



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

When is a permit not required? Common Exemptions

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Transportation Review Unit

**The Transportation Review Unit
reviews permit applications
submitted by
Public Transportation Agencies
under a Memorandum of
Understanding (MOU) between
MDOT and EGLE.**



Part 301 Inland Lakes and Streams

- a natural or artificial lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain as defined by the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630;
- or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, including the St. Marys, St. Clair, and Detroit rivers.



Clauge River, Bertrand Launay, INRAE, 2017



River Ebble, Chris Hilton



River Ebble, David Martin



Wetland-stream complex



Is there a stream in
this wetland?



1985







Scour hole downstream



Upstream sedimentation



Perched culvert above streambed

Scour Hole

Sediment Build Up



Part 303 Wetlands Protection

- “Wetland” means a land or water feature, commonly referred to as a bog, swamp, or marsh, inundated or saturated by water at a frequency and duration sufficient to support, and that under normal circumstances does support, hydric soils and a predominance of wetland vegetation or aquatic life.

Common Roadside Wetland Types







Exemptions

ACTIVITIES THAT ARE
EXEMPT FROM
WATER RESOURCE
DIVISION (WRD) EGLE
PERMITS

Clarification of Road Footprint & Road Ditch Maintenance

Part 303, Wetlands Protection, section 324.30305(2)(k) reads:

Maintenance of public streets, highways, or roads that meets all of the following requirements:

- (i) Does not include any modification that changes the original location or footprint.
- (ii) Is done in a manner that minimizes any adverse effect on the wetland.

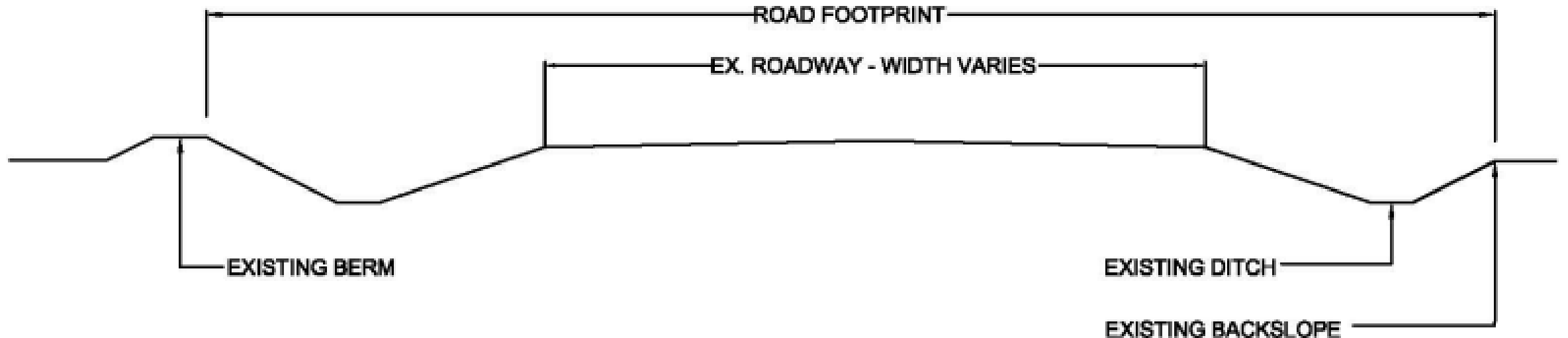
1) Maintenance work would include repair, reconstruction, road raising, road widening, ditch cleanout to the original ditch grade, and slope flattening that does not extend beyond the existing road footprint.

- Note: if the road grade is raised more than a new wearing course (including gravel) within the floodplain of a stream with a drainage area of two square miles or more then a permit would be required under the states Floodplain Regulatory Authority found in Part 31. If the road widening results in impacts to a stream, then a Part 301 permit would be required

2) The footprint is defined as back slope to back slope of existing ditches that run parallel to the existing road.

FIGURE 1 - TYPICAL DITCH SECTION

NO SCALE



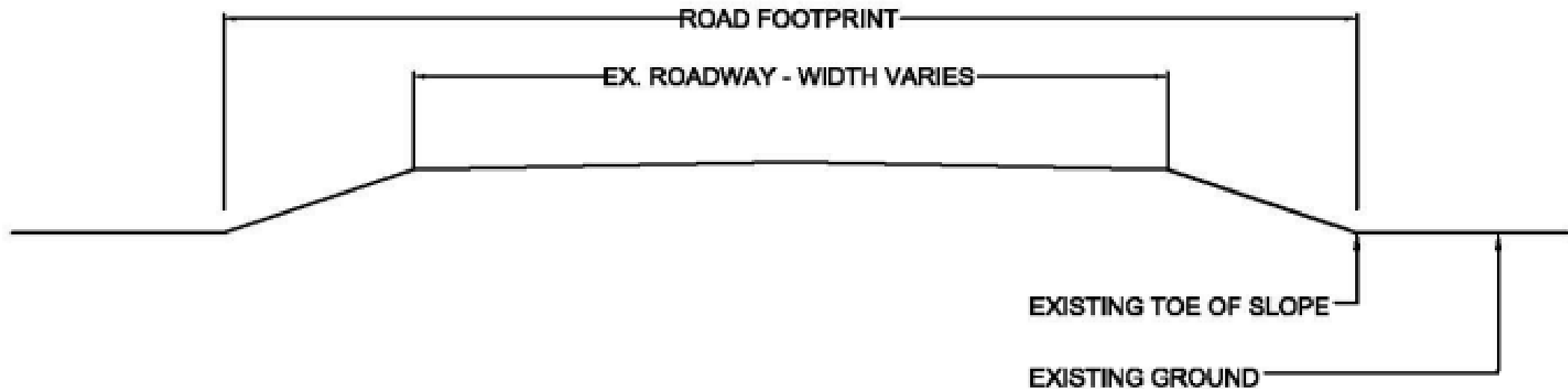


2) continued...

If there are no ditches present, then the footprint is defined as the point where the road fill material intersects the natural ground.

FIGURE 2 - TYPICAL FILL SECTION

NO SCALE

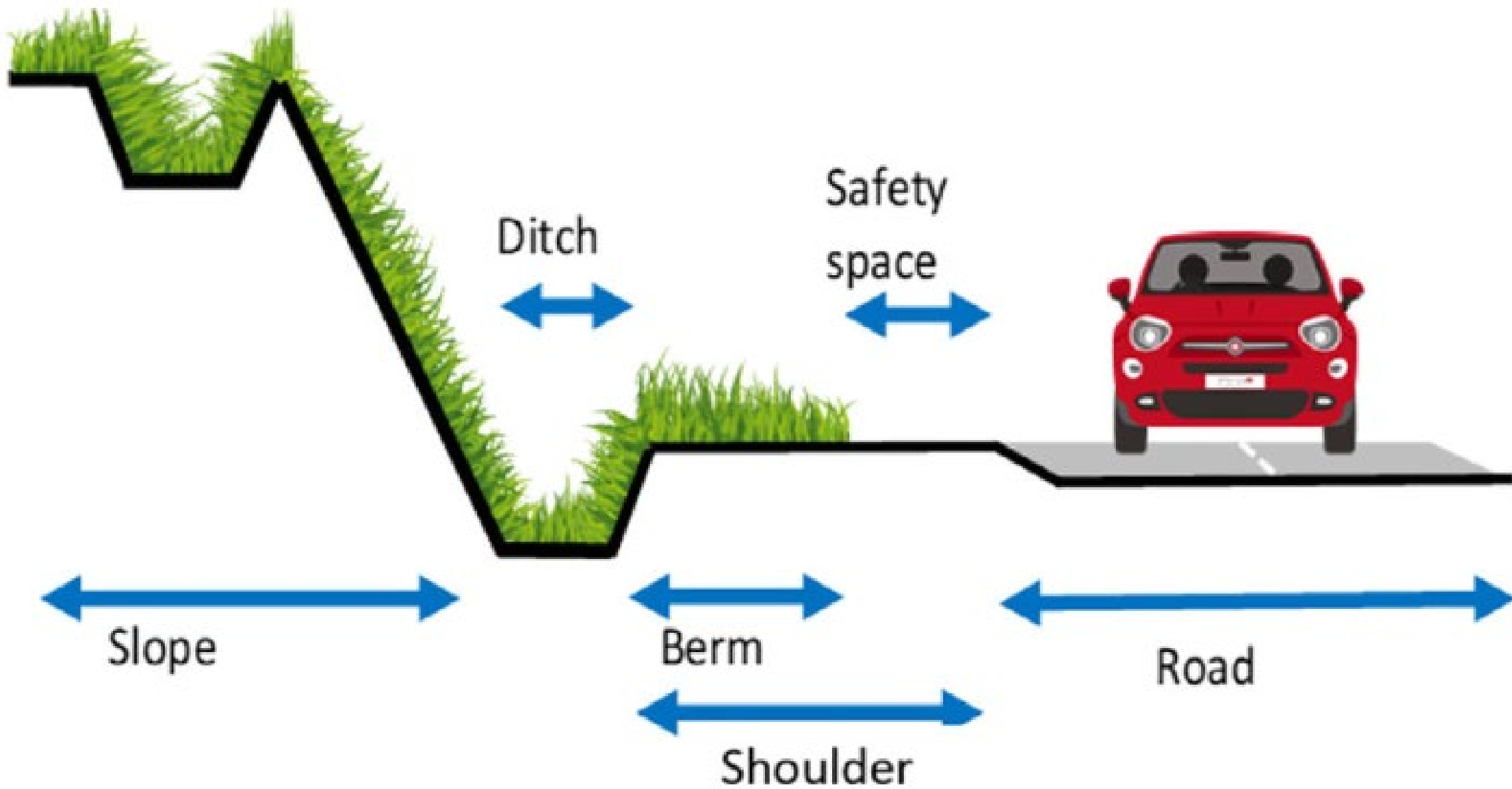


No ditch present



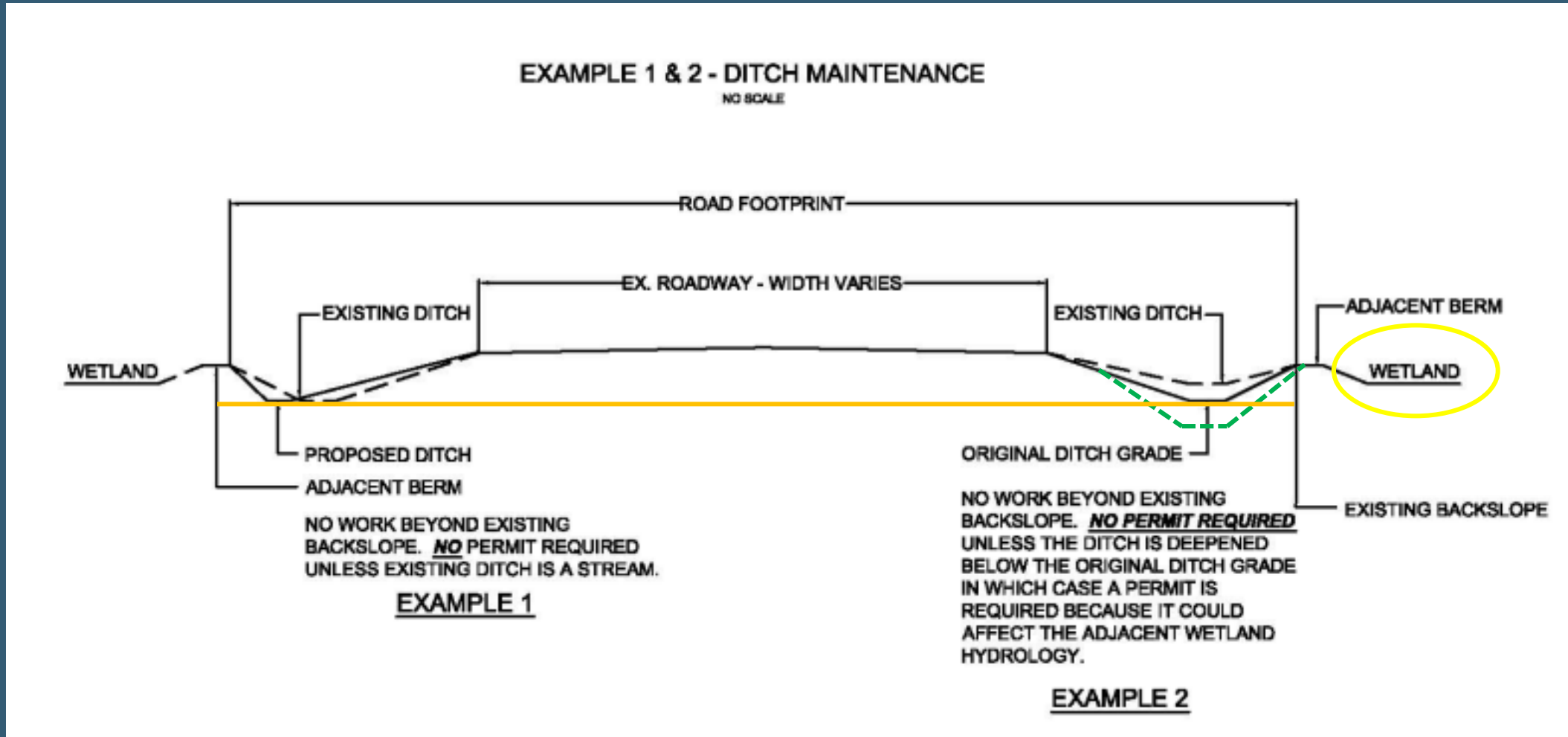


3) Berms directly adjacent to a roadside ditch may be maintained without a permit to original design/constructed conditions if they were in existence before October 1, 1980, or constructed pursuant to Part 303.



4) Ditches that are not part of a regulated stream may be:

- a. Cleaned out or relocated **within the existing backslope** to original size, shape and profile (example 1).



Note: a permit would be required where the **ditch is deepened beyond its original size**, shape and profile if the ditch is **adjacent to wetlands** (example 2).

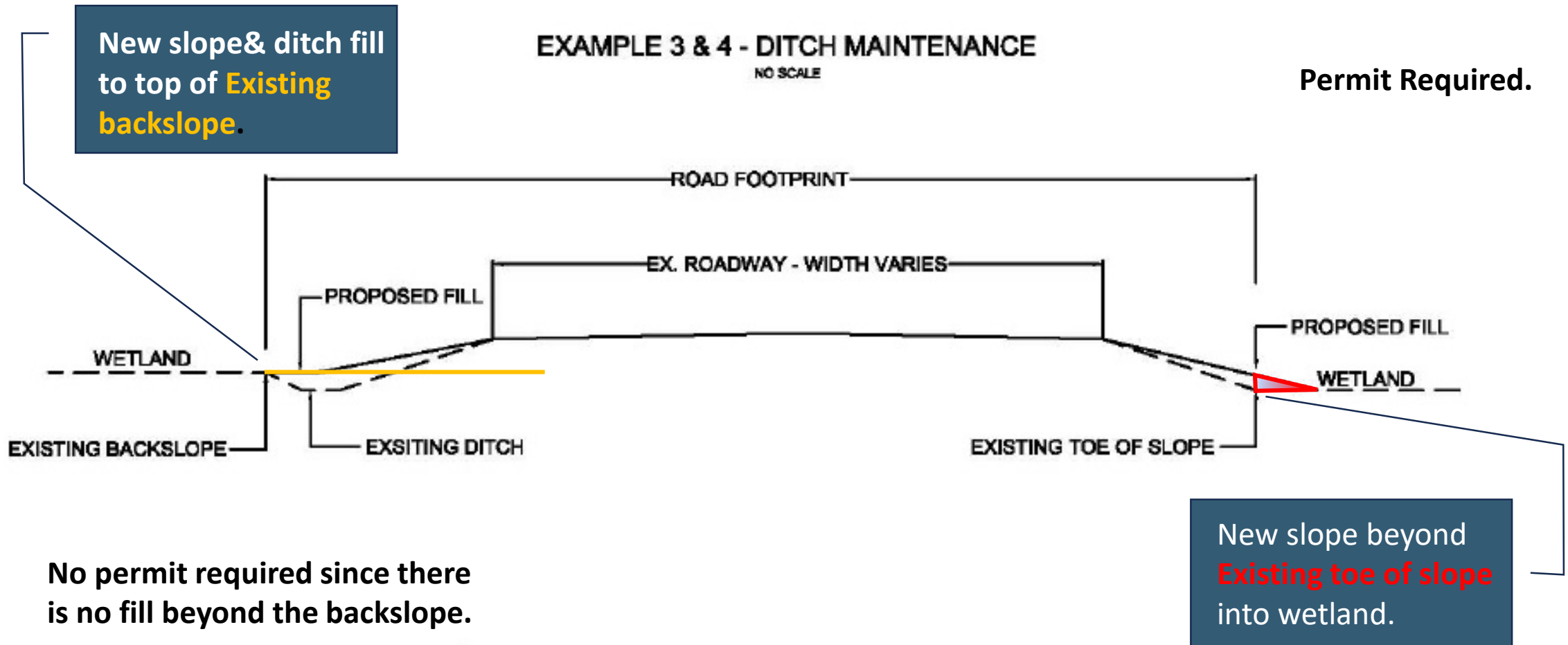


No permit required.



- 4) Ditches that are not part of a regulated stream may be:
b. Filled to the top of the existing backslope.

Note: a permit would be required if fill extended beyond the existing footprint.



Ditch fill to
Backslope:
No permit
needed.



Wetland filled past
backslope:
Permit required.

5) Wetland equalizer culverts that are not part of a regulated stream may be:

a. Cleaned out in the immediate vicinity to original size shape and profile.

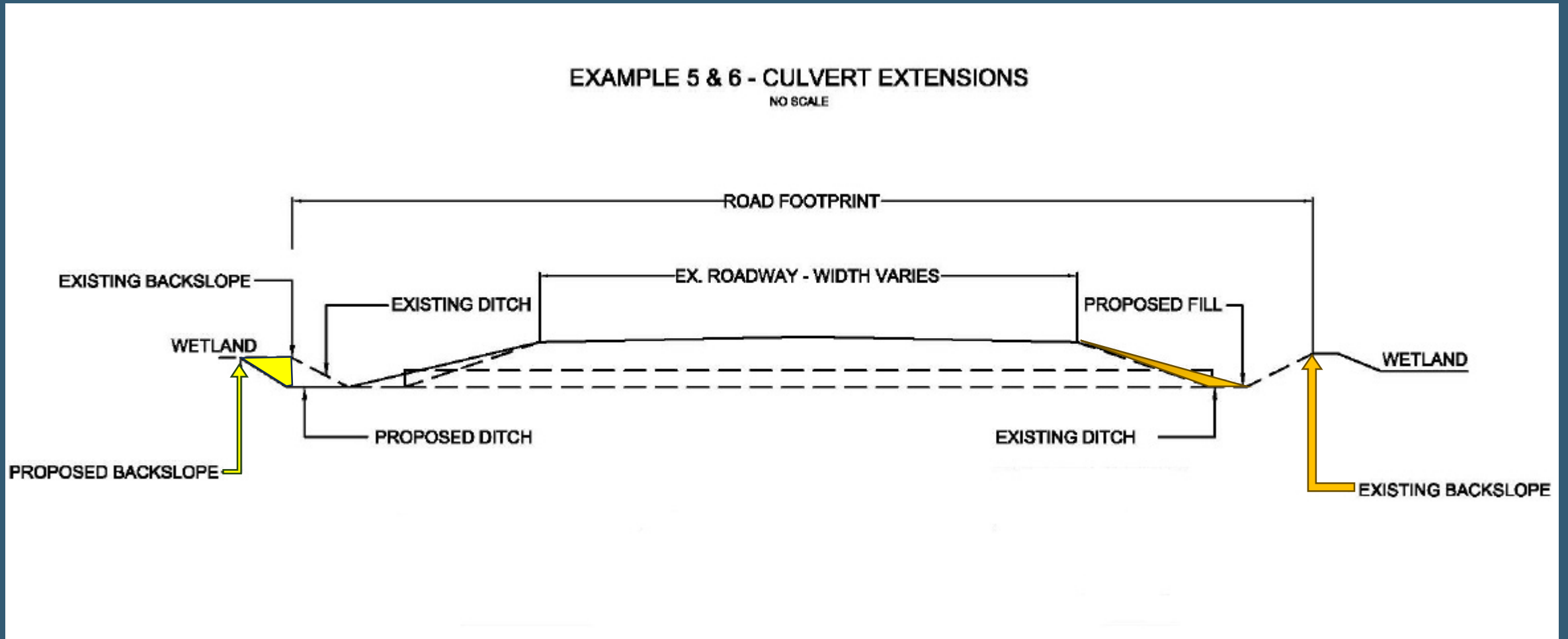
Note: the spoils must be hauled to an upland (non-wetland, non-floodplain) location.

b. Extended within the existing footprint



- 5) Wetland equalizer culverts that are not part of a regulated stream may be:
b. Extended within the existing footprint.

A permit would be required if the equalizer culvert was extended beyond the existing road footprint that required dredging or filling in existing wetlands.





Wetland outside the toe of the slope

If the wetland equalizer culvert is not replaced in-kind (including same length), then a permit is required.

Wetland equalizer culvert: at toe of the slope

General Exemptions for Permit Requirements



The installation, repair, replacement, or maintenance of cross-road culverts on drainage courses which do not meet the definition of a stream, and cross-culverts which only serve to convey stormwater runoff or equalize the water level at both ends of the culvert when such culverts will not result in impacts to regulated wetlands or lakes.



The construction, repair, replacement, or maintenance of roadside ditches which serve to convey stormwater runoff from the road right-of-way in such a manner that it does not materially change the drainage pattern, drain adjacent wetlands, extend below the Ordinary High-water Mark (OHWM) of an adjacent stream, and is not part of a stream system.

The Construction, installation, repair, replacement, or maintenance of standard storm water runoff appurtenances (auxiliary structures), provided that such structures are placed in a manner that they will not obstruct stream or flood flow and will not impact adjacent wetlands, Examples of these structures include:

- Manholes and catch basins
- Headwalls
- Riprap below the OHWM to prevent erosion from a storm water outlet pipe.



Culvert Maintenance Exemptions

1) In-kind, in-place repairs and maintenance, excluding structure replacement, to any previously permitted culvert...

Provided the watercourse, streambed and adjacent banks are not altered.



2) The retrieval and placement of riprap shore protection structures where the original material was displaced by erosion or ice damage...

If retrieval will not cause disruption of the bottomland and the placement of earthen fill is not required.



Bridge Maintenance Exemptions



Bridge Maintenance Exemptions

The following items are exempt, provided materials are prevented from falling into the watercourse during construction:

**BRIDGE
REPAIRS**



- In-kind, in-place repairs and maintenance, excluding structure replacement, to any previously permitted bridges (or those installed before January 9, 1973),
- provided the watercourse, streambed, and adjacent banks are not altered.



The removal and replacement of ties and stringers on railroad bridges using materials that do not exceed the original dimensions would not require a permit.



Maintenance and restoration of bridges are exempt from permitting like sand blasting



- Painting is also exempt
- As long as all operations are conducted in accordance with current Michigan Department of Transportation (MDOT) specifications.



Widening of bridge decks,
provided it meets both of the
following conditions:

The work can be done on existing
abutments or piers and the
existing beams are not removed.

No harmful interference to flood flow and no additional interference to navigation will occur.



No more than 4 inches



Neither raising of the existing original design roadway elevation over 4 inches nor lowering the under-clearance elevation.

Removal, restoration, maintenance and replacement (in-kind- and in-place), of Bridge Appurtenances including:

Decks, Rails, sealing, concrete work, fixtures, and similar work where again the deck is not raised more than 4 inches above the original design elevation.



- The placement or replacement of signs, guard rails and similar structures within the existing road footprint is exempt from permitting also.



- Resurfacing or overlay of an existing bridge deck and approaches when such resurfacing will not increase the original design roadway profile elevations in the floodplain by more than 4-inches.



Hydro Demolition? Exempt?



Road agencies would still have to comply with any state and federal requirements if there are impacts to any threatened or endangered species.





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