



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION



PHILLIP D. ROOS
DIRECTOR

February 19, 2025

VIA EMAIL

Steve Robinson, Top Canton, LLC
3663 Woodward Avenue
Suite 550
Detroit, MI 48201

Dear Steve Robinson

SUBJECT: Application Denial, Submission Number: HQ6-2QBJ-6DAMW;
Wayne County; Site Name: 82-I-275 & Ford Road-Canton;
Project Name: 82 NE I-275 & Ford - Top Golf Facility

This letter is to notify you that your application for a permit submitted under the authority of Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection, and Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and Part 13, Permits, of the NREPA, is hereby denied. The application was received by the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), on August 26, 2024.

The purpose of the project, as shown in your application, is to construct a Top Golf entertainment facility with associated parking, internal drives, utilities, storm water infrastructure and an access road from Ford Road extending to Warren Road. The proposed activity will permanently impact approximately 7.12 acres of forested and scrub shrub wetland.

After due consideration of the permit application, site conditions, and other pertinent materials, your application is denied for the following reason(s):

- a) WRD received an objection letter from the U.S. Environmental Protection Agency (EPA) on December 10, 2025, stating that you have not demonstrated compliance with the Clean Water Act Section 404(b)(1) Guidelines, and outlining specific requirements for this project to meet the guidelines. WRD cannot issue a permit unless EPA requirements are resolved within 90 days of the date the EPA letter was received. To allow sufficient time for agency review, WRD notified the applicant to submit their written response to the EPA letter no later than February 3, 2025. As of this date, we have not received a response to the letter.
- b) The proposed project will result in adverse impacts to the public trust and the environment that are not minimal.
- c) The project is not in the public interest.

- d) The proposed project will result in an unacceptable disruption to aquatic resources.
- e) The applicant has not demonstrated that feasible and prudent alternatives do not exist.

Part 303, Wetlands Protection

Section 30311(1) of Part 303 states, "A permit for an activity listed in section 30304 shall not be approved unless the department determines that the issuance of a permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful."

Section 30311(2) of Part 303 states, "In determining whether the activity is in the public interest, the benefit which reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect the national and state concern for the protection of the natural resources from pollution, impairment, and destruction." This section lists nine general criteria WRD must consider for the public interest including the relative extent of the public and private need for the proposed activity, the availability of feasible and prudent alternatives, the extent and permanence of the beneficial or detrimental effects that proposed activity may have, the amount of remaining wetland in the area, and the probable effects of the proposal in relation to the cumulative effects created by other existing and anticipated activities in the watershed.

As described in Section 30302 of Part 303, wetlands provide several valuable functions including flood and stormwater control, pollution treatment, groundwater recharge, and wildlife habitat for migratory waterfowl, amphibians and reptiles, and threatened and endangered species. Wetlands within the proposed Top Golf development footprint are within the Rouge River Watershed, which has suffered a disproportionate cumulative loss of 95% of its pre-settlement wetland area. The proposed activity would result in additional loss of wetland function within this heavily impacted watershed.

Section 30311(4) of Part 303 states, "A permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources" and that, "A permit shall not be issued unless the applicant also shows either of the following:

- a. The proposed activity is primarily dependent upon being located in the wetland.
- b. A feasible and prudent alternative does not exist."

When determining whether a disruption to aquatic resources is unacceptable, the criteria set forth in Section 30302 are considered. The applicant has not demonstrated that the proposed activity is primarily dependent upon being located in wetland or that a feasible and prudent alternative does not exist. The proposed activity would result in an unacceptable disruption to the aquatic resources and the wetland functions listed in Section 30302.

Rule 281.922a(4) of the administrative rules for Part 303 states, “A permit applicant shall completely define the purpose for which the permit is sought, including all associated activities. An applicant shall not so narrowly define the purpose as to limit a complete analysis of whether an activity is primarily dependent upon being located in wetland and of feasible and prudent alternatives.”

Rule 281.922a(5) of the administrative rules for Part 303 states “Any activity that can be undertaken in a non-wetland location is not primarily dependent upon being located in the wetland.”

The proposed Top Golf project is not primarily dependent upon being located in wetland. Per Rule 281.922a(7) it is presumed that a feasible and prudent alternative exists unless the applicant clearly demonstrates that a feasible and prudent alternative is not available.

WRD believes that feasible and prudent alternatives exist that would lessen or eliminate the negative effects of the project as proposed. One feasible and prudent alternative is to broaden the scope of the site search for other more suitable offsite alternatives. The application contains a narrative describing how the site search was narrowed to match the preferred demographic for the Top Golf customer. Whereas Canton Township may, in fact, match that demographic, there are other locations in the area that are equally well suited based on having residents with the budget and willingness to spend on entertainment and that enjoy golf. Furthermore, the application narrative describes Top Golf as a unique entertainment destination, leading one to believe that the public is willing to travel some distance for the experience. Since feasible and prudent alternatives appear to exist, a permit cannot be issued under Part 303.

While the applicant did explore multiple onsite alternative site plans to minimize wetland impacts, the applicant’s preferred alternative would permanently impact 7.12 acres of wetland. This large wetland fill would result in an unacceptable disruption to the aquatic resources currently provided by this large, intact, high functioning forested wetland system, one of the few remaining in Western Wayne County and within the Rouge River basin.

In addition to the direct resource impacts presented by the large wetland fill, the potential for secondary adverse impacts to the public trust and the environment are also significant. Proposed activities such as fragmenting forested wetland for an access road, excavating a large storm water detention pond in the floodplain adjacent to Willow Creek, and discharging storm water to Willow Creek are likely to result in secondary impacts including diminished habitat quality, unanticipated changes in hydrology, increased pollution run-off, and the spread of invasive species.

Since feasible and prudent alternatives are available, the direct and secondary impacts associated with the project are significant, and the impacts are proposed in a watershed

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that has experienced significant cumulative wetland loss, WRD finds that the proposed Top Golf project is not in the public interest.

WRD believes that a more robust search for offsite alternatives can yield a site that both meets the project purpose and avoids the considerable primary and secondary resource impacts presented at this location.

If you choose to pursue a project in the future at this site or an alternative site, it will be necessary to reapply for a permit by submitting a new application with all of the necessary information and application fees. Application fees are not transferable or refundable.

You have the right to appeal this denial by filing a petition for a formal administrative hearing. To preserve your right to an administrative hearing, a petition must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR) within 60 days from the date of this denial letter. The petition can be found here: <https://www.michigan.gov/egle/regulatory-assistance/forms>; search for form EQP0201. To request a hearing, submit the petition to Michigan Office of Administrative Hearings and Rules, P.O. Box 30695, Lansing, Michigan 48909; or by fax to 517-335-7535.

If you would like to discuss project alternatives and plan modifications prior to filing a Petition for Contested Case, please contact me. Our discussions may continue during the informal review process after a Petition for Contested Case is filed, but your formal appeal must be filed within the 60-day deadline.

If you have any questions regarding this matter, please contact me at (586) 787-3630; JonesJ71@michigan.gov; or EGLE, WRD, P.O. Box 30458, Lansing, Michigan 48909-7958. Please include your submission number HQ6-2QBJ-6DAMW, in your response.

Sincerely,



John Jones
Water Resources Division

cc: USEPA, Melanie Burdick
EGLE, WRD District Supervisor, Andrew Hartz
EGLE, WLSU Red File Coordinator, Riley Walsh
EGLE, WLSU Supervisor, Anne Garwood
Canton Township Clerk
Wayne County Drain Commissioner
Wayne CEA
Wayne County Conservation District