EGLE Pipeline Permitting

- Regulations
- Public Hearings/Comments
- Permit Review
- Decision Making
EGLE Regulations

- **Part 301: Inland Lakes and Streams** – Work below Ordinary High Water Mark (OHWM)
  - **Part 31, Floodplains** – Upstream drainage area greater than 2 sq. miles. 100-year flood. (1% chance of occurring any given year)

- **Part 303: Wetlands**
  - Hydrology, Plants, Soils

- **Part 325: Great Lakes Submerged Lands**
  - OHWM 580.5 ft IGLD85
    - (Lakes Michigan/Huron)
  - Conveyances (DNR Easements)
**Part 303 Regulated Activities**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Example (Partial List Only)</th>
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<tbody>
<tr>
<td>Deposit or permit the placing of fill material</td>
<td>Placing Pipelines and infrastructure, Bulldozing, Grading</td>
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<tr>
<td>Dredge, remove, or permit the removal of soil or minerals</td>
<td>Excavation/Digging, Bulldozing, Removing tree stumps</td>
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<tr>
<td>Construct, operate, or maintain any use or development</td>
<td>Construction of buildings or structures, Boardwalks, Peat mining, Water treatment</td>
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<tr>
<td>Drain surface water</td>
<td>Diverting water to another area via ditch, pump or drain</td>
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*Projects that involve a “maintained“ utility easement, constitute a “use” if there is a permanent change in the character of a wetland.*  
Ex: Changing from Forested to scrub-shrub
Land/Water Related Laws in Michigan
Parts of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended and related Statutes

- Coastal Floodplain
- Wetland
  - US Section 404, Clean Water Act of 1972
  - Floodplain Regulatory Authority found in Part 31, Water Resources Protection
- Navigable River
- Dam
  - US Section 10, River and Harbor Act of 1899
- Floodplain
  - Part 301, Wetlands Protection
  - Part 307, Inland Lakes and Streams
- High Risk Erosion Area
- Great Lake
  - Part 325, Great Lakes Submerged Lands
- Critical Dune
  - Part 353, Sand Dunes Protection and Management
- Subdivision Control found in Land Division Act 1967 PA 288
- Aquatic Nuisance Control found in Public Health Code 1978 PA 368
- All Areas:
  - Part 91, Soil Erosion and Sedimentation Control

EGLE
Part 301 Utility Line Exemption for the use of directional drilling/boring methods to conduct lake and stream crossings

- A minimum of 10 feet is maintained from the top of the conduit and the bottom of the lake or stream.

Utility Line Exemption from Part 303, Wetlands Protection

- An EGLE permit is not required for: installation of utility lines having a diameter of 6 inches or less using directional drilling, boring, or knifing-in

- Top of the utility line is at least 4 feet below the soil surface of the wetland.
Opportunity to formally comment on the public record

Not an opportunity to “vote” on a proposal

Agency needs substantive comments

Typically limited time is allowed for public hearing comments (between 2 to 5 minutes) No limit for written comments

Comments may be submitted directly to the file/permit processor within MiWaters - Link provided in Public Notice.
EGLE Permit Review

- MiWaters, Joint Permit Application (JPA)
- File Review – Complete application, Jurisdiction
- Alternatives Analysis Water/Wetland dependent
- Permit Category – GP, MP or Individual Permit
- 1-Avoid, 2-Minimize, 3-Mitigate
- Determine Adverse Impacts
- Compliance with other regulations
Pipeline Permitting

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