



LIVINGSTON COUNTY, MICHIGAN
OFFICE OF THE LIVINGSTON COUNTY DRAIN COMMISSIONER

2300 E. Grand River Avenue, Suite 105, Howell, MI 48843
Phone 517-546-0040 Fax 517-545-9658
Web Site: www.livgov.com/drain

Memorandum

To: Livingston County Board of Commissioners
From: Ken Recker, Chief Deputy Drain Commissioner
Cc: Livingston County Road Commission, Kirk Pietila, TT
Date: August 1, 2022
Re: Resolution to concur with the Livingston County Drain Commissioner in
**Authorizing the Livingston County Road Commission to
Perform Compensating Cuts in the Shiawassee River Floodplain**

Honorable Commissioners:

I was approached by Jodie Tedesco of the Livingston County Road Commission (LCRC) in late July regarding a new requirement on a permit for reconstruction of the currently closed bridge on Mason Road to the west of Howell. The requirement by the Michigan Department of Environment, Great Lakes, & Energy (EGLE) is that compensating cuts be provided to offset floodplain fill necessary to properly reconstruct the bridge. A map showing the project location is included as Figure 1.

The county owns a large parcel of land to the north of the project location (Identified in Figure 1, and shown in more detail in Figure 2), which includes the “West Complex”. The west complex is bordered by the Shiawassee River drain to the west, and in part by the Howell City Drain to the north, both drains established under the provisions of the Michigan Drain Code, Act 40 of the Public Acts of 1956, as amended.

The potential compensating cut area is shown in Figure 3 in this package, which has been slightly altered from the previous submittal to county administration based on comments from EGLE staff to the LCRC and Tetra Tech, it’s engineering consultant.

My office does not foresee a conflict in the proposed compensating cut with the operation of either of our established county drains. Per our office and LCRC, EGLE is not requiring the compensating cut area identified in the drawings to be included in any sort of permanent easement to be granted by Livingston County to another entity.

The final attachment in this packet is a “consent to grade” form used by LCRC when they seek permission to grade in areas outside of established public road rights-of-way. Since my easements under the Drain Code are

only for uses pursuant to the Michigan Drain Code, and some portion of the grading will occur outside of established drainage easements, I am asking for the county's concurrence for the grading shown.

I respectfully request your passage of the attached resolution, without which it is unlikely Mason Road will reopen in a timely fashion.

If you have any questions regarding this memorandum feel free to contact myself or Steve Wasyk, Road Commission Managing Director.

Attachments (4)