

Appendix C

General Guidance for Land/Water Interface Permits

Many activities that involve the physical alteration of aquatic ecosystems at the land/water interface (lakes, rivers/streams, wetlands, and Great Lakes and flood plains) require permits under the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

The following information is intended to be used as a general guide to assist grant applicants in determining if a State permit may be necessary to conduct activities involving physical alterations at the land/water interface. This is not an all-inclusive guide. (Activities involving environmental areas, high-risk erosion areas, and critical dunes are not addressed here. Information specific to these programs is available on the internet [here](#).) *Depending on the complexity of the activity, it may be prudent to secure necessary permits in advance of submitting a grant proposal.*

It is recommended that this information be used in consultation with Water Resources Division (WRD) field staff. In addition, professional consultants may provide assistance if practiced in the specific area of interest. The online Land and Water Interface Decision Tree (http://www.michigan.gov/documents/deq/lwm-ipa-decisiontree_212935_7.pdf) may also be helpful. WRD staff contact information is available [here](#).

Generally, most activities that involve or result in a use or physical change to a regulated aquatic resource at the land/water interface will require a permit (see page 3 for additional information).

Grant applicants are advised that NOT ALL land/water interface activities can be permitted and should therefore use sound environmental practices and methods when planning or designing a project. It is essential to avoid activities that cannot or are unlikely to be permitted when submitting proposals. When developing a project proposal applicants should address the items listed below. These queries are intended to draw the applicants' attention to the possible need for permits and direct their efforts towards avoiding the need for a permit or towards increasing the potential of securing a permit.

1. Have all the aquatic features, including flood plains, where appropriate, been identified on the project plans? **Yes** **No**
2. Have all the regulated natural resources been located on the project site(s) and identified on the plans? **Yes** **No**
3. Does the grant proposal involve impacts to any of the following: inland lakes, the Great Lakes, streams, rivers, wetlands, or floodplains? Impacts would include activities such as dredging, excavating, filling, draining, constructing in, relocating, converting, increasing flows, or increasing water temperature (this is a partial list of usual activities and is not all-inclusive). If the answer is yes, a permit is required (unless specifically exempted).
Yes **No**
4. Is the extent of impact to the regulated resources incidental (minor) i.e., does it qualify as a minor activity under the NREPA, and is the bulk of the work on upland/non-flood plain with

only a small ancillary activity (necessary to make the primary project functional) in the regulated resource? **Yes** **No**

5. Is the work major (with significant impact to the resource) in nature (i.e., most or all of the planned work will occur in a regulated resource and will have considerable impact to the regulated resource)? **Yes** **No**
6. Has the design been adjusted to avoid and minimize the impact to regulated resources? **Yes** **No**
7. Have the best available design elements been utilized in developing the plan? **Yes** **No**
8. Have you contacted the WRD staff for advice or information? **Yes** **No**
9. Has your consultant advised you of the need for and likelihood of acquiring needed permits? **Yes** **No**
10. Have you applied for a permit? **Yes** **No**
11. Have you determined whether or not the project can be accomplished if a permit cannot be granted for any regulated activity associated with the project? **Yes** **No**

NOTE: Permit reviews are normally multi-faceted considering a number of elements. In addition to assessing those noted in item 3 above, some of the other resource specific elements that may be considered are wildlife habitat, fish habitat, degree of impact, alternatives, flood potential, amount of resource impacted, presence of endangered or threatened species, location of affected resource, relationship of affected resource to other features, ownership riparian rights, public trust, and public interest as well other elements. If a permit is required, it is crucial that the likelihood of securing such permit is addressed early in the process. There is no certainty that a permit can be issued until a permit application has been fully processed.

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WATER RESOURCES DIVISION JOINT PERMIT STAFF
 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT
 ACT 451 OF THE PUBLIC ACTS OF 1994 & RELATED STATUTES

