



**US Army Corps  
of Engineers®**

Detroit District

# News Release

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## Saginaw Bay area permit decisions issued

**DETROIT --** The U.S. Army Corps of Engineers has made three permit decisions that affect the Saginaw Bay area. Two decisions are approved permit requests from the Detroit office and the third is a permit appeal denial from the Cincinnati Division office addressing a permit denial from the Detroit office.

### Approved permits

Permit applications from homeowners Bruce Grubba, and K. Michael Weaver were authorized to move sand on their property respectively. "We sent them draft permits to authorize movement of windblown sand that accumulates against their bulkheads to the area between the original high water mark and a point no closer than 25 feet from the water's edge at the time of the work. We will issue the permits once the property owners have signed all papers and all fees are paid," according to Corps regulatory officials.

The area permitted for this work is an area of shoreline that has a fairly steep profile, large-grained sand, with occasional formation of unstable swales. These swales allow vegetation to grow and this vegetation is sometimes perceived as wetlands.

### Denial upheld

An independent group at the Great Lakes and Ohio River Division office in Cincinnati upheld the denial to the permit from the Detroit Corps office to Gerald Suedkamp.

Suedkamp appealed to the Corps of Engineers Division Office in Cincinnati after the Detroit District office denied his permit to fill wetlands with sand on the shoreline of his property on Lake Huron near Oscoda, Mich.

The decision by Brig. Gen. Steven R. Hawkins determined that the three reasons for appeal submitted by Suedkamp were without merit and that Detroit District followed federal law and guidelines for preserving wetlands.

### Background

During the summer of 2001, Suedkamp graded shoreline wetlands without a permit causing the Corps to issue a cease and desist order. The district advised him that he could apply for an after-the-fact permit to determine if he could grade his property shorelines and fill in wetlands. That permit was denied by the U.S. Army Corps of Engineers Detroit District in April, 2002 because Suedkamp's project does not comply with the Clean Water Act, has significant cumulative impacts, and is contrary to the public interest in preserving high quality wetlands.

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The U.S. Army Corps of Engineers, Detroit District civil works program encompasses 93,000 square miles area of the lower Great Lakes basin in Michigan, Indiana, Wisconsin, Minnesota, and Ohio. The Corps operates and/or maintains 104 navigation structures in the basin. Its mission includes real estate transactions, flood control, regulatory activities, disaster response, and mobilization readiness.

## Permit decisions 2-2-2

### **Compare and contrast**

Although all three decisions involve shorelines off individual lots, the areas involve two very different shoreline types and in turn pose very different conclusions about the severity of cumulative impacts. Suedkamp's property is located in a relatively flat area with a 60-foot wide wetland, which is part of a coastal marsh system that is fairly constant from year to year during low water periods. Wetlands surviving from year to year during low water provide a varied array of functions even if water levels change.

The Grubba and Weaver permits we're prepared to issue are in an area that has steeper slope of sand that constantly shifts even during the course of a single year. There were no wetlands, and any plants that may occasionally grow in the swales tend to be very sparse and the swales themselves are extremely temporary.

### **Public concerns**

The grading of shorelines and filling of wetlands is a regional concern for the Saginaw Bay coast. Homeowners want sandy beaches, open shorelines and unobstructed views of the water. For the past thirty years, the Great Lakes water levels have been high. Since 1998, the water levels dropped significantly. The current low water conditions expose a mosaic of sand, mud flats and shallow water areas where new wetlands have emerged.

The reemergence of vegetated marshes along much of Saginaw Bay's shorelines provide foraging, nesting, resting and hiding habitat for a wide array of wildlife and fish species. When high waters return, these vegetation masses of roots, stems and stalks will be particularly important because they disperse wave energy, thereby protecting shorelines from erosion during storms. Sediment erosion decreases water quality, which in turn, decreases fish and wildlife habitat. It is important to recognize the ecological value of wetlands and responsibility to allow nature's own protective measures to grow unobstructed in order to promote long-term health of the lake.

### **Appeal policy made easier for homeowners**

Note: after Suedkamp's permit was denied, he used the Corps' administrative process to appeal the Detroit District decision. The goal of this appeal process is to improve federal wetlands policy including streamlining wetlands permitting programs. The process, published in the Federal Register March 9, 1999, and funded beginning in Fiscal Year 2000, delineates how permit decisions denied by a U.S. Army Corps of Engineers District Engineer can be appealed to their next highest military level, the Division Engineer.

For more information about the appeal process, call Suzanne Fournier, 513-684-3010 or for information on Saginaw Bay shoreline protection, call Lynn Duerod at 313-226-4680.

Additional information is available on the U.S. Army Corps of Engineers Detroit District web site at [www.lre.usace.army.mil](http://www.lre.usace.army.mil).