



US Army Corps  
of Engineers

**Detroit District**

# Public Notice

Applicant: Indiana Michigan Power Company

In Reply Refer To: Corps File No. LRE-2010-00092-61-S11

Date: February 13, 2012

Expires: March 3, 2012

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## **Proposed Dredging, Discharge of Fill Material, Piers, and Fish Habitat Structures in the Keweenaw Waterway at Ripley, Michigan**

**Applicant:** Tom Webb, Indiana Michigan Power Company, 1 Riverside Plaza, Floor 20  
Columbus, OH 43215

**Project Location:** The site is located in the Keweenaw Waterway at 48910 Arcadian Street,  
Ripley, Houghton County, Michigan (Section 36, Township 55 North, Range 34 West).

**Federal Authority:** The applicant has applied for a Department of the Army permit under  
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. 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 to dredge a  
maximum of 27, 500 cubic yards of sediment by mechanical means, using a barge-mounted  
environmental clamshell or environmental bucket, from a 5.75 acre area (average dimensions are  
645' x 420') in the Keweenaw Waterway. The sediments contain Non-Aqueous Phase Liquids  
as result of the historic operation of a Manufactured Gas Plant (MGP) at the site. Dredge depths  
would vary across the site; the maximum proposed dredge depth is 15', to a bottom elevation of  
551.5', IGLD 1985 (49.6' below Low Water Datum, 601.1', IGLD 1985). A double sediment  
curtain, with oil absorbent boom, and navigation buoys and lighting, would be installed  
immediately adjacent to the outer dredge perimeter prior to dredging and would remain in place  
until the project is complete. Dredging would begin in the near-shore area and continue to the  
south project limits. Dredging would begin in May 2012, and the project would be completed in  
approximately six months. Dredge spoils would be transported to shore via sealed-container  
barge, and off-loaded for gravity dewatering onsite. Dewatering effluent would be pumped to  
holding tanks. Off-site wastewater treatment at the Portage Lake Water and Sewage Authority is  
proposed. Dewatered spoils would be transported to a licensed landfill for disposal. Post-dredge

sediment samples would confirm that contaminated sediment removal was complete prior to backfilling.

Once dredging is complete, the dredged area would be backfilled with 5100 cubic yards of clean sand from an upland source, to a maximum depth of 0.5'. 2500 cubic yards of rock riprap shore protection would be placed along 590' lineal feet of shoreline, to a depth of 2.3'. The toe of the riprap would not extend below 578.0', IGLD 1985.

The applicant also proposes to use a hydraulic excavator or crane to remove 6 existing wooden piers and associated pilings, a maximum of 90 additional wooden pilings, and an existing boathouse, prior to dredging. Contaminated material would be disposed of at a licensed landfill. The applicant would install two U-shaped wooden piers, each with 17 support pilings and the following dimensions: a 26' x 8' transverse section with (2) 20' x 8' finger piers located 10' apart, extending a maximum of 28' offshore.

If necessary to facilitate loading and off-loading, a 75' long temporary sheet steel bulkhead would be constructed a maximum of 2' waterward of an existing wood bulkhead, on the west side of the site. A 75' temporary transverse pier of wood mats would be placed on the sheet steel bulkhead, extending 5' waterward of the existing wood bulkhead. The pier and sheet steel bulkhead would be removed when the project was complete.

2 temporary chain link fences would extend to approximately 600.0', IGLD 1985, along the east and west property lines of the former MGP site, to prevent unauthorized site access during the project. The portions of the fences waterward of the Ordinary High Water Mark would be removed when the project was complete.

8 root wads would be placed in each of 2 locations between the final contours of 590.0' IGLD 1985, and 580.0' IGLD, 1985, as structural habitat replacement. The root wads would be grouped together at each location, and cabled or chained to concrete anchor weights.

5 lighted buoys would be temporarily installed at the perimeter of an existing area of submerged vessel remains, located immediately west of the proposed project limits, as a protective measure.

The applicant proposes the following as additional public health protective measures: on-site spill response and sedimentation sheen response supplies, asbestos and lead paint surveys on the boathouse prior to removal, odor and dust control, ambient perimeter air quality monitoring, and equipment decontamination.

The purpose of the work is to remove contaminated sediments.

**Avoidance & Minimization:** The applicant has stated the following concerning avoidance and minimization to Waters of the United States: Impact minimization measures are described in the Project Description above. 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:

The applicant proposes to provide mitigation on-site in the form of 200 square feet of root balls to be placed at two near shore locations as habitat restoration.

The Corps has not verified the adequacy of this mitigation proposal at this time.

**Other Authorizations:**

A permit 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 11-31-0070-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-2010-00092-61-S11. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with: Charles M. Simon, Chief, Permit Evaluation Western Branch, Regulatory Office, Detroit District, Corps of Engineers, 477 Michigan Avenue, Detroit, Michigan 48226-2550. Comments may be e-mailed to: Jean.M.Battle2@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 impact of the proposed activity on the public interest. This 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. The applicant has identified the submerged remains of vessels adjacent to the proposed project area. These remains may be eligible 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, and other parties likely to have knowledge of or concerns with historic properties in the area.

**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 Jean Battle at the Corps of Engineers address listed above, or telephone number 906-228-2833.

FOR THE DISTRICT ENGINEER:

Charles M. Simon  
Chief, Permit Evaluation Western Branch  
Regulatory Office

NOTICE TO POSTMASTERS:

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

MEMORANDUM THRU Regulatory Office - Administrative

FOR Reproduction (if necessary)

SUBJECT: Public Notice Reproduction/Mailing Request  
File No. LRE-2010-00092-61-S11 Applicant: Tom Webb

Please copy and mail the enclosed public notice according to the information below.  
Return originals and 3 copies. Date Required: February 13, 2012

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All-Michigan - 200  
All-District - 900

ZIP CODE of the Project Site: \_49930\_\_

Houghton County, Michigan

If you have questions, contact Jean Battle at 906-228-2833

Charles M. Simon  
Chief, Permit Evaluation Western Branch  
Regulatory Office