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

Floodplains
Part 31
- Regulates work in 100 yr floodplain
- Only regulates (rivers) greater than 2 square miles drainage
- Compensating cut for over 300 cubic yards of fill or occupation

Dam Safety
Part 315
- 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 Comner.> Study
- Order.> Eng Plans.> DEQ permit

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

Natural Rivers
Part 305

Great Lakes
Part 325
- Jurisdiction: OHWM (580.5)

Great Lakes
Ordinary High Water Mark

Inland Lakes and Streams
Part 301
- Jurisdiction: OHWM
- Ponds within 500 feet
Exception: Legal lake level

Water Elevations

- Ordinary High Water Mark & Bankfull
  - Bankfull
  - Ordinary High Water Mark
  - No/ Low Water or Base Channel
  - High Water
  - 1% Elev.

What is a Part 301 Stream?
- Continued Occurrence of Water?
- Bed and Banks?
- Not regulated by Part 301
Swales...
- No Part 301 or 31 permit required
- Part 303 permit needed if wetland

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

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
**Part 303 Exemptions**

- Timber harvesting...
- Farming...

*Contact DEQ!!*

**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...
Your Application

- Application
- Drawings (Plan, Xsec, Profile)
- Map/Photos

Fee

- $50
- $100
- $500
- Other fees
- ATF

Marinas
Sand Dunes
Floodplains
Dams

Permit Database

- Wetland Creation
- Wetland Protection
- Wetland Banking

Mitigation

- >1/3 acre
- Ratios
- Off site preservation
- Avoid T & E species

How To Get A Permit
In Four Easy Lessons

- Identity resources
- Avoid impacts
- Minimize impacts
- Mitigate
What’s Prohibited in Regulated Areas?

Private Rights

Public Rights

Nothing... w/ permit

5 April 2013