

***Land and Water Management
Division Programs***

**Department of Natural Resources and Environment
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Land and Water Management Division Programs

Since the mid-1970's, special resources that exist at the land and water interface have been protected by Land and Water Management programs



These programs are based on several state laws enacted between 1955 and 1989 which are now included as the following parts of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA):

Part 31 – Floodplain Management

Part 301 – Inland Lakes and Streams

Part 303 – Wetlands Protection

Part 315 – Dam Safety

Part 323 – Shorelands Protection and Management

Part 325 – Great Lakes Submerged Lands

Part 353 – Sand Dune Protection and Management

In conjunction with these programs, the DNRE also administers the following parts of the NREPA:

Part 35 – Use of Water in Mining Low-Grade Ore

Part 307 – Inland Lake Levels

Part 311 – Local River Management

Part 313 – Surplus Waters

Part 326 – Great Lakes Submerged Logs Recovery

Part 339 – Control of Certain State Lands (St. Clair Flats)

Part 341 – Irrigation Districts

Part 761 – Aboriginal Records and Antiquities

Act 288 – Subdivision Control (floodplain plat reviews)

Part 31, Water Resources Protection (Floodplain Regulatory Authority)

Reduces flooding through regulation of activities in floodways and floodplains.

What is a Floodplain?

That area of land adjoining a river or stream that will be inundated by a 100-year flood.

100-year flood is:

A flood with a magnitude which has a 1 % chance of occurring or being exceeded in a given year.



What is a Floodway?

- Floodplains are divided into two parts:
 - The floodway carries most of the flow during a flood event and includes the channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the 100 year flood
 - The floodway fringe is an area of very slow moving water or "slack water".

How do I know if my property is in the 100-year floodplain?

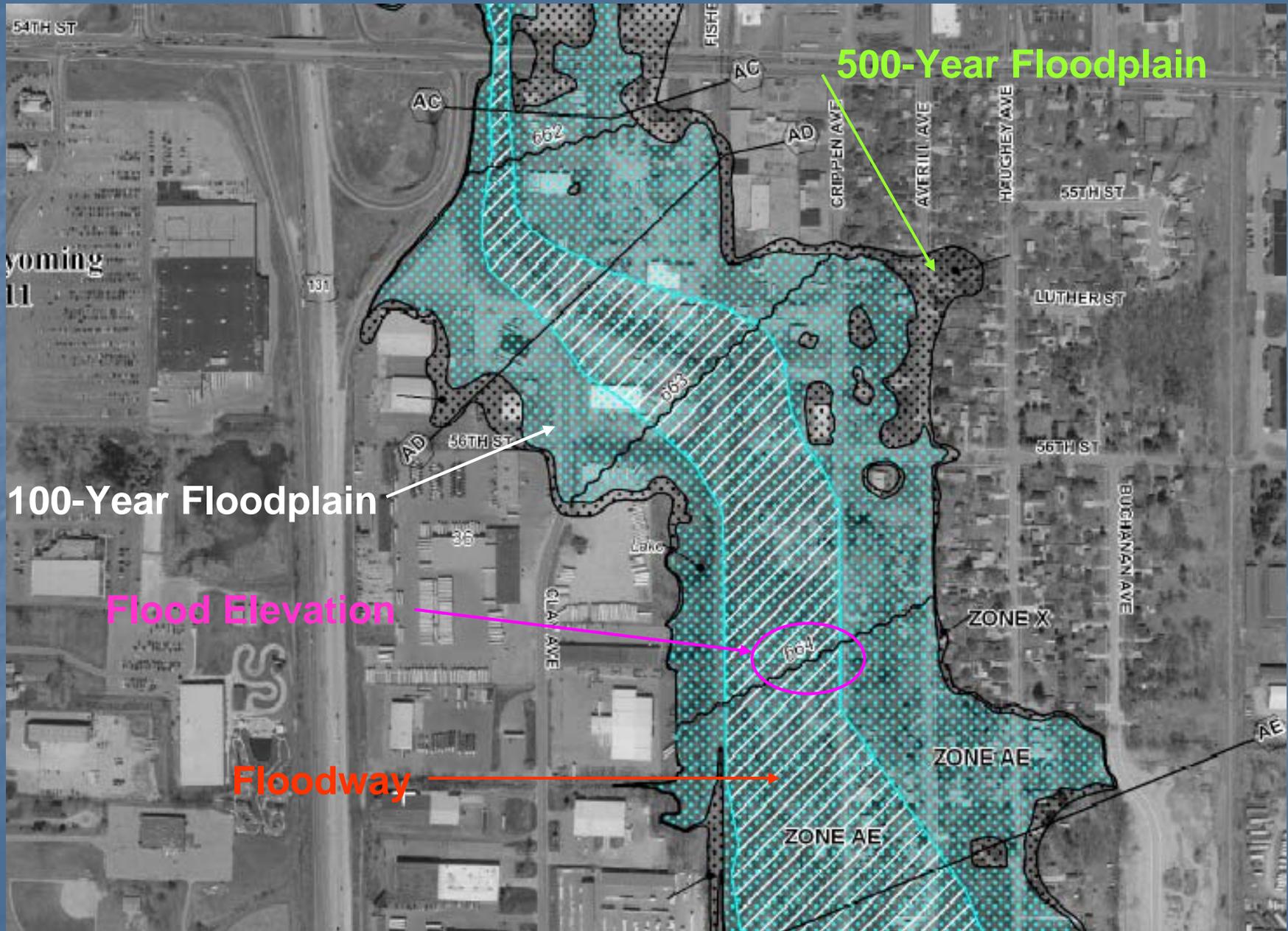
- Flood Insurance Rate Maps (FIRMs) are published by the Federal Emergency Management Agency (FEMA) and available on-line, you can contact your local community (City, Village or Township), your local library, or the [DNRE Land and Water Management Division](#).
- FEMA has not published maps for every community in Michigan. If a floodplain map does not exist for your area you can contact the MDNRE Land and Water Management Division Hydraulic Unit to see if your property is within the 100-year floodplain.
- Part 31 regulates the floodplains of rivers, streams, or drains which have a drainage area that is 2 square miles or greater that may not be published in FEMA maps.

LWMD's Hydrologic Studies Unit

Hydrologic Data Collection & Analysis

- Discharge flow requests are used to determine the drainage size of your project and regulation under Part 31
- Collect Streamflow Measurements
- Calculate Flood Discharge Estimates
- Calculate Drought Flow Estimates
- Floodplain Mapping
- Provide Hydrologic Support for the Nonpoint Source Program and other DNRE programs

Floodplain Maps

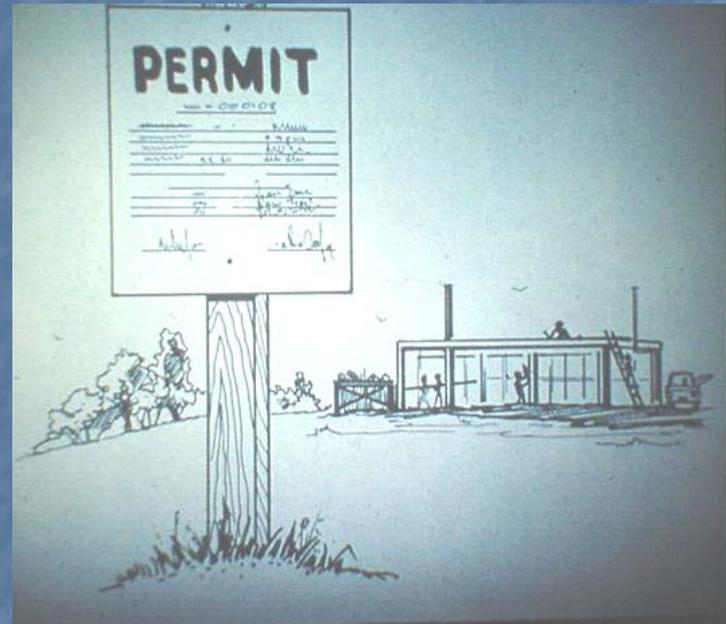


Floodplain Regulations

- State: Part 31 of Public Act 451
- Local: Building Codes, Zoning and Floodplain Management Ordinances
- Federal: National Flood Insurance Program

A permit is required under Part 31 for the following activities:

- Any Occupation,
- Any Filling,
- Any Grade Changes
within the floodplain of a river



Part 31, Floodplain Regulatory Authority

- A permit is not required from the DNRE, under Part 31, for alterations within the floodplains of the Great Lakes, inland lakes, or watercourses which have a drainage area less than 2 square miles.
- For larger projects proposing fill or grading, a floodplain permit would be required. If the work could have an affect on the floodway then a licensed professional engineer would be required, and a detailed hydraulic analysis may be necessary.
- Part 31 review process is mainly to ensure that the project does not cause any damage to property, threat to life or personal injury, pollution or destruction of natural resources, etc. due to increased flood stages.

Floodplains

- Activities regulated under Part 31 include:
 - Development within the floodplain
 - Bridge construction or replacement
 - Boardwalks
 - Culverts
 - Utility crossings
 - Recreational trails
 - Storm water outlets

Floodplain Projects



Bridge Crossing, Part 31 & Part 301

Floodplain Projects

Boardwalk through floodplain regulated, Part 31, Part 301 & Part 303



Utility Project & Recreational Trail,
Part 31, Part 301 & Part 303

Part 301, Inland Lakes and Streams

Protects inland waters by regulating work within inland lakes and streams.

What is a lake?

- Surface Area GREATER than 5 acres
- Natural or artificial lake, pond, or impoundment
- DOES NOT include the Great Lakes, Lake St. Clair, or a lake or pond that has a surface area of less than 5 acres.



Part 301, Inland Lakes and Streams

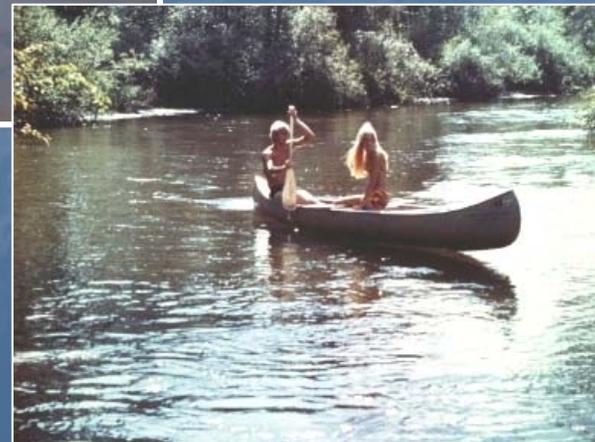
Protects inland waters by regulating work within inland lakes and streams

What is a Stream?

- Any other body of water that has definite **banks**, a **bed**, and visible evidence of a **continued flow** or **continued occurrence of water**
- A river, stream, or creek which may or may not be serving as a **DRAIN** as defined by the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630;
- INCLUDES the St. Marys, St. Clair, and Detroit rivers.



Michigan has over 36,000 miles of streams, and more than 11,000 lakes and ponds, providing fish and wildlife habitat, and recreational opportunities.

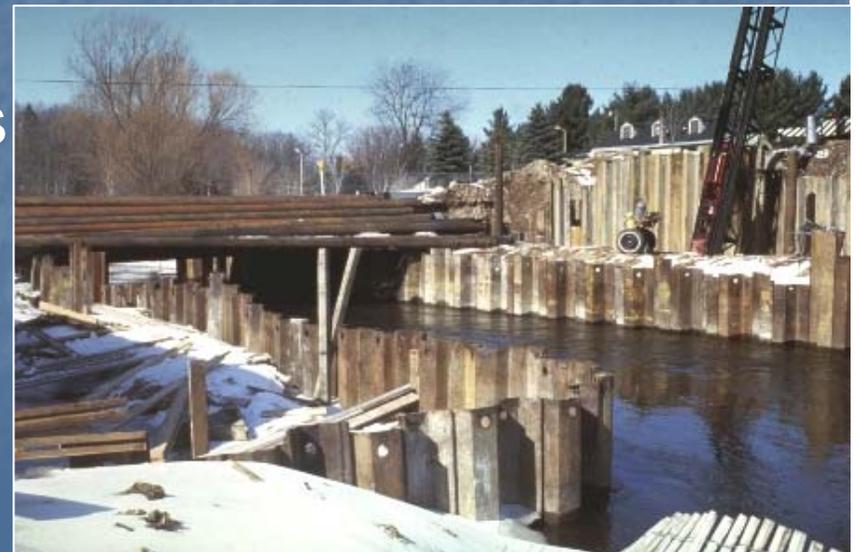


Part 301 Regulated Activities

- Dredge or fill bottomland.
- Construct, remove, or place a structure on bottomland.
- Erect, maintain, or operate a marina.
- Create, enlarge, or diminish an inland lake or stream.
- Structurally interfere with the natural flow of an inland lake or stream.
- Construct, dredge, commence, extend, or enlarge an artificial canal, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection with an existing inland lake or stream, or where any part of the artificial waterway is located within 500 feet of the ordinary high-water mark of an existing inland lake or stream.
- Connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake, or similar water with an existing inland lake or stream for navigation or any other purpose.

Types of projects regulated under Part 301 include:

- Piers, docks & boat ramps
- Bridges and culverts
- Stream crossings
- Dams
- Ponds
- Shoreline protection
- Streambank stabilization
- Storm water outlet structures
- Log jam removal



Bridge construction

Shoreline restoration activities, Part 301



Log jam removal activities, Part 301



Log revetment structures, Part 301



Turbidity curtain, cofferdam & temporary construction bridge, Part 31, Part 301 & Part 303



Part 303, Wetlands Protection

Protects wetland functions and values by requiring permits for activities within wetlands.

What is a wetland?

Wetland means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.



Wetlands are regulated if:

- Connected to or located within 1,000 feet of one of the Great Lakes or Lake St. Clair.
- Connected to or located within 500 feet of an inland lake, pond, river, or stream.
- More than 5 acres in size
- The DNRE has determined that the wetland is essential to the preservation of the state's natural resources.

Wetlands serve as fish and wildlife habitat by providing breeding, nesting, and feeding areas.



Wetlands reduce shoreline erosion.



And Help Protect Water Quality by:

- Intercepting surface runoff**
- Removing/retaining nutrients**
- Processing organic wastes**
- Reducing suspended sediments.**



Wetlands prevent property damage and stabilize water flows by storing and slowly releasing water, rain, snowmelt, groundwater and floodwaters.



Part 303 Regulated Activities

- Deposit or permit the placing of fill material in a wetland.
- Dredge, remove, or permit the removal of soil or minerals from a wetland.
- Construct, operate, or maintain any use or development in a wetland.
- Drain surface water from a wetland



Types of projects the DNRE reviews include:

- Buildings in regulated areas
- Dredge and fill
- Permanent structures in regulated areas
- Ponds
- Shoreline protection
- Shoreline vegetation removal



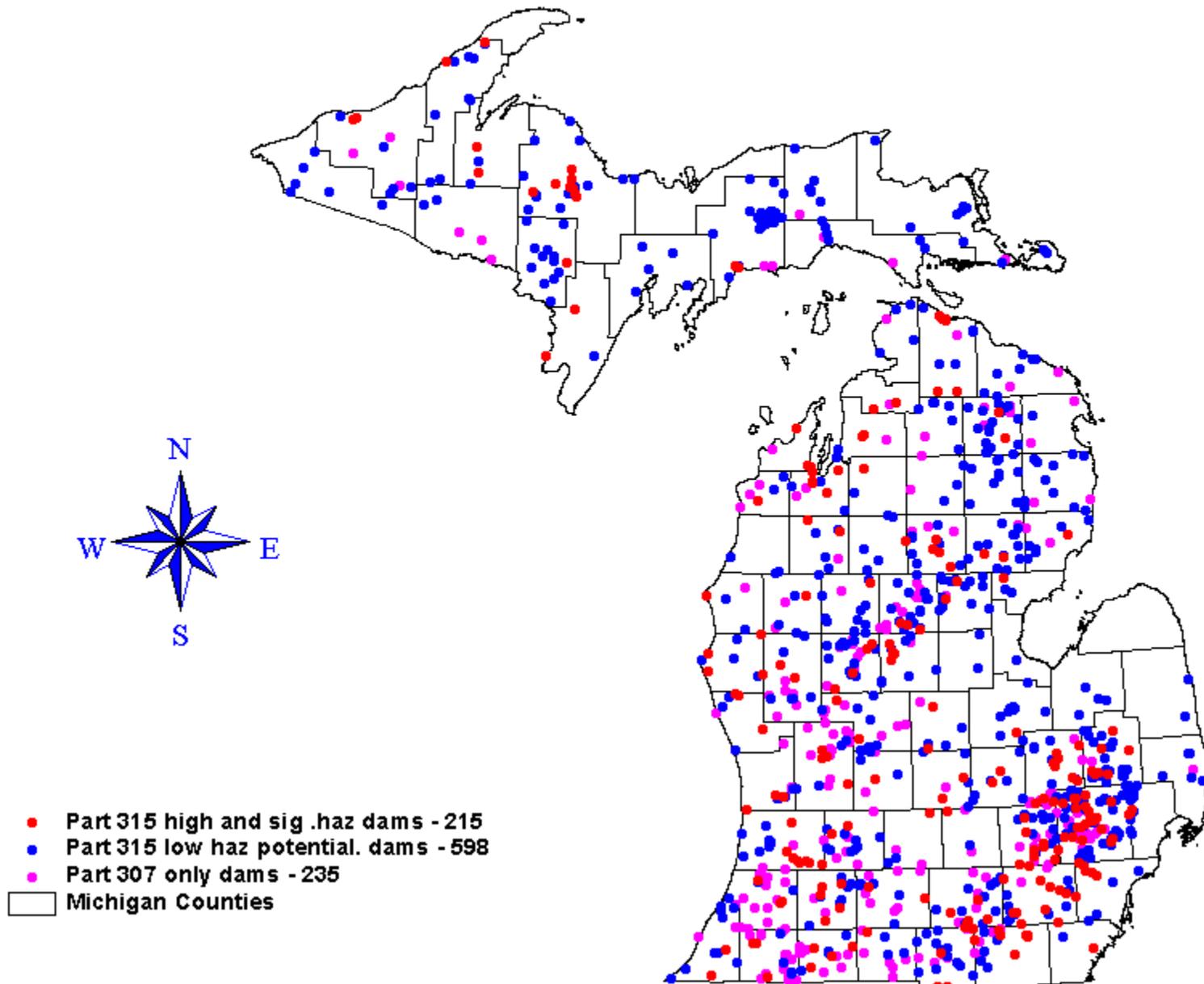
Part 315 Dam Safety

What is a dam under Part 315?

An artificial barrier, including dikes, embankments, and appurtenant works, that impounds, diverts, or is designed to impound or divert water or a combination of water and any other liquid or material in the water; that is or will be when complete 6 feet or more in height; and that has or will have an impounding capacity at design flood elevation of 5 surface acres or more.



State Regulated Dams



The purpose of the Dam Safety Program is to protect the public from dam failures.



Activities Requiring Part 315 Permits

- Construction of a new dam.
- Enlargement of a dam or an impoundment.
- Repair of a dam.
- Alteration of a dam.
- Removal of a dam.
- Abandonment of a dam.
- Reconstruction of a failed dam.



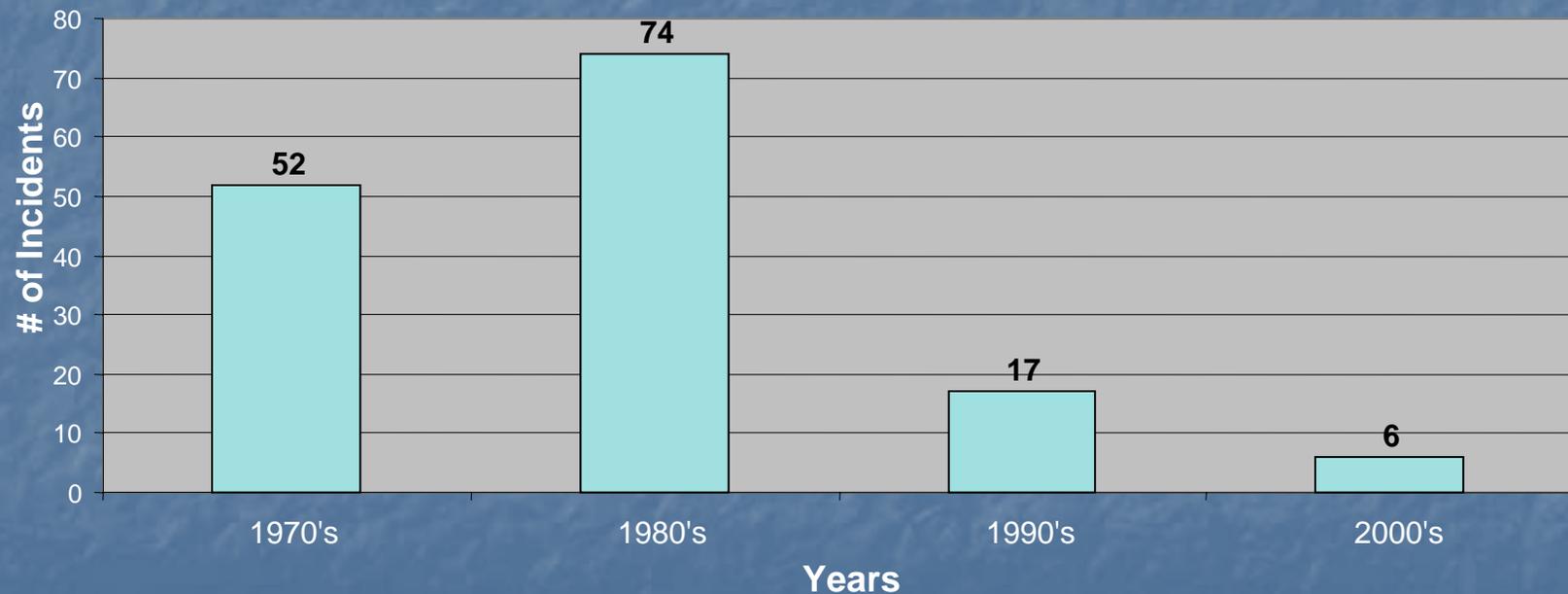
Additional Requirements

- Periodic Dam Inspections
- Corrective Action Required for Problem Dams
- Emergency Action Plans



Since the statute was passed in 1990, dam failures have greatly decreased.

Michigan Dam Failures



Part 325, Great Lakes Submerged Lands

Protects our Great Lakes resources by regulating development below the ordinary high-water mark.



There is approximately 3288 miles of Great Lakes shoreline in Michigan.

Part 325 protects the Great Lakes and Lake St. Clair, but not the connecting waters such as the St. Mary's River or Detroit River.



Part 325 protects the public trust, riparian rights, and the environment.

Permits are required under Part 325 for:

- Dredging
- Connecting a canal, ditch, lagoon, or similar waterway to the Great Lakes or Lake St. Clair



- Filling or construction on bottomlands
- Construction or expansion of marinas
- Removal of shoreline vegetation

Part 325 Regulates the Conveyance of Public Trust Bottomlands

- Leases for marina purposes
- Public or Private use agreements
- Deeds



USACE/MDNRE Joint Permit Application

General Project Info: Pages 1 and 2 (Sections 1-9)
Complete all Sections

Project Design Info: Page 3-7 (Sections 10-21)
Complete only those Sections that apply to the project

US Army Corps of Engineers (USACE)		Michigan Department of Environmental Quality (MDEQ)	
AGENCY USE	Previous USACE Permit or File Number	Date Received	Land and Water Management Division, MDEQ File Number
	USACE File Number		Pre-application Number or Marina Operating Permit Number
	District Office		Fee received \$
<p>AGENCY USE</p>			
<p>Read instructions pages i - iii. All of the following boxes below must be checked and information provided for the application to be processed:</p> <p><input type="checkbox"/> All items in Sections 1 through 9 are completed <input type="checkbox"/> Date project was stated</p> <p><input type="checkbox"/> Items in Sections 10 through 21 that apply to the project are completed <input type="checkbox"/> Application fee is attached</p> <p><input type="checkbox"/> Dimensions, volumes and calculations are provided <input type="checkbox"/> All requested supplementary attachments (*) are included</p> <p><input type="checkbox"/> Reproducible location map, site plan(s), cross sections and photographs are provided, one set must be black and white on 8 1/2 by 11 inch paper.</p> <p><input type="checkbox"/> List any additional attachments, tables, etc.:</p>			
<p>1 PROJECT LOCATION INFORMATION</p> <p>Refer to your property's legal description for the Township, Range, and Section information, and your property tax bill for your Property Tax Identification Number(s).</p> <p>Site location Address (road, if no street address) Zip Code Township Name(s) Township(s) Range(s) Section(s)</p> <p>City/Village County(ies) Property Tax Identification Number(s)</p> <p>Name of Waterbody Project Name or Job Number Subdivision/Plat Lot Number Private Claim</p> <p>Project types (check all that apply) <input type="checkbox"/> private <input type="checkbox"/> public government <input type="checkbox"/> industrial building renovation or restoration <input type="checkbox"/> commercial river restoration <input type="checkbox"/> multi-family building addition <input type="checkbox"/> new building or structure <input type="checkbox"/> other (explain) <input type="checkbox"/> multi-family river restoration <input type="checkbox"/> single-family project is receiving federal transportation funds</p> <p>The proposed project is on, within, or involves (check all that apply) <input type="checkbox"/> a legally established County Drain (date established) (M/D/Y) <input type="checkbox"/> a stream <input type="checkbox"/> a pond (less than 5 acres) <input type="checkbox"/> a Great Lake or Section 10 Waters <input type="checkbox"/> a natural river <input type="checkbox"/> a new marina <input type="checkbox"/> a river <input type="checkbox"/> a channel/canal <input type="checkbox"/> a designated high risk erosion area <input type="checkbox"/> a dam <input type="checkbox"/> a structure removal <input type="checkbox"/> a ditch or drain <input type="checkbox"/> an inland lake (5 acres or more) <input type="checkbox"/> a designated critical zone area <input type="checkbox"/> a wetland <input type="checkbox"/> a utility crossing <input type="checkbox"/> a floodway area <input type="checkbox"/> a 100-year floodplain <input type="checkbox"/> a designated environmental area <input type="checkbox"/> 500 feet of an existing waterbody</p> <p>2 DESCRIBE PROPOSED PROJECT AND ASSOCIATED ACTIVITIES, AND THE CONSTRUCTION SEQUENCE AND METHODS (attached additional sheets)</p> <p>Written Summary of All Proposed Activities:</p> <p>Construction Sequence and Methods:</p>			
<p>3 APPLICANT, AGENT/CONTRACTOR, AND PROPERTY OWNER INFORMATION</p> <p>Owner/Applicant (individual or corporate name) Agent/Contractor (firm name and contact person)</p> <p>Mailing Address Address</p> <p>City State Zip Code City State Zip Code</p> <p>Daytime Phone Number with Area Code Cell Phone Number Daytime Phone Number with Area Code Cell Phone Number</p> <p>Fax E-mail Fax E-mail</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? <input type="checkbox"/> If no, attach letter(s) of authorization from all owners. A letter signed by each property owner authorizing the agent/contractor/other owner to act on his or her behalf or a copy of easements or right-of-ways must be provided. If multiple property owners, also attach a list of all owners along with their names, mailing addresses, and telephone numbers. If the applicant is a corporation, a corporate officer must provide written document authorizing any agent/contractor listed above to act on its behalf. A letter of authorization must be provided from an owner receiving dredge spoils on their property, or where access through their property is required.</p> <p>Property Owners Name Mailing Address (if different from applicant)</p> <p>Daytime Phone Number with Area Code Cell Phone Number City State Zip Code</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes Is there a MDEQ conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property in the project area? <input type="checkbox"/> If yes, attach a copy.</p>			
Joint Permit Application		Page 1 of 7	
		EOP 2731 Revised 6/2008	

Joint Application and Federal Assumption

DNRE pioneered the use of a single, consolidated permit application in 1975.

Permit applicants now provide a single application to the DNRE, and staff provide a simultaneous review under all pertinent authorities.



Michigan was the first state in the country, and remains one of only two states, to receive approval to administer the Federal Section 404 Permit Program.



Because of this authorization, permits issued by the DNRE also provide authorization under Section 404 of the Federal Clean Water Act (except in Great Lake coastal areas).

Applicants for dredge and fill permits under Part 301 and Part 303 generally do not need a separate federal permit from the U.S. Army Corps of Engineers.



A permit issued by the DNRE typically carries the following authorizations, at no additional expense to the applicant:

- **Water Quality Certification under Section 401 of the Clean Water Act**
- **Section 404 of the Federal Clean Water Act**
- **Screening and coordination with state and federal endangered species programs**
- **Screening and coordination with the federal historic preservation program**

Coastal Zone Consistency Certification

DNRE Permits

- The “Joint Permit Application” can be found online at www.michigan.gov/jointpermit
- Joint Permit Application Levels & Fees:
 - Minor Projects - \$50 Application Fee
 - Public Notice Projects - \$500 Application Fee
 - Major Projects - \$2,000 Application Fee

DNRE Permit Application Levels & Fees

Minor Project Categories:

- 0 – 300 linear feet of shoreline restoration
- Single piers and docks
- Construction of bridges and culverts
- Stream crossings
- Certain dredging projects
- Storm water outlets
- Application can be submitted to the DNRE District Office
- Average review period is 30-60 days



**Pedestrian bridge, Part 31
& Part 301**



**Culvert for road crossing, Part 31
& Part 301**



Use of timber mats for utility install through marsh, Part 303



Boardwalk construction through wetland & floodplain, Part 31, Part 301 & Part 303

DNRE Permit Application Levels & Fees

Public Notice Projects are sent to:

- Adjacent riparians or property owners
- Local governments (Township/City Clerk, County Clerk, County Drain Commission, County Health Department, County Soil Conservation District)
- DNRE Wildlife and Fisheries Divisions
- State Historic Preservation Office

If a special interest is identified in DNRE, then public notice files are also copied to other agencies for review:

- Natural Heritage Program/Endangered and threatened species review
- State Historic Preservation Office
- DNRE: RRD, WB, WHMD, Great Lakes
- DNRE Natural Rivers
- Environmental Protection Agency (EPA)
- Army Corps of Engineers
- Watershed Councils
- Farmlands and Open Space (P.A. 116)

In accordance with the State's 404 Program agreement, projects that include the following activities require a 90-day EPA review:

- Fills > 10,000 cubic yards
- Seawalls >1,000 feet
- Culvert enclosures > 100 feet
- Stream relocations > 500 feet
- Critical areas established by State & Fed. Law
- Federal listed endangered/threatened species
- Known or suspected toxic pollutants

The 404 agreement also allows EPA to request review of any file.



**Part 31, Floodplain regulation &
Part 301, Inland Lakes & Streams**



**Part 301, Inland Lakes & Streams
and Part 303, Wetland Protection**

DNRE Permit Application Levels & Fees

Major Project Categories:

- 10,000 cubic yards or more of dredge
- Seawalls or bulkheads of 500 linear feet or more
- Stream relocations of 500 linear feet or more
- Filling of 10,000 cubic yards or more (wetlands included)
- Filling or draining of more than 1 acre of wetland
- New golf courses, subdivisions, or condominiums
- Application can be submitted to the DNRE District Office
- Shore protection that extends 150 feet or more waterward

Permit Decisions

When files are received at the district office, the staff person assigned to that county:

- **Conducts a site review.**
- **Reviews comments received on the file.**
- **Conducts a public hearing if requested.**
- **Reviews project according to all applicable statutory criteria and completes the Project Review Report.**
- **Works with applicant and his/her engineers, consultants, attorney on any needed modifications to comply with statutory criteria.**
- **Discusses/negotiates permit conditions required to minimize and mitigate any natural resource impacts.**

Staff use permit review criteria established by statute to weigh the public benefits provided by the resource against the benefits of the proposed project.

Some of these criteria include:

The permit must be in the public interest.

- **No unacceptable disruption to the aquatic resource will occur.**
- **No adverse impact to the public trust or riparian rights.**
- **No harmful interference with the discharge and stage characteristics of streams.**
- **The activity is otherwise lawful.**

Land and Water Management Division websites and services include:

- Pre-Application Meetings - http://www.michigan.gov/deq/0,1607,7-135-3313_3687-10424--,00.html
- Wetland Identification Program - http://www.michigan.gov/deq/0,1607,7-135-3313_3687-10193--,00.html
- On-line Tracking System for Joint Permit Applications (CIWPIS) - <http://www.deq.state.mi.us/ciwpis/>
- Hydraulic Studies Unit – http://www.michigan.gov/deq/0,1607,7-135-3313_3684_3724---,00.html
- Certified Natural Shoreline Professional sponsored by the Michigan Natural Shoreline Partnership – <http://www.michiganlakes.msue.msu.edu/LakeManagement/ShorelineDevelopment.aspx>

