

	WATER RESOURCES DIVISION FIELD OPERATIONS SECTION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: February 5, 2009 Revised Date: Reformatted Date: April 22, 2015	Subject: Part 353 – Simplified Application Review Process for Critical Dunes Projects with Minimal Impacts		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive Type: <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Procedure <input type="checkbox"/> Policy and Procedure
Program Name: Water Resources Program			
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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 procedure supersedes former Land Water Management Division Guidance Document Number 353-09-01.

PURPOSE:

Projects that are determined to have lesser impacts on critical dunes should be subject to a streamlined decision-making process. This streamlining includes direct submission of applications for permit to the Water Resources Division's district offices, and in some cases, review of the application without a site inspection. Streamlined application processing will potentially reduce application processing times for property owners conducting relatively minor regulated activities in critical dune areas. It will also free staff time to work on other activities with a greater potential for significant impacts. This streamlined process is dependent on staff workload and the applicant supplying the proper supporting information.

AUTHORITY:

Part 353, Sand Dunes Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

FORMS USED:

Joint Permit Application (EQP 2731) and Project Review Report

PROCEDURE:

Projects qualifying for the simplified review process are listed in Attachment 1. Staff is to use the application information, their knowledge of the area, and, as appropriate, information available in the office and on their computer (such as recent air photos) as they review the application. All normal review items (i.e., checking for threatened and endangered species, violations, high risk erosion area, conservation easement, etc.) shall be completed. The streamlined process should not be used in any special interest area such as a designated Natural River or Environmental Area. If staff review raises any issues that can only be resolved by a field inspection, then an inspection should be conducted. If the review is favorable and all conditions are met, the permit should be issued. An activity covered by this procedure may also need a permit under another part of the NREPA. A site inspection may be needed for consideration of that permit. The application must meet all of the criteria of the statute(s) under which it is authorized in order to be granted a permit.

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Staff must ensure that the proposed activity is not associated with sensitive natural resource areas including:

1. A state or federally designated wilderness or environmental area.
2. A riverine floodway.
3. A state or federally listed or proposed threatened or endangered species.
4. An identified historic or archeological area.

Staff will use the normal Project Review Report form to record their comments and otherwise normal review procedures and criteria. To be eligible for the streamlined application process, the applicant must submit a complete application, which includes and may not be limited to all of the information listed below. Depending on the specifics of the proposed project and site, additional information may be needed (e.g., sites with highly variable topography may require a topographic survey).

- ❑ 1. The completed Joint Permit Application (EQP 2731) signed by the property owner. See the application checklist for more information. (The application may be signed by the owner's agent with a letter from the owner authorizing the agent to apply for the permit.)
- ❑ 2. Credit Card or Electronic Check payment for the proper application fee (fee schedule enclosed or available in application appendices). NOTE: If paying by electronic check, the application cannot be processed for at least two weeks to allow the check to clear with the financial institution.
- ❑ 3. A location map and directions to the project site. Sample drawings are available.
- ❑ 4. Detailed site plans that include ALL of the following:
 - ❑ To-scale plan view (top-view) with dimensions of project features. The limits of proposed vegetation removal, contour changes, and developmental activities should also be shown, including impacts from the proposed project as well as from construction materials, personal and equipment, and access to and from the site. Slopes in or near the construction area and access areas should be clearly delineated and labeled.
 - ❑ To-scale cross section(s) (side-view) with dimensions of the project features. Cross sections should depict any contour changes (showing existing and proposed grades)/construction and other project features.
 - ❑ Cross section of the site access to show the slope of the access area.
 - ❑ NOTE: At least one set of plans should be reduced and submitted on 8.5 x 11-inch paper.
- ❑ 5. Photos of the work site labeled to identify what is being shown and with the direction of the photo described in the drawing. Also include photos of the access to the site.
- ❑ 6. Permit for the septic system or letter of no authority from the county health department, if applicable.
- ❑ 7. Vegetation assurance letter/permit from the local conservation district.
- ❑ 8. Soil erosion permit or letter of no authority from the county soil erosion office.

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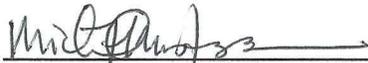
Category Limitations:

1. If located within a regulated high risk erosion area, the proposed project must meet the appropriate setback distance from the top of the bluff.
2. No aspect of the project may impact slopes 25% or greater, including:
 - a. Equipment access.
 - b. Staging of materials and excess fill.
3. Project may not extend lakeward of the crest.
4. Project may not impact the crest.
5. If the applicant, owner, or contractor have been involved in previous violations, staff reserve the right to site inspect and review the application under normal processing procedures.
6. Any excess sand must be taken to an off-site location outside of a regulated critical dune area, regulated wetland, 100-year floodplain, and above the ordinary high water mark of an inland lake or stream or Great Lake.

ATTACHMENTS:

Attachment 1: Projects Eligible for the Direct District Review Process Under Part 353

SECTION CHIEF APPROVAL:

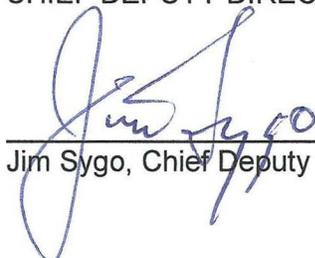


Michael Masterson, Chief
Field Operations Section – Lakes Michigan and Superior



Peter Ostlund, Chief
Field Operations Section – Lakes Erie and Huron

CHIEF DEPUTY DIRECTOR APPROVAL:



Jim Sygo, Chief Deputy Director

ATTACHMENT 1

Projects Eligible for the Direct District Review Process Under Part 353

- 1. Removal of sand from driveways, sidewalks, roads, and parking areas or when threatening a home or septic system under some conditions.**
Additional specifications:
 - a. Sand may not be removed from any adjacent dune area surrounding the driveway, road, or parking area/lot.
 - b. Permit may be issued for up to 5 years.
- 2. Improvements of existing driveways, roads, and parking areas/lots.**
 - Placement of gravel and/or paving on the existing driveway and road beds and parking area/lots.
 - Replace the existing type of driveway, road, or parking area from a porous surface to an impervious surface.Additional specifications:
 - a. Applications must include details on proposed surface water controls to be installed.
- 3. Replacement of existing retaining walls.**
Additional specifications:
 - a. No deadmen allowed. Screw or drilled tie backs are allowed.
 - b. The retaining wall is less than 4 feet in height, or the replacement wall will be constructed immediately outside of the existing wall.
- 4. Installation of utility lines.**
Additional specifications:
 - a. Installation must be done using a directional drill, jack, and bore, or by hand digging.
 - b. Both bore pits must be off of steep slopes.
- 5. Replacement of a septic system.**
- 6. Installation of a new well.**
- 7. Construction of an accessory structure on an area where critical dune characteristics have been previously and legally disturbed.**
- 8. Construction of an addition or other use over an area where critical dune characteristics have been previously and legally disturbed.**
- 9. Other projects with similar impacts that staff determine qualify for a desktop review.**
For example, sites that staff are familiar with (such as from a recent permit issuance, compliance inspection, neighboring property, etc.).