

**Public Notice** 

US Army Corps of Engineers

**Detroit District** 

Applicant: Scott & Debra Law

In Reply Refer To: Corps File No. LRE-2020-01805-41-S20

Date: November 18, 2020 Expires: December 7, 2020

## <u>Proposed Construct a Boathouse, Dredge and Discharge Fill Material in Lake</u> <u>Charlevoix at Charlevoix, Michigan</u>

Applicant: Scott & Debra Law, 9915 East 300 South, Zionsville, Indiana 46077

**Project Location:** The site is located at 10034 Anglers Cove, Charlevoix, Section 32, Township 34N, Range 7W, Charlevoix County, Michigan, 49720.

**Federal Authority:** The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**State Authority:** Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards.

**Project Description:** As shown on the attached plans, the applicant proposes the following activities in association with the construction of a boathouse, an inland boat basin, an access channel, and installation of docking structures and shoreline stabilization:

OHWM = Ordinary High Water Mark (581.5 feet) LWD = Low Water Datum (577.5 feet) Datum = International Great Lakes Datum, 1985

Site-Specific Location	Activity	Length feet (Average)	Width feet (Average)	Area square feet	Depth feet (Average)	Volume Cubic yards	Notes	Sheet No.
Entrance Channel								
Lakeward of OHWM	Dredge	130	30	3,900	5.75	831	In Lake	5 & 13
Entrance Channel Sides								
(2) Lakeward of OHWM	Dredge	130	46	5,980	3.0	664	In Lake	5 & 13
Entrance Channel							Upland	5, 8, 9
Landward of OHWM	Dredge	55	30	1,650	16.0	978	Årea	& 12
Inland Basin							Upland	5, 8, 9
7.5 feet < LWD	Dredge	90	85	7,200	20.0	5,333	Area	& 10

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Site-Specific Location	Activity	Length feet (Average)	Width feet (Average)	Area square feet	Depth feet (Average)	Volume Cubic yards	Notes	Sheet No.
Inland Basin E & W							Upland	
Tapered Sides 1:1 Slope	Dredge	90	40	3,600	10.0	1,333	Area	5 & 10
							Upland	5, 6, 7,
Boathouse Basin	Dredge	90	60	5,400	32.0	6,400	Area	8&9
Total Dredge Quantities				27,730		15,539		
Rip-Rap in Lake Along								5, 11 &
Channel Wingwalls (2)	Fill	70	14	980	7.5	272	In Lake	13
Cobble Lining Bottom of							Upland	5, 8, 9
Inland Entrance Channel	Fill	55	30	1,650	1.0	61	Area	& 12
Cobble Lining Bottom of							Upland	5, 8, 9
Inland Basin	Fill	90	85	7,200	1.0	267	Area	& 10
Rip-Rap Along E & W							Upland	
Sides of Inland Basin	Fill	90	40	3,600	2.0	267	Area	5 & 10
Cement Floor Under							Upland	5, 6, 7,
Boathouse	Fill	90	60	5,400	2.0	400	Area	8 & 9
Total Fill Quantities				18,830		1,267		

The applicant proposes to install a 350-foot-long turbidity curtain to encompass the access channel dredge area, and mechanically dredge approximately 3,900 cubic yards of sediment to construct a 130-foot-long by 76-foot-wide access channel directly waterward of, and perpendicular to the OHWM. A 30-foot-long by 30-foot-wide earthen plug would be left in place as a barrier directly landward of the OHWM to excavate the following areas in the dry: the 25-foot-long by 30-foot-wide inland entrance channel, a 125-foot-wide by 90-foot-long inland boat basin, and a 90-foot-long by 60-foot-wide boathouse basin. The dredge material would be immediately placed into a dump truck for removal to the upland disposal area shown on Sheet 3. Water from Lake Charlevoix would be pumped into the constructed basins, and the earthen plug would be excavated to allow the newly filled basins to connect to the lake. The applicant proposes to maintenance dredge an approximate total of 600 cubic yards of sediment from the basins and channel within the 10-year period immediately following construction, as needed.

In addition, the applicant proposes to install 280 linear feet of steel sheet piling to line the inlet and outlet of the inland entrance channel, and line the entire 55-foot-long inland entrance channel that would extend directly landward of the OHWM; and discharge approximately 272 cubic yards of riprap directly waterward of the OHWM in the 35-foot-long by an average 14-foot-wide by an average 7.5-foot-deep areas flanking the outlet of the inland entrance channel. The applicant proposes to construct a 90-foot-long by 60-foot-wide boathouse with a roof that would be a maximum of 51 feet above the Low Water Datum elevation. The boathouse would contain the following structures: two 58-foot-long by 4-foot-wide floating piers; four 12-foot-long by 5-foot-wide floating boat hoists; a 4-foot-wide by 5-foot-long staircase; a 138-foot-long by 6-foot-wide open-pile pier; a 4-foot-wide by 15-foot-long open-pile pier; and a 30-foot-long by 5-foot-wide

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open-pile pier that would extend 90 feet into the inland boat basin. The purpose of the project is to provide a private inland boat basin and boathouse that the applicant can use to safely park, store and service their personal watercraft.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization of impacts to Waters of the United States: "The proposed improvement activities negate the need for extensive seasonal dockage and boat hoists normally situated lakeward of the OHWM of Lake Charlevoix, improving the safety of other boaters using the area and creating a less-cluttered shoreline. Impacts to waters of the United States have been minimized to the maximum extent possible while still allowing the applicant to construct an inland boathouse on land they own that, when completed, will expand and extend the waters of the United States."

## The Corps has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

**Compensatory Mitigation:** The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States: "The vast majority of the proposed improvements take place in an area that is not currently considered "waters of the United States" nor otherwise jurisdictional at the state and federal levels. No wetland areas or sensitive natural communities will be impacted by this project. Fieldstone rip-rap proposed to protect the entrance channel wingwalls, as well as smaller cobble proposed to line the boat basin and inland portion of the entrance channel, will greatly improve fish spawning habitat in the project vicinity and more than offset any potential unavoidable impacts. Mitigation is typically required to compensate for a loss of resource value. The applicant believes the proposed project increases or adds resource value to the project vicinity."

The Corps has not verified the adequacy of this mitigation proposal at this time.

## Other Authorizations:

A permit is required from the Michigan Department of Environment, Great Lakes, and Energy under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. The State site name is 15-10034 Anglers Cove-Hayes Twp.

**Comments:** We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be e-mailed but may be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-2020-01805-41-S20. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Kerrie E. Kuhne Chief, Permit Evaluation Western Branch Regulatory Office Corps of Engineers, Detroit District 477 Michigan Avenue Detroit, Michigan 48226-2550

Comments may be e-mailed to: <u>april.r.champion@usace.army.mil</u>, but must include a name and mailing address.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Evaluation:** The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impacts of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the

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activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

**Endangered Species:** We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite.

**Cultural Resources:** The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area is predominately uplands that does not appear to have been modified by modern development. The likelihood that the proposed project would impinge upon an undisturbed historic property is unknown.

The District Engineer invites responses to this public notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: This public notice and drawings are also available for viewing/printing at: <a href="http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices.as">http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices.as</a> <a href="mailto:px">px</a>. Questions concerning this application may be directed to April Champion at the Corps of Engineers address listed above, or telephone number (313) 226-5380.

FOR THE DISTRICT ENGINEER:

Kerrie E. Kuhne Chief, Permit Evaluation Western Branch Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.





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PROPOSED INLAND BOATHOUSE State Michigan County (Tatrevia, Iornalija (1293, 1244), 1279) Sociano 32 (1003 Augles Gurya) High of wither Lake Charlewoix Applicant Scott & Defra Law via Applicant Scott & Defra Law Via High of the Charles Company Inter U-100 Labeleup Company Prepared By Urgat Lake Ecosystems, Iosa 126, Indian River, MI 49769 (via Bert C. Ebbers, 231-238-7615)



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TURBIDITY CURTAIN DETAIL (PROFILE VIEW) - Typical Installation



## PROPOSED INLAND BOATHOUSE

State/ Michigan County/ Charlevoix Township/ Hayes (T34N, R7W) Section/ 32 (10034 Anglers Cove) Body of water/ Lake Charlevoix Applicant/ Scott & Debra Law via Drost Landscape Company Date/ 07-02-2020 Prepared by/ Great Lakes Ecosystems, Box 156, Indian River, MI 49749 (c/o Bert C. Ebbers, 231-238-7615)



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**A-3** 04-15-2020

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