

DEPARTMENT OF THE ARMY PERMIT

Permittee Villa de Charlevoix Association

Permit No. LRE-1991-410101-L23

Issuing Office U.S. Army Engineer District, Detroit

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

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

Project Description:

- Seasonally install an open-pile, T-shaped docking structure composed of an 80-foot-long by 4-foot-wide gangway, a 230-foot-long by 4-foot-wide main pier positioned perpendicular to the gangway, and seventeen 26-foot-long by 4-foot-wide finger piers; creating thirty-four 26-foot-long by 12-foot-wide boat slips. The docking structure would be located approximately 109 feet south of the north riparian interest line.
- Seasonally install up to thirty-four seasonal boat hoists of varying sizes, with or without canopies, one per boat slip, as shown in the attached plans. Boat hoists and canopies may be a maximum 28-foot-long by 12-foot-wide with a maximum canopy height of 14 feet above the OHWM elevation.
- Seasonally install an open-pile, L-shaped seasonal launch dock composed of a 70-foot-long by 4-foot-wide main dock segment and a 10-foot-long by 4-foot-wide dock segment extending north from the main dock's waterward end. The launch dock would be located approximately 27 feet south of the north riparian interest line, adjacent to the existing boat ramp.
- Seasonally install an open-pile, T-shaped seasonal swim dock composed of a 100-foot-long by 4-foot-wide main dock and two 10-foot-long by 8-foot-wide platforms, one on each side of the main dock's waterward end. The swim dock would be located approximately 125 feet north of the south riparian interest line.
- Seasonally install four mooring buoys (MB), four swim-line buoys (SB) and an 8-foot-wide by 10-foot-long swim raft, as shown on page 1 of the site plans. Mooring buoys 1, 2, and 4 would have a 30-foot-long swing radius, and buoy 3 would have a 35-foot-long swing radius.

Project Location:

In Lake Charlevoix, offshore property located off Concorde North, approximately 0.42 mile southwest of the Chappelle Road/Boyne City Road intersection, Section 8, Township 33N, Range 6W, Boyne City, Charlevoix County, Michigan.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2027**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately stop work in that area and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Your signature, as permittee, indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all the terms and conditions of this permit.
2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
3. The permittee shall contact the U.S. Coast Guard to determine whether installation of navigational lighting is required.
4. Erosion controls, such as silt fencing, shall be placed in upland work and equipment use areas along the shoreline during the installation and removal process to prevent construction material from entering wetlands or waterways. These must be erected prior to

starting work, and their effectiveness must be maintained until all work at the site is completed.

5. All docks, boat hoists, buoys and swim raft and their related components shall be constructed of non-contaminated materials.
6. All structures installed and removed on a seasonal basis (approximately April – October), as authorized herein, shall be placed and/or stored at an upland location landward of the OHWM upon removal each year.
7. Mooring buoys shall be clearly marked with the Corps of Engineers' Permit/File number in characters at least 3 inches high and of contrasting color to the background color of the buoy.

Further Information:

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

Section 10 of the Rivers and Harbors Act of 1899

2. Limits of this authorization.

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

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

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

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

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

- a. You fail to comply with the terms and conditions of this permit.

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

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

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

Kerrie E. Kuhne for:
 (DISTRICT ENGINEER)
 Brett M. Boyle
 Lieutenant Colonel, U.S. Army

(DATE)

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

(TRANSFEREE)

(DATE)