



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT**

ISSUED TO:

Lake Isabella Property Owners Association
1096 Queensway
Lake Isabella, MI 48893

Permit No.	13-37-0025-P
Issued	February 27, 2014
Extended	
Revised	
Expires	February 27, 2019

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 315, Dam Safety |
| <input type="checkbox"/> Part 325, Great Lakes Submerged Lands | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input type="checkbox"/> Part 31, Floodplain/Water Resources Protection | |

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Permitted Activity:

Dredge a total of approximately 3353 cubic yards of material from four separate locations in Lake Isabella. Dredge 1000 cubic yards from an area in Birch Bay, Location A. Dredge 717 cubic yards from an area in Lincoln Bay, Location B. Dredge 988 cubic yards from an area in Essex Bay, Location C. Dredge 648 cubic yards from an area in Mini Park Docking, Location D. All dredge material shall be disposed of onsite at the upland location shown on the plans, Location E, with a Declaration of Restrictive Covenant. All work shall be completed in accordance with the approved plans and specifications of this permit.

Water Course Affected: Lake Isabella

Property Location: Isabella County, Sherman Township, Section 35
Subdivision, Lot Town/Range 15N, 6W Property Tax No.

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that Act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the MDEQ.

- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31, and wetland).
- M. In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the State (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the State and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If a change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all sub-contractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent.
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the waterbody are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the MDNR, Fisheries Division.
- A. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
1. Authority granted by this permit does not waive permit or program requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA). To locate the Soil Erosion Program Administrator for your county visit www.mi.gov/deqstormwater and look for Soil Erosion and Sedimentation Control Program under "Related Links".
 2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state or federal approval or authorization, necessary to conduct the activity.
 3. No fill, excess soil, or other material shall be placed in any wetland or surface water area not specifically authorized by this permit, its plans, and specifications.
 4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.

5. The permit placard shall be kept posted at the work site, in a prominent location at all times for the duration of the project, or until permit expiration.
6. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning at the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
7. The Permittee and Permittee's contractor shall exercise due care to minimize loss of dredging materials during dredging and transportation to the disposal site.
8. All dredge spoils including organic and inorganic soils, vegetation, and debris shall be placed at the specified disposal site, above the ordinary high water mark, leveled, and stabilized with sod and/or seed, and mulched, in such a manner as not to erode into any waterbody, wetland, or floodplain.
9. Prior to commencement of any dredging authorized by this permit, the entire dredged area shall be enclosed with a turbidity curtain to prevent off-site siltation. The turbidity curtain shall be installed to extend from the bed of the waterbody to a point above the existing water's surface. The turbidity curtain shall be maintained for the duration of the project and shall be left in place after completion of dredging until all disturbed sediments have settled.
10. The permittee is cautioned that excessive dredging resulting in the impairment of the structural integrity of seawalls on neighboring riparian properties is subject to civil damage litigation.
11. All slurry resulting from any dewatering operation shall be discharged through a filter bag or pumped to a sump located away from wetlands and surface waters and allowed to filter through natural upland vegetation, gravel filters, or other engineered devices for a sufficient distance and/or period of time necessary to remove sediment or suspended particles. The discharge of slurry water resulting from the hydrodemolition of concrete is not allowed to enter a lake, stream, or wetland.
12. All spoils excavated from the uplands or dredged from lakes or streams, including organic and inorganic soils, vegetation, and debris shall be placed on-site above the ordinary high water mark, leveled, covered with six (6) inches of clean topsoil obtained from off-site, and stabilized with sod, seed and mulch, or paved over in such a manner as not to erode into any waterbody or wetland. Side slopes of cover material shall be no steeper than 3 on 1 (3 foot horizontal to 1 foot vertical)
13. Use or placement of the spoils shall be done in such a manner to prevent nuisance conditions and control the release of fugitive dust or visible emissions as required by Part 55, Air Pollution Control, of the NREPA, or the rules promulgated under this Act.
14. The spoils shall not be mixed with other waste or materials that are not inert as defined in Part 115, Solid Waste Management, of the NREPA.
15. The provisions of this permit do not preclude the disposal of the spoils in accordance with Part 115 at a properly licensed Type II solid waste disposal facility or at an out-of-state facility in accordance with the State's solid waste disposal regulations.
16. Within three (3) months after final placement of spoils, the permittee shall obtain a boundary survey of the area used as a disposal site, including the cover and side slopes thereof. The permittee shall enter said description on the enclosed Restrictive Covenant, have the Restrictive Covenant signed by the proper corporate officers, have the signatures properly witnessed and notarized, and record the Restrictive Covenant with the appropriate County Register of Deeds. A copy of the recorded document shall be submitted to the MDEQ, P.O. Box 30028, Lansing, MI 48909, Attention: Duane Roskoskey, within four (4) months after final placement of spoils.
17. Disposal of the dredged sediments is to uplands. If the dredged sediments are determined to be contaminated at a future date, permittee is considered a primary responsible party and remains liable for and all necessary site restoration and clean up under all applicable federal and state regulations.

- 18. In issuing this permit, the MDEQ has relied on the information and data, which the permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, or additional information demonstrates that the spoils are causing environmental contamination, or that new State or Federal regulations are promulgated which cause this disposal to be inappropriate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- 19. A licensed professional engineer of the permittee's choice shall certify to the MDEQ that the excavation and covering of contaminated soils was completed per MDEQ permit requirements. The permittee is responsible to insure the project is constructed in accordance with all drawings and specifications contained in this permit. Certification shall be provided no later than three (3) months after the spoils are placed on-site and covered.
- 20. All zoning and health regulations shall be strictly adhered to; water in said channel or canal will be open to the public. Any deviation from these stipulations shall be cause for the Department to take action to protect the correlative rights of riparian owners and the public trust in these waters.
- 21. A Restrictive Deed Covenant for disposal area shall be provided with signed draft permit. Information and a current template for a DECLARATION OF RESTRICTIVE COVENANT can be found at the DEQ website at: http://www.michigan.gov/documents/dea/dea-wrd-greatlakes-dredging-declaration-of-restrictive-covenant_411939_7.pdf?20130429093700 (form also attached).
- 22. Upon signing by the permittee named herein, this permit must be returned to the MDEQ's Water Resources Division, 401 Ketchum Street, Suite B, Bay City, Michigan, 48708 for final execution. This permit shall become effective on the date of the MDEQ representative's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

X Larry Russell 12/18/13
 Permittee Date

X LARRY RUSSELL PRESIDENT LIPOA
 Printed Name and Title of Permittee

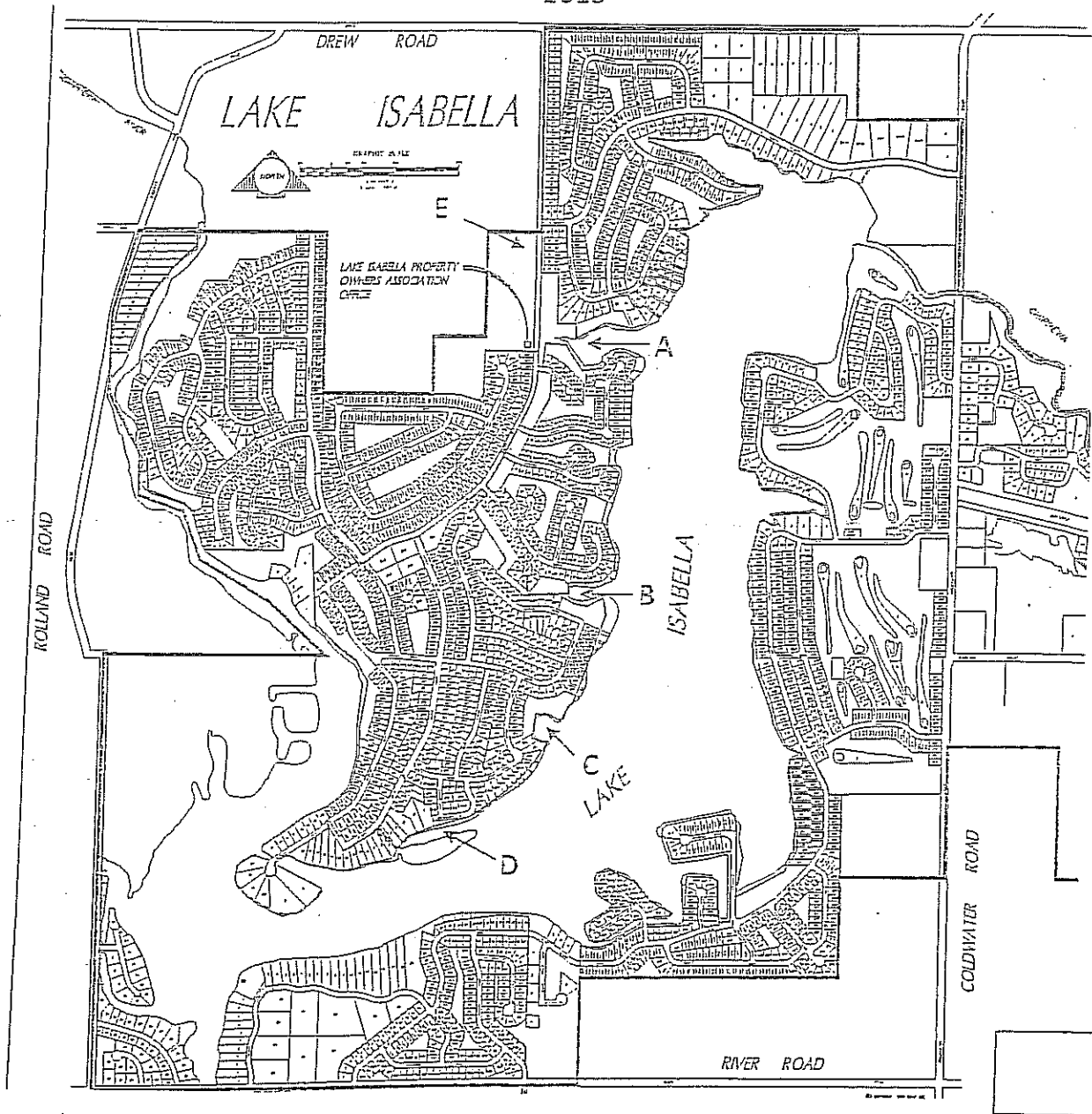
By: [Signature] 2/27/14
 Julia D. Miller
 Water Resources Division
 989-894-6228

cc: Sherman Township Clerk
 Isabella County Drain Commissioner
 Isabella CEA
 Village of Lake Isabella
 Saginaw Chippewa Indian Tribe, Carey Pauquette
 OWMRP, Duane Roskoskey

WATER RESOURCES DIVISION

360 9 2013

Lake Isabella Property Owners Assoc. Proposed Dredge Project Locations
2013



- Location A: Birch Park Bay Area
- Location B: Lincoln Park Bay Area
- Location C: Essex Park Bay Area
- Location D: Mini Park Bay Area
- Location E: Spoils Placement Location

WATER RESOURCES DIVISION

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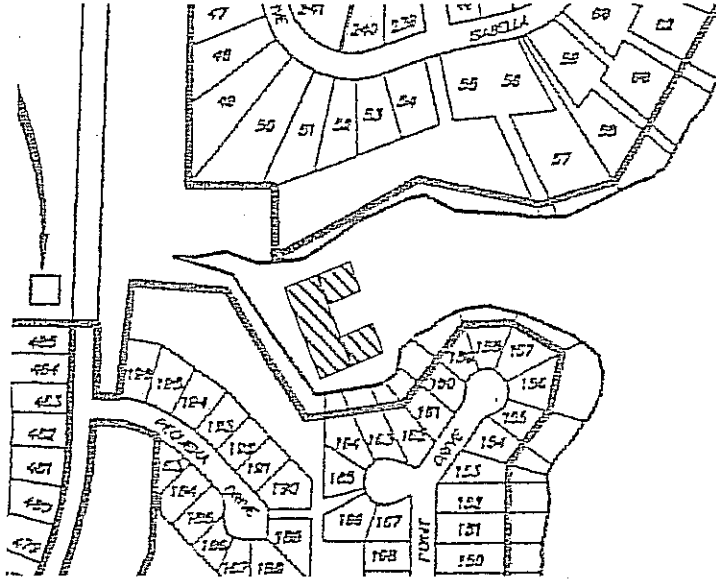
SEP 17 2013

Lake Isabella Property Owners Assoc.
Proposed Dredge Project Location A

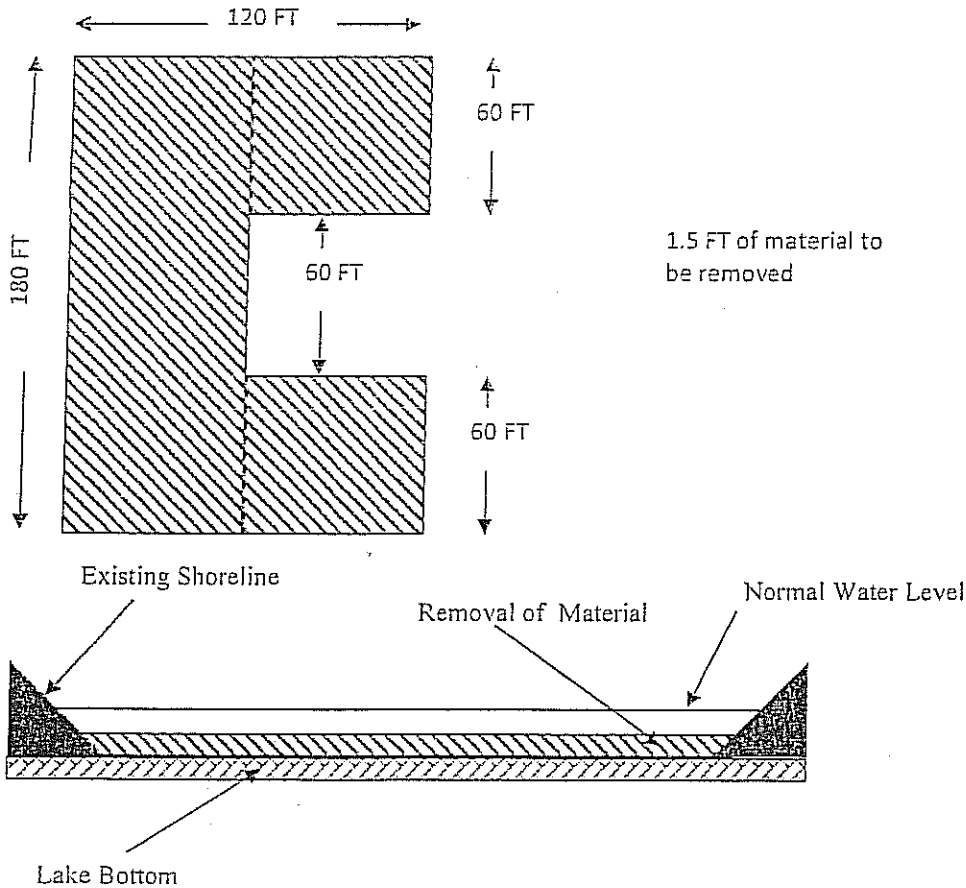
County: Isabella
Township: Sherman Section 35
City: Weidman/Lake Isabella
State: Michigan

Lake Isabella Property Owners
Association Birch Bay area

Estimated Cubic Yards
 $60 \times 60 \times 2 = 7,200 \text{ Sq Ft}$
 $60 \times 180 = 10,800 \text{ Sq Ft}$
 $7,200 + 10,800 = 18,000 \text{ Sq Ft}$
 $18,000 \times 1.5 = 27,000 \text{ Cu Ft}$
 $27,000 / 27 = 1000 \text{ Cubic Yards}$



NOTE: Diagrams below are not to scale



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Lake Isabella Property Owners Assoc.
Proposed Dredge Project Location B

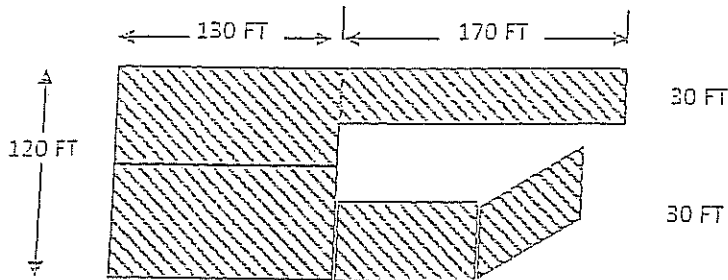
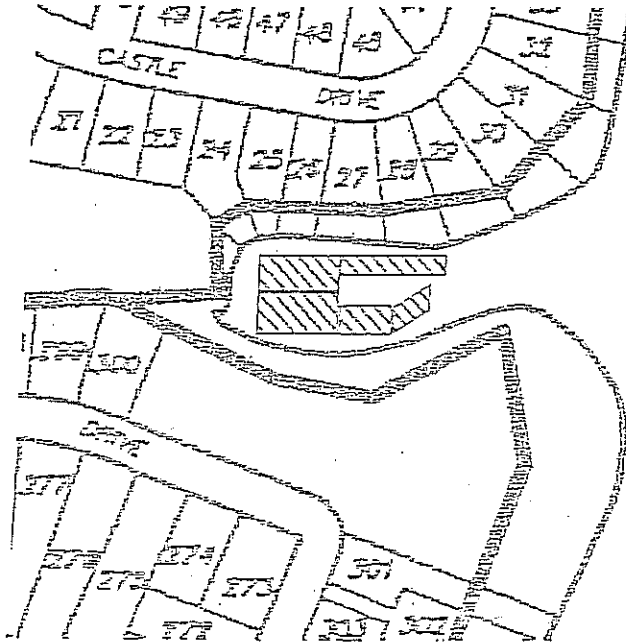
County: Isabella
Township: Sherman Section 35
City: Weidman/Lake Isabella
State: Michigan

Lake Isabella Property Owners
Association Lincoln Bay area

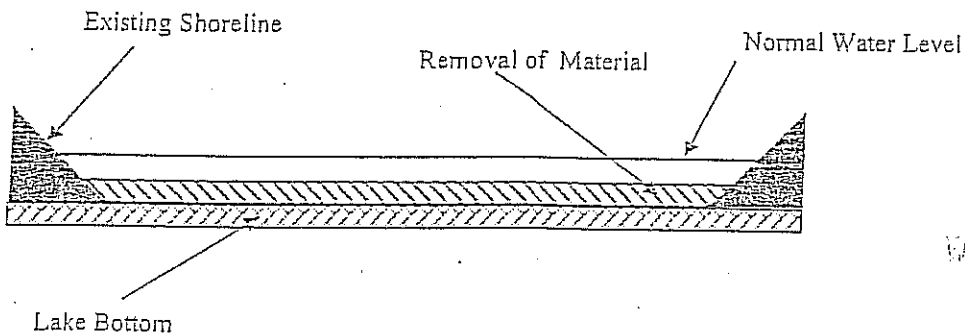
Estimated Cubic Yards

$30 \times 170 \times 2 = 10,200 \text{ Sq Ft}$
 $130 \times 120 = 15,600 \text{ Sq Ft}$
 $25,800 \times .75 = 19,350 \text{ Cu Ft}$
 $19,350 / 27 = 717 \text{ Cubic Yards}$

12/01/13 Modified by
JOM



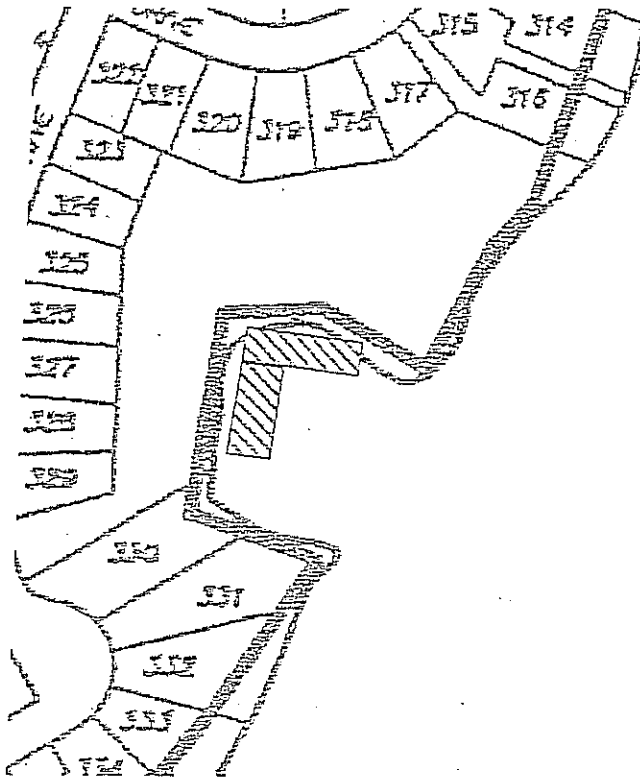
.75 FT of material to
be removed



WATER RESOURCES DIVISION

12/01/13

12/7/13



Lake Isabella Property Owners Assoc.
Proposed Dredge Project Location C

County: Isabella
Township: Sherman Section 35
City: Weidman/Lake Isabella
State: Michigan

Lake Isabella Property Owners
Association Essex Bay area

Estimated Cubic Yards

$$175 \times 65 = 11,375 \text{ Sq Ft}$$

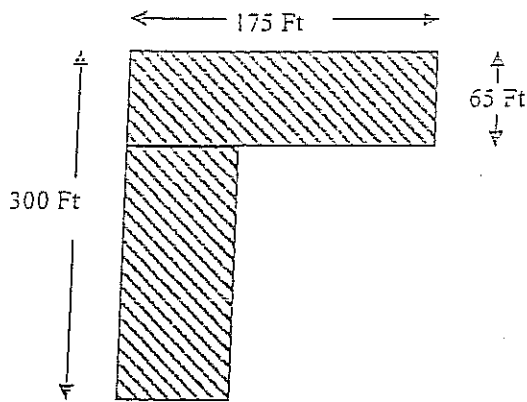
$$235 \times 65 = 15,275 \text{ Sq Ft}$$

$$11,375 + 15,275 = 26,650 \text{ Sq Ft}$$

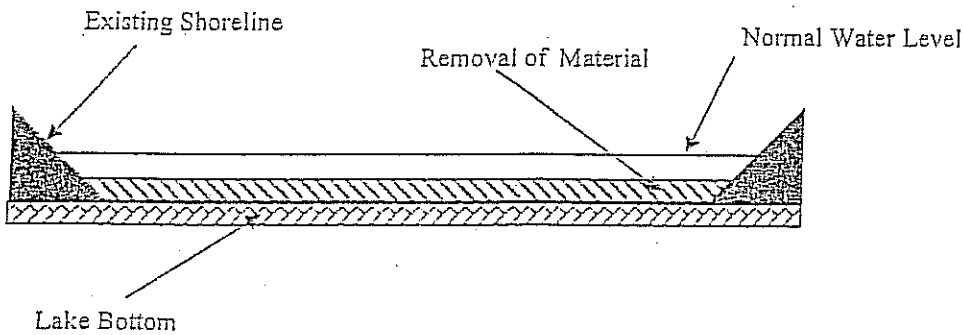
$$26,650 \times 1.0 = 26,650 \text{ Sq Ft}$$

$$26,650 / 27 = 988 \text{ Cubic Yards}$$

NOTE: Diagrams below are not to scale



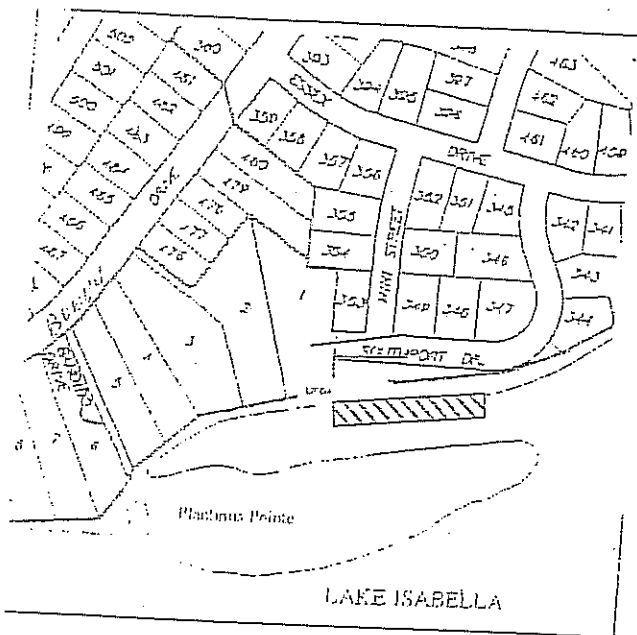
1.0 FT of material to
be removed



WATER RESOURCES DIVISION

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Lake Isabella Property Owners Assoc.
Proposed Dredge Project Location D

County: Isabella
Township: Broomfield
City: Weidman/Lake Isabella
State: Michigan

Lake Isabella Property Owners
Association Mini Park Docking area

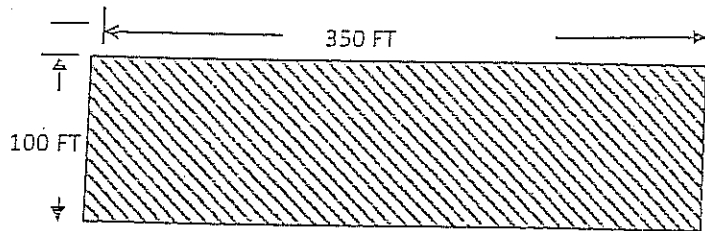
Estimated Cubic Yards

$$100 \times 350 = 35,000 \text{ Sq Ft}$$

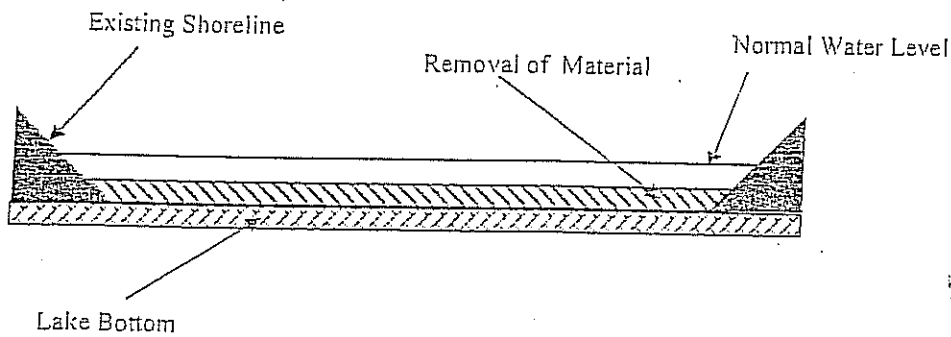
$$35,000 \times .5 = 17,500 \text{ Cu Ft}$$

$$17,500 / 27 = 648 \text{ Cubic Yards}$$

NOTE: Diagrams below are not to scale



0.5 FT of material to
be removed



WATER RESOURCES DIVISION

SEP 17 2013

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To see all the details that are visible on the screen, use the "Print" link next to the map.

Google

LOCATION: [Handwritten] SPONSOR: [Handwritten]

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