



US Army Corps
of Engineers
Detroit District

Public Notice

REISSUANCE OF REGIONAL GENERAL PERMITS 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-S22

Date: July 1, 2022
Expires: July 1, 2027

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.

This Regional Permit affords this office with a means to authorize activities of a minor nature in approximately five (5) to fifteen (15) workdays (provided the application is administratively complete) and reduces costs, delays, and paperwork at all levels of government. No new categories have been added. Former Category J (Groins) has been removed due to lack of use under the Regional Permit and concerns about impacts. 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.

The Detroit District will implement an Abbreviated Review Process (ARP) for qualifying projects under the Regional Permit, wherein permit verification would be provided via a condensed e-mail response that would include a detailed work description, project plans, a copy of the Regional Permit general and category-specific conditions, and Section 401 Water Quality Certification /Coastal Zone Management Act conditions. Projects that are located within environmentally sensitive natural resource areas and/or require coordination with other agencies (such as consultation regarding the ESA, NHPA, Section 408, or Tribal treaty and reserved rights) would not qualify for the abbreviated process and would be evaluated using the existing Regional Permit process and permit verification letter. Use of the abbreviated process would increase efficiency in evaluating simple projects and allow focus on larger, more complex projects that require a more detailed review. All of the categories listed below would be

eligible for abbreviated processing, with the exception of categories K, N, S, T, and U. The ARP would not apply to projects located on tribal lands, or on property within the boundaries of Traditional Cultural Properties and Landscapes (i.e., Kalamazoo River Mouth TCP, Straits of Mackinac TCL).

Three different certifying authorities are responsible for Clean Water Act Section 401 Water Quality Certification (WQC) in their respective parts of Michigan. The State of Michigan's Department of Environment, Great Lakes and Energy (EGLE) administers WQC on non-tribal lands in Michigan. EGLE is also responsible for administering the State of Michigan's Coastal Zone Management Act (CZMA). EGLE granted WQC/CZMA consistency for RP categories C, E, R, S, T, U, W and Y without conditions. EGLE granted WQC/CZMA consistency for RP categories A, B, D, F, G, H, I, K, L, M, N, O, P, Q, V, and X with category-specific conditions (see Section A).

On tribal lands in Michigan, the U.S. Environmental Protection Agency (EPA) administers WQC on all Federally recognized tribal lands except for the Keweenaw Bay Indian Community (KBIC) tribal lands. EPA granted WQC consistency with general conditions for categories A, D, E, F, H, I, K, L, M, O, P, and S through Y (see Section B). EPA denied WQC for category K. For categories B, C, G, N, Q, and R, WQC is considered waived because EPA did not make a determination for those categories.

The KBIC administers WQC on their tribal lands. They granted WQC for all RGP categories with no general or category-specific conditions.

In response to the Detroit District's January 10, 2022 Public Notice and subsequent certification request letters, the certifying authorities made determinations regarding WQC and CZMA consistency which are listed under each respective category.

Categories of existing 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. Reserved
- K. Submerged Utility Line Crossings
- L. Water Intakes for Private Residences
- 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. Riprap/Revetment
- Y. Access Steps/Stairways

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.

Attached is the text of the RGPs with category-specific WQC/CZM conditions, where applicable (Section A), the Detroit District limitations (Section B) and general conditions (Section C) applicable to all RGP categories, the EPA conditions applicable to all RGPs for WQC consistency (Section D), and a glossary (Section E).

If you have questions concerning this Regional Permit contact Kristi DeFoe at the Detroit District, U.S. Army Corps of Engineers, at (313) 226-7718, e-mail: kristi.m.defoe@usace.army.mil.

Charles M. Simon
Chief, Regulatory Branch
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A. Regional General permits and category-specific WQC/CZM Conditions:**RPA 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).

EGLE 401 Water Quality Certification/CZMA Consistency for RPA: *EGLE granted certification/consistency subject to the following category-specific conditions:*

- a. *Individual CWA Section 401 WQC and CZMA Consistency are required for a dock with flared or deck segments.*
- b. *Structures shall not adversely impact navigation.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPA: *EPA granted certification subject to the General Conditions listed in Section D.*

Water Quality Certification on KBIC Tribal Lands for RPA: *KBIC granted certification with no conditions.*

RPB 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 pile/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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPB: *EGLE granted certification/consistency subject to the following category-specific condition:*

- a. *Structures shall not adversely impact navigation.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPB: EPA did not make a determination on WQC because the Corps did not request certification. Thus, WQC is considered waived.

Water Quality Certification on KBIC Tribal Lands for RPB: KBIC granted certification with no conditions.

RPC Marine Railways

- 1) Marine railways must be for private (non-commercial) use.
- 2) One (1) railway structure per lot is allowed.
- 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 to be visible from the water when in a launched position.

EGLE 401 Water Quality Certification/CZMA Consistency for RPC: EGLE granted certification/consistency with no category-specific conditions.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPC: EPA did not make a determination on WQC because the Corps did not request certification. Thus, WQC is considered waived.

Water Quality Certification on KBIC Tribal Lands for RPC: KBIC granted certification with no conditions.

RPD 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 seasonal high water elevation in IGLD 85 (602.1 feet in Lake Superior, 579.4 feet in Lakes Michigan and Huron, 574.8 feet in Lake St. Clair, 572.0 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 (non-contaminated granular fill, clean commercial soil, clay, or dredged material) obtained from an area greater than 6 feet deep relative to the average seasonal low water elevation in IGLD 85 (601.1 feet in Lake Superior, 578.4 feet in Lakes Michigan and Huron, 573.5 feet in Lake St. Clair, 570.9 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 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPD: EGLE granted certification/consistency subject to the following category-specific conditions:

- a. *Individual CWA Section 401 Water Quality Certification and CZMA Federal Consistency Certification are required for placement of a new seawall.*
- b. *Only one permit under this category is granted per parcel per 5-year period.*
- c. *Toe stone riprap shall be placed waterward along the seawall to the maximum extent feasible.*
- d. *Use of broken concrete or woven-wire gabion baskets is prohibited.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPD: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPD: KBIC granted certification with no conditions.

RPE 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPE: *EGLE granted certification/consistency with no category-specific conditions.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPE: *EPA granted certification subject to the General Conditions listed in Section D.*

Water Quality Certification on KBIC Tribal Lands for RPE: *KBIC granted certification with no conditions.*

RPF 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., is greater than 6 feet deep relative to the average seasonal low water elevation in IGLD 85 (601.1 feet in Lake Superior, 578.4 feet in Lakes Michigan and Michigan, 573.5 feet in Lake St. Clair, 570.9 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 Environment, Great Lakes, and Energy (EGLE) 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 is not authorized under this Regional Permit.
- 9) Dredging will be performed during EGLE preferred dredging windows except when the Michigan Department of Natural Resources (MDNR) - Fisheries Division has waived the window or when EGLE has issued a permit without restricting dredging activities to these periods.

EGLE 401 Water Quality Certification/CZMA Consistency for RPF: EGLE granted certification/consistency subject to the following category-specific condition:

- a. Disposal of the dredged or excavated material in the floodway of a floodplain is prohibited.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPF: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPF: KBIC granted certification with no conditions.

RPG 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPG: *EGLE granted certification/consistency subject to the following category-specific conditions:*

- a. *No more than two permanent hoists per residential lot are authorized under this category.*
- b. *The hoist shall not extend a greater distance waterward from the shoreline and shall not be greater in size than similar structures in the vicinity and on the waterbody.*
- c. *Temporary covers shall be of canvas or fabric.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPG: *EPA did not make a determination on WQC because the Corps did not request certification. Thus, WQC is considered waived.*

Water Quality Certification on KBIC Tribal Lands for RPG: *KBIC granted certification with no conditions.*

RPH 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.

EGL 401 Water Quality Certification/CZMA Consistency for RPH: EGL granted certification/consistency subject to the following category-specific condition:

- a. *Individual CWA Section 401 Water Quality Certification and CZMA Federal Consistency Certification are required for the project.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPH: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPH: KBIC granted certification with no conditions.

RPI 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.

EGL 401 Water Quality Certification/CZMA Consistency for RPI: EGL granted certification/consistency subject to the following category-specific conditions:

- a. *This category does not apply to expansion of a private or commercial boat ramp.*
- b. *Dredge and fill volumes are limited to 25 cubic yards each.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPI: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPI: KBIC granted certification with no conditions.

RPJ (Reserved)

RPK 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 U.S., 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 U.S. 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPK: EGLE granted certification/consistency subject to the following category-specific condition:

- a. *Individual CWA Section 401 Water Quality Certification and CZMA Federal Consistency Certification are required for the project.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPK: EPA denied certification.

Water Quality Certification on KBIC Tribal Lands for RPK: KBIC granted certification with no conditions.

RPL 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 to constitute a hazard to navigation.
- 4) Intake lines shall be for waterfront parcels.

EGLE 401 Water Quality Certification/CZMA Consistency for RPL: EGLE granted certification/consistency subject to the following category-specific condition:

- a. This category applies only to water intakes for single-family residential parcels.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPL: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPL: KBIC granted certification with no conditions.

RPM 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.

EGL 401 Water Quality Certification/CZMA Consistency for RPM: EGL granted certification/consistency subject to the following category-specific condition:

- a. *Temporary fill impacts shall not exceed a maximum of 1,000 square feet and placement of 25 cubic yards of material.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPM: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPM: KBIC granted certification with no conditions.

RPN 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.

EGL 401 Water Quality Certification/CZMA Consistency for RPN: EGL granted certification/consistency subject to the following category-specific condition:

- a. *Individual CWA Section 401 Water Quality Certification and CZMA Federal Consistency Certification are required for the project in waters regulated under Part 303, Wetlands Protection or Part 325, Great Lakes Submerged Lands, of NREPA.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPN: EPA did not make a determination on WQC because the Corps did not request certification. Thus, WQC is considered waived.

Water Quality Certification on KBIC Tribal Lands for RPN: KBIC granted certification with no conditions.

RPO 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPO: EGLE granted certification/consistency subject to the following category-specific conditions:

- a. This category does not apply to removal of human-made dams, weirs, or other human-made water level control structures.
- b. This category does not apply to removal of abandoned property regulated under Part 761, Aboriginal Records and Antiquities, of NREPA.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPO: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPO: KBIC granted certification with no conditions.

RPP 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPP: EGLE granted certification/consistency subject to the following category-specific condition:

- a. Individual CWA Section 401 Water Quality Certification and CZMA Federal Consistency Certification are required for the project.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPP: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPP: KBIC granted certification with no conditions.

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

EGLE 401 Water Quality Certification/CZMA Consistency for RPQ: EGLE granted certification/consistency subject to the following category-specific conditions:

- a. Individual CWA Section 401 Water Quality Certification and CZMA Federal Consistency Certification are required for the project.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPQ: EPA did not make a determination on WQC because the Corps did not request certification. Thus, WQC is considered waived.

Water Quality Certification on KBIC Tribal Lands for RPQ: KBIC granted certification with no conditions.

RPR 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPR: EGLE granted certification/consistency with no category-specific conditions.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPR: EPA did not make a determination on WQC because the Corps did not request certification. Thus, WQC is considered waived.

Water Quality Certification on KBIC Tribal Lands for RPR: KBIC granted certification with no conditions.

RPS 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPS: EGLE granted certification/consistency with no category-specific conditions.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPS: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPS: KBIC granted certification with no conditions.

RPT 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPT: EGLE granted certification/consistency with no category-specific conditions.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPT: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPT: KBIC granted certification with no conditions.

RPU 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 non-vegetated areas waterward of the Corps of Engineers OHWM.
- 5) The area proposed for discharge of the sand may occur on exposed bottomlands free of vegetation or areas that include vegetation typically adapted to wetland conditions, provided the conditional width restrictions are met.

EGLE 401 Water Quality Certification/CZMA Consistency for RPU: EGLE granted certification/consistency with no category-specific conditions.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPU: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPU: KBIC granted certification with no conditions.

RPV 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPV: EGLE granted certification/consistency subject to the following category-specific conditions:

- a. This category applies only to construction of a boardwalk within a wetland regulated under Part 303, Wetlands Protection, of NREPA.
- b. The maximum cumulative length of the boardwalk is limited to 500 feet.
- c. This category does not apply to consideration of a boardwalk that follows the contour of the shoreline.

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPV: EPA granted certification subject to the General Conditions listed in Section D.

Water Quality Certification on KBIC Tribal Lands for RPV: KBIC granted certification with no conditions.

RPW 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, 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 EGLE 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 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 will be installed every 25 feet along the top line of the silt curtain.
- 8) Dredging will be performed during EGLE preferred dredging windows except when the MDNR-Fisheries Division has waived the window or when EGLE has issued a permit without restricting dredging activities to these periods.

EGLE 401 Water Quality Certification/CZMA Consistency for RPW: *EGLE granted certification/consistency with no category-specific conditions.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPW: *EPA granted certification subject to the General Conditions listed in Section D.*

Water Quality Certification on KBIC Tribal Lands for RPW: *KBIC granted certification with no conditions.*

RPX 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 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPX: *EGLE granted certification/consistency subject to the following category-specific conditions:*

- a. *Use of grouted or manufactured interlocking materials or woven-wire gabion baskets is prohibited.*

- b. *Use of broken concrete is limited to drains legally established under the Michigan Drain Code, Public Act 40 of 1956, as amended, except drains that are mainstream portions of natural watercourses.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPX: *EPA granted certification subject to the General Conditions listed in Section D.*

Water Quality Certification on KBIC Tribal Lands for RPX: *KBIC granted certification with no conditions.*

RPY 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.

EGLE 401 Water Quality Certification/CZMA Consistency for RPY: *EGLE granted certification/consistency with no category-specific conditions.*

U.S. EPA Water Quality Certification on Tribal Lands (except for KBIC tribal lands) for RPY: *EPA granted certification subject to the General Conditions listed in Section D.*

Water Quality Certification on KBIC Tribal Lands for RPY: *KBIC granted certification with no conditions.*

B. RGP Limitations**1. 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 EGLE 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 has 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 that 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) are not authorized unless the requirements of Section 408 have been satisfied. 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 authority issues the Section 408 Permission, and the Corps issues a written Regional Permit verification.

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

3. Individuals wishing to perform work meeting the limitations and conditions stated under this Regional Permit would be required to submit a completed Joint Permit Application (JPA) and detailed drawings for a Department of the Army permit to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) through MiWaters, their online permitting website at www.michigan.gov/jointpermit.
4. DURATION: This Regional Permit would be in force and effect for a period of five (5) years, through July 1, 2027, with policies subject to reconsideration at any time.
5. A Federal authorization issued under this Regional Permit would not be valid until all required tribal, state, and local authorizations have been received.
6. This office reserves the right to process an individual permit for any proposed activity that would normally qualify under this Regional Permit.
7. 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, would be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal would be considered, including the cumulative effects thereof: These factors include 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.
8. 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. Conditions may be added to the Regional Permit to ensure that it complies with the Guidelines.

C: RGP General Conditions

The prospective permittee must comply with the following general conditions, in addition to any special conditions imposed by the District Engineer.

1. You must maintain any structures or work authorized by the Regional Permit in good condition and in conformance with the terms and conditions of the Regional Permit. You are not relieved of this requirement if you abandon any permitted structures/work, although you may make a good faith transfer to a third party. You are required to contact us should you wish to cease to maintain any authorized structure/work or should you desire to abandon the structures/work without a good faith transfer. We will most likely instruct you to remove the structures/work from the waterway and provide you with written authorization to conduct the removal work. We may add conditions to the removal work with respect to equipment and techniques, work sequence, and disposal.
2. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by the Regional Permit, you must immediately stop work in that area and notify this office of what you have found. We will initiate the federal, tribal, 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.
3. If a conditioned water quality certification and/or coastal zone management consistency concurrence has been issued for your project, you must comply with the conditions specified in the certification as special conditions to ensure compliance with the Regional Permit. For your convenience, a copy of the certification is attached if it contains such conditions.
4. 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 the Regional Permit.
5. The permittee understands and agrees that activities affecting structures or works built by the United States require permission from the Corps pursuant to 33 U.S.C. 408 (Section 408). If Section 408 Permission has been issued for your project, you must comply with the conditions specified in the permission document as special conditions to ensure compliance with the Regional Permit. For your convenience, a copy of the Section 408 Permission is attached if it contains such conditions.

6. 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.

D: EPA Conditions applicable to all RGPs for Water Quality Certification consistency (except category K, Submerged Utility Lines)

1. Prior to beginning work onsite, the project proponent shall send EPA notice. The notice shall include the Section 404 permit application information (e.g., site location, project description, planned work schedule, description of pre-construction site conditions). EPA recommends that the project proponent also provides this notification to the appropriate Tribal government prior to beginning work in Indian country.

- For shoreline stabilization activities, the project proponent shall also include a plan that, at a minimum, describes the design techniques and stabilization methods assessed prior to determining the final project design.

2. Project proponents shall take the following measures to ensure water quality is not degraded by invasive species, oil, grease, gasoline, or other types of fluids used to operate and maintain equipment. EPA Region 5 recommends that the project proponent minimizes equipment contact with WOTUS.

- All equipment shall be cleaned prior to arriving on the project site.
- All equipment shall be inspected daily and prior to entering any streams or wetlands, for oil, gas, diesel, anti-freeze, hydraulic fluid, and other petroleum leaks. All equipment detected with leaks shall be repaired promptly or moved offsite within 24 hours.
- Containment booms and/or absorbent material shall be available onsite prior to beginning work. In the case of spills, containment booms and/or absorbent materials shall be deployed immediately to prevent discharges from reaching WOTUS.
- All contaminated areas shall be cleaned immediately, and contaminated soil shall be removed from the site or contained in enclosed containers. Containers shall be located at least 100 feet from a WOTUS.
- The project proponent shall notify EPA Region 5 (R5Wetlands@epa.gov) and the appropriate Tribal government within 24 hours of discovery if spills or unauthorized discharges occur over the course of the project. As part of this notice, the project proponent shall provide details about actions to be taken, including the timeframe for remediating the spill or unauthorized discharge.

3. For any project involving shoreline stabilization activities:

- Up to 300 linear feet, the project proponent shall use bioengineering techniques (e.g., living shorelines) instead of, or in combination with, hard armoringⁱ (e.g., riprap, similar rock techniques, or clean concrete). Projects consisting entirely of hard armoring are not covered by this certification.
- Over 300 linear feet are not covered by this certification. The project proponent shall request a project-specific water quality certification from EPA Region 5 if the project is over 300 linear feet or if the project consists entirely of hard armoring.

4. Project proponents shall not conduct any in-water work during Lake Sturgeon spawning season in Michigan, which runs from April through May each year. Lake sturgeon are listed as a threatened species in the State of Michigan.

E. Glossary

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.

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 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.

Riprap: 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 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.