



Michigan Department of Environmental Quality  
Water Resources Division

---

## Selected Parts of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) that Regulate Activities at the Land and Water Interface

**Note:** The following brief summaries are intended to provide general permitting requirements of selected Parts of the NREPA and should not be construed as a complete description of the statutes. Selected Parts of the NREPA can be accessed at: [www.michigan.gov/wrd](http://www.michigan.gov/wrd) under Laws & Rules and additional information on the following programs at the same website under Program Links.

### 1. Part 301, Inland Lakes and Streams, of the NREPA

A permit is required to:

- Dredge or fill bottomlands.
- Construct, enlarge, extend, remove, or place a structure on bottomland.
- Erect, maintain, or operate a marina.
- Create, enlarge, or diminish an inland lake or stream.
- Structurally interfere with the natural flow of an inland lake or stream.
- Construct, dredge, commence, extend, or enlarge an artificial canal, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection with an existing inland lake or stream, or where any part of the artificial waterway is located within 500 feet of the ordinary high water mark of an existing inland lake or stream.
- Connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake, or wetland with an existing inland lake or stream for navigation or any other purpose.

### 2. Part 303, Wetlands Protection, of the NREPA

The following activities are prohibited in wetlands unless a permit has been obtained from the Michigan Department of Environmental Quality (DEQ):

- Deposit or permit the placing of fill material in a wetland.
- Dredge, remove, or permit the removal of soil or minerals from a wetland.
- Construct, operate, or maintain any use or development in a wetland.
- Drain surface water from a wetland.

Regulated wetlands are defined in Part 303 and the associated administrative rules.



### 3. Part 325, Great Lakes Submerged Lands, of the NREPA

A permit is required for all filling, dredging, and placement of permanent structures (i.e., groins, docks, piers, pilings, etc.) below the “ordinary high water mark” and on all upland channels extending landward of the “ordinary high water mark” of the Great Lakes.

---

**4. Floodplain Regulatory Authority found in Part 31, Water Resources Protection, of the NREPA**

A permit is required for any occupation, construction, filling, or grade change within the 100-year floodplain of a river, stream, drain, or inland lake. Bridges and culverts are considered an occupation of the floodplain, as are activities that involve storage of materials in the floodplain.

**5. Part 353, Sand Dune Protection and Management, of the NREPA**

A permit is required for all proposed new uses in designated critical dune areas mapped in the "Atlas of Critical Dune Areas" prepared by the MDEQ. The following counties have designated critical dune areas:

Alger	Berrien	Emmet	Luce	Mason	Ottawa	Allegan
Charlevoix	Keweenaw	Mackinac	Muskegon	Schoolcraft	Antrim	Chippewa
Leelanau	Manistee	Oceana	Van Buren	Benzie		

Islands that have designated critical dune areas include Beaver Island, North Fox Island, South Fox Island, High Island, North Manitou Island, and South Manitou Island.



**6. Part 323, Shorelands Protection and Management, of the NREPA**

Designated Environmental Areas - A permit is required for any of the following activities in a designated environmental area:

- Dredging, filling, grading, or other alterations of the soil.
- Alteration of natural drainage, but not including the reasonable care and maintenance of established drainage.
- Alteration of vegetation utilized for the preservation and maintenance of fish or wildlife, including identified colonial bird nesting areas.
- Placement of permanent structures.
- Farming of land is allowed without a permit if the person is engaged in the business of farming and the land is used for the production and harvesting of agricultural products using normal farming implements and generally accepted agricultural practices and if artificial draining, hiking, dredging, or filling are not used and the natural contour of the land is not altered.

---

The following counties have designated environmental areas:

Alcona	Arenac	Charlevoix	Delta	Huron	Monroe
Alger	Baraga	Cheboygan	Emmet	Mackinac	Tuscola
Alpena	Bay	Chippewa	Houghton	Marquette	Wayne

Designated High Risk Erosion Areas - A permit is required for the erection, installation, or moving of a permanent structure on a parcel of land where any portion is a designated high risk erosion area. Examples include homes, porches, septic systems, additions, substantial improvements of existing structures, and out buildings.

The current counties with high risk erosion areas include:

Alger	Benzie	Gogebic	Keweenaw	Mason	St. Clair
Allegan	Berrien	Grand Traverse	Leelanau	Menominee	Sanilac
Antrim	Chippewa	Houghton	Luce	Muskegon	Schoolcraft
Baraga	Delta	Huron	Mackinac	Oceana	Van Buren
Bay	Emmet	Iosco	Manistee	Ottawa	

### 7. Part 315, Dam Safety, of the NREPA

Permits are required for dams with a dam “height” of six feet or more and that have a surface area of five acres or more at the design flood elevation. A permit is required for new dam construction, enlargement of an existing dam or impoundment, dam repair, dam alteration, dam removal, dam abandonment, or to reconstruct a failed dam. A licensed professional engineer must prepare, sign, and seal the construction plans, except for minor projects as defined in Part 315, or for projects by non-profit organizations under certain circumstances, as specified in Part 315. A Part 315 permit is not required for dam “maintenance”, however other permits may be required.

### 8. Part 91, Soil Erosion and Sedimentation Control, of the NREPA

A permit is generally required for all earth change activities which disturb one or more acres of land, or if the earth change is within 500 feet of a lake or stream.



## 9. Part 31, Water Resources Protection of the NREPA - Permit-by-Rule, Construction Storm Water

Earth change activities over one acre in size with a point source discharge to waters of the state must have the construction site earth change activities under the control of a certified construction storm water operator, be in compliance with the Part 91 soil erosion and sedimentation control permit or the work must be conducted by an authorized public agency, and cause the construction activity to be inspected by the storm water operator once per week, and within 24 hours of precipitation events that result in a discharge. If the aforementioned earth change is less than 5 acres, permit coverage is considered automatic. If the earth change is over five acres in size with a point source discharge to waters of the state, the landowner must apply for Notice of Coverage with the DEQ.

