



US Army Corps
of Engineers

Detroit District

Public Notice

Applicant: Mr. Thomas Hudson

In Reply Refer To: Corps File No. LRE-2000-530060-S13

Date: February 13 2013

Expires: March 5, 2013

Proposed marina renovation, bank stabilization and dredging in the Black River at South Haven, Michigan.

Applicant: Mr. Thomas Hudson, Old Harbor Moorings, 2308 Oakland Drive, Kalamazoo, Michigan 49808-2254.

Project Location: The site is located at Old Harbor Moorings, 545 Williams Street, South Haven, Michigan (Section 3, Township 1 South and Range 17 West, Van Buren County).

Federal Authority: 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 to remove and replace piers as follows, reusing the existing piling: replace nine 31 foot piers with 35 foot piers; replace two 40 foot piers with 45 foot piers. Nine spring piles would be replaced at the end of the new piers.

The applicant proposes to install 450 linear feet of silt curtain, and mechanically dredge 933 cubic yards of material annually from a 360 foot long by 35 foot wide by 4 foot deep area of the Black River to an elevation of 571.0 (IGLD 1985) for a period of 5 years, totaling 4,665 cubic yards. All excess dredged material will be disposed of in an upland disposal site located at 71057 CR 388, South Haven, Michigan.

The applicant proposes to install 360 feet of new steel sheet pile seawall in front of existing gabion baskets/pilings. In Area A, approximately 97 cubic yards of dredged material would be discharged into a 250 foot long by 7 foot wide by 1.5 foot deep area of river as backfill behind the new seawall. Additionally, in Area B, about 143 cubic yards of dredged material would be discharged into a 110 foot long by 10 foot wide by 7 foot deep area of river as backfill behind the new seawall.

The purpose of the proposed work is to rehabilitate an existing marina and insure watercraft access.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization of impacts to Waters of the United States: The applicant intends to install the steel sheet piling prior to the addition of backfill in order to minimize impacts to the watercourse. The applicant also intends to install a silt boom prior to the initiation of dredging work to prevent uncontrolled sedimentation into the river. Other project impacts have been limited to replacement of existing piers, dredging of current boat slips, and stabilization of eroded shoreline.

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: "We believe mitigation should not be required because we are working with existing structures and the existing structures are failing".

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 Environmental Quality under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. The State file number is 12-80-0057-P.

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should 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-2000-530060-S13. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Aaron W. Damrill, Chief
Michiana Branch, Detroit District, Corps of Engineers
2422 Viridian Drive, Suite 200
South Bend, Indiana 46628-3561

Comments may be e-mailed to: Ryan.D.Cassidy@usace.army.mil, 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 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. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

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 has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. 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.

February 13, 2013

Additional Information: This public notice and drawings are also available for viewing/printing at: <http://www.lre.usace.army.mil/functions/rf/html/pncur.htm>. Questions concerning this application may be directed to Ryan Cassidy at the Corps of Engineers address listed above, or telephone number (574)-232-1952 Ext 21964.

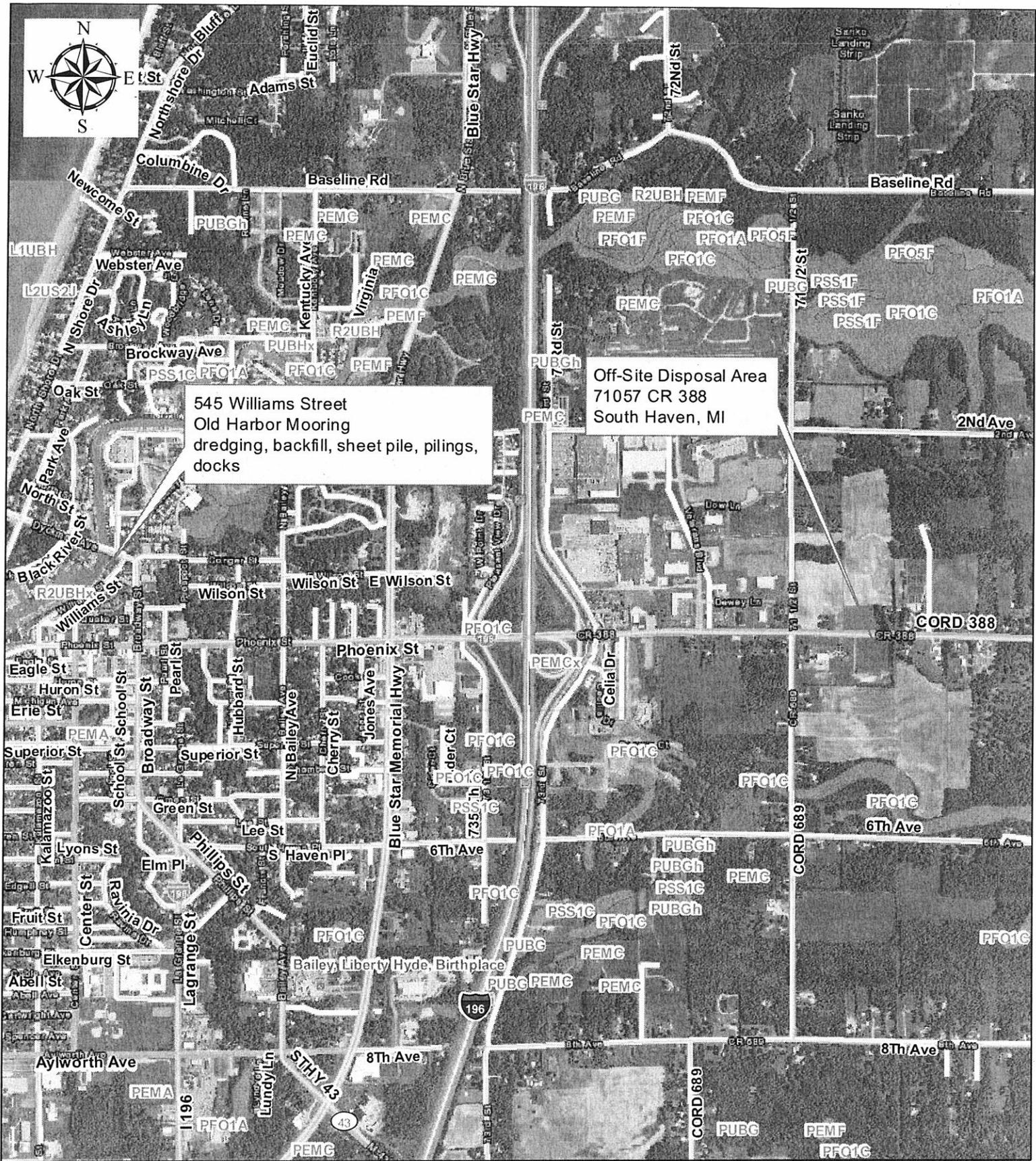
FOR THE DISTRICT ENGINEER:



Aaron W. Damrill
Chief, Michiana Branch
Regulatory Office

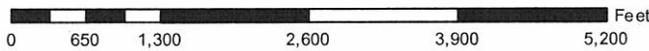
NOTICE TO POSTMASTERS:

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



545 Williams Street
 Old Harbor Mooring
 dredging, backfill, sheet pile, pilings,
 docks

Off-Site Disposal Area
 71057 CR 388
 South Haven, MI



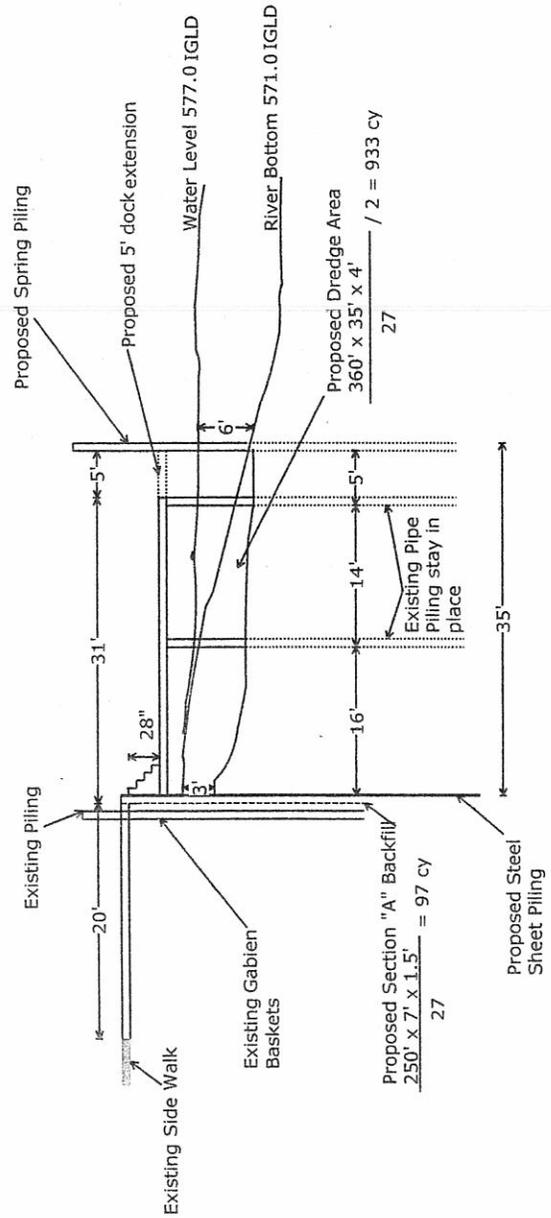
All Measurements are approximate.

Inspector's Name: Cassidy
 Site Inspection Date: 1/29/13



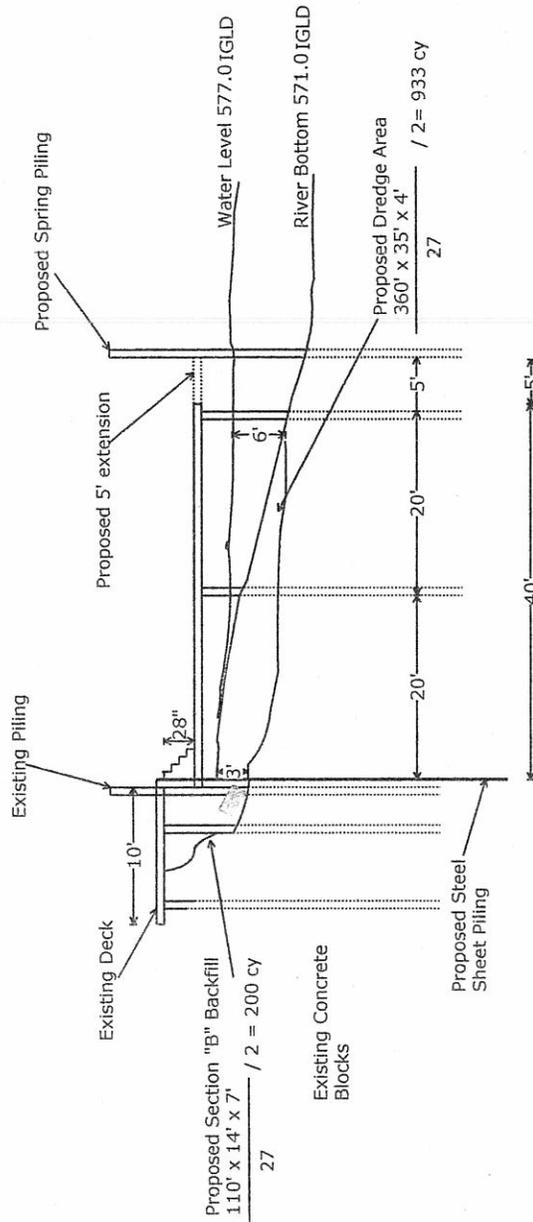
File Number: 2000-530060-S13
 File Name: Old Harbor Moorings Dock & Dredging
 Applicant Name: Thomas Hudson
 Address: 545 Williams Street
 County, State: Van Buren, MI

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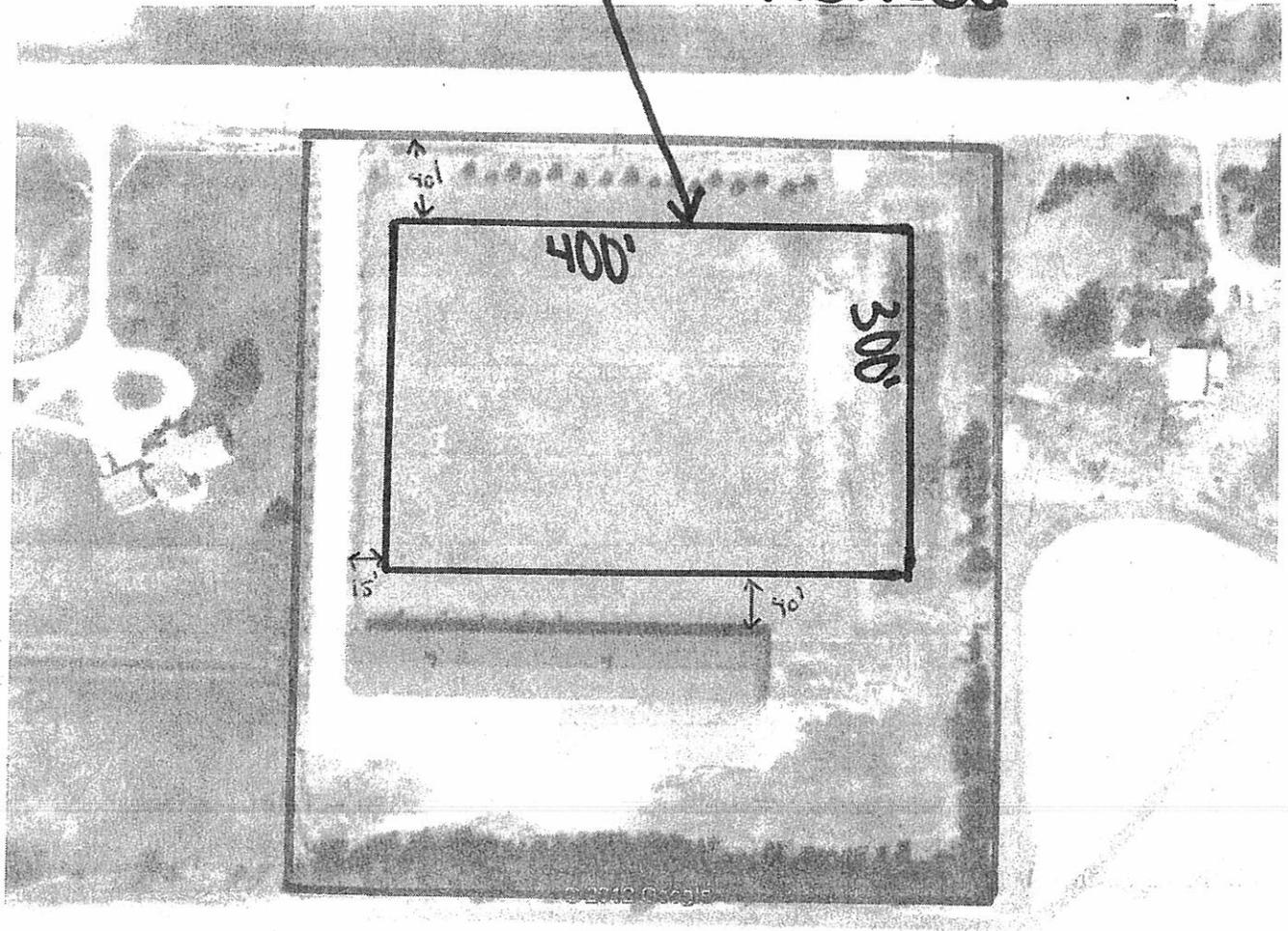
Applicant: Thomas Hudson
Agent: D.K. Construction
County: Van Buren
Body of Water: Black River
Date: 10/11/2012

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Disposal Site Revised 2-4-13



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Phoenix Business Complex
71057 CR388
South Haven, MI 49090