	<b>WATER RESOURCES DIVISION POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: March 14, 2005	Subject: Part 31 Authority on the Great Lakes Connecting Channels		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
Revised Date:	Program Name: Water Resources Program		Type: <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure <input type="checkbox"/> Policy and Procedure
Reformatted Date: March 24, 2014	Number: WRD-032	Page: 1 of 2	

*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.*

**Note: This policy and procedure was previously division guidance memo No. 31-05-01.**

**ISSUE:**

The Water Resources Division's (WRD) floodplain engineering field staff issues permits for filling, grading, or occupying land within a floodplain, stream bed, or channel of a stream under the state's Floodplain Regulatory Authority found in Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). There has been confusion over where Part 31 authority starts and stops in relation to the Great Lakes Connecting Waterways (St. Marys River, St. Clair River, and the Detroit River).

**AUTHORITY:**

Section 3104(1) of Part 31 states, "...The department shall have control over the alterations of natural or present watercourses of all rivers and streams in the state to assure that the channels and the portions of the floodplain that are the floodways are not inhabited and are kept free and clear of interference of obstruction that will cause any undo restriction of the capacity of the floodway."

Section 3108(1) of Part 31 states, "...a person shall not occupy or permit the occupation of land for residential, commercial, or industrial purposes or fill or grade or permit the filling or grading for a purpose other than agriculture of land in a floodplain, stream bed or channel of a stream, as ascertained and determined for the record by the department, or undertake or engage in an activity on or with respect to land that is determined by the department to interfere harmfully with the discharge or stage characteristics of a stream, unless the occupation, filling, grading or other activity is permitted under this part."

Rule 323.315(3) states, "An encroachment in the floodplain, landward of the floodway limits, which acting alone, or in combination with existing or future similar works, does not cause a harmful interference may be permitted."

**GUIDANCE/ACTION:**

- 1) The WRD does have authority under Part 31 for the Detroit River, St. Clair River, and the St. Marys River. Permits are required under Part 31 for filling, grading, and/or

WATER RESOURCES DIVISION  
POLICY AND PROCEDURE

Number: WRD-032

Subject: Part 31 Authority on the Great Lakes Connecting Channels

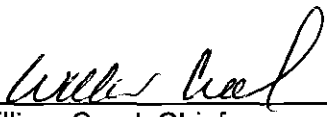
Page 2 of 2

occupation of the floodplain along or in these rivers. The determination of where the rivers stop and the Great Lakes begin shall be based on the attached maps.

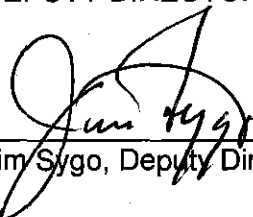
- 2) The floodway limits will be defined as the channel banks along these rivers. Islands with ground elevations above the ordinary high-water mark of the connecting water are excluded from the floodway. Any filling, grading and/or occupation within the floodway shall be analyzed to determine if it causes a harmful interference.
- 3) Compensating cut for fill is not required within the floodplain of the Detroit River, St. Clair River, and St. Marys River.
- 4) Note that under Section 32305 and 32306 of Part 323, Shorelands Protection and Management, of the NREPA, the state also has jurisdiction over designated Flood Risk Areas. These areas are identified in R 281.24, Rule 4(1) of the Great Lakes Shorelands Administrative Rules. A number of these communities are located along the connecting channels. The Flood Risk Area regulations under Part 323 are similar to those in the National Flood Insurance Program regulations and the International Building Code standards. Therefore, the local zoning or building officials typically have responsibility to enforce the regulations; but in the event that the local officials are not adequately applying enforcement, the state has jurisdiction in these areas also.

**ATTACHMENTS:** Maps

DIVISION CHIEF APPROVAL:

  
\_\_\_\_\_  
William Creal, Chief  
Water Resources Division

DEPUTY DIRECTOR APPROVAL:

  
\_\_\_\_\_  
Jim Sygo, Deputy Director

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

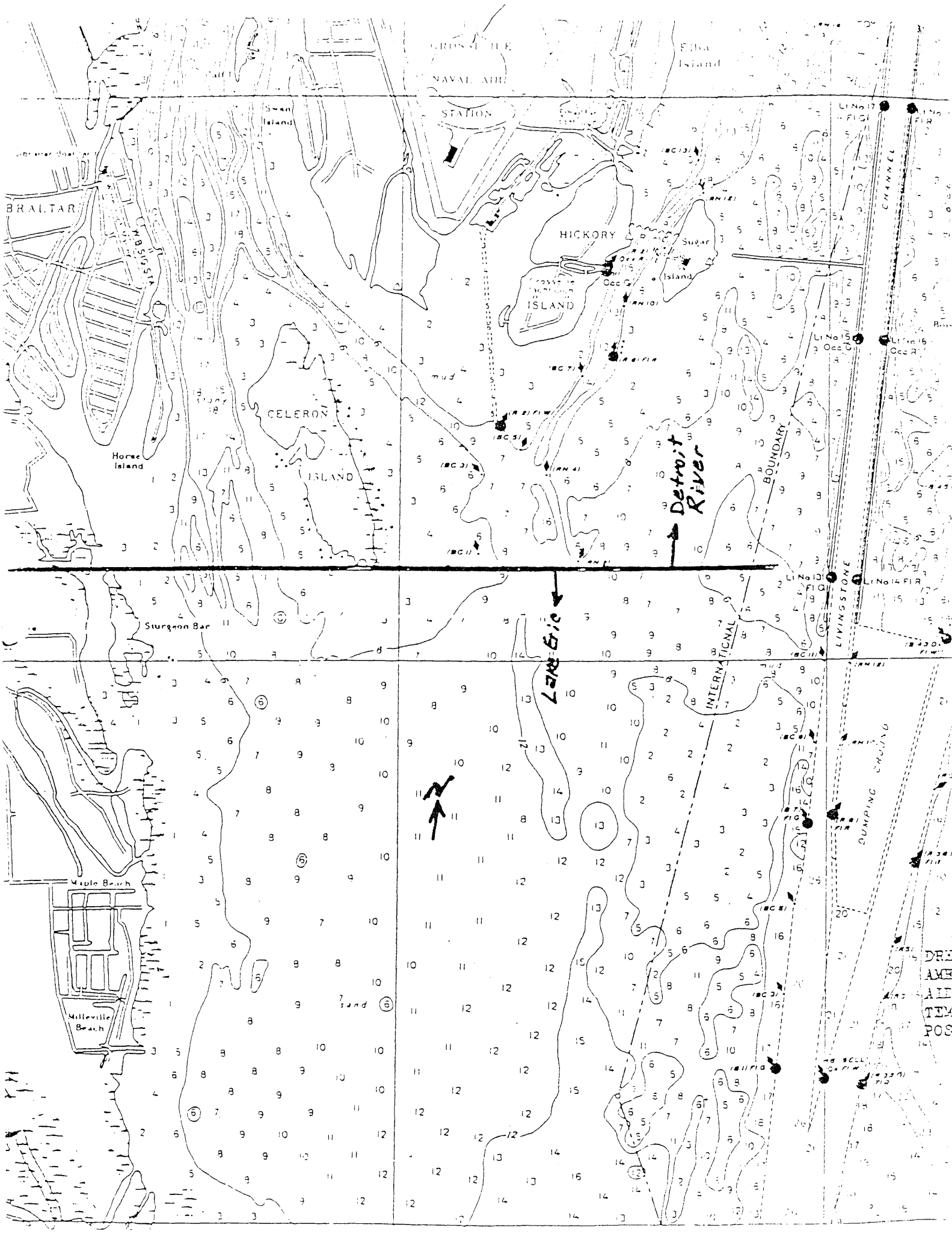
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INTEROFFICE COMMUNICATION  
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May 12, 1997

TO: Floodplain Regulatory Staff, Lansing & Field  
FROM: Wally Wilson  
SUBJ: Great Lakes Connecting Waterways

There has been some misunderstanding about where Part 31 authority begins and ends in regard to the connecting waterways of the Great Lakes. Attached is a series of maps that will aid you in making the decision regarding authority. These maps were produced many years ago, probably under the Dale Granger regime. Following some of the recent misunderstanding regarding Part 31 authority, Marty Jannereth found these maps. Unless you've seen something better, I believe we should be using them.

*Wally*



GROSVENOR  
NAVAL STATION

BRALTAR

HICKORY ISLAND

CELERON ISLAND

Horse Island

Detroit River

INTERNATIONAL BOUNDARY

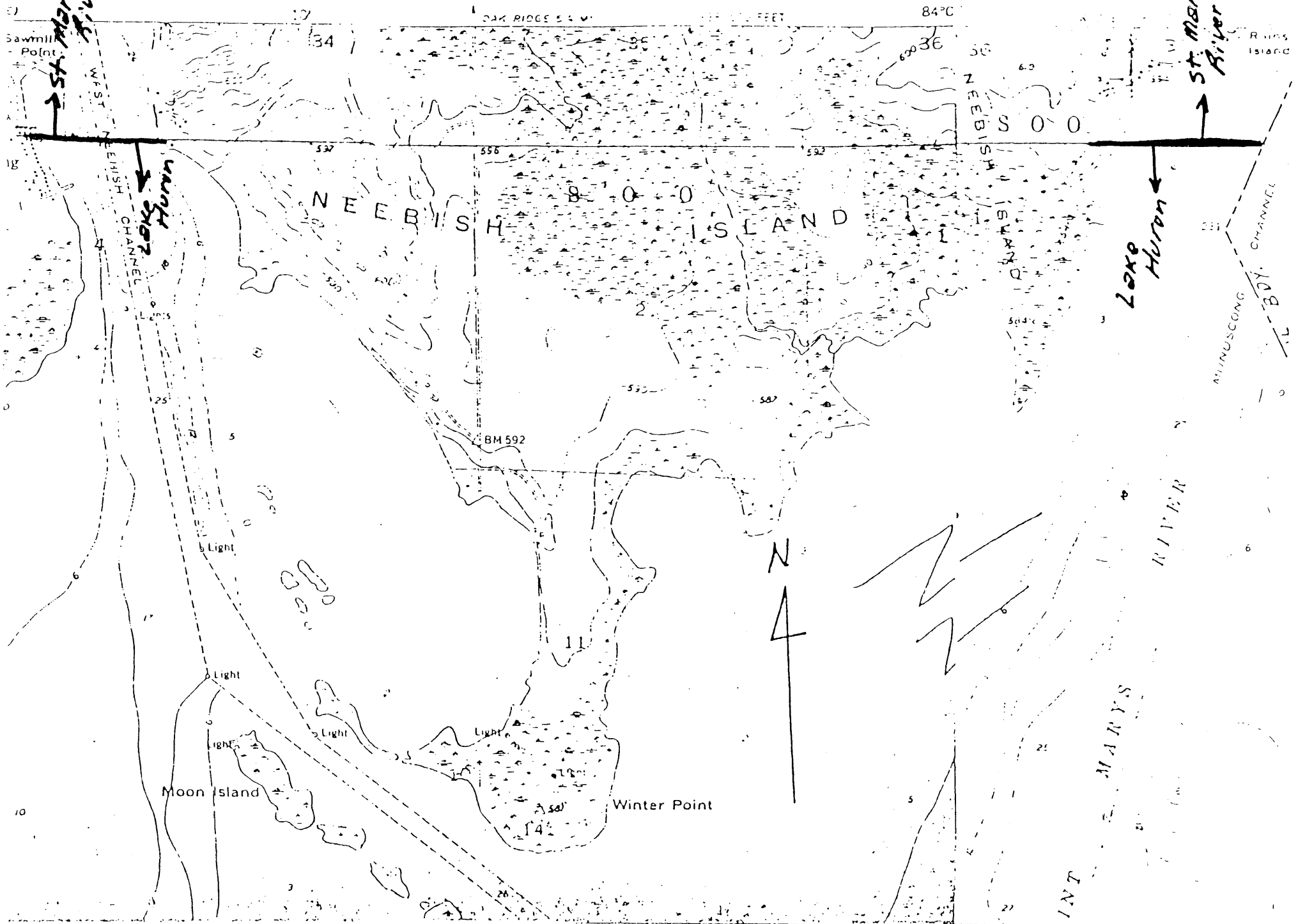
Lake Erie

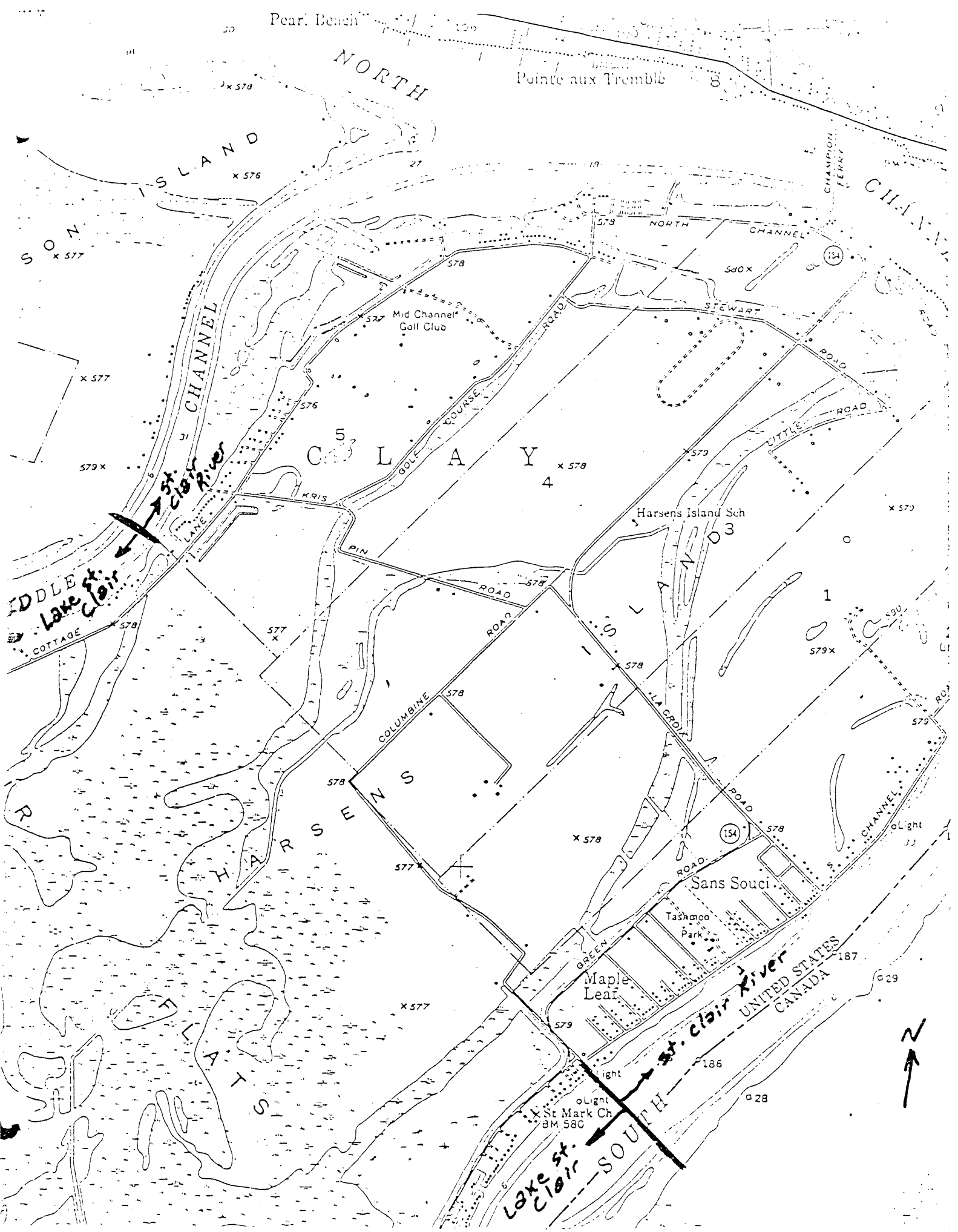
LIVINGSTONE CHANNEL

Maple Beach

Milleville Beach

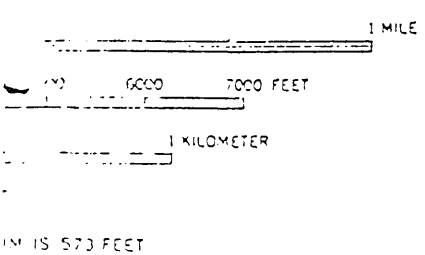
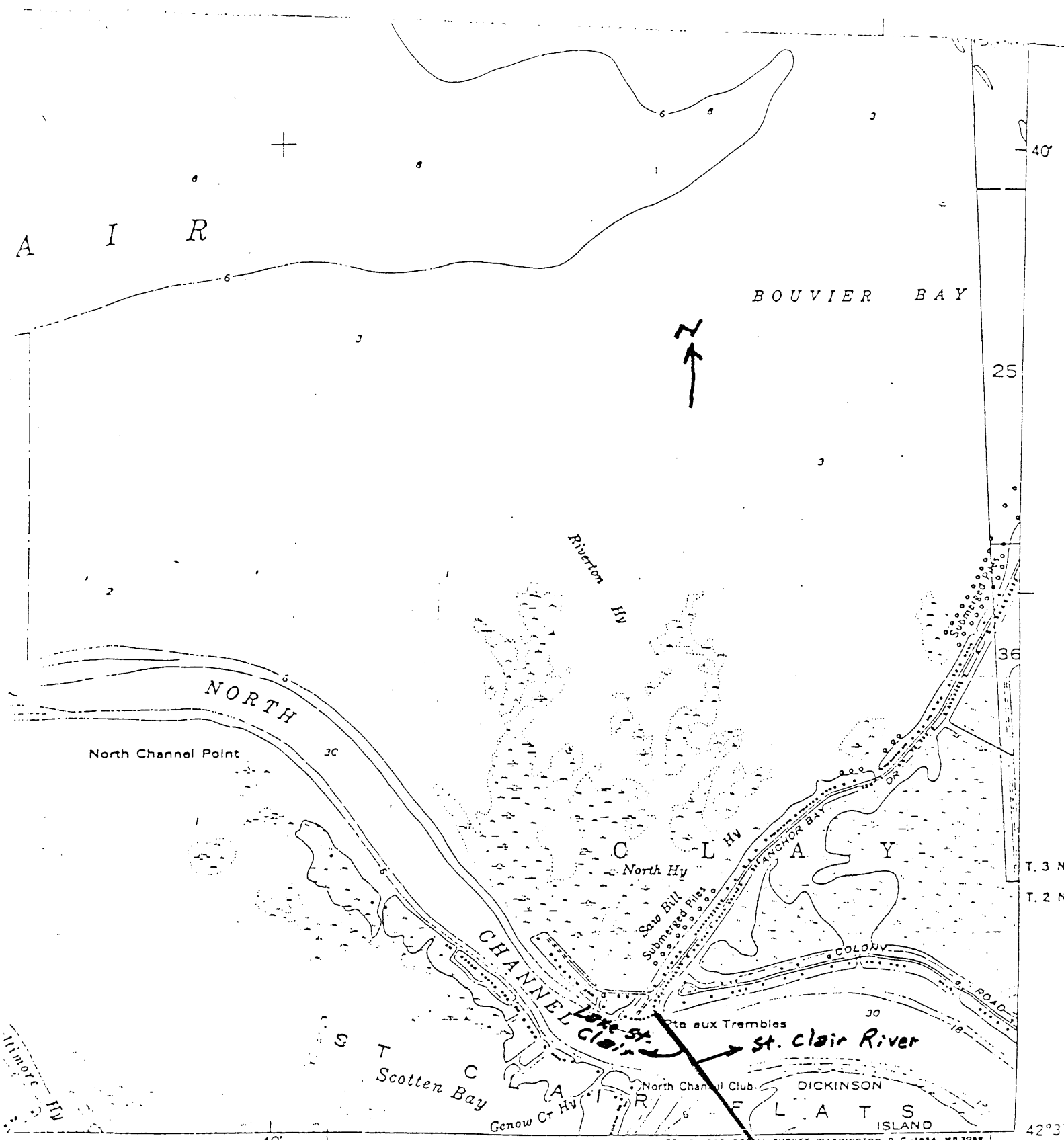
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St. Clair River  
SOUTH  
UNITED STATES  
CANADA  
186  
187  
188  
189  
190

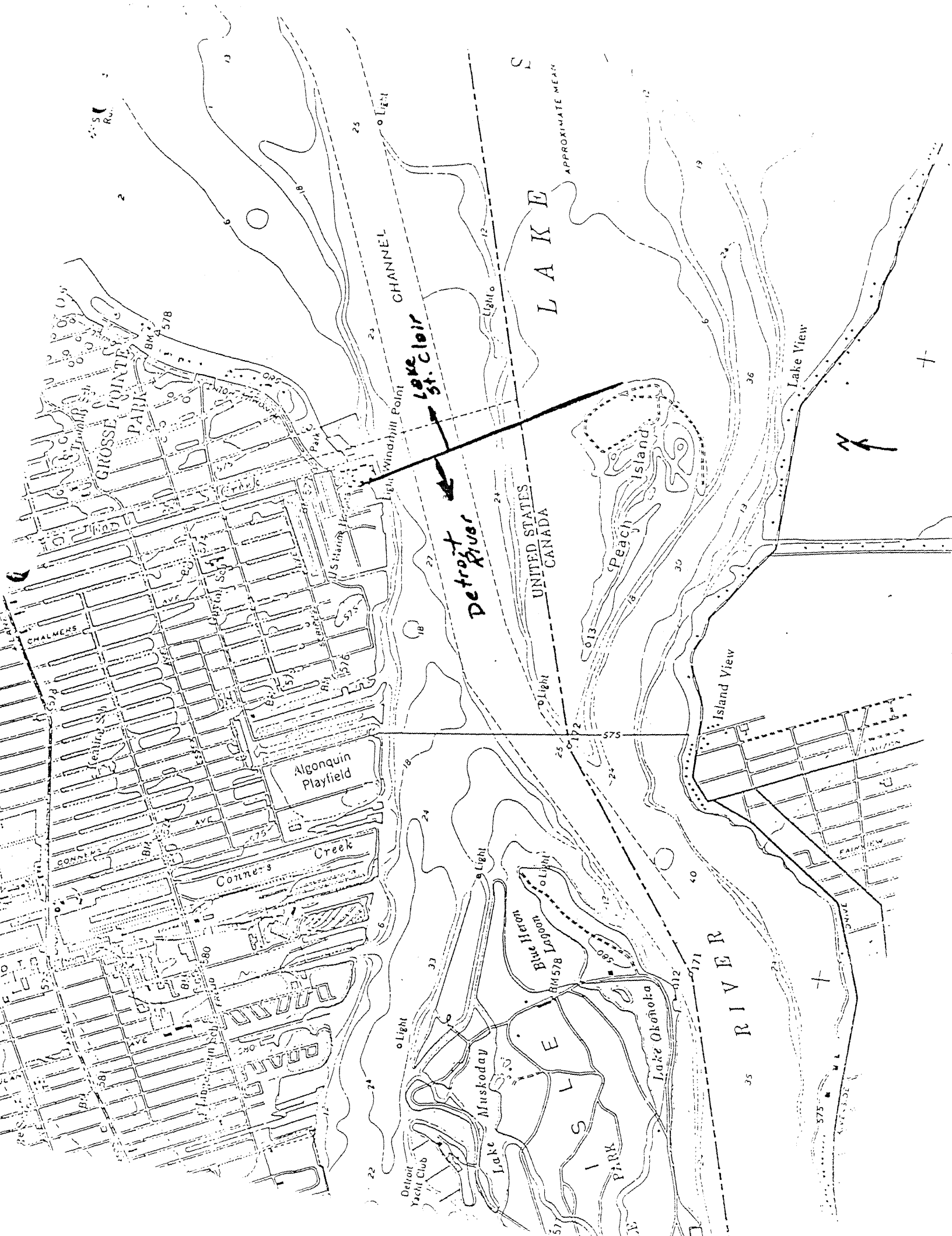




ROAD CLASSIFICATION

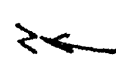
Heavy-duty		4 LANE 16 LANE	Light-duty	
Medium-duty		4 LANE 6 LANE	Unimproved dirt	
		U. S. Route		State Route

NEW BALTIMORE MICH.

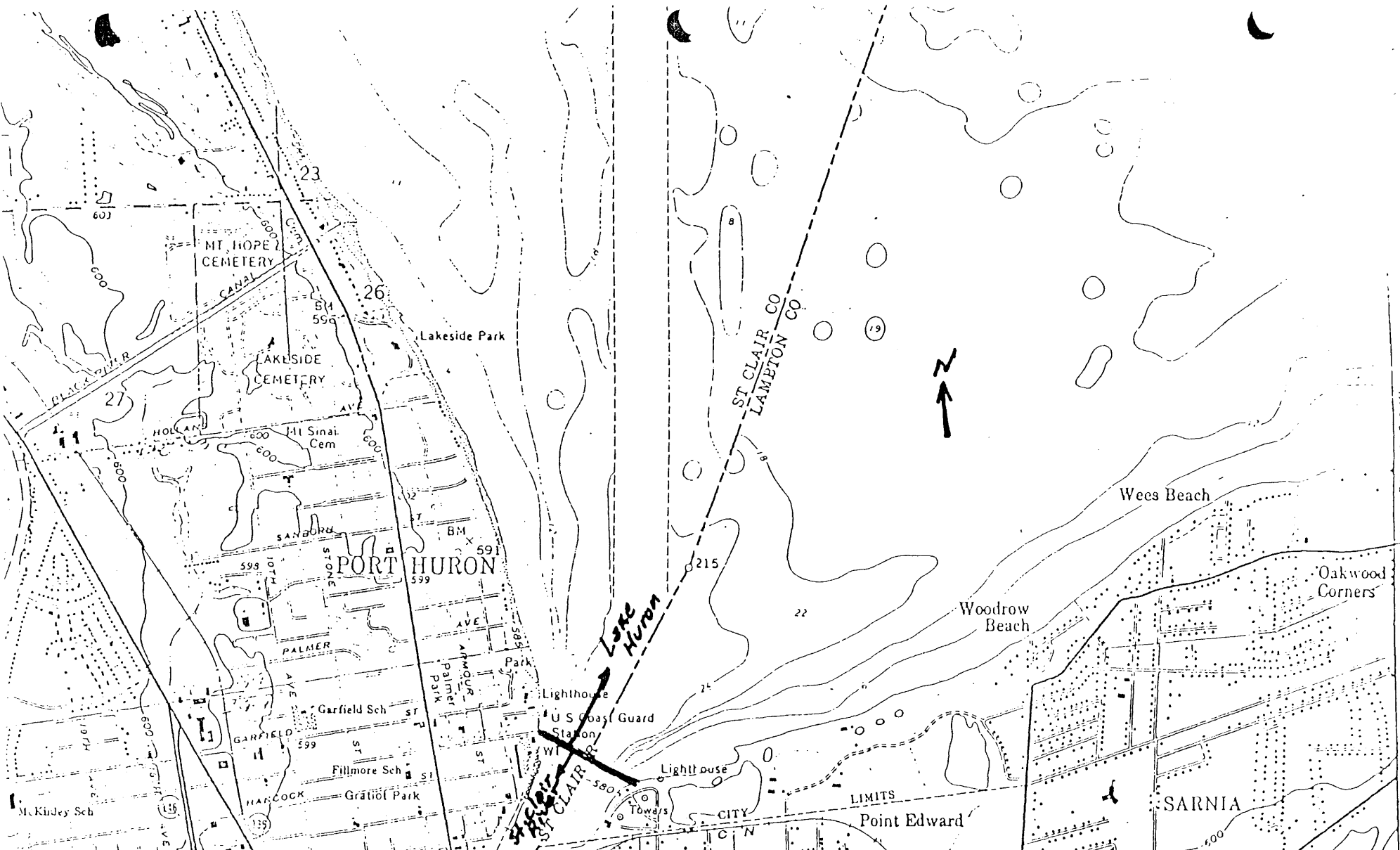


Lake St. Clair  
Detroit River

LAKES  
RIVER  
UNITED STATES  
CANADA



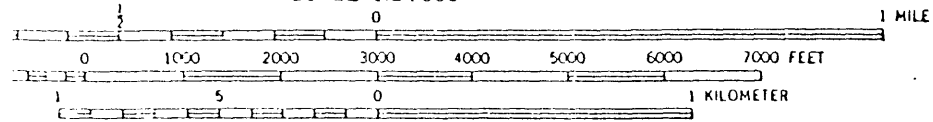




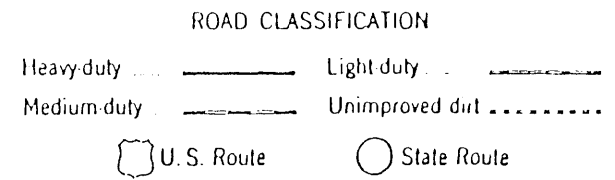
BRIGHTS GROVE 6 MI

(PORT HURON) 1.9 MI. TO MICH. 21      SOUTH PARK 4.6 MI.      RATTLE RUN 14 MI.      25'      SARNIA (P.O.) 4.2 MI.      INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.—1989  
 HR 8314      387000m E      82° 22'

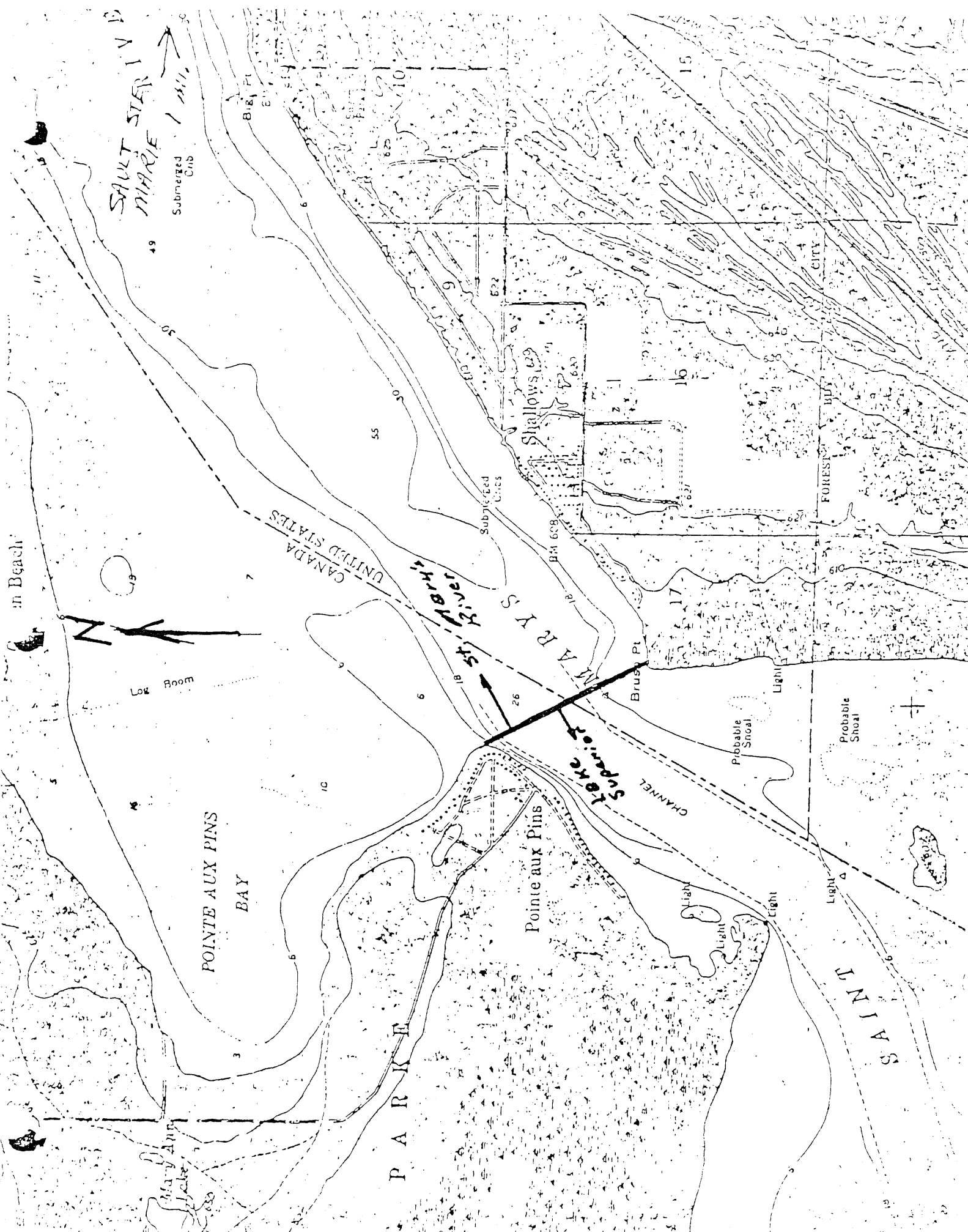
SCALE 1:24000



VERTICAL INTERVAL 5 FEET IN THE UNITED STATES AND 25 FEET IN CANADA  
 DATUM IS MEAN SEA LEVEL  
 CURVES AND SOUNDINGS IN FEET-DATUM IS LOW WATER 578.5 FEET



LAKEPORT, MICH.-ONT.



SAULT ST. MARIE 1 Mile

Submerged Crib

St. Lawrence River

Superior Lake

POINTE AUX PINS BAY

Pointe aux Pins

MARYS

SAINTE ANNE

in Beach

Log Boom

Big Pt

Brush Pt

CITY FOREST BUDY

Probable Shoal

Probable Shoal

Light

Light

Light

Light

Submerged U.S.S.

BH 608

BH 618

PARKER

CHANNEL

