables (do not duplicate impact entries). If you selected a Fill, Excavation/Dredging, or Structure activity above in this section, but do not have an activity listed as Other, then select None of the Above for this question.

None of the above

Does the proposed project include mitigation?

none

If there are multiple waterbodies associated with the project impacts, or different Ordinary High Water Mark (OHWM) elevation data on the waterbody, provide the information in duplicate stream project information tabs by clicking on DUPLICATE or ADD NEW below. This adds a new section where you will enter the information about additional project impacts.

Shore Protection Project such as Seawalls, RipRap, or Bioengineering

Select all that apply to your project.

RipRap

Is a cumulative length of seawalls, bulkheads, or revetments of 500 feet or more in length proposed?

No

Is the proposed structure going to extend 150 feet or more into a lake or stream?

No

Distance from the project to the adjacent property lines

Distance from property line to the left (feet)	Distance from property line to the right (feet)
448	190

Distance of project from an obvious fixed structure (example - 50 ft from SW corner of house)

See Site Plan.

Will any existing structures be removed as part of this project including walls or any other structure?

No

Upload of Proposed Site Plans

REQUIRED Application, maps, and drawings:

*Overall Project Site Plan

*Cross-Sectional Drawings

For Part 315 Dam Safety applications attach detailed signed and sealed engineering plans for a Part 315 dam repair, dam alteration, dam abandonment, or dam removal.

[Examples site plan and cross-sectional drawings](#)

[For additional information on maps, drawings, and other attachments visit michigan.gov/jointpermit](#)

Required on all Site Plan uploads. Please identify that all of the following items are included on your plans that you upload with this application.

Site Plan Features	Existing and Proposed Plan Set
Scale, Compass North, and Property Lines	Yes
Fill and Excavation areas with associated amounts in cubic yards	Yes
Any rivers, lakes, or ponds and associated Ordinary High Water Mark (OHWM)	Yes
Exterior dimensions of Structures, Fill and Excavation areas associated with the proposed project	Yes
Dimensions to other Structures and Lot Lines associated with the project	Yes
Topographic Contour Lines from licensed surveyor or engineer when applicable	N/A

Upload Site Plans and Cross Section Drawings for your Proposed Project

[LawGLEProject OverviewPlan.pdf - 07/16/2020 07:39 AM](#)
[LawDrostSite PlanSectionA.pdf - 07/16/2020 07:39 AM](#)
[LawDrostSite PlanSectionB.pdf - 07/16/2020 07:40 AM](#)
[LawDrostSite PlanSectionC.pdf - 07/16/2020 07:40 AM](#)
[LawGLESitePlan SectionD+H+I.pdf - 07/16/2020 07:41 AM](#)
[LawDrostSite PlanSectionE.pdf - 07/16/2020 07:41 AM](#)
[LawDrostSite PlanSectionF.pdf - 07/16/2020 07:41 AM](#)
[LawDrostSite PlanSectionG.pdf - 07/16/2020 07:42 AM](#)
[FillSummary.pdf - 07/16/2020 07:42 AM](#)
[LawGLESitePlan TurbidityCurtain.pdf - 07/16/2020 07:44 AM](#)

Comment

NONE PROVIDED

Additional Required and Supplementary Documents

[LawLegal Description.pdf - 07/16/2020 07:51 AM](#)
[LawLocationMaps.pdf - 07/16/2020 07:54 AM](#)
[LawAnnotated EqualizationMap.jpg - 07/16/2020 07:58 AM](#)
[LawBoathouse ZoningPermit.pdf - 07/16/2020 07:58 AM](#)
[LawPoineau2 OverallPlan.pdf - 07/21/2020 06:43 AM](#)
[LawPoineau2A MainFloorPlan.pdf - 07/21/2020 06:44 AM](#)
[LawPoineau2B LakeLevelFloorPlan.pdf - 07/21/2020 06:44 AM](#)
[LawPoineau2C ConstructionDetails.pdf - 07/21/2020 06:44 AM](#)
[LawPoineau2D LakeSideView.pdf - 07/21/2020 06:45 AM](#)
[LawPhoto1.jpg - 07/21/2020 06:46 AM](#)
[LawPhoto2.jpg - 07/21/2020 06:48 AM](#)
[LawPhoto3.jpg - 07/21/2020 06:49 AM](#)
[LawPhoto4.jpg - 07/21/2020 06:50 AM](#)
[LawPhoto5.jpg - 07/21/2020 06:50 AM](#)
[LawPhoto6.jpg - 07/21/2020 06:51 AM](#)

Comment

NONE PROVIDED

Fees

The application fee identified in this section is a calculation based on answers to the questions in this application. This calculation is an estimate of the total fee and will be reviewed by the application processor to determine if any additional fees are required for a complete application.

Individual Permit Fee:
+\$500.00

Total Fee Amount:
\$500.00

Is the applicant or landowner a State of Michigan Agency?
No

Status History

	User	Processing Status
7/21/2020 6:43:07 AM	Bert Ebbers	Draft
7/21/2020 6:52:38 AM	Bert Ebbers	Submitted

Revisions

Revision	Revision Date	Revision By
Revision 1	7/16/2020 6:02 AM	Bert Ebbers
Revision 2	7/21/2020 6:43 AM	Bert Ebbers

Exhibit 19
Email from Ron Van Zee to Jonathan Friendly
8-11-21



LuAnne Kozma <luannekozma@gmail.com>

Re: Laws' project

1 message

Jonathan Friendly <jfriendly39@hotmail.com>

Wed, Aug 11, 2021 at 10:11 PM

To: Hayes supervisor <supervisorhayestownshipmi@gmail.com>

Cc: Lynn Friendly <lfriendly40@gmail.com>

Ron,

Thanks for the prompt feedback.

But looking at the aerial of the shoreline (photo below), it sure doesn't look like the protection provisions are doing much. That is a long bare patch already existing, and the cut-through, whether it is 30 feet or 50 feet is not going to restore anything. Seems like the Laws have used up their 20% and a hell of a lot more. If the existing gravel road easement is creating an erosion problem, wouldn't it be better to require that that problem be solved by restoring the road end to a more natural condition?

And if they excavate a basin, how do you measure the setback in which structures are prohibited from the new shoreline they have created? Is this "basin" to be an enlargement of the lake as the Laws apparently described it to ACE (and thus open to any fisherman or paddleboarder who wants to use it) and if so, doesn't that create a new shoreline from which structures should be set back and natural vegetation preserved?

If you allow this, why can't I apply to make a 60-ft channel in my 300-foot shoreline and dredge a channel through our swamp to a boathouse I would build well inland of the OHWM? Why can't everyone do that? How would that practice accord with the aim of stopping boathouses on the shore? What public good is served by this project? If none, what justifies giving a permit for it -- save perhaps avoiding a costly legal battle over who has the right to do what?

Also, a question has arisen about whether there was proper notification of the proposal and whether proper community input was sought. Why are the minutes of that meeting not available on-line like all other minutes? Who was the Tip of the Mitt representative at that meeting and how did she or he vote on this? How did the others vote? It looks very much like it was conducted in deliberate secrecy, in violation of a variety of Open Meeting requirements.

I don't know what you mean by "the outnumber Planning Commission". And what did EGLE approve and when did EGLE act? Was advance public notice given of that?

I don't understand why you cite the Zoning ordinance rather than the Shoreline Protection Ordinance. What does the Zoning ordinance have to do with this project? What rights are the Laws surrendering under the Zoning ordinance?

As you know, a lot of people are upset about the rather long history of the township appearing unwilling to enforce the ordinances that it writes, particularly when the offenders are very wealthy. The long-term implications for the lake are that the monied lakefront owners are allowed to operate by a different set of rules -- which is basically the same issue on which our nation is dividing at the highest level. I don't see how that can be healthy for the lake in general or for Hayes Township in particular.

I don't believe everything I hear. But having heard nothing from the Township in a timely way about this project which you describe in a model of understatement as "a little different from most," I don't know what to believe. Convince me.

Jonathan



From: Hayes supervisor <supervisorhayestownshipmi@gmail.com>
Sent: Wednesday, August 11, 2021 7:30 PM
To: Jonathan Friendly <jfriendly39@hotmail.com>
Subject: Re: Laws' project

Jonathan,

This project had careful review from both our Planning Commission and our Shoreline Review Committee that includes Tipp of the Mitt to ensure proper steps were taken to protect the lake. Is this one a little different than most? Yes.

This also has approval from the outnumber Planning Commission, EGLE, and pending approval from Army Corps. The opening is not 50' but 30'. This about 1/3 of open space allowed by ordinance for this parcel. The excavation area is an existing gravel road easement that already dead ends into the lake with considerable erosion.

The shoreline committee, along with the PC made sure their approval was contingent upon a considerable portion of the shoreline that was grass be planted into native plantings to add even more protection.

I believe, especially knowing what the zoning ordinance would allow for a property of this size, that it's is by far a way better agreement to protect the lake.

Please do not believe everything you hear.

Ron

Sent from my iPhone

On Aug 10, 2021, at 3:43 PM, Jonathan Friendly <jfriendly39@hotmail.com> wrote:

Ron,

What is going on with the proposal by the Laws to cut a 50-foot wide channel through the shoreline and dredge out a boat basin? Seems like a total violation of the shoreline ordinance.

Did the township approve this project?

Jonathan

Exhibit 20
Hayes Township “Response to shoreline project”
From Township website
9-9-21

09
SEP

POST

Township Response to shoreline project



Recently, questions have been raised about a proposed project by a property owner to develop parcels along the shoreline of Lake Charlevoix within Hayes Township. These questions have primarily concerned the viability and status of the application process for a zoning permit. Hayes Township is providing this update on this situation to clarify the status of the permit application.

An application for approval of the project was originally made to the Township in 2019. After reviewing the application, it was determined that a zoning permit could only be issued by the Zoning Administrator after the review and approval of a Shoreland Protection Strip restoration plan. The plan was reviewed in 2019 by the Township's Shoreland Protection Subcommittee, the landscape architect and Tip of the Mitt Watershed Council. After these consultations, and associated discussions, considerations and comments, the proposed plan was voted to be approved by the Hayes Township Planning Commission, allowing the Zoning Administrator to issue a permit contingent upon and effective upon receiving approval by the State of Michigan's Department of Environment Great Lakes and Energy (EGLE), the U.S. Army Corps of Engineers and the conditions approved by the Planning Commission.

To date, the project has received approval from the EGLE and the application is under review by the U.S. Army Corps of Engineers. At this time there is no further action the Township can take regarding the project as, without U.S. Army Corps of Engineers approval, the permit is still in the application process.

Hayes Township works to enhance the protection of the lakes in the Township through a review process utilizing the expertise available in our area. A focus of the review process is to encourage conservation, planning and cooperation of property

[Download \(DOCX, 13KB\)](#)

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Hayes Township works to enhance the protection of the lakes in the Township through a review process utilizing the expertise available in our area. A focus of the review process is to encourage conservation, planning and cooperation of property owners in water quality efforts. In this case, that cooperation reaped commitments to significant shoreland restoration in comparison to that existing prior to implementing the Shoreland Review Subcommittee review and recommendation.

The Planning Commission is confident in the decision it has made in this case and will continue to take all factors into consideration to protect our valuable lakes and the Township as a whole on all development requests.