



NOTICE OF AUTHORIZATION

Permit Number: WRP033255 v. 1

Site Name: 72-Dewey Ave Big Creek Habitat Improvement-Lyon Twp

Date Issued: April 28, 2022

Expiration Date: April 28, 2027

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, specifically:

- Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
- Part 301, Inland Lakes and Streams.

Authorized activity:

Place up to 17 single log vane fish habitat structures along the banks of Big Creek. This permit does not authorize the placement of structures of access to private property without the lawful permission from the landowner.

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

Waterbody Affected: Big Creek

Property Location: Roscommon County, Lyon Township, Town/Range/Section 24N04W03

Permittee:

Fred Swinehart

Higgins Lake Property Owners Association

5315 Sunset Dr.

Midland, MI 48640

Erin Emington
Gaylord District Office
Water Resources Division
989-619-8519

*This notice must be displayed at the site of work.
Laminating this notice or utilizing sheet protectors is recommended.*
Please refer to the above permit number with any questions or concerns.

EGLE-WRD
WRP033255 v1.0
Approved
Issued On:04/28/2022
Expires On:04/28/2027



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

Issued To:

**Fred Swinehart
Higgins Lake Property Owners Association
5315 Sunset Dr.
Midland, MI 48640**

**Permit No: WRP033255 v.1
Submission No.: HPE-GH22-M1S93
Site Name: 72-Dewey Ave Big Creek Habitat Improvement-Lyon Twp
Issued: April 28, 2022
Expires: April 28, 2027**

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:

- Part 301, Inland Lakes and Streams**
- 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 up to 17 single log vane fish habitat structures along the banks of Big Creek. This permit does not authorize the placement of structures of access to private property without the lawful permission from the landowner.

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

**Waterbody Affected: Big Creek
Property Location: Roscommon County, Lyon Township, Town/Range/Section 24N04W03**

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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 email to emingtone@michigan.gov.
- 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. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit www.mi.gov/eglestormwater and select "Soil Erosion and Sedimentation Control Program" under "Related Links."
 2. 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.
 3. 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.
 4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
 5. 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.

6. 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.
7. Fish habitat structures shall be placed in water and on the bank so that the structures do not extend into the stream more than 20% of the bank full width. The structures shall be placed in such a manner as to prevent hazards to navigation.
8. All natural and engineered fish habitat structures shall be firmly staked and otherwise secured using biodegradable materials to prevent movement due to wind, waves, high water, or ice.
9. No dredging is authorized by this permit.

Issued By:

Erin Emington
Gaylord District Office
Water Resources Division
989-619-8519

THIS PERMIT MUST BE SIGNED BY THE PERMITTEE TO BE VALID.

I hereby assure that I have read, am familiar with, and agree to adhere to the terms and conditions of this permit.

Permittee Signature

Date

cc: Rex Wolfsen, Roscommon CEA
Lyon Township Clerk

Big Creek Habitat Improvement Project Plan

Dewey Ave

Dewey Ave

Dewey Ave

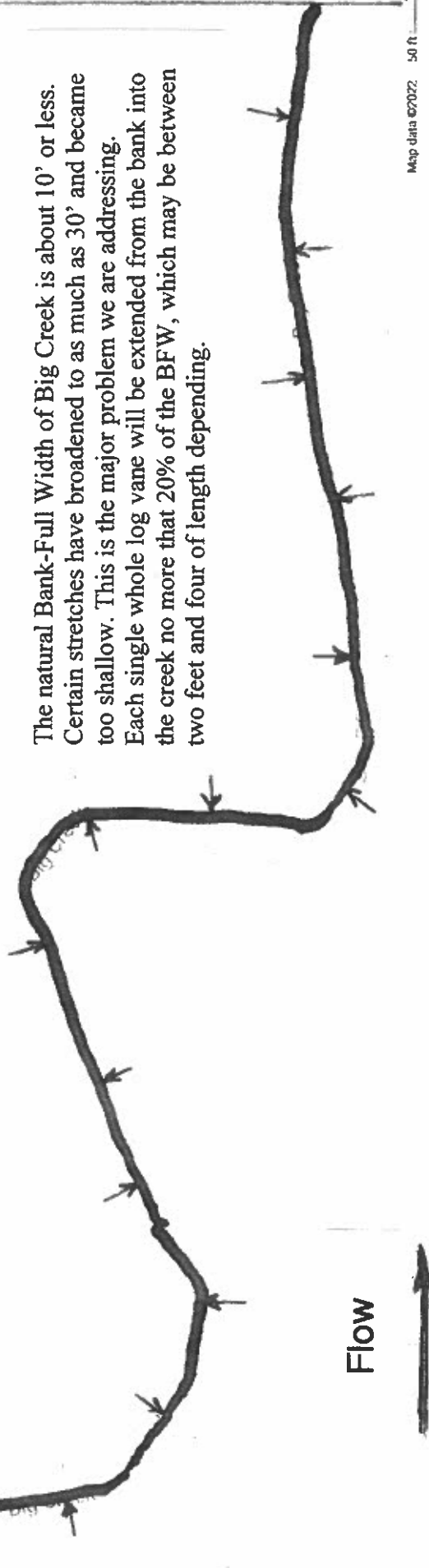
Dewey Ave

Dewey Ave

Dewey Ave

Single Log Vane Diverter Placement Plan

Research indicates that an optimum situation for wild trout would have a shelter structure available every 50 or 60 feet along the stream. The portion of Big Creek considered in this permit request is 980' long so about 20 structures would be ideally available in this stretch of water. It is recommended that structures be placed on alternate sides of the creek, and oriented so as to not divert water into the opposite bank. The arrows on this Plan View indicate about where up to 17 diverters would be placed.



The natural Bank-Full Width of Big Creek is about 10' or less. Certain stretches have broadened to as much as 30' and became too shallow. This is the major problem we are addressing. Each single whole log vane will be extended from the bank into the creek no more than 20% of the BFW, which may be between two feet and four of length depending.

Flow

Map data ©2022 50 ft

Plan View

Detail Drawings for Whole Single Log Vane Deflectors

Placed to Provide Current Diversion and Shelter Every ~60' on Alternate Sides of Big Creek. Estimated 17 Placements Required Between Dewey Avenue and Treasure Boulevard.

