

SDCA Town Hall August 6, 2019

A Practicable Alternative

Coastal Alliance introduction

Good evening and thanks for coming this evening.

The Coastal Alliance grew out of Concerned Citizens for Saugatuck Dunes State Park. That organization began in 2001. We've been at this for some time.

I want to take a moment to acknowledge supporters who have recently passed:

- Janet Rund
- Bill Petter
- George Schumann
- Connie Deam

We would not have been as successful as we've been if it were not for these individuals – their good spirit and passion and generosity.

I also always like to remind people of our board members – past & present.

As well as our partner organizations:

West Michigan Environmental Action Council
Michigan League of Conservation Voters
Great Lakes Environmental Law Center
Michigan Environmental Council
FLOW: For Love of Water
Environmental Law & Policy Center
Freshwater Future
Michigan Audubon Society
Clean Water Action
Sierra Club Michigan
Lone Tree Council
Michigan Historic Preservation Network
National Trust for Historic Preservation
Kalamazoo River Protection Association
Preserve the Dunes Inc.
Douglas Lakeshore Association

We have invested hundreds of thousands of dollars to “Proactively defend & implement our unanimously approved Tri-Community Master Plan.”

We've worked with marina consultants and designers, conservation landscape designers, hydro-geologists, planners, historians, biologists, birders, citizen scientists, local business leaders, multiple tribal leaders, elected officials, economists, philanthropists, local neighbors, and several law firms in an effort to protect the Saugatuck Dunes and Saugatuck's Historic Kalamazoo River Mouth from inappropriate development. Or, as Alison Swan, a Great Lakes

Poet, said to me yesterday, “...from people who try to buy their way around the rules that the community has agreed to follow.”

So to emphasize again: The Coastal Alliance, using science, economics, public policy, and the law, is proactively working to defend and implement our unanimously approved Tri-Community Master Plan.

What to expect this evening

First, an overview of the proposed marina. Second, the three levels of permits required before excavation can begin – local, state, and federal. And, third, the three areas of concern the Coastal Alliance has with the proposed marina as currently drawn.

Finally we will discuss a practicable alternative marina design that protects the shared resources and Public Interest Factors at the river mouth.

SLIDE TWO

What is proposed, where, and by whom

Here is an image of the site of the proposed marina development.



Here is the site in context with the surrounding area –nearly completely surrounded by publicly funded state-designated Natural Areas.

- The proposed marina would add 3200' feet of frontage to the 1400' already owned by Jeff and Peg Padnos for a total of 4600'. The proposed marina would more than TRIPLE the frontage along the Kalamazoo River.

SLIDE THREE

Three Primary Areas of Concern with the current marina proposal – all of which align with a specific stage in the three-stage permitting process.

1. Local zoning
2. State ecological protections
3. The Army Corps of Engineers Federal Regulatory Protections designed to protect Public Interest Factors.
 - a. historic site of Singapore
 - b. globally-imperiled interdunal wetlands
 - c. water quality and lake sturgeon
 - d. navigation

SLIDE FOUR

Local Zoning

Saugatuck Township has anti-funneling and water access zoning laws. Sec. 40-910. (h): **In no event shall a canal or channel be excavated for the purpose of increasing the Water Frontage** required by this section. Canals or channels **which interface** with an Inland Waterway or Lake Michigan and were lawfully in existence **as of the effective date of this section** may be cleaned and maintained in accordance with applicable laws of the State of Michigan **so long as they are not enlarged**.

IN NO EVENT means NEVER.

The Coastal Alliance appealed the Township Planning Commission's approval of the proposed marina because of this very clear prohibition.

We appealed the decision to the Township's Zoning Board of Appeals, and then Allegan County Circuit Court, and now to Michigan's Appellate Court.

Tomorrow (Wednesday, August 7, 2019) is our trial in Michigan's Appellate Court.

SLIDE THREE

State ecological protections overseen by DEQ, now EGLE (Environment, Great Lakes, Energy)

Part 301, was written to protect Inland Lakes & Stream; this includes wetlands.

Our concern is that the process of excavation will lower the globally-imperiled interdunal wetlands 18 feet. Not inches, but FEET! It will then drop another foot or possibly two, during the 30 days following excavation.

We hired a team of hydro-geologists from MSU to spend about three months calculating a mathematical model to more accurately determine the exact projected impact from excavation.

The ground-water table that feeds the interdunal wetland will regenerate over time. But scientists are not clear how long that will take, or if the water table will fully regenerate to the current levels.

Scientists who have studied the wetlands in the Saugatuck Dunes for decades have voiced concerns with what impact the quick and rather significant drop in water levels will have on flora & fauna that rely on these wetlands and what the large impact to the surrounding dunes eco-system would be.

The Coastal Alliance goes to trial challenging the DEQ permitting in October.

We've submitted the written testimony from 15 scientists, engineers, neighbors, local business leaders, tribal fish biologists, and others.

Federal Regulatory Protections designed to protect Public Interest Factors overseen by the Army Corps of Engineers.

The Army Corps has not granted a permit for the proposed marina.

The Army Corps continues to gather evidence regarding a handful of possible impacts to the shared resources at the river mouth, these are:

- Impact to globally-imperiled interdunal wetlands
 - Given the 18 foot drop in the water table
- Impact to water quality and lake sturgeon
 - Given the 'dead-end canal' design
- Impact to the historic site of Singapore
 - Given the proposed marina would be constructed through the site of Singapore

Whenever a project that requires an Army Corps permit impacts a significant historic site it triggers a Section 106 Historic Properties Review

Part of the very thorough review of the Army Corps is the Section 106 Historic Properties Review.

There are a handful of Consulting Parties in that review, including:

- The Coastal Alliance
- The Bily Family (neighboring property owners)
- The National Trust for Historic Preservation
- The Michigan Historic Preservation Network
- The Michigan State Historic Preservation Office
- The Gun Lake Tribe of the Potawatomie
- The Huron band of the Pottawotomie
- The Pokagon Band of the Potawotomie
- The applicant

The first few steps of this process include:

- The applicant submitting a proposed mitigation plan to protect the historic site
 - The applicant redrew a few of the boundaries to protect parts of Singapore

- The Tribal leaders Have asked how can be assured that the 18' long tie-backs that hold the seawall in place will not in fact damage a cultural artifact.
 - The applicant is proposing to dig up artifacts from the middle of the proposed marina and documenting them, in essence: “Document and Destroy”
- The Consulting Parties all spoke on a conference call in December. There was near unanimous concern with the approach suggested by the applicant.
- The next step is for the Consulting Parties to discuss a practicable alternative.

To that end, the Coastal Alliance hired FreshWater Engineering in January 2019 to create a practicable alternative design that would

1. Protect the site of Singapore
2. Protect the globally-imperiled interdunal wetlands
3. Protect water-quality and lake sturgeon
4. Provide better sight-lines for navigation and maneuverability
5. Allow safe mooring for up to 50 boats

WE SENT THE FOLLOWING IMAGES: SLIDE 6



and



Practicable Alternative Design

The practicable alternative better protects the shared resources in Saugatuck's Historic Kalamazoo River Mouth Neighbor.

FreshWater Engineering conceived a design that requires far less excavation.

- This saves the applicant money on excavation
- It also better protects the wetlands
- It also removes fill dirt, not critical dunes by taking the river back to its original boundary as we see in the 1980's photo
- It fully protects the historic site of Singapore
- It provides better maneuverability within the marina itself
- It provides better sight-lines for boats traveling down the river - -which is better for navigation
- And of course, the open design, as opposed to the dead-end canal design, is MUCH better for water quality, allowing the river to easily flow through the slips.
 - This too saves the applicant money.

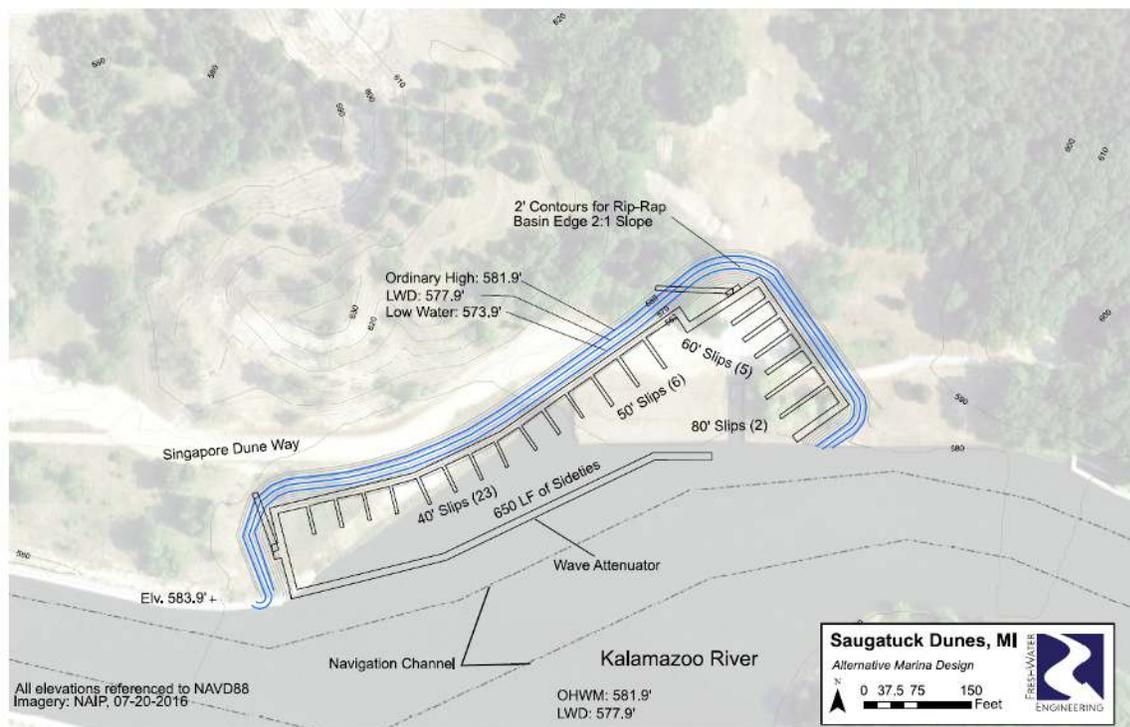
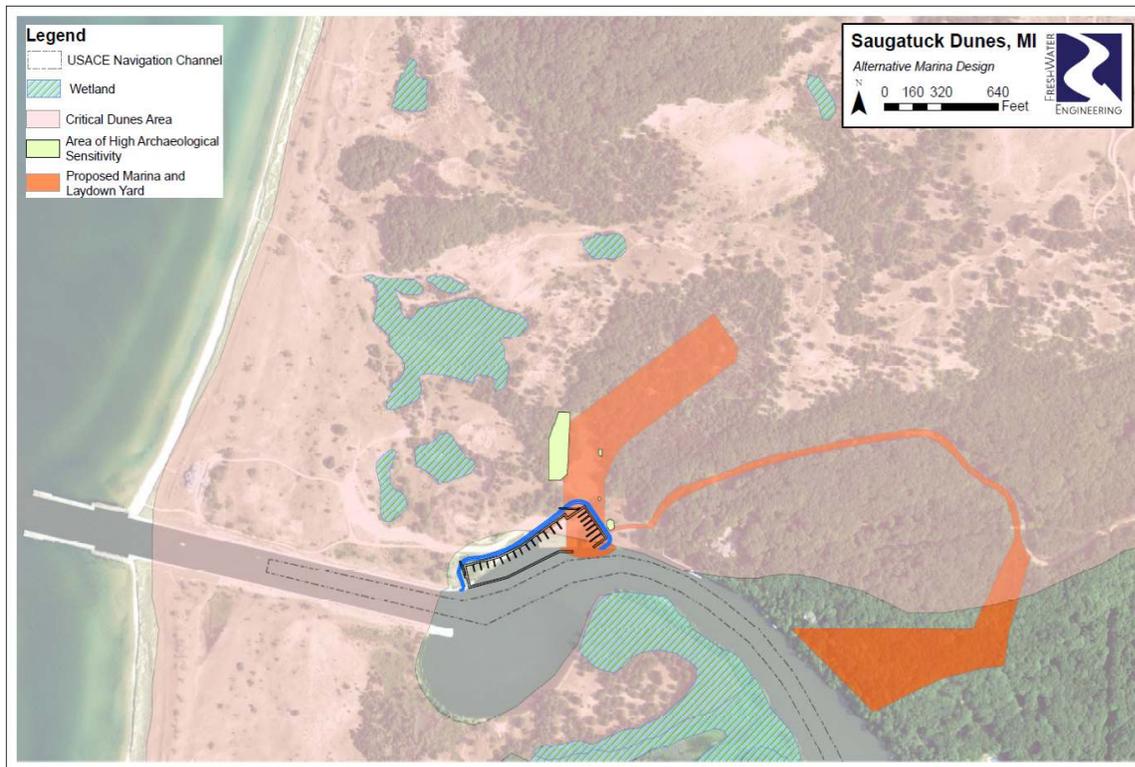
The practicable alternative employs a wave attenuator, or floating seawall.

Many municipalities use wave attenuators to protect boats moored in a marina, including:

- Sturgeon Bay on the Great Lakes
- New York
- Norfolk
- Bellingham, Washington

The floating breakwater is 10' wide and 8' thick – so the river flows underneath.

SLIDE 8



The practicable alternative has space for 36 boats

- 2 80' slips
- 5 60' slips
- 6 50' slips

- 23 40' slips

This alternative design plan is conceptual and adjustments could be made on a final design accommodating more or fewer boats.

Questions? Comments? Please send us your comments by clicking [here](#). [link to <https://saugatuckdunescoastalalliance.com/contact/>]

The Coastal Alliance is an all-volunteer 501(c)3 non-profit organization which depends on funding from people and organizations concerned and committed to protecting the Saugatuck Dunes Coastal Region. Tax-deductible donations may be made [here](#) or by check sent to SDCA Post Office Box 1013, Saugatuck, MI 49453