

Frequently Asked Questions: **DRIVEWAYS IN CRITICAL DUNE AREAS**

What is a Critical Dune Area?

There are approximately 225,000 acres of dunes in Michigan. Approximately 74,000 acres were designated as Critical Dune Areas (CDAs) in 1989. Critical dune areas represent the tallest and most spectacular dunes along Lake Michigan's shoreline in the lower and upper peninsulas, and the shores of Lake Superior. CDAs include public lands and private properties where developmental, silvicultural and recreational activities are currently regulated by Part 353, Sand Dunes Protection and Management, of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451 as amended. The statute was amended on August 7, 2012.

How do I know if my property is in a Critical Dune Area?

Check the maps available at Michigan.gov/CriticalDunes for critical dune areas.

How are driveways reviewed for a permit in Critical Dune Areas?

The applicant applies for a permit with the driveway(s) drawn on scaled and dimensioned drawings and shown in the cross-sections. The drawings will include all existing and proposed driveways. Sample application drawings are available at Michigan.gov/CriticalDunes.

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) reviews the drawings and determines if a driveway meets the criteria of section MCL 324.35311a in Part 353, Sand Dunes Protection and Management, NREPA, 1994 PA 451, as amended. MCL 324.35311a describes the conditions and criteria for a driveway; its construction, improvement, and maintenance. Specific criteria are written for slopes between a one-foot vertical rise on a four-foot horizontal plane and a one-foot vertical rise on a three-foot horizontal plane, and for slopes exceeding a one-foot vertical rise on a three-foot horizontal plane. The section also describes temporary construction access and defines a driveway. There can be only one driveway determined as fulfilling MCL 324.35311a. Additional driveways are reviewed under criteria found in the rest of the statute.

**There is a driveway on my lot that currently meets the criteria in MCL 324.35311a.
Can I have another driveway?**

Maybe. The additional driveway must be reviewed according to specific sections found in the rest of the Critical Dune Areas statute. It will not be reviewed under MCL 324.35311a. If the driveway cannot be permitted using the applicable section of the statute, the applicant may submit a request for a [special exception](#) to EGLE through [MiEnviro Portal](#). A special exception is like a variance from the local zoning administrator. Applying for a special exception does not guarantee that EGLE can issue a permit for the driveway.

**I want to design the driveway to meet the criteria in MCL 324.35311a.
How wide can my driveway be?**

The driveway may only impact a width of 16 feet or narrower through the critical dune area, regardless of the width of the drivable surface of the driveway, MCL 324.35311a (3). The driveway impact includes the use of retaining walls, bridges, or similar measures.

**I want a driveway as allowed by MCL 324.35311a, and with a width greater than 16 feet.
Can I add an accessibility measure as defined in MCL 324.35311b?**

No. An accessibility measure cannot be added to increase the width of a driveway. Accessibility measures must meet American National Safety Institute standards. MCL 324.35311b (2) states accessibility measures do not include driveways.

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