

#### NOTICE OF AUTHORIZATION

Permit Number: WRP026483 v. 1 Date Issued: **December 15, 2020** Site Name: 15-10034 Anglers Cove-Hayes Twp **Expiration Date: December 15, 2025** 

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

☐ Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
☑ Part 301, Inland Lakes and Streams.
☐ Part 303, Wetlands Protection.
☐ Part 315, Dam Safety.
☐ Part 323, Shorelands Protection and Management.
☐ Part 325, Great Lakes Submerged Lands.
☐ Part 353, Sand Dunes Protection and Management.

#### **Authorized Activity:**

Construct a 90-foot by 60-foot upland boathouse. Excavate a 120-foot by 90-foot upland basin, the boathouse, and for a 30-foot-wide by 55-foot-long entrance channel, all landward of the ordinary highwater mark (OHWM). Dredge up to 1,500 cubic yards from a 73-foot-wide by 130-foot-long entrance channel, lakeward of the OHWM, to an elevation of 570.0 IGLD 1985. Maintenance dredge up to 200 cubic vards during the life of the permit. Install 70 linear feet of steel sheet piling along the shoreline, place 272 cubic yards of rock riprap, not to exceed 3 feet in diameter, along the lakeward face, as shown on the attached plans.

Waterbody Affected: Lake Charlevoix

Property Location: Charlevoix County, Hayes Township Town/Range/Section 34N07W32

Property Tax No. 007-132-005-30

Permittee:

Scott and Debra Law 9915 E. 300 S Zionsville, IN 46077

Scott Rasmusson Politic CN = Scott Rasmusson email = RasmussonS@Michigan.gov C = US O = EGLE OU = WRD

Digitally signed by: Scott Rasmusson Date: 2020.12.15 14:31:36 -05'00'

Scott Rasmusson **Gaylord District Office** Water Resources Division

989-313-9708

This notice must be displayed at the site of work. Laminating this notice or utilizing sheet protectors is recommended. Please refer to the above permit number with any questions or concerns.



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

Issued To:		
Scott and Debra La 9915 E. 300 S Zionsville, IN 4607		
Permit No: Submission No.: Site Name: Issued: Expires:	WRP026483 v.1 HP1-9DXD-DQG6D 15-10034 Anglers Cove- December 15, 2020 December 15, 2025	Hayes Twp
(EGLE), Water Res	ources Division (WRD),	n Department of Environment, Great Lakes, and Energy under the provisions of the Natural Resources and I, as amended (NREPA); specifically:
Part 301, Inland Lakes and Streams		Part 323, Shorelands Protection and Management
Part 303, Wetlands Protection		Part 325, Great Lakes Submerged Lands
Part 315, Dam Safety		Part 353, Sand Dunes Protection and Management
Part 31, Water R	esources Protection (Flo	odplain Regulatory Authority)
	eby granted, based on pe permit conditions, to:	rmittee assurance of adherence to State of Michigan

#### **Authorized Activity:**

Construct a 90-foot by 60-foot upland boathouse. Excavate a 120-foot by 90-foot upland basin, the boathouse, and for a 30-foot-wide by 55-foot-long entrance channel, all landward of the ordinary highwater mark (OHWM). Dredge up to 1,500 cubic yards from a 73-foot-wide by 130-foot-long entrance channel, lakeward of the OHWM, to an elevation of 570.0 IGLD 1985. Maintenance dredge up to 200 cubic yards during the life of the permit. Install 70 linear feet of steel sheet piling along the shoreline, place 272 cubic yards of rock riprap, not to exceed 3 feet in diameter, along the lakeward face, as shown on the attached plans.

Waterbody Affected: Lake Charlevoix

Property Location: Charlevoix County, Hayes Township

Town/Range/Section 34N07W32 Property Tax No. 007-132-005-30

#### Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.

- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
  - Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit <a href="https://www.mi.gov/eglestormwater">www.mi.gov/eglestormwater</a> and select "Soil Erosion and Sedimentation Control Program" under "Related Links."
  - 2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
  - 3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
  - 4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
  - 5. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.
  - 6. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
  - 7. All dredge/excavated spoils including organic and inorganic soils, vegetation, and other material removed shall be placed on upland (non-wetland, non-floodplain or non-bottomland), prepared for stabilization, and stabilized with sod and/or seed and mulch in such a manner to prevent and ensure against erosion of any material into any waterbody, wetland, or floodplain.
  - 8. No work or dredging authorized by this permit, lakeward of the current water elevation is allowed from May 15 to July 15 due to critical spawning, migration, and/or recreation use periods.
  - 9. No work or dredging authorized by this permit, lakeward of the current water elevation, is allowed from November 1 to ice-off conditions due to potential impacts to Lake Herring (Coregonus artedi).

- 10. All dredge/excavated material shall be immediately placed into trucks or barges and taken to an upland disposal site. Placement of dredge/excavated material into open water, onto ice, or onto exposed bottomland is not authorized by this permit.
- 11. Prior to commencement of any dredging authorized by this permit, the entire dredged area shall be enclosed with a turbidity curtain to prevent off-site siltation. The turbidity curtain shall be installed to extend from the bed of the waterbody to a point above the existing water's surface. The turbidity curtain shall be maintained for the duration of the project and shall be left in place after completion of dredging until all disturbed sediments have settled.
- 12. The permittee is cautioned that excessive dredging resulting in the impairment of the structural integrity of seawalls on neighboring riparian properties is subject to civil damage litigation.
- 13. High biological oxygen demand (BOD) spoils can deplete oxygen in the unsaturated zone and the underlying aquifer and mobilize naturally occurring metals. To assess the risk of metals mobilization, testing for BOD is required for upland spoils placement (spoils that are to be placed in a landfill may have the BOD testing requirement waived). An evaluation regarding the potential to adversely impact underlying aquifers should be conducted for BOD testing results above 250 mg/L.
- 14. The permittee is advised of other potential requirements and legal liabilities under other statutes for placement of dredge material on upland and is responsible for compliance with all applicable local, state, and federal regulations. Please review the information under Dredging Documents at the attached link: <a href="https://www.michigan.gov/deg/0,4561,7-135-3312">https://www.michigan.gov/deg/0,4561,7-135-3312</a> 4123-14201--,00.html
- 15. Prior to commencing installation of the shore protection structure, the entire lakeward perimeter of project site shall be isolated with a turbidity curtain to prevent movement of suspended sediments. The turbidity curtain shall be installed to extend from the bed of the waterbody to a point above the existing water's surface. The turbidity curtain shall be maintained for the duration of the project and shall be left in place after completion until all disturbed sediments have settled.
- 16. All raw areas in uplands resulting from the permitted construction activity shall be effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner to prevent erosion and any potential siltation to surface waters or wetlands. Temporary stabilization measures shall be installed before or upon commencement of the permitted activity, and shall be maintained until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.
- 17. Unless authorized by the attached plans, the seawall, bulkhead, or revetment structure shall be placed at or above (landward) of the OHWM in the location shown on the attached approved plans. Any variation from the approved location must be authorized in writing by the Water Resources Division prior to the initiation of these activities.
- 18. On a project requiring backfilling, the seawall shall be in place prior to placing any fill.
- 19. The seawall shall have toe stone (i.e., riprap) placed along 100% of the length to prevent undercutting by wave action, to mitigate for the loss of habitat, and to provide a use for fish and other aquatic life. The toe stone shall be placed at a 1-on-2 slope (e.g., 1 foot vertical to 2 feet horizontal) or gentler. Toe stone shall be properly sized and consist of natural field stone or rock (broken concrete is not allowed). The toe stone shall extend from the lake/stream bottom to at least 6 inches above the OHWM. Toe stone shall be installed immediately upon completion of the seawall. This toe stone shall be placed along 100% of the lakeward face of the new seawall.
- 20. All fill/backfill material shall consist of clean inert material which will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
- 21. Photos shall be taken after the new seawall has been installed but prior to the placement of backfill.
- 22. Upon completion of your project, you must complete and return the enclosed card and photos taken from each of the same vantage points showing the "as-built" condition of your project.

- 23. All raw areas in uplands resulting from the permitted construction activity shall be effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner to prevent erosion and any potential siltation to surface waters or wetlands. Temporary stabilization measures shall be installed before or upon commencement of the permitted activity and shall be maintained until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.
- 24. All riprap shall be properly sized based on wave action and velocity and shall consist of natural field stone or rock (free of paint, soil or other fines, asphalt, soluble chemicals, or organic material). Broken concrete is not allowed.
- 25. The placement of riprap as proposed does not establish a new shoreline nor shall it be construed to do so. The riprap is authorized as a protective structure placed for the explicit purpose of protecting the shoreline at the landward side of the riprap. Consideration of any future construction shall be based on the shoreline existing prior to riprap placement as authorized by this permit.
- 26. Photos shall be taken after the riprap has been installed but prior to the placement of backfill. Photos shall be taken from each of the same vantage points as the photos submitted and attached on the project plans or "Photo Page."
- 27. Upon completion of your project, you must return photos taken from each of the same vantage points showing the "as-built" condition of your project.
- 28. The required photos shall be forwarded to EGLE, WRD, Gaylord District Office, 2100 West M-32, Gaylord, Michigan 49735-9282, within 30 days of completion of the project. Staff will use such pictures for monitoring compliance with your permit. Failure to submit these photos is an event of noncompliance.
- 29. All fill/backfill shall consist of clean inert material which will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
- 30. The permittee shall ensure that the equipment to be used lakeward of the OHWM is free of all organic material, free of any un-contained petroleum products and be cleaned prior to use and be in good overall working order.
- 31. An adequate supply of absorbent boom and pads shall kept be on site and deployed in the event of a release from the equipment.
- 32. In the event of a release to the Waters of the State, notification shall be made as soon as possible to EGLE, WRD. Please notify Scott Rasmusson at 989-313-9708 or <a href="mailto:rasmussons@michigan.gov">rasmussons@michigan.gov</a>.
- 33. During construction, every precaution shall be taken to prevent debris from entering any watercourse. Any debris reaching the watercourse during the removal and/or reconstruction of the structure shall be immediately retrieved from the water. All material shall be disposed of in an acceptable manner consistent with local, state, and federal regulations.
  - The permittee acknowledges that the upland basin, once connected to Lake Charlevoix is subject to the requirements of the public trust doctrine and other applicable regulations. The placement of any structure blocking the channel is not authorized by this permit.

Upon signing by the permittee named herein, this permit must be returned to EGLE, WRD, Gaylord District Office for final execution. Email the signed copy to <a href="MevisonA@Michigan.gov">NevisonA@Michigan.gov</a>. This permit shall become effective on the date of the EGLE representative's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Date

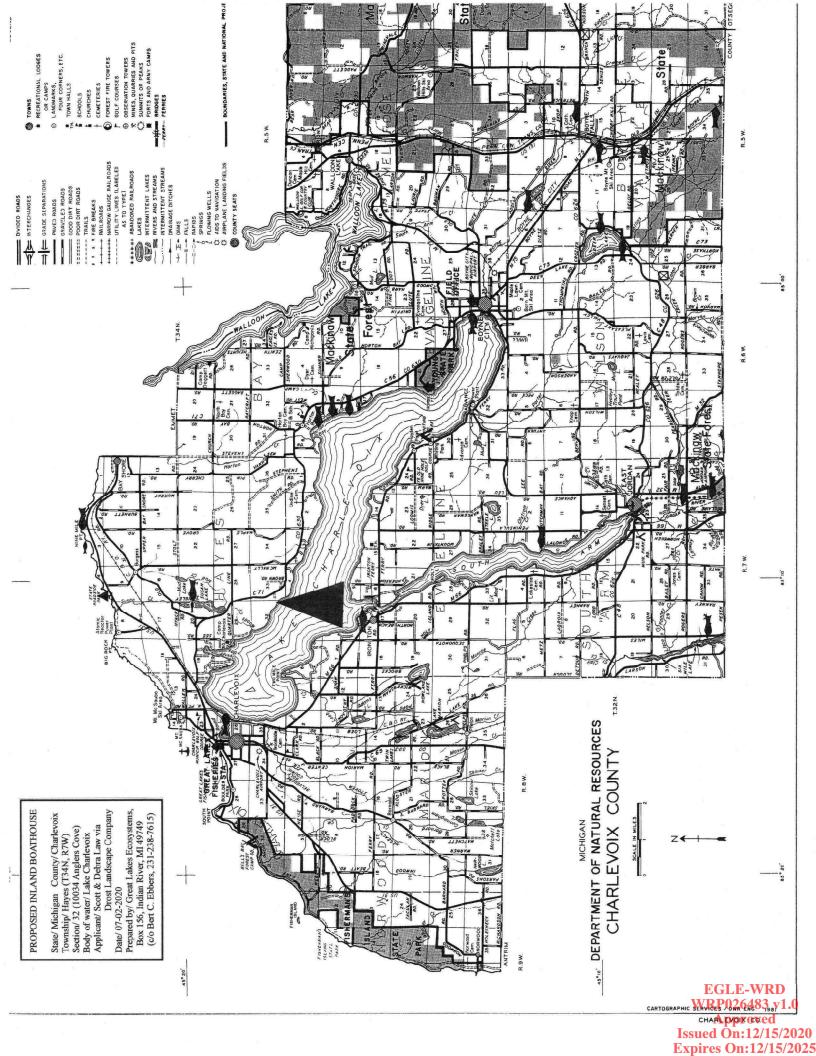
Printed Name and Title of Permittee

Scott Rasmusson Digitally signed by: Scott Rasmusson DN; CN = Scott Rasmusson email = Rasmussons@Missons@Mislingan.gov C = US O = EGLE OU = WRD Date: 2020.12.15 14:32:18 -05'00'

Issued By:

Scott Rasmusson Gaylord District Office Water Resources Division 989-313-9708

cc: Hayes Township Clerk
Charlevoix County Drain Commissioner
Charlevoix CEA
April Champion, U.S. Army Corps of Engineers
Bert Ebbers, Great Lakes Ecosystems
Jason Bock, Drost Landscape Company



#### PROPOSED INLAND BOATHOUSE

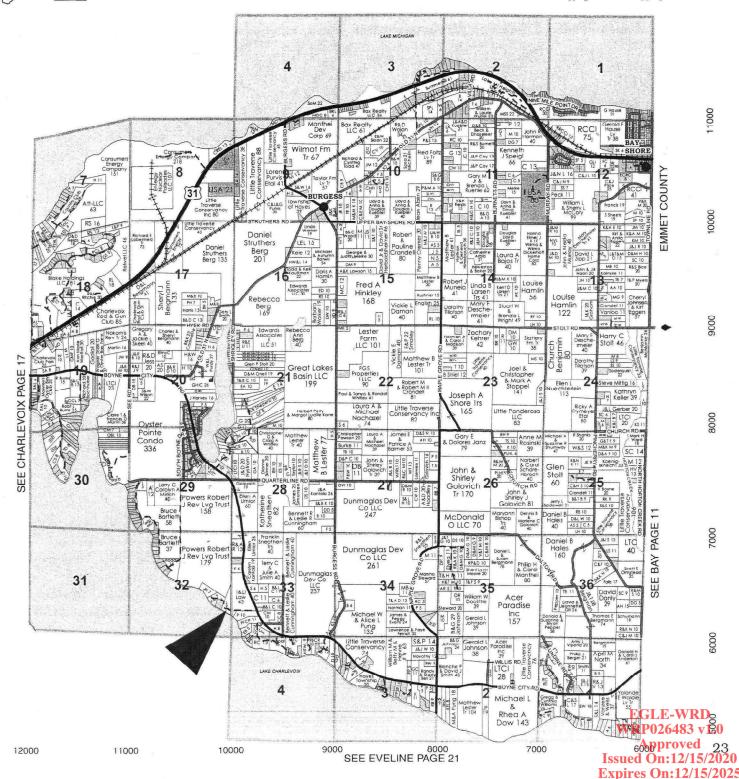
State/ Michigan County/ Charlevoix
Township/ Hayes (T34N, R7W)
Section/ 32 (10034 Anglers Cove)
Body of water/ Lake Charlevoix
Applicant/ Scott & Debra Law via
Drost Landscape Company
Date/ 07-02-2020
Prepared by/ Great Lakes Ecosystems,
Box 156, Indian River, MI 49749

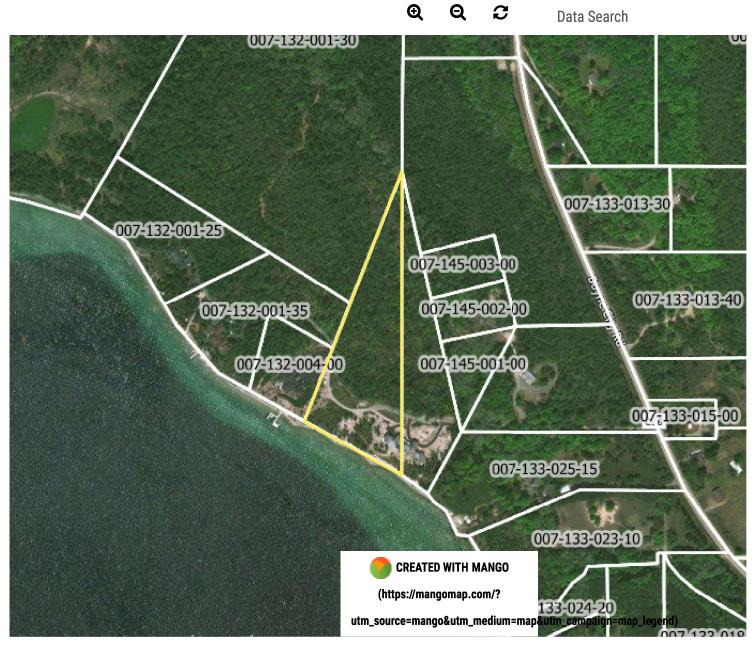
(c/o Bert C. Ebbers, 231-238-7615)

# Hayes

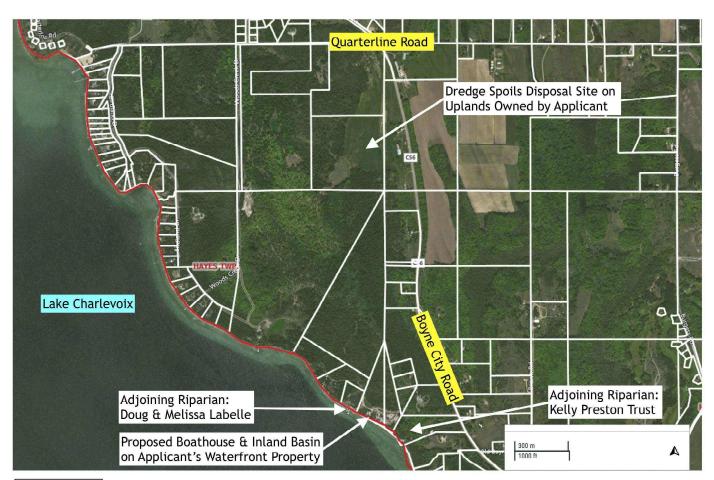
#### Townships 33N & 34N - Range 7W

Copyright © 2017 Mapping Solutions

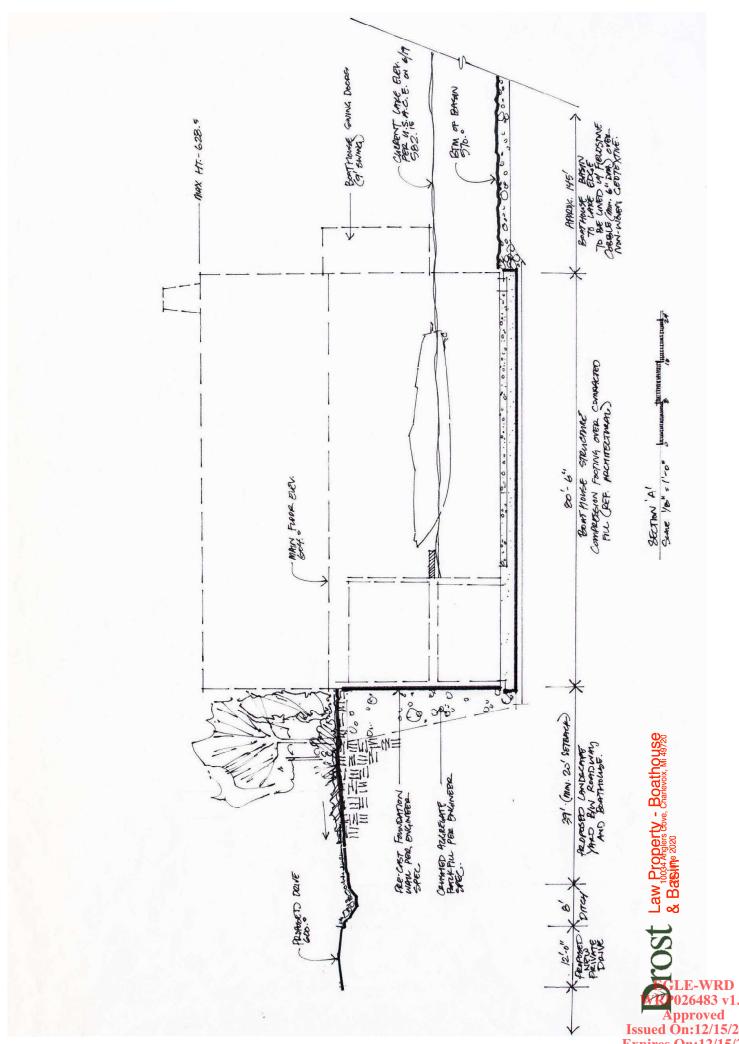


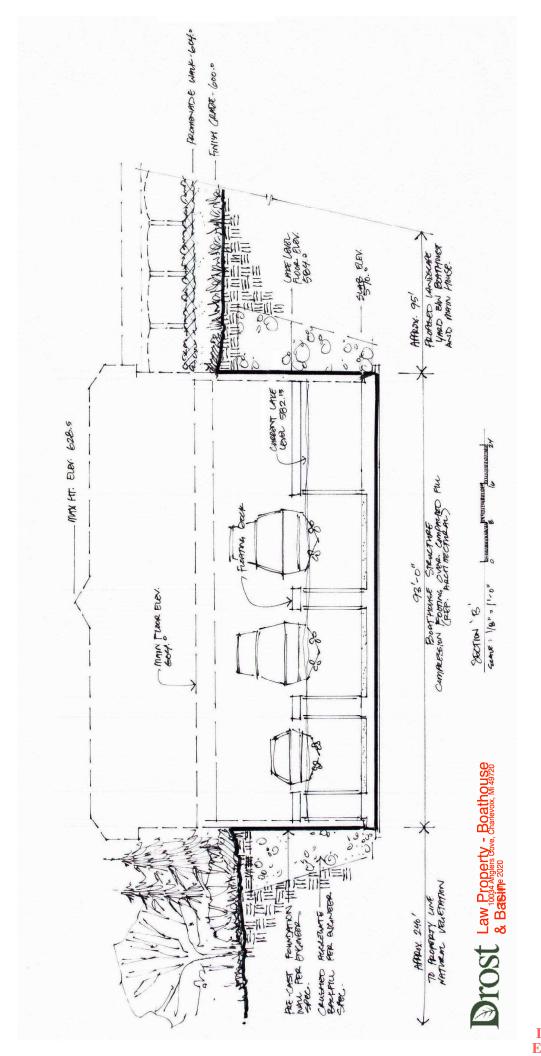


© 2020 Charlevoix County

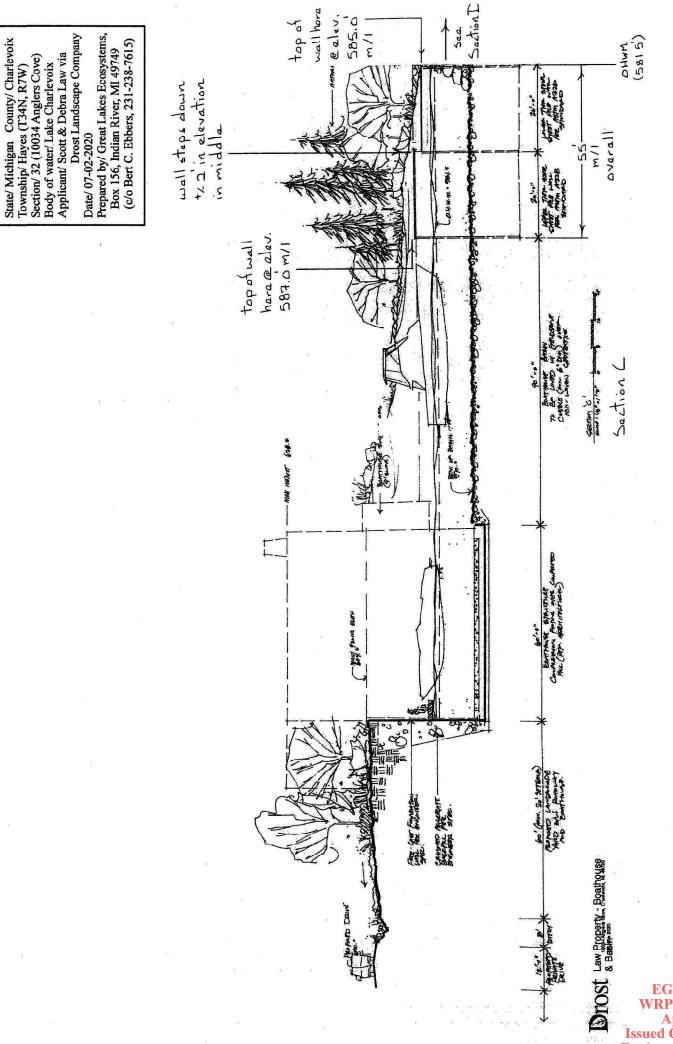


PROPOSED INLAND BOATHOUSE
States Michigan County/Charlevoix
fromship! Hayes (T34N, R7W)
Section; 32 (10034 Aughes Cuve)
Body of water! Lake Charlevoix
Applicant Scott & Debra Law via
Applicant Scott & Debra Law via
Date (1/-0) Lake Charlevoix
Applicant Scott & Debra Law via
Date (1/-0) Lake Charlevoix
Applicant Scott & Debra Law via
Date (1/-0) Lake Charlevoix
Prepared by Great Lakes Ecosystems,
Box 156, Indian River, MI 49749
(c/o Bert C. Ebbers, 231-238-7615)



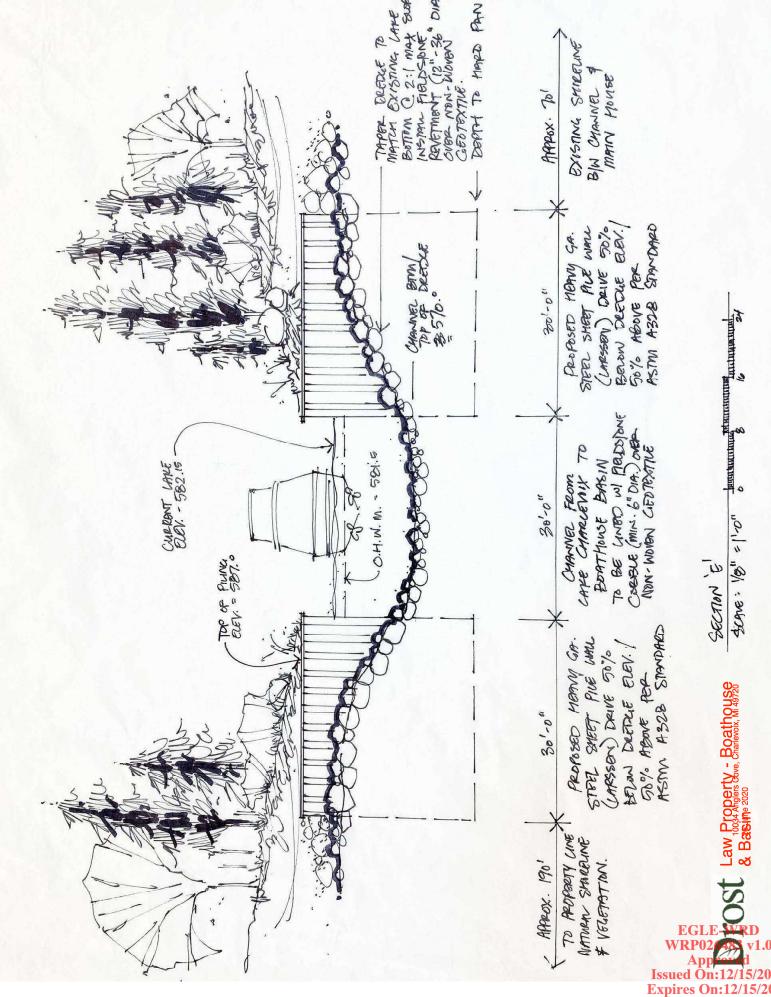


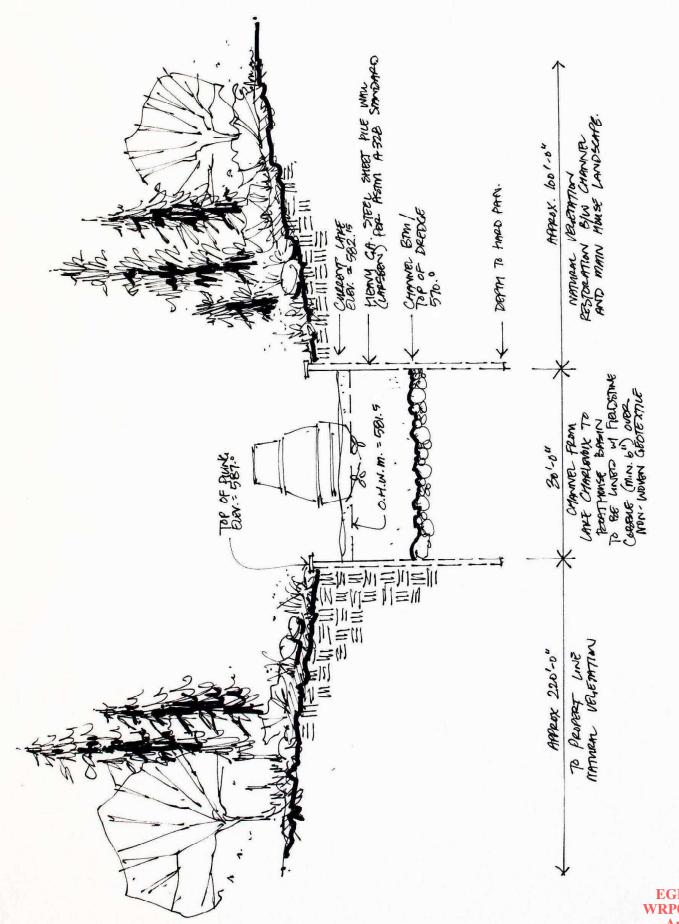
EGLE-WRD WRP026483 v1.0 Approved Issued On:12/15/2020 Expires On:12/15/2025



PROPOSED INLAND BOATHOUSE

EGLE-WRD WRP026483 v1.0 Approved Issued On:12/15/2020 Expires On:12/15/2022

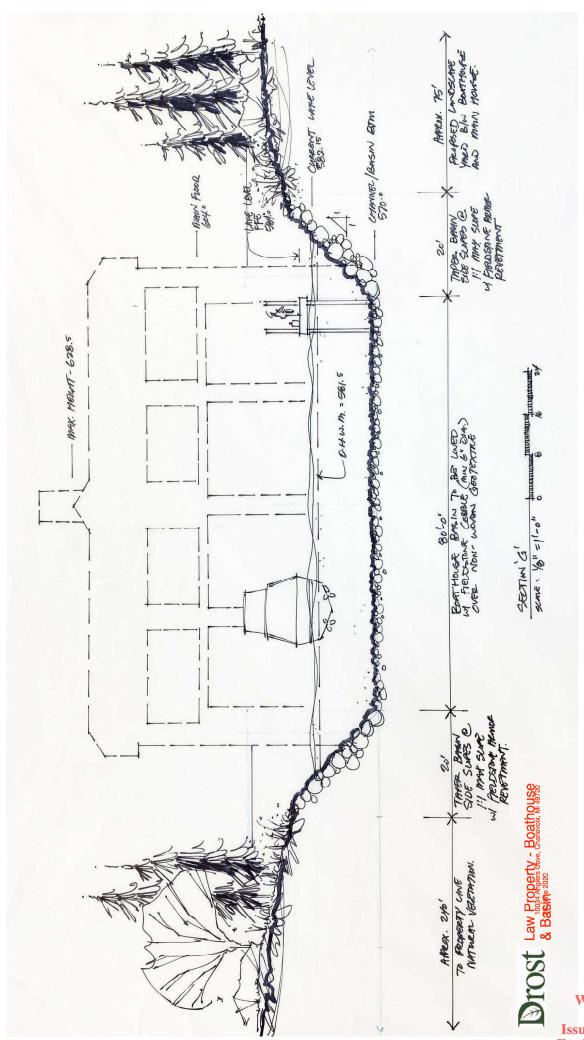




Section F to the temperature of the transfer o

Law Property - Boathouse 10034 Anglers Gove, Charlevox, MI 49720 & Basime 2020

EGLE-VRD WRP02645 v1.0 Approved Issued On:12/15/2020 Expires On:12/15/2025



EGLE-WRD WRP026483 v1.0 Approved Issued On:12/15/2020 Expires On:12/15/2025

#### **Great Lakes Ecosystems**

P.O. Box 156 Indian River, Michigan 49749 231-238-7615 Office / ebbersbert@gmail.com

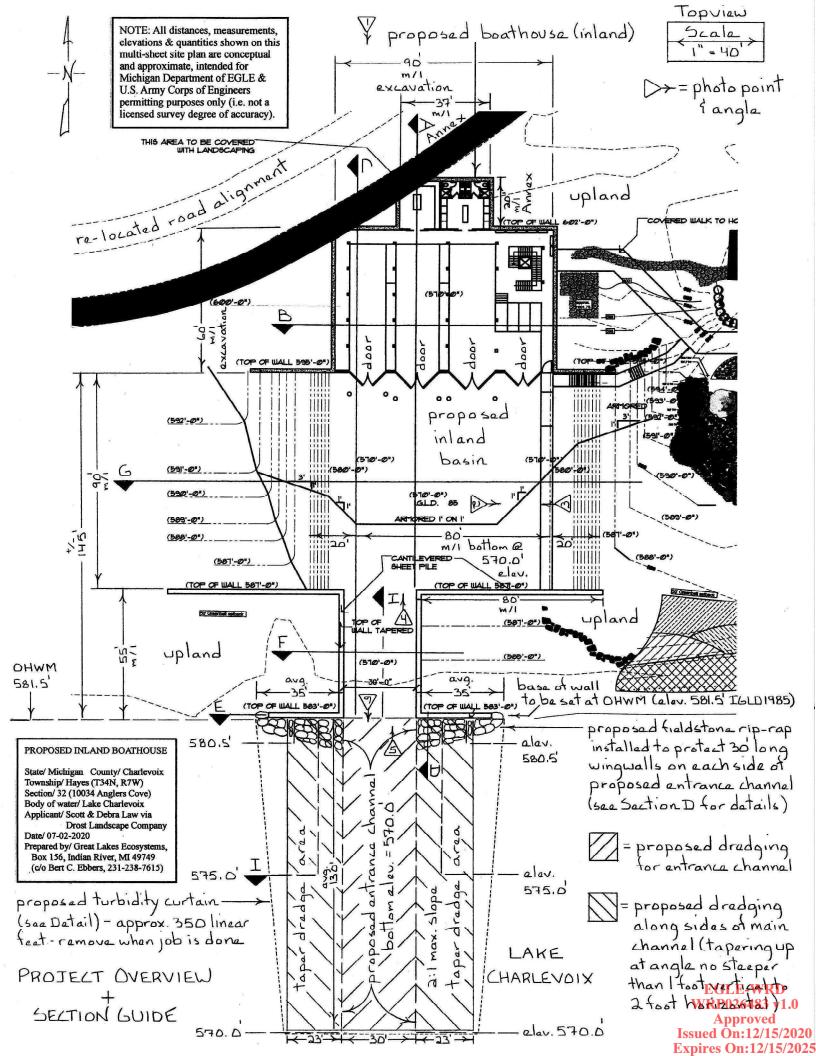
#### PROPOSED INLAND BOATHOUSE

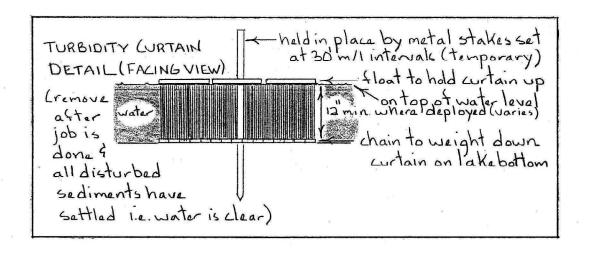
State/ Michigan County/ Charlevoix Township/ Hayes (T34N, R7W) Section/ 32 (10034 Anglers Cove) Body of water/ Lake Charlevoix Applicant/ Scott & Debra Law via Drost Landscape Company Date/ 07-02-2020 Prepared by/ Great Lakes Ecosystems, Box 156, Indian River, MI 49749 (c/o Bert C. Ebbers, 231-238-7615)

To: THE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE), THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS (USACE), AND WHOMEVER ELSE IT MAY CONCERN:

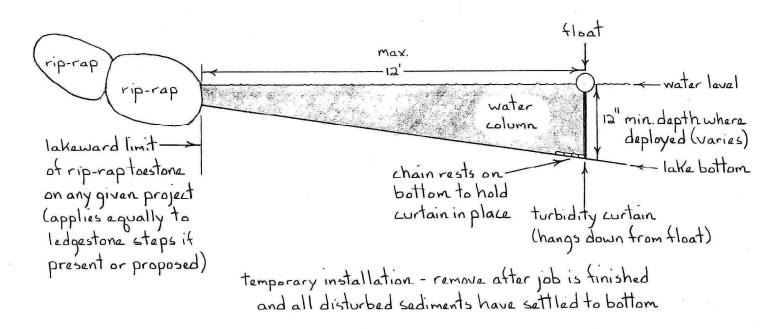
Please be advised that I (we) hereby appoint Bert C. Ebbers, of Great Lakes Ecosystems, to act as my (our) agent in all regulatory matters regarding wetland and surface water issues, as well as threatened and/or endangered species and septic drainfield concerns, on the above-referenced project. Acting as my (our) agent, Bert Ebbers has express authorization to sign any and all permit applications, or associated documents or correspondence, if necessary, on my (our) behalf. This includes signing electronically through the State of Michigan MiWaters Program. I (we) understand that any signing of documents by Mr. Ebbers does not obviate me (we) of the responsibility of ensuring that all permit conditions are properly followed and implemented.

Signature he m	Date 1-23-20
Name (Print) Jason R	Bock
Signature	Date
Name (Print)	
to representatives from EGLE, USACE and	the above project, I (we) do hereby grant permission related state or federal agencies to enter the property, and evaluation associated with this permit application
Signature	Date
Name (Print)	
Signature	Date
Name (Print)	





### TURBIDITY CURTAIN DETAIL (PROFILE VIEW) - Typical Installation



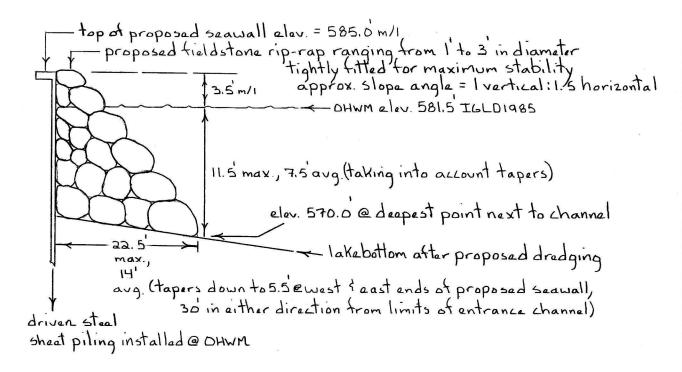
#### PROPOSED INLAND BOATHOUSE

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

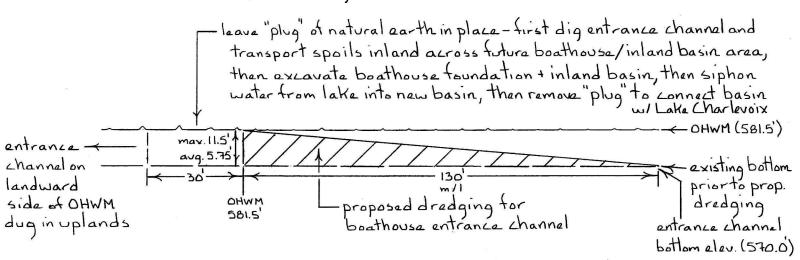
Box 156, Indian River, MI 49749

(c/o Bert C. Ebbers, 231-238-7615

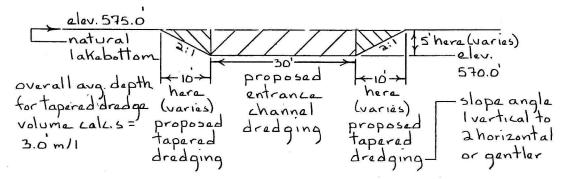
### Section D: Scale 1 = 10 (Typical Design)



### Saction Hi Scale 1"= 30 (Typical Design)



# Section I: Scale 1=20 (Typical Design)



#### 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; mod. 11-30-20
Prepared by/ Great Lakes Ecosystems,
Box 156, Indian River, MI 49749
(c/o Bert C. Ebbers, 231-238-7615)

Issued On:12/15/2020
Evnirge On:12/15/2025