

**BATTLE CREEK INTERCOUNTY DRAIN**

**Calhoun and Eaton Counties**

**RESOLUTION REGARDING AUTHORIZED PUBLIC AGENCY STATUS**

At a regular meeting of the **Battle Creek** Intercounty Drain Drainage Board held in the City of **Charlotte**, Michigan, on **October 22, 2013**, at **1:00 p.m.**

PRESENT: RICHARD WAGNER, CHRISTINE KOSMOWSKI

ABSENT: \_\_\_\_\_

The following resolution was offered by KOSMOWSKI and seconded by WAGNER:

**WHEREAS**, a drain project/maintenance for the **Battle Creek** Intercounty Drain was deemed necessary pursuant to the Michigan Drain Code, MCL 280.1 *et seq*;

**WHEREAS**, Part 91 of Public Act 451 of 1994 ("Part 91") requires that soil erosion and sedimentation control permits be obtained from a county or municipal enforcing agency for earth change activities that disturb one or more acres or are located within 500 feet of a lake or stream;

**WHEREAS**, Part 91 further provides that state agencies or agencies of a local unit of government that are designated as Authorized Public Agencies (APA) by the Michigan Department of Environmental Quality (MDEQ) may undertake earth change activities for projects under their jurisdiction in accordance with soil erosion and sedimentation control procedures approved by the MDEQ as an alternative to obtaining soil erosion and sedimentation control permits;

**WHEREAS**, Part 91 further provides that a state agency or an agency of a local unit of government may apply to the MDEQ for designation as an APA by submitting to the Department the soil erosion and sedimentation control procedures governing all earth changes normally undertaken by the agency;

**WHEREAS**, Pursuant to an agreement with the MDEQ, Intercounty Drain Drainage Boards will be deemed in compliance with the requirements outlined in Part 91 if each of the Drain/Water Resources Commissioners on the Intercounty Drain Drainage Board is currently an APA and if each of the Drain/Water Resources Commissioners assume Part 91 jurisdiction and responsibility of the portion of the drain project/maintenance undertaken in their County.

**WHEREAS**, the County Drain Commissioner of **Eaton** County has applied to the MDEQ for APA status and is currently designated as an APA pursuant to Part 91;

**WHEREAS**, the Water Resources Commissioner of **Calhoun** County is not an APA and therefore permits are required within that county.

**NOW, THEREFORE BE IT RESOLVED:**

1. The **Eaton** County Drain Commissioner as an APA agrees to assume Part 91 responsibility and jurisdiction for the portion of the **Battle Creek** Intercounty Drain project/maintenance that will be undertaken in his respective county. Further, the County Drain Commissioner agrees to be responsible for compliance with Part 91 for the drain work in his county with the **Battle Creek** Intercounty Drain Drainage District assuming liability for any violations or damages that may occur as a result of such work.
2. An application for a Part 91 permit in the name of the **Battle Creek** Intercounty Drain Drainage District is hereby authorized for earth disturbances on the **Battle Creek** Intercounty Drain within **Calhoun** County for work being performed because the County Water Resources Commissioner in that county is not an APA.

**AYES:** WAGNER, KOSKOWSKI  
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**NAYS:** \_\_\_\_\_  
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**RESOLUTION ADOPTED.**

Brady Harrington  
Chairperson of Drainage Board