PUBLIC NOTICE

PROPOSED MINOR PROJECT CATEGORIES FOR
ACTIVITIES IN WETLANDS, INLAND LAKES, STREAMS,
AND THE GREAT LAKES

Pursuant to Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection, and Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, the Department of Environmental Quality’s Water Resources Division is proposing additions and changes to the existing Minor Project (MP) categories. These categories are for activities that are similar in nature, will cause only minimal adverse effects on the environment when performed separately, and will have only minimal cumulative adverse effects on the environment. The intent of these categories is to allow better coordination between applicable statutes and to provide clarity on the requirements that must be met for each category. Permit applications made for these types of activities may be processed in an accelerated manner without the issuance of an individual public notice or public hearing. The purpose of this public notice is to provide an opportunity for public review and comment to proposed additions and changes to the existing MP categories only. The proposed MP categories can be found at www.michigan.gov/wetlands.

Written comments on the new proposed MP Categories should be sent to:

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All comments must be received by Wednesday, March 20, 2015.

This notice will be reviewed by federal agencies in accordance with an agreement with the United States Environmental Protection Agency, under provisions of Section 404 of the Federal Clean Water Act Amendments of 1977.
Established Under Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; and Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (NREPA)

BACKGROUND INFORMATION

PURPOSE

Part 301, Part 303, and Part 325 of the NREPA authorize the Department of Environmental Quality (DEQ), Water Resources Division (WRD), to define types of regulated activities that would be expected to have only minor impacts and that can, therefore, be reviewed through an expedited permit application process. This document defines those activities that the WRD has determined are Minor Project (MP) categories and also defines the legal authority and limitations for their use. These categories do not alter or replace current exemptions, but provide a mechanism for expedited processing of certain activities that are not exempt.

The purpose of the MP categories is to allow the WRD to evaluate applications for many minor activities without the delay of public noticing specific projects. The objective of the MP categories is to reduce the time and cost of the permit process for applicants proposing minor activities and to reduce the costs of administering the program while protecting aquatic resources.

Please note that the MP categories do not define projects that will be issued, but only those that may be considered for accelerated processing. Applications under an MP category may be issued, modified, or denied. Permits will be issued under an MP category only if it is determined that the proposed activity is in accordance with the criteria and requirements of the NREPA.

MINOR PROJECT PROCEDURES

A person seeking a permit under an MP category must submit a permit application on a form supplied by the WRD at www.michigan.gov/jointpermit. A preliminary determination of whether an application may be processed under an MP category is made by WRD staff when the application is received. Applications processed under MP procedures are typically reviewed without issuance of a public notice. However, before approving a specific project to proceed under an MP category, the WRD may provide public notice. A site inspection may also be conducted. The DEQ will provide written authorization for an approved project, or will otherwise notify the applicant in writing of the decision on the application.

If at any time in the review process, it is determined that an activity in a proposed project, although within an MP category, is likely to cause more than minimal adverse effects on the environment or aquatic resources, including high-value aquatic habitats, the WRD may require the application be processed as an individual permit application. The processing as an individual permit application may require the applicant to provide additional information and an additional application fee.
REGULATORY AUTHORITY

Part 301 (Section 30105), Part 303 (Section 30312), and Part 325 (Section 32512a) provide that the WRD, after notice and opportunity for a public hearing, may establish MP categories of activities and projects that are similar in nature, have minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment. An MP category cannot be valid for more than 5 years.

GENERAL CRITERIA FOR REVIEW

Part 301, Part 303, and Part 325 specify the criteria that must be met before a permit may be issued. These general criteria, as well as the specific criteria detailed later in the MP categories, must be met before the WRD can issue a permit under an MP category. Adverse impacts must be avoided and minimized to the greatest extent possible, and mitigation may be required.

EXCLUSIONS

The types of activities described in this document can typically be processed under MP procedures. However, some activities will not qualify for this type of processing even if the listed criteria are met. Applications will not qualify for consideration under these categories if:

A) It is determined that the proposed project would constitute a "major discharge of dredged or fill materials" or meets other criteria subject to federal review as defined in the Memorandum of Agreement between the DEQ and the United States Environmental Protection Agency (USEPA).

B) The activity is associated with sensitive natural resources including:
   1. A federally designated wild and scenic river.
   2. A state or federally designated wilderness or environmental area.
   3. A federally designated marine sanctuary.
   4. A state or federally listed or proposed threatened or endangered species (unless alternative procedures developed by the WRD are followed to coordinate with federal agencies, or the landowner has obtained a letter of no impact from the Department of Natural Resources [DNR]).
   5. An identified historic or archeological area.
   6. An identified recharge area for drinking water aquifers.
   7. An identified rare or unique ecological type.

C) Sediment testing is required per DEQ procedures and testing results have not been provided by the applicant; OR Sediment testing results per DEQ procedures show that the material contains hazardous substances in excess of inert standards under Part 115, Solid Waste Management, of the NREPA.

D) The WRD determines that a specific activity that would generally qualify under an MP category would, due to the proximity of other projects and the characteristics of the aquatic resources, cause more than minimal adverse environmental impacts;

E) The project also requires a permit under Part 301; Part 303; Part 315, Dam Safety; or Part 325 of the NREPA but does not meet one of the General Permit (GP) or minor project (MP) categories under those parts.

F) The project also requires a permit under Part 323, Shorelands Protection and Management; or Part 353, Sand Dunes Protection and Management, of the NREPA.

NEED FOR OTHER PERMITS

A permit under an MP category does not remove the need for other applicable local, state, or federal permits.
EXPIRATION DATE

These MP categories modify and replace all existing MP categories under Part 301, Part 303, and Part 325 and shall expire on August 11, 2016, unless revoked or modified before that date.

Issued by: William Creal, Chief
Water Resources Division
Department of Environmental Quality

Date: ____________________
INDEX OF MINOR PROJECT CATEGORIES

WILL BE UPDATED WITH NEW PAGE NUMBERS.

MINOR PROJECT CATEGORIES

The following activities are incorporated into this list of MP categories. The proposed activity must meet the specific criteria of a category in addition to the General Criteria, Exclusions, and General Conditions. Each category lists the statute(s) to which it applies.


NO CHANGES PROPOSED.

2. Bioengineering Practices for Streams

Category applies to:  ☑ Part 301, Inland Lakes and Streams  
☑ Part 303, Wetlands Protection  
☐ Part 325, Great Lakes Submerged Lands

Bioengineering practices are used to stabilize stream banks where needed to prevent erosion, and to restore natural stream banks while protecting and enhancing fish and wildlife habitat and other natural features associated with streams. Bioengineering uses a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that, to the extent possible, mimics and/or enhances the natural landscape.

This MP is not applicable to Great Lakes or inland lakes shorelines. It is also not applicable to streams where banks are stable, and where natural wetland habitat would be degraded by installation of these structures.

This MP category includes installation of bioengineering practices on streambanks as necessary to prevent or control erosion using the following bioengineering practices:

- Placement of biological erosion control structures on streambanks, including but not limited to fiber rolls, fiber mats, joint plantings, branchpacking, live stakes, brush mattresses, tree revetments, brush bundles, live fascines, and plantings of native vegetation.
- Limited placement of natural stone or rock rip rap, covering no more than 300 feet of the length of the project and allowing for the free growth of plants, if necessary, to stabilize biological materials.
- Rock riprap placed at the toe of the streambank where needed to prevent scouring. Riprap shall be properly sized based on velocity and be limited to consist of natural field stone or rock (broken concrete is not allowed). Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains, except those constituting mainstream portions of certain natural watercourses identified in rule.
- Maintenance of previously authorized bioengineering structures.

The installation of bioengineering practices must meet all of the following:

- This MP category shall be limited to less than 500 linear feet of streambank per project.
- Excavation and backfill shall be permitted under this MP category only to the extent necessary to stabilize slopes and to place bioengineering structures. Excavation, or fill, and structure placement below the water’s edge shall be authorized only to support the reestablishment of native vegetation on the streambank or to restore and stabilize a severely eroded bank.
- Vegetation, including plantings and other potentially viable material such as live stakes, brush bundles, or other gathered woody material, shall be comprised only of plant species that are considered native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
- Engineered plant material, such as jute and coconut fabric, shall be comprised of inert plant fiber that may be nonnative.
• This MP category shall not be used to authorize the destruction or alteration of areas of existing native wetland or aquatic vegetation or the expansion of beach areas.

3. Boat Hoist

NO CHANGES PROPOSED.

4. Boat Ramp

NO CHANGES PROPOSED.

5. Cleanup of Hazardous and Toxic Waste

NO CHANGES PROPOSED.

6. Completed Enforcement Actions

NO CHANGES PROPOSED.

7. Cranberry Production - Expansion of Existing Operations

NO CHANGES PROPOSED.

8. Culverts - Large

NO CHANGES PROPOSED.

9. Culverts - Wetland Equalizer

NO CHANGES PROPOSED.

10. Dock

NO CHANGES PROPOSED.

11. Drawdown

NO CHANGES PROPOSED.

12. Dredging on Inland Lakes and Streams - New

NO CHANGES PROPOSED.

13. Driveway

NO CHANGES PROPOSED.

14. Fences

NO CHANGES PROPOSED.

15. Fills Associated with Residential Developments

NO CHANGES PROPOSED.

16. Fills for Swim Areas

NO CHANGES PROPOSED.
17. Fills - Minor

*NO CHANGES PROPOSED.*

18. Fish and Wildlife Habitat Structures

**Category applies to:**  
- Part 301, Inland Lakes and Streams  
- Part 303, Wetlands Protection  
- Part 325, Great Lakes Submerged Lands

Fish and wildlife habitat structures that meet all of the following:

- The property is owned and managed by a state or federal resource agency or by a private landowner who has received written support from the appropriate DNR, Fisheries Division and/or Wildlife Division biologist.
- The amount of excavation or fill shall be limited to minimum volumes necessary.
- The structure shall be anchored **into the bottom or keyed into the bank sufficient enough to prohibit separation of the structure from the bottom or bank.**
- The structure shall not interfere with navigation.
- The structure shall not be placed at a bend of a stream or otherwise cause bank erosion. **The structure shall not adversely impact the natural flow of the stream, and shall not block more than 10 percent of the bankfull width or, for structures that deflect flow, not more than 20 percent of the bankfull width.**

This MP category does **not** include:

- Weirs or other structures that impede the flow of water or alter the water elevation on a site.
- Construction (i.e., excavation/dredging) of ponds or placement of berms or other structures that require placement of a significant volume of fill. In-stream structures with the potential to act as grade control or otherwise impact stream stability are not included.
- The construction of haul roads or temporary access roads.

19. Livestock Crossings

*NO CHANGES PROPOSED.*

20. Maintenance of Drains

*NO CHANGES PROPOSED.*

21. Maintenance Dredging on Inland Lakes and Streams

*NO CHANGES PROPOSED.*

22. Maintenance Dredging on the Great Lakes and Section 10 Waters

*NO CHANGES PROPOSED.*

23. Maintenance and Repair of Serviceable Structures

*NO CHANGES PROPOSED.*

24. Mooring Buoy

*NO CHANGES PROPOSED.*

25. Oil Spill Cleanup

*NO CHANGES PROPOSED.*
26. Oil, Gas, and Mineral Well Access Roads

NO CHANGES PROPOSED.

27. Outfall Structures and Associated Intake Structures

NO CHANGES PROPOSED.

28. Pads for Farm Buildings and Farm Structures

NO CHANGES PROPOSED.

29. Pond: Inland Lakes and Streams

NO CHANGES PROPOSED.

30. Pond: Wetlands

NO CHANGES PROPOSED.

31. Public Transportation Projects

1. Linear Transportation Projects

   Category applies to:  
   - Part 301, Inland Lakes and Streams
   - Part 303, Wetlands Protection
   - Part 325, Great Lakes Submerged Lands

   Public road projects contained within the existing right-of-way where all practical means have been used to minimize the wetland impact, and all components of the project will impact no more than 1 acre of wetland. This category shall be further restricted to the following safety improvements, after a finding of necessity by the public transportation agency is determined to be required for safety reasons and for which the wetland fill will not exceed 1/3 acre per wetland:

   a) Flattening of road slopes to meet the minimum safety standard.
   b) Construction of standard shoulder widths.
   c) Installation of guardrail flares.
   d) Intersection improvements.
   e) Elimination of roadside obstacles, such as sign platforms and utility poles.
   f) Addition of a lane for safety reasons.
   g) Open construction highway fencing elevated above the wetland on poles limited to 5 feet in height.
   h) Wetland equalizer culvert extensions.

   Mitigation for impacts that exceed 0.1 acre will be required unless the Transportation Review Unit supervisor determines in writing that some other form of mitigation would be more environmentally appropriate. This mitigation must be at a minimum of a 1-to-1 ratio but may be of any wetland type and done on a statewide basis.

2. Culverts - Large

   Category applies to:  
   - Part 301, Inland Lakes and Streams
   - Part 303, Wetlands Protection
   - Part 325, Great Lakes Submerged Lands

   Culverts: New or replacement structures 100 feet or less in length that meet all of the following:
• The structure must be bottomless (3-sided), or if the structure has a bottom, then the invert elevation must be buried below the stream bottom 1/6 of the bankfull width up to a maximum buried depth of 2 feet.
• Structures shall be set on the same slope as the stream. For stream crossings with a slope of 3% or greater, a bottomless (3-sided) structure or bridge is required to meet this category.
• The structure must span a minimum of the bankfull width of the stream.
• For the replacement of a perched culvert (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition), grade control structures may be required.
• The structure shall be installed to align with the centerline of the stream at both the inlet and outlet ends. If needed, up to 25 feet of the channel at either end can be reshaped to allow for a smooth transition. The bankfull width must be maintained for any reshaped areas. Meanders upstream or downstream of the culvert shall not be eliminated when creating a smooth transition.
• The structure will allow passage of watercraft that could be expected to navigate the water involved.
• The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap shall not extend upstream or downstream of the culvert more than 25 feet on each end. Riprap shall be properly sized based on velocity and consist of natural field stone or rock unless it is determined by the DEQ that broken concrete can be allowed based on site conditions. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains except those constituting mainstream portions of certain natural watercourses identified in rule.

Bankfull is the width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing. In instances were the applicant is unsure of the bankfull width, it is recommended that the applicant contact DEQ staff and request a preapplication site review. In legally established drains (except those constituting mainstream portions of certain natural watercourses identified in rule), if bankfull indicators are not present, the structure span may be determined by calculating the 1.5-year stream width at the 1.5-year flow that is based on a stable stream width and depth or by applying the regional reference curves in the report "Estimated Bankfull Discharge for Selected Michigan Rivers and Regional Hydraulic Geometry Curves for Estimating Bankfull Characteristics in Southern Michigan Rivers" or other DEQ approved report.

For stream crossing locations where the drainage area is 2 square miles or greater, the crossing must meet one of the following:

1. The applicant must submit, and receive DEQ approval of, a certification by a licensed engineer with supporting hydraulic computations stating that either the replacement structure, including any weir flow, is designed with equal or greater hydraulic capacity that does not cause a harmful interference OR a new structure, including weir flow, is designed to pass the 100-year flood without causing a harmful interference.

2. For replacement structures:
   • The proposed structure must have an equal or greater hydraulic capacity when compared to the existing structure.
   • The proposed road grade shall not exceed that of the existing road grade by more than 4 inches, unless the road grade has been shown to be above the 100-year floodplain elevation.

3. For new culverts:
   • The fill over the culvert is not more than 1.5 feet.
   • The approach fill slopes to natural ground elevations within 10 feet of either side of the structure, unless the fill has been shown to be above the 100-year floodplain elevation.

4. For new bridges:
• The lowest bottom beam elevation is at or above the natural ground elevations on either bank.
• The approach fill slopes to natural ground elevations within 10 feet of either side of the structure, unless the fill has been shown to be above the 100-year floodplain elevation.

3. Riprap Scour Protection

Category applies to: ☒ Part 301, Inland Lakes and Streams
☒ Part 303, Wetlands Protection
☒ Part 325, Great Lakes Submerged Lands

The placement of riprap for scour protection by public transportation agencies around structures to meet federal highway critical scour protection requirements that meets all of the following:

• Riprap shall be properly sized based on velocity and consist of natural field stone or rock unless it is determined by the DEQ that broken concrete can be allowed based on site conditions. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains, except those constituting mainstream portions of certain natural watercourses identified in rule.
• The riprap may not extend above the normal (nonscoured) channel invert.
• Excavation shall be limited to the amount necessary for scour protection.

4. Replacement of Bridge Superstructure

Category applies to: ☒ Part 301, Inland Lakes and Streams
☒ Part 303, Wetlands Protection
☒ Part 325, Great Lakes Submerged Lands

The replacement of a bridge superstructure including deck and beams while leaving the existing abutments and piers in place that meets all of the following:

• All work and construction equipment shall be located outside of the stream.
• Demolition materials shall not drop in the water or be placed in wetlands or floodplains.
• Concrete slurry water, concrete dust, and other waste material shall not enter the stream.
• The low beam elevation may not be lowered and there shall be no reduction in the bridge opening.
• For stream crossing locations where the drainage area is 2 square miles or greater, the proposed road grade shall not exceed that of the existing road grade by more than 4 inches, unless the road grade has been shown to be above the 100-year floodplain elevation.

5. Paths

Category applies to: ☒ Part 301, Inland Lakes and Streams
☒ Part 303, Wetlands Protection
☒ Part 325, Great Lakes Submerged Lands

The construction of boardwalks and paths by public agencies eligible to receive state or federal transportation funds, that meets all of the following:

• The path or boardwalk is funded wholly or partially with state or federal transportation funds.
• The location and design of the path or boardwalk shall avoid and minimize impacts to wetlands to the greatest extent possible. Methods to avoid and minimize impacts may include open construction, reduced widths, avoiding high quality wetlands, crossing at the narrowest point, variable widths, and signage.
• The path or boardwalk has the smallest footprint possible considering applicable safety standards for the expected use and no wider than 60 inches for pedestrian only public paths, 6 feet for bicycle paths, and 10 feet for non-motorized multi-use public paths and boardwalks.
• Culverts shall be placed to maintain the free flow of surface and subsurface water and the movement of organisms and otherwise meet Category 9. Culverts - Wetland Equalizer.
32. Removal of Structures

NO CHANGES PROPOSED.

33. Replacement of Existing Seawalls

Category applies to: ☒ Part 301, Inland Lakes and Streams
☒ Part 303, Wetlands Protection
☒ Part 325, Great Lakes Submerged Lands

The repair and replacement of existing serviceable seawalls that meet all of the following:

- The seawall must meet at least one of the following: 1) the seawall is currently breaking the force of waves and retaining soil across a minimum of 50 percent of its length and there is evidence of a previous seawall along the other 50 percent of its length or 2) the seawall was breaking the force of waves and retaining soil but was damaged by a single catastrophic event which occurred within the 2 years prior to permit application submittal for the replacement of the seawall.
- The replacement seawall is limited to 200 linear feet or less in total length and installed within 1-foot of the existing seawall.
- The replacement seawall shall have toe stone (i.e., riprap) placed waterward along 100% of the length to prevent undercutting by wave action, to mitigate for the loss of habitat, and to provide a use for fish and other aquatic life. The toe stone shall be placed at a 1-on-2 slope (e.g., 1-foot vertical to 2 feet horizontal) or gentler. Toe stone shall be properly sized and consist of natural field stone or rock (broken concrete is not allowed). The toe stone shall extend from the lake/stream bottom to at least 6 inches above the ordinary high water mark but cannot extend more than 6 feet into the water. This toe stone shall be placed unless it is determined by the DEQ that less toe stone is required based on site conditions, navigation, or mooring.
- The structure or any associated fill will not be placed in wetland or in any manner that impairs surface water flow into or out of any wetland area.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period.
- This MP category does not allow new seawalls.

34. Reshaping Existing Drainage Ditches

NO CHANGES PROPOSED.

35. Residential Construction for Properties Owned Prior to 1980

NO CHANGES PROPOSED.

36. Reversion of Temporary Wetland Enhancement, Restoration, and Establishment

NO CHANGES PROPOSED.

37. Riprap Shoreline Protection

NO CHANGES PROPOSED.

38. Septic System Replacement

NO CHANGES PROPOSED.

39. Small Dam Removal

NO CHANGES PROPOSED.

40. Spring Piles and Piling Clusters
NO CHANGES PROPOSED.

41. Storm Water Management Facilities: Inland Lakes and Streams

NO CHANGES PROPOSED.

42. Storm Water Outfall Structures

NO CHANGES PROPOSED.

43. Temporary Construction, Access, and Dewatering

NO CHANGES PROPOSED.

44. Temporary Recreational Structures

NO CHANGES PROPOSED.

45. Utility Line Activities

Category applies to: ☒ Part 301, Inland Lakes and Streams ☒ Part 303, Wetlands Protection ☐ Part 325, Great Lakes Submerged Lands

Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in wetlands, inland lakes, and streams.

A "utility line" is any pipe or pipeline for the transportation of any gaseous, liquid, liquefied, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the State, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

This category includes:

1. Installation, maintenance, repair, and removal of utility lines provided there is no change in the preconstruction grade, that meet all the following:
   - Crossing locations shall be selected to minimize the impact to the wetlands, inland lakes and streams.
   - The outside diameter of the pipe, cable, encasement, etc. shall not exceed 20 inches.
   - A minimum of 36 inches of cover will be maintained between the top of the cable or pipe and the soil surface. Access areas (e.g., sealed manholes) may be allowed in wetlands if impacts are avoided and minimized. The installation shall use the best available construction technologies that are necessary to avoid and minimize impact when considering the wetlands and waters involved. Additional precautions and construction techniques may be necessary in areas of high quality resources. Use of directional drilling/jack and bore should be given particular emphasis in any area that is prone to erosion, on slopes upgradient from coldwater streams, in forested wetland habitat, in high quality wetlands or wetland types that are locally or regionally uncommon. Stream crossing shall use dry ditch open trenching, and shall be limited to 50 feet per crossing (bank to bank) and a cumulative total of 200 feet per application.
   - Wetland crossings using open trenching shall be limited to total cumulative crossing length of 500 feet per application.
   - All revegetation of wetland sites must be with plant species that are native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
   - The construction of new permanent access roads is not included under this MP category.

When these methods are used, the following additional criteria apply:
Plowing-in/Knifing-in for Wetlands Only

- This method is not allowed for crossing wetlands with open water, streams, or lakes.
- There is no limit on the distance of crossing wetland areas using Plowing-in/Knifing-in methods.
- This category can not be used in forested wetlands where trees need to be removed to conduct the activity.
- All impacted areas shall be immediately restored to grade.
- No additional fill materials (other than the utility itself) shall be placed in the wetland.
- Rutting or other soil disturbance shall be restored and stabilized.

Open Trenching

- Project design and construction features shall assure that backfill used in the excavated trench will not result in the drainage of wetlands. Clay plugs shall be shown in the construction plans and shall be placed at the wetland/upland boundary in all instances and as needed throughout the trench system.
- Construction mats shall be utilized to the greatest extent possible to minimize ground compaction and disturbance to waters of the state.
- For wetlands, excavated materials shall be stockpiled and used to backfill the trench area with the top 12 inches of topsoil being stockpiled separately to backfill the top portion of the trench.
- Any excavated materials that are sidecast or stockpiled in the wetlands shall be contained to the minimal amount of area feasible and shall not remain in the wetland for more than 30 days. Excess excavated materials shall be disposed of in an identified non-wetland site.
- Stockpiling or sidecasting is not allowed in any inland lakes and streams.
- All disturbed areas shall be restored no later than 30 days after completion. Restoration shall include restoring the area to original grade, decompacting the soils, and seeding and plantings native to Michigan to re-establish the preconstruction wetland type.

2. The construction and maintenance of utility line associated facilities in wetlands that are not contiguous to the Great Lakes or connecting waters or wetlands that border an inland lake or stream, that are either:

a) Substations: The construction, maintenance, or expansion of utility line substation facilities associated with a power line or utility line in wetlands, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 0.10 acre of wetlands.

b) Foundations: Construction or maintenance of foundations for overhead utility line towers, poles, and anchors in wetlands, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible and the single and complete project does not result in the loss of greater than 0.10 acre of wetlands.

3. Placement of guy wires, anchors, and foundations for poles provided the foundation are the minimum size necessary and where the single and complete project does not result in the loss of greater than 0.10 acre of wetlands.

46. Wetland Habitat Restoration and Enhancement

NO CHANGES PROPOSED.

47. Diver-Assisted Hand Removal of Invasive Species

NO CHANGES PROPOSED.

48. Boat Wells

NO CHANGES PROPOSED.

49. Docks on Public Land
50. Maintenance Dredging in USACE Navigation Channels

51. Dredging on the Great Lakes and Section 10 Waters - New

52. Previously Permitted Lake Creation Projects

Category applies to: ☒ Part 301, Inland Lakes and Streams
☒ Part 303, Wetlands Protection
☒ Part 325, Great Lakes Submerged Lands

A lake creation project associated with an active sand, gravel, or mineral mining operation that has been previously permitted under Part 301, that meets all of the following:

- The proposed lake creation project has the same scope and activities as the previous permit, and no additional impacts that were not evaluated in the previous permit.
- The previous permit has not expired at the time of permit application submittal and the project is in compliance with the permit and NREPA.

53. Ford Stream Crossings for Commercial Forestry Operations

Category applies to: ☒ Part 301, Inland Lakes and Streams
☐ Part 303, Wetlands Protection
☒ Part 325, Great Lakes Submerged Lands

A ford for the movement of commercial forestry equipment at stream crossing locations having a drainage area of 2 square miles or less, that meets all of the following:

- The width of the ford measured parallel to the stream flow shall be 16 feet or less.
- The ford shall be at a location that minimizes impacts to the stream and be placed at the shallowest point of the stream and not at a bend.
- The ford shall not be placed in organic soils.
- The ford shall match the existing cross-section and slope of the stream (i.e., the depth, bottom width, and location of the stream shall not be altered), except that access ramps with slopes of 8:1 or less may be cut into the banks. Fill for ramps is not included in this category.
- Riprap shall be placed without geotextile to create the ford and shall be properly sized based on velocity (i.e., tractive force) or the weight of loaded equipment, whichever is larger. Riprap shall consist of clean, natural field stone or rock (broken concrete is not allowed). Riprap shall maintain the existing stream bottom and bank elevation and shall not extend above the existing channel invert.
- Excavation shall be limited to the minimum necessary to construct the ford.
- The road approach shall include 50-foot long gravel/stone approaches on each side and other BMPs necessary to avoid and minimize sediment from entering the stream (e.g., broad based dips). The ford shall not be used during periods of high flow.
- The ford crossing is to facilitate the movement of commercial forestry equipment used as part of an ongoing commercial forestry operation.

GENERAL CONDITIONS

NO CHANGES PROPOSED.

AUTHORIZATION CONDITIONS

NO CHANGES PROPOSED.