

David Powers

From: ZIGMOND KOZICKI [zigpsych@sbcglobal.net]
Sent: Monday, August 13, 2007 6:52 AM
To: Ernie Krygier; Ernie Krygier; David Powers
Subject: PERMIT process

Dear Shoreline Management Policy Workgroup,

Effective August 1, 2007, The Department of Environmental Quality (DEQ) has finalized the General Permit for Limited Great Lakes Shoreline Management. Prior to issuing the GP, we reviewed the many comments we received in great detail, and had a number of internal conversations regarding our policies. Our goal, as always, was to continue to protect resources associated with Great Lakes shorelands while still recognizing property owner interests. The work of the Shoreline Management Policy Workgroup was essential to the development of this GP. Thus, in keeping with the decisions made by the workgroup, the DEQ did not make any major changes to the scope of the GP.

The changes that were made to the final GP do not change the scope of the document. Aside from a number of grammatical and formatting changes that were made, you may also notice several more significant changes, including:

- 1.) Based on verbal comments we received during the public notice period and a discussion with the Attorney General's Office, we determined that we could not give "after-the-fact" authorization to continue shoreline management activities where vegetation was removed without proper authorization. After the fact permits are only appropriate when the DEQ is authorizing activities that have already been completed. In this case, the DEQ is not authorizing the vegetation removal. Rather, we are allowing shoreline property owners who would have qualified to receive a Director's letter, but did not apply for the authorization to conduct leveling, grooming and path building activities in areas where the vegetation was removed. Because this is not a true after-the-fact authorization, the Attorney General's Office advised us to remove this language as well as the additional fee.
- 2.) The draft GP that was sent out during the public notice period indicated that no mowing activity could be authorized under the GP in designated Environmental Areas (EAs). After several visits to EAs and a number of internal discussions, we determined that some mowing in these areas should be included in the GP. The finalized language indicates that shoreline property owners in EAs can obtain approval to mow a maximum 10 foot wide path to the waters edge. These owners can also conduct an invasive species control program, provided they follow DEQ recommendations.
- 3.) We received several comments that the language describing removal of thatch after mowing was unclear in the draft GP. The intent of this language was to prohibit mechanical rakes (similar to grooming equipment) that may disturb plant roots and soils during thatch collection. Other equipment that does not disturb

the soil could be used to remove thatch.

4.) We also received several comments regarding clarification on the path construction category. We changed the language to make it clear that public access areas and commercial hotels may obtain authorization to construct one path for every 200 feet of frontage that they own. Property owners that own up to 399 feet of property would only be authorized to construct one path. An additional path may be constructed for each additional 200 feet of frontage. (<400 feet = 1 path, >400 feet = 2 paths, >600 feet = 3 paths, etc)

We determined these changes were in the best interest of the public and the resource, and that they did not alter the scope of the GP.

Please read through the finalized GP and share it with your colleagues. We have also attached a spreadsheet that simplifies the GP into a one page form and our responses to comments received during the public notice period. The final attachment is a copy of the simplified application form we've developed for property owners who will apply for authorization under the GP. We are currently working on recommendations for phragmites control projects and hope to have those finished within the next few weeks. I will forward our recommendations to the workgroup when they are complete. You may also check out website for updates www.michigan.gov/deqwetlands. Click on "Great Lakes Shoreline Management."

If you have any questions, please feel free to contact me. For those of you I have not met, I am the new Great Lakes Coastal Wetlands Ecologist here at the DEQ. I did not have the privilege of sitting on this workgroup, but Todd has spent the past few months bringing me up to speed on the many issues that were discussed. I look forward to meeting all of you in the near future.