DEQ Laws & Permit Process
Waters and Wetlands

Laws Administered by WRD
Act 451 NREPA

- Part 301 - Inland Lakes and Streams
- Part 303 - Wetlands Protection
- Part 325 - Great Lakes
- Also...
- Floodplains
- Sand Dunes (designated areas)
- High-risk Erosion areas
- Dam Safety

Lands Administered by WRD
Part 31

- Regulates work in 100 yr floodplain
- Only regulates (rivers) greater then 2 square miles drainage
- Compensating cut for over 300 cubic yards of fill or occupation

Floodplains
Part 31

- Dams > 6 feet height
- And 5 acres of water
- Requires regular inspections
Legal Lake Level
Part 307
- Establishes summer and winter level
- 2/3 landowners petition or Co Board
- Co Bd. > Prosecutor > Ct Court
- Co Bd. > Drain Comnr. > Study
- Order. > Eng Plans. > DEQ permit

Natural Rivers
Part 305
- 14 State Designated Rivers and trib
- Building setbacks and greenbelts

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Great Lakes
Part 325
- Jurisdiction: OHWM (580.5)

Great Lakes
Ordinary High Water Mark
- Walk in the water only

Inland Waters
- OHWM
- Walk in the water only
- Walk the Beach
Exception: Legal lake level

Water Elevations

Ordinary High Water Mark & Bankfull

What is a Part 301 Stream?
Continued Occurrence of Water?
Bed and Banks?
Not regulated by Part 301

Wetlands Protection Part 303

Jurisdiction:
- Contiguous to a lake or stream...
  - 500 or 1000 feet
  - 5 acres or larger in size

Isolated Wetland And < 5 acres
Wetlands Protection
Army Corps of Engineers

- Joint Jurisdiction Areas

Great Lakes
Navigable Rivers

Corps and DEQ

Wetlands Protection
EPA

- General Oversight and Review
- Red Files

- >1 Acre Wetland Fill
- > 1000 Feet Wall/Rock
- T & E Species
- Nat'l Parks or Rivers
- And More

Part 303
What Needs A Permit

- Dredging
- Draining
- Filling
- Maintained use

No setbacks
Can cut vegetation

Application Process

Pre-application

- Formal request and form
- Location map
- Authorization
- Site plan
- Fee

General / Minor Projects

- Less expensive
- Quicker turnaround time
- Permit more likely
- Better for environment

Simple and Easy!
**General Projects**
- Boardwalk <500’
- Dry hydrant
- Small culvert

**Minor Projects**
- Driveway < 200’
- Permanent dock
- Riprap < 300’
- More...

**Permit Database**
- Go to [mi.gov/deq](http://mi.gov/deq)

**Mitigation**
- Wetland Creation
- Wetland Protection
- Wetland Banking

**How To Get A Permit In Four Easy Lessons**
- Identity resources
- Avoid impacts
- Minimize impacts
- Mitigate
- Avoid T & E species
What’s Prohibited in Regulated Areas?

Private Rights

Public Rights

Nothing…w/permit