

DEPARTMENT OF THE ARMY  
DETROIT DISTRICT, CORPS OF ENGINEERS  
BOX 1027  
DETROIT, MICHIGAN 48231-1027

October 15, 1997

IN REPLY REFER TO

Construction-Operations Division  
Regulatory Branch  
File No. 97-007-033-0E

Sunday Jaiyesimi, P.E.  
City of Detroit  
900 Cadillac Tower  
Detroit, Michigan 48226

Dear Mr. Jaiyesimi:

Please refer to your July 1, 1997 letter requesting Department of the Army authorization of a modified proposal to excavate an existing cement seawall and bottom sediments in Fox Creek at Alter Road, Detroit, Michigan. By letter dated July 11, 1997, we verified that your original proposal is authorized by our Regional Permit. As you may recall, a Regional Permit is a blanket permit whereby a class of activities can receive Department of Army authorization with a minimal amount of administrative review.

Since our original verification letter, there have been no changes to the Regional or our review criteria. The purpose of this letter is to inform you that we have verified that this modified proposal complies with, and is therefore authorized under the Regional Permit. Furthermore, our Environmental Analysis Branch has reviewed the sediment testing results and determined that the material is suitable for disposal in a landfill.

You may proceed with the work per the following project description, attached drawings, and attached general and special conditions:

Construct 5,125 lineal feet of steel sheet bulkhead in place of an existing cement bulkhead; backfill with 2,730 cubic yards of flow fill (liquid concrete) and 1,144 cubic yards of clean clay fill below the ordinary high water mark; excavate approximately 4,700 X 7.5 feet of the existing cement wall and bottom sediments for a total of 9,942 cubic yards of spoils; and place the spoils in a landfill, in Fox Creek (Detroit River), Detroit, Michigan.

Any proposed further revision or modification to the project may not qualify for the authorization. If you contemplate any changes or additional activities from those depicted on the plans, please submit them to this office for authorization review

prior to any construction. Failure to secure the necessary approvals may result in the initiation of legal action against the responsible parties. Also, we are aware of a potential future construction project nearby which will require authorization from this office. You are advised to submit an application well in advance of your expected construction. Furthermore, all proposed work must be included in the application and plans.

If we determine that the project is unreasonably impacting adjacent properties, we reserve the right to direct corrective action and/or total removal of the structure(s). If local approvals are required, we recommend you contact the appropriate local government body directly.

This verification is valid for 2 years from the date of this letter unless the blanket Regional Permit is modified, suspended, or revoked. If you have any questions, please contact Terry S. Heatlie, Project Manager, at the above address or telephone (313) 226-7504. Please refer to File Number: 97-007-033-0E.

Sincerely,

*CRM*  
Gary R. Mannesto  
Chief, Regulatory Branch  
Construction-Operations Division

Enclosures

Copies Furnished

MDEQ, District 10, w/encl. (97-10-754)

Wendling, SEG, w/encl.

O'Laughlin Construction Company

*HEATLIE TSD*  
*MP*  
*TUCKER*

## REGIONAL PERMIT GENERAL CONDITIONS

1. You must maintain the activity 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 the permitted activity, although you may make a good faith transfer to a third party. 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.

2. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by the Regional permit, you must immediately 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.

3. 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 insure 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.

### Special Conditions:

### Further Information:

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

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. The Regional permit does not obviate the need to obtain Federal, state, or local authorizations required by law.

b. The Regional permit does not grant any property rights or exclusive privileges.

c. The Regional permit does not authorize any injury to the property or rights of others.

d. The Regional permit does not authorize interference with any existing or proposed Federal project.

e. The Regional Permit authorizing the activity expires on May 14, 2001, unless it is reissued without modification or the activity complies with any subsequent modification of the Regional. If the Regional permit is not reissued for the activity in question, activities which have commenced construction or are under contract to commence in reliance upon the Regional Permit will remain authorized provided the activity is completed by May 14, 2002.

3. Limits of Federal Liability. In issuing the Regional 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 the Regional permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modifications, suspension, or revocation of the Regional permit.

4. Reliance on Applicant's Data: The verification by this office that the project conforms with the Regional permit was made in reliance of the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this project 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 the Regional 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 and/or our verification that the activity complies with the Regional permit.

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 the Regional 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. The Regional Permit does not apply to:

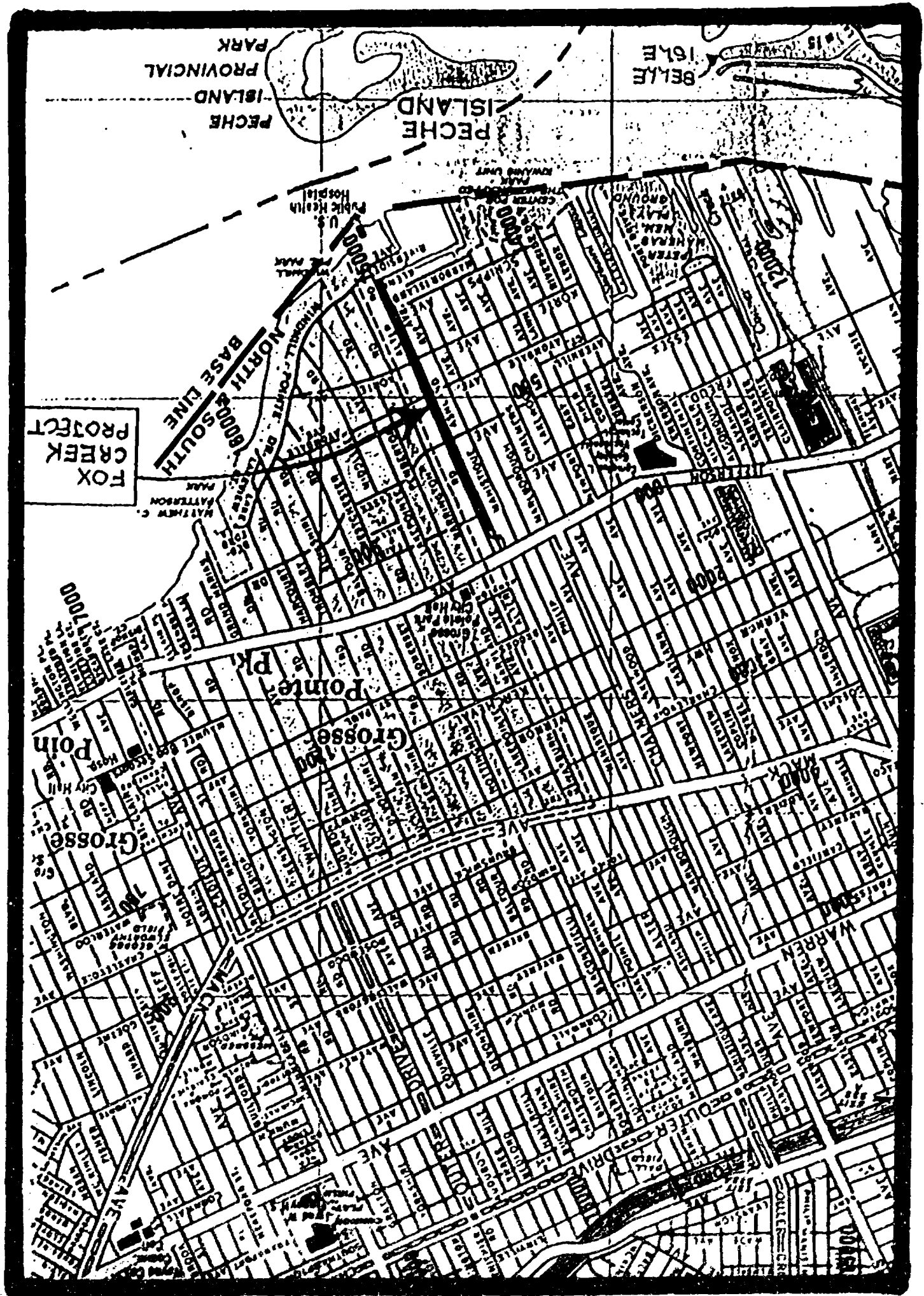
a. Activities which would impact historical, cultural, or archaeological sites or practices as provided in the National Historic Preservation Act of 1966 and the Archaeological and Historic Preservation Act of 1974.

b. Sites included in the National Registry of Natural Landmarks.

c. Designated environmental areas under the State of Michigan Shorelands Protection and Management Act (1972 Public Act 245, as amended), stream corridors designated under the Natural River Act (1970 Public Act 231) promulgated by Michigan Department of Environmental Quality (MDEQ), and areas dedicated or designated under the Wilderness and Natural Areas Act (1972 Public Act 241).

d. Activities which would affect Federally-listed endangered, threatened, or proposed species.

e. Any other 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 as may be established under Federal Law for similar and related purposes.

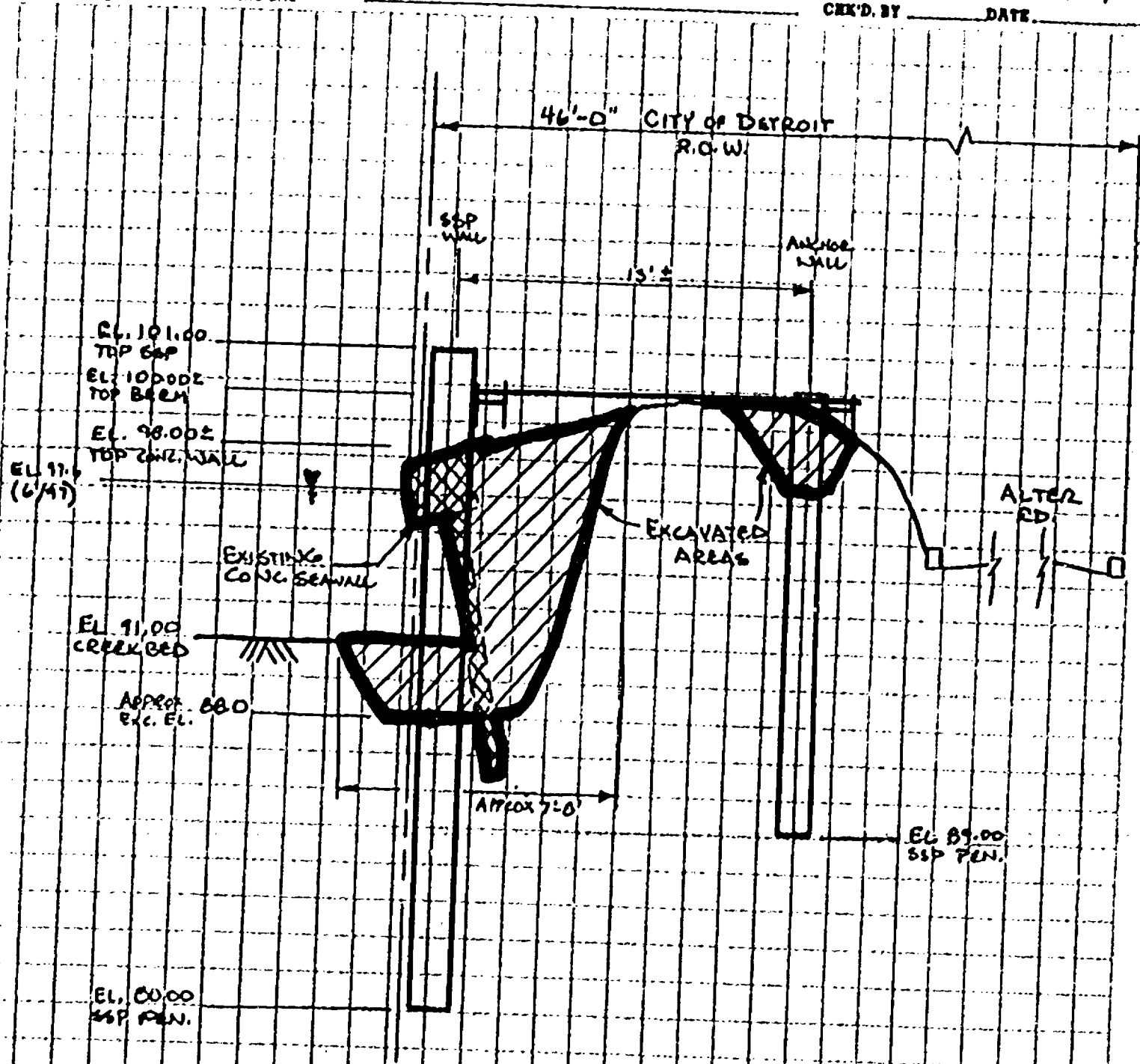




A OJ Company  
Michigan Ohio Indiana

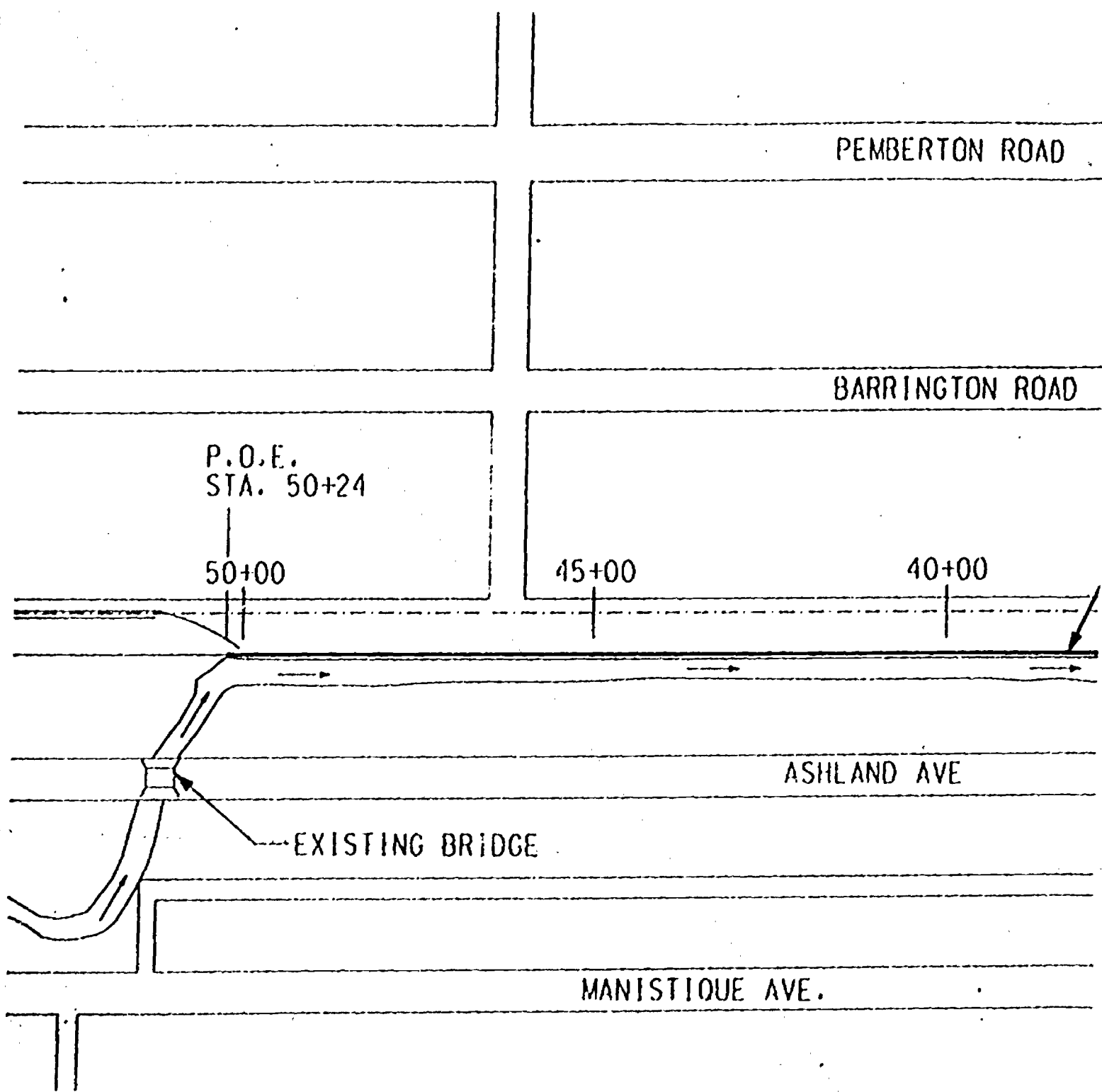
SUBJECT  
FOX CREEK  
SEAWALL REPAIR

JOB NUMBER \_\_\_\_\_  
SHEET NO. 1 OF 1  
COMP. BY NDJ DATE 7/28/97  
CHK'D. BY \_\_\_\_\_ DATE \_\_\_\_\_



FOX CREEK REVISED X-SEC  
N.T.S.

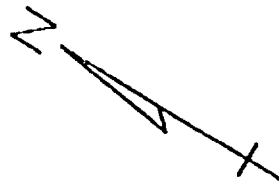




# FOX CREEK SEAWALL PROJECT VICINITY

SCALE: 1" = 200'





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JAD

PROPOSED SSP  
DRIVE-LINE

35+00

30+00

25+00

ALTER ROAD

FOX CREEK

ESSEX AVE.

MATCHLINE A-A

L REPAIR  
TY MAP



SNELL  
ENVIRONMENTAL  
GROUP, INC. A DLZ Company  
151 W. CONGRESS, SUITE 328, DETROIT, MICHIGAN 48226  
TELEPHONE (313) 961-4040  
FAX (313) 961-4026

MATCHLINE A-A

AVONDALE AVE.

KORTE AVE.

20+00

15+00

10

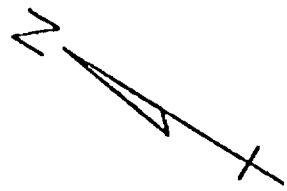
ALTER ROAD

FOX CREEK



# FOX CREEK SEAWALL PROJECT VICINITY

SCALE: 1" = 200'



LAKESHORE DRIVE

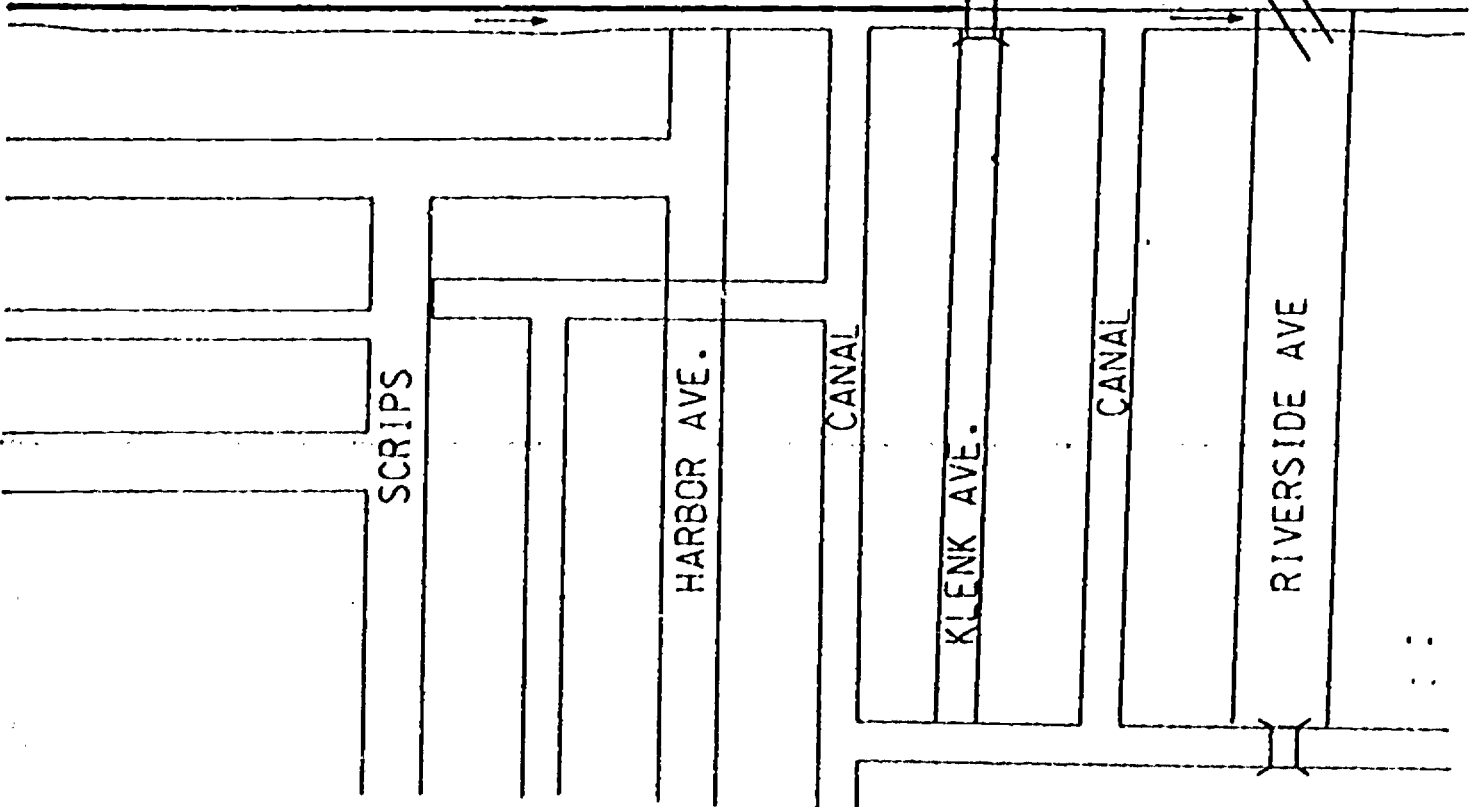
- PROPOSED SSP  
DRIVE-LINE

P.O.B.  
STA. 0+00

-00

5+00

0+00



REPAIR  
MAP



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