

Muck Removal



Permitting requirements

Land and Water
Management Division

The background of the slide is a solid blue color. In the lower right quadrant, there are several faint, concentric white circles that resemble ripples on water, creating a subtle decorative pattern.

Land and Water Management Division

- Part 325, Great Lakes Submerged Lands
 - Below the ordinary high water mark
 - Public trust Doctrine

- Part 303, Wetlands Protection
 - may include some bottomland

Public Trust

- It is the Responsibility of the State to
 - Prevent pollution, impairment or destruction of natural resources
 - Secure rights of navigation, fishing, hunting, and use of land and water for public purposes

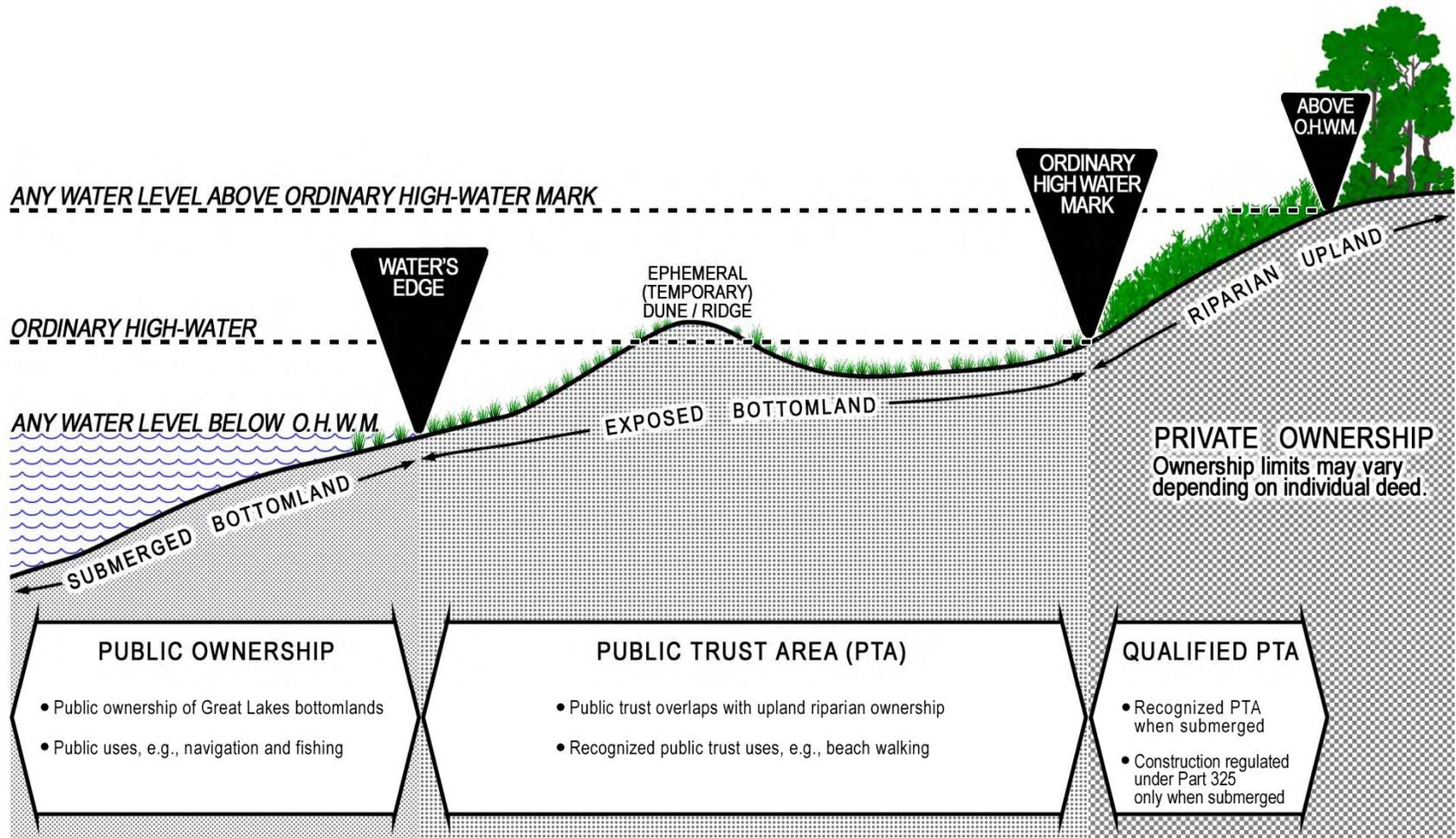
Glass vs. Goeckel, 2005; Michigan Supreme Court Ruling

- Ordinary High Water Mark is where:
- “The presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic”—need to consider historic cyclic effects (1997 and 1986 high water)
- Generally, OHWM is landward to shoreline protection (seawall or riprap) or toe of bluff

ORDINARY HIGH-WATER MARK ON THE GREAT LAKES

“WATER’S EDGE” and “ORDINARY HIGH” on the GREAT LAKES as related to PRIVATE PROPERTY and the PUBLIC TRUST

ADMINISTERED BY **DEQ** LAND AND WATER MANAGEMENT DIVISION



Where is the OWHM?



Permits

- Permit required for:
 - Mechanized activity on beach below Ordinary High Water Mark
 - Dredging or excavation
 - Vegetation Removal
 - Placement of structures on bottomland
 - Placing fill on bottomland

The GP (under Part 303 and 325)

Seven Different Types of Activities

1. Leveling of Sand
2. Grooming of Sand
3. Construction and Maintenance of a Path
4. Mowing a Pathway
5. Mowing a Recreation Area
6. Mowing of Previously Mowed Areas in Saginaw and Grand Traverse Bay
7. Mowing as Part of a Invasive Species Control Plan

The GP (under Part 303 and 325)

Only for Activities above the Water's edge
and Below the OHWM

1. In Areas Free of Vegetation (naturally or legally)
 - Leveling of Sand, Grooming of Sand, Construction and Maintenance of a 6 Feet Wide Path
2. In Areas with Vegetation
 - Mowing of a Pathway, Previously Mowed Areas in Grand Traverse and Saginaw Bays, Mowing as Part of an Invasive Species Control Plan

Leveling of Sand

- The Relocation of Sand to Sand Areas, including redistribution, grading, and spreading of sand that has been deposited through wind or wave action.
- No Vegetation Removal
- ONLY IN SAND AREAS (not allowed in cobble or organic soils)

Grooming of Sand

- Raking, Dragging, or Pulling metal teeth or other grooming equipment through the top 4 inches of sand WITHOUT disturbance of plant roots
- Purpose is to remove debris, including animal or fish carcasses, zebra mussels, **dead vegetation**, or trash.
- All collected debris shall be disposed of properly outside of any wetland area



Beach “cleaning” equipment







Dredging

- “Means any removal of any mineral, organic, or other material from or within the bottomland or waters of the Great Lakes, by any means”

Dredging

- Muck removal that includes any sand or sediment is dredging
- USACE will require permits for mechanized removal of muck

Dredging

➤ Saginaw Bay is an Area of Concern

- Typically, all dredge projects have higher standard to show that sediment not contaminated
 - Either provide proof that not contaminated (testing)
 - Or dispose in landfill or on-site with clean cover and deed restriction
 - Testing can be expensive

➤ At this time:

- No testing will be required for Muck removal as long as the volume of sand disturbed is minor.

Other activities

- Gunderboom
- Screens or filters
- Anything that rests on the bottom of the Bay would need a permit.
- work in the water needs a permit



GP or PN

- Amount of material removed in dredge
- Dredge procedure/dewatering/disposal
- “muck sucker”—vacuum apparatus-dewatering/disposal
- structure on the bottom land
- Private or public?
- In the water or on shore?



Uncharted waters

- Muck Removal permits may be unique
- Processing may be a learning curve for LWMD
- Need specific detail in application as to process, design, amount of material to be removed, etc.

Talk to us before applying

Unknowns

- What works best to remove muck?
 - Will there be nuisance odors?
 - How much will it cost?
 - Will the process negatively impact neighboring property owners?
 - Any resource impact?
- 

- At this time DEQ is not recommending any specific removal method.





Permit Applications and the Permitting Process



Permit Applications Are Available Online

A screenshot of a Microsoft Internet Explorer browser window displaying the Michigan Department of Environmental Quality (DEQ) website. The address bar shows the URL: http://www.michigan.gov/deq/0,1607,7-135-3306_32341---,00.html. The page header features the DEQ logo and the Michigan state seal. The main content area is titled "Land and Water Management Division" and includes a "Who We Are" section with a description of the division's mission and a "What We Do" section listing various services. A sidebar on the left contains a navigation menu for "inside DEQ".

Land and Water Management Division - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.michigan.gov/deq/0,1607,7-135-3306_32341---,00.html

Department of Environmental Quality Michigan.gov

Michigan.gov Home DEQ Home | Online Services | Permits | Programs | Site Map | Contact DEQ Search GO! more options

inside DEQ

- > Contact DEQ
- > Fiscal/Planning
- > Air Quality Division
- > Environmental Advisory Council
- > Environmental Science and Services Division
- > Information for DEQ Employees
- Land and Water Management Division**
- > Office of Administrative Hearings
- > Office of Civil Enforcement Coordination

[Printer Friendly] [Text Version]

Land and Water Management Division

Who We Are
The Land and Water Management Division (LWMD), 517-373-1170, is responsible for land/water interface resources. The mission of the LWMD is to promote the best use of these resources for their social and economic benefits while protecting associated resource values, property rights, the environment, and public health and safety.

[LWMD Program Guide](#)

What We Do

- Hydrologic Studies
- [Request a Discharge](#)
- [Hydrologic Data Collection and Analysis](#)
- [Floodplain Management](#)
- [Flood Discharge](#)

LWMD Links

- [Mission Statement](#)
- [District Offices](#)
- [Organization Chart](#)
- [Staff Phone List](#)
- [Laws and Rules](#)

Internet

www.michigan.gov/deqlwmd

Drawings/Plans

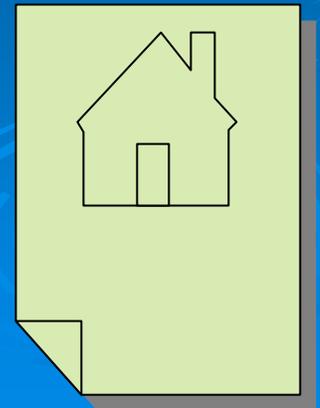


Where is the Project?



Site Plan
(What Is The Project?)

Cross Section (Profile View)



To reduce the processing time:

- Provide a complete, *signed* application
- Provide the correct application fee
- Provide plans that accurately illustrate the project
 - Location Map
 - Site Plan
 - Cross Sections
- Be sure to include all work in regulated areas

To reduce the processing time:

- Provide descriptive photographs of the proposed work site

- All photographs must be labeled

- Name

- Date of photograph,

- Description

- Reference to the site plan.



Proposed activities or structures may be indicated directly on the photographs

Permit fees

Minor project or general permit

- \$100

Public Notice

- \$500

Permit

- Issued for five years
- May include multiple property owners on single application if same activity on all properties

Permit Processing Time

- Minor Project or General Permit
 - 2-4 weeks is our goal. May take longer depending on workload
- Public notice project
 - Expect 6-8 weeks minimum

Questions?

