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DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION

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MINOR PROJECT CATEGORIES IN THE STATE OF MICHIGAN

August 12, 2026

Established Under Part 31, Floodplain Regulatory Authority; 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 31, Part 301, Part 303, and Part 325 of the NREPA authorize the Department of Environment, Great Lakes, and Energy (EGLE), 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 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. EGLE 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.

Part 31 projects that meet one or more floodplain MP category do not require a hydraulic review.

REGULATORY AUTHORITY

Part 31 (Section 3104), 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.

These MP categories do not apply under Part 315 (Dam Safety), Part 323 (Shorelands Protection and Management), and Part 353 (Sand Dunes Protection and Management) of the NREPA. Additional permit application fees under those Parts may apply.

GENERAL CRITERIA FOR REVIEW

Part 301, Part 31, 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 EGLE 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 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]).
4. An identified historic or archeological area.
5. An identified recharge area for drinking water aquifers.
6. An identified rare or unique ecological type, except under MP Category 55.

C) 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;

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

E) The project is in a designated Environmental Area under Part 323 except, if the project is a Wetland Habitat Restoration and Enhancement project on federally or state owned areas, MP Categories 30, 32 and 55.

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 31, Part 301, Part 303, and Part 325 and shall expire on August 12, 2031, unless revoked or modified before that date.

Issued by: Amy Lounds Date: August 12, 2026

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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.

1. Bioengineering Practices for Stabilization of Inland Lake Shorelines

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Bioengineering practices (also known as “soft” or “green” engineering) are used to stabilize inland lake shorelines as needed to prevent erosion and restore natural shorelines while protecting and enhancing fish and wildlife habitat and other natural features associated with inland lakes. 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.

The specific bioengineering practices included in this MP category are separated into two subcategories: those recommended for lower energy sites and those recommended for correcting erosion problems where wind and wave energy are high or where eroded banks exceed 3 feet in height.

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

1. <u>Bioengineering Practices for Lower Energy Sites on Inland Lake Shorelines</u>

These measures are typically suitable for habitat enhancement, prevention of erosion, or bank stabilization at locations where:

- The longest unobstructed distance across the lake from the proposed project site is less than one mile.
- The proposed project site is not adjacent to a heavily used boating access point or marina.

- The proposed project site is not located on an unprotected point, headland, or island where erosive forces are high.
- Site-specific conditions warrant bioengineering. The proposed shoreline protection must be appropriate for the erosion potential at the site. The applicant must provide an analysis of the erosion potential at the site using an assessment method approved by EGLE or by using EGLE's Inland Lake Shoreline Energy Assessment tool.

This subcategory includes installation of bioengineering practices on inland lakes as necessary to prevent or control erosion, using the following bioengineering practices:

- Placement of biological erosion control structures, including fiber rolls, fiber mats, live stakes, brush mattresses, brush bundles, and plantings of native vegetation.
- Limited placement of natural stone or rock riprap, covering no more than 25% of the length of the project and allowing for the free growth of plants, if necessary, to stabilize biological materials. The rock shall be a variety of sizes based on wave height for the site, not to exceed a maximum 18-inch diameter rock, and shall consist of natural field stone or rock (broken concrete is not allowed). Natural field stone or rock includes crushed quarry rock.
- Temporary placement of fiber rolls or similar materials to serve as wave breaks or barriers to facilitate establishment of biological control structures or plantings placed in close proximity to the existing shoreline and in a manner that does not unreasonably interfere with navigation or riparian rights. Temporary wave breaks must be constructed of and anchored with materials that are 100% biodegradable. Removal of wave breaks may be required before the expiration of the permit.
- Maintenance of previously authorized bioengineering structures.

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

- This subcategory shall be limited to less than 1000 linear feet of shoreline per project.
- Bioengineered shore protection structures shall not be permitted under this subcategory where the top of the bank is more than 3 feet above the ordinary high water mark of the lake.
- 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.
- Excavation and backfill shall be permitted under this subcategory only to the extent necessary to stabilize slopes and to place bioengineering structures. All natural and engineered stabilization materials shall be firmly staked and otherwise secured using biodegradable materials to prevent movement due to wind, waves, high water, or ice.
- This subcategory 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.

2. Bioengineering Practices for Higher Energy Sites on Inland Lake Shorelines

The installation or maintenance of bioengineering practices where eroded banks exceed 3 feet in height above the ordinary high water mark, or in areas that have higher wind and wave energy, that meet all of the following:

- This subcategory shall be limited to less than 500 linear feet of shoreline per project.
- Applicant has provided adequate documentation of higher energy site conditions, such as: the longest unobstructed distance across the lake from the proposed project site is more than one mile, the proposed project site is adjacent to a heavily used boating area, access point, or marina, or the proposed project site is located on an unprotected point, headland, or island where erosive forces are high.
- There is evidence of ongoing erosion or the installation is where an existing seawall is being replaced with bioengineering. The proposed shoreline protection must be appropriate for the erosion potential at the site. The applicant must provide an analysis of the erosion potential at the site using an assessment method approved by EGLE or by using EGLE's Inland Lake Shoreline Energy Assessment tool.
- Biological erosion control structures, including soil lifts or fiber blocks, fiber rolls, fiber mats, live stakes, brush mattresses, brush bundles, and plantings of native vegetation, are placed at or above the existing shoreline. Engineered plant material, such as jute and coconut fabric, shall be comprised of inert plant fiber that may be nonnative.

- Natural stone may be placed if it allows for the free growth of plants, does not extend more than 6 feet waterward of the ordinary high water mark, and is minimized based on site conditions. Extending the stone up to 8 feet waterward of the ordinary high water mark may be approved under this subcategory, if EGLE determines that it is necessary based on site conditions and if the upland bank is also being pulled back. The rock shall be a variety of sizes based on wave height for the site, not exceed a maximum 18-inch diameter, and shall consist of natural field stone or rock (broken concrete is not allowed). Rock riprap may be approved by EGLE as an alternative to natural stone based on site conditions. The stone shall be placed at a 1-on-4 slope (e.g., 1-foot vertical to 4 feet horizontal) or gentler. A filter layer of small stone or geotextile to retain subsoil but allow drainage may be placed below the larger stone. Stone shall not be placed in any wetland areas or in any manner that impairs surface water flow into or out of any wetland areas.
- Vegetation, in the form of seed, plantings, or other potentially viable material such as live stakes, brush bundles, or other gathered woody material, shall be used along the length of the installation. Vegetation shall be comprised only of plant species that are considered native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
- Excavation and backfill shall be permitted under this subcategory only to the extent necessary to stabilize slopes and to place bioengineering structures.
- All natural and engineered stabilization materials shall be firmly staked and otherwise secured using biodegradable materials to prevent movement due to wind, waves, high water, or ice.
- Temporary placement of fiber rolls or similar materials to serve as wave breaks or barriers to facilitate establishment of biological control structures or plantings placed in close proximity to the existing shoreline and in a manner that does not unreasonably interfere with navigation or riparian rights. Temporary wave breaks must be constructed of and anchored with materials that are 100% biodegradable. Removal of wave breaks may be required before the expiration of the permit.
- This subcategory 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.

2. Bioengineering Practices for Streams

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *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 ongoing 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 riprap, covering no more than 300 feet total of streambank length 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). Riprap shall not extend waterward of the existing banks up or downstream to avoid obstructing flood flows.
- 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 1000 total 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, fill, or 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

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

The construction of a boat hoist for single-family residential, recreational watercraft use that meets all of the following:

- This MP is limited to two permanent boat hoists, serving one boat or two personal watercraft each, per single-family residential property.
- The structure shall allow for the flowage of littoral materials and water.
- The structure will not unreasonably interfere with the navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.
- The structure shall not have permanent covers, sides, or roofs. Temporary covers made of canvas or fabric can be included.
- The structure shall be placed in the center of the property or at least 1.5 times the boat hoist length from any property lines, unless it is not feasible based on site conditions.

- For Great Lakes and Section 10 waters under the federal Rivers and Harbors Act, the length from the shoreline or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the waterbody.
- For inland lakes and streams, the boat hoist shall be placed in boatable water or at a length from the shoreline that is not greater than the length of similar structures in the vicinity and on the waterbody, whichever is the minimum necessary. Inland lake and stream boat hoists shall not occupy more than 400 square feet for the entire structure including a walkway with a width of 2 feet or less around the structure.

4. Boat Ramp

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Boat ramp activities that are either:

1. Construction of a noncommercial boat ramp that meets all of the following:

- This MP is limited to one boat ramp serving one single family residential property.
- The placement of fill material does not exceed 25 cubic yards of rock, crushed stone, or gravel placed into forms, or precast concrete planks or slabs.
- The boat ramp does not exceed 12 feet in width.
- Dredging for construction of the boat ramp must meet a dredging MP or GP category. The ramp shall be placed in the center of the property or at least 20 feet from any property lines, unless it is not feasible based on site conditions.
- This category is not allowed within a wetland.
- Public boat launches should be utilized as an alternative when available.

2. Improvement of an existing public boat ramp that meets all of the following:

- The property is owned by a local, state, or federal agency.
- All construction is limited to the existing footprint or 20 feet wide, whichever is more.
- The placement of fill material does not exceed 50 cubic yards of rock, crushed stone, or gravel placed into forms, or precast concrete planks or slabs.

- Dredging shall be limited to the minimum necessary for construction of the boat ramp.
- This category is not allowed within a wetland.

3. Maintenance of a boat ramp that meets all of the following:

- The maintenance is in-place and in-kind with no design or materials modification.
- The placement of fill material does not exceed 25 cubic yards of rock, crushed stone, or gravel placed into forms, or precast concrete planks or slabs.
- Dredging for construction of the boat ramp must meet a dredging MP or GP category.
- This category is not allowed within a wetland.

5. Boat Wells

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

1. A new boat well constructed in upland for single-family residential, recreational watercraft use that meets all of the following:

- For Part 301, this MP includes only Section 10 waters under the federal Rivers and Harbors Act of 1899.
- This MP is limited to 1 boat well serving 1 single family residential property.
- The boat well excavation shall be a maximum of 20 feet (along the shoreline) by 40 feet. A new seawall along the interior of the boat well may be approved by EGLE based on site conditions. New seawall along existing shoreline or any other structures are not included in this category.
- All dredged or excavated materials shall be disposed of in an identified non-wetland site. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.
- This MP category does not include dredging in wetlands.

2. Fill of boat wells previously constructed in upland that meets all of the following:

- The fill will not impact more than 800 square feet.
- The previously existing shoreline shall be restored. Stabilization of the restored shoreline shall be limited to other MP and GP categories for those activities. EGLE may approve up to 20 linear feet of seawall if there is an existing seawall adjacent to both sides of the boat well if necessary based on site conditions. Any 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 in accordance with the MP Category for Replacement of Existing Seawalls unless it is determined by EGLE that less toe stone is required based on site conditions, navigation, or mooring.
- This MP category does not include fill in wetlands or permanent roofs, covers, or other structures.

6. Cleanup of Hazardous and Toxic Waste

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Specific activities required to affect the containment, stabilization, or removal of hazardous or toxic waste materials that are either:

1. Performed, ordered, or sponsored by a government agency with established legal or regulatory authority, or

2. Court ordered remedial action plans or related settlements.

This category does not include the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste. The plan shall minimize, to the most practicable extent possible, impacts to waters or wetlands.

The waters of the state, including wetlands, must be restored to the most practicable extent possible.

EGLE will coordinate with USEPA 404 Program staff and EGLE solid and hazardous waste management program staff on all applications submitted under this category.

This category does not include liners or caps or other activities that increase the grades in the floodway. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

7. Completed Enforcement Actions

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Completed enforcement actions for mitigation, restoration, or environmental benefit in compliance with either:

1. The terms of a final written nonjudicial settlement agreement entered into between EGLE and the applicant resolving a violation notice or order to restore issued by EGLE for unauthorized activities, provided that:

    - The unauthorized activity affected less than 1/3 acre of wetlands;
    - The unauthorized activity does not include filling, grading or construction in the floodway; and
    - The nonjudicial settlement agreement provides for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity covered by this MP category.

2. The terms of a final state court decision, consent decree, or judicial settlement agreement resulting from an enforcement action brought by EGLE. The State of Michigan must be a party to the law suit or have reviewed and approved the consent or settlement agreement.

For either item 1 or 2 above, compliance is a condition of this MP category itself. Any authorization issued under this MP category may be revoked if the permittee does not comply with the terms of this MP category or the terms of the nonjudicial settlement agreement or of the court decision, consent decree, or judicial settlement agreement or if the permittee fails to complete the work by the specified completion date. This MP category does not apply to any activities not subject of the court decision, decree,

settlement agreement, or nonjudicial settlement agreement that are not for the purpose of mitigation, restoration, or environmental benefit.

EGLE will coordinate with USEPA 404 Program staff in accordance with the Memorandum of Agreement between EGLE and the USEPA.

8. Construction, Maintenance, and Repair of Berms and Water Control Structures

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Construction, maintenance, and repair of berms, dikes, embankments, and levees or water control structures and pumps, that meet all of the following:

- The berms, dikes, embankments, and levees or water control structures and pumps are located within public parks, wildlife refuges, or game areas owned or operated by federal and state government.
- The maximum elevation of the berm, dike, embankment or levee shall not exceed the 10-year flood elevation.
- New berms, dikes, embankments or levees shall not be located in the floodway.
- The replacement of water control structures in regulated streams must provide equal or greater hydraulic capacity.
- The berm, dike, embankment, or levee is not regulated as a dam under Part 315.

9. County Drains

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Activities conducted in legally established drains pursuant to the Drain Code as outlined below. Activities in this category shall meet the following:

- The activities are in a drain that was legally established and constructed pursuant to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630. Activities

undertaken by an individual, agency, or developer that are not part of a drain project conducted pursuant to the drain code are not included in this category. Only a drain commissioner or drainage board or the Department of Agriculture and Rural Development on behalf of an Intercounty Drainage Board may apply for an authorization under this category.

- Planting and seeding below the ordinary high water mark shall be comprised only of species that are considered native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
- Temporary stabilization measures shall be installed before or upon commencement of the authorized activity, and shall be maintained until permanent measures are in place. Permanent measures shall be in place within 5 days of achieving final grade.
- The activities shall not cause damage to property or a threat to life or personal injury.
- This category does not include activities in wetlands.
- If sediment testing is required, testing has been conducted in accordance with EGLE policy and the applicant has provided sample results showing concentrations are less than levels of concern or dredging will not exacerbate a pre-existing problem as determined according to EGLE policy.

For the purposes of this category, 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 where the applicant is unsure of the bankfull width, it is recommended that the applicant contact EGLE and request a preapplication site review. In legally established drains (except those constituting mainstream portions of certain natural watercourses identified in rule), the bankfull width may be determined by: (1) bankfull indicators in the field, (2) calculating the 1.5-year stream width at the 1.5-year flow that is based on a stable stream width and depth, or (3) by applying the most recent regional hydraulic geometry reference curves for Michigan.

For Part 301, the following activities may be authorized under this category in legally established and constructed drains pursuant to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, if performed with BMPs. This subcategory does not apply to mainstream portions of certain natural watercourses identified in rule.

1. <u>Drain realignments:</u> A drain realignment of more than 300 linear feet and less than 1000 feet per drain project that increases aquatic resource functions and services by meeting all of the following:

- The entrenchment ratio of the drain shall be improved over the existing condition and be at least 1.4 or greater.
- The existing drain runs parallel to the road.
- The realignment is within the existing drain or road right-of-way.
- The realigned drain shall not exceed the depth and bottom width of the existing drain.
- The realigned drain shall retain the same slope and bed features (e.g., riffles and substrate) and consistent length as the existing drain.

2. Installation of vanes and riffles: The installation of cross-vanes, j-hooks, rock vanes, and riffles associated with the restoration, enhancement, and establishment of riparian and stream habitat that are compatible with the dimension, pattern, profile, and bed features of the stream channel, that increases aquatic resource functions and services, and that meets all the following:

- The channel slope/design grade of the overall channel shall not exceed 1%.
- The height of the vane or riffle shall only extend to the bankfull stage elevation.
- Vanes and riffles shall have an adequately sized bankfull bench. For rock vanes and j-hooks, the bench shall be located on the bank nearest the vane arm. For cross-vanes or riffles, the bench must be constructed on both banks. For all structures, the minimum total bench width shall be equal to 0.75 times the bankfull width. The bench shall be as long as possible but at least 1.5 times the arm length or riffle length, tapered at both ends, and centered around the structure. For vanes located on stream bends, the length of the bankfull bench shall extend the entire arc length of the bend. If the existing drain channel is overwide (i.e., wider than the bankfull width), the bankfull bench may be constructed within (or partially within) the existing drain cross-section.
- The invert of each vane (the elevation of the top of the rock located at the most upstream point of the structure) or the crest of the riffle within a series shall be set at an elevation above the bed up to 0.15 times the bankfull depth where bankfull depth is measured at the deepest part of the channel cross-section at a natural riffle or, if no natural riffles are present, the shallowest part of a run. In drains where the bed elevation is being lowered to reestablish the original design grade, the invert of the vane or the crest of the riffle shall be set at an elevation above the bed up to 0.15 times the bankfull depth (as measured preconstruction) above the reestablished bed elevation. This category does not include activities that raise the grade of the stream bed above 0.15 times the bankfull depth.

- All vane structures shall include footers. Riffles shall include footers at the crest of the riffle. For sand bed streams, the minimum footer depth shall be 6 times the protrusion height of the invert rock due to the deeper scour depths that occur. For other streams, the minimum footer depth shall be 3 times the protrusion height of the invert rock.
- All vanes shall be adequately keyed into the bank as to prevent erosion of the bank (i.e., at least 2 footer rocks). Riffles shall be keyed in at the crest of the riffle. Sills on j-hooks may be included.
- Vanes and riffles shall be inspected following rainfall events of 1 inch or more in a 24-hour period until the streambank vegetation has been established for a minimum of one growing season to ensure there is no erosion occurring around the structure. Repairs shall be initiated as soon as possible following inspection.

In addition, vanes shall also meet all of the following:

- All vanes shall be oriented in an upstream direction (i.e., the invert is placed upstream).
- Multiple vanes in a series shall be spaced so that the downstream structure is not negatively influenced by the effects of the adjacent upstream structure.
- Acceptable vane materials shall be rock, logs, and rootwads, or a combination thereof. Geotextile fabric shall be used to prevent scour under the structure when logs are used or when rocks are used in sand or silt/clay bed channels.
- The width of the vane arm portion of the structure shall occupy 1/3 of the bankfull width of the channel/drain and the invert portion (the “hook”) shall occupy the center 1/3 of the channel/drain.
- The angle of the vane arm portion shall be 20 to 30 degrees, measured upstream from the tangent line where the vane intercepts the bank.
- The slope of the vane extending from the bankfull stage bank shall be between 2 and 7%. For the purpose of this category, vane slope is defined by the ratio of bank height/vane length. The vane length distance shall be measured from the bankfull bank to the intercept with the invert elevation of the streambed at 1/3 of the bankfull channel width (i.e., not measured off of horizontal, but off of the average channel bed slope).
- The minimum rock size shall be determined by calculating the bankfull shear stress and then multiplying by 1.5, but shall be at least 1 foot in diameter.
- This category does not include construction of a scour pool below the structure although one may form through natural stream processes.

In addition, riffles shall also meet all of the following:

- Multiple riffles in a series shall be spaced at a distance that is consistent with the spacing of the existing riffle-pool sequence, or in cases where there is no existing riffle-pool sequence, the riffles shall be spaced a minimum of 5 to 7 times the bankfull width apart as measured from riffle crest to riffle crest.
- The slope of the riffle on the upstream side of the riffle crest shall have a 4 to 1 (horizontal to vertical) slope. The slope of the riffle on the downstream side of the riffle crest shall have a 20 to 1 slope.
- The cross-section of the riffle shall be formed in a "V" shape that slopes gently from the bankfull stage elevation to the invert of the riffle (i.e., at the crest of the riffle, the invert is set at the elevation above the bed up to 0.15 times the bankfull depth, and at the downstream end of the riffle, the invert is at the bed elevation).
- The minimum rock size shall be determined by calculating the bankfull shear stress. The void spaces shall be filled with a mix of 1/2-inch to 3-inch diameter rocks. The minimum rock size of the footers shall be determined by calculating the bankfull shear stress and then multiplying by 1.5.
- Riffles shall not be constructed on stream bends.

10. Cranberry Production - Expansion of Existing Operations

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

The dredging, flooding, filling, and clearing of wetlands at established cranberry production operations where the total acreage of disturbance (including areas flooded and/or excavated for reservoir expansion) does not exceed 10 acres of wetlands for the following specified activities:

- Expansion of existing cranberry beds.
- Squaring-off existing cranberry beds.
- Construction of new cranberry beds adjacent to existing beds.
- Rehabilitation of abandoned beds (clearing, leveling, etc.).
- Construction of a dike for subdivision of an existing reservoir.
- Construction/extension of dikes for reservoir expansion.
- Construction of new water control structures.

The proposed activity must meet all of the following:

- The activity must not result in a net loss of wetland acreage (cranberry beds and associated cranberry production areas shall not be counted as wetland acreage for the no net loss determination).
- This category is only available for impacts greater than 0.1 acre if the use of approved wetland mitigation banking credits is proposed by the applicant and it successfully replaces lost functions and values taking into account features such as watershed location, wetland type, habitat diversity, and future land use. Purchase of the approved mitigation banking credits will be required prior to issuance of the permit. This category cannot be used in service areas where approved mitigation banking credits are not available.
- Only 1 permit under this and future MP categories may be granted per cranberry production operation. For the purposes of this MP, cranberry production operation is defined as a group of (usually) contiguous beds and the water storage and handling system that serves them, all of which are managed as a unit.
- This MP does not include any dredging or filling related to other cranberry production activities such as warehouses, processing facilities, or parking areas.
- This MP does not include any connection (inlet or outlet) to inland lakes, streams, or Great Lakes waters.

11. Culverts and Bridges - Large

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

New or replacement culvert and bridge structures for stream crossing that are less than100 feet in length and no more than 300 feet total of a stream in segments that meet all of the following:

- The structure must be bottomless (3-sided or a clear span bridge), 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 deepest part of the riffle (thalweg) channel measured from the head of the upstream riffle to the head of the downstream riffle outside of the effects of any existing culvert, or for legally established drains, at an approved design slope. For stream crossings with a slope of
  3% or greater and more than 3 feet in span, 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. Only a single structure at each crossing is allowed under this category (i.e., multiple culverts at a crossing are not included in this category).
- For the replacement of 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 structure 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 structure. Riprap shall not extend upstream or downstream of the structure more than 25 feet on each end. Riprap shall be properly sized based on velocity and consist of natural field stone or rock (broken concrete is not allowed). Riprap shall not extend waterward of the existing banks up or downstream to avoid obstructing flood flows.
- Placement of up to 500 square feet of fill per culvert in wetlands associated with the stream crossing to facilitate placement of the structure.

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 where the applicant is unsure of the bankfull width, it is recommended that the applicant contact EGLE 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 most recent regional hydraulic geometry reference curves for Michigan.

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

1. For replacement structures, there is no decrease in end area opening and the structure meets all of the following:

    - Equal or shorter culvert length or bridge width.
    - Equal or greater auxiliary waterway openings and road overflow areas are below the 1% annual chance flood.
    - Same or improved roughness coefficient.
    - Same or improved entrance conditions.
    - Same or improved slope.
    - Same road grade, unless the existing road is above the 100-year floodplain elevation.

    A culvert or bridge replacement may be extended or widened up to 24 feet if bullets 2 through 6 above are met.

2. For replacement structures:

    - The applicant must submit, and receive EGLE approval of, a certification by the owner or by the owner's engineering consultant, that the replacement is designed with an equal or greater hydraulic capacity, that the existing bridge or culvert and its approaches do not cause harmful interference, and that deletion of existing auxiliary openings and road overflow areas is not planned.

3. For new culverts:

    - An effective waterway opening that equals or exceeds the cross-sectional area of the channel.
    - The fill over the culvert is not more than 1.5 feet deep.
    - 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.

12. Diver-Assisted Hand Removal of Invasive Species

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Diver-assisted hand removal of nonnative invasive species in inland lakes and impoundments in a total area not to exceed 10 acres per lake per year that meets the following:

- Nonnative invasive submergent plants shall be pulled by hand. Removal of emergent or native vegetation is not included in this category. Invasive plant species are species that have aggressive growth characteristics and threaten native ecosystems by dominating the normal vegetation of an area (e.g., Eurasian Watermilfoil). Photographs showing the plant(s) to be controlled must be submitted by the applicant. Removal must occur during the growing season when the nonnative invasive species can be properly identified.
- A small hand tool may be used to assist in pulling out the plant and roots.
- Once the plants have been removed by hand, a hose attached to a suction dredge may be used to transport the plants to the water surface for immediate collection. The suction hose shall not be used to remove plants or roots from the bottom sediments or to suction bottom sediments.
- Dragging of the suction hose on the bottom shall be minimized.
- All plant fragments must be contained and collected. Plants must be disposed of at an upland location.
- Unless otherwise approved by EGLE, turbidity curtains, or other containment mechanisms approved by EGLE, are required to prevent off-site siltation and dispersal of invasive plant fragments. Curtains must enclose the area around the boat and the treatment area. In order to request that an area be approved

without the requirement of turbidity curtains, the applicant must provide sediment data and a justification for a turbidity curtain not be deployed in a particular area of a waterbody (e.g. substrate is primarily sand).

- A general characterization of the substrate must be provided for all proposed treatment areas (e.g. silt over sand, muck).
- For any proposed treatment areas over 0.25 acres in size, the applicant shall provide site-specific vegetation surveys (e.g. mini-plot point intercept, SCUBA quadrat) with measures of abundance, frequency, and cover for all species, including the target non-native species and any native species present.
- The project must include annual monitoring and progress reporting that includes a map of treatment locations, photos of treatment areas, an EGLE approved data log, and a site-specific follow-up vegetation survey in the last year of treatment.

13. Dock

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

1. Piers

The construction of a dock for single-family residential, recreational watercraft use that meets all of the following:

- This MP subcategory is limited to 1 permanent dock serving 1 single family residential property.
- The structure will not unreasonably interfere with the navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.
- The structure shall be a linear single pier with no perpendicular extensions, unless it is determined by EGLE that perpendicular extensions up to 60 linear feet in total length can be included based on site conditions or similar structures in the vicinity and on the waterway. The perpendicular extensions shall be limited to an “h” shape where boat parking is not parallel to the shoreline.
- The structure shall not have roofs, sides, platforms, or decks.
- The structure shall allow for the flowage of littoral materials and water.

- The single pier structure shall be placed in the center of the property or at least 1.5 times the dock length from any property lines, unless it is not feasible based on site conditions. Any perpendicular extension, including mooring piles, shall be at least 1.5 times the length of the boat slip from adjacent property lines.
- For Great Lakes and Section 10 waters under the federal Rivers and Harbors Act, the length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the waterbody.
- For inland lakes and streams, the structure shall be of reasonable length to boatable water or at a length from the shoreline that is not greater than the length of similar structures in the vicinity and on the waterbody, whichever is the minimum necessary. The structure, including any perpendicular extensions, shall not exceed a width of 4 feet unless the applicant demonstrates their need for construction of a wider dock.

2. Broadside Dock

The construction of a dock for single-family residential, recreational watercraft use that meets all of the following:

- This MP subcategory is limited to 1 permanent dock serving 1 single family residential property.
- The dock will be constructed to avoid shallow water habitat and where there is sufficient depth for broadside docking (e.g., a canal or stream).
- The structure will not unreasonably interfere with the navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.
- The structure shall be a linear dock up to 30 feet in length located at the shoreline and that is parallel to the shoreline. EGLE may approve a longer length that is not greater than the length of similar structures in the vicinity and on the waterbody.
- The structure shall not have roofs, sides, platforms, or decks.
- The structure shall allow for the flowage of littoral materials and water.
- The structure shall be placed in the center of the property or at least 1.5 times the dock length from any property lines, unless it is not feasible based on site conditions.
- The structure shall not exceed a width of 4 feet from the shoreline unless the applicant demonstrates their need for construction of a wider dock.

3. Kayak Dock

The construction of a dock on public land or for commercial purposes to facilitate launching and loading of small recreational watercraft such as kayaks that meets all of the following:

- This MP subcategory is limited to 1 permanent or seasonal dock per property that is not used for overnight mooring or docking.
- The structure will not unreasonably interfere with the navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.
- The structure shall be a linear single pier, with up to one perpendicular extension that is no more than its length and the minimum necessary to facilitate launching and loading.
- The structure shall not have roofs, sides, platforms, or decks.
- The structure shall allow for the flowage of littoral materials and water.
- The structure and associated extension shall be placed in the center of the property or at least 1.5 times the dock length from any property lines, unless it is not feasible based on site conditions.
- For Great Lakes and Section 10 waters under the federal Rivers and Harbors Act of 1899, the length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the waterbody.
- For inland lakes and streams, the structure shall be of reasonable length to boatable water or at a length from the shoreline that is not greater than the length of similar structures in the vicinity and on the waterbody, whichever is the minimum necessary. The structure shall not exceed a width of 5 feet unless the applicant demonstrates their need for construction of a wider dock.

4. Docks on Public Land

The construction of a noncommercial dock on public land to facilitate launching and loading of recreational watercraft that meets all of the following:

- This MP subcategory is limited to 1 permanent or seasonal dock per property that is not used for overnight mooring or docking.
- The structure will not unreasonably interfere with the navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.

- The structure shall be a linear single pier with up to one perpendicular extension for fishing access.
- The structure shall not have roofs, sides, platforms, or decks.
- The structure shall allow for the flowage of littoral materials and water.
- The structure and associated extension shall be placed in the center of the property or at least
  1.5 times the dock length from any property lines, unless it is not feasible based on site conditions.
- For Great Lakes and Section 10 waters under the federal Rivers and Harbors Act of 1899, the length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the waterbody.
- For inland lakes and streams, the structure shall be of reasonable length to boatable water or at a length from the shoreline that is not greater than the length of similar structures in the vicinity and on the waterbody, whichever is the minimum necessary. The structure shall not exceed a width of 4 feet unless the applicant demonstrates their need for construction of a wider dock.

Seasonal docks to facilitate private noncommercial recreational use of the water do not require a permit if the dock does not unreasonably interfere with the use of the water by others or interfere with water flow.

14. Drawdown

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Drawdown of inland lakes and impoundments for court orders, inspections, repairs, or emergencies that are one of the following:

1. A temporary drawdown for the purpose of inspecting the integrity of the impounding structure.

2. An emergency drawdown required by EGLE under Part 315 or the Federal Energy Regulatory Commission.

3. A temporary drawdown for minor repairs of an impounding structure.

4. A drawdown authorized by court order under the provisions of Part 307, Inland Lake Levels, of the act if the court has incorporated EGLE requirements into the court order or concurred in department recommendations to address environmental concerns under Part 301 and Part 303.

The drawdown must meet all of the following:

- The drawdown rate shall not exceed 6 inches per day. The drawdown time shall be no longer than necessary to complete the activity with a maximum of 30 days. Refill must begin when inspection or repair is complete. A minimum release equivalent to the 95 percent exceedance shall be maintained during refill. The total time for drawdown, inspection, repair, and refill combined shall not exceed 90 days.
- The drawdown and refill shall not negatively impact the downstream receiving waters, habitat, or structures.
- The drawdown and refill shall not negatively impact upstream areas, including significant sediment mobilization, insufficient water or flow upstream, or degradation of upstream habitat.
- The applicant shall notify affected property owners prior to drawdown.
- The applicant will daily monitor the drawdown and rescue stranded fish, mussels, and other animals. Rescued fish and mussels must be relocated to areas of adequate depth.
- Monitoring may be required by EGLE based on site conditions.
- This category does not include filling, dredging, or construction in wetlands.

15. Dredging on Inland Lakes and Streams - New

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

New dredging that meets all of the following:

- Dredging shall be a maximum of 75 cubic yards and 1000 square feet.
- If sediment testing is required, testing has been conducted in accordance with EGLE policy and the applicant has provided sample results showing

concentrations are less than levels of concern or dredging will not exacerbate a pre-existing problem as determined according to EGLE policy.

- All dredged or excavated materials shall be disposed of in an identified site excluding Great Lakes, inland lakes and streams, or wetlands. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.
- The applicant has defined the purpose of the project and demonstrated that impacts have been avoided and minimized.
- This MP category does not include dredging in wetlands.

16. Dredging on the Great Lakes and Section 10 Waters – New

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

New dredging that meets all of the following:

- For Part 301, this MP includes only Section 10 waters under the federal Rivers and Harbors Act of 1899.
- Dredging shall be a maximum of 500 cubic yards.
- If sediment testing is required, testing has been conducted in accordance with EGLE policy and the applicant has provided sample results showing concentrations are less than levels of concern or dredging will not exacerbate a pre-existing problem as determined according to EGLE policy.
- All dredged or excavated materials shall be disposed of in an identified site excluding the Great Lakes, inland lakes and streams, or wetlands. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.
- The applicant has defined the purpose of the project and demonstrated that impacts have been avoided and minimized.
- This MP category does not include dredging in wetlands.

17. Driveway

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Construction of a new driveway or the widening of an existing driveway that meets all of the following:

- Any upland on the property or other alternatives, such as obtaining a permanent easement for access from adjacent upland if available or shared driveway, is utilized to the greatest degree possible.
- The location of the driveway is at the least damaging place on the property (e.g., as close to any upland edge as possible or terminating in the upland nearest to the road access) and the driveway crosses the shortest wetland area or area of least impact.
- This MP category cannot be used to authorize a wetland crossing to lakes, streams, or other features if an upland building site is available without crossing the wetland.
- The portion or portions of the driveway that pass through wetlands are restricted to clear span or open pile construction, or are a total of 16 feet in base width (includes the width of any existing drive and associated fill) unless the applicant demonstrates their need for construction of a wider base up to 20 feet in base width.
- The driveway is no more than a total of 200 linear feet through wetland.
- The driveway may be wider than 16 feet at the intersection with the public road if the applicant provides proof that the additional width is a requirement of a public transportation agency.
- No ditches may be placed in the wetland in association with the driveway.
- The driveway must terminate at a buildable upland site.
- Culverts shall be placed to maintain the free flow of surface and subsurface water and the movement of organisms and otherwise meet General Permit Category H. Culverts - Wetland Equalizer.
- Fill shall be placed on filter fabric, or equivalent material, if warranted by soil conditions.
- Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

18. Fences

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Construction of fences around residential, agricultural, airport, and other security areas that are one of the following:

1. Residential Fences in Wetland. Residential open construction fences elevated above the wetland on poles to allow for migration of reptiles, amphibians, and other small wildlife. Fences shall be limited to 6 feet in height and 400 feet in total length through a wetland.

2. Airport and Other Security Fences in Wetland. Perimeter fences placed for security and safety purposes at airports as mandated by the Federal Aviation Administration, at other facilities as mandated by the United States Department of Homeland Security, or at military bases. Mowing of up to 12 feet on either side of the fence is allowed under this subcategory.

3. Fencing associated with Utility Substations or Solar Panels. Perimeter fences placed for the protection of substations and solar panels for security and to prevent damage from wildlife. Fences shall be limited to 10 feet in height and 500 feet in total length through wetland. Mowing is not allowed on either side of the fence under this subcategory.

4. Fences within the floodplain and outside of the floodway and wetland. This subcategory does not include retaining walls, berms, or levees.

This MP category does not include:

- Fences that impact any inland lake or stream.
- Fences in the floodway.
- Fences designed to exclude wildlife from wetlands.
- Fences to provide cervidae or swine enclosures.
- Placement of fill for access roads, berms, or any similar purpose, nor does it authorize excavation for drainage ditches.

19. Fills Associated with Residential Developments

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Minor fills for roads and utilities associated with residential developments that meet all of the following:

- The placement of a maximum of 0.10 acres of wetland fill for the construction of roads and utilities associated with a multiple unit residential development or a residential subdivision.
- All upland on the property shall be utilized to the greatest degree possible.
- The development must be designed and constructed to avoid and minimize impacts to wetlands.
- Culverts shall be placed to maintain the free flow of surface and subsurface water and the movement of organisms.
- This MP does not include the placement of fill for lot development, houses, pole barns, driveways, parking lots, yards, storm water management, ditches, garages, lawns, storage sheds, deck foundations, septic fields, or access paths.
- This category does not apply to wetland fills that are within 500 feet of the Great Lakes or connecting waters or within 100 feet of an inland lakes or streams.
- Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

20. Fills for Swim Areas

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Minor fills for the creation, maintenance, or improvement of swimming areas in lakes and impoundments located in the Lower Peninsula, that meet all of the following:

- Swim areas shall not exceed 800 square feet with a maximum fill depth of 6 inches and a water depth of 2 feet.
- The fill shall consist of 100% peastone. The fill may be placed over loosely woven, natural fiber fabric, if approved by EGLE based on site conditions. Placement of other structures or material is not included in this category.
- The width of the swim area is limited to 25% the lot width or 20 feet wide, whichever is smaller.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period. Subsequent fill requests for swim areas on the same parcel shall be limited to the previously permitted swim area.
- This MP category does not include filling in wetlands, including areas recently cut or treated with herbicide.

21. Fills - Minor

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Minor fills for buildings, structures, or public trails or pathways that meet all of the following:

- The quantity of fill material does not exceed 25 cubic yards.
- The fill will not impact more than 1,000 square feet.
- All upland on the property shall be utilized to the greatest degree possible.
- This category can be used only once on a parcel of property.
- This category does not apply to wetland fills that are within 500 feet of the Great Lakes or connecting waters or within 100 feet of an inland lake or stream.
- All fill is outside the floodway.

22. Fish and Wildlife Habitat Structures

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *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 not unreasonably interfere with navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.
- For streams, the structure shall not be placed at a bend of a stream, unless approved by EGLE based on site conditions, or otherwise cause bank erosion. The structure shall not adversely impact the natural flow of the stream, and shall not block more than 20 percent of the bankfull cross-sectional area based on a representative stable cross-section and a general longitudinal profile through the project reach. The structure shall be made of natural materials and anchored into the bottom or keyed into the bank sufficient enough to prohibit separation of the structure from the bottom or bank.

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.
- Placement of Christmas trees.
- Structures within Federal Emergency Management Agency (FEMA) mapped floodplains.

23. Floodplain Boardwalks, Decks, Stairs, and Viewing Platforms

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Boardwalks, decks, stairs, and viewing platforms in the floodplain, that meet all the following:

- The structure shall be of open pile construction.
- The structure shall be anchored to prevent floatation and lateral movement.
- The structure shall be constructed landward of the ordinary high water mark.
- The structure shall not have a roof or walls.

24. Floodplain Parking Lots, Driveways, Access Roads, Patios, and Pathways

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Construction of parking lots, driveways, access roads, patios, or pathways, that meet all of the following:

- The parking lot, driveway, patio, or pathway is constructed at grade or it is a resurfacing that is not more than 4 inches above the existing surface.
- This category can be used only once to increase the grade of these elements.

25. Ford Stream Crossings for Commercial Forestry Operations

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *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 5 to 1 (horizontal to vertical) or less based on the type of equipment that will use the ford) 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 minimum 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.

26. Livestock Crossings

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

The placement of riprap, concrete forms, and other suitable materials to facilitate the movement of livestock across a stream that meets all of the following:

- The width of the crossing for livestock to enter the stream shall not exceed 16 feet.
- The riprap, concrete forms, or other suitable material shall be placed to maintain the existing stream bottom and bank elevation. Excavation shall be limited to the minimum necessary to construct the crossing.
- Riprap shall extend to the top of bank or a minimum of 3 feet, whichever is greater.

- Riprap shall be appropriately sized and limited to the minimum amount necessary to accomplish the project and shall consist of natural field stone or rock (broken concrete is not allowed).
- Swinging gates may be used to temporarily create a crossing for containing livestock.
- Riprap shall not be placed in any wetland areas or in any manner that impairs surface water flow into or out of any wetland areas.
- This category does not include livestock crossings for cervidae.

27. Maintenance of Drains

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Nonexempt maintenance activities in county and intercounty drains established and constructed pursuant to the Drain Code of 1956 that meet all of the following:

- Maintenance shall not alter the cross section, depth, or location of the drain as originally constructed.
- Maintenance is limited to the removal of sediment, vegetation, or other obstructions.
- The work must be performed by a drain commissioner or drainage board, or the Department of Agriculture and Rural Development on behalf of an Intercounty Drainage Board. Activities undertaken by an individual, agency, or developer that are not part of a drain project conducted pursuant to the drain code are not included in this category.
- Activities in the drain do not cumulatively exceed more than 1 linear mile total for a complete project.
- The area and extent of current wetlands will not be diminished.
- All dredged materials, including sediment deposits in structures (e.g., culverts), must be collected and disposed of outside of wetlands, unless placed on top of existing spoil piles. Placement of dredged materials in wetlands on top of existing spoil piles shall not exceed 0.1 acre.
- This MP category does not apply to mainstream portions of certain natural watercourses identified in rule.

28. Maintenance Dredging in USACE Navigation Channels

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Excavation and removal of accumulated sediment for maintenance of previously dredged areas that meet all of the following:

- The project must be entirely within an existing USACE navigation channel.
- Dredging of materials other than sand, as determined in accordance with EGLE procedures, shall be a maximum of 10,000 cubic yards per 5-year period.
- Dredging shall be limited to the previously authorized depths and area or controlling depths for ingress/egress, whichever is less.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period.
- If sediment testing is required, testing in accordance with EGLE procedures showing that the material does not contain pollutants in excess of screening criteria in EGLE procedure has been provided by the applicant.
- Dredged or excavated materials shall be disposed of in an identified site excluding the Great Lakes, inland lakes and streams, or wetlands. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway. Beach nourishment may be allowed in the Great Lakes at the same location previously authorized by EGLE provided that the applicant provides documentation of the previous authorization and that it remains consistent with EGLE procedures. This MP category does not include dredging in wetlands.

29. Maintenance Dredging on Inland Lakes and Streams

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Excavation and removal of accumulated sediment for maintenance of previously dredged areas that meet all of the following:

- Dredging shall be a maximum of 1,000 cubic yards per 5-year period.
- Dredging shall be limited to previously EGLE permitted depths and area or controlling depths for ingress/egress, whichever is less.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period.
- If sediment testing is required, testing has been conducted in accordance with EGLE policy and the applicant has provided sample results showing concentrations are less than levels of concern or dredging will not exacerbate a pre-existing problem as determined according to EGLE policy.
- All dredged or excavated materials shall be disposed of in an identified site excluding Great Lakes, inland lakes and streams, or wetlands. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.
- This MP category does not include dredging in wetlands.

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

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Excavation and removal of accumulated sediment for maintenance of previously dredged areas that meet all of the following:

- For Part 301, this MP includes only Section 10 waters under the federal Rivers and Harbors Act of 1899.
- Dredging of materials other than sand, as determined in accordance with EGLE procedures, shall be a maximum of 5,000 cubic yards per 5-year period.
- Dredging shall be limited to the previously EGLE permitted depths and area or controlling depths for ingress/egress, whichever is less.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period.
- If sediment testing is required, testing has been conducted in accordance with EGLE policy and the applicant has provided sample results showing concentrations are less than levels of concern or dredging will not exacerbate a pre-existing problem as determined according to EGLE policy.

- All dredged or excavated materials shall be disposed of in an identified site excluding Great Lakes, inland lakes and streams, or wetlands. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway. Beach nourishment may be allowed in the Great Lakes if it was previously authorized by EGLE at the same location and is consistent with EGLE procedures.
- This MP category does not include dredging in wetlands.

31. Maintenance and Repair of Serviceable Structures

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

The maintenance and repair of any previously permitted, currently serviceable structure that meet all of the following:

- This serviceable structure was previously permitted under Part 301 or Part 325. Serviceable means usable as is or with minor repair, but not so degraded as to essentially require reconstruction. This category may be used to authorize maintenance of non-previously permitted structures if EGLE determines it is appropriate based on site conditions and similar structures in the vicinity or on the waterway.
- The maintenance or repair does not alter the original use.
- Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair are included in this MP category provided that the environmental impacts resulting from the entire repair are minimal. The total impact of the maintenance or repair cannot exceed the impacts originally authorized for the previously permitted structure.
- The repair will not adversely affect public trust values or interests, including, but not limited to, navigation, recreation, fish migration, or water quality.
- This MP may not be used to authorize any alteration of drains, which are not considered serviceable structures.
- This MP may not be used to construct, maintain, repair, or replace shore protection structures other than bioengineering projects.

- The maintenance of the structure must avoid and minimize impacts based on current site conditions.

32. Maintenance or Repair of Berms, Dikes, and Levees

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

The maintenance or repair of berms, dikes, or levees that meet all of the following:

- The berm, dike, or levee was previously permitted or constructed before June 1968.
- All material, excluding the use of riprap or road gravel, must be from onsite sources within the floodplain that are wherever possible excavated from above the ordinary high water mark, the expected normal water level of a waterbody or wetland, or above the design elevation of a retention/detention or other type of water control pond.
- The repair shall be in accordance with the previously permitted design plans. Where plans do not exist, the repairs shall restore the conditions of the previously existing berm, dike or levee.
- Side slopes may be flattened outside of the floodway to a maximum of 1:4 (1 vertical to 4 horizontal) if needed to stabilize the banks.
- When the top of the berm is below the 100-year floodplain elevation, the top of the berm shall be limited to the original design elevation.

33. Minor Floodplain Fills Outside the Floodway

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Minor floodplain fills outside the floodway that are any of the following:

1. Construction, filling, or grading that is landward of the floodway limit identified in the FEMA Flood Insurance Rate Map (FIRM), if the net fill is less than 300 cubic yards.

2. Construction, filling, or grading that is landward of the bed and banks of the St. Marys, St. Clair, and Detroit Rivers.

3. Construction, filling, or grading that is landward of the floodway limits as determined by EGLE on stream reaches or in areas where floodways have not been defined by FEMA, if the net fill is less than 300 cubic yards.

4. New buildings located outside of the floodway if the lowest floor of the building is at least one foot above the 100-year flood elevation.

5. Building additions, if the proposed addition and existing building is located outside the floodway and the lowest floor of the additions is at least one foot above the 100-year flood elevation. The applicant must provide documentation from the local building official that the addition does not qualify as a substantial improvement to the existing structure

For the purposes of this category:

- For linear or other projects that include floodplains of multiple streams, the net fill limits apply individually for each floodplain provided the floodplains do not hydraulically interact.
- Lowest floor means the floor of the lowest enclosed area, including the basement, but excluding any flood resistant enclosure that is used solely for vehicle parking, building access or limited storage provided that such enclosure in build in accordance with all applicable wet floodproofing design standards.
- Basement means the portion of a building within the 100-year floodplain or the filled portion of the 100-year floodplain having its floor subgrade (below ground level) on all sides.
- Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. It does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

34. Oil Spill Cleanup

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Oil spill cleanup activities required for:

1. The containment and cleanup of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (Title 40 of the Code of Federal Regulations [CFR], Part 300) provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR, Section 112.3, and any existing state contingency plan and provided that the Regional Response Team (if one exists in the area) concurs with the proposed containment and cleanup action.

2. The cleanup of oil releases in waters of the state from electrical equipment that are governed by the USEPA's polychlorinated biphenyl spill response regulations at 40 CFR, Part 761.

The spill shall be reported as required by the Part 5 Rules, Spillage of Oil and Polluting Materials, promulgated pursuant to Part 31, Water Resources Protection, of the NREPA.

The waters of the state, including wetlands, must be restored to the most practicable extent possible. Permanent loss of wetlands shall not exceed 0.1 acre.

EGLE will coordinate with the USEPA 404 Program staff on all applications submitted under this MP category.

35. Oil, Gas, and Mineral Well Access Roads

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

An access road for oil/gas drilling or mineral well drilling activities, where angle drilling from upland is not feasible and where the activity is of minor impact to the wetland on both an individual and cumulative basis, that meet all of the following:

- The access road where constructed in wetlands shall not exceed 20 feet in base width and
  225 feet in length, and shall be placed on filter fabric or equivalent material.
- Culverts will be required, where necessary, to provide for the free flow of surface or subsurface water or to avoid restricting low flows and the movement of aquatic organisms.
- Immediately upon plugging the well, all fill material shall be removed, the original wetland contours restored, and the site stabilized with wetland seed native to Michigan and mulched if necessary.
- The applicant shall provide a restoration plan, including a construction sequence and timeline, defining how any permitted wetland fill will be removed and the site restored. The applicant shall notify the WRD prior to initiation of the restoration plan.
- This category does not include any increase in grades in the floodway. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

36. Outfall Structures and Associated Intake Structures

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized or is otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System (NPDES) Program (Part 31 of the NREPA) and that meets all of the following:

- The construction of intake structures is not included in this category unless they are directly associated with an authorized outfall structure.

- The face of the outfall shall conform to the side slope of the bank and not extend into the receiving water to impair navigation or create shoreline pockets capable of trapping debris.
- The outfall shall be stabilized to prevent soil erosion. Excavation and riprap shall be limited to the minimum necessary to ensure proper stabilization. Riprap shall consist of natural field stone or rock (broken concrete is not allowed).
- Intake structures are not included in this category under Part 303.

37. Pads for Farm Buildings and Farm Structures

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Construction of building pads for farm buildings and farm structures impacting a maximum of 0.50 acre of wetland.

This category is only available for impacts greater than 0.1 acre if the use of approved wetland mitigation banking credits is proposed by the applicant and it successfully replaces lost functions and values taking into account features such as watershed location, wetland type, habitat diversity, and future land use. Purchase of the approved mitigation banking credits will be required prior to issuance of the permit. This category cannot be used in service areas where approved mitigation banking credits are not available.

Buildings and structures must be located outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway. Buildings and structures in the floodplain shall be properly elevated or floodproofed.

38. Pond: Inland Lakes and Streams

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Construction, enlargement, or maintenance dredging of ponds and similar artificial waterways within 500 feet of an inland lake or stream that meets all of the following:

- The artificial watercourse (i.e., pond) has a surface area of less than 5 acres.
- The pond is not within an inland lake or stream (i.e., inline).
- All outflow structures shall meet the Storm Water Outfall Structures MP category.
- All dredged or excavated materials shall be disposed of in an identified non-wetland site. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

39. Pond: Wetlands

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Construction of a pond (or ponds) impacting less than 1/3 acre of wetland, or maintenance dredging of man-made ponds up to 1 acre in size that were previously permitted under Part 301 or Part 303, that meet all of the following:

- The pond is not within (i.e., inline) or immediately connected to an inland lake or stream.
- All dredged or excavated materials shall be disposed of in an identified non-wetland site. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.
- This MP category does not allow impacts to forested wetlands, locally uncommon wetlands types, or wetlands that are of a rare or unique ecological type on a statewide basis.
- Construction or maintenance of the pond does not drain any adjacent wetland.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period.

40. Previously Permitted Lake Creation Projects

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *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 does not increase the horizontal and vertical extent of excavation below the water table from the previous permit. Minor deviations in the method of excavation or configuration of the project or minor increases in the horizontal and vertical extent of excavation below the water table can be included in this category, if EGLE staff determines that it does not increase environmental impacts or change the regulated activities. No additional hydrologic studies are required under this category.
- The previous permit has not expired at the time of permit application submittal and the project is in compliance with the permit and NREPA.
- Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

41. Public Transportation Projects

1. Linear Transportation Projects

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *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 impact is less than 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.

Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

2. Culverts and Bridges - Large

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

New or replacement culvert and bridge structures for stream crossing that are less than 100 feet in length and no more than 300 feet total of a stream in segments that meet all of the following:

- The structure must be bottomless (3-sided or a clear span bridge), 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 deepest part of the riffle (thalweg) channel measured from the head of the upstream riffle to the head of the downstream riffle. 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. Only a single structure at each crossing is allowed under this category (i.e., multiple culverts at a crossing are not included in this category).
- 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 structure 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 structure. Riprap shall not extend upstream or downstream of the structure 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 EGLE that broken concrete can be allowed based on site conditions. Riprap shall not extend waterward of the existing banks up or downstream to avoid obstructing flood flows.
- Placement of up to 500 square feet of fill per culvert in wetlands associated with the stream crossing to facilitate placement of the structure.

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 where the applicant is unsure of the bankfull width, it is recommended that the applicant contact EGLE 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 most recent regional hydraulic geometry reference curves for Michigan.

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

1. For replacement structures, there is no decrease in end area opening and the structure meets all of the following:

- Equal or shorter culvert length or bridge width.
- Equal or greater auxiliary waterway openings and road overflow areas are below the 1% annual chance flood.
- Same or improved roughness coefficient.
- Same or improved entrance conditions.
- Same or improved slope.
- Same road grade, unless the existing road is above the 100-year floodplain elevation.

A culvert or bridge replacement may be extended or widened up to 24 feet if bullets 2 through 6 above are met.

2. For replacement structures:

   The applicant must submit, and receive EGLE approval of, a certification by the owner or by the owner's engineering consultant, that the replacement is designed with an equal or greater hydraulic capacity, that the existing bridge or culvert and its approaches do not cause harmful interference, and that deletion of existing auxiliary openings and road overflow areas is not planned.

3. For new culverts:

   - An effective waterway opening that equals or exceeds the cross-sectional area of the channel.
   - The fill over the culvert is not more than 1.5 feet deep.
   - 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 31, Floodplain Regulatory Authority*
☒ *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 EGLE that broken concrete can be allowed based on site conditions.
- 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 31, Floodplain Regulatory Authority*
☒ *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, unless the road grade has been shown to be above the 100-year floodplain elevation.

5. Paths

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *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 5 feet for pedestrian only public paths, 6 feet for bicycle paths, and 10 feet with 1-foot allowance for railings on each side (for a total of 12 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.
- The wetland fill does not exceed 1/10 of an acre.
- Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

6. Roadside ditch stream realignments:

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

A realignment of less than 1000 feet of stream per road project by public transportation agencies that increases aquatic resource functions and services by meeting all of the following:

- The existing stream runs parallel to the road and serves as a roadside ditch.
- The existing stream has been straightened, more than 70% of the length has a uniform bed (e.g., a single bed feature like a riffle, run, or pool), and bankfull benches are absent or undersized (less than half the bankfull width) in at least 70% of the stream length.
- The floodplain connectivity of the realigned stream shall be improved over the existing condition to the maximum extent practicable by including floodplain bench at bankfull elevation. The width of the floodplain bench should be a minimum of 0.4 times the bankfull width, with a width of 1.2 times preferred (i.e., the entrenchment ratio of the stream shall be improved over the existing condition and be at least 1.4 or greater). The floodplain bench should alternate sides to create a meandering bankfull channel within the larger stream cross-section unless otherwise approved by EGLE based on site conditions. The position of the bench should switch to the opposite side at a length equivalent to 5 to 7 times the bankfull width.
- The realignment shares a portion of its cross-section with the original roadside stream cross-section or is within the existing road or drain right-of-way.
- The realigned stream shall not exceed the depth and bottom width of the existing stream, unless approved by EGLE based on site conditions.
- The realigned stream shall have a properly sized bankfull channel and retain a consistent length, slope, and bed features (e.g., riffles and substrate) with the existing stream.
- Planting and seeding shall be comprised only of species that are considered native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
- If sediment testing is required, testing has been conducted in accordance with EGLE policy and the applicant has provided sample results showing concentrations are less than levels of concern or dredging will not exacerbate a pre-existing problem as determined according to EGLE policy.
- This subcategory does not apply to streams in Federal Emergency Management Agency (FEMA) mapped floodplains.
- For stream realignment locations where the drainage area is 2 square miles or greater, the realignment has an EGLE approved voluntary transportation preliminary hydraulic review.

42. Replacement of Existing Seawalls

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

The repair and replacement of existing seawalls located in the Lower Peninsula, 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. The seawall shall be installed in front of and abutting/flush with the existing seawall, or in-place or further inland of the existing seawall. Based on site conditions, EGLE may approve placement of the seawall within 1-foot of the existing seawall. For sloped walls, the new location will be determined by EGLE based on site conditions (e.g., slope of bank, slope and length of the wall) and to minimize impacts. Sloped walls, walls with footers, or walls leaning out into the lake, may need to be removed or straightened prior to installation of the replacement wall.
- 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-3 slope (e.g., 1-foot vertical to 3 feet horizontal) or gentler. Toe stone shall consist of natural field stone or rock (broken concrete is not allowed), shall be a variety of sizes, and sized appropriately for the wave height of the site. For inland lakes, the riprap shall be a maximum of 18-inch diameter rock and for the Great Lakes the riprap shall be a maximum of 48-inch diameter rock, or smaller based on site conditions. The toe stone shall extend from the lake/stream bottom to the top of the wall unless otherwise approved by EGLE, but cannot extend more than 6 feet lakeward of the ordinary high water mark for inland lakes and cannot extend more than 15 feet lakeward of the ordinary high water mark for the Great Lakes. This toe stone shall be placed unless it is determined by EGLE that less toe stone is required based on site

conditions, navigation, or mooring. In lower energy sites, the applicant may be required by EGLE to stake-in coir logs or use other bioengineering practices in front of the wall as an alternative to toe stone based on site conditions.

- For inland lakes, the applicant must include one of the following best management practice measures to mitigate for the loss of habitat and to provide a use for fish and other aquatic life:
    a. Reduce the length of the seawall by 25% and use either riprap following MP Riprap Shoreline Protection or bioengineering following in MP Bioengineering Practices for Stabilization of Inland Lake Shorelines. For seawall replacements less than two feet in height (from the top of the wall to the lake bottom), this practice is recommended.
    b. Incorporate Coarse Woody Structure a minimum of 8 inches in diameter every 25 feet (single or clustered) waterward and near the shoreline, or as otherwise approved by EGLE.
    c. Maintain a minimum of a 6-foot wide vegetated no-mow zone or native planted buffer strip above the wall extending the entire length of the proposed seawall. Breaks in the buffer strip may be acceptable, but similar square footage of vegetated no-mow zone or native planted buffer strip should be provided.. For example, acceptable breaks in the buffer would include having a break around a dock or a small access point for a swimming area.
    d. Other measures or combination of best management practices approved by EGLE staff.
- For the Great Lakes, if determined by EGLE based on site conditions, the applicant may be required to include a best management practice measure to mitigate adverse effects to the environment, public trust, and riparian interests of adjacent owners. These measures include, but are not limited to reducing the length of the seawall by 25%, placing clean imported sand from an EGLE approved source to bury the wall and stone and plant with native vegetation, or removal of any existing defunct shoreline protection structures (e.g., groins, sandbags, failed seawalls in front of the current seawall, or other similar structures).
- 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.
- The proposed shoreline protection must be appropriate for the erosion potential at the site. For inland lakes, the applicant must provide an analysis of the erosion potential at the site using an assessment method approved by EGLE or by using EGLE's Inland Lake Shoreline Energy Assessment tool.

- Only 1 permit may be authorized under this MP category on the same parcel of property.
- This MP category does not allow new seawalls. If determined by EGLE based on site conditions, stairs no wider than 4 feet may be included in this category.

43. Reshaping Existing County Drains

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

The following activities when carried out in conjunction with routine management of county and intercounty drains established and constructed pursuant to the Drain Code of 1956, if the work is performed by a drain commissioner or drainage board, or the Department of Agriculture and Rural Development on behalf of an Intercounty Drainage Board:

1. Reshaping of banks for the purposes of increasing bank stability. This category may be used to authorize activities such as flattening of slopes where the banks of drains have been historically maintained with an excessively steep grade; establishing low flow channels within a drain; and installing bioengineered bank stabilization materials. The purpose of the project must be to modify the cross section of currently serviceable drainage ditches to improve water quality by reducing bank erosion, and may not result in drainage of wetlands beyond the immediate project area.

   A project authorized under this MP is limited to 1 mile of drain impact (cumulatively) for the entire authorized project, and alteration of the drain cross section may not directly impact 1/3 acre or more of wetland outside of the existing channel. All new slopes must be stabilized with vegetation native to Michigan or bioengineering materials. This subcategory does not include deepening of the drain beyond its original constructed depth, or relocation of the drain, or significant change in the location of the centerline of the drain. Excavated materials must be disposed of and stabilized in an identified non-wetland location, except when a berm is needed along the ditch to minimize adjacent wetland drainage.

2. Minor repair/stabilization of streambank above the ordinary high water mark in wetland. Placement of up to five cubic yards of clean fill per repair in wetlands above the ordinary high water mark to stop streambank erosion, or to repair damage from falling trees or similar events. The area filled must not significantly exceed the elevation of the original streambank, and must be stabilized with vegetation native to Michigan or other appropriate material to prevent further erosion.

Activities undertaken by an individual, agency, or developer that are not part of a drain project conducted pursuant to the drain code are not included in this category.

44. Residential Construction for Properties Owned Prior to 1980

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Construction or expansion of a single family residence on properties owned since 1980 that meet all of the following:

- The total impact area in wetlands shall not exceed 0.1 acre for all phases of the residential construction, including a driveway, a 1- or 2-car garage, small storage shed (not to exceed 100 square feet), foundation fill, and all waste treatment facilities.
- The ownership of the parcel of land shall have been maintained within the immediate family (the original owners or their children) prior to October 1, 1980. This category can be used only once on a parcel of land that existed prior to October 1, 1980, and only 1 permit can be granted to a family. This category cannot be used on parcels established on or after October 1, 1980. Only 1 permit under this category may be granted to a person.
- No fill shall be placed in any part of a wetland that is inundated by water and provides fish habitat functions at any time.
- All upland on the property shall be utilized to the greatest degree possible.
- The proposed fill in wetlands shall be at the least damaging location on the property.
- All necessary actions shall be taken to minimize on-site and off-site impacts including sewage treatment systems that pump back to uplands where feasible.

- The filled area surrounding building foundations will not be greater than 15 feet from the edge of the foundation to the toe of the slope. Fill slopes shall not be flatter than 1 vertical to 4 horizontal. Additional fill for purposes such as landscaping or recreational facilities will not qualify under this category.
- This category cannot be used in conjunction with Category 13, Driveway, or Category 17,
  Fills - Minor.
- This category cannot be used in areas within the 100-year floodplain.

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

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Reversion of temporary wetland enhancement, restoration, and establishment that meet all of the following:

- The original wetland enhancement, restoration, and establishment activity must be in accordance with the terms and conditions of a binding wetland enhancement, restoration, or establishment agreement between the landowner and the United States Fish and Wildlife Service, the Natural Resources Conservation Service, the Farm Service Agency, or their designated state cooperating agencies. The binding contract/agreement between the landowner and the federal agency must be provided.
- The reversion plan shall include restoring the prior wetland area and ecological type. Restoration activities may include dredging, filling, or draining activity associated with the reversion of the area to its documented prior condition and use (i.e., immediately prior to the restoration, enhancement, or establishment activities). The reversion plan shall not increase the drainage of wetlands that existed before the restoration, enhancement, or establishment.
- The prior condition must be documented in the original EGLE permit application and permit or, if no permit was required for the original work, the applicant must provide a federal agency binding agreement that documents the prior conditions of the site. This documentation must include all of the following:
  - A project description, including construction plans and location map.

    - A prerestoration, enhancement, or establishment wetland delineation for all areas potentially impacted by the proposed reversion activities. This delineation shall be in compliance with the wetland delineation standards under Part 303, including appropriate data sheets. EGLE has a fee-based Wetland Identification Program to assist the public in identifying wetland and non-wetland areas on their property. In cases where no delineation exists, the reversion activity will not meet this category.
    - In instances where an EGLE permit is required for the restoration, enhancement, or establishment activity, the property owner must provide written indication of any intent of using this reversion MP after expiration of their limited-term wetland restoration or establishment agreement or permit.
- The permit application for the proposed reversion must be submitted prior to the expiration date of the limited term wetland restoration or establishment agreement.
- Any grading must be outside of the floodway. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

Once an area has reverted to its prior physical condition, it will be subject to whatever regulatory requirements are applicable to that type of land at the time. Except for the activities described above, this MP category does not authorize any future dredging or filling associated with the reversion of the area to its prior condition.

46. Riprap Shoreline Protection

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

The placement of riprap to facilitate bank stabilization activities that meets all of the following:

- For inland lakes and streams, the riprap shoreline protection does not exceed 300 linear feet of shoreline per parcel of property. In inland lakes, the riprap shall not extend more than 6 feet waterward of the ordinary high water mark. Extending the stone up to 8 feet waterward of the ordinary high water mark in inland lakes may be approved under this category, if EGLE determines that it is

necessary based on site conditions and if the upland bank is also being pulled back. In streams, riprap shall not extend waterward of the existing banks up or downstream to avoid obstructing flood flows.

- In the Great Lakes, the riprap shoreline protection does not exceed 300 linear feet of shoreline per parcel of property and extend more than 15 feet lakeward of the ordinary high water mark. If determined by EGLE based on site conditions, the applicant may be required to place clean sand from an EGLE approved off-site upland source to bury the stone and plant with native vegetation. Sand removed from keying in the toe of the riprap may also be used.
- The riprap shall be placed at a 1-on-3 slope (e.g., 1-foot vertical to 3 feet horizontal) or gentler, unless a different non-vertical slope is approved by EGLE based on site conditions. This category does not include vertical rock walls.
- There is evidence of ongoing erosion. The proposed shoreline protection must be appropriate for the erosion potential at the site. For inland lakes, the applicant must provide an analysis of the erosion potential at the site using an assessment method approved by EGLE or by using EGLE's Inland Lake Shoreline Energy Assessment tool.
- Riprap shall consist of natural field stone or rock (broken concrete and grouted or manufactured interlocking materials are not allowed). The riprap shall be a variety of sizes and sized appropriately for the wave height of the site. For inland lakes, the riprap shall be a maximum of 18-inch diameter rock and for the Great Lakes the riprap shall be a maximum of 48-inch diameter rock, or smaller based on site conditions. For streams, riprap shall be properly sized based on velocity.
- Geotextile may be placed and tied in before installation of the riprap.
- Incorporating vegetation, including plantings and other potentially viable material such as live stakes, brush bundles, or other gathered woody material, comprised of plant species that are considered native to Michigan, into the riprap is encouraged.
- Riprap shall not be placed in any wetland areas or in any manner that impairs surface water flow into or out of any wetland areas.
- Installation of riprap shore protection on inland lakes in the Upper Peninsula is not allowed under this category. If determined by EGLE based on site conditions, stairs no wider than 4 feet may be included in this category.
- Installation of riprap shore protection in areas without existing shoreline hardening is not allowed under this category in Critical Dune Areas under Part 353, Sand Dunes Protection and Management, of the NREPA.

47. Sandbags for Great Lakes Shoreline Protection During High Water

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

The placement of sandbags for shoreline protection of homes and critical infrastructure (e.g., roads, septic systems) along the Great Lakes shoreline only during high water periods on the Great Lakes (i.e., when lake levels are at or above the ordinary high water mark elevation), that meets all of the following:

- This category only includes placement of sandbags by hand, when lake levels are at or above the ordinary high water mark elevation, at the toe of the eroding area where there is significant erosion, or failure of an existing shore protection structure is occurring, and homes and critical infrastructure are at risk.
- The sandbags, including what is used to secure them, shall consist of natural and biodegradable materials as determined by EGLE.
- Sandbags shall only be filled with clean sand from an EGLE approved upland source outside of a Critical Dune Area under Part 353, or within a Critical Dune Area from open dune areas (free of vegetation) on the property. Using sand from dredging lake bottomlands is not included in this category.
- The maximum footprint of the sandbags shall be the minimum necessary based on site conditions.
- The sandbags shall be at or above the waters edge and not impede beach walking.
- Bag material must be removed from the shoreline and properly disposed of if the sandbags fail. EGLE may require the removal of sandbags meeting this category if unexpected adverse effects occur. All sand from the sandbags must remain on-site in dune areas, free of vegetation or used during construction of any permanent shoreline protection structure.

48. Septic System Replacement

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Replacement of an on-site septic tank and/or drain field system, providing that it is required by and meets design standards of the local health department and meets the following:

- When possible, the replacement tank and field system must be in the same location as the original system.
- Where the option is available, pump-back systems to upland will be required in place of mounded systems in order to qualify for construction under this MP category.
- Expansion of a septic system may be allowed under this category if required by the local health department.
- A copy of the local health department permit or permission must be submitted to EGLE at the time of application.
- This category does not include any increase in grades in the floodway. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway. In FEMA mapped floodplains, the bottom of the drain field shall be above the 100-year floodplain.

49. Shoreline Stabilization on the Great Lakes Using Nature-Based Practices

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☐ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

1. Bioengineering Practices for Lower Energy Sites on Great Lakes Shorelines

These measures are typically suitable for habitat enhancement, prevention of erosion, or bank stabilization at locations that are on bays and other sheltered locations of the Great Lakes, typically support native coastal wetland vegetation along the shoreline under normal conditions, with lower bluffs, or with lower wave energy.

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

- The bioengineering practices shall be limited to 1000 linear feet of shoreline or less
- The biological erosion control structures, including fiber rolls, fiber mats, live stakes, brush mattresses, brush bundles, and plantings of native vegetation, shall be placed at or above the existing shoreline. Vegetation, in the form of

seed, plantings, or other potentially viable material such as live stakes, brush bundles, or other gathered woody material, shall be used along the length of the installation. Rock riprap is not allowed under this subcategory.

- There is evidence of ongoing erosion or the installation is where a seawall, revetment, or other artificial shoreline is being replaced with bioengineering.
- 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.
- Excavation and backfill shall be permitted under this subcategory only to the extent necessary to stabilize slopes and to place bioengineering structures. All natural and engineered stabilization materials shall be firmly staked and otherwise secured using biodegradable materials to prevent movement due to wind, waves, high water, or ice.
- This subcategory 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.

2. Dynamic Revetment on Higher Energy Sites on Great Lakes Shoreline

Dynamic Revetments are typically suitable for the prevention or slowing of erosion at locations that under normal conditions support a sand and cobble beach or cobble shore, are not located within a wetland, experience higher wave energy, or have a beach width of at least 30 feet as measured at average water level.

The installation of a dynamic revetment that meet all of the following:

- The dynamic revetment shall be limited to 1000 feet of shoreline or less.
- The dynamic revetment shall be made of rounded cobble field stone or other appropriate natural stone based on site conditions. Angular stone and broken concrete are not allowed under this category.
- There is evidence of ongoing erosion or the installation is where a seawall, revetment, or other artificial shoreline is being replaced with a dynamic revetment.
- Excavation and backfill shall be permitted under this subcategory only to the extent necessary to stabilize slopes and to place the dynamic revetment.

- The median stone size shall not exceed 6-inches in diameter. The smallest 10% of stones shall have an average diameter of 2-inches or smaller. The largest 10% of stones shall have an average diameter of 8-inches or smaller. No stone shall be larger than 12-inches in diameter.
- Stone must be placed at a 1-on-7 slope or shallower.
- Stone must be placed above the ordinary high-water mark (OHWM) as much as possible and shall not extend greater than 15 feet below and lakeward of the OHWM.

3. Foredune Building on Higher Energy Sites on Great Lakes Shorelines

Foredune building is typically suitable for the slowing of erosion at locations where there is evidence that a dune community exists under normal conditions or has existed historically, where there is a high sand supply, that have a beach width of at least 30 feet as measured at average water level, or experience higher wave energy.

Foredune building that meets all of the following:

- The foredune building shall be limited to 1000 feet of shoreline or less.
- Foredunes must be built with clean sand from an EGLE approved off-site upland source outside of a Critical Dune Area under Part 353. Imported dune sand shall be geologically similar to natural dune sand and be free of any contaminants, pollutants, organic material, or invasive species.
- Sand shall be placed at no steeper than a o1-on-3 slope.
- The dune restoration must be constructed above the OHWM to the greatest extent possible and shall not extend greater than 15 feet below and lakeward of the OHWM.
- Any sandbags, matting, coir logs or other similar materials used in the dune restoration shall consist of natural and biodegradable materials as determined by EGLE. Engineered plant material, such as jute and coconut fabric, shall be comprised of inert plant fiber that may be nonnative.
- Vegetation shall be planted along the entire area of the installation. 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. Vegetation shall be comprised of open dune community species according to Michigan Natural Features Inventory, and may include dune grass and other grass or forb plugs, shrubs, and trees. Seeding alone is not allowed.

- The vegetation shall be monitored for a minimum of two growing seasons to ensure the vegetation becomes successfully established. Any vegetation that fails to become established shall be replaced.
- The dune restoration area must be monitored for invasive species for a minimum of two growing seasons. Any invasive species found shall be removed and/or managed in accordance with Michigan's Cooperative Invasive Species Management Areas (CISMA) and/or the Michigan Department of Natural Resources (DNR) guidelines.
- There is evidence of ongoing erosion or the installation is where a seawall, revetment, or other artificial shoreline is being replaced with dune restoration.
- Temporary sand fencing may be used as necessary to capture windblown sand. Fencing must be maintained in working condition and if the fencing fails, it shall be removed.
- Excavation and backfill shall be permitted under this subcategory only to the extent necessary to stabilize slopes and to place structures.
- Dredging is not allowed under this category.

50. Small Dam Removal

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Removal of small dams and associated restoration activities for restoring stream habitat in Michigan that meets all of the following:

- The height of the dam is no more than 2 feet.
- The impoundment from the dam covers less than 2 acres.
- The dam does not serve as the first dam upstream from the Great Lakes or their connecting waterways.
- The dam is not serving as a sea lamprey barrier.
- There are no known areas of contaminated sediments in the area that will be impacted by the project.
- Excavation and fill in wetlands is allowed for purposes of dam removal, stream channel establishment at the existing dam control structure, and bank stabilization only and must be minimized to the greatest extent possible. Impacts to wetlands from extraction and fill activities are limited to less than 1/3 acre.

- EGLE has received written permission for the removal of the dam from all riparian property owners adjacent to the dam's impoundment including public transportation agencies with right-of-ways adjacent to the impoundment or the applicant has documented legal right to remove the dam.
- All other excavated material shall be disposed of in an identified non-wetland site. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.
- In-stream structures with the potential to act as grade control or otherwise impact stream stability are not included.

Applications for authorization under this MP must include a dam removal plan that includes the following information:

- A description of the upstream and downstream impacts of the dam removal, including impacts to fish and wildlife and recreational uses.
- Dam removal/excavation methods and a schedule and timeline of the proposed impoundment drawdown.
- A description of sediments behind the dam, including a sediment handling (and if necessary, disposal) plan and methods to minimize release of sediments and downstream siltation.
- A stream channel restoration plan, including a planting and stabilization plan for all disturbed areas (e.g., drawdown areas and stream banks).
- A plan view of the area of wetlands to be drained or impacted by the dam removal.

51. Storm Water Outfall Structures

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Construction, maintenance, or modification of storm water outfall structures that meet all of the following:

- Discharges shall meet state water quality standards or the effluent from the outfall is otherwise in compliance with regulations issued under the NPDES Program (Part 31 of the NREPA). The discharge has been passed through

storm water treatment devices (i.e., best management practices) to maximize the removal of sediments and other contaminants (e.g., oil, grit, trash, heavy metals, etc.) using the best available and practicable technologies that are necessary when considering the receiving waters and associated aquatic resources.

- The face of the outfall structure shall conform to the side slope of the bank and not extend into the receiving water to impair navigation or create shoreline pockets capable of trapping debris.
- The outfall shall not result in changes in the ecological type of the wetland. Changes to the wetland watershed area and impacts from water storage shall be minimized.
- The outlet shall be stabilized to prevent soil erosion. Excavation and riprap shall be limited to the minimum necessary to ensure proper stabilization. Riprap shall consist of natural field stone or rock (broken concrete is not allowed).

52. Temporary Construction, Access, and Dewatering

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Temporary structures, including construction mats, fill, and cofferdams, necessary for construction activities or access and dewatering of construction sites that meet all of the following:

- The temporary structures, cofferdams, construction mats, and fill must be removed immediately after use has been discontinued or within 90 days of initiation of the authorized activity, whichever is shorter.
- A construction sequence with dates when the structures will be installed and removed must be provided by the applicant. Structures left in place after construction are not included under this category.
- This MP category does not include the use of cofferdams to dewater wetlands or other aquatic areas to permanently alter or change their use.
- Temporary culverts and bridges are not included in this category.
- The risk of spreading terrestrial and aquatic invasive species during the project will be minimized through measures like visually inspecting and removing any plants, mud, and water from equipment and vehicles and disinfecting and drying equipment and vehicles between sites.

1. Cofferdams, temporary fills, and other barriers in streams that block the flow that meet the following.

    - The crest of the barrier shall be placed at an elevation that it will not cause upstream flooding.
    - The crest of the barrier shall be less than two feet above the ordinary high water mark, or for barriers that require an elevation greater than two feet above the ordinary high water mark, the maximum barrier width must be less than 1/3 of the stream width.
    - Stream flow must be maintained downstream at all times via pumping or other methods as approved by EGLE.
    - The barrier must be removed within 14 days of initial installation
    - Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows.
    - The barrier shall be maintained in good working order throughout the duration of the project. Upon project completion and before removal of the barrier, the accumulated materials shall be disposed of in an identified site excluding Great Lakes, inland lakes and streams, or wetlands.

2. Temporary fills or construction mats in wetlands that meet the following:

    - Temporary fill impacts shall not exceed a maximum of 1,000 square feet and the placement of no more than 25 cubic yards of fill material. The placement of temporary structures or construction mats shall be limited to 0.1 acre.
    - Fill must consist of materials, and be placed in a manner, that will not be eroded.
    - Geotextile shall be placed prior to temporary fill. Following completion of construction, temporary fill must be entirely removed to upland areas and the affected areas must be restored to preconstruction grade and wetland type. A restoration plan showing how all temporary fills and structures will be removed and the area restored to preconstruction grade and wetland type shall be provided by the applicant. Any revegetation shall use seeds and plants comprised only of wetland plant species that are considered native to Michigan according to the Floristic Quality Assessment for the State of Michigan.

3. Cofferdams to isolate flow from a pier or abutment in streams that meet the following:

- The crest of the barrier shall be placed at an elevation that will not cause upstream flooding
- No more than 1/3 of the stream flow shall be blocked at any given time.
- Cofferdams shall be maintained in good working order throughout the duration of the project. Upon project completion and before removal of the barrier, the accumulated materials shall be disposed of in an identified site excluding Great Lakes, inland lakes and streams, or wetlands.

4. Dewatering that meets the following:

- All slurry resulting from any dewatering operation shall be discharged through a filter bag or pumped to a sump located away from wetlands and surface waters and allowed to filter through natural upland vegetation, gravel filters, or other engineered devices for a sufficient distance and/or period or time necessary to remove sediment or suspended particles.

53. Temporary Recreational Structures

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Temporary buoys, markers, floating docks, platforms, and similar structures placed for recreational use during specific events (e.g., water skiing competitions and boat races) that meet all of the following:

- The purpose of the structure must support activities that are dependent upon being located on or in a lake, stream or wetland.
- Structures are removed immediately after use has been discontinued.
- The applicant shall provide dates when the structure will be installed and removed. The structure shall not be in place for more than 30 days.
- Structures shall not impede navigation of the waterway.

A Marine Event Permit under Part 801 may be required (DNR, Law Division).

54. Utility Line Activities

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *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, liquescent, 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.

Utility line activities included in this category shall use the best available construction technologies that are necessary to avoid and minimize impact wetlands, inland lakes, and streams, including:

- Crossing locations shall be selected to minimize the impact to the wetlands, inland lakes and streams. Crossing locations shall be used during future maintenance activities to the greatest extent possible.
- Temporary construction mats or tracked vehicles shall be utilized to the greatest extent possible to minimize ground compaction and disturbance to waters of the state. Rutting or other soil disturbance shall be restored and stabilized. 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 risk of spreading terrestrial and aquatic invasive species during the project will be minimized through measures like visually inspecting and removing any plants, mud, and water from equipment and vehicles and disinfecting and drying equipment and vehicles between sites.
- Additional precautions and construction techniques may be necessary in areas of high quality resources.

This category cannot be used for new utility lines in forested wetlands where trees need to be removed to conduct the activity and the line is not part of a regularly maintained, existing corridor. This category also does not include the construction of access roads

requiring fill, temporary culverts and bridges, and additional fill materials (other than the utility itself) placed in wetland. Temporary construction matting necessary for conducting these activities is included in this category, provided the mats are removed immediately after use has been discontinued or within 90 days of initiation of the authorized activity, whichever is shorter. Placement of temporary construction matting shall not include mechanical land clearing of forested wetlands or excessive piling of mats.

This category includes:

1. Installation, maintenance, repair, and removal of underground utility lines provided there is no change in the preconstruction grade, that meet all the following:

    - The outside diameter of the pipe, cable, encasement, etc. shall not exceed 36 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.
    - 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.
    - Wetland crossings using open trenching shall be limited to total cumulative crossing length of 500 feet per application.

The following additional criteria apply to 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.
- All impacted areas shall be immediately restored to grade.

The following additional criteria apply to 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, or another approved method, 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.

- 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.
- 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.
- 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, maintenance, and removal of above-ground and overhead utility line associated facilities in wetlands, that are either:

   a) Substations, pad mount facilities, or city gates, 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 that is not contiguous to the Great Lakes or connecting waters or wetlands that border an inland lake or stream. This subcategory does not include any increase in grades in the floodway. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway. Buildings and structures in the floodplain shall be properly elevated or floodproofed.

   b) Foundations for towers, 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 that is not contiguous to the Great Lakes or connecting waters or wetlands that border an inland lake or stream. This subcategory does not include any increase in grades in the floodway. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

Buildings and structures in the floodplain shall be properly elevated or floodproofed.

c) Utility poles, stability pole foundations or fixtures for existing utility poles within an existing maintained utility corridor provided that the single and complete project does not result in the loss of greater than 0.10 acre of wetlands. The fixtures must be the minimum size necessary and be confined to the immediate footprint of the new or existing pole. Excavation or grading shall not be beyond what is necessary for structure installation and stability and be less than 2 cubic yard per pole.. Alterations to wetland hydrology are not allowed under this subcategory and any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

55. Wetland Habitat Restoration and Enhancement

This category is limited to projects that restore, enhance, or maintain wetland functions in altered wetlands, provided that a project results in net increase in wetland functions and services and is conducted by or in cooperation with local, state, federal or tribal conservation agencies or nonprofit conservation organizations or similar wetland professionals, and are any of the following:

Category applies to: ☒ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

1. Excavation of shallow water areas for wildlife that meets all of the following:

- In former wetland or upland within 500 feet of an inland lake or stream, excavation is limited to less than 5 acres in size.
- In wetland regularly farmed within the past 5 years or in wetlands dominated by invasive species (e.g. reed canary grass, Phragmites, narrow-leaved cattail, hybrid cattail), each individual excavated area shall not exceed 1.5 acres and the total excavation area shall not exceed 3 acres.
- In altered wetlands not farmed within 5 years and not dominated by invasive plant species, the excavated area in wetlands shall not exceed 0.5 acres. For the purpose of this category, altered wetlands include areas that have been partially

or fully drained by ditching, tiling, and/or pumping; or partially or fully filled by direct placement of material or significant sedimentation; or where other land use conversions have resulted in significant alteration of the original character of the site.

- At least 50% of the surface area of the excavated area shall have a water depth of no more than 18 inches and no more than 15% can be deeper than 48 inches.
- The excavated area shall not be constructed within or physically touching an inland lake or stream.
- All excavated spoils including organic and inorganic soils, vegetation, and debris shall be placed at an upland site in such a manner as not to erode into any waterbody or wetland, unless this material is used to construct dikes, berms or ditch plugs or reestablish microtopography according to subcategory 2. Excavated topsoil may be placed back into the excavated area to aid in plant establishment.
- The placement of excavated topsoil is allowed in wetlands for the establishment of microtopography within or immediately adjacent to the excavated areas, but any microtopography areas shall be a maximum of 12 inches above the normal design water elevation and continue to meet the definition of a wetland under Part 303.
- For excavated areas within 500 feet of a cold or cold-transitional stream, the applicant must provide written documentation of concurrence on the project from the DNR, Fisheries Division

2. Construction, installation, or removal of water control structures, dikes, berms, and embankments and associated restoration activities that meets the following:

- Wetland fill for water control structures, dikes, berms, and embankments shall not exceed 2 acres in altered wetland, including areas dominated by invasive species. The purpose of such fill shall be to restore the hydrological function of the altered wetland. The 2-acre size limit refers only to the wetland area on which fill is placed and not to the broader disturbance area or restored basin size.
- Existing drainage structures may be removed or altered (e.g., tile breaks, pump removal, etc.) to restore (to the extent possible) the original or natural hydrology, vegetation, and/or functions of the wetland.
- Excavation of accumulated sediment or fill to the original hydric soil surface.
- Use of soil cultivation equipment (e.g., harrows, discs, and plows) or other earth moving equipment, to reestablish microtopography in wetlands that are dominated by invasive species or have been farmed within the past five years.

Microtopography establishment shall be a maximum of 12 inches above the normal design water elevation. The area must continue to meet the definition of a wetland under Part 303. The entire microtopography area in areas dominated by invasive species shall not exceed 5 acres in size.

- Plugs, with or without water flow controls, in drains or ditches, if the purpose is to reestablish the hydrology to previously drained areas and if all impacted parties acknowledge and provide their written authorizations. For drains or ditches meeting the definition of a stream, the applicant must provide written documentation of concurrence on the project from the DNR, Fisheries Division.
- This subcategory does not include conversion of unaltered wetlands to another aquatic use, such as the creation of a pond or impoundment or the conversion of unaltered forested wetlands to another habitat type. Restoration of alterations to rare or unique ecological types of wetlands is allowed under this subcategory to restore the original or natural hydrology, vegetation, and/or functions of a wetland.

3. Maintenance and improvement of existing, functional dikes and berms within areas managed for wildlife that meets all of the following:

   - Wetland fill for dikes, berms, or embankments for improvement shall not exceed 2 acres. The purpose of such fill shall be to restore or maintain the hydrological function of the wetland.
   - Relocation of dikes and berms to previous dimensions is included in this category if the original dike or berm is removed and restored to wetland.
   - Side slopes on dikes or berms (not including a lower shelf) shall be 1-on-4 slope (e.g., 1-foot vertical to 4 feet horizontal) or steeper.
   - The base width of the dike or berm including the lower shelf shall not be increased by more than 50%.
   - The top width of the dike or berm shall not exceed 12 feet.
   - Dredging shall be limited to the other subcategories in this MP category.
   - Water control structures may be replaced or maintained to original design or as otherwise allowed by subcategory 2. No other dredging or filling activities below the ordinary high water mark of lakes or streams are included under this subcategory.

4. Dredging for creation of berms or water controls that meet all of the following:

   - The dredging shall impact less than 1/3 acre of wetland.

- The dredging is not within (i.e., inline) an inland lake or stream.
- All dredged or excavated materials shall be disposed of in an identified non-wetland site or for berm construction or maintenance under this category.
- This MP category does not allow impacts to forested wetlands, locally uncommon wetlands types, or wetlands that are of a rare or unique ecological type on a statewide basis.
- Only 1 permit under this MP subcategory may be authorized in the same project area within any 5-year period.
- The dredged areas shall be located to minimize impacts to wildlife movement (e.g., breaks in the dredged areas that allow unimpeded wildlife movement).

5. Maintenance dredging (i.e., the removal of accumulated sediment and debris) within federally or state owned areas managed for wildlife and needed for operation of previously authorized currently serviceable structure or fill, that meet all of the following:

    - Dredging may impact a total of not more than 5 acres per 5 year period and be to previous depth, width and location.
    - The dredging is not within (i.e., inline) an inland lake or stream.
    - All dredged or excavated materials shall be disposed of in an identified non-wetland site or for berm construction or maintenance under this category.
    - This MP category does not allow impacts to forested wetlands, locally uncommon wetlands types, or wetlands that are of a rare or unique ecological type on a statewide basis.
    - The dredged areas shall be located to minimize impacts to wildlife movement (e.g., breaks in the dredged areas that allow unimpeded wildlife movement).

6. Exclusion fencing to protect restored wetland areas that meet the following:

    - The fencing excludes a maximum of 5 acres for the purpose of excluding deer or other herbivores in order to allow establishment of wetland vegetation.
    - The fence must be removed after vegetation reestablishment. A plan must be submitted by the applicant detailing when the fence will be removed.
    - Fences shall not impact any inland lake or stream or be located in the floodway of a stream.
    - This subcategory does not include the placement of fill for access roads, berms, or any similar purpose, nor does it authorize excavation for drainage ditches.

7. Water level control in wetlands or impoundments for habitat management within areas managed for wildlife that meets all of the following:

   - The drawdown rate shall not exceed 6 inches per day.
   - The drawdown shall not negatively impact downstream habitat or structures.
   - For drawdowns with water discharge to streams, the applicant must provide written documentation of concurrence on the project from DNR, Fisheries Division and Wildlife Division.

Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway. Construction of a dike, berm, or embankment that is 6 feet or more in height and that impounds an area of 5 acres or more during a design flood; such activity requires authorization under Part 315 and may not be authorized under this category.

Stumps, trunks, and limbs may be placed in wetlands for establishing wildlife habitat structure. This category does not include the conversion of a stream or wetland to another aquatic habitat type (e.g., stream to wetland or vice versa) or uplands.

This category does not include wetland restoration projects being proposed as compensatory mitigation or as part of a wetland mitigation bank.

8. Maintenance dredging

Category applies to: ☐ *Part 31, Floodplain Regulatory Authority*
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Excavation and removal of accumulated sediment and debris of previously dredged areas in the Great Lakes and inland lakes (not streams) within the designated boundaries of federally or state owned areas managed for wildlife and needed for operation of previously authorized currently serviceable structure or fill, that meet all of the following:

- Dredging shall be a maximum of 1,000 cubic yards in inland lakes and 5,000 cubic yards in the Great Lakes per 5-year period and be to previous depth, width and location.

- All dredged or excavated materials shall be disposed of in an identified site excluding Great Lakes, inland lakes and streams, or wetlands or for berm construction or maintenance under this category. Any material placed within the floodplain shall be outside the floodway and limited to MP Category for Minor Floodplain Fills Outside the Floodway.

GENERAL CONDITIONS

The following general conditions must be complied with for any permit to be issued under an MP category:

1. Bankfull: For the purposes of these categories, bankfull should be determined through the following methods, in order of preference, and the application must include supporting documentation (e.g., photographs of measurements, calculations, etc.).
    a) Determine bankfull using onsite field indicators. Bankfull widths should be measured at riffles that are located outside the influence of any existing road stream crossings.
    b) Where field indicators are not present (e.g., highly altered or incised channels) and to verify measurements from field indicators, estimate bankfull width using the drainage area at the project location and the most recent regional hydraulic geometry reference curves for Michigan.
    c) Where field indicators are not present and regional curves are not available, calculate the 1.5-year flow using hydrologic analyses or request this flow from EGLE. Then determine the natural, stable channel dimensions (bankfull width, depth, and cross-sectional area) that will accommodate the calculated flow. Natural, stable channel dimensions (i.e., the ratio of bankfull width to bankfull mean depth) should be similar to reference stream conditions (e.g., channel type B: W/D ratio = 16; C = 13; and E = 9).
2. Navigation and Riparian Rights: No activity may cause more than a minimal adverse effect on navigation. The activity shall not interfere with the riparian rights or use of the waters by others.
3. Aquatic Life Movements: No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.
4. Spawning Areas: Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
5. Migratory Bird Breeding Areas: Activities in waters of the state that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
6. Shellfish Beds: No activity may occur in areas of concentrated native shellfish populations (mussels).

7. Suitable Material: No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or fill must be free from toxic pollutants in toxic amounts.
8. Water Supply Intakes: No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
9. Adverse Effects from Impoundments: If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow, must be minimized to the maximum extent practicable.
10. Management of Water Flows: To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
11. Removal of Temporary Fills: Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations within 90 days of initiation of the authorized activity unless otherwise approved by EGLE. The affected areas must be revegetated and reseeded with species native to Michigan appropriate to the site.
12. Proper Maintenance: Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.
13. Tribal Rights: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
14. Mitigation: EGLE will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal: (a) the activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the state to the maximum extent practicable; and
    (b) mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
15. Water Quality: The project must comply with state water quality standards.

16. Coastal Zone Management: The project must comply with the enforceable statutes in Michigan's coastal zone management plan.
17. Case-By-Case Conditions: The activity must comply with conditions that may have been added by EGLE and with any case-specific conditions added for Section 401 Water Quality Certification or Coastal Zone Management Act consistency determination.
18. Use of Multiple MP Categories: The use of more than 1 MP category for a single and complete project is allowed unless it is prohibited within a specific MP category. EGLE may issue a permit under an MP category that may include activities authorized under a GP. When using multiple categories, dredging cannot exceed the highest dredging limit and fill cannot exceed 0.1 acre or the highest acreage limit.
19. Compliance Certification: Each permittee who received a permit under an MP category must submit a signed certification regarding the completed work and any required mitigation within 1 week after the completion of the authorized activity. The certification form must be mailed to EGLE with the permit number and shall include: (a) a statement that the authorized work was done in accordance with the permit, including any general or specific conditions; (b) a statement that any required mitigation was completed in accordance with the permit conditions; and (c) the signature of the permittee certifying the completion of the work and mitigation.
20. Single and Complete Project: The activity must be a single and complete project. The same MP category cannot be used more than once for the same single and complete project.
21. Invasive Species Decontamination: The activity must be conducted in a manner that will minimize the risk of spreading terrestrial and aquatic invasive species during the project through measures like visually inspecting and removing any plants, mud, and water from equipment and vehicles and disinfecting and drying equipment and vehicles between sites.

AUTHORIZATION CONDITIONS

The following additional conditions will also apply to all permits issued under all MP categories:

A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of the permit.
B. The permittee in exercising the authority granted by the permit shall not cause unlawful pollution as defined by Part 31.
C. The 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 the specifications submitted with the application and/or plans and specifications attached to the 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 the permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Acts of 1974 and comply with each of the requirements of that act.
G. The 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. The 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 or her rights.
I. The permittee shall notify EGLE within 1 week after the completion of the activity authorized by the permit.
J. The permit shall not be assigned or transferred without the written approval of EGLE.
K. Failure to comply with conditions of the permit may subject the permittee to revocation of the authorization 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 a non-wetland site.
M. In issuing an authorization under this permit, EGLE has relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of an authorization, such information and data prove to be false, incomplete, or inaccurate, EGLE 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, EGLE 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 EGLE. Such revision requests shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.

Q. An authorization under this permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to accept transfer. The new owner must agree, in writing, to accept all conditions of the authorization. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and if approved, will provide written notification to the new owner.

R. Prior to initiating construction authorized, the permittee is required to provide a copy of the authorization to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the authorization are held responsible to ensure the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the authorization to all subcontractors doing work authorized by the authorization.

S. Construction must be undertaken and completed during the dry period of the wetland when feasible. If the area does not dry out, construction shall be done on temporary mats to prevent compaction of the soil.

T. Authority granted by an authorization 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 an authorization under this permit, 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 DNR, Fisheries Division.