



US Army Corps  
of Engineers

**Detroit District**

# Public Notice

Applicant: Thomas Mullen

In Reply Refer To: Corps File No. 96-032-008-2

Date: October 5, 2004

Expires: October 25, 2004

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## **EXISTING SEASONAL PIER AND HOISTS IN BURT LAKE AT BURT LAKE, MICHIGAN**

**Applicant:** Thomas Mullen, 47689 East Anchor Court, Plymouth, MI, 48170

**Project Location:** in Burt Lake, Section 16, Township 35N, Range 3W, Burt Lake, Cheboygan County, Michigan. The site is located at 2417 Resort Road.

**Federal Authority:** The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899.

**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 seeks authorization for an existing 98 ft long by 58 ft wide seasonal pier complex with 1 boat hoist, 4 jet ski hoists (2 double and 2 single) and 3 finger piers.

The work described herein has been installed without benefit of a Department of the Army permit. The application is being processed pursuant to appropriate Department of the Army regulations. The District Engineer reserves the right to order the removal of work placed without benefit of a Department of the Army permit if he deems the public interest so requires.

**Other Authorizations:** The applicant has not indicated that he has received or requested any other governmental authorization.

**Comments:** We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330. 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 96-032-008-2. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

a. Wally Gauthier, Chief, Permit Evaluation Branch B, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Edward.J.Arthur@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 an evaluation of the probable impact of the proposed activity on the public interest. These decisions 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:** 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 proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded 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.

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**Additional Information:** Questions concerning this application may be directed to Edward J. Arthur at the Corps of Engineers address listed above, or telephone number (906) 635-3461.

FOR THE DISTRICT ENGINEER:

Wally Gauthier  
Chief, Permit Evaluation Branch B  
Regulatory Office

NOTICE TO POSTMASTERS:

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