DEQ Laws & Permit Process
Waters and Wetlands

Lake and Stream Leaders Institute

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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
Floodplains
Part 31
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 tributaries
- Building setbacks and greenbelts
Great Lakes
Part 325

- Jurisdiction: OHWM (580.5)
Great Lakes

Ordinary High Water Mark

Walk the Beach
Inland Lakes and Streams
Part 301

- Jurisdiction: OHWM
- Ponds within 500 feet
Inland Waters

Walk in the water only

OHWM
Exception:
Legal lake level
Water Elevations

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

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Ordinary High Water Mark & Bankfull
Bankfull

OHWM
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

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
Part 303
Exemptions

- Timber harvesting...
- Farming...

Contact DEQ!!
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

Minor Activity

Marinas
- Sand Dunes
- Floodplains
- Dams
Permit Database

mi.gov/deq
Mitigation

- Wetland Creation
- Wetland Protection
- Wetland Banking
Mitigation

>1/3 acre
Ratios
Off site
Preservation
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

Nothing... w/ permit

Public Rights