



Record-Eagle/Mike Krebs

Excavation equipment sits on the site of a planned RV park in Torch River on Thursday.

# LAWS & ORDERS

*State regulators inspect runoff damage to wetlands, Torch River; county, township officials asked to respond*

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**T**ORCH RIVER — State environmental regulators waded into the fray in Antrim County's Milton Township where a planned RV park both rankled the neighbors and now damaged natural resources.

Michigan Department of Environment, Great Lakes and Energy said they intend to enforce state laws after a thunderstorm and heavy rainfall Aug. 10-11 led to large amounts of sediments flowing off the planned park site and into nearby wetlands and Torch River. The river is widely renowned for its crystal-clear waters that connect Torch and Skegemog lakes within the Chain of Lakes.

Meanwhile, both county and township officials find themselves navigating which maintains responsibility for enforcing which laws and zoning restrictions. The discussion took center stage at Thursday's Antrim County Board meeting after repeated runoff events impacted neighbors in the unincorporated village — the latest that also struck the public waterway.

County soil erosion orders demanded an emergency stabilization plan for sloped areas on both sides of the site within five days, followed by such a plan for the entire property in 10 days, officials said.

An EGLE spokesperson said local agen-



cy staffers inspected the site and the river on Aug. 11 and 12, concluding roughly  $\frac{3}{4}$  inch of clay-containing sediments entered the nearby wetland. He said reports from witnesses recorded between 6- and 8 inches of sediment deposited on Torch

River Road.

"EGLE has told the responsible party that we will be following up with an enforcement action," said Scott Dean, agency communications official.

Area residents spoke at length during Thursday night's board meeting, calling on county commissioners to intervene.

"They are just kind of cowboying it out here," said Terry Roote, the neighbor whose property repeatedly was damaged by runoff from the development site.

Roote belongs to citizen group Torch Elk Skegemog Alliance which filed suit last month against Jim and Lori Brewer, developers of the planned RV park. Also named in the civil lawsuit is the Antrim Conservation District for its role in soil erosion permitting.

The attorney for the Brewers could not be reached for comment last week.

Peter Garwood, county administrator, told commissioners during Thursday's public meeting that Antrim County has long contracted with Antrim Conservation District to manage state soil erosion and sedimentation control regulations. There's no way to overrule decisions made by the soil erosion officer, he said.

"We could probably break the contract if we wanted," Garwood told commissioners.

Heidi Shaffer, soil erosion officer, said

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Record-Eagle file photo/Andrew Rosenthal

**This clearcut site near Torch Lake in Milton Township's unincorporated Torch River village is where an RV park was planned. Officials say heavy rainfall events repeatedly resulted in sediment runoff from the property, including into Torch River on Aug. 10-11.**

## **RUNOFF**

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she cannot comment because the conservation district was named in the lawsuit; she confirmed the agency hired legal counsel, who could not be reached for comment.

Shaffer previously told the Record-Eagle the clear-cut site led to erosion problems during heavy rain events last year, and she OK'd a soil erosion permit to allow stabilization work to prevent future washouts.

She since issued a second permit for site restoration work, the county administrator told commissioners.

Garwood said excavation began at the site without a special use permit, contrary to local zoning regulations, but that issue remains under the township's jurisdiction.

Milton Township officials recently rejected site plans and a special use permit request for the RV park development. Bill Hefferan, planning commission chairperson said its members never voted to penalize a landowner for violations of zoning rules — in this case clearcutting and excavating before having a special use permit, which they never granted.

"It doesn't mean it can't happen, but it's never

been on our plate," Hefferan said.

The developer also may appeal the commission's decision on the permit request or challenge the outcome in civil court, he said.

Milton Township Supervisor Lon Bargo said he can't recall any situation like this in his 36 years on the board; he intends to consult with the township's legal counsel, he said.

Area residents await answers.

Torch Lake shoreline cottage owner Brenda Hasso said she long-feared the risks to the environment from the planned RV park, and now it happened.

She said the river's normally clear waters became murky and normally

picturesque lily pads were covered in silt. Silt clogs fish gills and kills invertebrates — actual environmental harm, Hasso said.

"Do you understand what's happening to our waterways," she asked county commissioners during public comment, adding how these sorts of weather events should be expected to continue.

"This is our new normal," Hasso said.

Another area resident agreed with her and said local officials must hold themselves accountable and prepare for continued damaging thunderstorms.

"This is going to happen again. Somebody needs to be proactive," said Dan Wells, who said the clearcut site remains "not buttoned up."