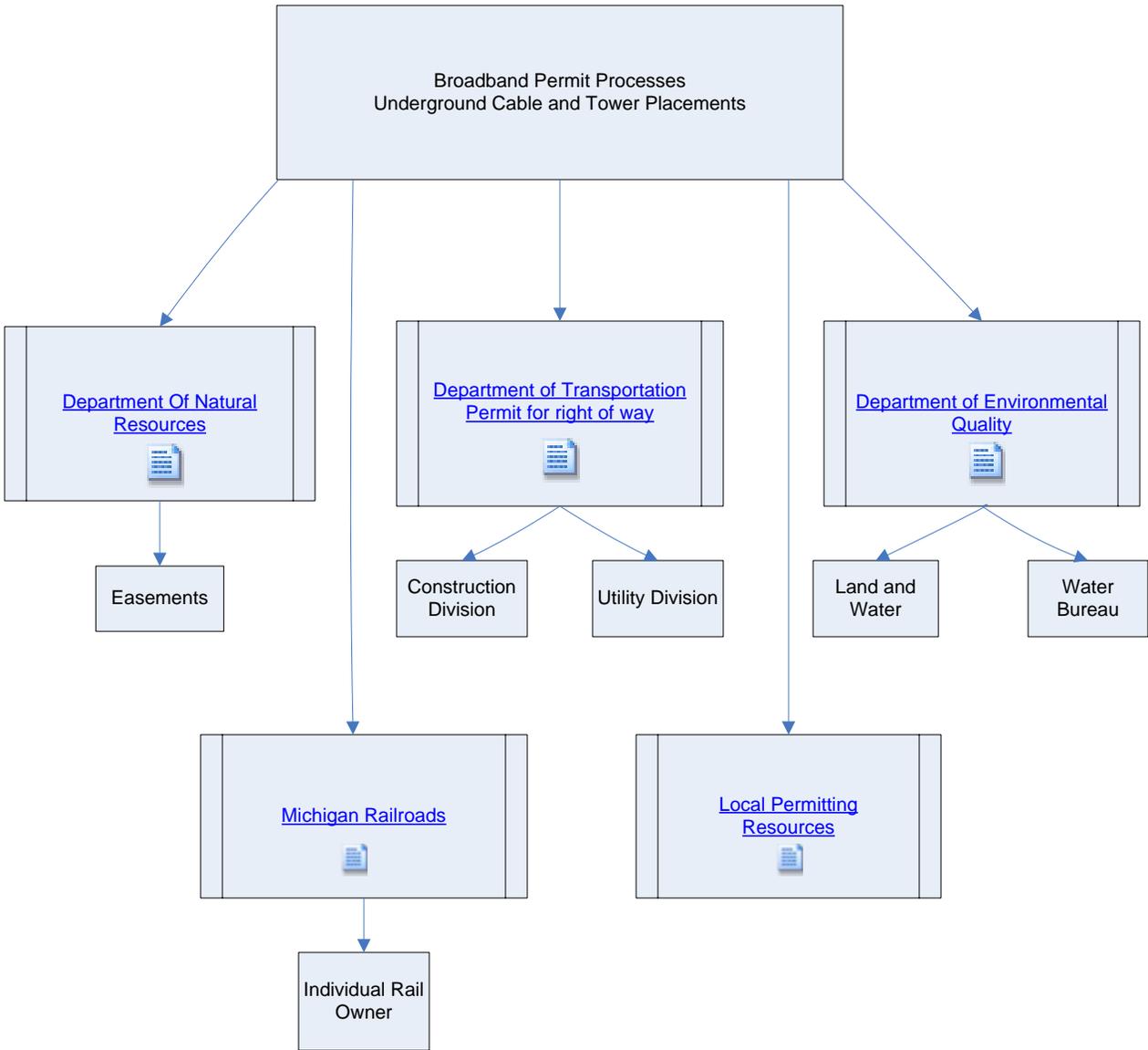


Permit Flow Chart



DEQ Land and Water permits approximately 30-60 days

DNR easement permits approximately 3-5 weeks

MDOT permits approximately 2-5 weeks

Municipal and Rail can vary based on area and owner

Michigan Department of Environmental Quality (MDEQ)

UTILITY PERMIT REQUIREMENTS FOR BROADBAND PROJECTS

Who do I contact for general MDEQ permit information?

Environmental Assistance Center
1-800-662-9278
deq-ead-env-assist@michigan.gov

http://www.michigan.gov/deq/0,1607,7-135-3306_3329-13211--,00.html

Broadband activities will typically require permits from the Land and Water Management Division and or the Water Bureau.

Who do I contact for Land and Water Management Division (LWMD) permits?

Wendy Fitzner
517-373-8798
FITZNERW@michigan.gov

Who do I contact for the Water Bureau permits?

Dick Mikula
517-335-3178
mikular@michigan.gov

Do I need a Land and Water Permit?

Permits will generally be required from the Department of Environmental Quality (DEQ), Land and Water Management Division (LWMD) for the installation of structures such as conduits within the land/water interface including, lakes, streams, floodplains, designated critical dunes, designated high risk erosion areas, and/or wetlands. See the processing flow chart link from www.michigan.gov/jointpermit

What are the different Permit Requirements?

Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Under Part 303, a permit would be required to place a structure, such as a conduit, through or under the surface of a regulated wetland. See the wetland general permit category criteria by linking to “Application Appendices, Appendix C” or “Applicable Regulations” from www.michigan.gov/jointpermit

Exemptions – there are no exemptions for this type of work through wetlands

- Minor Projects – In order to qualify for a minor project for utility lines under the general permit category, the outside diameter of the conduit must not exceed 20 inches and the crossing location shall be selected to minimize the impact to the wetland. Construction methods and equipment must use the following sequence of preferred methods to cross the wetland.
 - Directional boring or drilling
 - Plowing in or knifing-in

- Open trenching only is acceptable when it has been determined that the wetland crossing cannot be avoided, and that no other method is feasible and prudent.

See additional specific restrictions under the Part 303 General Permit Category for Utilities

- Public Notice – any project not meeting the general permit category will need to be public noticed resulting in a higher permit fee and longer review time.

Part 301, Inland Lakes and Streams, of the NREPA. Under Part 301, a permit may be required to place a structure, such as a conduit within or under a stream, drain or lake depending on the following criteria.

- Exemptions – the project is exempt under Part 301 if: the top of the conduit is a minimum of 10 feet below the bottom of the lake, stream or drain; the entry and exit points are located far enough away from the lake, stream or ditch banks to assure that bank disturbance does not occur; the drilling/boring sites are located outside of any applicable Department of Natural Resources (MDNR) natural river setback requirements; and the drilling or boring operations will not result in the eruption/release of any drilling fluids up through the ground and into the lake, stream or ditch. If an eruption does occur below the ordinary high water mark then an after the fact permit application is required; and the corridor water crossing methods that with all factors considered, represent the least overall environmental impact while still allowing the project to be completed in a reasonable and cost effective time frame. There is no maximum pipe diameter associated with this exemption.
- Minor Projects – in order to qualify for a minor project for utility lines, the diameter of the conduit shall not exceed 20 inches and shall have a minimum of 30 inches of cover between the top of the conduit and the bed of the watercourse; the method of construction proposed is the least disturbing to the environment at the site; and any necessary backfilling is done with washed gravel.
- Public Notice – any project not meeting the general permit category will need to be public noticed resulting in a higher permit fee and longer review time.

The state's floodplain regulatory authority, found in Part 31, Water Resources Protection, of the NREPA. Under Part 31 the project is exempt as a utility crossing of a floodplain where the floodplain is restored essentially to existing elevations. If the project involves more than burying a utility line in the floodplain, then a permit and hydraulic review could be required under Part 31.

Concern for the impacts of sand mining on the dunes led to the passage of the Sand Dune Protection and Management Act in 1976. If working in designated critical dunes or designated high risk erosion area. A permit application is required; see the link to "Sand Dune Protection" from http://www.michigan.gov/deq/0,1607,7-135-3311_4114_4236---,00.html

Once a permit application is filed, field staff conducts an on-site inspection of the proposed use. If the proposal does not meet the standards in the act, staff will work with the applicant to determine if there are alternatives on the site which would enable development of the property while meeting the standards in the act. Please contact Wendy Fitzner if you have any questions.

Wendy Fitzner
517-373-8798
FITZNERW@michigan.gov

Who do I contact for specific project information or putting together a complete application?

Project construction and placement of utility facilities in regulated areas is handled by the DEQ LWMD Permitting Staff. Staff from the Permit Consolidation Unit (PCU) will be able to provide detailed permit information, including the permit application, applicable fees, and process and review time. Contact them at 517-373-9244 or email at DEQ-LWM-PCU@michigan.gov For specific project assistance or to schedule a pre-application meeting contact the appropriate district field staff in the area where the project is proposed. See “Who to Contact” link from www.michigan.gov/jointpermit

What can I use as a time guide in planning and scheduling my project?

Generally it will take from 30 to 90 days from the time you apply until a decision is made on your permit. The time frame will depend on the size and complexity of the project, the amount of additional information that is required to review the project, whether the project requires a Public Notice or Public Hearing, the season of the year (spring and summer being the busiest) and the payment choice (checks are held for 3 weeks until check has been cleared). A link to a “processing flow chart” is at www.michigan.gov/jointpermit

What are the guidelines and restrictions for construction, excavation, dredging, and/or fill activities in, on, or near lakes, streams, floodplains, designated critical dunes, designated high risk erosion areas, and/or wetlands for placing underground utility facilities?

The MDEQ/USACE Joint Permit Application Training Manual has been designed by the LWMD, PCU to guide citizens, developers, contractors, consultants, city and township planners, engineers, and architects in properly completing the MDEQ/USACE Joint Permit Application (JPA). This manual combines guidance material and instructions together into one practical and easy-to-use reference document. See the link to “Joint Permit Application Training” from www.michigan.gov/jointpermit

What form should I use?

The permit form is entitled the Joint Permit Application (Form 2731) because it covers multiple Parts of NREPA regulated by the LWMD and is also shared by the United States Army Corps of Engineers (USACE) for projects covered under their Title 10 jurisdiction in Michigan. This application form is required for all utility construction projects proposed within the land and water interface. See the link for the “Downloadable Application from www.michigan.gov/jointpermit. A separate application and fee must be submitted if the project crosses through different DEQ district boundaries. See the link to “who to contact” from www.michigan.gov/jointpermit

What will be the permit fee?

An application fee, varying from \$50 to \$2000, is required at the time the application is submitted for a project regulated by Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; Part 325, Great Lakes Submerged Lands; Floodplain Regulatory Authority found in Part 31, Water Resources Protection; Part 353, Sand Dunes Protection and Management; Part 323, Shorelands Protection and Management; or Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), The fee varies, depending on the resources impacted and the magnitude of the project. Fees are not cumulative, with the exception of dam and critical dune projects. The highest of all other fees will be charged. For linear projects that meet the minor or general permit category the fee will be determined by the number of wetland or inland lake and stream crossings. Additionally, if a hydraulic review is determined by LWMD staff to be required, a separate fee will be assessed. The applicant will be notified if the final fee is different from that submitted with the application. The permit fee is non-refundable. See the link to the fee schedule from www.michigan.gov/jointpermit

Do I have to do anything else besides filling out the application form?

Yes. Required information is located in the permit application instructions available at the link from www.Michigan.gov/jointpermit. Additionally, along with the filled out application, utility projects must include the following:

- A letter from the transportation agency or other property owner authorizing the company to work within their right of way.
- A map of the entire route clearly showing county and township boundaries, major roads, and all lake, stream, drain and wetland crossings.
- Break out maps for each lake, stream, drain and wetland crossings. The maps should clearly show the location of the crossing and distance from the nearest intersection. Wetland inventory maps can be found at www.mi.gov/deqwetlands, click on Wetland Inventory Maps, click on Wetland Map Viewer. Include a labeled photograph of each water body crossing and a recent aerial photo (within the last five years).

Provide a table of all possible crossings with the following information:

- Water body name
- Water body width at crossing
- County
- Township
- Town, Range, Section
- Nearest cross roads
- Conduit size and depth of fill above conduit
- Installation Method-additionally if directional drilling or boring is not being used at a crossing then explains why not.
- Distance of boring pits from the water's edge.
- Any findings from a Michigan Natural Features Inventory (MNFI) review

What other permits may be required for Broadband Projects?

1. If a project falls within Section 10 Water, then a separate permit will be required from the USACE. The LWMD will forward the joint permit application to the USACE once the file has been determined to be administratively complete. In Michigan the MDEQ has assumed authority of the Federal 404 program meaning that in non-section 10 waters a separate permit will not be needed from the USACE. This will be the case in the majority of the projects being considered here. A link to Section 10 regulations and regulated waters is available under "Applicable Regulations" from the www.michigan.gov/jointpermit link.
2. Part 31 Construction Storm Water Permits may be needed from the MDEQ's Water Bureau (WB). An applicant must first obtain a Part 91 permit prior to receiving the Construction Storm Water Permit. See link for details: http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3716---,00.html
3. Part 91 Soil Erosion and Sedimentation Control Permit may also be needed by all counties and some municipalities. See link for details: http://www.michigan.gov/deq/1,1607,7-135-3311_4113---,00.html. Part 91 is administered and enforced by counties and municipalities under the oversight of the WB. Part 91 requires that each county board of commissioners designates an agency, referred to as county enforcing (CEA), within the county to issue SESC permits and to ensure that the county's SESC program complies with the requirements of Part 91. Municipalities may choose to administer Part 91 within their respective jurisdictions by requesting designation by the WB to be a municipal enforcing agency (MEA). The Soil Erosion and Sedimentation Control Permits are typically required for all earth changes that disturb one or more acres or within 500 feet of a lake or stream. There are some exemptions provided for by the statute. In addition, some counties and municipalities are more restrictive than the statute and require permits for additional activities not identified in Part 91.

What permit applications and fees are required?

The Notice of Coverage (NOC) Application (Part 31) can be found at:
http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3716-23997--,00.html.

The Soil Erosion and Sedimentation Control Permit Application (Part 91) can be found at:
http://www.michigan.gov/documents/deq-soils-sescAPPLICATION_4495_7.pdf. However several counties and municipalities have their own applications, please contact the permitting agency to get the correct application. A complete listing of CEA's and MEA's by county can be found at:
<http://www.deq.state.mi.us/sesca/>.

Michigan Department of Natural Resources (MDNR)

UTILITY PERMIT GUIDELINES FOR BROADBAND INITIATIVE

Who do I contact for general MDNR permit questions?

Joseph J. Taylor
517-373-7725
taylorj@michigan.gov

The MDNR will be assisting utility companies to determine and identify any potential problems regarding land usage, permitting, fees, including verifying potential endangered species and historical sites. Early coordination with the MDNR will ensure identification of any potential problems.

Where can I find general policy information regarding Easements?

http://www.midnr.com/Publications/pdfs/InsideDNR/NRC/NRC_Policies/4605.htm

Michigan Department of Transportation (MDOT)

UTILITY PERMIT GUIDELINES FOR BROADBAND INITIATIVE

Who do I contact for utility permits?

Utility permits are handled by [MDOT Transportation Service Centers](#) (TSC). The TSC construction permit staff will be able to provide detailed permit information, including permit application, applicable fees, processes and review time.

What roadways are under the jurisdiction of MDOT?

Roadways under the jurisdiction of MDOT are generally marked with one of these symbols:



Where can I find MDOT Right-of-Way maps?

MDOT Right-of-Way [maps](#) are available online and are organized by counties. If there are any Right-of-Way questions regarding a particular roadway, please contact the appropriate TSC.

What is required to install a utility within the MDOT Right-of-Way?

A permit application, site plan, permit fee, surety and insurance are required.

What permit application is required?

The MDOT Individual Application and Permit ([Form 2205](#)) is used for all utility requests for construction and/or occupying MDOT Right-of-Way.

What should be shown on a site plan?

Site plans need to convey a clear illustration and understanding of the proposed work. Depending on the proposed installation (overhead or underground) and method of installation (trenching, plowing, boring, setting new poles, attaching to existing poles, etc.) the following items should be considered when preparing a site plan.

- Outline of specific area of work
- North arrow
- State highway configuration and dimensions
 - Roadway and Right-of-Way widths
 - Width of paved and/or gravel shoulders
 - Ditch and/or curb
 - Intersecting streets
- Dimensions from edge of pavement, centerline or Right-of-Way to proposed facility
- Method of installation(s)
- Areas where vegetation will be removed and/or trimmed
- Legend and scale

What will be the permit fee?

The Construction Permit Fee Schedule ([Form 2235](#)) provides cost information for utility permits. The exact amount will be determined upon receipt of the application, or may be obtained in advance by calling the appropriate TSC. The permit fee is non-refundable.

What are the surety and insurance requirements?

MDOTs Certificate of Insurance and Blanket Permit Performance Bond are submitted electronically by the **Surety and/or Insurance Agent** and not the permit applicant. The **Surety and/or Insurance Agent** will need to register with MDOTs central office in order to obtain access to MDOTs Permit Performance Bond/Certificate of Insurance computer application system. Please contact Lauri Olsen to register for the computer application or if you have any questions.

Lauri Olsen
Construction Permit Agent
517-241-3028
olsenl@michigan.gov

Once a surety and insurance (yearly renewal) are on file, these will typically cover all future permitted activities.

What additional information is needed to obtain a permit?

When a proposed work operation requires a lane closure or will be adversely impacting traffic, then the applicant will need to follow the [Work Zone Safety and Mobility Policy](#) for Construction and Utility Permits.

How much process/review time is needed once a permit is submitted to a TSC?

Permit review times can vary depending on the type and scale of the permit. Permits that have little or minimal impact to the MDOT Right-of-Way are typically processed within 2 – 4 weeks. Permits having greater impacts to the Right-of-Way can require additional review time.

Where can I find general permit information?

Additional permitting information can be found on MDOT's [Right-of-Way Construction Permits](#) web site.

Who can I contact for general MDOT permit questions?

It's recommended that new companies doing business for the first time with MDOT contact central office staff to discuss the overall permitting process. Contact one of the individuals below for permitting questions or concerns.

Joe Rios
Construction Permit Coordinator
517-241-2103
riosj@michigan.gov

Nick Lefke
Utility Coordinator
517-335-2208
lefken@michigan.gov

Michigan Rail Association (MRA)

UTILITY PERMIT GUIDELINES FOR BROADBAND INITIATIVE

Who do I contact for railway utility permits?

It's recommended that utility companies doing business within the railroad right-of-way contact one of the individuals below for permitting questions (i.e. fee, application and review time) or concerns. **Requests should be made as soon as it is known a rail site might be impacted.**

Adrian and Blissfield Co.

Mark W. Dobronski, President
38235 Executive Drive
Westland, MI 48185
734 641-2300 fax: 641-2323
markdobronski@adrianblissfieldrailroad.com
web: adrianblissfieldrailroad.com

Amtrak

Derrick James, Sr. Officer
Government Affairs
525 W. VanBuren, 2nd Floor
Chicago, IL 60607
312 880-5118 fax: 880-5167
Email: jamesde@amtrak.com
Web: Amtrak.com

Ann Arbor Railroad **

E.O. "Jim" Erickson, President
P.O. Box 380
Howell, MI 48844
517 548-3930 fax: 548-3937
email: eoerickson@annarbor-railroad.com
web: annarbor-railroad.com

CN Rail

Gloria Combe, Principal
Combe Consultants Inc.
21671 Welch Road
Northville, MI 48167
248 756-4168 fax: 374-0140
email: gloria.combe@cn.ca
web: cn.ca

Canadian Pacific Rail System

Randy Marsh, Director Government
Midwest U.S. & Ontario
40 University Ave., Suite 604
Toronto, Ontario M5J1T1
416 595-3009 fax: 595-3040
email: randy_marsh@cpr.ca
web: cpr.ca web: csx.com

CXS Transportation

Ana McDowell
CSX Property Services
301 West Bay Street
Jacksonville, FL 32202
904 633-4839
email: ana_mcdowell@csx.com
web: csx.com

Charlotte Southern Railroad

Mark W. Dobronski, President
38235 Executive Drive
Westland MI 48185
734 641-2300 fax: 641-2323
markdobronski@adrianblissfieldrailroad.com
web: conrail.com

Conrail

Jonathan Broder
VP Law & General Counsel
2001 Market Street, 16th Floor
Philadelphia, PA 19103
215 209-5020 fax: 209-4819
email: jonathan.broder@conrail.com
web: conrail.com

Coopersville & Marne Railway

Jerry Ricard, General Manager
311 Danforth Street
Coopersville, MI 49404
616 997-7000 fax: 784-7216
email: jerryricard@comcast.net
web: coopersvilleandmarne.org

Delray Connecting Railroad Co.

Clarence Rutherford
General Superintendent
7819 W. Jefferson Ave.
Detroit, MI 48209
313 841-2851 fax: 841-2470
email: crrutherford@uss.com

Detroit Connecting Railroad

Mark W. Dobronski, President
38235 Executive Drive
Westland, MI 48185
734 641-2300 fax: 641-2323
markdobronski@adrianblissfieldrailroad.com
web: adrianblissfieldrailroad.com

Escanaba & Lake Superior

John Larkin, President
One Larkin Plaza
Wells, MI 49894
906 786-0693 fax: 786-8012
email: wells1@chartermi.net
web: elsrr.com

Grand Elk Railroad

Rodney Gordon, General Manager
75 Mills Street
Kalamazoo, MI 49015
269 832-3785 fax: 866 288-8103
email: rgordon@watcocompanies.com
web: watcocompanies.com

Grand Rapids Eastern Railroad

Jack Bixby, General Manager
101 Enterprise Drive
Vassar, MI 48768
989 797-5128 fax: 797-5194
email: jack.bixby@railamerica.com
web: railtex.com/railmaps/GR.htm

Great Lakes Central Railroad

Mike Bagwell, President & CEO
P.O. Box 550
Owosso, MI 48867-0550
517 725-6644 fax: 723-8226
email: mwbagwell@glcrailroad.com
web: glcrailroad.com

Huron & Eastern Railroad

Norm Schmidt, Asst. Gen. Manager
101 Enterprise Drive
Vassar, MI 48768
989 797-5126
email: norman.schmidt@railamerica.com
web: railtex.com/railmaps/HESR.htm

Indiana Northeastern Railroad

Troy Strane, General Manager
P.O. Box 262
Hillsdale, MI 49242
517 439-4677 fax: 439-0222
email: troy_strane@sbcglobal.net
web: indiananortheasternrailroad.com

Indiana & Ohio Rail System

Ryan Ratledge, General Manager
2856 Cypress Way
Cincinnati, OH 45212
513 860-1000 fax: 860-3888
email: ryan.ratledge@railamerica.com
web: railamerica.com

Lake State Railway

James George, President
750 N. Washington Ave.
Saginaw, MI 48607
989 797-2123 fax: 797-2134
email: georgej@lsrc.com
web: lsrr.com

Lake Superior & Ishpeming

Stephen Beranek,
Operations Manager
P.O. Box 2000
Ishpeming, MI 48949
906 475-9693 fax: 475-7558
email: stephen.beranek@cliffsnr.com
web: cliffsnr.com

Lapeer Industrial Railroad

Mark W. Dobronski, President
38235 Executive Drive
Westland, MI 48185
734 641-2300 fax: 641-2323
email:
markdobronski@adrianblissfieldrailroad.com
web: adrianblissfieldrailroad.com

Marquette Rail Corporation

Kevin Ruble, President & CEO
5550 W. First Street
Ludington, MI 49431
231 845-9000 fax: 845-9001
email: kevin.ruble@marquetterail.com
web: marquetterail.com

Michigan Air-Line Railway Co.

B. Allen Brown, President & CEO
840 N. Pontiac Trail
Walled Lake, MI 48390
248 960-9950 fax: 960-9444
email: abrown@railmark.com
web: railmark.com

Michigan Shore Railroad Co

Jack Bixby, General Manager
101 Enterprise Drive
Vassar, MI 48768
989 797-5128 fax: 797-5194
email: jack.bixby@railamerica.com
web: railtex.com/railmaps/MS.htm

Michigan Southern Railroad Co.

J. Michael Carr, President & CEO
1318 South Johanson Road
Peoria, IL 61607
309 697-1400 fax: 697-1677
email: mcarr@pioneer-railcorp.com
web: pioneer-railcorp.com

Mid-Michigan Railroad Co.

Bob Dine, General Manager
101 Enterprise Drive
Vassar MI 48768
231 722-2686
email: bob.dine@railamerica.com
web: railtex.com/railmaps/MMRR.htm

Norfolk Southern Corporation **

Paul Gilley
Resident VP Public Affairs
101 West Ohio Street, Ste. 2000
Indianapolis IN 46204
317 472-2844 fax: 472-2845
Email: paul.gilley@nscorp.com
Web: nscorp.com

Tecumseh Branch Connecting Railroad

Mark W. Dobronski, President
38235 Executive Drive
Westland MI 48185
734 641-2300 fax: 641-2323
Email:
markdobronski@adrianblissfieldrailroad.com
Web: adrianblissfieldrailroad.com
734 641-2300 fax: 641-2323

Saginaw Bay Southern

James George, President
750 N. Washington Ave.
Saginaw, MI 48607
989 757-2123 fax: 757-2134
email: georgej@lsrc.com
web: lsrr.com

West Michigan Railroad Co.

J. Michael Carr, President & CEO
1318 South Johanson Road
Peoria, IL 61607
309 697-1400 fax: 697-1677
email: mcarr@pioneer-railcorp.com
web: pioneer-railcorp.com

Where can I find Michigan's Rail Road System map?

http://www.michigan.gov/documents/MDOT_Official_Rail_130897_7.pdf

Who do I contact for general rail permit questions?

Bob Chaprnka
Executive Director
Michigan Railroad Association
517-482-9413
mra@michiganrailroadsassociation.com

The METRO Authority was created in November 2002 as a result of PA 48 of 2002 (Metropolitan Extension Telecommunications Rights-of-Way Oversight Act) with the purpose of streamlining the right-of-way permitting processes between municipalities and telecommunication providers. Historically, providers who were expanding their services into or within municipalities approached each municipality and completed whatever process these municipalities required. Municipalities were not required to have a standard permitting process or fee structure.

PA 48 is the result of a collaborative agreement between municipalities and providers. The Act allows the METRO Authority, on behalf of municipalities, to recover the costs of such rights-of-way use by the providers. It gives the METRO Authority the responsibilities to coordinate public right-of-way matters with municipalities, to assess fees on telecommunication providers with facilities in public rights-of-way within a municipality in a metropolitan area, and to make payments to municipalities that have "opted in". Currently, 100% of fees assessed on providers are paid out to municipalities. In 2009, fees invoiced and collected from providers exceeded \$21 million.

Director: Melvin Farmer, Jr.

Email: metroinfo@michigan.gov

Telephone: (517) 373-0194

Office
Fax: (517) 335-4037

Address: METRO Authority
611 W. Ottawa
PO Box 30338
Lansing, MI 48909