



US Army Corps
of Engineers

Detroit District

Public Notice

Applicant: Acheson Ventures, LLC

In Reply Refer To: Corps File No. LRE-2013-00070-S13

Date: February 8, 2013

Expires: March 9, 2013

Re-use of the Existing Former Black River Railroad Bridge Landing Platform and associated Cluster Pile Dolphins in Black River at Port Huron, Michigan

Applicant: Acheson Ventures, LLC (Michael DeLong), 405 Water Street, Port Huron, Michigan 48060

Project Location: The site is located waterward of the southern shoreline of the Black River at Port Huron, Michigan, approximately 400 feet upstream from the confluence of the St. Clair River and Black River.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899. The Black River Railroad Bridge, including associated structures, is currently under U.S. Coast Guard (USCG) jurisdiction. However, according to a USCG-U.S. Army Corps of Engineers Memorandum of Agreement, retention and conversion in use, whole or in part, requires USACE authorization.

State Authority: Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans, the applicant proposes the following activities relative to the existing, former landing platform of the abandoned Black River Railroad drawbridge (the Bridge), and associated cluster pile dolphins:

Re-use the existing 67-foot long x 20-foot wide former Bridge landing as a publicly accessible, elevated viewing platform. The platform is supported by a 25-foot x 7-foot wide pier structure at its waterward end. The platform's bottom elevation is approximately 12 feet above the Low Water Datum elevation of 576.2 IGLD 85, which allows for water flow. The most waterward corner of the platform support pier is approximately 19 feet southwest and outside of the south channel limit of the Federal navigation channel. Fencing, offset approximately 2.5 feet westerly from the western edge of the platform and having the same bottom elevation, extends waterward approximately 67 feet to the northwest corner of the support pier.

Re-use the two (2) existing, multiple pile, cluster pile dolphins at the following locations:

One (1) cluster pile dolphin located approximately 14 feet southwest of the south channel limit of the Federal navigation channel and approximately 29 feet north and 16 feet west of the northwest corner of the proposed viewing platform support pier.

One (1) cluster pile dolphin located approximately 13 feet southwest of the south channel limit of the Federal navigation channel and approximately 20 feet east of the northeast corner of the proposed viewing support pier.

The purpose of the proposed re-use of the Bridge landing is public recreation. The dolphins associated with the Bridge are proposed to be repurposed as private aids to navigation.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization of impacts to Waters of the United States: The proposed Bridge structure re-use does not involve the discharge of dredged or fill material into Waters of the United States. Re-use would not change the impacts currently attributable to the existing structures.

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

Other Authorizations:

A permit is required from the U.S. Coast Guard under applicable provisions of Section 9 of the Rivers and Harbors Act of 1899 and pursuant to implementing regulations 33 CFR Part 66, if USACE authorizes re-use of the cluster pile dolphins.

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-2013-00070-S13. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Wally Gauthier
Chief, Permit Evaluation Eastern Branch
Regulatory Office
Detroit District, Corps of Engineers
477 Michigan Avenue
Detroit, Michigan 48226-2550

Comments may be e-mailed to: Colette.M.Luff@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.

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: District staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places.

Our preliminary review of existing information regarding historical properties within the permit area indicates the Black River Railroad Bridge (Bridge) is a moveable drawbridge, constructed circa 19030-31, by the American Bridge Company for the Pere Marquette Railway Company to replace the center swing span bridge dating to 1879. The Bridge is an example of an unusual trunnion type bascule bridge style, designed and patented by Hugo Abt that has a unique counterweight design that distinguishes it from traditional bascule bridges. There are only a few bridges of this type are known to have been built. In Michigan, there are two other bridges of this type; one is also inoperable and the other is still heavily used. The Black River Railroad bridge has been inoperable and in the raised position since the early 1980's.

Based on our initial review, the District Engineer has made a preliminary determination that the proposed re-use within the permit area (the undertaking) alters components of and structures associated with the Black River Railroad Bridge. The proposed action may have an adverse effect on the Bridge, which appears to meet the criteria for listing in the National Register of Historic Places.

The District Engineer invites responses to this Public Notice from Federal, State and local agencies, historical and archaeological societies, Indian tribes, other parties that have knowledge of, interest in, or concerns regarding historic properties in the area.

The District Engineer also invites comments and/or information regarding the potentially historic property (Bridge), and alternatives and/or modifications to the proposed undertaking that could avoid and/or minimize the potential adverse effect, as well as mitigation measures that could resolve the potential adverse effect.

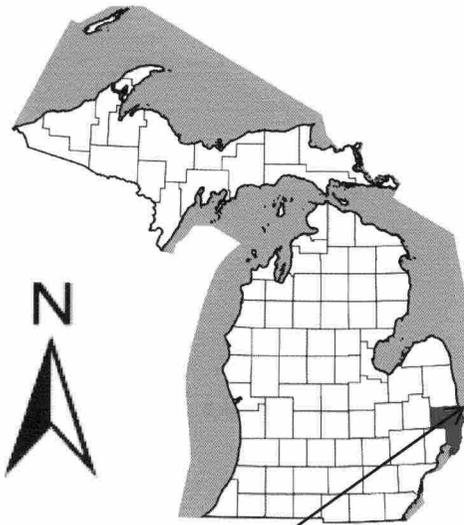
Additional Information: This public notice and drawings are also available for viewing/printing at: <http://www.lre.usace.army.mil/functions/rf/html/pncur.htm>. Questions concerning this application may be directed to Colette Luff at the Corps of Engineers address listed above, or telephone number 313-226-7485.

FOR THE DISTRICT ENGINEER:

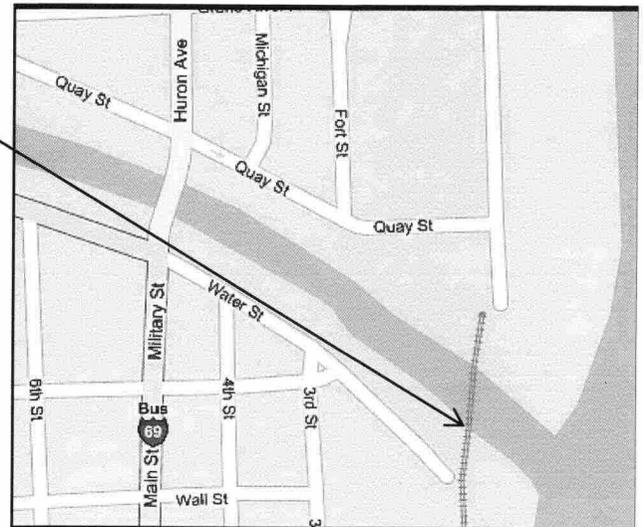
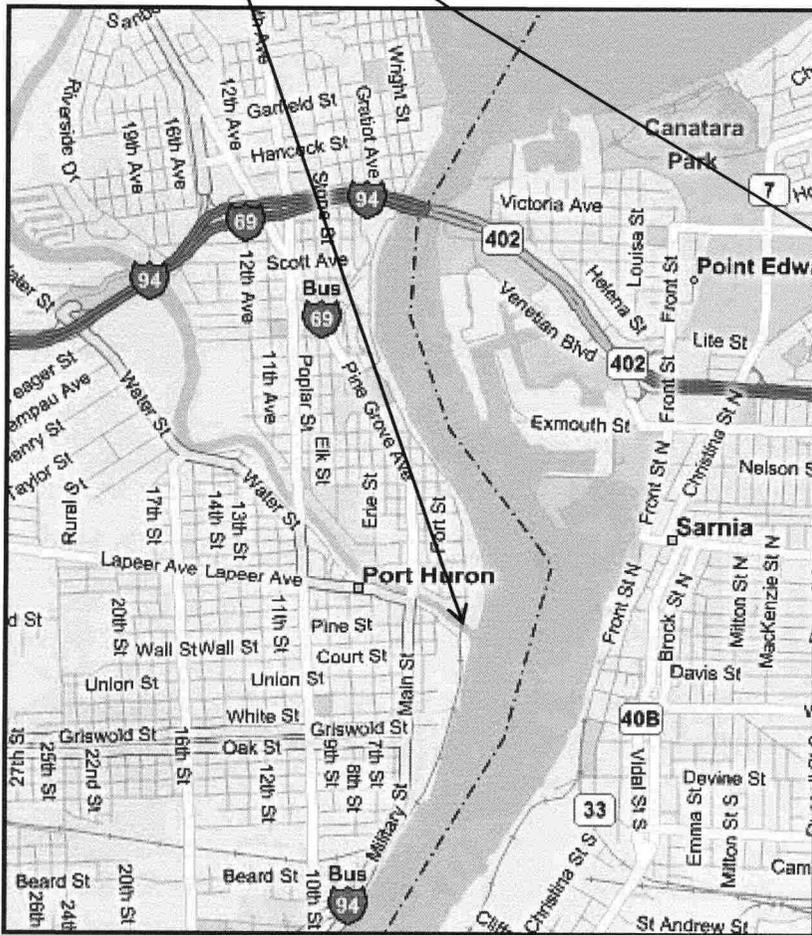
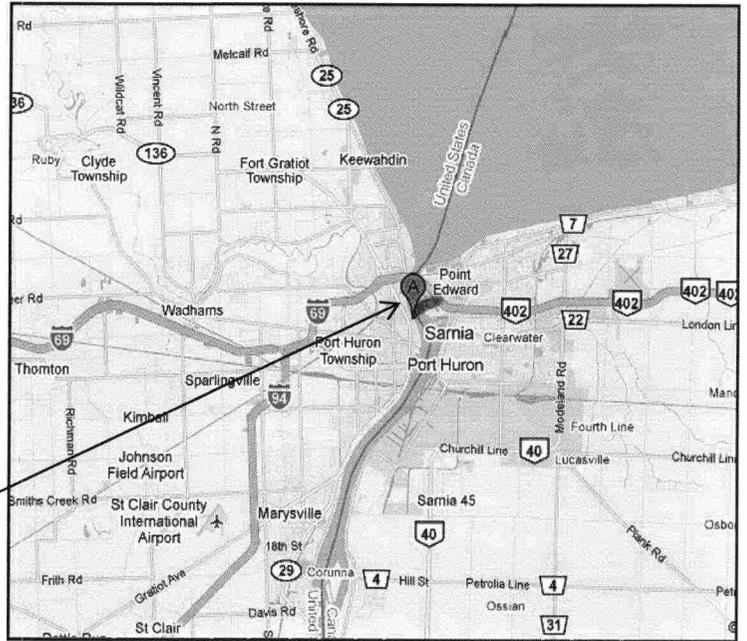
Wally Gauthier
Chief, Permit Evaluation Eastern Branch
Regulatory Office

NOTICE TO POSTMASTERS:

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

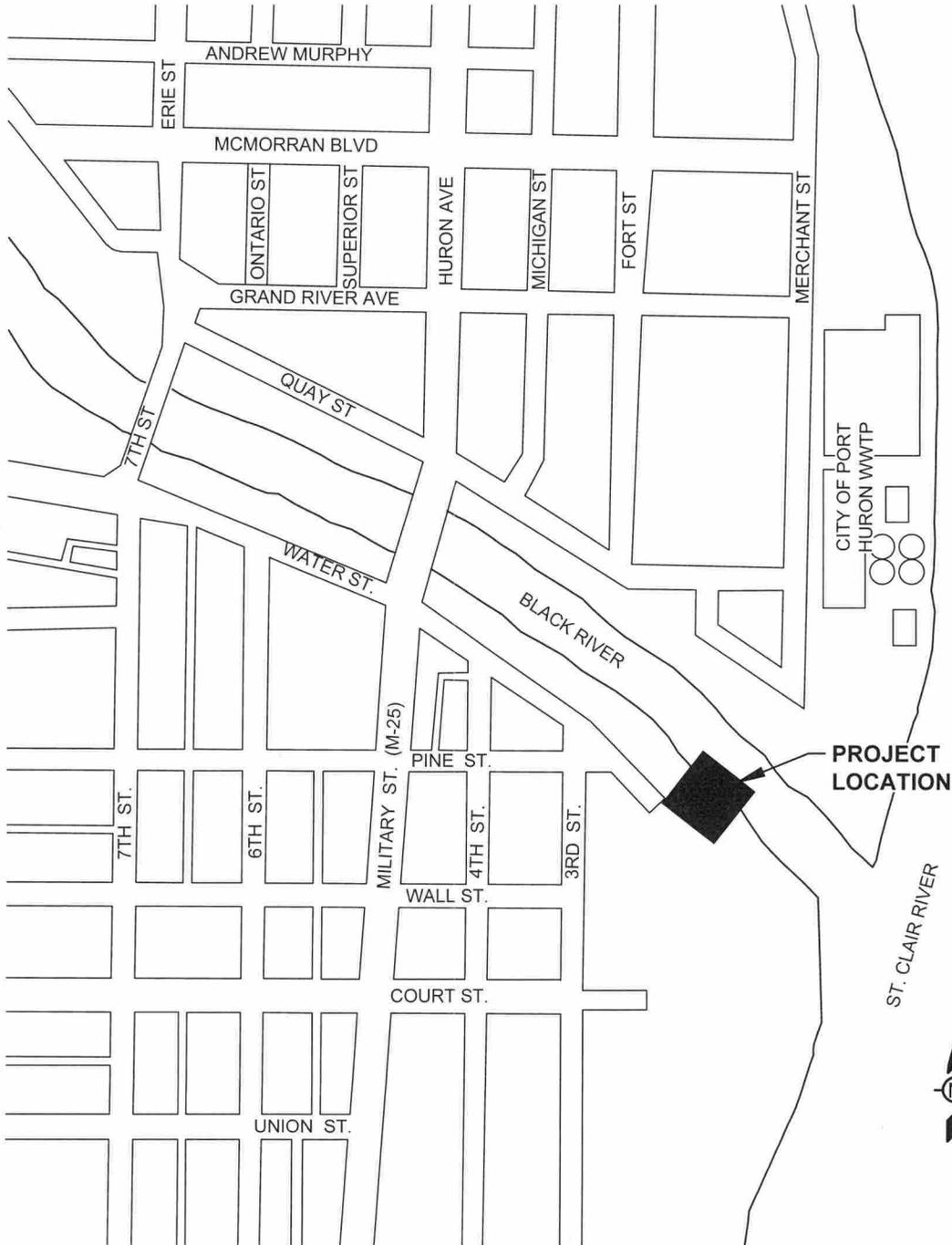


Project Location



File no. LRE-2013-00070-S13
Acheson Ventures-Black River Lookout Point
By: Acheson Ventures, LLC (Michael DeLong)
Black River, Port Huron, St. Clair County, Michigan
Sheet 1 of 4
2/2013

FILE: P:\IER\12930\200-12930-13001\CAD\SURVEY\DWG\IV-XP-AV RR BRIDGE.DWG DATE: 1/29/2013



File no. LRE-2013-00070-S13
Acheson Ventures-Black River Lookout Point
By: Acheson Ventures, LLC (Michael DeLong)
Black River, Port Huron, St. Clair County, Michigan
Sheet 2 of 4
2/2013



www.tetrattech.com

1005 RIVER STREET, SUITE 1
 PORT HURON, MICHIGAN 48060
 PH: (810) 956-9300

REVISED 1-31-2013 TO
 INDICATE CHANNEL LIMITS

* PROPOSED/EXISTING RAILING AND BENCHES

RAILROAD BRIDGE LANDING

APPLICANT: ACHESON VENTURES
 ACTIVITY: RAILROAD BRIDGE LANDING*
 WATER BODY: BLACK RIVER
 CITY: PORT HURON
 COUNTY: ST. CLAIR
 TRS: T06N, R17E, SECTION 11
 DRAWING 1 OF 3 DATE: 01/04/2013

RAILROAD BRIDGE LANDING

APPLICANT: ACHESON VENTURES
 ACTIVITY: RAILROAD BRIDGE LANDING*
 WATER BODY: BLACK RIVER
 CITY: PORT HURON
 COUNTY: ST. CLAIR
 TRS: T06N, R17E, SECTION 11
 DRAWING 2 OF 3 DATE: 01/04/2013

74-06-687-0045-000
 110 QUAY ST.
 95 MERCHANT ST.

74-06-687-0045-100
 100 QUAY ST.

REVISE 31-2013 TO
 INDICATE CHANNEL LIMITS

74-06-687-0005-000
 75 QUAY ST.



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 1005 RIVER STREET, SUITE 1
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BENCHMARK #156 -

CGS DISK STAMPED "Z43 1934" SET IN BRIDGE
 ABUTMENT (NGS PID NE0088). ELEV. 586.99 IGLD



NOTE:

ALL SOUNDINGS SHOWN ON THIS PLAN
 ARE RELATIVE TO LOW WATER DATUM
 (LWD) ELEVATION 576.20 (IGLD85)

* PROPOSED/EXISTING RAILING AND BENCHES

SOUTH CHANNEL LIMITS

Federal Navigation Channel Limits

BLACK RIVER
FLOW

CENTERLINE OF CHANNEL

74-06-402-0014-100
 101 WATER ST.

BM #156
 N 542905.88
 E 13944180.59
 ELEV 586.99

APPROXIMATE WATER SURFACE
 ELEV. 574.45 (IGLD 85) 12/10/2012

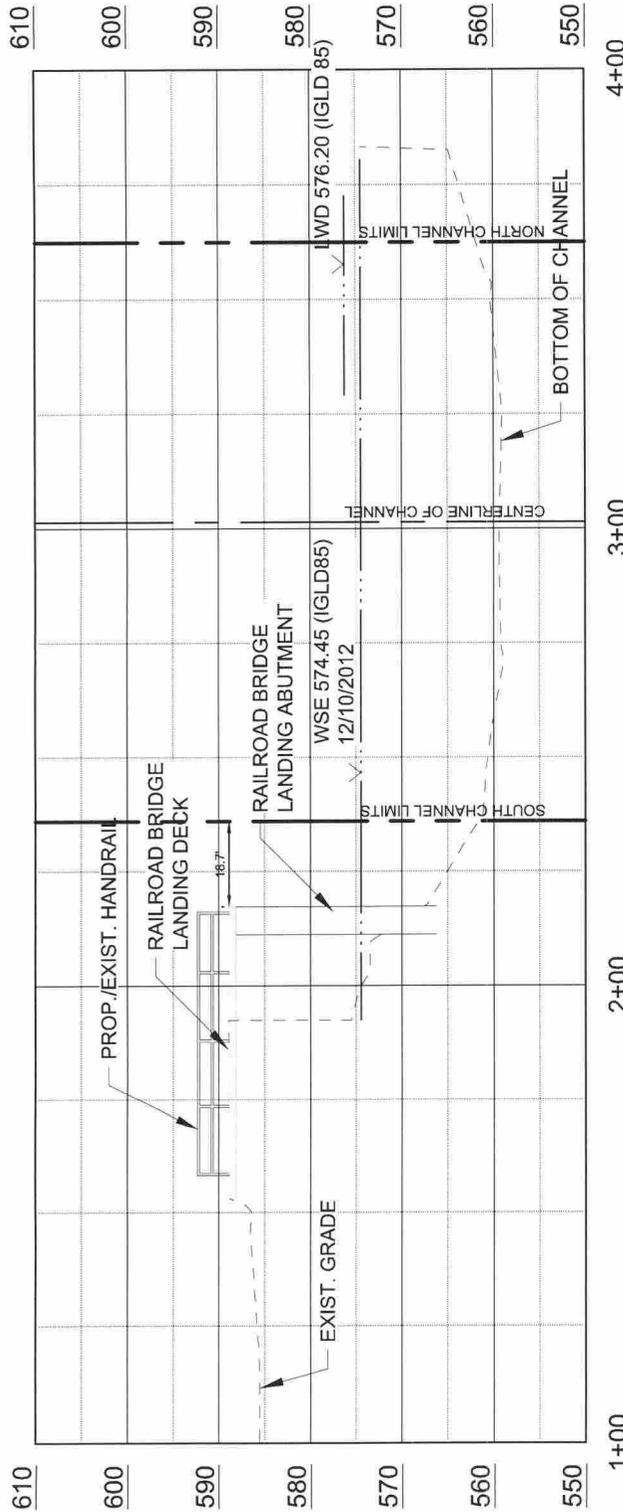
74-06-407-0015-200
 WATER ST.

74-06-407-0015-300
 35 WATER ST.

LWD elevation contour: 576.2 IGLD 85
 OHWM elevation contour: 530.3 IGLD 85

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Black River, Port Huron, St. Clair County, Michigan
 Sheet 3 of 4 2/2013

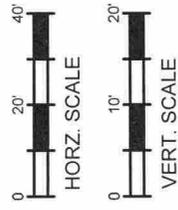
FILE: P:\IER\12930\200-12930-13001\CAD\SURVEY\DWG\XP-AV RR BRIDGE.DWG DATE: 1/29/2013



A
SECTION
2

* PROPOSED/EXISTING RAILING AND BENCHES

LWD elevation contour: 576.2 IGLD 85
OHWM elevation contour: 530.3 IGLD 85



RAILROAD BRIDGE LANDING

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BENCHMARK #156 -
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