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April 23, 2002

## Stupak asks for review of wetlands fill

**- Elk Rapids development shut down by Antrim County would be reviewed to see if wetlands have been damaged**

By [KEITH MATHENY](#)  
Record-Eagle staff writer

ELK RAPIDS - A housing development here that includes the filling of many acres of wetlands has been halted by Antrim County's soil erosion control officer, and U.S. Rep. Bart Stupak has requested that the Environmental Protection Agency also look into the matter.

Antrim Soil Erosion officer Heidi Lang issued the stop-work order last week at the Elk Rapids Preserve and Capa Brand condominium development near Fourth Street. Lang said Monday that erosion problems have developed on the project's 20 acres.

"When that job was originally permitted back in September of 2000, a staging plan should have been developed with them," said Lang, who was not the county's soil erosion control officer when an erosion permit was approved for the development. "When you do a project this big, you want to stage it (in phases), so soil erosion does not occur."

Under Lang's conditional order, the developer must seed and mulch in specific areas and install retention basins, piping and slow-release mechanisms.

On Friday, Stupak in a letter asked Thomas Skinner, an EPA administrator in Chicago, to inspect the site and "determine if all applicable rules and regulations ... have been and are being followed."

Stupak, D-Menominee, states in the letter that a representative of the developer told a member of his staff "that they expect to have this wetland completely filled in two to three weeks."

Scott McEwen, a water quality specialist with the

Tip of the Mitt Watershed Council, said upon inspecting the development site, that the wetland being filled is one that should be protected by environmental regulatory agencies.

"Our opinion is the wetland is connected to Lake Michigan, via groundwater and surface water through channels," he said.

McEwen said wetlands are important because they serve as wildlife habitats and pollution filters to afford clean water.

McEwen said neighbors to the development may have legitimate reasons for concern as well.

"When you fill a wetland of this size, the water has to go somewhere," he said. "What is seen in situations like this is unexpected flooding of adjacent property owners."

The development is owned by Grand Traverse Holding Co. A company representative, Tim Williams at Eastwood Construction in Traverse City, could not be reached for comment Monday.

After stirring little public interest over the years it was studied and eventually approved by village officials, the Preserve and Capa Brand housing developments have caused a local outcry since site work has begun.

Controversy was further stirred when village officials agreed to allow diversion of clay and other "spoils" from a dredging project at the municipal harbor to be used as fill of wetlands at the Preserve development.

Permission was received from the state Department of Environmental Quality to divert the spoils from their proposed final destination near the local wastewater treatment plant on Herrmann Road. But the U.S. Army Corps of Engineers, which also was involved in permitting the harbor dredging, was not asked about the diversion.

The Army Corps issued an order earlier this month calling for the village to remove the dredge spoils from the housing development site and transport them to the originally approved destination. Village manager Robert Peterson said last week the village planned to comply.

Lang said public outrage would have been better utilized before the development was approved.

"This project has been going on for three years," she said. "It really would have been nice if all the concerned citizens had taken an active approach then

instead of now. They needed to be involved at the inception of the project."

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