

US Army Corps  
of Engineers

**Detroit District**

# Public Notice

Applicant: Jeffrey Ricks

In Reply Refer To: Corps File No. LRE-2020-01512-41-S20

Date: October 1, 2020

Expires: October 21, 2020

---

## **Proposed Riprap and Sand Backfill in Lake Charlevoix at Charlevoix, Michigan**

**Applicant:** Jeffrey Ricks  
05758 M-66 N  
Charlevoix, MI 49720

**Project Location:** The site is located at 05758 M-66 N, Charlevoix, Section 02, Township 33 N, Range 8 W, Charlevoix County, Michigan, 49720.

**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.

**Project Description:** As shown on the attached plans, the applicant proposes to excavate approximately 11 cubic yards of material from a 115 foot long by 3.75 foot wide area, discharge approximately 52 cubic yards of riprap into a 115 foot long by 6 foot wide area, and discharge approximately 130 cubic yards of sand backfill into a 115 foot long area with varying widths from 5 feet to 15 feet. The purpose of the proposed work is bank stabilization.

**Avoidance & Minimization:** The applicant has stated the following concerning avoidance and minimization of impacts to Waters of the United States: The applicant did not provide any avoidance or minimization measures.

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 has stated that compensatory mitigation is not necessary or appropriate for the proposed work because: 'This project consists of protection for the shoreline due to the current high water levels.

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 Environment, Great Lakes, and Energy under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. The State file number is KPQN-SR4R-XA8 (15-05758 M-66 N-Marion Twp.)

**Comments:** We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be emailed but may also 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-2020-01512-41-S20. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Kerrie K. Kuhne  
Chief, Permit Evaluation Western Branch  
Regulatory Office  
Corps of Engineers, Detroit District  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

Comments may be e-mailed to: [Jacob.A.Meyers@usace.army.mil](mailto:Jacob.A.Meyers@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.

**Additional Information:** This public notice and drawings are also available for viewing/printing at:  
<http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices.aspx>. Questions concerning this application may be directed to Jacob Meyers at the Corps of Engineers address listed above, or telephone number (313) 226-2221.

FOR THE DISTRICT ENGINEER:

Kerrie E. Kuhne  
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.



CONSULTANTS

SHORELINE PROTECTION

RICKS SITE

5759 MAPLE, CHARLEVOIX, MI 49720  
NE 1/4, SEC. 2, T33N-R34W, WABSON TOWNSHIP,  
CHARLEVOIX COUNTY, MICHIGAN

OWNER  
JEFFREY RICKS

DESCRIPTION

DATE

MARK

PROJECT NO.

CAD DWG FILE

DRAWN BY

DESIGNED BY

CHECKED BY

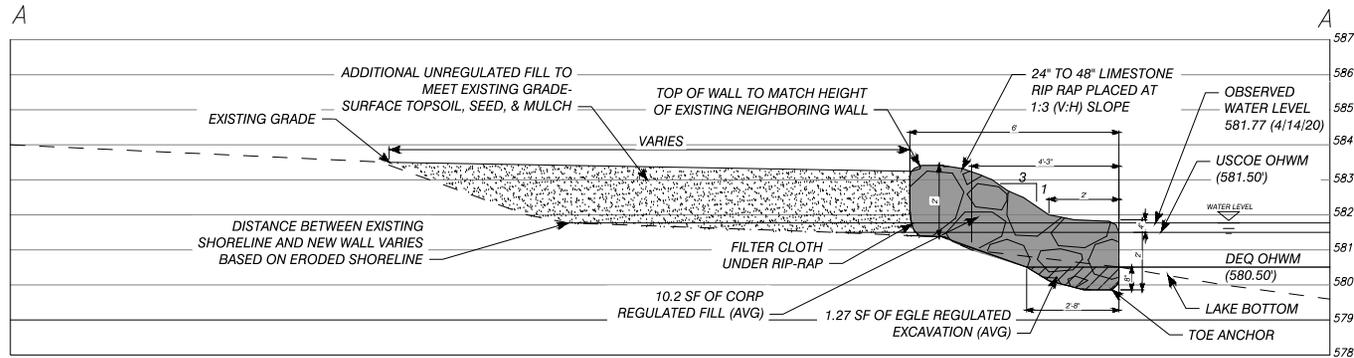
SEAL

SHEET TITLE

TYPICAL SECTION  
DETAIL

C102

SHEET 2 OF 2



TYPICAL SECTION VIEW AA

REGULATED FILL  
REGULATED EXCAVATION

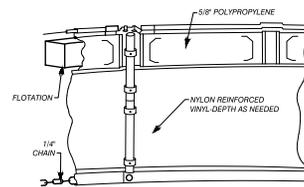
EXCAVATION CALCULATIONS (EGLE BELOW OHWM)	
LAKEWARD DIMENSIONS	LANDWARD DIMENSIONS
LENGTH 0'	115'
WIDTH 0'	2.67'
DEPTH 0'	0.67'
TOTAL 0 cycle	7.82 cycle

RIPRAP FILL SUMMARY TABLE (EGLE OHWM)	
LAKEWARD DIMENSIONS	LANDWARD DIMENSIONS
LENGTH 0'	115'
WIDTH 0'	6.00'
DEPTH 0'	2.00'
TOTAL 0 cycle	51.11 cycle

- NOTES:
- ALL EXCAVATION SPOILS AND DREDGE MATERIAL SHALL BE PLACED ON-SITE AS FILL BEHIND RIPRAP AS SHOWN.
  - THE RIPRAP SHALL BE A NATURAL STONE, RANGING IN SIZE FROM 24" DIA. TO 48" DIA.
  - CONTRACTOR SHALL INSTALL TURBIDITY CURTAIN IN LAKE TO CONTAIN ANY SEDIMENT.

EXCAVATION CALCULATIONS (CORP BELOW OHWM)	
LAKEWARD DIMENSIONS	LANDWARD DIMENSIONS
LENGTH 115'	0'
WIDTH 3.75'	0'
DEPTH 0.67'	0'
TOTAL 10.70 cycle	0 cycle

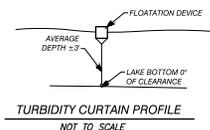
RIPRAP FILL SUMMARY TABLE (CORP OHWM)	
LAKEWARD DIMENSIONS	LANDWARD DIMENSIONS
LENGTH 115'	0'
WIDTH 6.00'	0'
DEPTH 2.00'	0'
TOTAL 51.11 cycle	0 cycle



NOTES:  
TURBIDITY CURTAIN MAY ALSO BE FABRICATED BY THE CONTRACTOR FROM A DURABLE FILTER FABRIC AND OTHER REQUIRED MATERIALS. CONTRACTOR IS RESPONSIBLE FOR AN ADEQUATELY DESIGNED, INSTALLED, ANCHORED, AND MAINTAINED SYSTEM.

CONTRACTOR SHALL FURNISH, INSTALL, MAINTAIN AND REMOVE SILT CURTAIN FOR DREDGING OPERATIONS AS REQUIRED BY THE STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY AND U.S. ARMY CORP OF ENGINEERS PERMITS.

CONTRACTOR SHALL PLACE AND MAINTAIN A MANUFACTURED SILT BARRIER CURTAIN AS INDICATED ON THE DRAWINGS TO MINIMIZE TURBIDITY FROM LEAVING THE SHORELINE AND DREDGING COMPINES. CONTRACTOR SHALL FURNISH AND PLACE SUITABLE ANCHORAGE FOR CURTAIN AS RECOMMENDED BY MANUFACTURER AND AS REQUIRED FOR THE SITE, LOCATION AND POSITION AS SHOWN ON PLANS AND PERMITS.



LRE-2020-01512-41-S20  
Ricks - Bank stabilization  
BY: Jeffrey Ricks  
Lake Charlevoix, Charlevoix, Charlevoix Co., MI  
Sheet 2 of 2