

Harbor Commission

Regular Meeting Agenda

Tuesday, September 18, 2012
5:30 p.m., City Hall Council Chambers



City of South Haven

1. Call to Order

Roll Call: Chairman Jeff Arnold, Vice-Chairman Mary Stephens, Fred Jeffers, Cathy Pyle, Alan Silverman, Daniel Strong, Greg Sullivan.

2. Approval of Agenda

3. Approval of Minutes: August 21, 2012 Meeting

4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

5. Marina Reports

6. 412 Walnut Street

7. Marina Rates

8. Marina Manager Contract

9. Customer Satisfaction Survey

Member and Staff Comments

Adjourn

RESPECTFULLY SUBMITTED,
Paul VandenBosch
Harbormaster

Harbor Commission

Regular Meeting Minutes

Tuesday, August 21, 2012
5:30 p.m., City Hall Council Chambers



City of South Haven

1. Call to Order by Arnold at 5:30 p.m.

Roll Call:

Present: Jeffers, Silverman, Sullivan, Arnold
Absent: Pyle, Stephens, Strong

2. Approval of Agenda

Motion by Silverman, second by Sullivan to approve the August 21, 2012 Harbor Commission agenda as presented.

All in favor. Motion carried.

3. Approval of Minutes: July 17, 2012 Meeting

Motion by Jeffers, second by Sullivan to approve the July 17, 2012 Harbor Commission minutes as written.

All in favor. Motion carried.

4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

5. Marina Reports

VandenBosch gave the Commission an overview of the Marina Reports.

Silverman questioned the Boat Launching & Parking Fees Revenue, which VandenBosch will check into.

VandenBosch noted that lake levels are one foot higher than record lows.

6. Dredging Permit Proposal

VandenBosch updated the Commissioners regarding the dredge permit. The Commission discussed the possibility of requesting a larger amount of dredging be done and the cost of the permit for dredging the area approved last month. After discussion, VandenBosch informed the Commission that engineering is not subject to bidding.

Sullivan noted that in his opinion the City is spending too much for this permit, based on the price his condominium association paid for dredging recently. The Commission discussed the process to get a permit for dredging; every adjacent property owner has to give permission; there is testing to determine whether there is contamination or not; and a site for placing the spoils must be located.

Silverman expressed concern regarding the expense but is not sure that is what the board is being called upon to evaluate. VandenBosch noted that this is something that will go to City Council.

Motion by Silverman that the Harbor Commission recommend to City Council that the proposed permit be expanded to include all of the area within the "federal lines" west of the bridge. Second by Jeffers.

All in favor. Motion carried.

Jeffers asked how far ahead of time the permit process needs to be started. VandenBosch said it is a long process; and it is possible that no dredging can be done before July. Silverman noted that the problem with dredging in April is the change in water level that often occurs in May.

Jeffers shared concerns of some boaters due to shallow water on the north side of the curve.

Silverman noted that this is the last year for the last dredging assessment; the typical funding for most of the dredging came from federal earmarks; now there is no funding method for dredging.

Motion by Silverman to recommend that City Council give careful consideration to the adoption of an assessment or other funding method to cover anticipated dredging costs.

VandenBosch suggested a study of the costs and issues.

Silverman noted that City Council meetings are more public, even though Harbor Commission is a public meeting. If City Council sends it back to us the Commission can begin our evaluation. The Commission discussed whether there is a broader segment of the population to assess other than just slip owners.

The Commission discussed the number of boaters running aground or making accommodations to make it down the river. Sailboats in particular are having difficulties with the shallowness of the river. VandenBosch updated the Commission on soundings, which were not as deep as last month. Silverman pointed out the difficulty of getting boats upriver, especially after October 10.

Arnold noted there is a motion on the table and requested a second. Second by Jeffers. Arnold called the question.

All in favor. Motion carried.

VandenBosch will do soundings before the next meeting and get some information to the Commission.

7. Marina Management

VandenBosch updated the Commission on the pages that were originally included in the agenda and have since been removed; negotiations have been ongoing between Marple and the City Manager and VandenBosch. The City is hoping for a five-year contract without too much additional cost; want to do more marketing of the marinas. VandenBosch told the Commission that negotiations are progressing well.

Silverman expressed interest in seeing the result of those negotiations and VandenBosch said he plans to bring that information to the next Harbor Commission meeting.

Member and Staff Comments

VandenBosch updated the Commission on Boater Appreciation Day activities. Arnold shared his approval of the way Marple addressed the various opinions and viewpoints including asking for time to consider various suggestions and complaints.

VandenBosch updated the Commission regarding progress on the North Side Marina Building. The contractors plan to start mobilizing equip and materials October 1, 2012 and demolish the existing building October 15, 2012 then infrastructure work can commence. The projected completion date is April 15, meaning the building will be usable if not totally complete. There is an incentive for the contractors to complete the building by the end of March. Bids for the furniture have been obtained. Computer wiring bids are being worked on. Contractually the City is set to go and it is up to the contractor to get it done.

Silverman hopes the new North Marina building will be an incentive for more seasonal and new boaters to visit South Haven.

Silverman noted at the July meeting he talked about how successful the Queen's Cup was; in this regard, Silverman noted that this success could not have happened without the help of staff and a volunteer from the Yacht Club.

Arnold thanked staff for the Boater Appreciation Day. Arnold noted that he believes Marple's leadership is heading us in a better direction.

Adjourn

Motion by Silverman, second by Sullivan to adjourn at 6:11 p.m.

All in favor. Motion carried.

Respectfully Submitted,

Marsha Ransom
Recording Secretary

Marina Fund Revenue

NO STATE RESERVATION SYSTEM INFORMATION AVAILABLE AT TIME OF REPORTING 9.10.12

Marina Fund Revenue
As of August 31, 2012

Fiscal Year Ending in	Revenue	Operational	Net
Seasonal	Transient	Total	Expense
			Revenue
2002	234,236	161,984	396,220
2003	259,840	166,084	425,924
2004	280,151	167,907	448,058
2005	282,245	170,944	453,189
2006	300,819	173,817	474,636
2007	343,171	170,869	514,040
2008	368,408	168,362	536,770
2009	377,955	166,674	544,629
2010	350,635	161,584	512,219
2011	314,270	140,546	454,816
2012	330,660	151,046	481,706
2013	200	42,925	43,125

NOTES ON OPERATIONAL EXPENSES:

Operational Expense does not include depreciation of approximately \$88,000 per year.
Operational Expenses do not include large construction expenses.
Operational Expenses do not include the annual transfer to the River Maintenance Fund of approximately \$25,627 annually.

Seasonal Marina Revenue

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Calendar Year Total
2007	58,007	147,702	34,975	42,960	23,115	-3,846	6,199	1,554	703	1,100	22,348	19,285	354,102
2008	60,795	185,520	32,325	36,210	19,130	16,761	820	50	0	6,550	26,799	900	385,860
2009	44,784	185,069	32,390	25,955	31,150	23,488	843	50	850	900	27,990	1,000	374,469
2010	13,035	218,460	41,530	20,235	5,050	20,692	0	434	350	200	29,812	1,000	350,798
2011	43,222	157,210	38,473	31,230	12,498	-158	800	1,950	400	1,100	17,625	8,865	313,215
2012	31,810	178,650	44,840	14,750	31,795	-1,925	0	200	0	0	0	0	300,120

Transient Marina Revenue

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Calendar Year Total
2007	0	0	0	8,528	11,494	39,340	56,647	48,986	10,983	1,553	-41	0	177,490
2008	0	0	0	11,657	8,957	29,620	53,315	53,501	11,385	630	0	0	169,065
2009	0	0	0	11,972	10,994	24,877	55,645	39,835	22,176	1,301	0	0	166,800
2010	0	0	0	8,445	9,029	25,154	52,730	40,107	8,654	1,299	0	0	145,418
2011	0	0	0	373	16,162	21,221	47,565	41,459	12,635	515	0	0	139,930
2012	0	0	0	4,684	12,448	31,740	40,344	2,581	0	0	0	0	91,797

City of South Haven
 Black River Park Fund - Fund 545
 For the period ended August 31, 2012

<i>Revenues:</i>	<i>Month Actual</i>	<i>YTD Actual</i>	<i>2012-13 Adpoted Budget</i>
State Grant	\$ -	\$ -	\$ -
Charges for Service	11,749	40,142	145,500
Interest and Rents	15	34	3,000
Other Revenue	-	26	-
Total Revenues	\$ 11,764	\$ 40,202	\$ 148,500

<i>Expenses:</i>	<i>Month Actual</i>	<i>YTD Actual</i>	<i>2012-13 Adpoted Budget</i>
Personnel Costs	\$ 5,377	\$ 11,464	\$ 43,021
Supplies	69	164	3,400
Admin/Computing/Equipment Fees	2,042	4,085	24,508
Contractual Services	884	1,601	26,500
Utilities	1,298	1,347	7,702
Other Services and Charges	743	1,806	9,600
Repairs and Maintenance	-	3,208	9,000
Capital Outlay	-	-	-
Operating Transfers Out	-	-	5,800
Total Expenses	10,414	23,675	129,531
Depreciation	-	-	46,000
Total Expenses and Depreciation	\$ 10,414	\$ 23,675	\$ 175,531

Net Fund Change	\$ 1,350	\$ 16,528	\$ (27,031)
Retained Earnings	June 30 unadjusted	\$ 664,115	
Less Net Capital Assets		\$ (541,437)	
Net Undesignated Reserves		<u>\$ 122,678</u>	
Add Seasonal Rentals paid but not posted to income yet		\$ 38,729	
Deduct Expenses paid in advance, not posted to expense yet			
Deduct Amount due from Beach, Rev earned but not transferred to cash			
Add Accounts payable owed but not paid yet		\$ 4,223	
Add Wages & Payroll tax payable owed but not paid yet		<u>\$ -</u>	
Adjusted Undesignated Reserves		<u>\$ 182,158</u>	
Cash & Investments Balance		<u>\$ 182,158</u>	

Black River Park Revenues

Black River Park Revenue
As of August 31, 2012

Fiscal Year Ending	Seasonal Dock	Transient Dock	Boat Launch & Parking fees	Seasonal Launch Permit	Revenue Total	Operational Expense	Net Revenue
2007	84,563	9,480	42,544	10,471	147,058	90,412	56,646
2008	96,484	11,143	37,896	10,053	155,576	97,145	58,431
2009	93,239	9,240	37,261	11,922	151,662	99,992	51,670
2010	84,432	9,249	38,478	10,183	142,342	90,883	51,459
2011	66,393	8,658	42,038	3,859	120,948	113,430	7,518
2012	73,619	10,711	55,134	10,097	149,561	129,949	19,613
2013	3,745	5,892	29,013	1,200	39,850	23,675	16,175

Note: Operational Expense does not include depreciation of approximately \$46,000 per year.
Operational Expenses do not include large construction expenses.
Operational Expenses do not include the annual transfer to the River Maintenance Fund of approximately \$5,800 annually

Boat Launching & Parking Fees Revenue													Calendar Year	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Total
2007	0	0	0	1,289	4,160	7,725	13,459	7,941	5,917	1,808	0	0	0	42,299
2008	0	0	0	831	2,768	5,172	11,030	10,046	4,709	2,170	0	0	0	36,726
2009	0	0	0	370	3,378	5,558	10,738	7,704	8,311	812	0	0	0	36,871
2010	0	0	0	527	6,102	4,284	13,972	11,844	2,799	2,186	0	0	0	41,714
2011	0	0	0	126	4,301	6,870	19,145	10,345	7,373	1,221	0	0	0	49,381
2012	0	0	0	0	7,000	10,050	19,667	9,346	0	0	0	0	0	46,063

Launching - Seasonal Permit Revenue													Calendar Year	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Total
2007	0	0	0	2,261	4,157	2,749	1,453	0	0	0	0	0	0	10,620
2008	0	0	0	1,885	3,743	2,972	1,620	0	0	0	0	0	0	10,220
2009	0	0	0	2,770	4,924	2,608	640	0	0	0	0	0	0	10,942
2010	0	0	0	1,370	7,158	1,015	1,546	0	75	0	0	150	0	11,314
2011	0	0	0	610	75	1,403	1,222	0	0	75	0	0	0	3,385
2012	0	0	0	600	6,620	1,580	1,200	0	0	0	0	0	0	10,000

Seasonal Dock Revenue													Calendar Year	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Total
2007	9,140	27,530	6,155	11,695	12,270	5,762	0	0	250	400	5,200	4,787	83,189	
2008	7,940	45,315	9,400	11,905	12,675	-1,388	0	0	200	2,000	5,009	1,655	94,711	
2009	6,865	41,215	7,085	9,125	4,990	15,095	0	0	0	0	5,000	0	89,375	
2010	3,740	30,265	19,680	11,325	15,585	-1,163	1,650	0	0	0	4,650	2,369	88,101	
2011	6,550	22,995	3,740	7,215	8,505	8,720	727	3,707	0	1,680	2,175	4,670	70,684	
2012	3,995	20,485	9,585	6,440	18,500	1,655	3,745	0	0	0	0	0	64,405	

Transient Dock Revenue													Calendar Year	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Total
2007	0	0	0	169	1,303	1,986	3,988	2,672	984	0	0	0	11,102	
2008	0	0	0	329	1,562	1,609	2,571	2,904	1,204	303	0	0	10,481	
2009	0	0	0	0	483	1,776	2,444	3,796	1,332	0	0	0	9,831	
2010	0	0	0	0	748	930	2,657	2,479	746	0	0	0	7,560	
2011	0	0	0	0	818	1,958	4,492	2,190	1,181	23	0	0	10,662	
2012	0	0	0	0	604	2,221	3,567	2,325	0	0	0	0	8,717	

Paul Vandenbosch

From: Paul Vandenbosch
Sent: Monday, August 27, 2012 8:27 AM
To: 'Mark Case'
Subject: RE: Groundings
Attachments: mich_hrn.pdf

Mark;

The falling Lake Michigan levels will continue to cause low water levels in the Black River upstream from the Dyckman Bridge. The City's dredging policy in the upper harbor is to dredge to 5.7 feet below the Low Water Datum (577.5 feet or 0 on the attached chart). This dredging policy depth is not when we start dredging, but the depth that we specify for the contractor coming in to dredge on a project. In other words, after the dredging contractor completes his work, the water depth should be a minimum of 5.7 feet at low water datum. We do not have a policy on when we start a dredging project, but generally I would say that if water depths reach about 5 feet, we would consider starting a dredging project.

The reason that deeper draft boats have been able to use the upper harbor above Dyckman Bridge is that Lake Michigan levels have been well above the Low Water Datum. As the Lake Michigan level continues to decline, I strongly recommend that vessels with a draft of over 5 feet move to the lower harbor, which can accommodate these drafts.

Paul VandenBosch
Project Manager
City of South Haven
539 Phoenix Street
South Haven, MI 49090
269-637-0775 desk
269-637-5319 fax
pvandenbosch@south-haven.com

From: Mark Case [<mailto:runninghornranch@gmail.com>]
Sent: Sunday, August 26, 2012 7:27 PM
To: Paul Vandenbosch
Subject: Groundings

Good day. My name is Mark Case. I have a slip at Slip Away cove with a sailboat that has a 6' draft. I have run aground three or four times this year already within ten feet of my slip. I have watched four or five other boats run aground. Today I watched someone on a boat called Sailmates almost fall overboard when they hit that spot hard enough and he wasn't ready. I hope he is okay. He looked like he was hurting when they finally got moving again.

It is dangerous and there either needs to be something to warn boaters that are over 5'6" deep or it needs to be fixed (which is the best option). I thank you for your time and hope to see some change or action with this matter.

Thank you.

Mark Case.
269 967-0581
runninghornranch@gmail.com

07150 46th Street
Bloomingdale, MI 49026

BUILDING / ZONING PERMIT APPLICATION

CITY OF SOUTH HAVEN

BUILDING DEPARTMENT

539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090

FOR INFORMATION CALL 269-277-8573

**DO NOT PAY FEE WITH SUBMITTAL OF THIS PERMIT APPLICATION
PAY FULL AMOUNT OF FEE DUE WHEN ISSUED PERMIT IS PICKED UP**

Project Address: 412 Walnut Street S. Haven MI 49090

Applicant: D.K. Construction Property Owner: Warren Walsh

Appl. Address: 3416 W 15th St Holland, MI 49423 Owner Address: 8550 W. 129th Place Palos Park, IL 60464

Applicant Phone: 616-494-0970 Owner Phone: 708-567-8550

Current Use of Property: N/A Zoning District of Property _____

Project Description: Install 23 - 8" pipe piling in front of existing concrete seawall

Contractor: D.K. Construction License No.: n/a Exp. Date: n/a

Liability Carrier: Travelers Fed Id or S.S.: 38-3260721

Total Value of Construction (All Materials & Labor for this Permit Only): \$17,600.00

Yes ___ No Property is subject to an association. (If yes, attach a letter of approval from said association)

I hereby authorize the Zoning Administrator, Building Inspector or other authorized representative of the City of South Haven to enter and inspect the above property for the purpose of inspection of the premises.

AFFADAVIT: I certify and affirm that I am the property or building owner or owner's authorized agent and that I agree to conform to all applicable laws of this jurisdiction. I also certify that this application is accurate and complete, and that I understand Section 23A of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, which prohibits a person from conspiring to circumvent the licensing requirements of the state relating to persons who are to perform work on a residential structure. Violators of Section 23a are subject to civil fines.

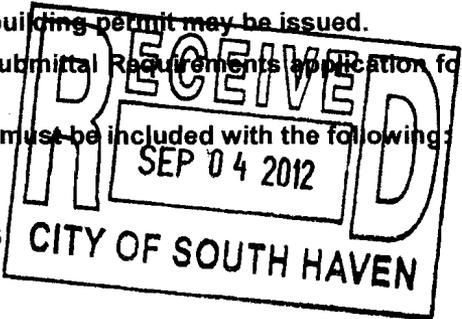
APPLICANT'S SIGNATURE: [Signature] DATE: 8/30/12
CONTRACTOR - OWNER

All contractors must be registered with the City of South Haven before a building permit may be issued.

For new single family dwellings, a completed New Single Family Home Submittal Requirements application form must be attached.

For any work involving a change to the footprint of a structure, a drawing must be included with the following:

1. SHOW PROPERTY LINES AND DIMENSIONS OF LOT
2. SHOW ALL STRUCTURES ON PROPERTY
3. SHOW DISTANCES FROM STRUCTURES TO PROPERTY LINES
4. SHOW DISTANCES BETWEEN BUILDINGS
5. SHOW STREETS AND EASEMENTS
6. SHOW ANY UTILITIES NEAR CONSTRUCTION AREA



The submittal of accurate drawings results in faster permit application processing. A survey or professional drawing of the property may be required if the proposed work is at or within 3 ft. of a property line, or it is determined to be needed by the Zoning Administrator or Building Official.

IMPORTANT: THIS BUILDING PERMIT APPLICATION IS NOT A PERMIT. A PERMIT MUST BE ISSUED AND PICKED UP FROM CITY HALL BEFORE ANY WORK IS BEGUN.

HARBOR COMMISSION ATTACHMENT
 CITY OF SOUTH HAVEN
 SITE PLAN REVIEW

The Harbor Commission meets the third Tuesday of each month
Application deadline is 15 days prior to the meeting

Project Address 412 Walnut Street S. Haven MI 49090
 Project Name (if any) _____
 Brief Description of Project Install 23 - 8" pipe piling in front of existing concrete seawall.
 Number of Existing Docks _____ Number of Docks Proposed _____
 Amount of Increase _____ Amount of Decrease _____

Will there be any change in the length, width, and/or location of existing docks, slips or other structures? YES ___ NO X

Will any portion of the project extend past the City Project Lines? YES ___ NO X

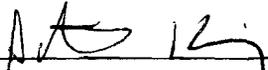
	Application Made	Permit Received	Copy Attached
	Y/N	Y/N	Y/N
1. Army Corps of Engineers	<u>Y</u>	<u>Y</u>	<u>Y</u>
2. DEQ	<u>Y</u>	<u>Y</u>	<u>Y</u>
3. Flood Plain Management Agency	<u>N</u>	<u>N</u>	<u>N</u>
4. Soil and Erosion Permit	<u>N</u>	<u>N</u>	<u>N</u>

Submittal Requirements

In addition to the requirements for site plan approval as shown on the Plan Application Cover Sheet, Site Plan Submittal Requirements, Site Plan Review Attachment, and any other forms required for the project, the following information must be submitted for any proposed development along the Black River. The drawings must be prepared by or under the supervision of a professional engineer, architect, land surveyor, or landscape architect licensed in Michigan and be signed and sealed by that professional. (Sec. 1402.4)

1. A scaled drawing of the Black River showing the river where the proposed development will be constructed and depicting the following:
 - A. The width of the river.
 - B. A cross section of the river bottom.
 - C. The location of the U.S. Harbor Line and the City of South Haven Project Line (as set forth in City Ordinance #740)
 - D. Project property lines.
 - E. Length, width, location and type of construction of existing docks, piers, slips and seawalls.
 - F. Length, width, location, and type of construction of the proposed development.
 - G. The current development of the site on the opposing sides of the Black River.

2. When any type of dredging is needed to complete the proposed project, the area downstream of the project site for five hundred (500) linear feet and one hundred (100) linear feet upstream from the project must be sounded both before the project is started and at the time of completion, prior to issuance of the Certificate of Occupancy of the project. These soundings must be reported in written form to the City of South Haven for its review. Once the project is completed, the developer will be liable for any debris or spoils that have been found due to the development of the project. If the proposed project includes dredging provide the following:
 - A. Pre-construction soundings report.
 - B. Proposed disposition of dredging spoils.

Applicant's Signature  Date 8-30-12

(To be completed by the Harbor Commission)
HARBOR COMMISSION REVIEW FORM
SITE PLAN REVIEW

SUBMITTAL REQUIREMENTS:	Provided	Not Provided
1.A. Width of the river.	_____	_____
1.B. A cross section of the river bottom.	_____	_____
1.C. The location of the U.S. Harbor Line and the City of South Haven Harbor Line.	_____	_____
1.D. Project property lines.	_____	_____
1.E. Length, width, location and type of construction of existing docks, piers, slips and seawalls.	_____	_____
1.F. Length, width, location, and type of construction of the proposed development.	_____	_____
1.G. The current development of the site on the opposing sides of the Black River.	_____	_____
2.A. Pre-construction soundings report.	_____	_____
2.B. Proposed disposition of dredging spoils.	_____	_____
3. Signed and sealed drawings.	_____	_____

Plans have been reviewed by the Harbor Commission and found to be:

Complete _____ Incomplete _____ If incomplete, explain: _____

FINDINGS- All questions must be answered "no" for approval to be recommended:

1. Does any portion of the proposed project extend beyond the City Harbor Lines? YES ___ NO ___
 IF YES: Is the length, width and location of the proposed structure different from the existing structure? YES ___ NO ___
2. Will any portion of the proposed project impede safe navigation? YES ___ NO ___
3. Will any portion of the proposed project have an adverse effect on the adjacent property owner's access to their property? YES ___ NO ___
4. Will any portion of the proposed project have an adverse effect on the adjacent property owner's ability to develop their property? YES ___ NO ___

COMMENTS:

RECOMMENDATION:

Signed _____ Date _____
 (Presiding Chairman, Harbor Commission)

Note: Any approval given by the Harbor Commission under which work is not started within 12 months or, when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect. (Sec. 38-36 a)

Date of Submittal _____ Date of Harbor Commission Review _____
 Date of Planning Commission Review _____ Date of City Council Review _____



Google earth

feet
meters



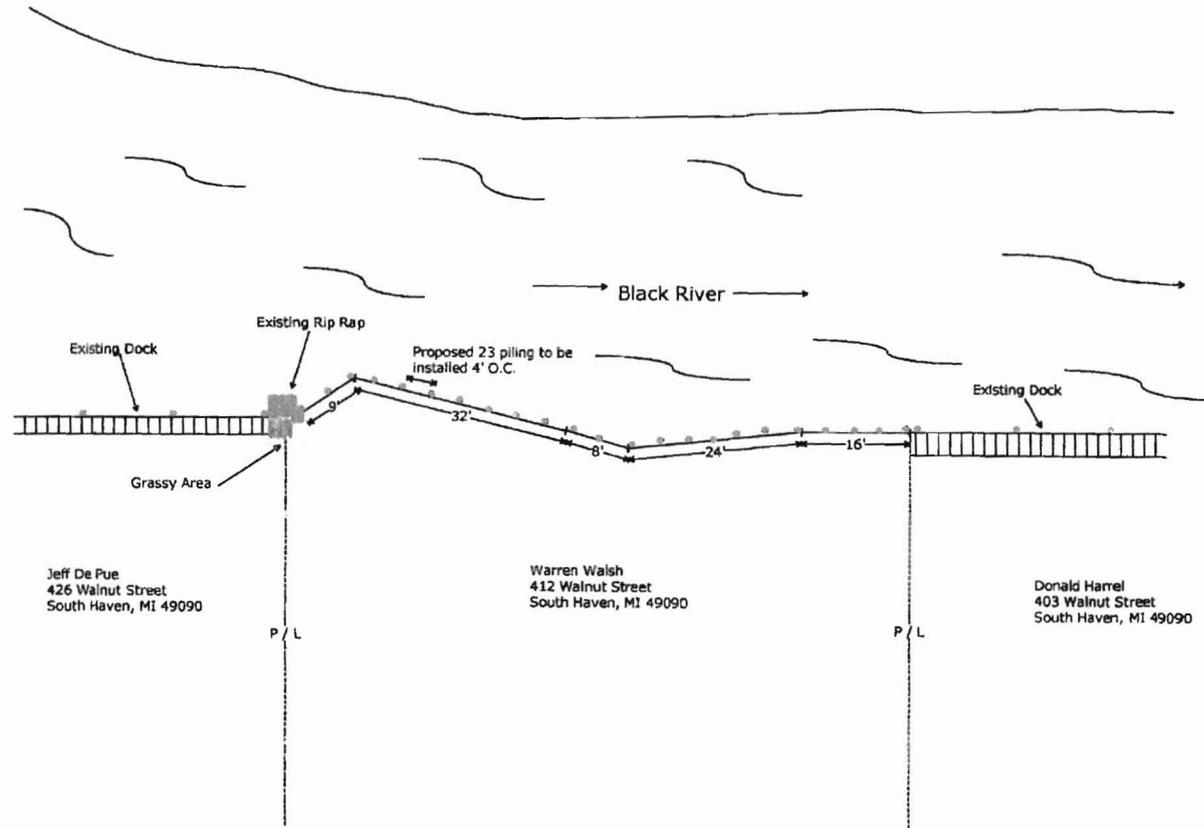
23 proposed piling

Warren Walsh
412 Walnut Street
South Haven, MI 49090

Revised 7-25-2012

Black River

Top View



Applicant: Warren Walsh
 Agent: D.K. Construction
 County: Ottawa
 Body of Water: Black River
 Date: 06/19/2012

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
MICHIANA BRANCH
2422 VIRIDIAN DRIVE, SUITE # 200
SOUTH BEND, IN 46628-3489

REPLY TO
ATTENTION OF:

August 28, 2012

Engineering & Technical Services
Regulatory Office
File Number LRE-2012-00405-53

Warren Walsh
8550 W 129th Place
Palos Park, Illinois 60464

Dear Mr. Walsh:

Refer to your application requesting a Department of Army permit to install twenty-three 8" diameter pipe pilings in the Black River at 412 Walnut Street, Van Buren County, South Haven, Michigan. Under the authority of Section 10 of the 1899 Rivers and Harbors Act, we have authorized the following structures or work in Black River subject to the attached General Conditions under a Letter of Permission:

Install twenty-three (23) 8" diameter pipe pilings, approximately 4' apart, along and immediately waterward of the existing 89 linear foot concrete seawall.

The authorized work will occur in a navigable water of the United States. The Detroit District, U.S. Army Corps of Engineers has previously made a jurisdiction determination (JD) for the navigable waters within the geographic area under the Detroit District's regulatory authority and posted a copy of the approved JD for those waters on the Detroit District website at: <http://www.lre.usace.army.mil/functions/rf/pdfs/GENSFEC10.pdf>. If you are not in agreement with this approved JD, you can make an administrative appeal under 33 CFR 331. We have enclosed a Notification of Administrative Appeal Options and Process and Request for Appeal form describing all of your appeals options regarding this letter of permission. If you accept the permit, you may start work. Starting work is considered your specific agreement to all terms and conditions of the permit. If you accept the permit you do not need to sign or submit the appeals form. If you elect to return the appeals document, your response is required within 60 days from the date of this letter. Please contact us if you have questions on our appeals process and/or wish to have us provide you with a copy our approved JD.

We invite your special attention to Paragraph 2.a. under Further Information, which states, "That this permit does not obviate the requirement to obtain other Federal, state, or local authorizations required by law." We require that you inform this office immediately upon commencement of construction. Upon completion of the work, fill in and return the enclosed COMPLETION REPORT.

Any material changes in the location or plans of the work herein authorized must be submitted to the District Engineer prior to commencement of work. As required by law, the revised plans must have written approval of the Department of the Army. Should you have any questions, please contact me at the above address, by E-Mail at Rebecca.L.Chorenko@usace.army.mil, or by telephone at 574-232-1952 Ext. 21969. In all communications, please refer to File Number LRE-2012-00405-53.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web site at: <http://per2.nwp.usace.army.mil/survey.html>. Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

Sincerely,

ORIGINAL SIGNED BY

Rebecca L. Chorenko
Regulatory Project Manager
Michiana Branch

Enclosures

Copies Furnished

MDEQ, 12-80-0031-P, w/encl.

~~NOAA~~, w/encl.

✓DK Construction (King), w/encl.

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2015**. 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 previously unknown historic or archeological remains while accomplishing the activity authorized by this 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.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the following space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

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)

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. 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.

2. No work shall occur in the water from May 1 through June 30.

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).

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.

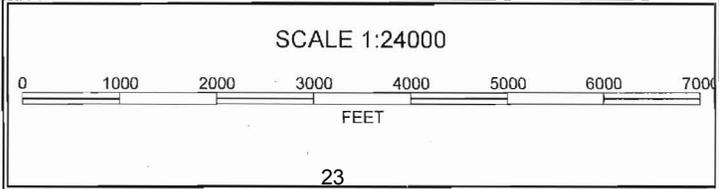
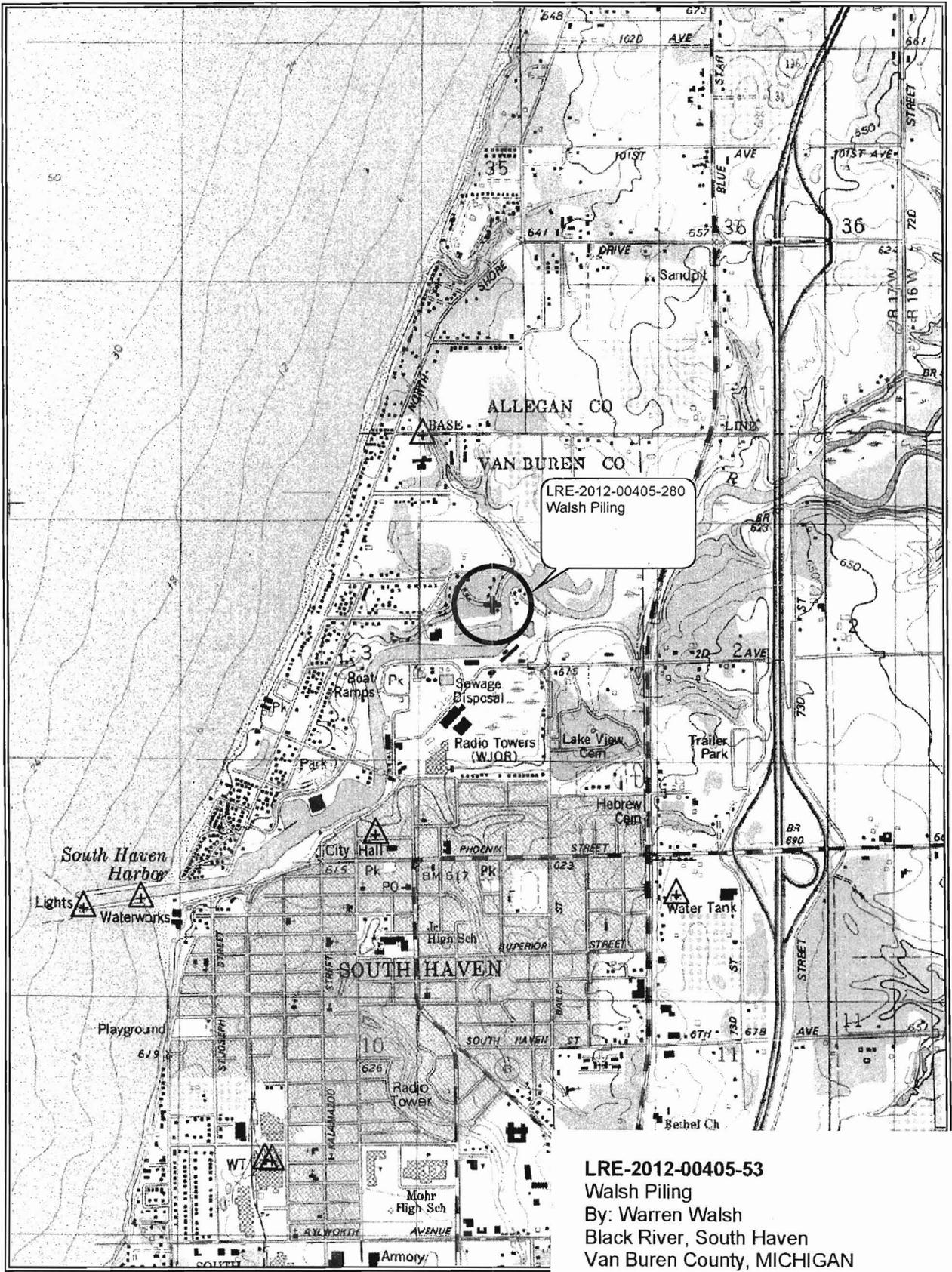
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

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.



Revised 7-25-2012

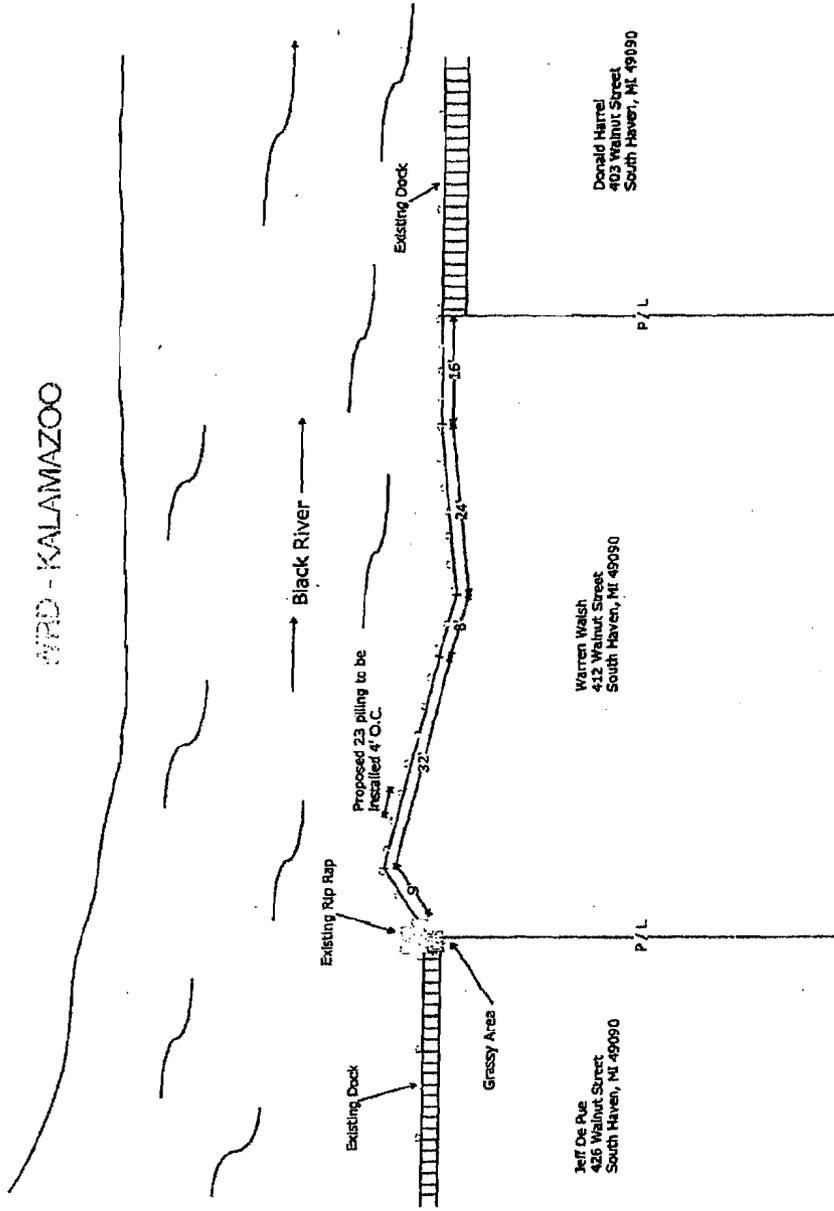
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AUG 02 2012

Top View

WRD - KALAMAZOO

Black River



MDEQ-LWMD
Permit Consolidation Unit

JUL 30 2012

RECEIVED

LRE-2012-00405-53
Walsh Piling
By: Warren Walsh
Black River, South Haven
Van Buren County, MICHIGAN
SHEET 2 OF 3

Applicant: Warren Walsh
Agent: D.J.C. Construction
County: Ottawa
Body of Water: Black River
Date: 06/19/2012

File # 12-80-0031-P
APPROVED PLANS
Page 1 of 2
8/24/12

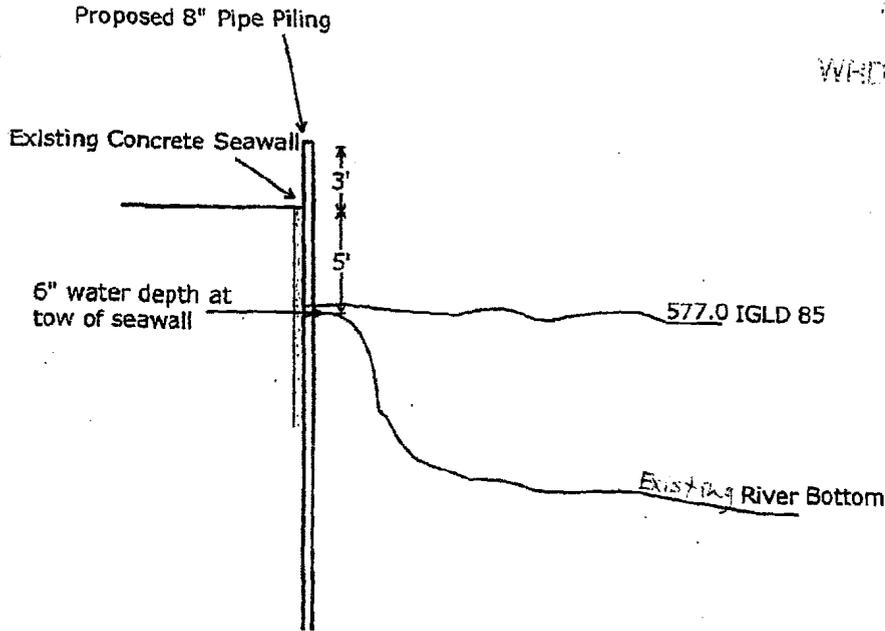
Revised 7-25-2012

Side View

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AUG 02 2012

WRD - KALAMAZOO



RECEIVED

JUL 30 2012

MDEQ-LWMD
Permit Consolidation Unit

DEQ-WRD
File # 12-80-0031-P
APPROVED PLANS
Page 2 of 2
812412

Applicant: Warren Walsh
Agent: D.K. Construction
County: Ottawa
Body of Water: Black River
Date: 06/19/2012

LRE-2012-00405-53
Walsh Piling
By: Warren Walsh
Black River, South Haven
Van Buren County, MICHIGAN
SHEET 3 OF 3



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

ISSUED TO:

Warren Walsh
8550 West 129th Place
Palos Park, IL 60464

Permit No.	12-80-0031-P
Issued	August 24, 2012
Extended	
Revised	
Expires	August 24, 2017

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:
Drive in twenty-three 8-inch diameter pipe pilings immediately waterward of the existing seawall approximately 89 feet in length. All work shall be completed in accordance with the attached plans and permit conditions.

A Corps of Engineers permit is required before this work can be conducted.

Water Course Affected: Black River

Property Location: Van Buren County, City of South Haven, Section 3
Subdivision, Lot Town/Range 1S, 17W Property Tax No. 80-53-897-025-00

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, 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.
- Y. 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 any jurisdiction of the United States Army Corps of Engineers or the need for a federal permit.
 - 2. No work shall occur in the water during the period May 1st through June 30th.
 - 3. 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.

4. 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 rule 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.

By: *Nancy Deskins*
Nancy Deskins
Water Resources Division
269-567-3563

cc: USACE
City of South Haven Clerk
Van Buren CEA
D K Construction (via e-mail)
Mr. Chris Antieau, DEQ

MSA

Revised 7-25-2012

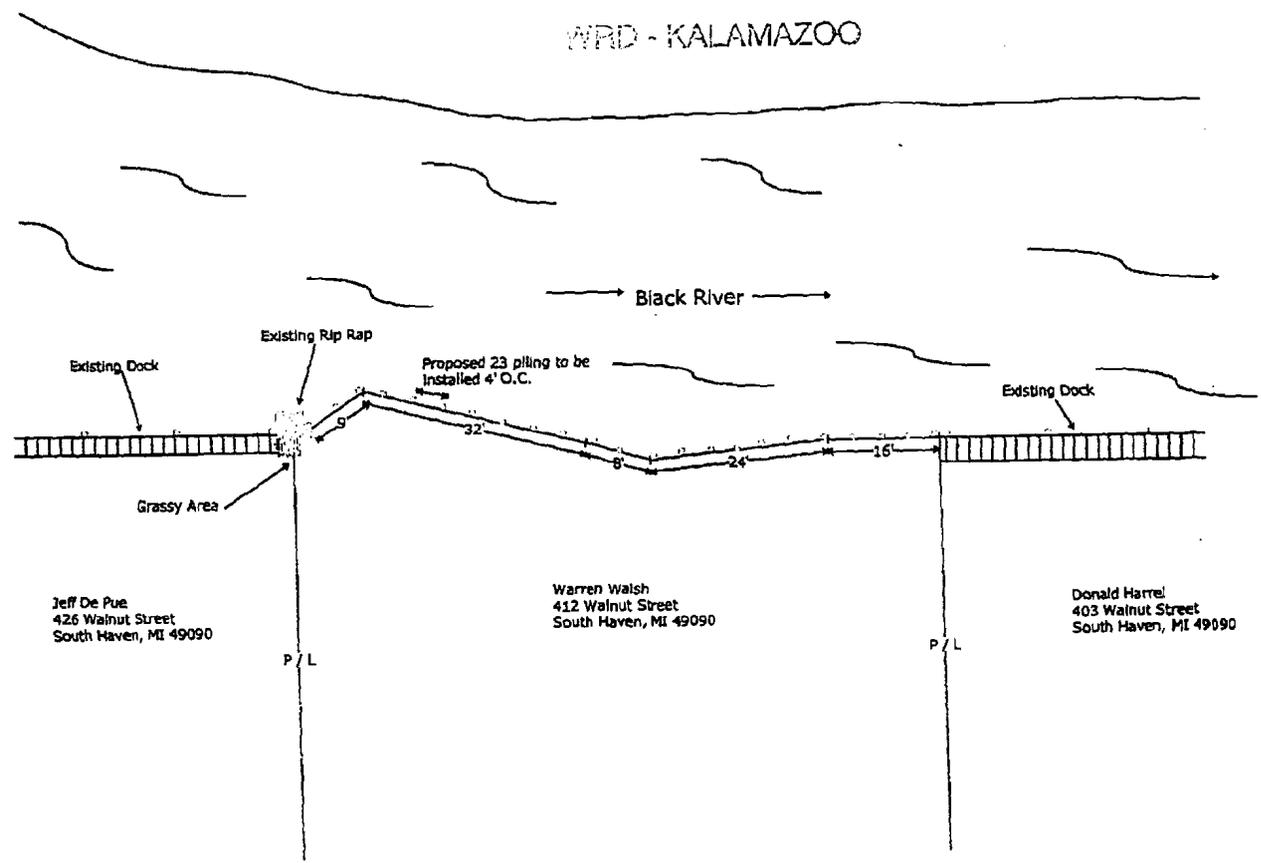
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AUG 02 2012

WRD - KALAMAZOO

Top View

Black River



RECEIVED

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DEQ-WRD
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 APPROVED PLANS
 Page 1 of 2
8/24/12

Applicant: Warren Walsh
 Agent: D.K. Construction
 County: Ottawa
 Body of Water: Black River
 Date: 06/19/2012

MSA



Google earth



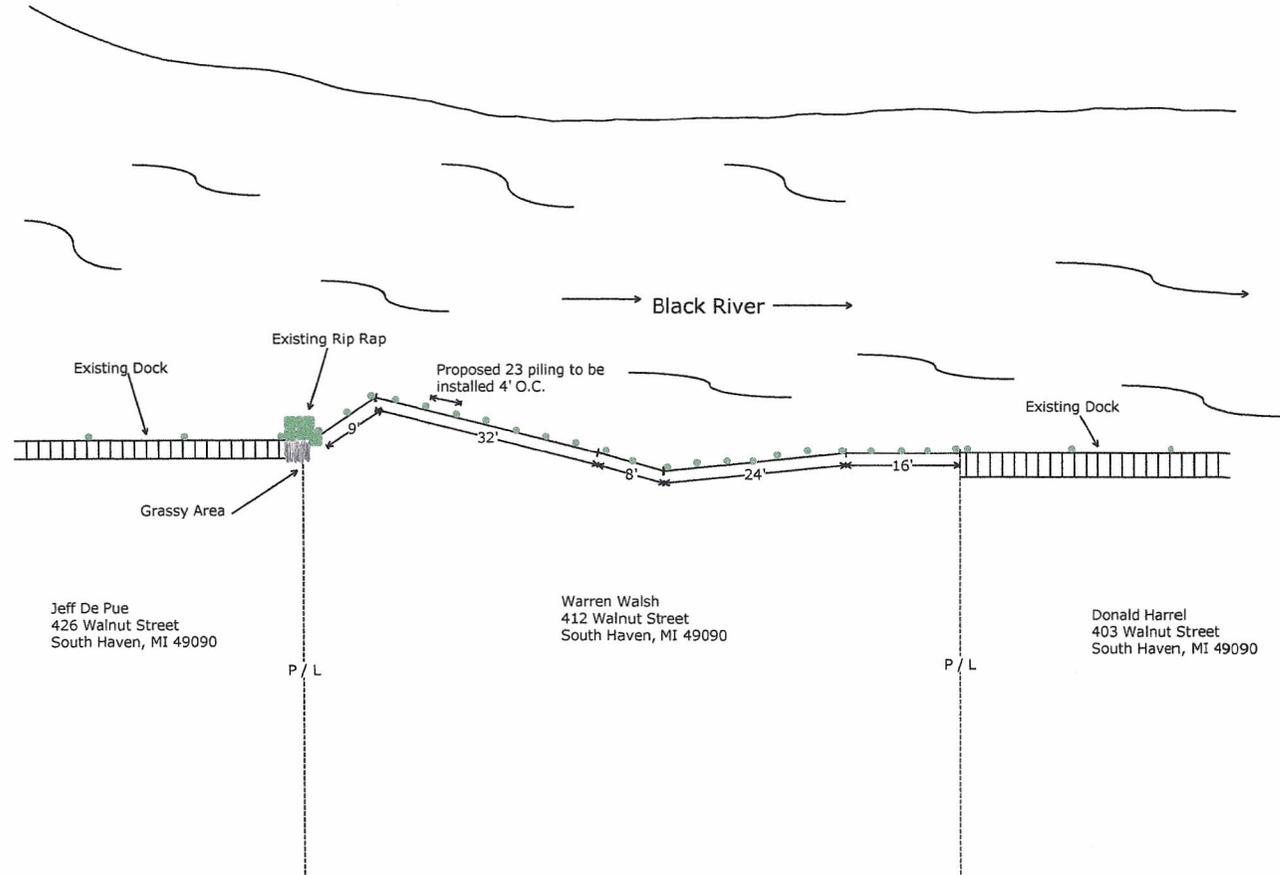
23 proposed piling

Warren Walsh
412 Walnut Street
South Haven, MI 49090

Revised 7-25-2012

Black River

Top View



Jeff De Pue
 426 Walnut Street
 South Haven, MI 49090

Warren Walsh
 412 Walnut Street
 South Haven, MI 49090

Donald Harrel
 403 Walnut Street
 South Haven, MI 49090

Applicant: Warren Walsh
 Agent: D.K. Construction
 County: Ottawa
 Body of Water: Black River
 Date: 06/19/2012

September 7, 2012

TO: Harbor Commission

FR: Paul VandenBosch

RE: Marina Rate Setting

The attached resolution includes marina rates, marina discounts and commercial use rules for marinas and the boat launch combined into a single resolution.

Staff has prepared a marina rate resolution which maintains all marina slip rates at their current level. No changes to the rates are proposed for 2013.

There are a number of discounts which are intended to give the marina manager some flexibility and incentives to attract boaters.

The commercial use rules set up earlier this year for Black River Park Boat Launch have been included in this resolution. In addition, rules regarding commercial use of slips at Black River Park have been added. This could apply to boat rentals or charter fishing boats, for example.

This resolution is a multi-year resolution. The rates set in this resolution would continue to be in effect until amended by City Council.

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 12-xx

A RESOLUTION SETTING THE SEASONAL
AND TRANSIENT SLIP RATES AT SOUTH HAVEN MUNICIPAL MARINAS

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on _____, 2012 at 7:30 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the Michigan State Waterways Commission establishes recommended fees for both transient and seasonal moorings for state governing Municipal Marinas; and

WHEREAS, the local units of government must maintain rate structures at or above for transient and seasonal rates in compliance with terms and conditions of previously executed grant-in-aid contracts for state grant assistance in facility development; and

WHEREAS, the Harbor Commission has reviewed and recommends the following rates; and

WHEREAS, the City Council concurs with the recommendations as forwarded to the Council by the Harbor Commission.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the South Haven Municipal Marina and Boat Launch Rates be set as follows:

Seasonal Dock Rates

The following seasonal dock rates will be in effect at the City operated facilities:

<u>Slip #'s</u>	<u>Slip Size in Ft.</u>	<u>Amount</u>
Northside Marina		
41-52, 65-68	30	\$2,915
57 thru 64	35	\$3,395
88-96	38	\$3,725
1 thru 10	40	\$3,950
53-56	45	\$4,390
11-40, 83-87	50	\$4,925
69 thru 82	60	\$5,790

Resolution No. 12-xx

Museum Marina		
1 thru 30	40	\$3,795
Black River Park		
1 thru 20	24	\$1,655
21 thru 62	30	\$1,870
Boats greater than the rate assigned will be charged per additional foot		\$115
Reservation Fee		\$5.00
Black River Park Seasonal Launch Pass		\$100
Black River Park 10 Launch Tokens		\$50
Black River Park Daily Launch		\$7

The following discounts may be applied to seasonal boater fees, subject to approval of the marina manager:

A first year discount of \$500 may be offered to new seasonal boaters.

Shallow draft slips or unused slips may be rented for use of dinghies and small boats at \$1,000 per dinghy/boat per season.

If, after the the deadline for payment for the season, there appears to be a lack of boats to fill longer slips, the marina manager may rent slips to shorter boats at a rate equal to the boat length plus one half the difference of the slip length and boat length.

The marina manager may request in writing from the city manager special rates for slips with extraordinary conditions such as surge, shallow draft or other conditions which make the slip difficult to rent. The marina manager may apply those rates after receiving written approval from the city manager.

Transient Slip Fees

The following transient slip fees will be in effect at the City operated facilities:

Boat Size	Transient Rates
1-24 feet	\$ 32.25
25 feet	\$ 32.25
26 feet	\$ 32.25
27 feet	\$ 32.25
28 feet	\$ 32.25
29 feet	\$ 33.50

30 feet		\$ 36.00
31 feet		\$ 37.50
32 feet		\$ 39.00
33 feet	.....	\$ 40.25
34 feet		\$ 41.00
35 feet		\$ 42.75
36 feet		\$ 44.25
37 feet	.....	\$ 45.75
38 feet		\$ 47.25
39 feet		\$ 48.00
40 feet		\$ 51.25
41 feet	.....	\$ 52.25
42 feet		\$ 53.75
43 feet		\$ 54.75
44 feet		\$ 56.25
45 feet		\$ 59.00
46 feet	.....	\$ 59.50
47 feet		\$ 61.25
48 feet		\$ 62.75
49 feet		\$ 64.25
50 feet		\$ 72.00
51 feet	.....	\$ 73.00
52 feet		\$ 74.00
53 feet		\$ 75.25
54 feet		\$ 76.50
55 feet		\$ 80.25
56 feet	.....	\$ 82.00
57 feet		\$ 83.00
58 feet		\$ 84.50
59 feet		\$ 86.00
60 feet and over		\$1.75 per ft.
		\$ -
Temporary Rate	Under 40'	\$ 7.25
For two hours	Over 40'	\$ 12.00
		\$ -
Black River Park all Slips		\$ 23.25

The following discounts may be applied to transient boater fees, subject to approval of the marina manager:

- a. Pre-Memorial Day and Post-Labor Day Special, stay 4 nights get 3 nights free.
- b. After July 15, a Remainder of Season discount will be made available. A seasonal slip may be rented for the remainder of the season, with the fee calculated as the number of days

remaining until October 15 times the minimum Waterways Transient rate (column 1) for the length of boat.

Commercial Use of Black River Park

Black River Park Boat Launch Commercial Launching

Commercial launching is defined as the launching of rented boats or other marine service for hire.

Commercial launching at Black River Park Boat Launch shall be permitted only with a license agreement and subject to the following fees:

Annual License fee: \$100

Annual Motorized Rental License For Each Vessel: \$50

Black River Park Marina Commercial Use of Slips

Subject to the approval of the marina manager, and subject to a license agreement with the City of South Haven, commercial uses may be permitted at slips at Black River Park Marina, subject to the following fees:

Annual License fee: \$100 plus the seasonal slip fee or transient slip fee.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert Burr, Mayor

Amanda Morgan, City Clerk