



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND AND WATER MANAGEMENT DIVISION

PERMIT NUMBER
86-15-0868-M
EXPIRATION DATE
12/31/2011

REVISED MARINA OPERATING PERMIT

Forest Bay Condominium Association
1054 Forest Bay Drive
Waterford, MI 48328

IS AUTHORIZED TO OPERATE A MARINA PURSUANT TO PART 301, PUBLIC ACT 451 OF 1994 AND THE ADMINISTRATIVE RULES PROMULGATED THEREUNDER, OF THE STATE OF MICHIGAN. FAILURE TO ABIDE BY THE TERMS AND CONDITIONS OF THIS PERMIT MAY RESULT IN REVOCATION OF THE PERMIT AND SUBJECT PERMITTEE TO CIVIL AND/OR CRIMINAL FINE AND/OR PENALTY PROVISIONS AS PROVIDED BY THE STATUTE.

Said Marina being on **Cass Lake** in **Oakland County** at **Waterford** located in **Town 03N Range 09E Section 34**
Parcel Number(s) **condo assoc.**

This permit is issued by the Director, of the Department of Environmental Quality
This 5th Day of August, 2008.

PERMITTED FACILITIES:

BOAT SLIPS 94
FUEL PUMPS 0
PUMPOUT FACILITIES No
LAUNCHING RAMP(S) 1
MOORINGS 0
BROADSIDE DOCKAGE 0 Lineal Feet

This Permit is Non-Transferable without
written authorization from the
Department of Environmental Quality

Steven E. Chester
DIRECTOR, DEPARTMENT OF ENVIRONMENTAL QUALITY

By James F. Milne 9/17/2008
James F. Milne

This permit must be kept at the Marina at all times for purposes of review and authorizes representatives of the Department of Environmental Quality to enter said property to inspect the Marina. Authorization for the Marina operation is contingent on property ownership. Any change in ownership may subject this permit to revision or revocation.

Special Conditions: 1) the maximum water craft length in Basin A is 22 feet, except for Slips S124 and S125, which have a maximum water craft length of 24 feet. If the current owners of slips within Basin A have water craft exceeding these lengths, they will be allowed, pursuant to the Consent Order dated July 25, 2008, to moor their water craft in their slips. Any subsequent owners of these slips must conform to these maximum boat lengths. 2) The maximum boat length in Basin B is 24 feet. If the current owners of slips within Basin B have water craft exceeding these lengths, they will be allowed, pursuant to the Consent Order dated July 25, 2008, to moor their water craft in their slips. Any subsequent owners of these slips must conform to these maximum boat lengths. 3) The maximum water craft length in Basin C is 29 feet. 4) This permit is not valid until it is signed by both the permit holder and the DEQ staff person.

Additional Conditions on Back

OPERATION OF YOUR MARINA AND AUTHORITY GRANTED BY THIS PERMIT SHALL BE IN ACCORDANCE WITH THE FOLLOWING LIMITATIONS AND CONDITIONS LISTED BELOW:

Permittee covenants not to sue the State of Michigan, or any of its departments, boards, commissions, officers, employees or agents for any claim whether legal or equitable, arising under, or in any manner related, to the privileges granted in this permit. Permittee hereby releases, waives, and discharges the State of Michigan and all of its departments, boards, commissions, officers, employees, and agents from any and all liability to Permittee, its officers, employees and agents, for all losses, injury, or damage to person or property, or death, and any claims or demands therefore, arising under, or in any manner related to, the privileges granted in this permit, whether caused by the State of Michigan, or any of its departments, agencies, boards or commissions, or any of their officers, employees, or agents.

Permittee covenants and agrees to indemnify and save harmless the State of Michigan, and all of its departments, agencies, boards, commissions, officers, employees, and agents from any and all claims, judgements, and expenses, including attorney fees, and for any and all loss, damage, or injury to person or property, or death arising under, or in any manner related to (a) this permit, (b) the activities authorized by this permit, or (c) the use or occupancy of the premises that are the subject of this permit as well as any other state-owned lands. This indemnification and save harmless agreement is intended to and shall extend to all loss, damage, or injury to person or property, or death, proximately caused, in whole or in part, by the negligence or the other tortious conduct of the State of Michigan, its departments, boards, commissions, officers, employees, or agents.

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.

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.

This permit shall not be assigned or transferred without the written approval of the Michigan Department of Environmental Quality (MDEQ).

In issuing this permit, the MDEQ has relied on information and data which the permittee has provided in connection with the permit application. If subsequent to issuance of this 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.

If the marina has a pumpout station(s), it must be maintained and kept in working condition in compliance with the Michigan Department of Community Health Standards.

This permit does not authorize revisions in design or layout of existing docks without first obtaining the MDEQ's written approval.

If existing docks at the marina were constructed pursuant to a valid State of Michigan construction permit issued pursuant to either PA 346 of 1972, as amended, or Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), the docks may be maintained if the maintenance is in place and in kind with no design or materials modification and the facility has a valid unexpired Marina Operating Permit (MOP). This maintenance provision does not include dredging or maintenance dredging within the marina.

Boats equipped with sanitary holding tanks are not authorized to use this marina unless a marina pumpout station is installed and approved by the Michigan Department of Community Health or marina has an existing agreement with a marina which has an approved pumpout station to utilize their facilities or unless exempted by statute.

Staff of the MDEQ may inspect marina facilities during normal business hours to determine compliance with this permit.

All boats moored within slips authorized for operation under this permit that were constructed pursuant to state permit issued pursuant to either PA 346 of 1972, as amended, or Part 301 of the NREPA, after December 31, 1991, shall not extend beyond end of the authorized dock or slip length. This shall include swim platforms, bow sprits and/or pulpits. Further, if project is a dockminium or condominium project, a statement restricting boats to no greater than authorized dock or slip lengths shall be placed in the by-laws and attached to the deed of which a true copy must be submitted to this office within 30 days of permit issuance.

Renewal of Marina Operating Permit

An application for renewal of the MOP must be submitted to the MDEQ on a form provided by the MDEQ every three (3) years at least sixty (60) days prior to extension of current MOP. The MDEQ may require the applicant to provide certification by a licensed professional engineer that the existing facility is in a safe state of repair and that the facility conforms to approved marina design plans on file with the MDEQ. If the facility conforms to the MDEQ's permitted design, is in a safe state of repair, and conforms to the pumpout requirements under Part 95, Watercraft Pollution Control, of the NREPA, the MDEQ shall reissue a MOP for the balance of the appropriate three (3) calendar year period.

If the marina facility has not provided the required certification, the facility does not conform to the MDEQ's approved design as authorized by permit terms and conditions, is not in a safe state of repair, or does not conform to pumpout requirements, the MDEQ shall not reissue the MOP until discrepancies at the facility are corrected to the satisfaction of the MDEQ consistent with the NREPA, Rules promulgated under the NREPA or other requirements of the MDEQ to bring the facility into compliance. Marinas requiring a MOP shall not operate without such a permit from the MDEQ.

Transfer of Marina Operating Permit

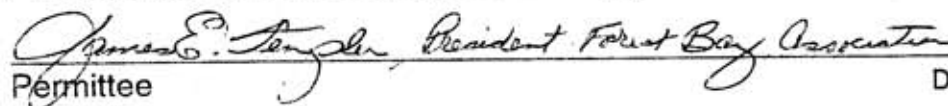
Marina Operating Permits are not assignable or transferable unless approved in writing by the MDEQ. The permit holder shall request the MOP transfer in writing upon an application form provided by the MDEQ and must include written authorization from the permittee.

Prior to permit transfer, the MDEQ will provide permit holder with a copy of the last MDEQ approved site plan for the marina. The MDEQ may require the applicant to provide certification from a licensed professional engineer that configuration of the marina is the same as that shown in MDEQ's approved plans and that all marina facilities subject to licensing transaction under the MOP are in a safe state of repair. If the facility does not conform to the MDEQ's approved design, statute criteria, promulgated rules or permit conditions, the MDES shall not transfer the MOP until all discrepancies are corrected to the satisfaction of the MDEQ.

Upon MDEQ determination that corrective action has been completed to bring the facility into compliance, the MDEQ shall transfer the MOP for the remaining term of the existing MOP. After such transfer of the MOP, the procedures listed above shall apply until expiration of the MOP.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

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

 *James E. Tingle, President Forest Bay Association*
Permittee _____ Date 9/10/2008