

Discussion Regarding State of Michigan and Corps of Engineers Permit Process for the Proposed Timber Shores RV Resort

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In 2006 NM Investment Company LLC received a permit from what was then the Michigan Department of Environmental Quality (now the Department of Environment, Great Lakes, and Energy – EGLE) for a large housing and condominium project (Permit No. 05-45-0084-P). That permit allowed, in part, the impact to 0.96-acre of wetlands, creation of three large ponds (3.58 acres, 4.3 acres, and 1.7 acres in size), remove culverts and construct a bridge in Ennis Creek, installation of utilities under Ennis Creek, and the construction of 1.95 acres of wetland as mitigation for the permitted wetland impacts.

The present Timber Shores RV Resort & Campground has been carefully planned to have less impact on wetlands than the amount permitted in 2006 by EGLE, will have no impact on Ennis Creek, and proposes the creation of only one recreation pond about the size of the smallest pond permitted in 2006. There will be no construction activities proposed in Grand Traverse Bay at this time. Given these facts, it is reasonable to assume that the present proposed project should be given favorable consideration by EGLE.

The Application for Permit (AFP) will be submitted to EGLE during the month of June 2020. Depending on the time it takes EGLE to review the AFP and determine that it is “administratively complete” and the time required to put the AFP on Public Notice, it is expected to take EGLE up to three months after the Public Notice to review the project and make a decision on the AFP. If a public hearing is held, the review process could be extended another two months. Of course this timeline depends on what transpires with the COVID-19 pandemic and related government orders, none of which we can accurately predict at this point in time.

The Corps of Engineers may or may not be involved in the permitting of the proposed project, depending on whether or not the Corps decides to assume any jurisdiction over the minor amount of wetlands that are proposed for impact with the project. The jurisdiction of the Corps over wetlands has been recently revised and it is possible that the Corps will decide it has no jurisdiction over any of the wetlands on the Timber Shores property due to the extremely small size of wetlands proposed for impact and their lack of direct connection to Grand Traverse Bay. The Corps is not expected to make that determination until it receives the AFP from EGLE (EGLE coordinates the AFP with the Corps).

The wetland mitigation plan for the proposed Timber Shores RV Resort & Campground is substantially more ecologically beneficial than the wetland mitigation plan permitted in 2006. In the 2006 project, the permit provided that a new wetland would be created from existing upland as mitigation for the impact to wetlands with the large housing project. The wetland mitigation plan for the presently proposed project is much more likely to succeed and provide substantially more ecological value because it involves the restoration of wetlands that were filled during the construction of the original Timber Shores Resort in the 1960s. The removal of the old fills that

was placed within larger wetlands and re-establishing the wetland grade will restore larger wetland habitat units which is desirable ecologically. This is another factor that should find more favor with EGLE in its review of the AFP.

Overall, the Timber Shores RV Resort & Campground will be sensitive to the natural environment on the property and will re-establish the past land use of a campground and resort.