

DEPARTMENT OF THE ARMY PERMIT

Permittee Blue Horseshoe Holding Company

Permit No. LRE-1989-101431-S18

Issuing Office U.S. Army Engineer District, Detroit

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

*North Access Channel:*

Mechanically dredge approximately 755 cubic yards of material from an approximately 315-foot long by 38-foot to 55-foot wide area down to an elevation 1.4 feet below the Low Water Datum (LWD) elevation of 572.3 feet (IGLD 1985); construct an approximately 320-foot long by 12-foot wide dock; discharge approximately 60 cubic yards of riprap in an approximately 158-foot long by 5-foot wide area in the northwest corner of the site; discharge approximately 80 cubic yards of riprap in a 278-foot long by 5-foot wide area along the north access channel shoreline; install 66 spring piles along the length of the waterward edge of the northern dock; install two 3-pile ice clusters at the west end of the dock; remove old pilings and remnant seawall as needed in the north channel, install 20 pilings to mark the location of the deteriorated seawall in the northwest entrance channel.

*East Assess Channel:*

Remove approximately 12 docks and numerous piles from the existing marina area; mechanically dredge approximately 3,244 cubic yards of material from a 978-foot long by 25-foot to 56-foot wide area down to an elevation 1.4 feet below LWD; construct an approximately 1,002-foot long new steel seawall along the toe of slope of the existing eastern shoreline; discharge approximately 300 cubic yards of material landward of the new seawall in an approximately 1,002-foot long by approximately zero to 6-foot wide area (2,840 square foot area); install 100 spring piles along the length of the eastern seawall; construct an approximately 678-foot long by 6-foot wide boardwalk landward and adjacent to the new seawall.

*South Access Channel:*

Remove several existing pilings from the western section of the southern access channel; mechanically dredge approximately 1,822 cubic yards of material from a 737-foot long by 20-foot to 63-foot wide area down to an elevation of 1.4 feet below LWD; construct an approximately 612-foot long new steel seawall along the toe of slope of the existing southern shoreline; discharge approximately 120 cubic yards of material landward of the new seawall in an approximately 612-foot long by zero to 2-foot wide area (approximately 1,812 square foot area); install 101 spring piles along the length of the southern seawall and rip-rap; discharge approximately 16 cubic yards of riprap in a 95-foot long by 6-foot wide area along shoreline of the western section of the south channel; construct a 70-foot long by 12-foot wide boardwalk with an approximately 25-foot by 25-foot platform near the western end of the south channel.

*Western Section of Site:*

As part of a larger platform measuring approximately 112-feet by 77-feet overall and located adjacent to the proposed swimming pool, construct approximately 1,568 square feet of the platform waterward of the OHWM and over a wetland area; discharge approximately 6 cubic yards of riprap in a 120-foot long by 2-foot wide wetland area underneath the proposed deck.

Expand the width and resurface an existing 9.5-foot long bridge, from 18.5-foot wide to a 30-foot wide bridge; in the area immediately adjacent the bridge, install, by directionally boring under the approximately 9.5-foot wide channel, an 8-inch water main and 3-inch diameter forced sanitary main; install approximately 3,775 feet of silt curtains to enclose the proposed dredging areas.

Project Location:

In Lake St. Clair and adjacent wetland, at 7317 Dyke Road, Clay Township, Michigan.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2022**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately stop work in that area and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Your signature, as permittee, indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit.
2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will

be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. Disposal or chipping of trees, brush, and other debris in any stream corridor, wetland, or surface water is prohibited.

4. All dredged and/or excavated materials will be disposed of in upland location(s) with no placement in, or return to, any waterway or wetland. Liability for proper placement of all materials, including those disposed of off-site by any party, notwithstanding ownership, remains with the permittee.

5. Temporary and/or permanent sidelaying of dredged material and/or placement of fill material into the waterway or wetland for any purpose, including operating and/or placing equipment, is not authorized.

6. All dredging is prohibited during the period April 1 through September 30, as designated in the issued Michigan Department of Environmental Quality (MDEQ) permit. If the MDEQ modifies the dredge window, the permittee must provide a copy of such modification to the Corps of Engineers prior to the start of dredging.

7. Prior to beginning any dredging, the permittee shall install commercial-grade silt curtains that extend from a floating boom on the lake surface down to the bed of the waterway. The silt curtain shall continuously and completely enclose the dredge area. The silt curtain shall be properly anchored onshore, and anchored offshore at 25-foot intervals to provide a stable and functional barrier. The silt curtain shall be maintained in effective working condition until all dredging is completed and turbidity has returned to background levels. In the event that the silt curtain remains in place overnight, the applicant will coordinate proper marking of the silt curtain with the USCG and their requirements (e.g. lighting, reflective paints, etc.) will become special conditions under this permit.

8. Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping or planting and maintaining vegetative cover to prevent subsequent erosion.

9. The seawall shall be in place prior to the deposition of any fill material behind the seawall.

10. Erosion controls, such as silt fencing, shall be placed around the dredged material disposal area to prevent material from entering wetlands or waterways. These must be erected prior to starting work, and their effectiveness must be maintained until all work at the site is completed and the area has been stabilized against erosion.

11. Any equipment working in wetlands must be confined to mats. No grading, leveling, or mechanized clearing for mat placement is authorized.

12. Signs shall be posted at 50 foot intervals on the dock along the north channel stating "No Boat Parking".

13. Signs shall be posted at 50 foot intervals on the seawall along the east channel stating "Rafting Limited to 30 Feet From Seawall".

Further Information:

1. Congressional Authorities: You have been so authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modifications, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance of the information you provided.

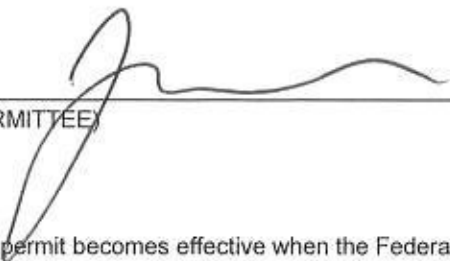
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order

requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)

6-27-19  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
\_\_\_\_\_  
Charles M. Simon for:

27 Jun 2019  
(DATE)

(DISTRICT ENGINEER)  
Gregory E. Turner  
Lieutenant Colonel, U.S. Army

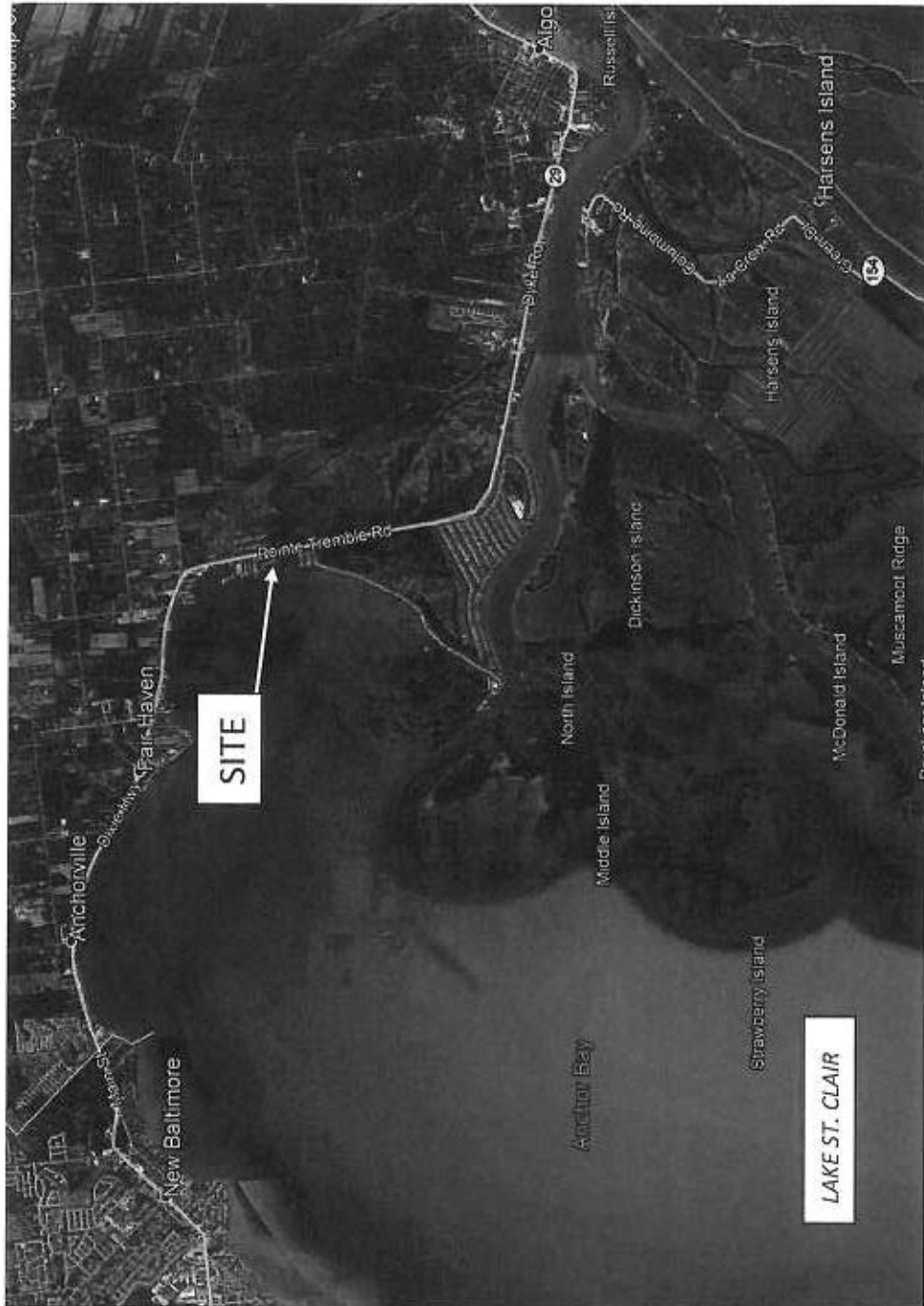
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

# SITE LOCATION MAP

Lupenski's Island  
7317 Dyke Road  
Clay Township, St. Clair County, MI

































NOTES:  
 A. MATERIALS SHOULD BE USED IN ASSOCIATION WITH THE FOLLOWING:  
 B. PERMANENT TYPE 1, AREA B IS TYPE 2 AND TYPE 3.  
 C. ALL MATERIALS SHALL BE CONSTRUCTED AS PER THE REQUIREMENTS OF A PROFESSIONAL, COMPETENT, LICENSED ENGINEER.  
 D. DEPTH OF CHANNEL AND BEDDING PLANE TO BE DETERMINED BY GEOTECHNICAL CONSULT ENGINEER.

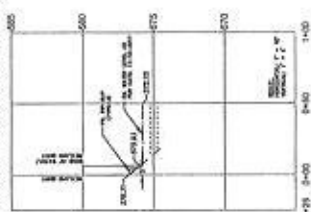
Profile View of CROSS-SECTION 1A



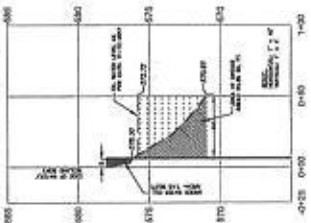
Profile View of CROSS-SECTION 1B



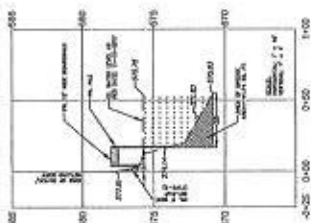
Profile View of DREDGE CROSS-SECTION 2



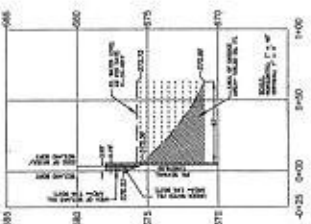
Profile View of DREDGE CROSS-SECTION 4



Profile View of DREDGE CROSS-SECTION 5



Profile View of DREDGE CROSS-SECTION 6



SECTION NUMBER	SECTION LENGTH (LINEAL FEET)	SECTION WIDTH (FEET)	SECTION VOLUME (CU YD)	SECTION AREA (SQ FT)	SECTION PERCENTAGE (%)	SECTION TOTAL VOLUME (CU YD)	SECTION TOTAL AREA (SQ FT)	SECTION TOTAL PERCENTAGE (%)
SECTION 1A	100	10	100	1000	10	100	1000	10
SECTION 1B	100	10	100	1000	10	100	1000	10
SECTION 2	100	10	100	1000	10	100	1000	10
SECTION 4	100	10	100	1000	10	100	1000	10
SECTION 5	100	10	100	1000	10	100	1000	10
SECTION 6	100	10	100	1000	10	100	1000	10
TOTAL	600	60	600	6000	60	600	6000	60

**LEHNER ASSOCIATES, INC.**  
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**LUPENSKI'S ISLAND**  
 CROSS-SECTIONS  
 1A TO 6

DATE: 05/11/18  
 DRAWN BY: J. J. JONES  
 CHECKED BY: J. J. JONES  
 SCALE: AS SHOWN

GRAPHIC SCALE  
 1" = 40'





