



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT**

Issued To:

**City of Ann Arbor, Water Treatment Services
Attn: Glen Wiczorek
919 Sunset Road
Ann Arbor, Michigan 48103**

**Permit No: WRP041582 v.1
Submission No.: HPX-KQ1G-2AS15
Site Name: 81-1001 West Huron River Drive-Ann Arbor
Issued: June 11, 2024
Revised:
Expires: June 11, 2029**

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

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| <input checked="" type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 325, Great Lakes Submerged Lands |
| <input type="checkbox"/> Part 315, Dam Safety | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input checked="" type="checkbox"/> Part 31, Water Resources Protection (Floodplain Regulatory Authority) | |

EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies without conditions under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan's water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

Place approximately 5,358 cubic yards of fill in 0.80 acre of emergent wetland. Place approximately 926 cubic yards of fill below the ordinary high-water mark of a 0.13-acre pond. Excavate approximately 400 cubic yards of material from 0.06 acres of emergent wetland. Temporarily place 509 cubic yards of fill in 0.03 acre of emergent wetland. Abandon 870 linear feet of stream channel by placing 118 cubic yards of fill material within an unnamed stream. Construct a new 955 linear foot long stream channel. Replace an existing 29 foot long, 15-inch diameter round corrugated metal pipe culvert with a 33 foot long, 15-inch diameter round corrugated plastic culvert in an unnamed stream. Excavate approximately 159 cubic yards of material and place approximately 413 cubic yards of fill below the ordinary high-water mark.

**EGLE
WRP041582 v1.0
Approved
Issued On:06/11/2024
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along 286 linear feet of the Huron River. Fill approximately 532 cubic yards and cut approximately 208 cubic yards within the 100-year floodplain of the Huron River for bank stabilization of the Barton Dam. Fill advised to be used for constructing an earthen stabilizing berm, back filling the existing collector ditch pond, raising grades along the embankment to meet FERC requirements, and replacing the existing outfall structure.

All work shall be completed in accordance with the approved plans and the specifications of this permit.

Waterbody Affected: Huron River, unnamed stream, wetland

Property Location: Washtenaw County, City of Ann Arbor, Town 02S, Range 06E, Section 17

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This 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 approved plans and specifications submitted with the application and/or plans and specifications attached to this 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 this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This 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. This 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 rights.
- I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit 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 an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, 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 representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated

representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the 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 request 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. 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 EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. 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 permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit 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 (CEA).
- 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 this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body 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 Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. The permittee shall, as a primary condition of this permit, mitigate the loss of 0.99 acre of emergent wetland by acquiring of 1.49 acre of emergent wetland from an approved bank site in the Huron River Watershed.

The permittee shall submit documentation of credit acquisition to EGLE prior to signature of this permit by EGLE.

2. Prior to the initiation of any permitted construction activities, a sedimentation barrier shall be constructed immediately down gradient of the construction site. Sedimentation barriers shall be specifically designed to handle the sediment type, load, water depth, and flow conditions of each construction site throughout the anticipated time of construction and unstable site conditions. The sedimentation barrier shall be maintained in good working order throughout the duration of the project. Upon project completion, the accumulated materials shall be removed and disposed of at an upland (non-wetland, non-floodplain) site and stabilized with seed and mulch. The sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.
3. All raw areas in uplands resulting from the permitted construction activity shall be effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner to prevent erosion and any potential siltation to surface waters or wetlands. Temporary stabilization measures shall be installed before or upon commencement of the permitted activity and shall be maintained until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.
4. Prior to the start of construction, all adjacent non-work wetland areas shall be protected by properly trenched sedimentation barrier to prevent sediment from entering the wetland. Orange construction fencing shall be installed as needed to prohibit construction personnel and equipment from entering or performing work in these areas. Fence shall be maintained daily throughout the construction process. Upon project completion, the accumulated materials shall be removed and disposed of at an upland site, the sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.
5. All fill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
6. The local unit of government in which this project site is located has a wetland ordinance. Authority granted by this permit does not waive permit requirements or the need to obtain a separate permit from the local unit of government.
7. Upon completion of the project, the disturbed wetland areas shall be restored to the original contour elevation, revegetated and reseeded with species native to Michigan appropriate to the site, and mulched to prevent erosion.

8. Exposed streambanks resulting from this construction shall be stabilized with temporary measures in accordance with appropriate Best Management Practices based on site conditions, and if necessary, may be riprapped extending above the ordinary high-water mark, to provide adequate erosion protection. Temporary stabilization measures shall be maintained until permanent measures are in place.
9. If the project, or any portion of the project, is stopped and lies incomplete for any length of time (other than that encountered in a normal work week) every precaution shall be taken to protect the incomplete work from erosion, including the placement of temporary gravel bag riprap, temporary seed and mulch, or other acceptable temporary protection.
10. All other exposed slopes, ditches, and other raw areas draining directly to the stream may be protected with riprap, sod and/or seed and mulch as may be necessary to provide effective erosion protection. 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.
11. Excavated material placed on upland shall be stabilized in such a manner to prevent erosion of any material into any waterbody, including wetlands, or floodplain.
12. No work shall be done in the Huron River during periods of above-normal flows except as necessary to prevent erosion.
13. Prior to commencing work below the ordinary high-water mark of the Huron River, the entire waterward perimeter of project site shall be isolated with a turbidity curtain to prevent movement of suspended sediments. The turbidity curtain shall be installed to extend from the bed of the waterbody to a point above the existing water's surface. The turbidity curtain shall be maintained for the duration of the project and shall be left in place after completion until all disturbed sediments have settled.
14. All riprap shall be properly sized based on wave action and velocity and shall consist of natural field stone or rock (free of paint, soil or other fines, asphalt, soluble chemicals, or organic material). Broken concrete is not allowed.
15. Dredged material, including organic and inorganic sediment, vegetation, and other material removed from bottomlands, shall not be placed in any wetland, floodplain or critical dune, or below the ordinary high-water mark of any inland lake, Great Lake, or stream. Dredged material placed on upland shall be stabilized in such a manner to prevent erosion of any material into any waterbody, including wetlands, or floodplain.
16. The permittee is advised of other potential requirements and legal liabilities under other statutes for placement of dredge material on upland and is responsible for compliance with all applicable local, state, and federal regulations. Please review the information under Dredging Documents at the attached link: https://www.michigan.gov/deq/0,4561,7-135-3312_4123-14201--,00.html

17. During removal of the existing structures, every precaution shall be taken to prevent debris from entering any watercourse. Any debris reaching the watercourse during the removal and/or reconstruction of the structure shall be immediately retrieved from the water. All material shall be disposed of in an acceptable manner consistent with local, state, and federal regulations.
18. The use of explosives for removal of the structure over the waterbody, including any abutments or piers, is prohibited.
19. The placement of the new culverts and the initial placement of fill in the stream shall be done in the dry or in such a manner that all flow is immediately passed through the culverts. The major placement of fill shall be done in the dry or in still water where erosion and siltation will be minimized. The fill material used in this initial placement shall be washed gravel, coarse aggregate, or rock and shall be placed at both ends of the culvert above normal water level before backfill material is placed.

Floodplain Activities

20. The design flood or one percent (1%) annual chance (100-year) floodplain elevation at this location on the Huron River is 778.8 feet NAVD-88.
21. Any other filling, grading, or construction within the 100-year floodplain that is not specifically authorized by this permit will require a separate EGLE permit before starting the work.
22. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
23. Fill shall not be placed to prevent surface water drainage across the site. Site runoff shall be directed to public or natural drainage ways and not unnaturally discharged onto adjacent properties.

Stream Relocation

24. The permittee shall, as a primary condition of this permit, restore stream functions and stability to 955 feet of the unnamed drain along the south side of Barton Dam. The authorization granted by this permit is contingent upon the completion of relocation as follows:
 - a. Any planting or seeding of the relocation site must consist of native Michigan plant materials according to the Floristic Quality Assessment for the State of Michigan, except for an annual cover crop for initial site stabilization upon approval of EGLE. Engineered plant material, such as jute and coconut fabric, shall be comprised of inert plant fiber that may be nonnative. Any erosion control blanket shall be free of plastic unless otherwise approved by EGLE based on site conditions.
 - b. The permittee shall notify EGLE's District Office, in writing and within 20 days of completion of each of the following items:
 1. final grading and construction
 2. seeding and plant installation

- c. In the event the permitted activity is begun but not completed, the permittee or owner of record shall remain responsible for completion of the stream relocation, as determined by EGLE. Such determinations shall be based upon the extent of the disturbance to the existing stream.
- d. Should the relocated channel and associated buffer area fail to become stable after two complete growing seasons, the permittee shall:
 - i. Assess the problem and its probable causes.
 - ii. Develop reasonable and necessary corrective measures as a revision to original plans.
 - iii. Submit to EGLE proposed corrective measures, including a schedule for implementation, for confirmation and approval; and
 - iv. Upon EGLE approval, implement corrective measures according to the approved schedule.

Additional relocation monitoring may be required to evaluate the success of the corrective measures.

Stream Relocation Performance Standards

25. The following performance standards will be used to evaluate the stream relocation project:
- a. Construction has been completed in accordance with EGLE's approved plans and specifications included in the permit.
 - b. Relocation of the channel to a stable pattern, dimension, and profile based on the approved plans. Maintenance of stable stream parameters for a minimum of two growing seasons.
 - c. The stream and riparian buffer relocation area shall be free of oil, grease, debris, and all other contaminants.
 - d. At the end of the monitoring period, the relocated stream shall have less than 10 percent of the total length of combined left and right stream banks exhibiting signs of erosion (i.e., less than 191 feet of erosion).
 - e. At the end of the monitoring period, the relocated stream shall have a grassed buffer on either side wherever possible given site constraints. Extensive areas of bare soil shall not exceed five percent within the grassed buffer. Bare soil is defined as areas with less than 20 percent vegetative cover.
26. If the stream relocation does not satisfactorily meet these standards by the end of the monitoring period, or is not satisfactorily progressing during the monitoring period, the permittee may be required to take corrective actions.

Stream Relocation Monitoring

27. The permittee shall monitor the stream relocation project for a minimum of two growing seasons following grading, planting, and introduction of hydrology. A brief (1-2 pages not including photographs) monitoring report, which compiles and summarizes all data collected

during the monitoring period, shall be submitted each year. Monitoring reports shall cover the period of January 1 through December 31 and be submitted to EGLE prior to January 31 of the following year. The permittee shall conduct the following activities and provide the information collected in the monitoring reports:

- a. For each monitoring event, provide photographic documentation of the development of the relocated channel and associated buffer. Photos, taken between July 15 and August 31, should be taken a minimum of every 100 feet and should include an upstream facing and downstream facing perspective. Photos must be labeled with the location, date photographed, and direction. A map of the locations of the photo stations shall be included.
- b. Evaluate channel bank erosion. Determine the percent channel bank erosion by walking the channel and measuring and photographing the lengths of any areas of erosion on the left bank and right bank of the channel. The total length of eroding banks is divided by the total length of both left and right banks. Document the severity of the erosion, the possible cause, whether the erosion is getting worse or healing, and evaluate the potential risk to channel stability upstream and downstream of the erosion.
- c. Delineate any extensive (greater than 0.01 acre in size) bare soil areas and provide their location on a plan view. Include any actions to establish grass on the bare areas.
- d. Provide a written summary of data, including data from previous monitoring periods, and a discussion of changes or trends based on all monitoring results. This summary shall include identification of all performance standards and whether each standard has been met. A table containing this information shall be included and shall compare current year monitoring data to data from previous years' surveys and to the design parameters.
- e. Provide a written summary of all the problem areas that have been identified and potential corrective measures to address them.
- f. The Permittee shall conduct all other measurements needed to document that performance standards are met.

28. EGLE will determine if the performance standards have been met. If the performance standards have not been met, EGLE may require corrective actions and subsequent annual monitoring.

Threatened and Endangered Species

29. Materials used for erosion control and site restoration must be wildlife-friendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

30. To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at <https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet>) and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://youtu.be/~PFnXe_e02w).
31. During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.
32. The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.
33. The project will occur entirely within the EMR active season (April 15 through October 15 in the southern Lower Peninsula; in the northern Lower Peninsula May 1 through October 1).
34. The action will not include temporary or permanent lighting of roadway(s), facility(ies), and/or parking lot(s).

General Conditions

35. Authority granted by this permit does not waive permit or program requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit <https://www.michigan.gov/egle/about/organization/water-resources/soil-erosion/sesc-overview> and select "Soil Erosion and Sedimentation Control Agencies".
36. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
37. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
38. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
39. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.
40. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

41. Upon signing by the permittee named herein, this permit must be returned to EGLE's Water Resources Division, Jackson District Office for final execution. This permit shall become effective on the date of the EGLE representative's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

X 

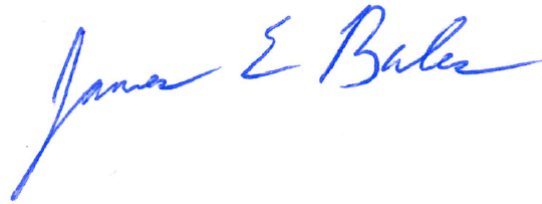
06/25/2024

Permittee

Date

X Glen Wiczorek, PE, Service Utilities Engineer, City of Ann Arbor

Printed Name and Title of Permittee



Issued By:

James Bales
Jackson District Office
Water Resources Division
517-257-4532

cc: City of Ann Arbor Clerk
Washtenaw County Drain Commissioner
Melanie Burdick, EPA
Jessica Pruden, USFWS
John Buszkiewicz, DNR
Natalie Dingledine, DLZ
Anne Garwood, EGLE
Joshua Gleason, EGLE
Kathryn Kirkpatrick, EGLE
Bethany Matousek, EGLE
Mike Pennington, EGLE