



NOTICE OF AUTHORIZATION

Permit Number: **WRP045851 v. 1**

Site Name: **40-North Branch Manistee River at Flowing Wells-Excelsior Twp**

Date Issued: **July 23, 2025**

Expiration Date: **July 23, 2030**

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.
- Part 303, Wetlands Protection.

Authorized activity:

On the North Branch of the Manistee River at the Flowing Wells Property, Parcel Numbers 006-035-001-00 and 006-035-001-01, Kalkaska County, Michigan, fill an upstream and downstream section of a historic man-made ditch measuring 250-feet-long by 25-feet-wide and 250-feet-long by 30-feet-wide respectively and totaling 1525 cubic yards of fill material to return flow of the river back to its natural channel and sever the ditch's connection to the river. Fill material shall originate on-site from an upland location. The upstream section shall be filled first to block flow and allow aquatic organisms to migrate out of the ditch; however, efforts to rescue stranded organisms shall occur. Following the placement of fill, the new stream banks shall be seeded and stabilized utilizing mulch mats, riprap, and woody debris. Lastly, seven log vanes measuring approximately 20-feet in length shall be placed to prevent the river from eroding back into the ditch. All work shall be completed in accordance with the approved plans and conditions of the permit. **A Natural Rivers Permit is required before this work can occur.**

To be conducted at property located in: Kalkaska County, Waterbody: North Branch of the Manistee River, Section 35, Town 27N, Range 06W, Excelsior Township

Permittee:

DNR Natural Resources Forest Resource Division

2122 M-37 South

Traverse City, Michigan 49685

Jack Racignol
Cadillac District Office
Water Resources Division
231-429-9849

*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
WRP045851 v1.0
Approved
Issued On:07/23/2025
Expires On:07/23/2030



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

Issued To:

**DNR Forest Resource Division
2122 M-37 South
Traverse City, Michigan 49685**

**Permit No: WRP045851 v.1
Submission No.: HQ8-ABCJ-SKVDP
Site Name: 40-North Branch Manistee River at Flowing Wells-Excelsior Twp
Issued: July 23, 2025
Revised:
Expires: July 23, 2030**

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

- | | |
|--|--|
| <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:

On the North Branch of the Manistee River at the Flowing Wells Property, Parcel Numbers 006-035-001-00 and 006-035-001-01, Kalkaska County, Michigan, fill an upstream and downstream section of a historic man-made ditch measuring 250-feet-long by 25-feet-wide and 250-feet-long by 30-feet-wide respectively and totaling 1525 cubic yards of fill material to return flow of the river back to its natural channel and sever the ditch’s connection to the river. Fill material shall originate on-site from an upland location. The upstream section shall be filled first to block flow and allow aquatic organisms to migrate out of the ditch; however, efforts to rescue stranded organisms shall occur. Following the placement of fill, the new

**EGLE
WRP045851 v1.0
Approved
Issued On:07/23/2025
Expires On:07/23/2030**

stream banks shall be seeded and stabilized utilizing mulch mats, riprap, and woody debris. Lastly, seven log vanes measuring approximately 20-feet in length shall be placed to prevent the river from eroding back into the ditch. All work shall be completed in accordance with the approved plans and conditions of the permit. **A Natural Rivers Permit is required before this work can occur.**

Waterbody Affected: North Branch of the Manistee River

Property Location: Kalkaska County, Excelsior Township, Town/Range/Section 27N06W35,
Property Tax No. 006-035-001-00 and 006-035-001-01

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 the "Notify EGLE upon Completion of Project" Schedule in MiEnviro.
- 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 implementation.
- 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 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.
- U. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- V. 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.
- W. 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.
- X. 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 <https://www.michigan.gov/egle/about/organization/water-resources/soil-erosion/sesc-overview> and select "Soil Erosion and Sedimentation Control Agencies".

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. Any other filling, grading, or construction within the 100-year floodplain will require a separate EGLE permit before starting the work.
8. All fill/backfill 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.
9. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
10. 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.
11. 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.
12. No work shall be done in the stream during periods of above-normal flows except as necessary to prevent erosion.
13. All natural and engineered stabilization materials shall be firmly staked and otherwise secured using biodegradable materials to prevent movement due to wind, waves, high water, or ice. Vegetation, including plantings and other potentially viable material such as live stakes, brush bundles, or other gathered woody material, shall be comprised only of plant species native to Michigan according to the Floristic Quality Assessment for the State of Michigan and appropriate to the site. Engineered plant material such as jute and coconut fabric, shall be comprised of inert plant fiber that may be nonnative.
14. If necessary, any excavation or backfill approved in this permit and plans shall be limited to the minimum necessary to stabilize slopes and to place bioengineering structures.
15. If necessary, any natural stone or riprap authorized by this permit shall be limited to the minimum necessary to stabilize biological materials and shall allow for the free growth of plants. Stone used for this purpose shall be placed at the toe of the streambank to prevent

scouring, shall be properly sized based on velocity, and shall consist of natural field stone or rock

16. This stream falls under the authority of Part 305, Natural Rivers, of the NREPA. **Authorization under Part 305 must be obtained prior to beginning the work authorized by this permit.**

Issued By: 
Jack Racignol
Cadillac District Office
Water Resources Division
231-429-9849

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.

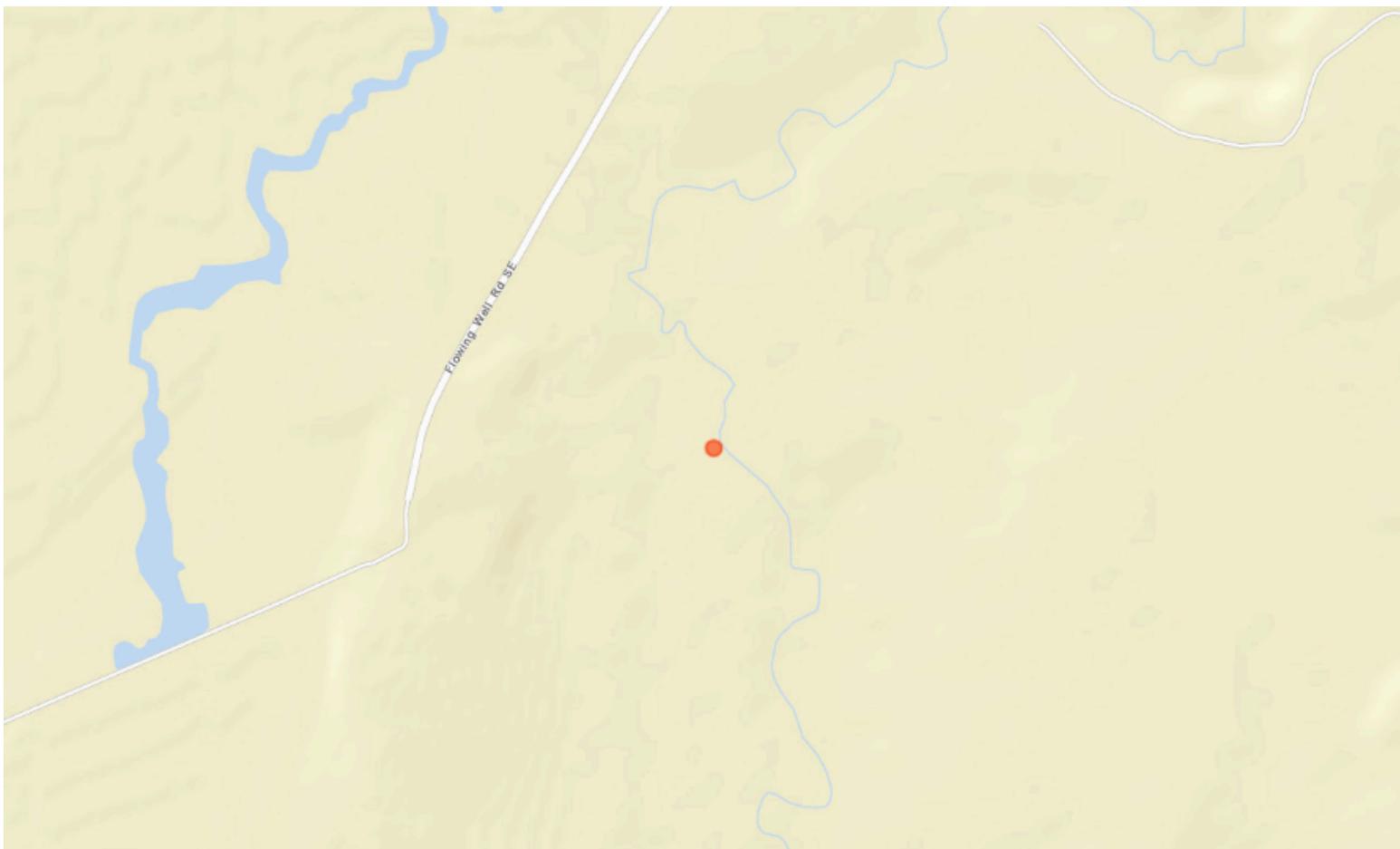
Permittee Signature

Date

jr/sh
Attachment

cc: Excelsior Township Clerk
Kalkaska County Clerk
Kalkaska County SESC
Michigan Trout Unlimited, Agent,
Brian Bury, DNR Natural Rivers

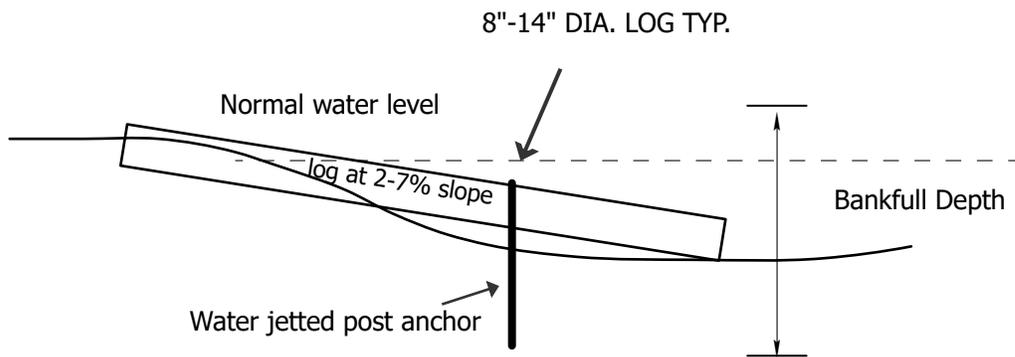
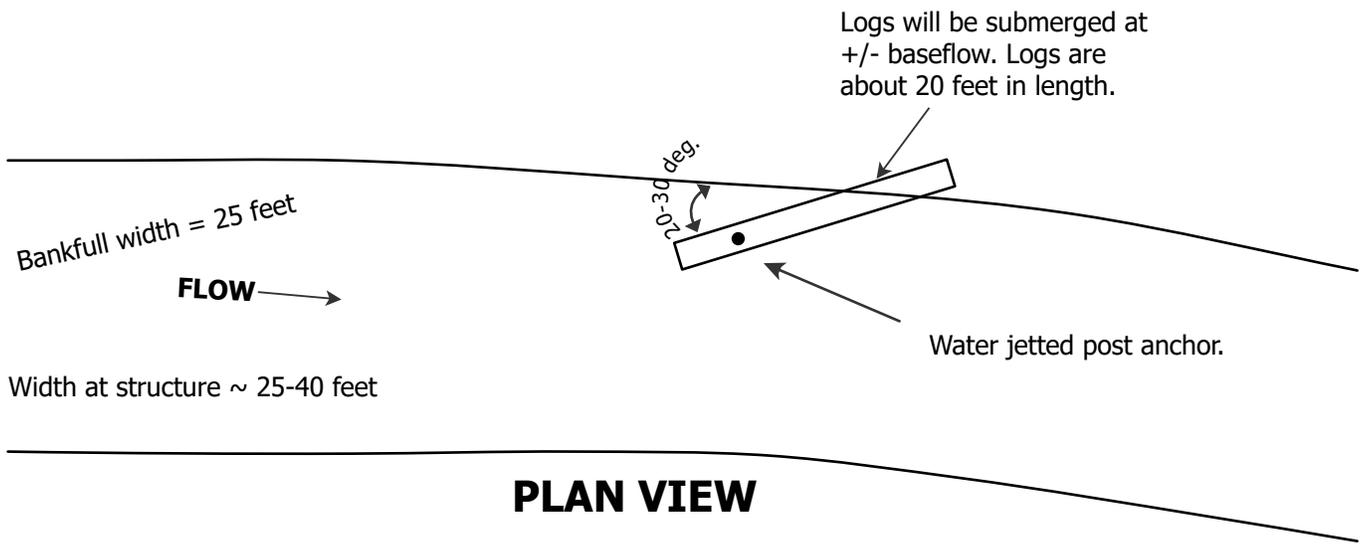
40-North Branch Manistee River at Flowing Wells-Excelsior Twp



Legend Data

Local Feature Data

-  LOC - Site Location



Profile View

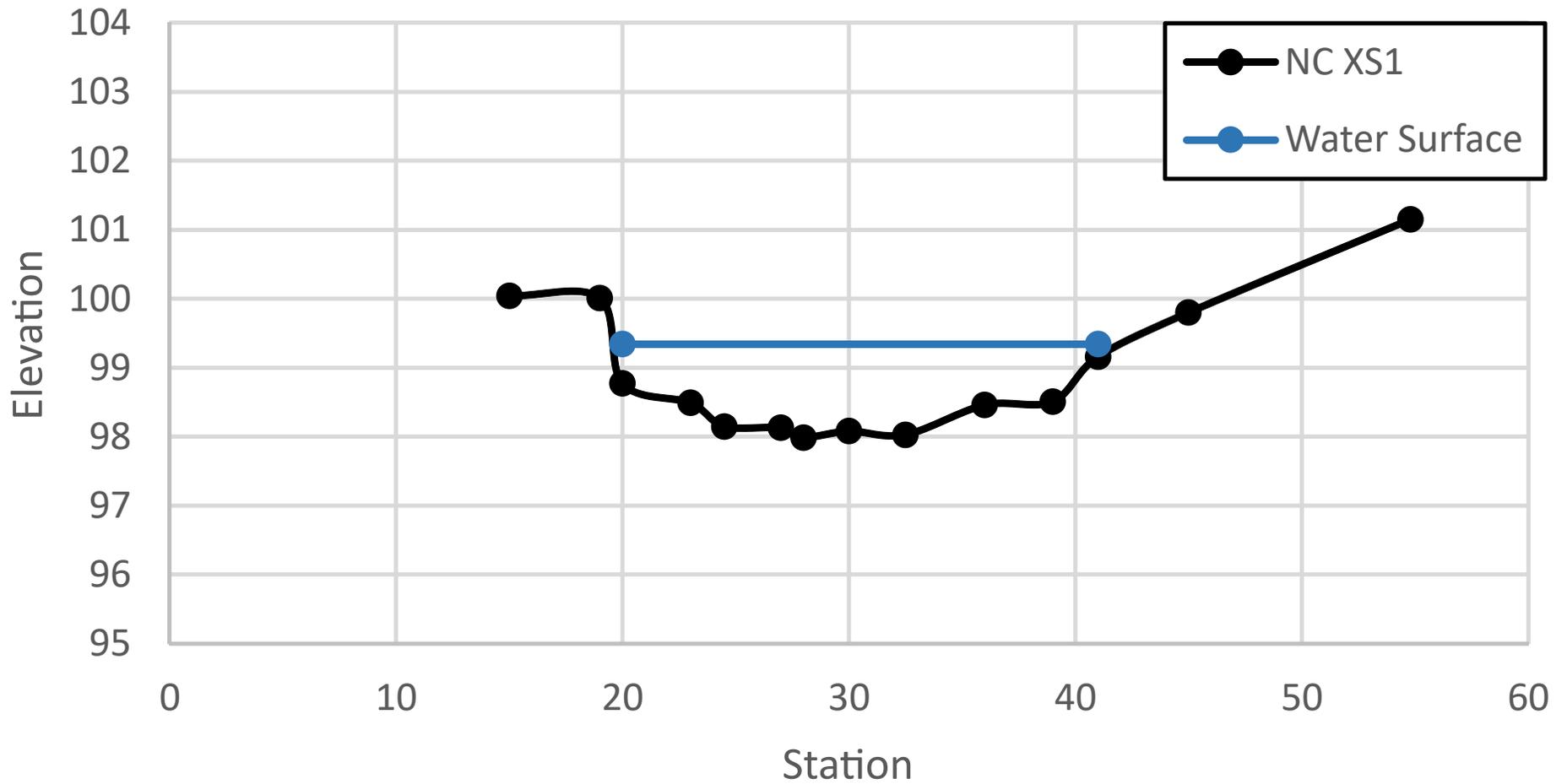
NOT TO SCALE

DIRECTIONAL VANE DETAIL

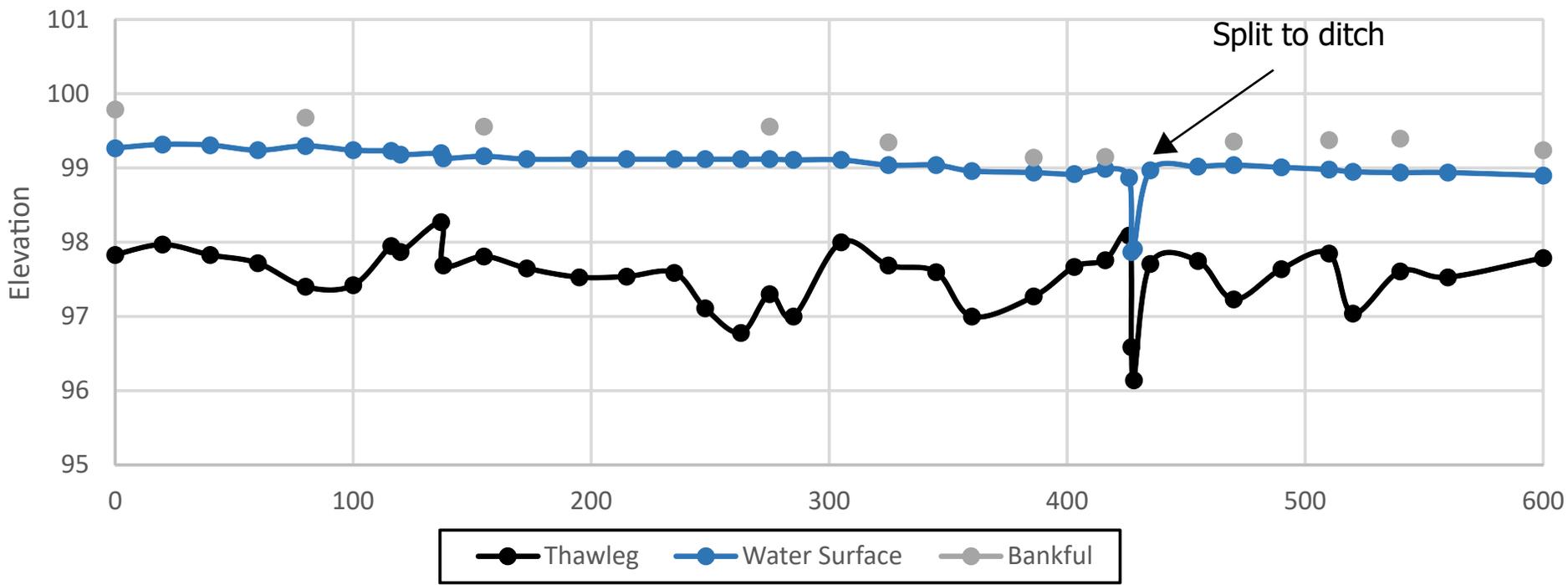
Michigan Trout Unlimited P.O. Box 442 DeWitt, MI 48820	Directional Vane Structure	KMT	FIGURE NO. 3 EGLE WB 2045851 v1.0 Approved Issued On: 07/23/2025 Expires On: 07/23/2030
	North Branch Manistee	MITU-24-04	
		12/06/24	

Typical North Branch Cross-Section

Natural Channel Cross-section 1

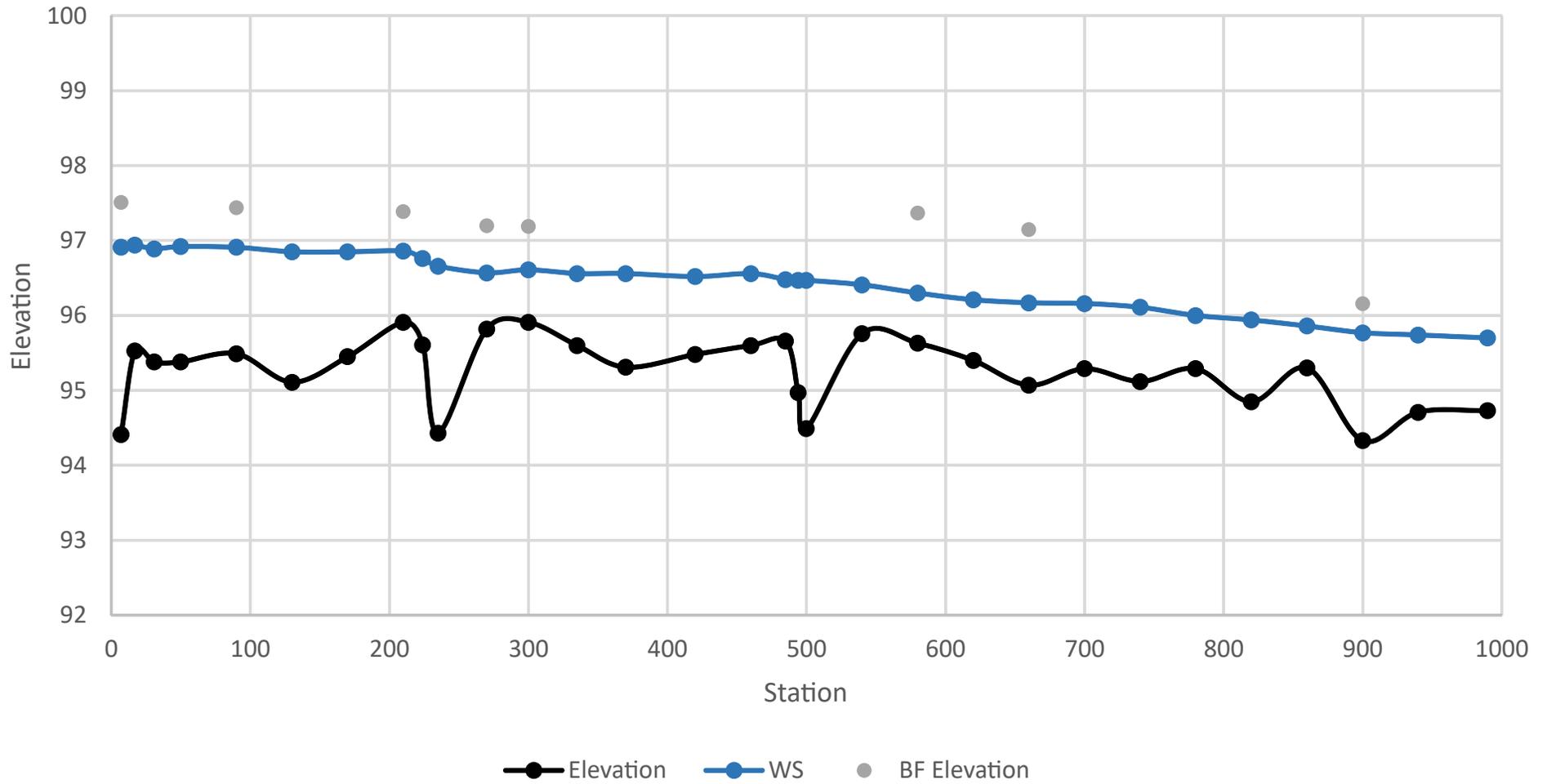


North Branch Manistee Long Pro with Split and Plunge Pool



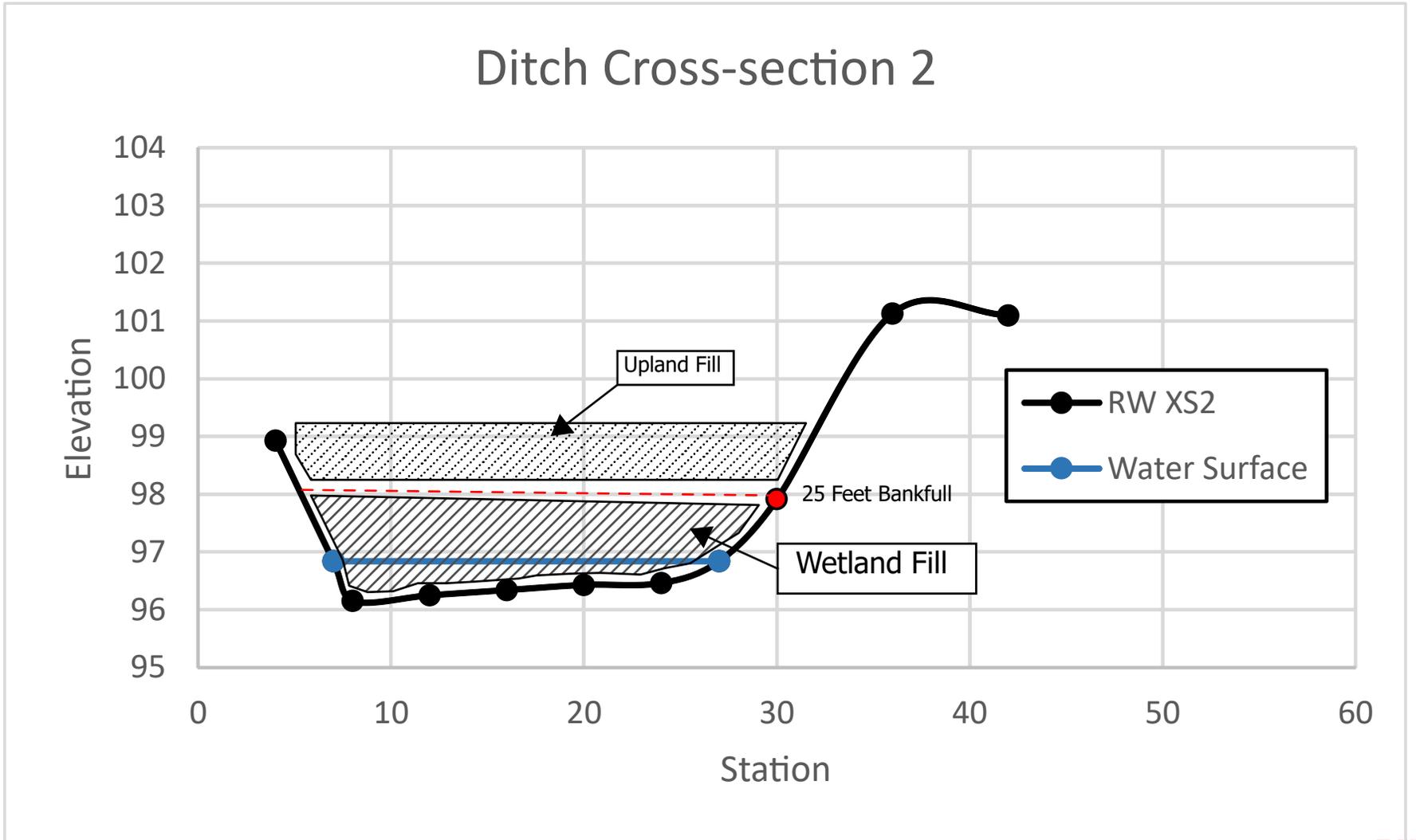
Water surface slope = 0.07%

Ditch Longitudinal Profile



Water surface slope = 0.13%

Typical Ditch Cross-section Fill Area





250 ft x 25 ft
wetland fill
692 CYD

Log vanes to prevent future
migration to ditch see detail
for dimensions

Direction of
stream flow

Excavation Area
1525 CYD

175'

250 ft x 30ft
wetland fill
833 CYD

Large beaver dam



00.00 0.01 0.03 0.04 0.06
Miles

WRP045851 v1.0
Maxar, Microsoft
Issued On:07/23/2025
Expires On:07/23/2030