



US Army Corps
of Engineers

Detroit District

Public Notice

Applicant: Michigan Department of Natural Resources

In Reply Refer To: Corps File No. LRE-1990-161178-S16

Date: April 25, 2016

Expires: May 15, 2016

Proposed Sand Fill Pathway, Culverts, and Piling Supported Boardwalk in Lake Huron (Saginaw Bay) Coastal Wetlands for Public Access at Bangor, Michigan

Applicant: Michigan Department of Natural Resources (MDNR), Parks and Recreation Division, (Scott Cook, Agent), 8717 North Roscommon Road, Roscommon, MI 48653

Project Location: The site is located at 3582 State Park Drive, Bangor, Section 29, Township 15 N, Range 5 E, Bay County, Michigan, 48706.

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:

Discharge 524 cubic yards of sand sourced from the coastal area identified on Sheet 2 of 8, or from an upland source, onto a coastal wetland footprint measuring 396 feet long by 14 feet wide (5,544 sq. ft.) and on a resting/observation area footprint measuring 20 feet long by 6 feet wide (120 sq. ft.) for a total of 5,664 sq. ft. = 0.13 acres, to a maximum depth of 2.5 feet conforming to the existing contour of the coastal wetlands.

Install eight (8) elliptical - 15 inch horizontally set culverts of 18 foot length within the sand path, spaced and to invert elevations approximately as shown on Sheet 8 of 8.

Using only the sand path for access, seasonally install steel piers, spaced to a 6 foot width and to approximately a 12 foot length to a height above the preexisting coastal wetlands of 48 to 59 inches (30 inches through the sand fill and a minimum 18 inches to a maximum 29 inches clearance above the sand fill to the boardwalk height above as shown on Sheets 4-8 of 8).

Construct atop the steel piers a seasonal boardwalk with a mesh/grated walkway surface, 6 feet wide by an overall length of 408 feet, and a pier supported crosswise continuation measuring 12 ft long by 18 ft wide with a sloped ramp at the waterward end beyond the sand fill as shown on Sheets 4 and 7 of 8.

Construct one (1) 6 ft. by 12 ft. resting/observation area at a mid-point along the proposed boardwalk (Sheet 4 of 8).

The stated purpose of the proposal is for year-round public access for ADA accessible pedestrian access in season, and for snowmobile / ATV access during winter months.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization of impacts to Waters of the United States:

"Alternatives considered were: (1) Elevated boardwalk without a sandpath beneath or (2) An on grade boardwalk with decking placed directly on the existing wetland grade. The elevated boardwalk would me [sic] extremely difficult to make any seasonal adjustment to the elevation and would be very difficult to install and remove seasonally. The installation of metal piers would be very difficult and potentially unsafe to install and remove seasonally. The on grade boardwalk would not allow for free movement of air, rainwater and wildlife."

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, and that compensatory mitigation is not necessary or appropriate for the proposed work because:

"Compensatory mitigation should not be required for this project. The boardwalk was designed in a manner to ensure minimal mechanization to seasonally install / remove as required for protection against winter weather. The elevated design did not interfere with the movement of water, flora or fauna within the coastal area, since it will be between 18" and 29" above the proposed sandpath. The installation of the proposed sand path will impact (14' wide x 396' length) and (6' wide x 20' length) = 5,664 sf, substantially below the 1/3 acre threshold. 1/3 acre – 14,520 sf, the proposed structure will only have a surface footprint of 2,448 sf over the coastal wetland area with the proposed sandpath having 5,664 sf. The total impact area for the proposed sandpath is 5,664 sf or 0.13 acres."

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 Environmental Quality under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451.) The State file number is 2DZ-CG5Q-3BR4.

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-1990-161178-S16. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Eric J. Warda
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: Henry.Rosenfield@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 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.

April 25, 2016

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 Henry Rosenfield at the Corps of Engineers address listed above, or telephone number 313-226-6706.

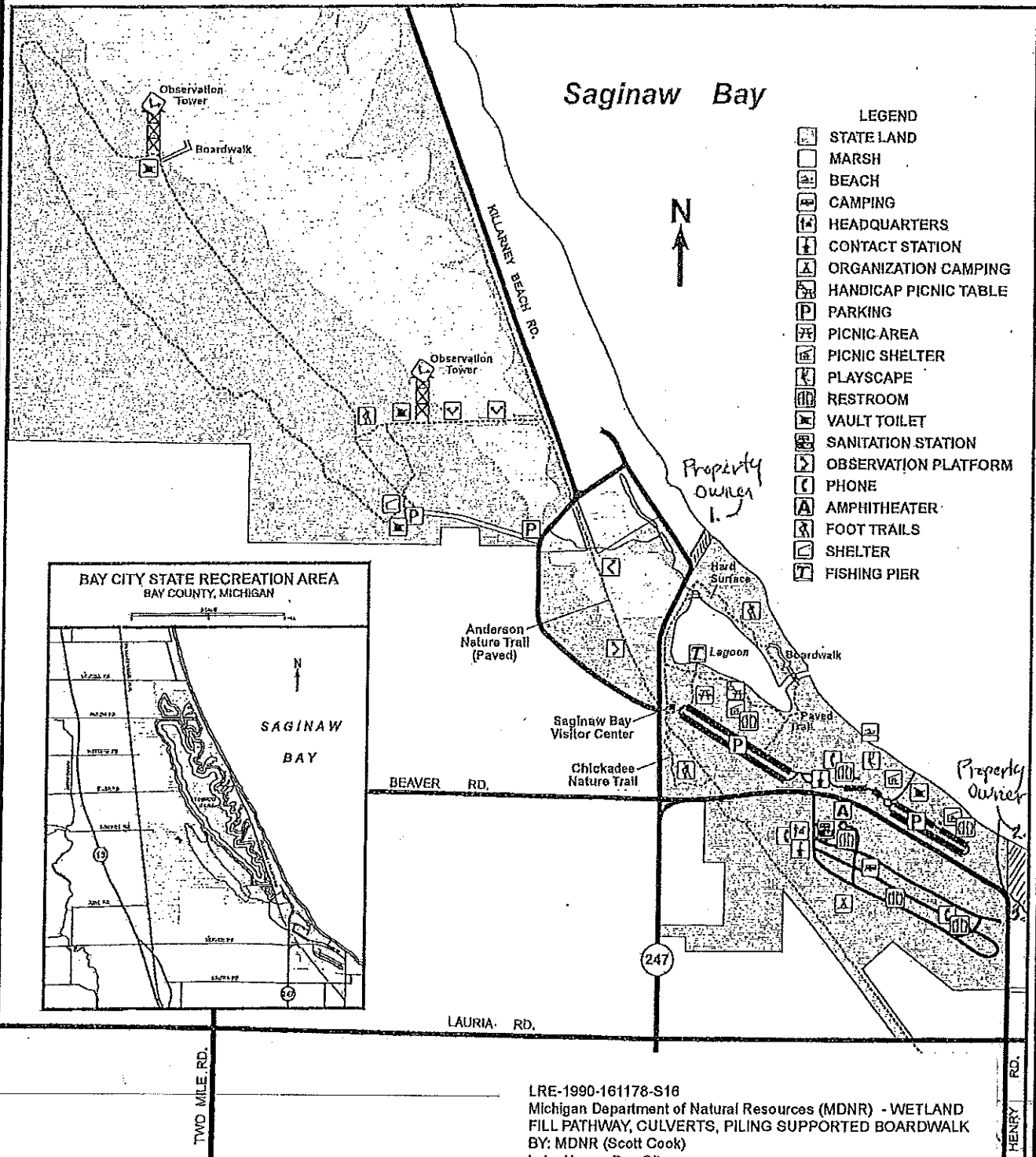
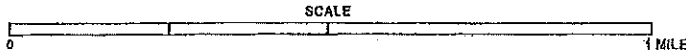
FOR THE DISTRICT ENGINEER:

Eric J. Warda
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.

Bay City State Recreation Area

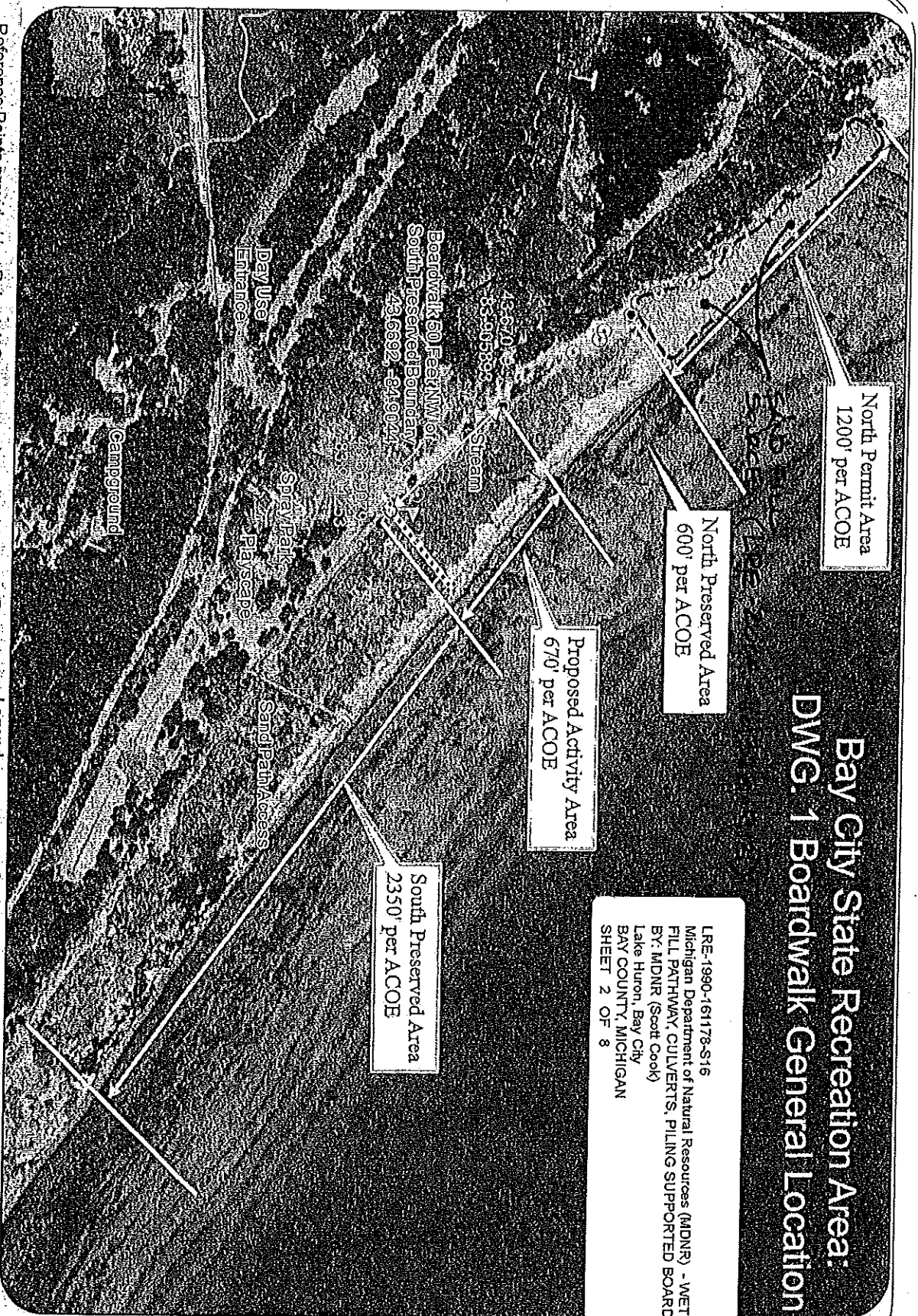


LRE-1990-161178-S18
Michigan Department of Natural Resources (MDNR) - WETLAND
FILL PATHWAY, CULVERTS, PILING SUPPORTED BOARDWALK
BY: MDNR (Scott Cook)
Lake Huron, Bay City
BAY COUNTY, MICHIGAN
SHEET 1 OF 8

2004

Bay City State Recreation Area: DWG. 1 Boardwalk General Location

LRE-1990-161178-S16
Michigan Department of Natural Resources (MDNR) - WETLAND
FILL PATHWAY, CULVERTS, PILING SUPPORTED BOARDWALK
BY: MDNR (Scott Cook)
Lake Huron, Bay City
BAY COUNTY, MICHIGAN
SHEET 2 OF 8



Reference Points provided by: Robert J. Stout, Regulatory
Project Manager, Compliance & Enforcement Branch,
Regulatory Office US Army Corps of Engineers,
Detroit District
Michigan NAIP 2012 Imagery
Date: 02/18/2016 Produced for: Scott Cook

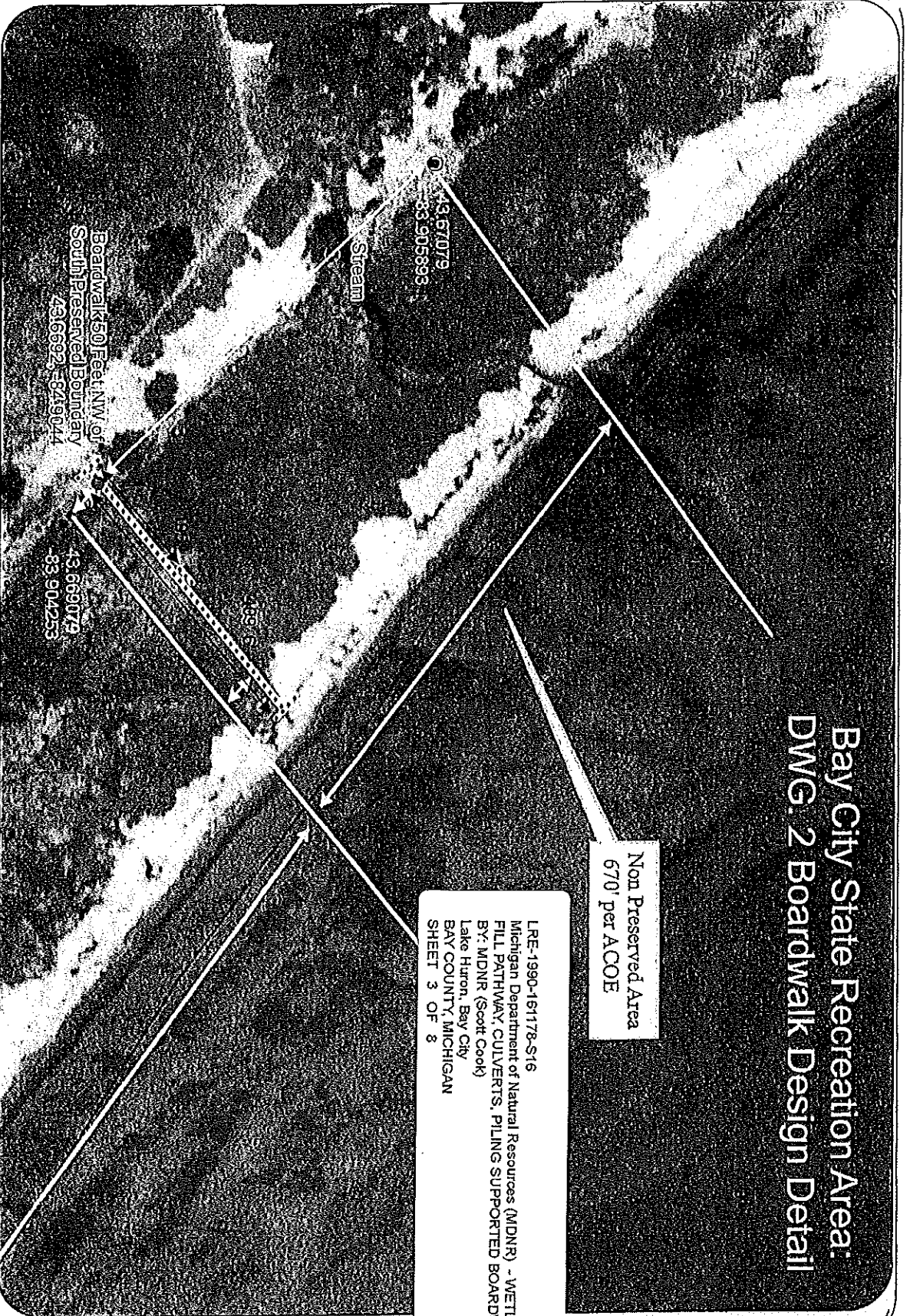
Legend

- State Park Boundaries
- Proposed Boardwalk
- Bay_City_State_Park_GPS_Points_ACOE_Start_End
- Bay_City_State_Park_GPS_Points
- North Preserved Area
- Permit Area
- South Preserved Area

Bay City State Recreation Area: DWG. 2 Boardwalk Design Detail

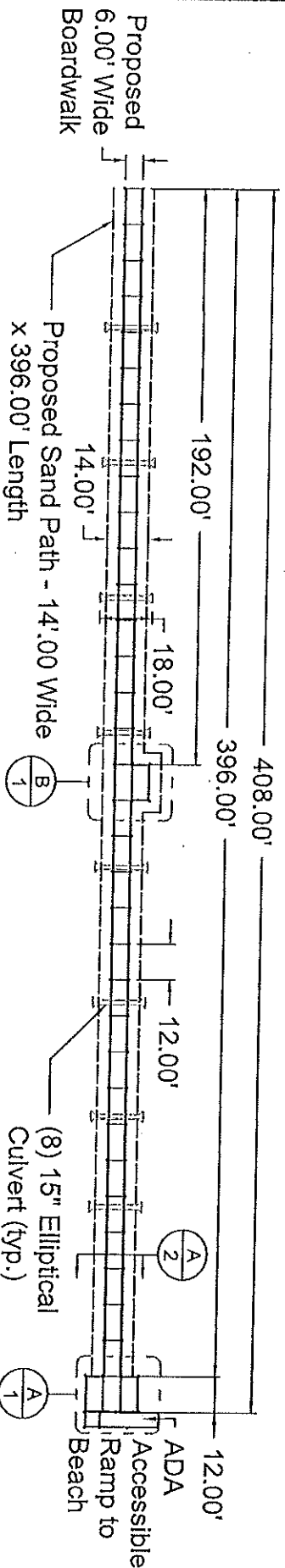
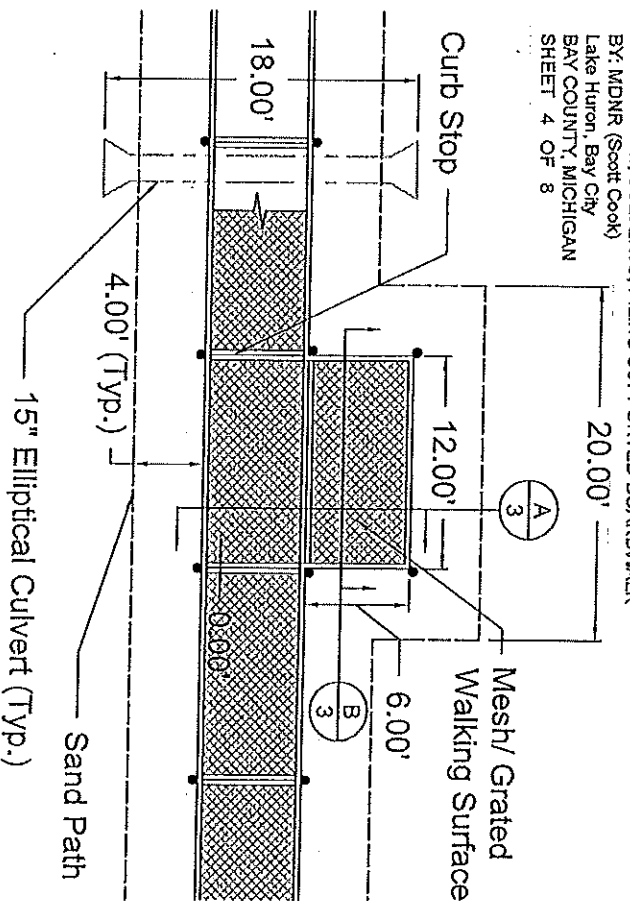
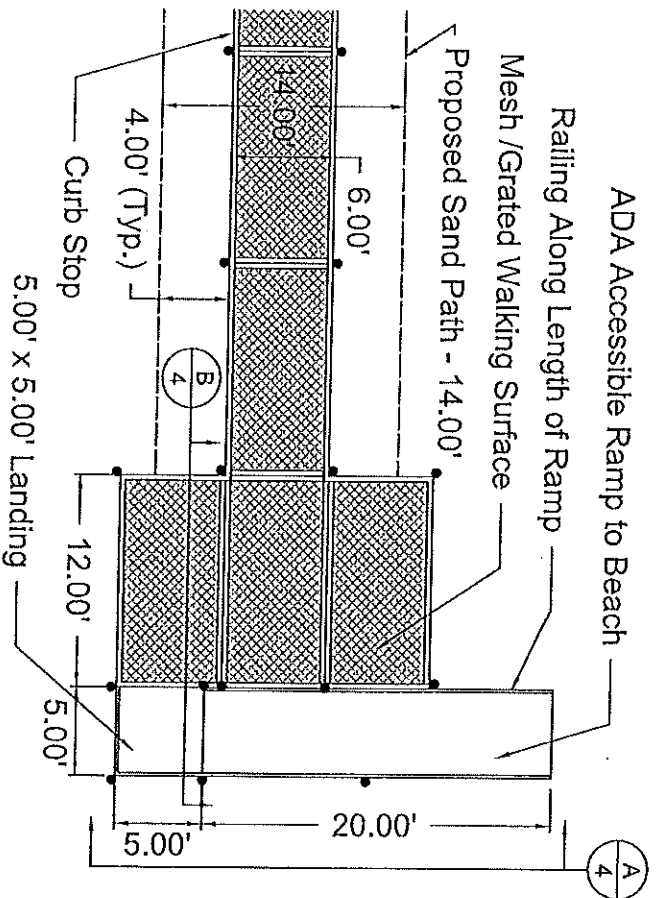
Non Preserved Area
670' per ACOE

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Lake Huron, Bay City
BAY COUNTY, MICHIGAN
SHEET 3 OF 8



Reference Points provided by: Robert J. Stout, Regulatory
Project Manager, Compliance & Enforcement Branch,
Regulatory Office US Army Corps of Engineers,
Detroit District
Michigan NAIP 2012 Imagery

Date:02/18/2016 Produced for: Scott Cook



Michigan Department of Natural Resources
Parks and Recreation Division

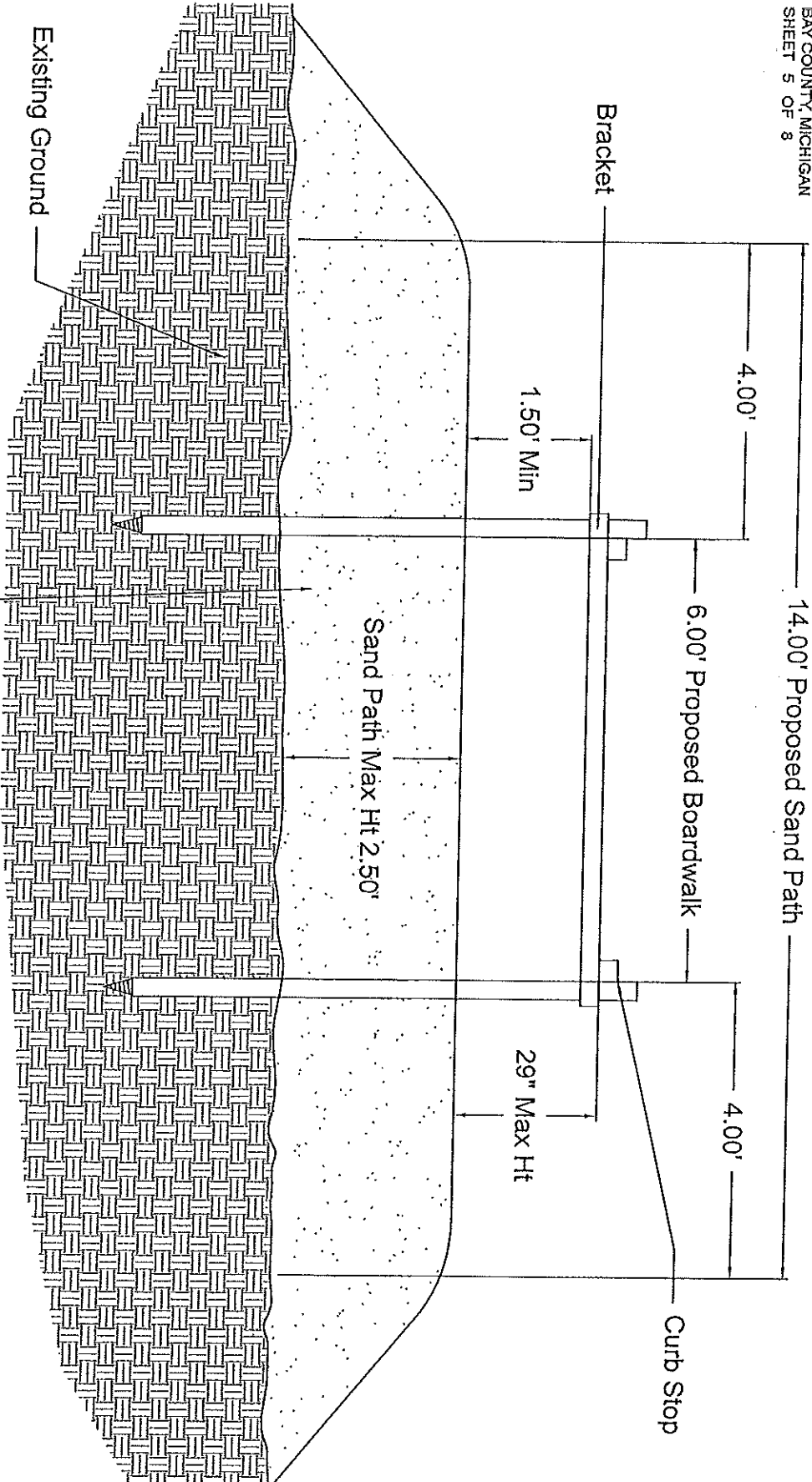
Revision Date: 04/08/16
Sheet 1 of 5

BAY CITY RECREATION
AREA BOARDWALK

Layout Plan

File No. LRE-1990-166178-R14
MDEQ - 14-09-0007-2P

LRE-1990-161178-S16
 Michigan Department of Natural Resources (MDNR) - WETLAND
 FILL PATHWAY, CULVERTS, PILING SUPPORTED BOARDWALK
 BY: MDNR (Scott Cook)
 Lake Huron, Bay City
 BAY COUNTY, MICHIGAN
 SHEET 5 OF 8



Scale: 1" = 2'

Sand Relocated from "North Permit Area"
 (Groomed Beach) LRE-2004-161320-R13

Michigan Department of Natural Resources
 Parks and Recreation Division



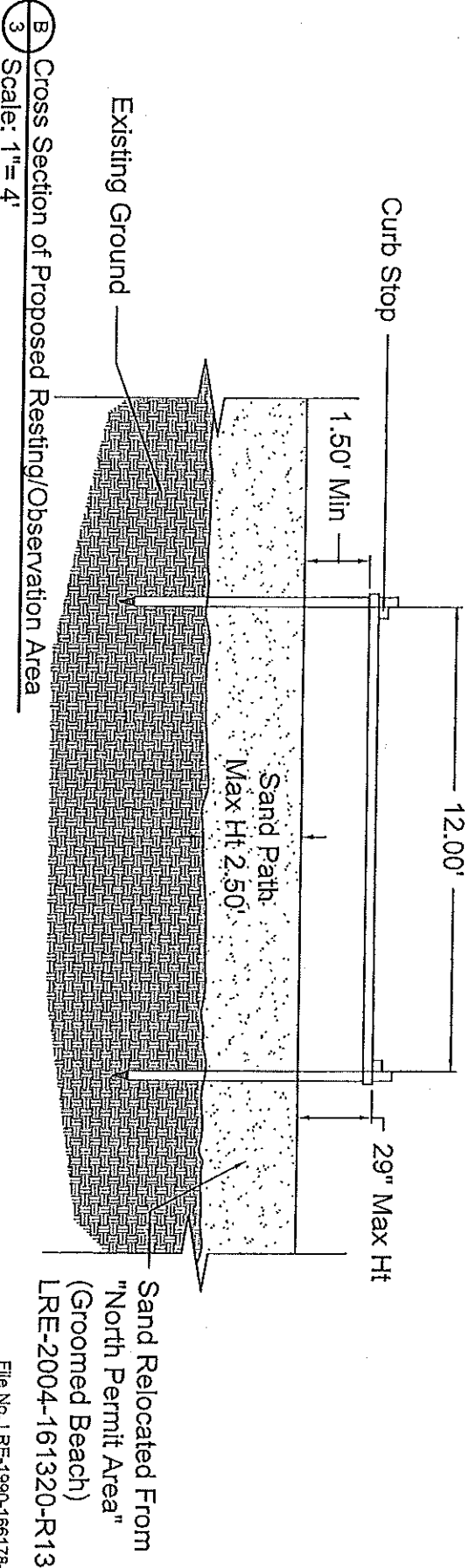
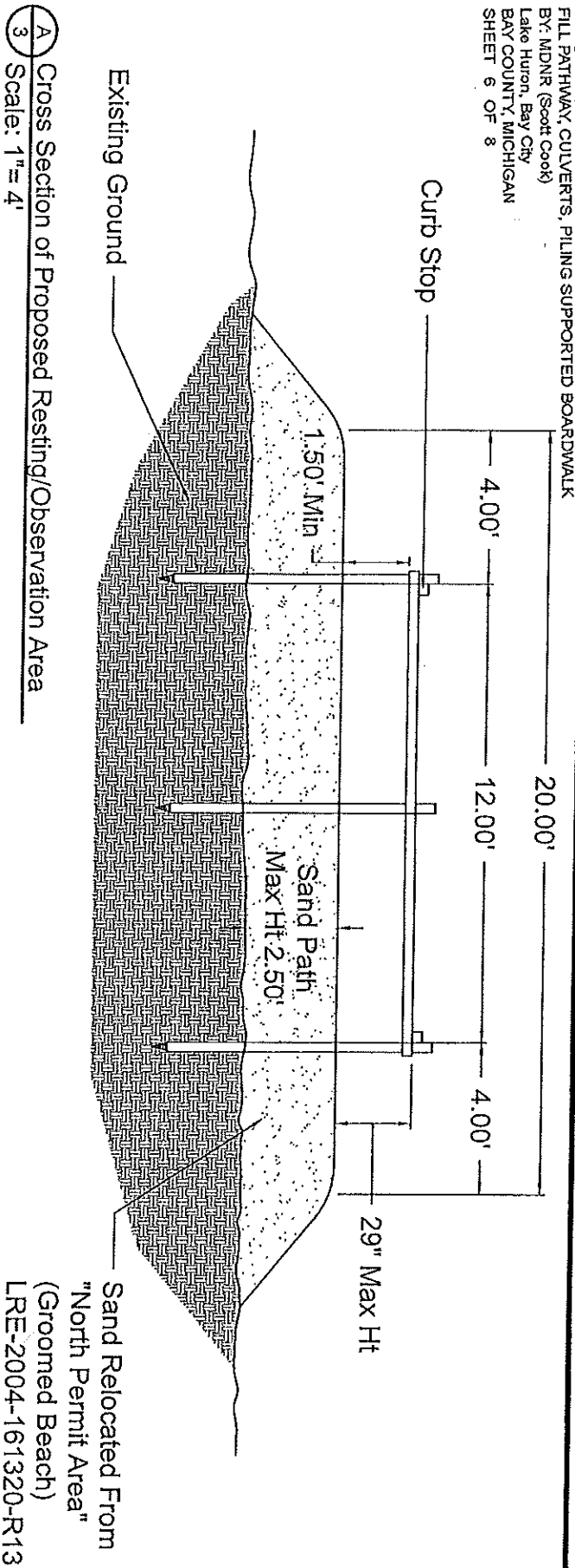
Revision Date: 04/08/16

Sheet 2 of 5

BAY CITY RECREATION
 AREA BOARDWALK

Cross Section A-2

File No. LRE-1990-166178-R14
 MDEQ - 14-09-0007-P



Michigan Department of Natural Resources
 Parks and Recreation Division



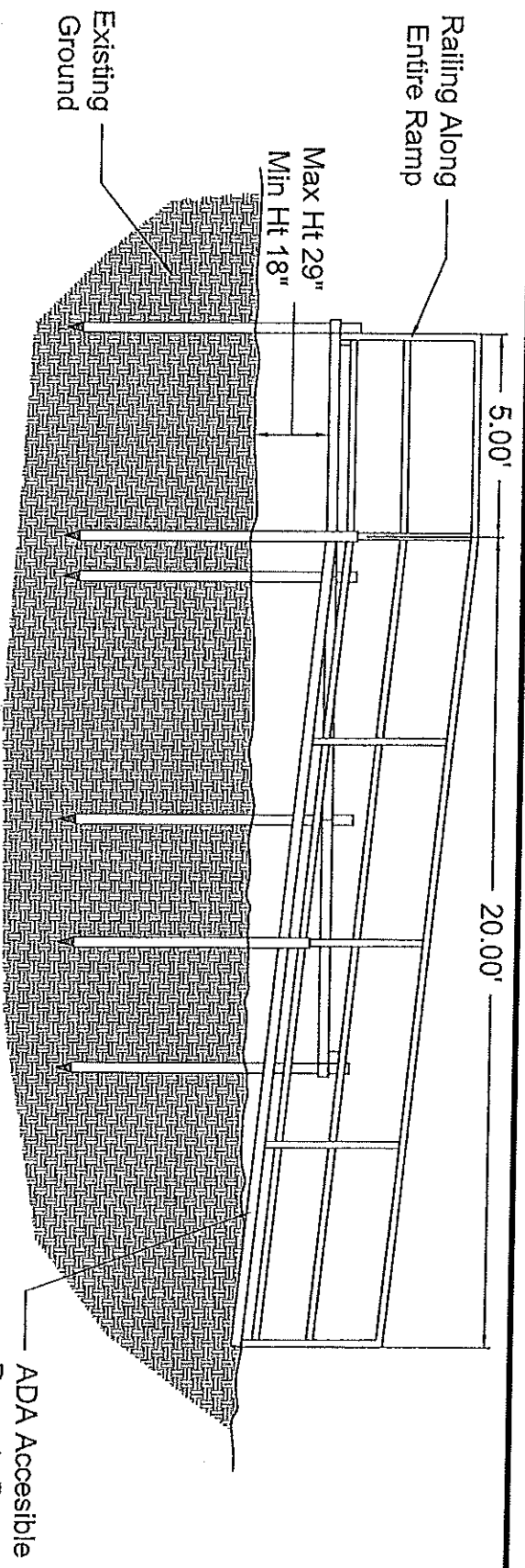
Revision Date: 04/08/16

Sheet 3 of 5

BAY CITY RECREATION
 AREA BOARDWALK

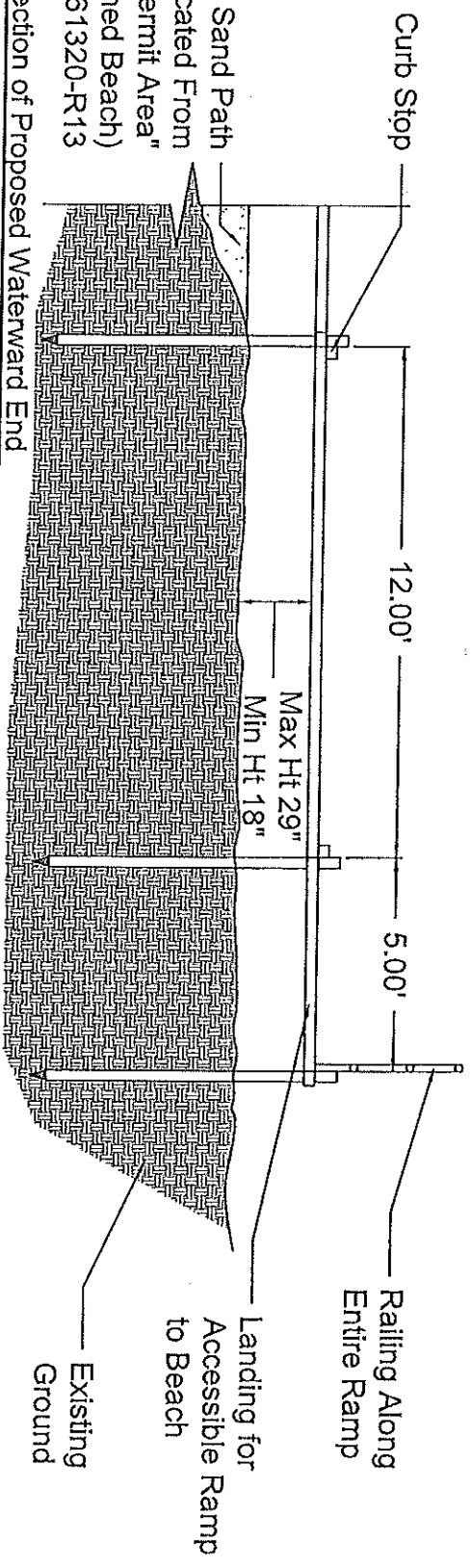
Proposed Resting/
 Observation Area

File No. LRE-1990-166178-R14
 MDEQ - 14-09-0007-P



A Cross Section of Proposed Waterward End
 Scale: 1" = 4'

LRE-1990-161178-S16
 Michigan Department of Natural Resources (MDNR) - WETLAND
 FILL PATHWAY, CULVERTS, PILING SUPPORTED BOARDWALK
 BY: MDNR (Scott Cook)
 Lake Huron, Bay City
 BAY COUNTY, MICHIGAN
 SHEET 7 OF 8



B Cross Section of Proposed Waterward End
 Scale: 1" = 4'

Michigan Department of Natural Resources
 Parks and Recreation Division



Revision Date: 04/08/16
 Sheet 4 of 5

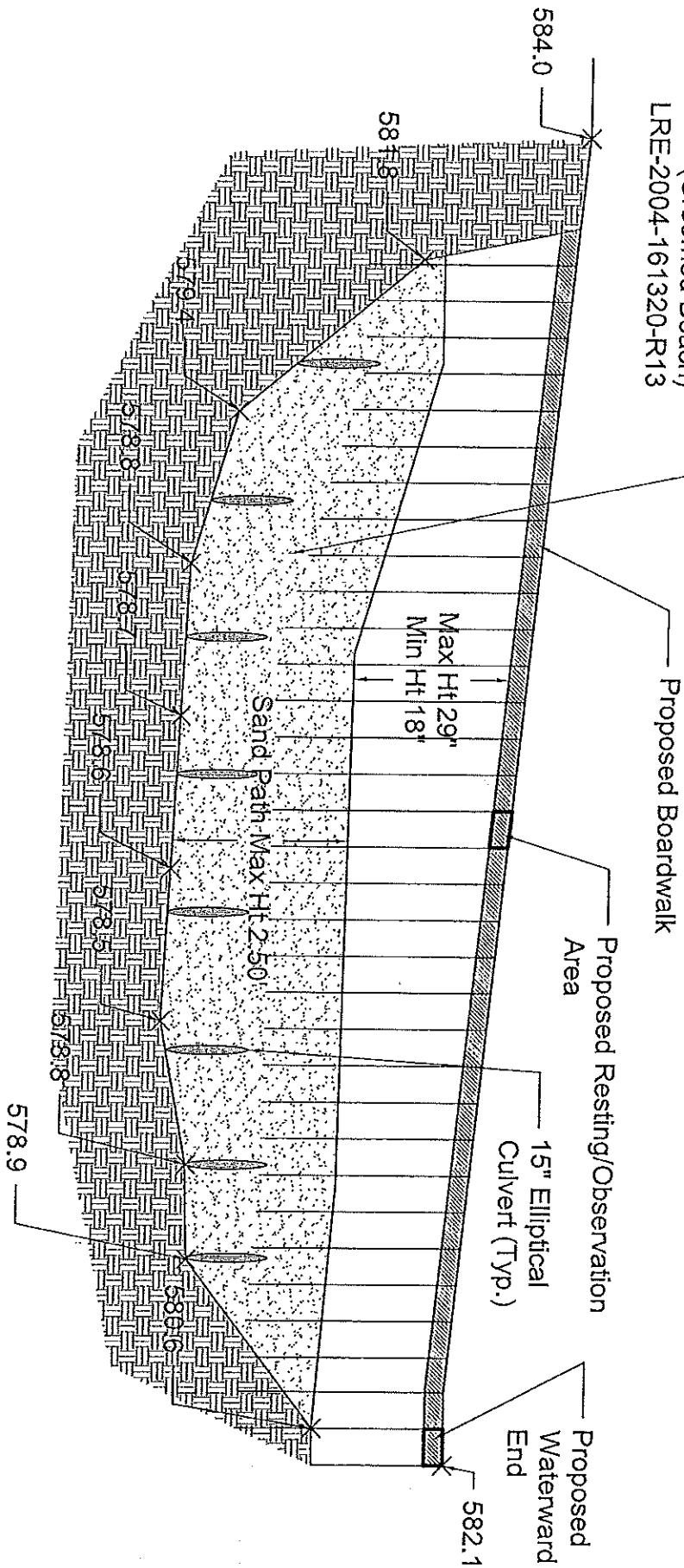
BAY CITY RECREATION
 AREA BOARDWALK

Proposed
 Waterward End

File No. LRE-1990-161178-R14
 MDEQ - 14-09-0007-P

Sand Path
Sand Relocated From
North "Permit Area"
(Groomed Beach)
LRE-2004-161320-R13

LRE-1990-161178-S16
Michigan Department of Natural Resources (MDNR) - WETLAND
FILL PATHWAY, CULVERTS, PILING SUPPORTED BOARDWALK
BY: MDNR (Scott Cook)
Lake Huron, Bay City
BAY COUNTY, MICHIGAN
SHEET 8 OF 8



Bay City Recreation Area

Lake Huron

Vertical Scale: 1"=2' Horizontal Scale: 1" = 50' LWD (577.5 ft IGLD-1985)

File No. LRE-1990-166178-R14
MDEQ - 14-09-0007-P

Michigan Department of Natural Resources
Parks and Recreation Division



Revision Date: 04/08/16
Sheet 5 of 5

BAY CITY RECREATION
AREA BOARDWALK

Proposed Boardwalk
Profile