MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT

Issued To:

Telgard Marina
c/o Lynn Telgard
PO Box 716
Leland, Michigan 49654

Permit No: WRP034538 v.1
Submission No.: HPA-NXSW-RHBAK
Site Name: 45-102 E River St-Leland
Issued: October 26, 2022
Revised:
Expires: October 26, 2027

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

- ☒ **Part 301, Inland Lakes and Streams**
- ☐ **Part 303, Wetlands Protection**
- ☐ **Part 315, Dam Safety**
- ☐ **Part 31, Water Resources Protection (Floodplain Regulatory Authority)**
- ☐ **Part 323, Shorelands Protection and Management**
- ☐ **Part 325, Great Lakes Submerged Lands**
- ☐ **Part 353, Sand Dunes Protection and Management**

EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies without conditions under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan's water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.

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

Authorized Activity:

Demolish and remove existing five (5) docks, pilings and head dock; retain docks 1 of 2 (slips 1-4) and conduct maintenance(in place/in kind) of the decking only; install approximately 145 feet of replacement steel seawall and place approximately 33 cubic yards of riprap toe stone along 145 feet of the seawall; install approximately 36.5 feet of new seawall and place approximately 8 cubic yards of riprap along 36.5 feet of the new seawall; construct five (5) 20-foot long by 24-inch wide open pile docks and one (1) 18-foot long by 24-inch wide open pile dock to create 16 slips in the Leland River at the Telgard Marina, 102 E River Street, Leland. All work shall be done according to the attached plans dated October 20, 2022.

Waterbody Affected: Leland River
Property Location: Leelanau County, Leland Township, Town/Range/Section 30N12W09
Property Tax No. 45-009-750-120-00

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 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 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
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 EGLE within one week after the completion of the activity authorized by this permit by sending an email to the EGLE staff person who issued the permit.
J. This permit shall not be assigned or transferred without the written approval of EGLE.
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 of the NREPA, and wetlands).
M. In issuing this permit, EGLE 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, EGLE 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, 1969 PA 306, as amended, 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, EGLE 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 any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. 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 EGLE prior to being implemented.
Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also

submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE 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 subcontractors 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 (CEA).

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 water body 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 Michigan Department of Natural Resources, Fisheries Division.

Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. All work shall be completed in accordance with the attached plans dated October 20, 2022.

2. Authority granted by this permit does not waive permit requirements under the Natural Resource and Environmental Protection Act, Part 91 - Soil Erosion and Sedimentation Control at 231-256-9783.

3. The authority to conduct the activity as authorized by this permit is granted solely under 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, or federal approval or authorizations necessary to conduct the activity.

4. Authority granted by this permit does not waive requirements found in the State Building Codes, contact the Leelanau County Department of Building Safety at 231-256-9806 for more information.

5. Leland Township: Contact Tim Cypher, Zoning Administrator at 231-360-2557 or tim@allpermits.com for more information.

6. Prior to construction a siltation barrier curtain must be installed in the waterbody to enclose the area of disturbance. The curtain must be adequately supported on posts, or inflowing or deep water supported by floatation and anchoring devises. The curtain must be construction of vinyl, geotextile or other material designed for siltation control and waterbody use. The structure must extend from the water surface to the bottom and completely enclose the area of disturbance during construction. It must be regularly monitored and maintained ensure its effectiveness.

7. During removal or repair of the existing structure, every precaution shall be taken to prevent debris from entering any watercourse. Any debris reaching the watercourse during the removal and/or reconstruction of the structure shall be immediately retrieved from the water. All material shall be disposed of in an acceptable manner consistent with local, state, and federal regulations.

8. Seawall shall be placed immediately along the waterward face of the existing seawall and shall be placed in such a manner so as to join existing walls on adjacent properties or to allow joining by adjacent owners if desired without creating right angles or waterward extensions.

9. On project requiring backfilling, seawall shall be in place prior to any fill.

10. Backfill shall consist of inert materials, which will not cause siltation nor contain soluble chemicals or organic matter, which is biodegradable. All fill shall be contained in such a manner as not to erode into any watercourse and/or wetland.

11. All raw areas resulting from this construction activity shall be promptly and effectively stabilized with seed or native plantings, in sufficient quantity to prevent erosion and subsequent siltation to any watercourse and/or wetland.

12. EGLE requires riprap be placed at the toe of the seawall, along the entire seawall length (replacement and new). Sufficient riprap shall be placed so that the height of the riprap structure is approximately 18-inches high along the seawall, approximately 0.22 cubic yards per running foot, a total of 39 cubic yards.

13. The riprap shall be placed along the seawall within 30 days from completion of the seawall construction.

14. Dock shall be open pile without fill, maintaining free water movement and circulation.

15. Boats and other vessels using slip 16 shall be of reduced length to ensure no portion of vessel is within the required setback.

16. No boat in an outside slip (slips that are accessed from locations between the marina's riparian interest area boundary and the mooring structure) shall extend beyond the end of the authorized dock or slip length. Swim platforms, bow sprits, and/or pulpits must be factored into total length of the boat. No other structures such as boat hoists or spring piles shall extend beyond the end of the authorized dock or slip length.

17. This project shall be constructed as shown on the attached plans with respect to property lines to maintain this permitted use within the applicant's riparian area and required setback.

18. Additional attachments to permitted structures, including but not limited to roofs, sidewalls, handrails, benches, decks, docks, piers, or extensions thereof, are <u>not</u> authorized by this permit.

19. Construction pads, haul roads, temporary structures, or other structural appurtenances to be placed on or over bottomlands and /or wetlands are not authorized by this permit and shall not be constructed unless authorized by separate permit or permit revision granted in accordance with applicable law.

20. This permit shall be kept posted at the work site in a prominent location at all times for the duration of the project, or until its expiration, and authorizes representatives of the EGLE to enter upon said property in order to inspect project progress.

21. If permittee or any of their agents have questions pertaining to this permit or conditions, they shall contact the undersigned EGLE official for clarification.

22. This permit may be transferred to another person upon written approval of the EGLE. The permittee must submit a written request to the EGLE to transfer the permit to the new owner. The new owner must also submit a written request to accept transfer of the permit. 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 EGLE. The EGLE will review the request and if approved, will provide written notification to the new owner.

23. Your agent(s) or contractor(s), if specified in the application, will only be issued an electronic notice of permit. It is the permittee's responsibility to ensure that the agent(s) or contractor(s) have completely read and understand all permit restrictions and conditions; and that a paper copy of the permit and plans is kept available at the site for review by EGLE staff upon request.

24. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity and/or mitigation plan from the EGLE. Such revision requests shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the EGLE prior to being implemented.

25. This permit shall become effective on the date of signature by the EGLE officer. Upon signing by the permittee named herein, this permit must be returned to the Water Resources Division, Department of Environment, Great Lakes and Energy, Cadillac District Office, 120 West Chapin Street, Cadillac, Michigan 49601-2158, for final execution.

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

Lynn Telgard, Telgard Marina 10-25-22
Date

Issued By: Robyn L Schmidt
Robyn Schmidt
Cadillac District Office
Water Resources Division
231-383-5952

cc: Michael Leaveck, LTD Architects
Leland Township Clerk
Leelanau County SESC
Leelanau County Department of Building Safety

REVIEWED
By SCHMIDTR1 at 10:51 am, Oct 20, 2022

APPROVED
By SCHMIDTR1 at 12:14 pm, Oct 26, 2022

Site Plan
Scale: 1/32" = 1'-0"

L T D ARCHITECTS
T 231.866.1317
www.LTDarchitects.com
P.O. Box 217
Leland, Michigan 49654

Telgard Marina Expansion
102 E River St
Leland, MI 49654

September 30, 2022

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REVIEWED
By SCHMIDTR1 at 10:51 am, Oct 20, 2022

APPROVED
By SCHMIDTR1 at 12:14 pm, Oct 26, 2022

Marina Plan

Scale: 1/16" = 1'-0"

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Telgard Marina Expansion

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Enlarge Plan of New Head Dock

Scale: 3/16" = 1'-0"

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Section 1
Scale: 1/4" = 1'-0"

Section 2
Scale: 1/4" = 1'-0"

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