



**US Army Corps
of Engineers**

Detroit District

Public Notice

REISSUANCE OF MICHIGAN REGIONAL PERMIT MINOR WORK, STRUCTURES, AND DISCHARGES OF DREDGED AND FILL MATERIAL

Date: May 7, 2002

Expires: May 14, 2007

1. In accordance with Title 33 CFR Part 320-330, as published November 13, 1986 in the Federal Register, Volume 51, No. 219, the U.S. Army Engineer District, Detroit, has re-issued and expanded a Regional Permit for minor work, structures, and discharges of dredged and fill materials in navigable waters of the United States within the State of Michigan under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1977. The permit has conditions to require a case-by-case reporting and acknowledging system to determine and verify compliance with the Regional Permit.

2. This Regional Permit affords this office with a means by which to authorize activities of a minor nature in approximately five (5) to fifteen (15) work days (provided the application is administratively complete) and reduces costs, delays, and paperwork at all levels of government. We have information available in our District Office that when performed under the limitations and conditions explained below, these activities will cause only a minimal adverse environmental impact when performed separately, and will have only a minimal adverse cumulative effect on the environment. In addition, these activities are similar in nature in that they would conform to the attached glossary of terms.

3. Categories of activities covered by the Regional Permit are as follows:

- a. Piers - Permanent and Seasonal
- b. Spring Piles/Pile Clusters
 - c. Marine Railways
 - d. Bulkheads and Backfill below the Ordinary High Water Mark on Navigable Waters within the Influence of the Great Lakes
- e. Beach Sanding
- f. Dredging
- g. Boat Hoists
- h. Boat Wells
- i. Maintenance and/or Expansion of Existing Boat Ramps
- j. Groins
- k. Submerged Utility Line Crossings
- l. Water Intakes for Private Residences
- m. Temporary Cofferdams
- n. Mechanical Control of Aquatic Plants and Removal of Floating Mats of Aquatic Vegetation for Navigation Access
- o. Removal of Structures

- p. Boat Well Fill
- q. Aeration Systems
- r. Mooring Whips

Unless otherwise noted, the category includes authorization for all necessary construction steps specifically associated with the installation, replacement, extension or expansion of the category of activity. Subject to the limitations and conditions, activities may be combined with other activities authorized under this Regional general permit and/or with activities authorized by the existing Nationwide general permits issued by the Corps of Engineers.

4. When performed under the limitations and conditions explained below, and as defined in the attached glossary the proposed activity will receive consideration under the Regional Permit:

a. Piers - Permanent and Seasonal

(1) The pier shall be of reasonable length and in accord with existing pier lengths in the vicinity.

(2) The pier shall allow for the flowage of littoral materials and water to preclude detrimental impacts on adjacent properties and to the environment.

(3) Pier structures may not be constructed in a manner that will accommodate more than two watercrafts on the lot unless the application is accompanied by letters of non-objection from adjacent riparian property owners. No more than four watercrafts may be accommodated on the lot. Other existing moorage structures on the lot must be included within the number limitation.

(4) The pier must be constructed of non-polluted materials.

(5) The pier may not extend into a waterway beyond a length that would allow for a pier of similar length on the opposite shore to be constructed and still maintain a fairway width of 1.5 times its length.

(6) The pier may include flared or deck segments provided that they do not extend from the shoreline and do not comprise more than 144 sq. ft. (not including the portion that would otherwise be included in the full length of the narrow pier) of the structure.

b. Spring Piles/Pile Clusters

(1) The location and number of proposed spring piles/pile clusters shall be reasonable and consistent with location and number provided for similar structures in the vicinity.

(2) The spring pile/pile clusters shall be constructed of non-polluted materials.

(3) The piling can not cause the total number of watercraft to be accommodated on the lot to exceed four. Applications for pilings that would accommodate three or four watercraft, or would increase the total number of craft to be moored on the lot to three or four, must be accompanied by letters of non-objection from the adjacent property owners.

c. Marine Railways

(1) Marine railways must be for private (non-commercial) use.

(2) There will be a limit of one railway structure per lot.

(3) The railway will be of reasonable length and consistent with the lengths of other similar structures in the vicinity.

(4) The railway must be seasonal only and that portion waterward of the Ordinary High Water Mark must be removed at the end of each boating season.

(5) The cradle must be fitted with a flag or light so as to be visible from the water when in launched position.

d. Bulkheads and Backfill below the Ordinary High Water Mark on Navigable Waters within the influence of the Great Lakes

(1) The proposed bulkhead shall be justified based on a demonstrated need for erosion protection, watercraft mooring, and/or replacement of an existing bulkhead.

(2) Bulkheads shall be constructed of non-polluted materials.

(3) Bulkheads proposed to extend waterward of the State of Michigan Ordinary High Water Mark (OHWM) on state-owned Great Lakes Bottomlands (State's OHWMs (IGLD 85) on these waters are: Lake Superior, 602.10 ft; Lakes Michigan and Huron, 580.5 ft; Lake St. Clair, 575.3 ft; Lake Erie, 572.4 ft.) will be denied without prejudice unless:

- (a) The applicant has provided the Corps of Engineers with an individual Water Quality Certification (WQC) and/or Coastal Zone Management Certification (CZMC) from the Michigan Department of Environmental Quality (MDEQ), **or**
- (b) The Corps of Engineers is aware of an MDEQ permit for the work, **or**
- (c) The applicant has provided a waiver of WQC and/or CZMC, **or**
- (d) At least 30 days have elapsed from the date on which the application was received by MDEQ.

(4) Bulkheads shall extend to no further waterward than the seasonal average high water elevation in IGLD85 (602.3 ft. in Lake Superior, 579.6 ft. in Lakes Huron and Michigan, 574.9 ft. in Lake St. Clair, 571.8 ft. in Lake Erie, and accounting for lake influence and stream gradients in other waters). Exceptions will be permitted for:

- (a) Replacement of existing bulkheads within one foot of the existing bulkhead provided the area shoreward of the existing bulkhead is not wetland.
- (b) Minimal connections between all existing/proposed bulkhead segments.
- (c) Straight-line bulkheads connecting with existing bulkheads on adjacent riparian properties within a canal system where 75% or more of the lots on the canal are already bulkhead protected.

(5) Backfill herein is defined as either a TYPE A (quarry stone, fieldstone, broken concrete with no exposed reinforcing bars) or TYPE B (non-polluted granular fill, clay or dredged material obtained from greater than 6-foot depths--see f below.) Applicants may be required to prove that the material is not polluted.

(6) The quantity of the backfill that is to be placed below the horizontal plane of OHWM shall not exceed an average of two (2) cubic yards per linear foot of placement.

(7) Only type A backfill may be placed exposed behind a permeable bulkhead. Either type A or type B backfill may be placed behind an impermeable bulkhead. Type B may be placed behind a semi-permeable bulkhead design (i.e., with a filter cloth liner).

(8) No backfill or bulkhead may be placed in a wetland area.

e. Beach Sanding

(1) Discharges of fill or dredged material for beach sanding are permissible provided the material is non-polluted.

(2) The discharge may extend no further than 25 feet along the shoreline per individual riparian lot (frontage measured along a line extending between riparian property lines at the water's edge), and no further than 50 feet waterward of the OHWM.

(3) Sanding materials may be placed on a geotextile fabric for contour.

(4) Beach sanding shall be accomplished in a manner that does not cause a surcharge of lakebed materials.

(5) No material may be placed in any wetland area.

(6) Amount of sand placed may not exceed 25 cubic yards per lot.

f. Dredging

(1) Quantity of material shall be limited to 300 cubic yards, maximum per lot.

(2) No dredging of a wetland area will be allowed.

(3) Dredging may only be conducted where it is necessary for docking and/or navigation. Dredging for the creation of backfill or beach sanding materials may not be conducted except in areas where fill materials cannot be practicably obtained from an upland source. Within these excepted areas, dredging to obtain backfill for simultaneous construction will not be allowed unless:

(a) the area to be dredged is deep water (i.e., is greater than 6 feet deep relative to the average seasonal low water elevation of the waterway), **or**

(b) the dredged material is to be used for backfill behind a replacement bulkhead within one (1) foot of an existing bulkhead.

(4) Temporary sidecasting of the dredged material is not authorized. All dredged material must be removed to an upland site and contained in a manner to prevent its return to any waterbody or wetland, unless it is used as discharge material at a previously authorized discharge site.

(5) No hydraulic dredging will be allowed unless the spoils and carriage water are disposed of directly in a Corps of Engineers Confined Disposal Facility (CDF).

(6) If there is reason to believe that the material is polluted material, then the applicant may:

(a) Place the material in a Corps of Engineers CDF or MDEQ Class II landfill, **or**

(b) Place the material shoreward of an authorized bulkhead or in uplands and cover it with at least two (2) feet of clay and a layer of sod, **or**

(c) Test it to demonstrate that it is not polluted material. If it is polluted, then the spoils must be disposed of in (a) or (b) above.

(7) Installation of silt curtains prior to commencement of dredging or any other activity authorized by this permit is authorized subject to the following conditions:

(a) Silt curtains may be installed no sooner than 30 days prior to the commencement of the activity and must be removed when turbidity levels reach, or fall below, background levels or within 30 days of completion of the activity for which the silt curtains are designed to provide the water quality benefit.

(b) Silt curtains must not extend into, or interfere with, Federal navigation channels/projects.

(c) Design specifications of the silt curtains, including, but not limited to, curtain specification, floatation mechanism(s), bottom weights/anchors, securing/tie off mechanism(s), joining mechanism, etc., have been provided with the application.

(d) A float, visible to approaching boaters, will be installed every 25' along the top line

of the silt curtain.

(8) Dredging is permitted for the maintenance of water supply intake and outfall structures provided the dredging complies with all other limitations.

(9) Windrowing, or the removal of rocks to regain a sandy beach, or for use as shore protection or groin construction, is not authorized under this Regional Permit.

(10) Dredging will be performed during MDEQ preferred dredging periods except when the Corps has specifically determined that the limits are unwarranted (for example, MDEQ has issued a permit and has not restricted the dredging activities to these periods).

g. Boat Hoists

(1) Boat hoist(s) may be either open or covered but not enclosed.

(2) Boat hoist(s) are not for commercial purposes.

(3) The hoist(s) may not extend into the waterway beyond a point such that a hoist of similar size may be placed on the opposite shore and still maintain a fairway width of 1.5 times the length of the hoist.

(4) The proposed hoist(s) would not cause the total number of watercraft to be accommodated on the lot to number more than four. Hoist applications that would increase the total number of craft to be moored on the lot to three or four must be accompanied by letters of non-objection by the adjacent property owners.

h. Boat Wells

(1) The length of bulkheading required to protect the adjoining sides of the boat well shall be limited to 100 feet.

(2) Quantity of material to be dredged/excavated in conjunction with the boat well construction shall be limited to 200 cubic yards.

(3) Construction must take place in the dry to the extent practicable.

(4) The proposed boat well may not cause the total number of watercraft to be accommodated on the lot

to number more than four. Boat well applications that would increase the total number of craft to be moored on the lot to three or four must be accompanied by letters of non-objection by the adjacent property owners.

(5) Construction, expansion, and/or reconfiguration of boat wells is authorized. Reconfiguration is permitted to the extent that the area of existing waters to be filled may not exceed the area of waters to be created through excavation of uplands.

(6) Boat wells may not be constructed in wetland areas.

i. Maintenance and/or Expansion of Existing Boat Ramps

(1) Expansion is limited to reasonable length and width extensions of existing ramps in non-wetland areas.

(2) Acceptable construction materials are limited to poured concrete, pre-cast concrete planks and slabs, and required filter cloth and mattress stone. Dredging necessary to accommodate expansion or renovation is authorized.

(3) The changes in the ramp cannot be associated with a change in use, such as from private to commercial use.

j. Groins

(1) The proposed groin shall not exceed 50 feet in length as measured from the toe of the bluff.

(2) The lakeward top elevation of the groin (IGLD 85) shall not exceed 602.0' in Lake Superior, 580.0' in Lakes Michigan and Huron, 575.0' in Lake St. Clair, and 572.0' in Lake Erie. Groin construction using a step system is an acceptable design.

(3) The proposed groin must be constructed a minimum of the groin's length from either property line.

(4) The groin would not be extended from existing structures already protruding into the water.

k. Submerged Utility Line Crossings

(1) Utility lines placed across the channel of an authorized Federal navigation project must be embedded at least six (6) feet below the authorized Federal channel depth. Existing and proposed elevation information on precise plan and section scale drawings must be provided. After construction, an as-built survey must be provided indicating the points of entry and exit of the installation.

(2) Non-polluted gravel or rock or other non-erosive material may be placed as backfill or bedding in utility line trenches. In wetlands, the top 6" to 12" of the trench should generally be backfilled with topsoil from

the trench.

(3) If the material resulting from trench excavation is proposed for temporarily sidecasting into waters of the U.S., it would not remain for more than three months, and the material would not be placed in such a manner that it will be dispersed by currents or other forces. Any sidecast material would not create turbidity plumes nor degrade the water quality of the receiving water. All excess dredged or fill material would be removed to an upland disposal area and the waterway bottom must be restored to its pre-construction contour.

(4) The applicant has demonstrated that upland alignments were investigated and that they are not available. The area of waters of the U.S. that is disturbed must be limited to the minimum necessary to construct the utility line.

(5) If using directional-drilling method of utility line installation, the applicant has provided a detailed narrative describing water supply intake(s) and recapture and disposal methods for used drilling fluids. A plan must be submitted describing the correctional steps to be taken in the event of a leak, either through the substrate into the waterbody or waterway, or onto the upland area with possible return to the waterbody or waterway. Methods for containment must be detailed.

l. Water Intakes for Private Residences

(1) Intake lines would be no larger than 2.0" in diameter.

(2) Intake lines may be either laid on the bottom or buried so as to return the alignment to pre-construction contours. Temporary sidecasting and backfill of trench material along the alignment is authorized. If there is temporary sidecasting of material, the total quantity may not exceed 20 cubic yards.

(3) Whether laid on the bottom or buried, the plans show the existing bottom and proposed elevations of the line and all necessary attendant structures such as stakes, other types of supports, filters, and intake ends. These structures may not extend so as to constitute a hazard to navigation.

m. Cofferdams or Caissons

(1) Cofferdams or caissons shall be constructed of clean materials (steel, wood, broken concrete with no exposed reinforcing bars, stone, granular fill, etc.). Clay may be used internally because adequate protection against suspension of particles in the surrounding water column is included in this design. Dredged material would not be reintroduced into the water column.

(2) During dewatering operations, the water may go through a temporary pipeline, but it must go to an upland sump, with filtering before reentering back into the waterbody via an outfall or other means. Outfalls are

authorized. All of these structures must be fully described in the work description on the application, and be depicted on application drawings.

(3) Construction would be performed in a manner which will have minimal or no effect on stream flows or flooding conditions. During periods of low flow, the structure must pass, as a minimum, the 7-day/10-year low flow during the period the cofferdam is in place. The structure would be capable of passing flood flows without causing a harmful stage increase or backwater.

(4) After construction is completed, cofferdams or caissons would be removed from the waterway to an upland disposal site, and the waterway returned to its pre-construction or design condition within 60 days of the date on which cofferdam construction commences.

n. Mechanical Control of Aquatic Plants and Removal of Floating Mats of Aquatic Vegetation for Navigation Access

(1) The control method would only cut the stems above the bottom; no physical disruption or disturbance of the bottom sediments will be allowed.

(2) For cutting operations, all cut plant materials must be removed from the water column as part of the operation and placed in an upland area with no return to any waterway or wetland.

(3) Control operations, other than removal of floating mats, must be supported by a letter of non-objection by the riparian owner.

(4) Control operations may not include emergent stands of wetland vegetation such as cattail, bulrush, wild rice, and other species that extend above the water's surface during their normal life cycle.

(5) Control or removal methods and disposal areas must be described.

o. Removal of Existing Structures.

(1) The application has provided a detailed description of sequence of work and type of equipment to be used, and the work meets the minimal impact threshold.

p. Boat Well Fill

(1) The boat well was originally constructed from dry land.

(2) The fill material is to be quarry stone, fieldstone, broken concrete with no exposed reinforcing bars, or non-polluted granular fill, clay or dredged material.

(3) Adequate authorized shoreline stabilization would be in place prior to filling of the boat well.

(4) No wetlands exist within the proposed fill area.

q. Aeration Systems

(1) Systems would be installed in private boatwells, within commercial or municipal marinas, and in designated public swimming areas.

(2) Systems will be installed along the lakebed in such a manner as to not constitute a hazard to navigation. In designated swimming areas, buoys would be placed to demarcate the swimming areas.

(3) Distribution pipes will be no larger than 2” in diameter.

(4) Aeration systems installed in designated swimming areas will be seasonal and only used during the May 1st through September 31st ice free swimming period.

r. Mooring Whips

(1) The proposed mooring whip(s) would not cause the total number of watercraft to be accommodated on the lot to number more than four. Mooring whip applications that would increase the total number of craft to be moored on the lot to three or four must be accompanied by letters of non-objection by the adjacent property owners.

5. The proposed Regional Permit would not apply to:

a. Activities which would impact Historical, cultural, or archaeological resources or practices as provided in the National Historic Preservation Act of 1966 and the Archaeological and Historic Preservation Act of 1974.

b. Designated environmental areas under the State of Michigan Shorelands Protection and Management Act (1972 Public Act 245, as amended), stream corridors designated under the Natural River Act (1970 Public Act 231) promulgated by Michigan Department of Environmental Quality (MDEQ), and areas dedicated or designated under the Wilderness and Natural Areas Act (1972 Public Act 241).

c. Activities which would affect Federally listed endangered, threatened, or proposed species.

d. Activities which would occur in areas named in Acts of Congress or Presidential Proclamations as National Wildlife Refuges, National Rivers, components of the National Wild and Scenic River System, National Wilderness Areas, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal Law for similar and related purposes.

- e. Wetland areas designated as unsuitable for discharge under the U.S. Environmental Protection Agency's Advanced Identification Program.
6. Individuals wishing to perform work meeting the limitations and conditions stated under this Regional Permit would be required to submit a completed joint application form and detailed drawings for a Department of the Army permit to the MDEQ in Lansing, Michigan.
7. DURATION: This Regional Permit would be in force and effect for a period of five (5) years, through the 14th day of May, 2007, with policies subject to reconsideration at any time.
8. A Federal authorization issued under this Regional Permit would not be valid until all required State and local authorizations have been received.
9. This office would reserve the right to process an individual permit for any proposed activity that would normally qualify under this Regional Permit or to process an individual permit upon request of the MDEQ.
10. The decision whether to issue the Regional Permit was based on our independent conclusions after evaluation of the probable impact of the proposed activity on the public interest. The decision reflects the national/state concerns for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, were balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal were considered including the cumulative effects thereof; among those were 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.
11. Many of the authorized activities involve the discharge of dredged or fill material into waters of the United States. Therefore, our evaluation of the impact of the activity on the public interest included 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. The Regional permit complies with the Guidelines with the inclusion of appropriate and practicable conditions to minimize pollution of the aquatic ecosystem.
12. Additional information concerning this Regional Permit may be obtained from Bob Deroche, Project Manager, at the Regulatory Office, Detroit District, U.S. Army Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, or telephone number 313-226-6813.

FOR THE DISTRICT ENGINEER:

GARY R. MANNESTO
Chief, Regulatory Office
Engineering & Technical Services

NOTICE TO POSTMASTERS:

We request that you post this notice conspicuously and continuously for 30 days from its date of issuance.

GLOSSARY:

Regional Permit: A Department of the Army authorization that is issued for a category or categories of structure, work, or discharges of dredged or fill material that are substantially similar in nature and that cause only minimal individual and cumulative adverse environmental impact.

Pier: A **narrow** platform extending from a shore over water and supported by piles or crib structures, used to secure, protect, and provide access to ships and boats.

Bulkhead: A vertical or near-vertical wall to restrain sliding or eroding of land at the water's edge.

Boat Hoists: Mechanisms or apparatus used to raise or haul up a boat.

Boat Well: An artificial embayment for boat moorage created by excavation/dredging into the bank of the waterway, usually including bank stabilization within the embayment.

Marine Railway: A structure for launching boats consisting of two or more parallel rails extending from shore to deeper water, the hardware upon which the rails are mounted, and a boat carrying cradle device that glides over the rails.

Littoral Material: Material existing on shore or in the water which is subject to erosion and displacement by wave forces.

Polluted Material: Material that contributes to increased concentrations of elements or compounds above background levels within the surrounding medium or biota.

Spring Piles: A beam of timber, concrete or steel driven into the earth as a means of securing a boat or supporting a pier.

Pile Clusters: A grouping of timber, concrete, or steel beams.

Groins: Shore protection structures built (usually perpendicular to the shoreline) to trap littoral drift or retard erosion of the shore.

Submerged Utility Line Crossings: A utility line is any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose; and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication.

Cofferdams or Caissons: Temporary structures or fills constructed around an excavation or construction area to exclude water.

Beach Sanding: Placement of a layer of sand and/or pea gravel spread over the bed of a body of water, usually in shoreline areas. This layer extends waterward from the shoreline and makes the bottom more suitable for swimmers.

Lot: One or more contiguous parcels of land under common ownership or to which all owners have an application pending under the Regional Permit authority.

Navigable waters of the United States: Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the water body to the Ordinary High Water Mark. A list of such waters in Michigan is available from this office. They generally include all Great Lakes and connecting channels, waterways constructed or improved for navigation by the Corps, major rivers to heads of navigation, and segments of waterbodies whose surface elevations are subject to backwater influence (below the Ordinary High Water Mark) of adjoining listed navigable waters of the United States.

Ordinary High Water Mark (OHWM): That line on the shore established by the fluctuation of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. For the Great Lakes and connecting channels, the OHWM has been set at site-specific elevation contours available from this office.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Dredged material: Material that is excavated or dredged from waters of the United States.

Discharge of dredged material: Any addition of dredged material into, including any redeposit of dredged material within, waters of the United States.

Fill material: Any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of the waterbody. The term does not include any pollutant discharged into the water primarily to dispose of waste.

Discharge of fill material: Any addition of fill material into waters of the United States.

CELRE-RG-B 802000016

MEMORANDUM THRU Regulatory Office - Administrative

FOR Reproduction (if necessary)

SUBJECT: Public Notice Reproduction/Mailing Request
File No. 80-200-001-6 Applicant: The Public

Please copy and mail the enclosed public notice according to the information below.
Return originals and 3 copies. Date Required: September 10, 2000

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If you have questions, contact Bob Deroche at (313) 226-6813

Walter A. Gauthier