



US Army Corps  
of Engineers

**Detroit District**

# Public Notice

## **REISSUANCE OF REGIONAL GENERAL PERMIT FOR MINOR WORK, STRUCTURES AND DISCHARGES OF DREDGED AND FILL MATERIAL IN MICHIGAN**

Applicant: The Public

In Reply Refer To: Corps File No. LRE-1990-2000050-S16

Issued: June 30, 2017

Expires: June 30, 2022

---

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 Detroit District (Corps) has reissued the Regional Permit (RP) 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. One new category has been added for access steps and stairways. 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, and would occur in the prescribed environmental settings set forth in the terms and conditions.
3. In response to our 14 November 2016 Public Notice, the Michigan Department of Environmental Quality (MDEQ) made a final determination on Section 401 Water Quality Certification (WQC) and Coastal Zone Management Act (CZMA) consistency for the reissuance of the Regional Permit. MDEQ granted WQC/CZMA consistency for RP categories C, E, R, S, T, U, W, and Y without conditions. MDEQ granted WQC/CZMA consistency for RP categories A, B, D, F, G, I, L, M, O, V, and X with conditions. MDEQ granted WQC/CZMA consistency for RP categories H, J, K, N, P, and Q on the condition that the MDEQ has issued a permit for the regulated activities.

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

- A. Docks - Permanent and Seasonal
- B. Spring Piles/Pile Clusters
- C. Marine Railways
- D. Seawalls and Backfill
- E. Public Beach Grooming
- F. Individual 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 Residential Properties
- M. Temporary Cofferdams and Caissons
- 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
- S. Leveling of Sand
- T. Grooming of Sand
- U. Sand Paths
- V. Boardwalks
- W. Annual Dredging
- X. Rip-rap/Revetment
- Y. Access Steps/Stairways (New)

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.

5. 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. Docks – Permanent and Seasonal**

- 1) The dock shall be of reasonable length and in accord with existing dock lengths in the vicinity.
- 2) The dock allows for the flowage of littoral materials and water to preclude detrimental impacts on adjacent properties and to the environment.
- 3) Dock structures would not cause the total number of watercraft accommodated on the lot to exceed four (4), including other existing and/or proposed moorage structures on the lot.
- 4) The dock must be constructed of non-contaminated materials.
- 5) The dock may not extend into a waterway beyond a length that would allow for a dock of similar length on the opposite shore to be constructed and still maintain a fairway width of 1.5 times its length.
- 6) The dock may include flared or deck segments, provided that the deck does not extend from the shoreline and does not comprise more than 144 square feet (not including the portion that would otherwise be included in the full length of the narrow dock).

MDEQ Water Quality Certification/CZMA Consistency for RP A: MDEQ granted certification based on the following conditions:

- (a) The dock may not include flared or deck segments OR the MDEQ has issued a permit for the regulated activities.
- (b) Structures shall not adversely impact navigation.

**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 piles/pile clusters shall be constructed of non-contaminated materials.
- 3) The piling(s) would not cause the total number of watercraft accommodated on the lot to exceed four (4), including other existing and/or proposed moorage structures on the lot.

MDEQ Water Quality Certification/CZMA Consistency for RP B: MDEQ granted certification based on the following conditions:

- (a) Structures shall not adversely impact navigation.

**C. Marine Railways**

- 1) Marine railways must be for private (non-commercial) use.
- 2) One (1) railway structure per lot is allowed.

LRE-1990-2000050-S16

- 3) The railway is of reasonable length and consistent with the lengths of other similar structures in the vicinity.
- 4) The railway must be seasonal and that portion waterward of the Corps of Engineers Ordinary High Water Mark (OHWM) 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 a launched position.

MDEQ Water Quality Certification/CZMA Consistency for RP C: MDEQ granted certification without conditions.

#### **D. Seawalls and Backfill**

- 1) The proposed seawall shall be justified based on a demonstrated need for erosion protection, watercraft mooring and/or replacement of an existing seawall.
- 2) Seawalls shall be constructed of non-contaminated materials.
- 3) Seawalls shall extend no further waterward than the average annual high water elevation in IGLD 85 (602.1 feet in Lake Superior, 579.3 feet in Lakes Huron and Michigan, 574.7 feet in Lake St. Clair, 571.9 feet in Lake Erie). Exceptions will be permitted for:
  - a. Replacement seawalls are placed within 1 foot of an existing seawall provided the area shoreward of the existing seawall is not a wetland. The term "placed within 1 foot" in the preceding sentence is defined as no more than 1 foot from the waterward face of the existing seawall to the waterward face of the replacement seawall along the entire length of the existing seawall.
  - b. Minimal connections between all existing/proposed seawall segments.
  - c. Straight-line seawalls connecting with existing seawalls on adjacent riparian properties within a canal system where 75% or more of the lots on the canal are already protected by a seawall.
- 4) Backfill herein is defined as either:
  - a. TYPE A (quarry stone, fieldstone, broken concrete with no exposed reinforcing bars).
  - b. TYPE B (uncontaminated granular fill, clean commercial soil, clay or dredged material) obtained from an area greater than 6 feet deep relative to the average annual low water elevation in IGLD 85 (601.1 feet in Lake Superior, 578.3 feet in Lakes Huron and Michigan, 573.4 feet in Lake St. Clair, 570.8 feet in Lake Erie). Applicants may be required to prove that the material is not contaminated.
- 5) The quantity of the backfill placed below the horizontal plane of the Corps of Engineers OHWM shall not exceed an average of 2 cubic yards per linear foot of placement.
- 6) Only TYPE A backfill may be placed exposed behind a permeable seawall. Either TYPE A or TYPE B backfill may be placed behind an impermeable seawall. TYPE

LRE-1990-2000050-S16

B may be placed behind a semi-permeable seawall design (i.e., with a filter cloth liner).

7) No backfill or seawall may be placed in a wetland area.

MDEQ Water Quality Certification/CZMA Consistency for RP D: MDEQ granted certification based on the following conditions:

- (a) This category can only be used for maintenance or replacement of existing serviceable seawalls.
- (b) Replacement seawall is limited to 200 linear feet or less in total length.
- (c) Only one permit under this category may be granted per 5-year period.
- (d) The MDEQ has issued a permit for placement of new seawalls.

### **E. Public Beach Grooming**

- 1) The beach has been designated by a federal, state, county, city, or other municipality, as a public swimming area.
- 2) The area proposed for grooming is landward of the existing water's edge at the time the work is performed.
- 3) Vegetation within the area proposed for grooming is non-existent, very sparse, or consists predominantly of plant species not typically adapted to wetland conditions.
- 4) The beach has been maintained in previous years so as not to have reverted to a primarily wetland condition and the material in the area proposed for grooming is primarily sand.
- 5) A site inspection has been performed by U.S. Army Corps of Engineers regulatory personnel to verify site conditions or if possible, the applicant may provide dated site photographs clearly indicating the conditions of the entire work area. This may be accepted in lieu of a site inspection by the U.S. Army Corps of Engineers.
- 6) The work may be performed in the authorized grooming area as often as necessary to maintain the beach.

MDEQ Water Quality Certification/CZMA Consistency for RP E: MDEQ granted certification without conditions.

### **F. Individual Dredging**

- 1) Quantity of material is limited to 300 cubic yards maximum per lot.
- 2) No dredging of a wetland area is allowed.
- 3) Dredging may only be conducted where it is necessary for docking, navigation, and maintenance work for supply intakes or outfall structures. 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., greater than 6 feet deep relative to the annual low water elevation in IGLD 85 (601.1 feet in Lake Superior, 578.3 feet in Lakes Huron and Michigan, 573.4 feet in Lake St. Clair, 570.8 feet in Lake Erie)) or
  - b. The dredged material is to be used for backfill behind a replacement seawall within 1 foot of an existing seawall.
- 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 is allowed unless the spoils and carriage water are disposed directly into a Corps of Engineers Confined Disposal Facility (CDF), a previously authorized beach nourishment area, an upland area, or commercial geotextile disposal tube(s). This permit authorizes the return water from the hydraulic dredge work or disposal in a previously authorized beach nourishment area.
  - 6) If there is reason to believe that the material is contaminated, the applicant must provide sediment testing data to demonstrate that the material is not contaminated, unless the Michigan Department of Environmental Quality (MDEQ) has issued a permit for the regulated activities.
  - 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 do 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, must be installed every 25 feet along the top line of the silt curtain.
  - 8) The removal of rocks for a beach or wading areas, or for use as shore protection or groin construction, is not authorized under this Regional Permit.
  - 9) Dredging will be performed during MDEQ preferred dredging windows except when the Michigan Department of Natural Resources (MDNR) - Fisheries Division has waived the window or when MDEQ has issued a permit without restricting dredging activities to these periods.

MDEQ Water Quality Certification/CZMA Consistency for RP F: MDEQ granted certification based on the following conditions:

LRE-1990-2000050-S16

- (a) For all Section 10 Waters, dredging shall be a maximum of 300 cubic yards OR the MDEQ has issued a permit for the regulated activities.
- (b) For Part 301 non-Section 10 waters, dredging shall be a maximum of 25 cubic yards and 1,000 square feet OR the MDEQ has issued a permit for the regulated activities.

### **G. Boat Hoists**

- 1) Boat hoist(s) may be either open or temporarily covered, but shall not be enclosed or include sidewalls.
- 2) Boat hoists(s) are not for commercial purposes.
- 3) For in-water hoists, the hoist would not extend into a 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 extension of the hoist.
- 4) The proposed hoist(s) would not cause the total number of watercraft accommodated on the lot to exceed four (4), including other existing and/or proposed moorage structures on the lot.

MDEQ Water Quality Certification/CZMA Consistency for RP G: MDEQ granted certification based on the following conditions:

- (a) The structure shall not have permanent covers. Temporary covers made of canvas or fabric can be included.
- (b) The length from the shoreline or the size of the proposed structure shall not be greater than the length or size of similar structures in the vicinity and on the waterbody.

### **H. Boat Wells**

- 1) The length of seawall required to protect the interior of the boat well shall be limited to 100 feet.
- 2) Excavation of the boat well must be conducted in the dry and placement of the seawall lining in the shoreward area must be completed, to the maximum extent practicable, prior to connecting the boat well to the surrounding waters.
- 3) The proposed boat well would not cause the total number of watercraft accommodated on the lot to exceed four (4), including other existing and/or proposed moorage structures on the lot.
- 4) Construction, expansion, and/or reconfiguration of boat wells are 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.
- 5) Boat wells may not be constructed in wetland areas.
- 6) The boat well may be constructed with an open-sided rooftop or cover, but shall not be enclosed or include sidewalls.

LRE-1990-2000050-S16

MDEQ Water Quality Certification/CZMA Consistency for RP H: MDEQ granted certification based on the following conditions:

(a) The MDEQ has issued a permit for the regulated activities.

**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 and fill discharges are limited to that which is necessary to accommodate expansion, renovation, and/or maintenance of the existing ramp
- 3) The proposed changes in the ramp cannot be associated with a change in use, such as from private to commercial use.

MDEQ Water Quality Certification/CZMA Consistency for RP I: MDEQ granted certification based on the following conditions:

- (a) Expansion of private or commercial ramps is not permitted.
- (b) Dredge and fill volumes are limited to 25 cubic yards each.

**J. Groins**

- 1) The proposed groin does 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 feet in Lake Superior, 580 feet in Lakes Michigan and Huron, 575 feet in Lake St. Clair, and 572 feet in Lake Erie. Groin construction using a step system is an acceptable design.
- 3) The proposed groin is constructed a minimum distance equal to the groin's length from either property line.
- 4) The groin does not extend from existing structures already protruding into the water.

MDEQ Water Quality Certification/CZMA Consistency for RP J: MDEQ granted certification based on the following condition:

(a) The MDEQ has issued a permit for the regulated activities.

**K. Submerged Utility Line Crossings**

- 1) Utility lines placed across the channel of an authorized Federal navigation project must be embedded at least 6 feet below the authorized Federal channel depth. Existing and proposed elevation information on precise plan and section scale drawings must be provided. Within sixty (60) days after construction, an as-built survey must be provided indicating the points of entry and exit of the installation.

- 2) Uncontaminated gravel, rock or other non-erosive material is proposed as backfill or bedding in utility line trenches. In wetlands, the top 6 to 12 inches of the trench should generally be backfilled with topsoil from the trench. The trench shall not be backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect).
- 3) If the material resulting from trench excavation is proposed for temporary sidecasting into waters of the United States, it would not remain for more than three (3) 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 United States 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 has been 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.

MDEQ Water Quality Certification/CZMA Consistency for RP K: MDEQ granted certification based on the following condition:

- (a) The MDEQ has issued a permit for the regulated activities.

#### **L. Water Intakes for Residential Properties**

- 1) Intake lines shall be no larger than 2 inches 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 must 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.
- 4) Intake lines shall be for waterfront parcels.

MDEQ Water Quality Certification/CZMA Consistency for RP L: MDEQ granted certification based on the following condition:

- (a) This category shall apply to single family private residential waterfront parcels only.

**M. Temporary Cofferdams and Caissons**

- 1) Cofferdams or caissons shall be constructed of clean materials (i.e., steel, wood, broken concrete with no exposed reinforcing bars, stone, granular fill, etc.). Clay may be used internally, provided that adequate protection against suspension of particles in the surrounding water column is included in the design. Dredged material must 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 the application drawings.
- 3) Construction shall be performed in a manner that 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 shall be removed from the waterway to an upland site, and the waterway returned to its pre-construction or design condition within sixty (60) days from the date on which cofferdam construction commences.

MDEQ Water Quality Certification/CZMA Consistency for RP M: MDEQ granted certification based on the following condition:

- (a) Temporary fill impacts shall not exceed a maximum of 1,000 square feet and the placement of no more than 25 cubic yards of fill material.

**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 does not include emergent stands of wetland vegetation such as cattail, bulrush, wild rice, American lotus, 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.

LRE-1990-2000050-S16

MDEQ Water Quality Certification/CZMA Consistency for RP N: MDEQ granted certification based on the following condition:

(a) The MDEQ has issued a permit for the regulated activities.

**O. Removal of Structures**

1) The applicant has provided a detailed description of the sequence of work, type of equipment to be used, and the final disposal site or method for all removed materials. The work must meet the minimal impact threshold.

MDEQ Water Quality Certification/CZMA Consistency for RP O: MDEQ granted certification based on the following conditions:

(a) This category does not include man-made dams, weirs, or other man-made water level control structures

(b) This category does not include abandoned property regulated under Part 761, Aboriginal Records and Antiquities, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

**P. Boat Well Fill**

- 1) The boat well was originally constructed from dry land.
- 2) The fill material may be quarry stone, fieldstone, broken concrete with no exposed reinforcing bars, or uncontaminated granular fill, clay or dredged material.
- 3) Prior to filling the boat well, shoreline stabilization authorized by this permit shall be installed across the boat well frontage for adequate containment of the fill material. If this is not practicable due to the stabilization method (i.e., bioengineering), the use of a silt curtain in the water column around the work area is required.
- 4) No wetlands exist within the proposed fill area.

MDEQ Water Quality Certification/CZMA Consistency for RP P: MDEQ granted certification based on the following condition:

(a) The MDEQ has issued a permit for the regulated activities.

**Q. Aeration Systems**

- 1) Systems may be installed in private boat wells, within commercial or municipal marinas, and in designated public swimming areas.
- 2) Systems may be installed along the lakebed or on the water surface in a manner that does not constitute a hazard to navigation. In designated public swimming areas, buoys shall be placed to demarcate the swimming areas.
- 3) Distribution pipes shall be no larger than 2 inches in diameter.

LRE-1990-2000050-S16

- 4) Aeration systems installed in designated public swimming areas shall be seasonal and only used during the May 1<sup>st</sup> through September 31<sup>st</sup> ice free swimming period.

MDEQ Water Quality Certification/CZMA Consistency for RP Q: MDEQ granted certification based on the following condition:

- (a) The MDEQ has issued a permit for the regulated activities.

#### **R. Mooring Whips**

- 1) The proposed mooring whips would not cause the total number of watercraft accommodated on the lot to exceed four (4), including other existing and/or proposed moorage structures on the lot.
- 2) The mooring whips shall have a design capacity to accommodate watercraft with a beam no larger than would extend into the waterway beyond a point that would allow for a watercraft with a similar beam on the opposite shore and still maintain a fairway width of 1.5 times the beam extension.

MDEQ Water Quality Certification/CZMA Consistency for RP R: MDEQ granted certification without conditions.

#### **S. Leveling of Sand**

- 1) The area from which the sand will be relocated and the area proposed for discharge of the sand must be a non-vegetated area that under normal circumstances vegetation is non-existent, very sparse, or consists predominantly of plants not typically adapted to wetland conditions.
- 2) No work is authorized waterward of the existing water's edge at the time the work is performed.
- 3) The area proposed for work is composed of unconsolidated and unstable sand that is constantly shifting due to wind and wave forces and provides little habitat for aquatic and/or upland species.
- 4) The amount of sand to be relocated is limited to 2 cubic yards of sand per linear foot of the applicant's frontage. The work may be performed in the area authorized as often as necessary.
- 5) A site inspection has been performed by U.S. Army Corps of Engineers regulatory personnel to verify site conditions or if possible, the applicant may provide dated site photographs clearly indicating the conditions of the entire work area. This may be accepted in lieu of a site inspection by the U.S. Army Corps of Engineers.

MDEQ Water Quality Certification/CZMA Consistency for RP S: MDEQ granted certification without conditions.

**T. Grooming of Sand**

- 1) The grooming area must be a non-vegetated area that under normal circumstances vegetation is non-existent, very sparse, or consists predominantly of plants not typically adapted to wetland conditions.
- 2) No work is authorized waterward of the existing water's edge at the time the work is performed.
- 3) The sand to be disturbed by raking, dragging, or pulling may not exceed 4 inches below the surface. The work may be performed in the authorized grooming area as often as necessary.
- 4) All collected debris must be disposed of in an upland area landward of the Corps of Engineers OHWM and outside of any wetland.
- 5) A site inspection has been performed by U.S. Army Corps of Engineers regulatory personnel to verify site conditions or if possible, the applicant may provide dated site photographs clearly indicating the conditions of the entire work area. This may be accepted in lieu of a site inspection by the U.S. Army Corps of Engineers.

MDEQ Water Quality Certification/CZMA Consistency for RP T: MDEQ granted certification without conditions.

**U. Sand Paths**

- 1) Construction is limited to one (1) path per individual private property, not to exceed 6 feet in bottom width.
- 2) Adjoining property owners are authorized to share one (1) path, not to exceed 12 feet in bottom width and located in such a manner as to avoid and minimize adverse impacts to natural resources.
- 3) Path construction for a public access area or commercial property is limited to one (1) path per 200 feet (width) of property, not to exceed 10 feet in bottom width.
- 4) The discharge material is native or uncontaminated sand and/or rock. No more than 25 cubic yards of material can be obtained (dredged) from unvegetated areas waterward of the Corps of Engineers OHWM.
- 5) The area proposed for discharge of the sand may occur on exposed lakebeds free of vegetation or areas that include vegetation typically adapted to wetland conditions, provided the conditional width restrictions are met.

MDEQ Water Quality Certification/CZMA Consistency for RP U: MDEQ granted certification without conditions.

## **V. Boardwalks**

- 1) The width shall be no more than 6 feet.
- 2) The base height, materials, and supports shall not restrict natural drainage patterns.
- 3) The boardwalk must be constructed of non-contaminated materials.
- 4) Boardwalks must be of reasonable length necessary to cross swales and wetlands for the basic purpose of providing direct access to a specific point on the shore or to the water's edge.

MDEQ Water Quality Certification/CZMA Consistency for RP V: MDEQ granted certification based on the following conditions:

- (a) This category shall apply to regulated wetland areas only, and shall be limited to a maximum cumulative length of 500 feet.
- (b) The construction of boardwalks contouring the shoreline are not included in this authorization.

## **W. Annual Dredging**

- 1) Dredging, excavation, and removal of up to 1,000 cubic yards of material annually over a 5-year period for a total of 5,000 cubic yards of accumulated sediment for the maintenance of previously authorized marina basins, access channels to marina basins and associated boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less. The dredged material must be disposed of at an upland site or a previously authorized beach nourishment area. Proper siltation controls must be used.
- 2) No dredging of a wetland area will be allowed.
- 3) No new work areas are established.
- 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 is allowed unless the spoils and carriage water are disposed of directly in a Corps of Engineers Confined Disposal Facility (CDF), previously authorized beach nourishment area, upland area, or commercial geotextile disposal tube (s). This permit would authorize the return water from the hydraulic dredge work or disposal in a previously authorized beach nourishment area.
- 6) If there is reason to believe that the material is contaminated, the applicant must provide sediment testing data to demonstrate that the material is not contaminated, unless the MDEQ has issued a permit for the regulated activities.
- 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 specifications, floatation mechanisms(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 feet along the top line of the silt curtain.
- 8) Dredging will be performed during MDEQ preferred dredging windows except when the MDNR Fisheries Division has waived the window or when MDEQ has issued a permit without restricting dredging activities to these periods.

MDEQ Water Quality Certification/CZMA Consistency for RP W: MDEQ granted certification without conditions.

#### **X. Riprap and Revetment**

- 1) The placement of riprap along the shoreline or as toe protection along seawalls shall extend no more than 300 feet in length. Discharges of natural rock, field stone or quarried limestone are preferred in areas where appropriate. If broken concrete is utilized, it must be free of external rebar.
- 2) The placement of riprap relative to the Corps of Engineers OHWM shall extend no more than 5 feet waterward of the elevation contour of the OHWM and shall be placed at a slope no steeper than a 1:1.5 ratio (vertical to horizontal).
- 3) No material is placed in any special aquatic site, including wetlands.
- 4) No material is of the type, or is placed in any location, or in any manner so as to impair surface water flow into or out of any wetland area.
- 5) No material is placed in a manner that will be eroded by normal or expected high flows.

MDEQ Water Quality Certification/CZMA Consistency for RP X: MDEQ granted certification based on the following condition:

- (a) The placement of riprap does not exceed 300 linear feet of shoreline and extend more than 5 feet below the ordinary high water mark. The riprap shall be placed at a 1-on-2 slope (e.g. 1 foot vertical to 2 feet horizontal) or gentler.

**Y. Access Steps/Stairways**

- 1) Steps/stairs must be constructed of non-contaminated materials.
- 2) Steps/stairs shall be no wider than 4 feet on residential lots.
- 3) Landing areas shall not comprise more than 16 square feet.
- 4) Steps/stairs constructed in wetlands or areas that would include vegetation typically adapted to wetland conditions under normal circumstances shall be constructed on pilings.
- 5) Ladders attached to the waterward face of seawalls may be authorized.

MDEQ Water Quality Certification/CZMA Consistency for RP Y: MDEQ granted certification without conditions.

6. 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 (NHPA) of 1966 and the Archaeological and Historic Preservation Act of 1974 are not authorized, unless the requirements of Section 106 of the NHPA have been satisfied.

b. Environmental Areas designated under Part 323, Shorelands Protection and Management; Critical Dune Areas designated under Part 353, Sand Dunes Protection and Management; Rivers and streams designated under Part 305, Natural Rivers; and areas dedicated or designated under Part 351, Wilderness and Natural Areas – all under the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, unless the MDEQ has issued a permit for the regulated activity.

c. Activities which would affect Federally listed endangered, threatened, proposed species, or critical habitats are not authorized, unless Section 7 consultation addressing the effects of the proposed activity have been completed.

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; unless the appropriate Federal agency with direct management responsibility for such areas, has determined in writing that the proposed activity would have no adverse effects.

e. Wetland areas designated as unsuitable for discharge under the U.S. Environmental Protection Agency's Advanced Identification Program.

f. Activities requiring permission from the Corps pursuant to 33 USC 408 (Section 408). Work that may alter or temporarily or permanently occupy or use, any U.S. Army Corps of Engineers federally authorized civil works project and/or Corps property requires Section 408 permission. An activity that requires Section 408 permission is not authorized by the Regional Permit until the appropriate Corps office issues the Section 408 permission, and the District Engineer issues a written Regional Permit verification.

7. No activity may cause more than a minimal effect on navigation.

LRE-1990-2000050-S16

8. 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 Michigan Department of Environmental Quality (MDEQ) in Lansing, Michigan.

9. DURATION: This Regional Permit would be in force and effect for a period of five (5) years, through the 30th day of June, 2022, with policies subject to reconsideration at any time.

10. A Federal authorization issued under this Regional Permit would not be valid until all required State and local authorizations have been received.

11. This office would reserve the right to evaluate an individual permit for any proposed activity that would normally qualify under this Regional Permit.

12. 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.

13. 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 impacts to the aquatic ecosystem.

LRE-1990-2000050-S16

14. Questions concerning this Regional Permit may be directed to Kristi DeFoe, Project Manager, at the Detroit District, U.S. Army Corps of Engineers, telephone number 313-226-7718, or e-mail: [kristi.m.defoe@usace.army.mil](mailto:kristi.m.defoe@usace.army.mil).

FOR THE DISTRICT ENGINEER:

Charles M. Simon  
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 OF TERMS:

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.

Boardwalk: A wooden walkway to serve as a path through and/or across saturated or inundated areas.

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

Contaminated Materials: Materials containing or coated with a contaminant. Contaminant means a chemical or biological substance in a form that can be incorporated into, onto or be ingested by and that harms aquatic organisms, consumers of aquatic organisms, or users of the aquatic environment, and includes but is not limited to the substances on the 307(a)(1) list of toxic pollutants promulgated on January 31, 1978 (43 FR 4109) (40 CFR 230).

Debris: Includes animal or fish carcasses, zebra mussel shells, dead vegetation, trash, and discarded materials of human origin.

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

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

Dock: A narrow platform extending from a shore over water and supported by piles or crib structures or floating components, used to secure, protect, and provide access to the waterway.

Dredged material: Material that is excavated or dredged from 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 pollutants or contaminants discharged into the water primarily for the disposal of waste.

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

**Grooming of Sand:** Raking, dragging, or pulling metal teeth, or other grooming equipment through the top 4 inches of sand without disturbance to, or the destruction of, plant roots for the purpose of removing debris.

**Leveling of Sand:** The relocation of sand to sand areas, including the redistribution, grading and spreading of sand that has been deposited through wind, or wave action onto upland areas of the property.

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

**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.

**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.

**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 fluctuations 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 or debris, or other appropriate means that consider the characteristics of the surrounding areas. The Great Lakes and connecting channels realize daily, seasonal, and annual fluctuations, which, in combination with human disturbances to the shore, often obliterate or render unreliable physical indicators of an OHWM. As such, there are established fixed elevation contours (International Great Lakes Datum, 1985) that serve as OHWMs for the Great Lakes and connecting

LRE-1990-2000050-S16

channels when physical indicators are absent or unreliable. The established OHWM elevation contours correspond with the approximate location of the line on the shore established by fluctuations 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, or the presence of litter or debris. The OHWM for any of the Great Lakes or connecting channels is available on the Corps of Engineers' web site.

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

**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.

**Revetment:** An orderly facing of stone or broken concrete along an embankment slope to prevent erosion.

**Rip-rap:** A layer of stones or broken concrete placed without order along an existing embankment slope to prevent erosion.

**Sand:** Unconsolidated material that occurs as a result of the natural disintegration of rocks, and ranging in size classification from fine (predominately retained on a U.S. Standard Sieve No. 200) to coarse (almost entirely able to pass through a U.S. Standard Sieve No. 4).

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

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

**Steps/Stairways:** A structure used to provide vertical access to and from shoreline and waterfront areas, over shore protection structures, uneven topography, or steep slopes.

**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.

**Watercraft:** Any vessel or craft designed specifically and only for movement on the

LRE-1990-2000050-S16

surface of the water.

Water's Edge: Fluctuating line of the interface between water and land. The "water's edge" as used in a permit is not a fixed line on the lakebed and is not defined by its location on the date that permit drawings are prepared, nor when any case specific authorization is sent to a permittee. The "water's edge" location may vary from day to day throughout the duration of a particular permit. The portion of the lakebed upon which work is authorized, between the water's edge and the Ordinary High Water Mark, may also vary on a day to day basis dependent upon the location of the water's edge on that particular day.

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.