



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

**ISSUED TO:**

Runyan Lake Inc.  
P O Box 105  
Fenton, MI 48430

<b>Permit No.</b>	11-47-0091-P
<b>Issued</b>	<b>DRAFT</b>
<b>Extended</b>	
<b>Revised</b>	
<b>Expires</b>	

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

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

**Permitted Activity:**

**Install turbidity curtain and silt fence around the island perimeter.**

**Temporarily remove the existing pre-cast concrete stair case and re-install upon seawall completion.**

**Temporarily remove 11 cubic yards of existing broken concrete riprap from below the legal lake level of 894.0 to provide a 2-foot wide open corridor in which to install a new 300 foot long steel or vinyl seawall.**

**Replace the 11 cubic yards of broken concrete on the waterward side of the wall.**

**Place 20 cubic yards of 8-inch to 12-inch diameter natural stone at the toe of the 300 foot seawall.**

**Place 12 cubic yards of backfill in the landward side of the seawall.**

**Construct a 6 foot wide by 60 foot long dock.**

**All construction shall be completed in accordance to the attached plans and conditions.**

**Water Course Affected:** Runyan Lake Island    *Resolution to Contested Case*  
**Property Location:** Livingston County, Tyrone Township, **Section 9**  
 McClatcheys Runyan Lake Estates **Subdivision, Lot 5**    **Town/Range 4N, 6E**    **Property Tax No. 4704-10-301-026**

**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 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 representatives of the permittee undertaken in connection with this 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 any 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 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.
- 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. Prior to initiating construction, authorized by this permit, the permittee is required to provide a copy of the permit to the contractor(s) for review.
  - 2. The property owner, contractor(s), and any agent involved in exercising this permit are held responsible to ensure the project is constructed in accordance with all drawings and specifications contained in this permit. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by this permit.
  - 3. Dredging is not authorized by this permit.

4. Prior to commencement of any activity authorized by this permit, the entire work area shall be enclosed with a turbidity curtain barrier in waters two feet and deeper and silt fence in waters less than two feet deep for the purpose of containing and preventing off site siltation within the lake during construction. The barrier shall be installed to extend from the bed of the waterbody to a point above the existing water's surface. The barrier shall be maintained for the duration of the project and shall be left in place after completion of work until all disturbed sediments have settled.
5. All raw areas resulting from the permitted construction activity shall be promptly and effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner to prevent erosion and any potential siltation to surface waters or wetlands.
6. Natural stone riprap shall be placed at a 1 on 2 slope (that is 1-foot vertical to 2-feet horizontal) or gentler and shall not extend more than 5-feet below the ordinary high water mark. Be aware that the waterward extent of riprap does not establish the location where a shore protection structure may be constructed. A geotextile fabric is required beneath riprap in muck or loose soils and recommended for all soils. Broken concrete is not allowed in place of natural stone. The riprap shall consist of clean natural stone or rock free of paint, soil or other fines, asphalt, soluble chemicals, or organic material. Riprap that is currently along the shoreline may be moved to upland before construction of the new shore protection structure. The rock riprap shall then be placed at the lakeward toe of the new wall at the time of backfill and prior to final grading. Riprap is required as a condition of the permit to mitigate for the impacts of a vertical wall which eliminates shallow water habitat.
7. Unless authorized by the attached plans, the seawall, bulkhead, or revetment structure shall be placed at or above (landward) of the Ordinary High Water Mark or in the location shown on the attached approved plans. Any variation from the approved location must be authorized in writing by the Water Resources Division prior to the initiation of these activities.
8. On a project requiring backfilling, the seawall shall be in place prior to placing any fill.
9. All fill and backfill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water.
10. 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.
11. **Photos showing the same vantage points as the attached shall be taken after the 2-foot wide work corridor is cleared of existing riprap to show the exposed ordinary high waterline. Send photos by e-mail as work progresses to [valorc@michigan.gov](mailto:valorc@michigan.gov) and [vanderlaanm@michigan.gov](mailto:vanderlaanm@michigan.gov)**
12. Photos showing the same vantage points as the attached shall be taken after the new seawall have been installed, but prior to the placement of backfill.
13. Upon completion of your project, you must complete and return the enclosed card and photos taken from each of the same vantage points showing the "as-built" condition of your project. The completion card and required photos shall be forwarded to the MDEQ's Water Resources Division, within 30 days of completion of the project. Staff will use such pictures for monitoring compliance with your permit. Failure to submit these photos is an event of noncompliance.
14. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

15. 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). To locate the Soil Erosion Program Administrator for your county visit [www.deq.state.mi.us/sesca/](http://www.deq.state.mi.us/sesca/).
16. 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.
17. This permit is being issued for the maximum time allowed under Part 301, Inland Lakes and Streams of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, including all permit extensions allowed under the administrative rules R 281.813. Therefore, 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.
18. Noncompliance with these terms and conditions, and/or the initiation of other regulated activities not specifically authorized by this permit 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.
19. 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 MDEQ. 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 MDEQ prior to being implemented.
20. 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 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 MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.
21. This permit does not authorize or sanction work which may have been previously completed without benefit of permit.
22. The activity authorized in this draft permit is an agreed settlement of the pending contested case concerning the initial application. By signing this document and returning it to the MDEQ for final execution, the applicant acknowledges this permit will result in the dismissal of the pending contested case.
23. This permit shall become effective on the date of the MDEQ representative's signature. Upon signing by the permittee named herein, this permit must be returned to the MDEQ's Water Resources Division, Lansing District Office, for final execution.

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

X

\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Date

X

\_\_\_\_\_  
Printed Name and Title of Permittee

By: \_\_\_\_\_

Carol Valor  
Water Resources Division  
517-373-7055

- cc: Tyrone Township Clerk
- Livingston County Drain Commissioner
- Livingston CEA
- Ms. Dana Knox, ASTI Environmental
- Mr. John R. Fifarek, Lasky Fifarek & Hogan P. C.
- Judge Peter L. Plummer, Administrative Law Judge, Michigan Administrative Hearing System (MAHS)
- Mr. Bill Larson, DEQ

Installation of the seawall is the Best Management Practice for maintaining the island shoreline and eliminating shoreline erosion. The proposed seawall shall be either steel or vinyl. The seawall itself may be jettied, driven, vibrated, or hammered into place. The method or combination of methods shall be selected based upon what is best suited for the project based on access, soil types, and the length/width of the seawall panels. Piling shall be installed to a minimum depth of 48" below the ground surface to ensure that they are placed below the frost line.

Prior to commencement of any activity authorized by this permit, the entire work area shall be enclosed with a turbidity curtain barrier to contain and prevent off site siltation within the lake. The barrier shall be installed to extend from the bed of the waterbody to a point above the existing water's surface. The barrier shall be maintained for the duration of the project and shall be left in place after completion of work until all disturbed sediments have settled.

A silt fence should be placed along the existing riprap in shallow waters, to contain the disturbance during the earthwork associated with removal of existing riprap. Riprap fabric need not be trenched into the lake bottom. The fence posts should be driven to a depth that puts the base of the fabric fence against the lake bed and the fence height above the water line.

The turbidity curtain will be used in deeper waters (2+ feet) around the dock. For navigation clearance, running the curtain against the dock pilings and anchoring with a chain should be appropriate for isolating this zone. It is expected that the silt fence and the turbidity curtain will be relocated as work phases and spaces necessitate and sections are completed.

Access to the island with equipment and supplies shall be limited to the existing dock. This will reduce disturbance of existing vegetation on the island, as well as along the existing riprap shoreline. All building materials shall be transported to the island via boat or barge. Construction shall occur outside fish spawning in the spring (April through June). All work shall be completed from the island or from a barge. Any vegetated areas on the island disturbed during construction shall be stabilized and replanted following seawall installation activities. Existing riprap located below the legal water level of 894 will be left in place.

Riprap shall be maintained by Runyan Lake, Inc. volunteers. Volunteers shall adjust the steps and rip rap in late April or early May before the island is heavily used. Work shall be done by hand.

DEC-LWMD  
File # 11-47-0091 *R*  
APPROVED PLANS  
Page 1 of 4  
11/20/12

RECEIVED

NOV 16 2012

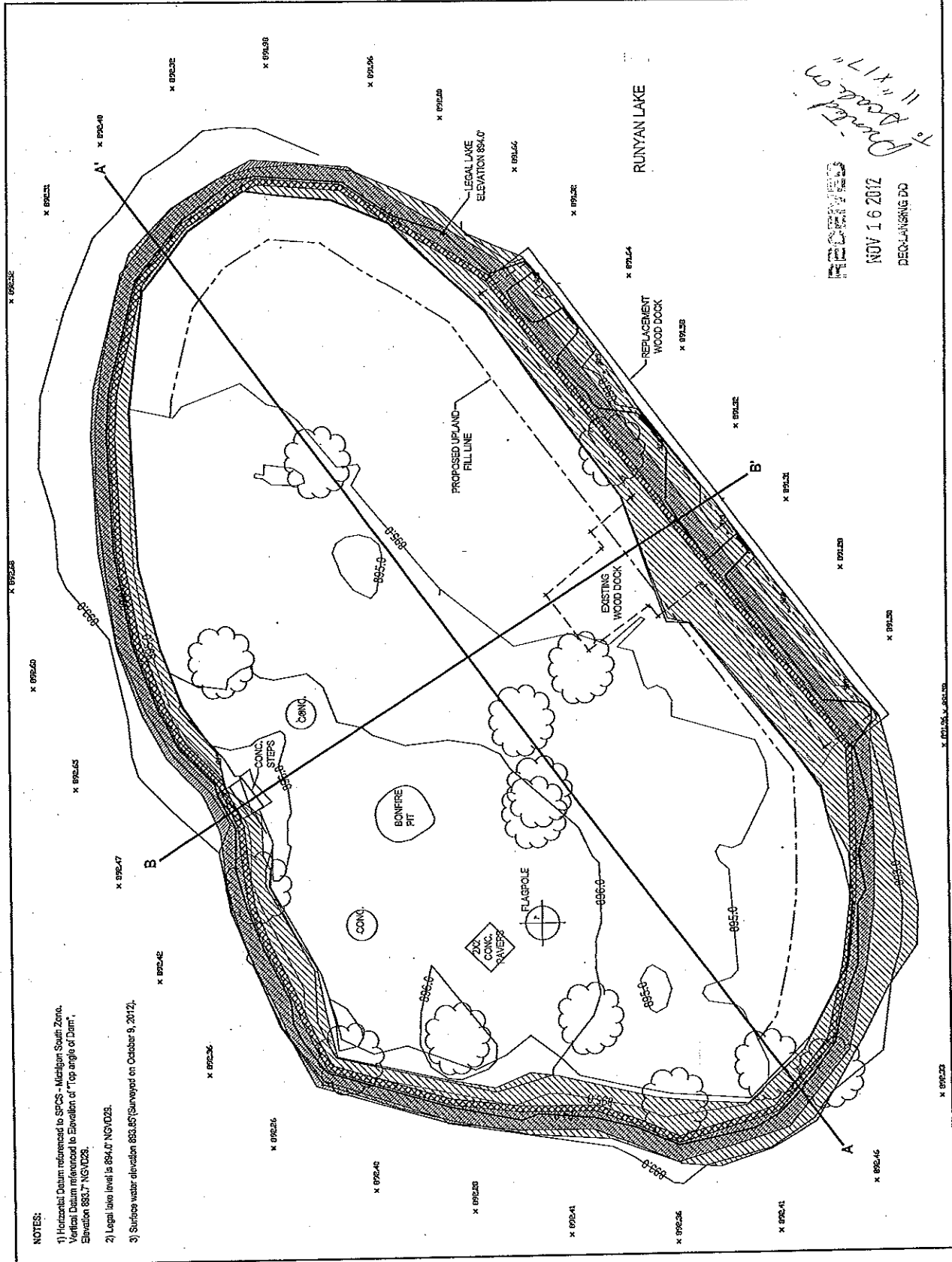
DECLASSING DG



File # 16-42-0091-P  
 DEQ-LWMD  
 APPROVED PLANS  
 Page 2 of 4  
 11/20/12

LEGEND

- Proposed Seawall
- Proposed Rip Rap
- Proposed Additional Rip Rap
- Existing Tree



RECEIVED  
 NOV 16 2012  
 DEQUANSING DO  
 Printed on 11" x 17"

- NOTES:
- 1) Horizontal Datum referenced to SPCS - Michigan South Zone. Vertical Datum referenced to Elevation of "Top angle of Dam", Elevation 893.7' NGVD23.
  - 2) Legal lake level is 894.0' NGVD23.
  - 3) Surface water elevation 893.85' (surveyed on October 9, 2012).

*Printed to scale on 11"x17" sheets*

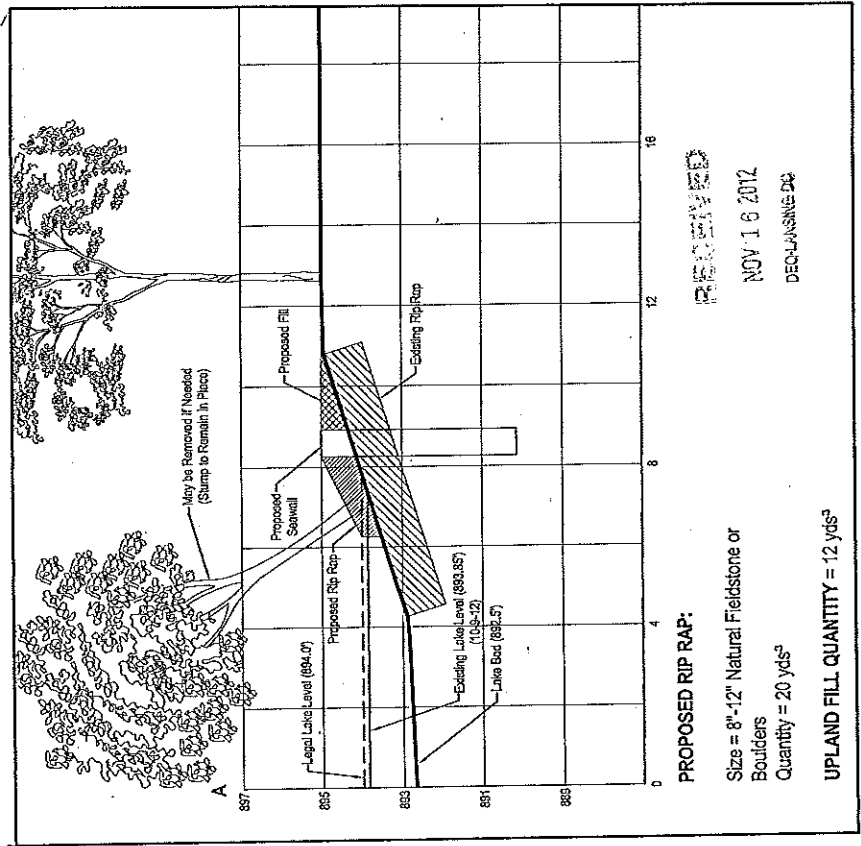
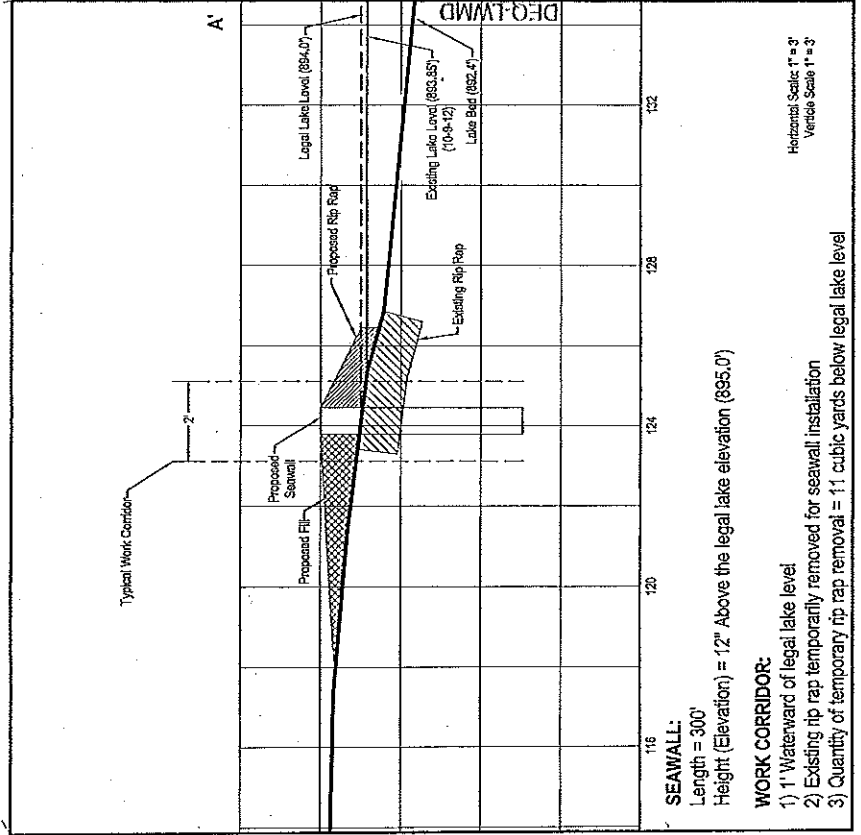
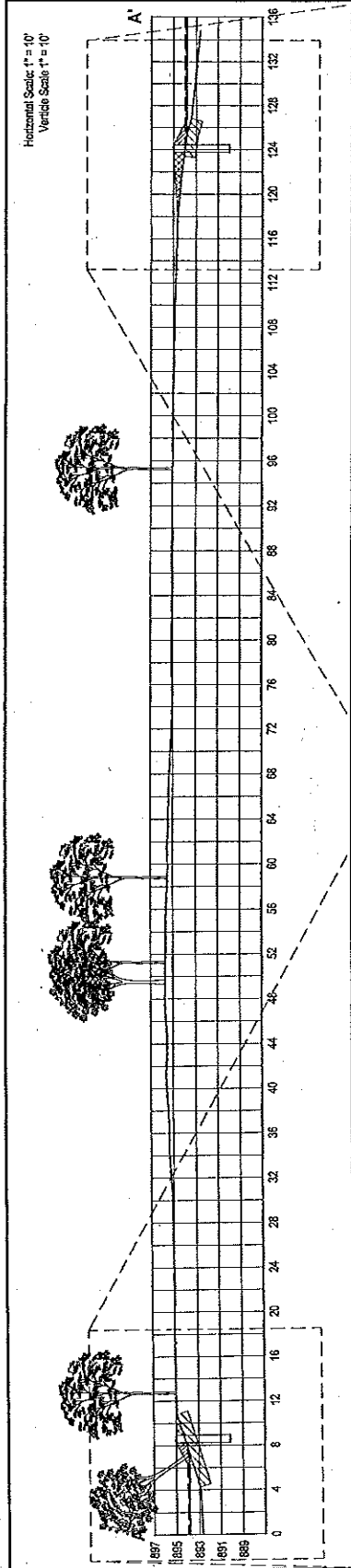


LEGEND

	Proposed Fill
	Proposed Additional Rip Rap
	Existing Rip Rap
	Legal Lake Level (894.0)
	Existing Lake Level (893.85)

*Printed to scale on 11" x 17" Sheets*

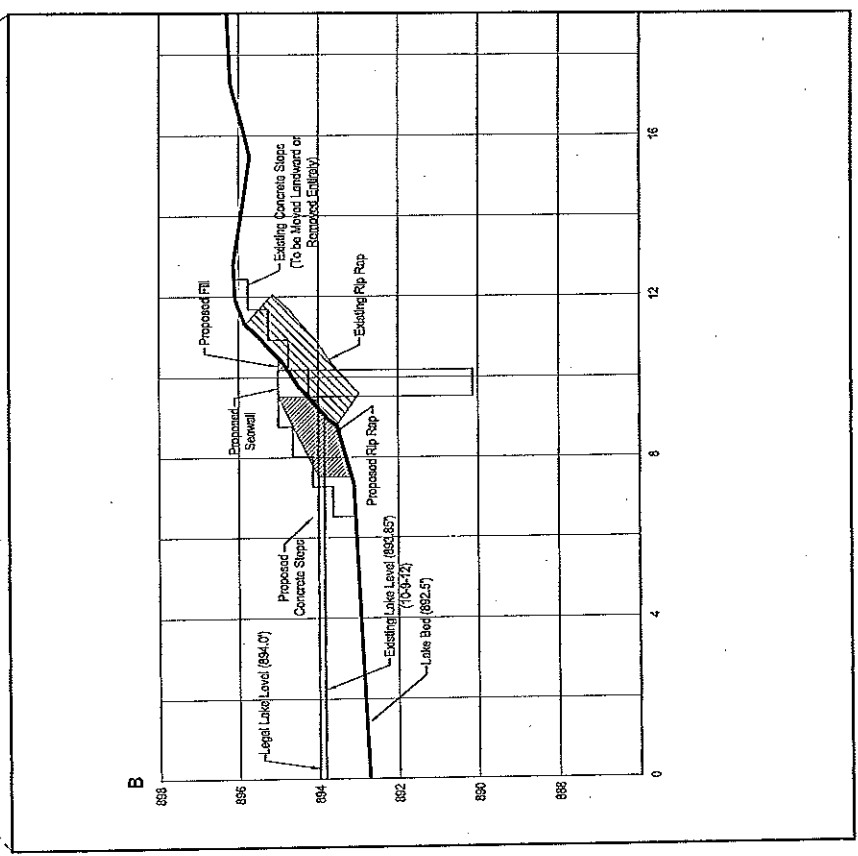
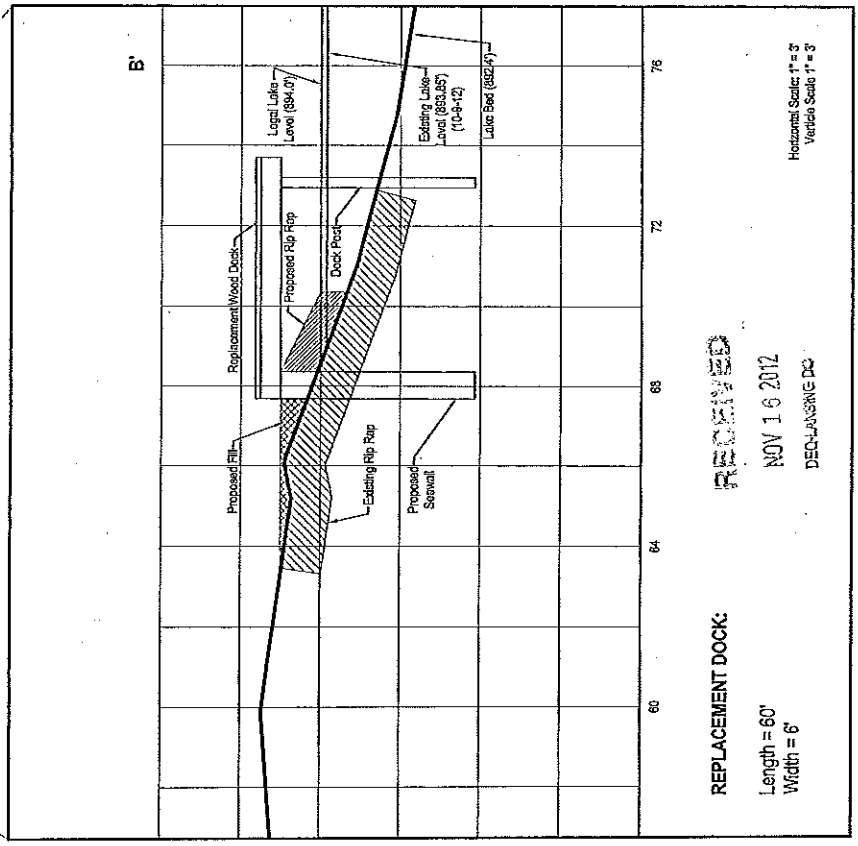
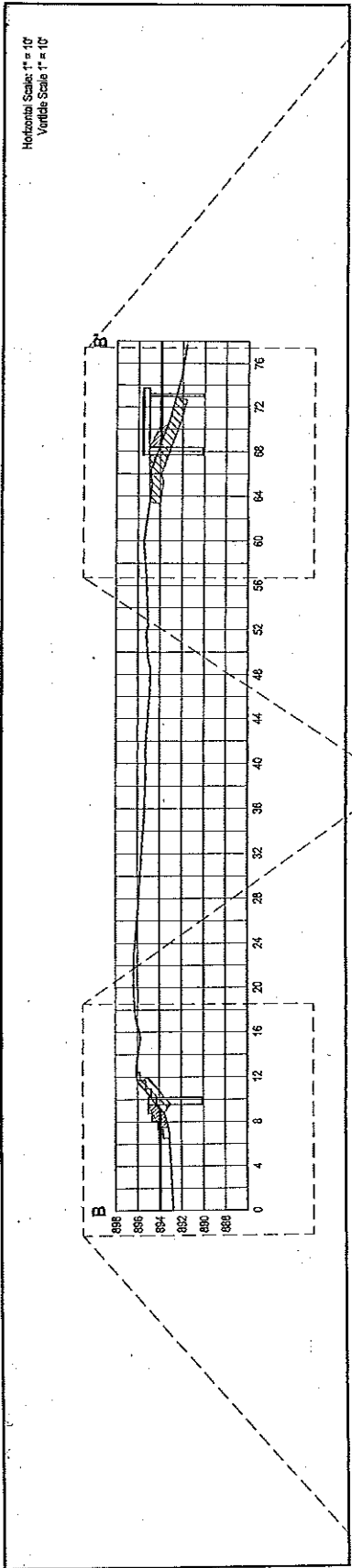
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APPROVED PLANS  
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11/16/12







- LEGEND
- Existing Lake Level (893.69)
  - Legal Lake Level (894.07)
  - Existing Rip Rap
  - Proposed Rip Rap
  - Proposed Additional Rip Rap
  - Proposed Fill



*Revised to meet on 11 "X17" sheets*