

PUBLIC NOTICE

Clean Water Act, Section 401 Certification Pond Berm Reduction

A private land owner is requesting an Individual Water Quality Certification for work on a man-made pond in the headwaters of an unnamed tributary to Little Carp River. The pond was constructed, without a permit, by excavating and filling a wetland to create a dam and spillway constructed using riprap. The dam impounded the stream creating a 100 ft long by 65 ft wide by 4 ft deep pond. The conversion of wetland to open deep-water habitat warms otherwise cold spring snowmelt, rainwater, and groundwater baseflow and increase nutrient load that would be detrimental to downstream cold water trout habitat. A complete restoration of the wetland would be costly and potentially cause a sedimentation event upon total removal of the dam. The property owner has proposed lowering the spillway by 1.5± feet to increase downstream flow and encourage wetland vegetation growth. KBIC Natural Resources Department staff met with United States Army Corps of Engineers staff and the permit applicants at the project site to discuss this mitigation option. After inspection and discussion of the site it was determined that lowering the spillway by 1.5-2 feet, with adequate precautions was the best course of action.

In accordance with Section 401 of the Clean Water Act (CWA), the Keweenaw Bay Indian Community is evaluating the submitted materials to determine if there is a reasonable assurance- with conditions attached- that the activities associated with the Army Corps of Engineers' verification of the Nationwide Permit will be consistent with relevant water quality considerations.

The Tribe seeks comments on CWA Section 401 Certification of the Army Corps' verification for this project. All comments are considered during the project review. The 15-day public comment period ends on 8/11/2026.

Project Summary

A private land owner is seeking an individual Water Quality Certification for work on a pond. The goal of the project is to reduce the open surface area of the pond and encourage wetland vegetation growth.

Project Details

Site Access: They will be accessing the site through the land owner's property off Pelto Rd.

Implementation: The pond will be lowered approximately 2.5 feet to allow for reconstruction of the spillway. The water will be pumped using electric or gas-powered dewatering or trash pumps, which will discharge on the land owner's property. Once the water has been lowered at least 6 inches below the final spillway, the spillway and side slopes will be excavated and reconstructed to be 1.5± feet lower. The excavated material will be hauled to a designate upland site on the property. Geotextile fabric will be placed at the bottom of the excavation and side slopes. MDOT plain riprap will be placed on the geotextile to construct the invert of the spillway. All exposed disturbed areas on the embankment will be restored with topsoil, MDOT Roadside seed and mulch mat. Spoils removed from the dam will also be

seeded and mulched. Silt fence will be installed on the downstream toe of the slope as needed after placement of spillway riprap and completion of embankment seeding and mulching.

No discharges should result from this.

Additional information may be obtained by contacting the Water Quality Specialist at (906)524-5757 ext. 4220. Written comments may be emailed or sent by US Mail to:

Lily Zolman, Water Quality Specialist
Keweenaw Bay Indian Community
Natural Resources Department
14359 Pequaming Rd.
L'Anse, MI 49946
Email: wqs@kbic-nsn.gov

Comment deadline is August 11, 2026