

Champion, April R CIV USARMY CELRE (USA)

From: Champion, April R CIV USARMY CELRE (USA)
Sent: Friday, September 3, 2021 9:37 AM
To: 'zoning@hayestownshipmi.gov'
Cc: (b) (5)
Subject: FW: USACE File: LRE-2020-01805-41-S20/Law - Boat House and Marina Basin

Mr. VanZee,

Mr. Griffiths requested that I forward the message below to you so you can verify what was posted on social media was accurate.

Processing of the subject file is on-going. If you wish to receive a copy of anything pertaining to the subject permit application, feel free to email or call me for the information.

Respectfully,

April Champion
Project Manager, Western Section
Regulatory Branch
U.S. Army Corps of Engineers, Detroit District
477 Michigan Avenue
Detroit, Michigan 48226-2550
OFFICE: (313) 226-5380 FAX: (313) 226-6763
Please visit our Detroit District Regulatory website at
<http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>
We would appreciate your feedback. Our National Customer Service Survey is located at
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

From: Champion, April R CIV USARMY CELRE (USA)
Sent: Tuesday, August 24, 2021 4:46 PM
To: Ellis Boal <ellisboal@voyager.net>
Subject: RE: Corps' view of the ordinary high water mark

My response is shown in red in your email below.

Respectfully,

April Champion
Project Manager, Western Section
Regulatory Branch
U.S. Army Corps of Engineers, Detroit District
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From: Ellis Boal <ellisboal@voyager.net>

Sent: Thursday, August 19, 2021 11:18 AM

To: Champion, April R CIV USARMY CELRE (USA) <April.R.Champion@usace.army.mil>

Cc: LuAnne Kozma <luannekozma@gmail.com>

Subject: [Non-DoD Source] Re: Corps' view of the ordinary high water mark

April,

Re Corps File No. LRE-2020-01805-41-S20, the basin-boathouse project of Scott and Debra Law in Lake Charlevoix.

Can you confirm my understanding of our conversation about the OHWM when you called today:

First, the Corps considers Lake Charlevoix as part of Lake Michigan, and in Lake Michigan the OHWM is set vertically at 581.5 feet above the datum point in Quebec. **The administratively determined ordinary high water mark (OHWM) elevation on Lake Michigan is 581.5 feet (International Great Lakes Datum, 1985). The actual OHWM elevation at a site is determined by physical characteristics along the shore established by the fluctuation of the water level. The influence (i.e., water level) of Lake Michigan extends throughout Lake Charlevoix.**

Second, as to the horizontal location of the OHWM at any point around the lake, the Corps determines that by physical characteristics of the shoreline, which sometimes may be visually unclear, say in the case of a wetland. **The OHWM is the line on the shore coincident with the elevation contour that represents the approximate location of the line on the shore established by fluctuations of water and indicated by physical characteristics such as shelving, destruction of terrestrial vegetation, presence of litter or debris, or changes in the character of soil. The landward limit of the Corps' jurisdiction is the ordinary high water mark in non-tidal waters. When adjacent wetlands are present, the limit of jurisdiction extends to the landward limit of the wetland.**

Third, the Corps agrees with us that if the Laws excavate the channel and basin and open them so waters of Lake Charlevoix flow in, the OHWM would advance horizontally from its original location along the natural shore of the lake, to a new location determined by physical evidence along the sides and walls of the channel and basin. **Excavation of a channel and/or basin contiguous with Lake Charlevoix, thereby expands the extent of the ordinary high waters of Lake Charlevoix throughout the entire channel and/or basin.**

Correct?

Ellis