

DEQ
Department of Environmental Quality Land and Water Management Division

**Regulated Activities Under the
Natural Resources and Environmental Protection Act, 1994 PA 451, As Amended**

1a. Does your project or activity involve an earth change that disturbs one or more acres of land or is located within 500 feet of a lake or stream? If yes, a Part 91 permit must be obtained from the county or local governmental agency. **Note:** Some Counties and local agencies may require permit for other earth changes in addition to those described above; please check with them prior to undertaking any earth change. A list of Part 91 permitting agencies is available at www.deq.state.mi.us/lwm/ under the Water Management Section, Soil Erosion and Sediment Control Program.

Earth change means a human-made change in the natural cover of topography of land, including cut and fill activities, which may result in or contribute to soil erosion and sediment of the waters of the state. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.

Lake means "the Great Lakes and all natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, and a water surface area equal to, or greater than one acre."

Stream means "a river, creek, or other surface water course which may or may not be serving as a drain, as defined in the drain code, and which has definite banks, a bed, and visible evidence of the continued flow or continued occurrences of water, including the connecting waters of the Great Lakes."

1b. Does your project or activity involve an earth change that is under the jurisdiction (crosses the boundaries) of two or more county and/or local Part 91 agencies described in 1a? (Part 91)..... No Yes

If your project or activity disturbs five or more acres, a storm water permit is required from the Surface Water Quality Division (SWQD), Michigan Department of Environmental Quality (MDEQ). Please call 517-241-8993 for further information.

2. Is your project or activity in or near an *inland lake or stream*? (Parts 31 and 301)..... No Yes

Inland lake or stream means "a natural or artificial lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a county drain as defined by the drain code; or any other body of water that has definite banks, a bed, and visible evidence of a continued occurrence or continued flow of water....." **inland lake or stream does not include ... a lake or pond that has a surface area of less than 5 acres.**

3. Does your project or activity impact a wetland? (Part 303)..... No Yes

Wetland Means "land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, marsh. . ."

If work in wetlands cannot be avoided, a permit from the MDEQ may be required; and wetland mitigation to compensate for the loss of the wetland and its functions may also be required. For questions regarding regulated wetlands, please contact your local LWMD Field Office or the Inland Lakes and Wetlands Unit at 517-373-8485.

4. Is your project or activity in or adjacent to the Great Lakes? (Parts 323, 325, and 353)..... No Yes

5. Does your project or activity involve constructing, maintaining, altering a *dam*? (Part 315)..... No Yes

Dam means "an artificial barrier, including dikes, embankments, and appurtenant works, that impounds, diverts, or is designed to impound or divert water or a combination of water or any other liquid or material in the water."

1994 PA 451, as Amended (NREPA) Administered by the Land and Water Management Division

1. Floodplain Regulatory Authority found in Part 31, Water Resource Protection

A permit is required to:

Occupy, construct, fill, or grade within the 100-year floodplain of a river, stream, drain, or lake. Bridges and culverts are considered an occupation of the floodplain, as are activities that involve storage of materials in the floodplain.

2. **Part 91, Soil Erosion and Sedimentation Control**

A permit is required for:

Earth changes within 500 feet of the waters edge of a lake or stream.

Earth changes disturbing one or more acres.

3. Part 301 , Inland Lakes and Streams

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, 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 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 artificially 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.

4. **Part 303, Wetlands Protection**

A permit is required to:

Deposit or permit the placing of fill material in regulated wetland.

Dredge, remove, or permit the removal of soil or minerals from a regulated wetland.

Construct, operate, or maintain any use or development in a regulated wetland.

Drain surface water from a regulated wetland.

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

5. Part 315, dam Safety

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 a new dam construction, enlargement of an existing dam or impoundment, dam repair, dam alteration, dam removal, dam abandonment, or reconstruction of a failed dam

6. **Part 323, Shorelands Protection and Management**

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

Dredging, filling, grading, or any 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 colonial bird nesting areas.

Placement of permanent structures.

Farming of lands is allowed without a permit if the person is engaged in the business of farming implements and generally agricultural practices and if artificial draining, diking, 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, septic systems, additions, substantial improvements of existing structures, and buildings. With the exception of Alcona, Charlevoix, Macomb, Monroe, and Wayne Counties, all coastal counties have some designated high risk erosion areas.

7. **Part 325, Great Lakes Submerged Lands**

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

8. **Part 353, Sand Dune Protection and Management**

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

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.