

Contested Case Settlement Summary
Petition of Devlon Property
DEQ File Number 02-15-0009-P
June 23, 2008

The Department of Environmental Quality's (DEQ) Land and Water Management Division (LWMD) received an application for a permit from Devlon Properties to construct a marina facility as described in the April 25, 2005, public notice.

Following a public hearing, review of the permit application, site conditions, other pertinent materials, and consideration of the statutory criteria of Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, the LWMD issued a permit on October 12, 2006 to construct a marina on Lake Charlevoix, Boyne City.

Honeywell International, Inc. filed a Petition for Contested Case Hearing with the State Office of Administrative Hearings and Rules on December 11, 2006. Since filing for the Contested Case, representatives of Honeywell International, Inc. and Devlon Properties have met with LWMD staff to discuss alternatives to the proposed project. Devlon Properties has submitted revised plans for LWMD's consideration.

The LWMD has reviewed the project plans dated June 9, 2008, for the construction of a marina orientated along an agreed upon southern riparian interest area line between the Honeywell International, Inc. and Devlon Properties. The modified plans propose to reduce the number of boat slips from 109 to 101, reduce the width (length parallel to the shoreline) of the marina from 629.32 feet to 584.68 feet, reduce the dredge area from 134,930 to 126,600 square feet, and reduce the cubic yards of dredge material from 10,200 cubic yards of material to 9,575 cubic yards. The LWMD has prepared a Draft Permit which would authorize the construction of a marina containing 101 slips; 1 40-foot slip, 42 50-foot slips, 22 54-foot slips, 4 56-foot slips, 4 58-foot slips, 18 60-foot slips, 6 65-foot slips, 2 100-foot slips, 1 114-foot slip, and 1 130-foot slip. All head piers would be ten feet wide, and all finger piers would be four feet wide; associated piling would also be installed. The breakwater would be constructed of stone, with a maximum elevation of 585, IGLD, 1985, and a maximum width of ten feet at the crest; the breakwater system would include three 36-inch diameter cross-flow culverts, and a recreational fishing pier. Two additional fishing piers located within the south head pier (lakeward of the broadside dockage identified as slips 94-96) would be constructed. Dredging of 9,575 cubic yards of material from an area not to exceed 126,600 square feet is proposed; dredge spoils would be disposed of at the approved upland site, or taken to an appropriate landfill.

A copy of the Draft Permit can be obtained by written request to Ms. Roxanne Merrick, DEQ – LWMD, 2100 West M-32, Gaylord, Michigan, 49735, or at MERRICKR@michigan.gov.

This information is provided for informational purposes only. Participation in the administrative appeals process is limited by law to those who are formally identified as parties to the contested case.