

US Army Corps
of Engineers

Detroit District

Public Notice

Applicant: Marshall Tobin

In Reply Refer To: Corps File No. LRE-1997-430011-S14

Date: February 26, 2014

Expires: March 18, 2014

Proposed discharge of fill in wetlands adjacent to Betsie Lake at Frankfort, Michigan

Applicant: Marshall Tobin, 31500 West 10 Mile Road, Farmington, MI 48336

Project Location: The site is located at a vacant lot along M-22, approximately 400 feet north of the intersection of M-22 and Nelson Road on the West side of M-22, Frankfort, Section 27, Township 26 N, Range 16 W, Benzie County, Michigan, 49635.

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 approximately 66 cubic yards of fill material in a 1,780 square foot area. Excavate approximately 25 cubic yards of material from a wetland (landward and waterward of the 581.5' IGLD 85 Ordinary High Water Mark) in a 151 foot long by 3 foot wide by 1.5 foot deep area. Install a 15 inch storm sewer pipe and backfill in the trench approximately 25 cubic yards of material over the storm sewer pipe. Discharge approximately 2 cubic yards of riprap in a 7.5 foot long by 7.5 foot wide by 1 foot deep area for a storm sewer outfall. The purpose of the proposed work is to construct a waterfront residential development.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization of impacts to Waters of the United States: The shape of the parcel and existing topography of the subject parcel leaves little opportunity for alternative locations. The alterations on the site have been concentrated to the extent possible to the upland side of the parcel in an effort to minimize the impact to wetlands that may exist on this portion of the site.

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:

Compensatory mitigation is not necessary or appropriate for the proposed work because: The applicant proposes to discharge approximately 66 cubic yards of fill in a 1,780 square foot area, significantly less than the 1/10th of one acre standard where mitigation would be required.

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 14-10-0001-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-1997-430011-S14. 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: James.D.Luke@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 James Luke at the Corps of Engineers address listed above, or telephone number 313-226-3396.

FOR THE DISTRICT ENGINEER:

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

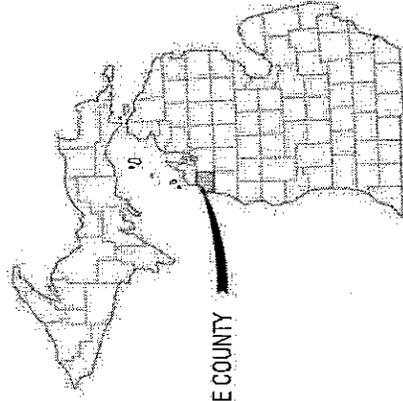
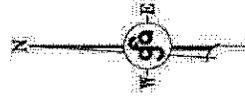
NOTICE TO POSTMASTERS:

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

DETAIL PLANS FOR
**MARSHAL TOBIN
 FISHERMAN'S LANDING**

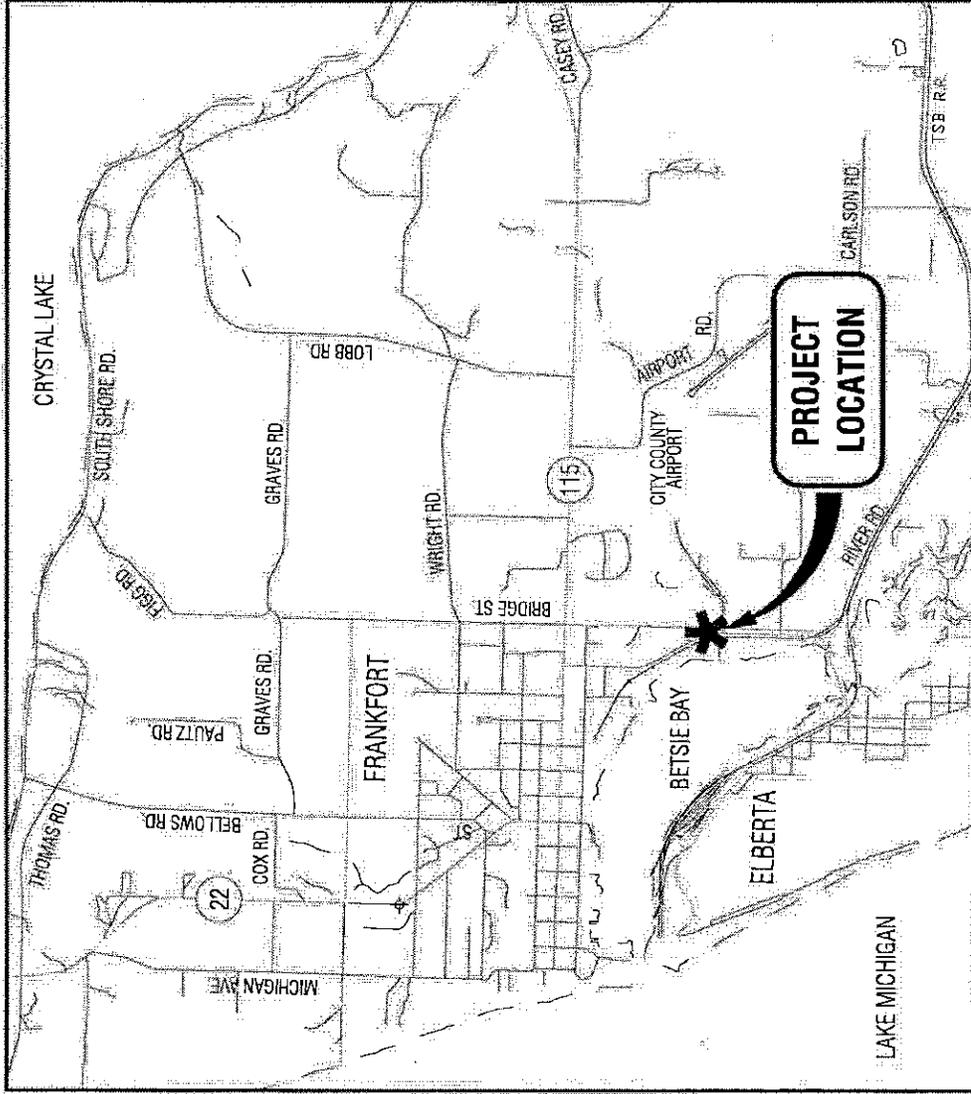
INDEX OF SHEETS

SHEET	TITLE
1.	COVER SHEET
2.	OVERALL SITE PLAN
3.	WETLAND FILL PLAN
4.	FLOOD PLAIN FILL PLAN
5.	CROSS SECTION A
6.	STORM OUTLET SECTION



BENZIE COUNTY

VICINITY MAP



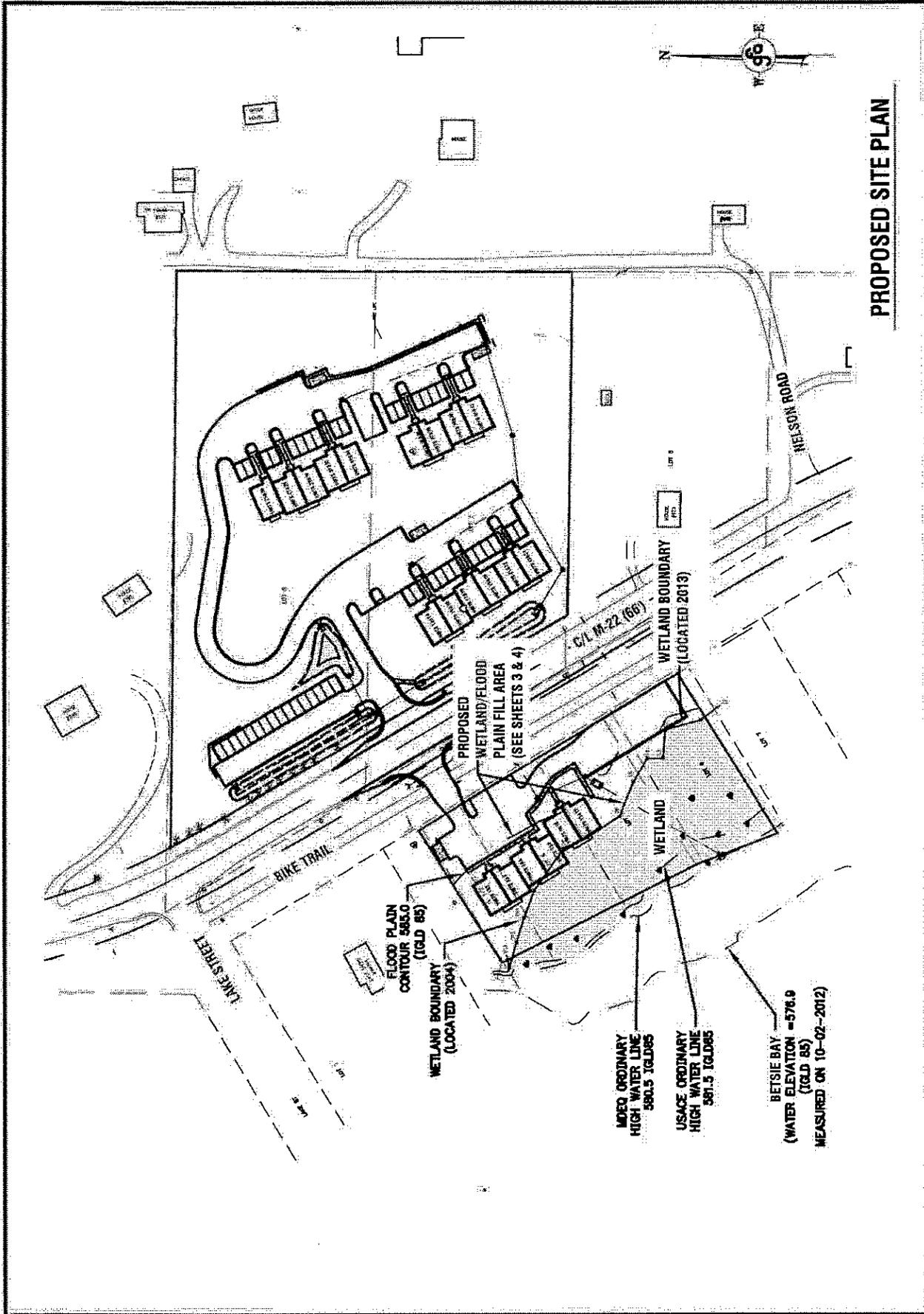
LOCATION MAP
 NO SCALE

MARSHAL TOBIN
 31500 W. 10 MILE ROAD
 FARMINGTON HILLS, MI 48336-2502

OWNER: MARSHAL TOBIN
WATERWAY: BETSIE BAY
COUNTY: BENZIE COUNTY
SEC. 27, T.26N., R.16W., CITY OF FRANKFORT

APPLICATION PREPARED BY:
GOURDIE-FRASER
SCALE: NO SCALE
DATE: 01/22/14 SHEET 1 OF 6





PROPOSED SITE PLAN

	<p>APPLICATION PREPARED BY: GOURDIE-FRASER SCALE: 1" = 150' DATE: 01/22/14 SHEET 2 OF 6</p>
<p>OWNER: MARSHALL TOBIN WATERWAY: BETSIE BAY COUNTY: BENZIE COUNTY SEC. 27, T.26N., R.16W., CITY OF FRANKFORT.</p>	<p>MARSHALL TOBIN 31500 W. 10 MILE ROAD FARMINGTON HILLS, MI 48336-2502</p>



BENCH MARK #2
SPIKE IN P. POLE
ELEV = 592.99
(GOLD 85 DATUM)

EARTHWORK CALCULATIONS
TOTAL WETLAND FILL AREA = 1,780 SF
TOTAL WETLAND FILL VOLUME = 66 CY

WETLAND FILL PLAN

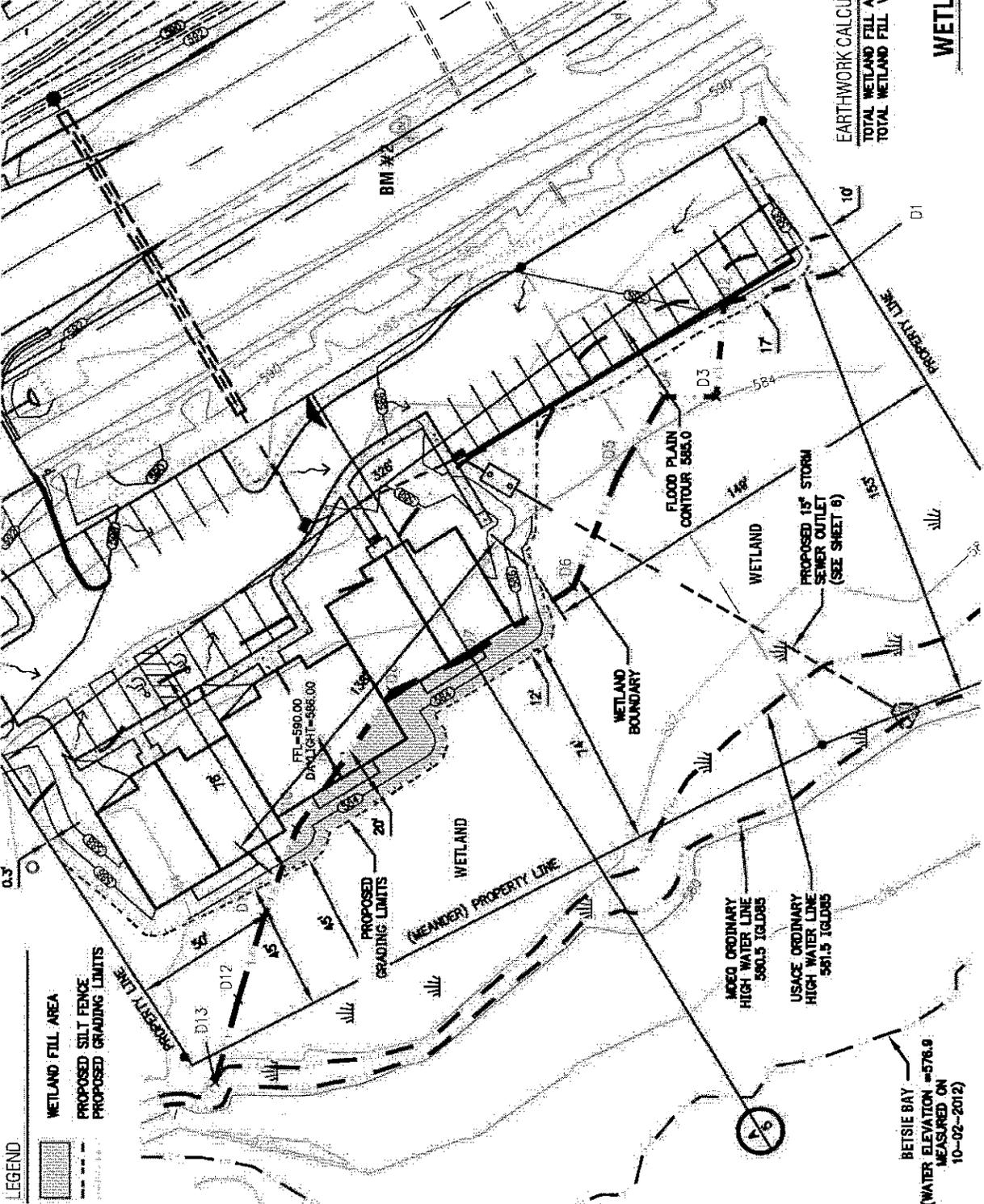


GFA #12350

APPLICATION PREPARED BY:
GOURDIE-FRASER
SCALE: 1" = 50'
DATE: 01/22/14 SHEET 3 OF 6

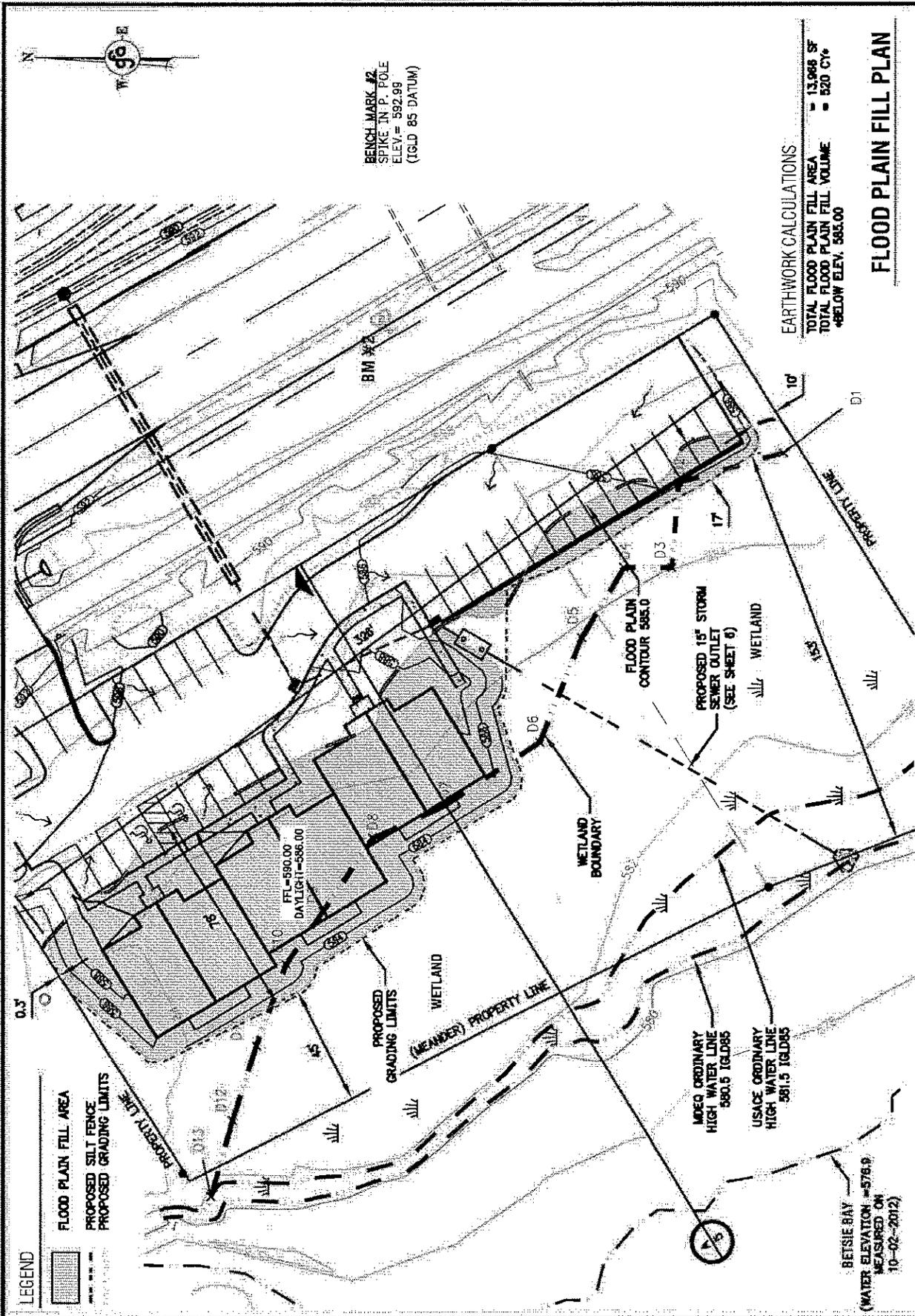
OWNER: MARSHALL TOBIN
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COUNTY: BENZIE COUNTY
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MARSHALL TOBIN
31500 W. 10 MILE ROAD
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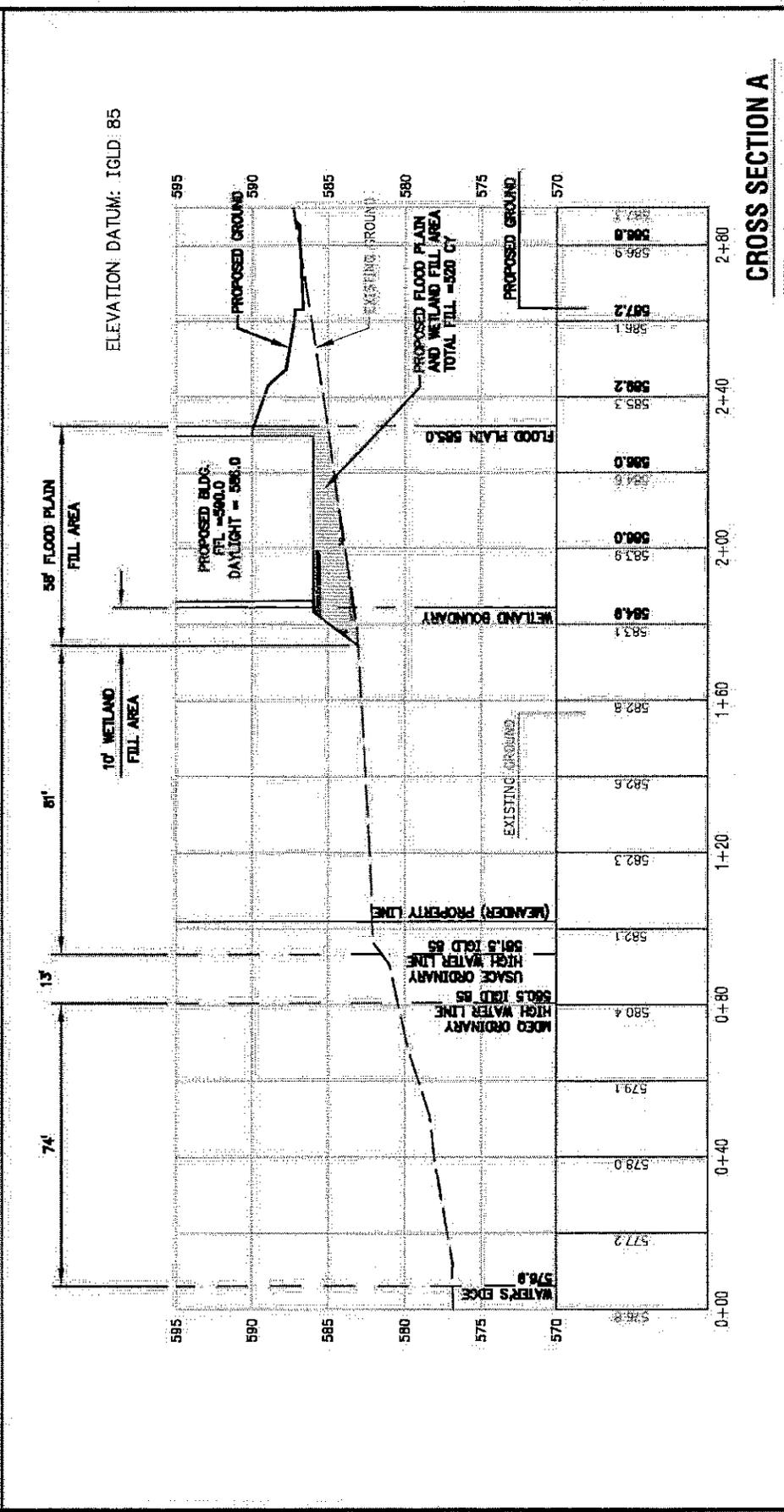
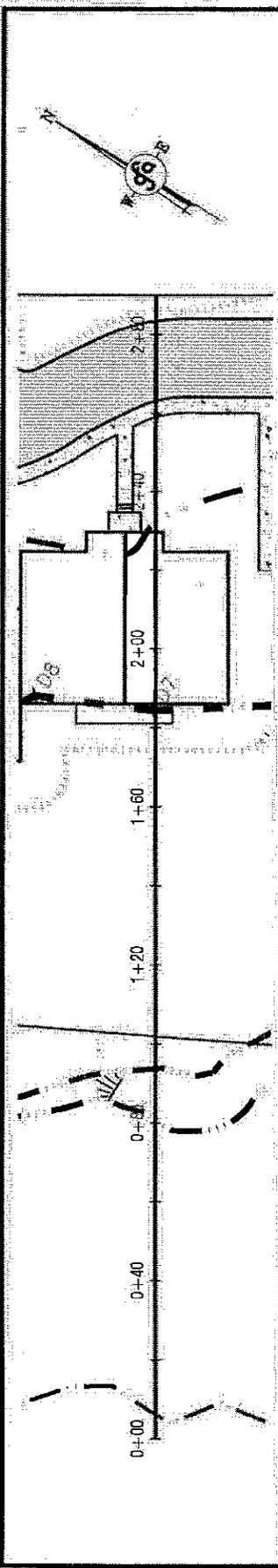


LEGEND

- WETLAND FILL AREA
- PROPOSED SILT FENCE
- PROPOSED GRADING LIMITS



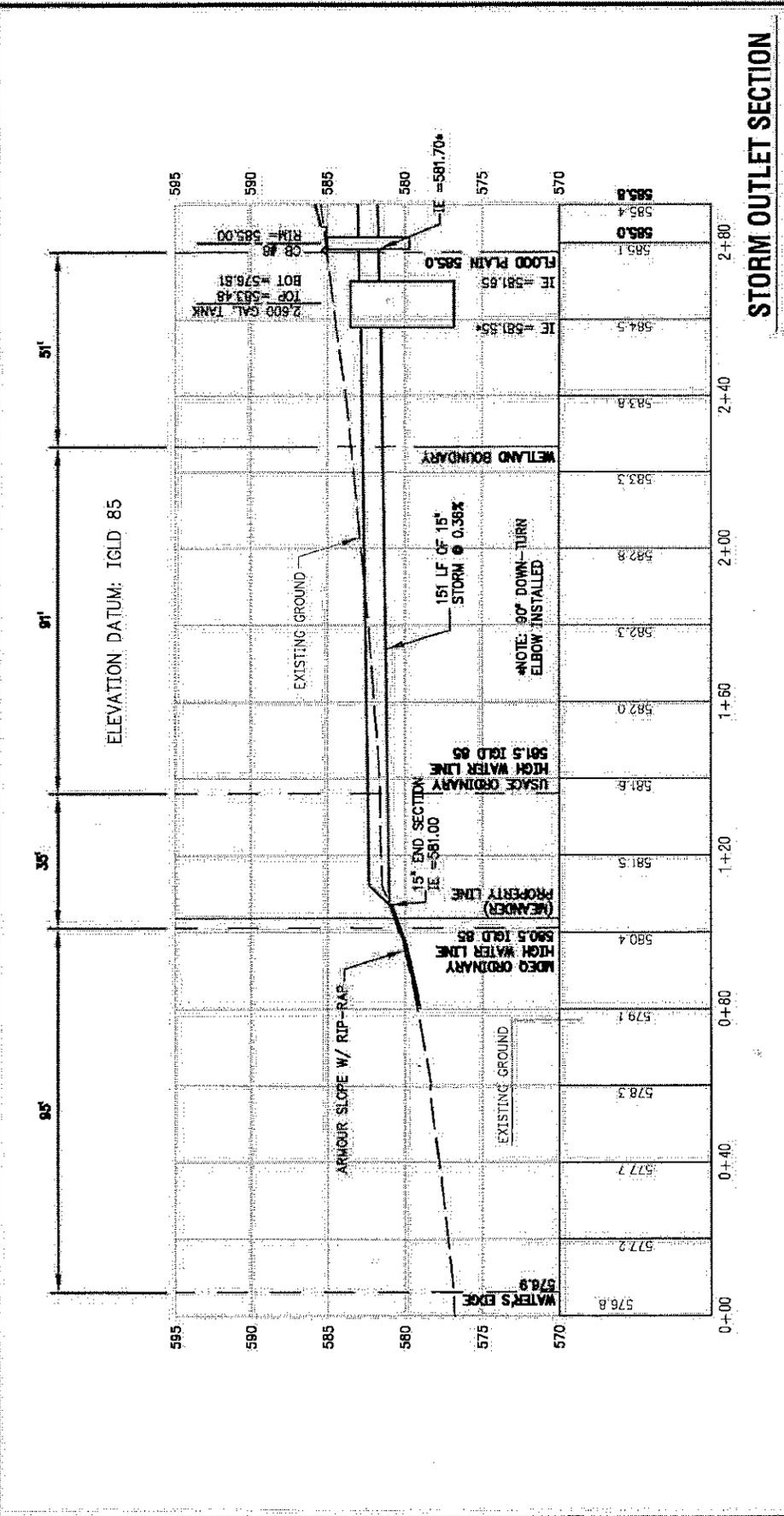
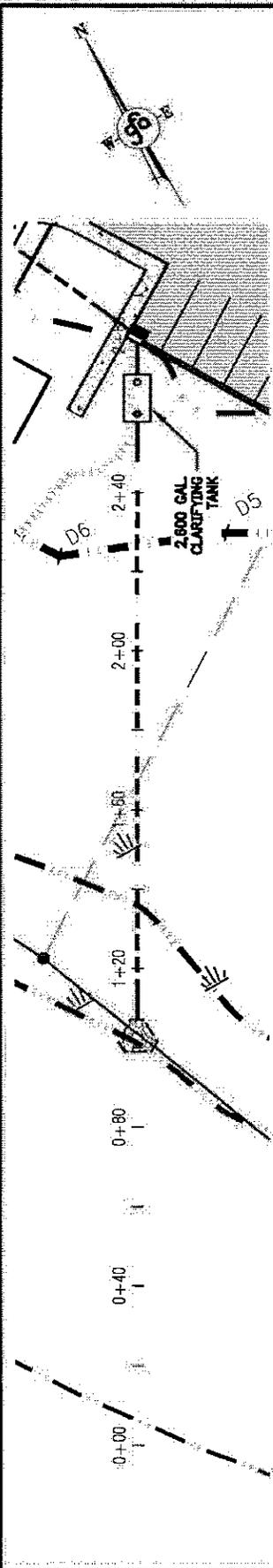
	<p>APPLICATION PREPARED BY: COURDIE-FRASER SCALE: 1" = 50' DATE: 01/22/14 SHEET 4 OF 6</p>	<p>OWNER: MARSHALL TOBIN WATERWAY: BETSIE BAY COUNTY: BENZIE COUNTY SEC. 27, T.26N., R.16W., CITY OF FRANKFORT</p>	<p>MARSHALL TOBIN 31500 W. 10 MILE ROAD FARMINGTON HILLS, MI 48336-2502</p>
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CROSS SECTION A

<p>MARSHALL TOBIN 31500 W. 10 MILE ROAD FARMINGTON HILLS, MI 48336-2502</p>	<p>OWNER: MARSHALL TOBIN WATERWAY: BETSIE BAY COUNTY: BENZIE COUNTY SEC. 27, T.26N., R.16W., CITY OF FRANKFORT</p>	<p>APPLICATION PREPARED BY: GOURDIE-FRASER SCALE: HORZ. 1" = 40' VERT. 1" = 10' DATE : 01/22/14 SHEET 5 OF 6</p>
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STORM OUTLET SECTION

MARSHALL TOBIN
 31500 W. 10 MILE ROAD
 FARMINGTON HILLS, MI 48336-2502

OWNER: MARSHALL TOBIN
 WATERWAY: BETSIE BAY
 COUNTY: BENZIE COUNTY
 SEC. 27, T.26N., R.16W., CITY OF FRANKFORT

APPLICATION PREPARED BY:
 GOURDIE-FRASER
 SCALE: HORZ. 1" = 40' VERT. 1" = 10'
 DATE: 01/22/14 SHEET 6 OF 6

