

REGIONAL CONDITIONS APPLICABLE TO ALL NWP IN MICHIGAN

- (1) Based on a joint processing agreement between the Corps of Engineers (Corps) and the Michigan Department of Environmental Quality (MDEQ), submittal of a joint Corps/MDEQ permit application is required for projects in Michigan. The submittal of an application is not an authorization to perform the work.
- (2) In NWP verification letters, the Corps will state that: "The permittee shall not initiate activities authorized under the NWP until all required State authorizations have been received."
- (3) If the Michigan Department of Environmental Quality has issued its authorization, we shall presume that 401 Water Quality Certification and Coastal Zone Management certification has been satisfied.
- (4) Excavation/dredging from areas of known or suspected contamination requires:
 - a. Placement of the material in a Confined Disposal Facility or MDEQ Class II landfill; or
 - b. Placement of the material shoreward of a bulkhead or in uplands, and covered with at least 2 feet of clay and a layer of sod; or
 - c. Testing to demonstrate that the material is not contaminated. If the material is determined to be contaminated, it must be disposed of in a. or b. above.
- (5) Dredging will be performed during MDNR preferred dredge periods except when the Corps has specifically determined that the limits are unwarranted (for example, MDEQ has issued a permit and has not restricted the dredging activities to these periods).
- (6) Critical Resource Waters:
 - a. NOAA-Designated Marine Sanctuaries: The Thunder Bay National Marine Sanctuary and Underwater Preserve is located in Lake Huron off Alpena, Michigan.
 - b. National Estuarine Research Reserves (NERR): There are no NERRs within the Detroit District.
 - c. State Natural Heritage Sites: There are no areas designated as state natural heritage sites through a state legislative or regulatory process.
 - d. Outstanding National Resource Waters or Other Waters Officially Designated: The list of Critical Resources Waters (General Condition 19) in Michigan is amended to include the following:

All areas designated under Part 351, Wilderness and Natural Areas, of the Natural Resources and Environmental Protection Act, Public Act 451, 1994, as amended.

All rivers designated under Part 305, Natural Rivers, of the Natural Resources and Environmental Protection Act, as amended.

All Environmental Areas designated under Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, as amended.
- (7) National Wild and Scenic Rivers (NWSR): The following Wild & Scenic Rivers are located within Detroit District:
 - Au Sable River – main stem from the Mio Pond project boundary downstream to the Alcona Pond project boundary.
 - Bear Creek (Manistee County) – Coates Highway to the confluence with the Manistee River.
 - Black River (Gogebic County) - from the Ottawa National Forest boundary to Lake Superior.
 - Carp River – from the west section line of section 30, T43N, R5W to Lake Huron.
 - Indian River – from Hovey Lake to Indian Lake.
 - Manistee River – from the MDNR boat ramp below Tippy Dam to the Michigan State Highway 55 bridge.

Ontonagon River – East Branch from its origin to the Ottawa NF boundary; the Middle Branch from its origin to the northern boundary of the Ottawa NF, the Cisco Branch from its origin at Cisco Lake Dam to its confluence with Ten-Mile Creek south of Ewen, the West Branch from its confluence with Cascade Falls to Victoria Reservoir.

Paint River – main stem from the confluence of the North and South Branches to the Ottawa NF boundary, the North Branch from its origin to its confluence with the South Branch, the South Branch from its origin to its confluence with the North Branch.

Pere Marquette River – the segment downstream from the junction of the Middle and Little south Branches to its junction with Pere Marquette Highway (old US Highway 31).

Pine River – the segment from Lincoln Bridge to the east 1/16th line of Section 16, T21N, R13W.

Presque Isle River – the main stem from the confluence of the East and West Branches to the Minnewawa Falls, the East Branch within the Ottawa NF, the South Branch within the Ottawa NF, the West Branch within the Ottawa NF.

Sturgeon River (Baraga and Houghton Counties) – from its entry into the Ottawa NF to the northern boundary of the Ottawa NF.

Sturgeon River (Alger and Delta Counties) – from the north line of Section 26, T43N, R19W to Lake Michigan.

Tahquamenon River East Branch – from its origin to the Hiawatha National Forest boundary.

Whitefish River – The main stem from its confluence with the East and West Branches to Lake Michigan. The East Branch from the crossing of County Road 003 to its confluence with the West Branch. The West Branch from County Road 444 to its confluence with the East Branch.

Yellow Dog River – From its origin at the outlet of Bulldog Lake Dam to the boundary of the Ottawa NF.

Portions of the following have also been designated as a “study river” for possible inclusion in the system: Brule River, Carp River, Little Manistee River, Paint River, Presque Isle River, Ontonagon River, Sturgeon River (Baraga and Houghton Counties), Sturgeon River (Alger and Delta Counties), Tahquamenon River, White River, Whitefish River.

(8) Critical Habitat for Federally Listed Threatened and Endangered Species in the Detroit District:

Critical habitat for the piping plover (*Charadrius melodus*) in Michigan was designated in the May 7, 2001 Federal Register (Vol. 66, No. 88, pages 22938-22969).

Critical habitat for the Hine’s Emerald Dragonfly (*Somatochlora hineana*) in Michigan was proposed on July 26, 2006 Federal Register (Vol. 71, No. 143, pages 42441-42519).