County Drains
Proposed General Permit Category

Department of Environmental Quality
Amy Berry
Wetlands, Lakes and Streams Unit
Statute: MCL 324, Part 30105 (11)

“The Department shall develop by December 31, 2013 and maintain a general permit for activities in drains legally established pursuant to the Drain Code of 1956, 1956 PA 40, MCL 280.1 to 280.630.”

GP is available at www.mi.gov/wetlands
Who can apply?

County-wide basis:
- A Drain Commissioner
- Drainage Board

Drainage-District-wide basis:
- Michigan Department of Agriculture and Rural Development (MDARD) on behalf of Intercounty Drainage Board
Category Set Up

- General Conditions
- Exclusions & Screening
  - Kick-out Provisions
- Category Conditions and Activities
  - Timeline
  - Reporting
  - Best Management Practices
Timeline

Dec 31
Report Due

January 20th
New GP App Due
$50 fee

March 1st
Decision Due

Activities Done

Authorization good through March 30th of the next year
Up-front Restrictions & Screening

- Cannot involve activities that require public noticing, other GP/MP categories, or permits under Parts 325, 315, 323, or 353

- Cannot be activities conducted by those other than the Drain Commissioner:
  - *i.e.*, does not include activities completed by an individual, agency, or developer that are not part of a project conducted pursuant to the drain code.
Up-front Restrictions & Screening

Cannot be associated with sensitive natural resources

- Procedures in place to screen for state and federally listed threatened and endangered species:
  - Must notify MDEQ prior to activity if any state listed Threatened/Endangered species or their potential suitable habitat are present in the project area.
  - Does not qualify if the project has reasonable potential to affect federally listed species.
Up-front Restrictions & Screening

- Areas where sediment testing is required by DEQ does not fit category
- Must use only species that are native to Michigan in wetlands and below
- Must provide proper earth stabilization methods.
Best Management Practices

Examples

- Bankfull Calculations
- Match Stream Slope
- Burial of Culverts
- Proper Alignment with Stream Flow
GP Activities Covered

Clear Span Bridges

• New or replacement
• Minimum 1.2 x bankfull width for abutments or piers
• Lowest elevation at or above natural ground and spans bankfull
• Passage of watercraft
• Anchored
GP Activities Covered

Culvert End Sections, Headwalls, and Wingwalls

- New or replacement
- End area equal to or greater than existing structure
- Maximum 12 feet on each end
- Set at or below stream bottom; not perched
- Riprap allowed within 25 feet
GP Activities Covered

Installation of New and Replacement Culverts

- For new culverts up to 100 feet in length
- For replacement culverts extending >24 feet; total culvert length cannot be >100 feet

Short culverts: ≤6’ span and up to 30’ length, 8 new per drain project
Long culverts: ≤100’ length each, total of <300’ per drain project

Requirements: spans bankfull width, bottomless or buried to specifications, aligned with stream flow, riprap no more than 25 feet from each end
GP Activities Covered

- **Riprap**: <1,000 lf per drain project for toe protection, spillways, and other preventative measures
  - Sized based on velocity
  - < 1 cubic yard per lineal foot
  - Recessed to match bank and bottom grade
  - No over-excavation
GP Activities Covered

Drain Realignments: up to 300 linear feet per drain project necessary for transportation safety

- Runs parallel to the road
- Within drain or road ROW
- Match dimensions of existing drain
- Retain same slope and bed features
GP Activities Covered

Installation of Vanes: cross vanes, j-hooks, and rock vanes for grade control and streambank stabilization, that are compatible with dimension, pattern, profile and bed features

- Very specific design elements and criteria!
GP Activities Covered

Two activities dealing with Part 303 (wetlands)

- **Wetland Equalizer Culverts**
  - Minimum 18 inches diameter
  - Buried 20% culvert diameter
  - Provides free flow and shall not increase wetland drainage

- **Minor repair/stabilization of streambanks above OHWM**
  - Placement of up to 5 cubic yards of fill per repair
QUESTIONS?

For more program info see:

- Permit Application – [www.mi.gov/jointpermit](http://www.mi.gov/jointpermit)
- Wetlands Protection - [www.mi.gov/wetlands](http://www.mi.gov/wetlands)
- Inland Lakes and Streams – [www.mi.gov/deqinlandlakes](http://www.mi.gov/deqinlandlakes)
- Great Lakes – [www.mi.gov/deqgreatlakes](http://www.mi.gov/deqgreatlakes)
- On-line Tracking System for Joint Permit Applications (CIWPIS) - [www.deq.state.mi.us/ciwpis/](http://www.deq.state.mi.us/ciwpis/)
Exempt Activities

Drains legally established under Drain Code prior to 1973 OR under a permit.

- Excavation of accumulated sediments back to original contours (no straightening, deepening, or widening)
- Reshaping side slopes
- Bank stabilization to prevent erosion with compatible materials to existing conditions
- Armoring, lining, piping of previously treated areas
- Replacement of control structures (weirs, etc) without increasing capacity of drain
- Repair of stabilization structures such as cross vanes, log revetments, etc.
Exempt Activities

- Culvert replacement, including culvert extensions of not more than 24 additional feet
- Emergency reconstruction of recently damaged parts of the drain
- Placement of spoils in previous spoils areas
- Maintenance of a drain does not include any modification that results in additional wetland drainage or conversion of a wetland to a use to which it was not previously subject