



Department of Environmental Quality
Land and Water Management Division

Water and Land Related Regulations

This summary was intended to only acquaint the reader with the general concepts and/or requirements of the various laws. Land and Water Management Division staff (Lansing or District Offices), of the Department of Environmental Quality, should be contacted for more specific information regarding these laws. The following laws are parts of the Natural Resource and Environmental Protection Act, Article III, Natural Resource Management, Act 451 of 1994, unless noted.

Part 31, Water Resources Protection, Act 451 of 1994 Floodplain Regulation

Purpose: To restrict residential occupation of high risk flood hazard areas and ensure that other construction activities do not obstruct flood flows.

Requirements: Any occupation, construction, filling or grade change within the floodplain of a river, stream or drain requires a permit under state floodplain regulations.

Permitting Authorities: DEQ, Land and Water Management Division
Local building/zoning regulations

Land Division Act, PA 288 of 1967

Purpose: To require that each lot in an approved subdivision has suitable access during times of flooding, and ensure that the building site is not prone to flooding up to the 100-year flood levels.

Approvals required: DEQ, Land and Water Management Division
Departments of Labor and Economic Growth, Transportation, and local agencies

Part 301, Inland Lakes and Streams, PA 451 of 1994

Purpose: To regulate all construction, excavation, and marina operation on the State's inland waters. In reviewing an application, the Department shall consider the possible effect of the proposed action upon the inland lake or stream and connecting waters, and the uses of all such waters, including recreation, fish and wildlife, aesthetics, local government, agriculture, commerce and industry.

Requirements: A permit is necessary to:

- a) dredge or fill bottomland
- b) construct, enlarge, extend, remove or place a structure on bottomland
- c) erect, maintain or operate a marina
- d) create, enlarge or diminish an inland lake or stream
- e) structurally interfere with the natural flow of an inland lake or stream

- f) construct, dredge, commence, extend or enlarge an artificial canal, ditch, lagoon, pond, lake or similar waterway which 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
- g) connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake or similar water with an existing inland lake or stream for navigation or any other purpose.

Permitting Authority: DEQ, Land and Water Management Division

Part 303, Wetland Protection, Act 451 of 1994

Purpose: To provide for the preservation, management, protection, and use of wetlands.

Requirements: A permit is necessary to:

- a) deposit or permit the placing of fill in wetland
- b) dredge, remove, or permit the removal of soil or minerals from a wetland
- c) construct, operate or maintain any use or development in wetland
- d) drain surface water from a wetland

Note: Land and Water Management Division shall determine whether or not a parcel of land contains wetland under the jurisdiction of Part 303, of Act 451 of 1994.

Permitting Authorities: DEQ, Land and Water Management Division
US Army Corps of Engineers
Some local regulations

Part 315, Dam Safety, Act 451 or 1994

Purpose: To ensure that dams are built and maintained with necessary engineering and inspections for safety of the public and environment.

Requirements: A permit is required for construction of dams with a height of 6 feet or more and that impound 5 acres or more. A licensed professional engineer must prepare the construction plans.

Permitting Authority: DEQ, Land and Water Management Division

Part 323, Shoreland Protection and Management, Act 451 of 1994

Purpose: To protect designated environmental areas, flood risk areas and high risk erosion areas that may be damaged by various land use activities along the Great Lakes Shoreline.

Requirements: A permit is required for the following activities:

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 improvement works or maintenance or established drainage
- alteration of vegetation utilized by fish or wildlife, or involves an identified colonial bird nesting area

- placement of permanent structures
- farming of land is allowed without a permit if artificial draining, pumping, diking, dredging or filling are not used

Designated Flood Risk Area:

- any new permanent structure on a parcel of land of which any portion is a Designated Flood Risk Area

Designated High Risk Erosion Area:

- the erection, installation or moving of a permanent structure or an addition onto an existing structure on a parcel of land of which any portion is a Designated High Risk Erosion Area

Permitting Authority: DEQ, Land and Water Management Division
Possible local administration of state statute

Part 325, Great Lakes Submerged Lands, Act 451 of 1994

Purpose: To regulate all construction, excavation, and commercial facilities on the bottomlands of the Great Lakes.

Requirements: Permits required for all filling, dredging and permanent structures (docks, piers, pilings, etc.) lying below the Ordinary High Water Mark, and all upland channels extending landward of the OHWM of the Great Lakes. Leases may be required for commercial facilities on Great Lakes bottomlands.

Permitting Authority: DEQ, Land and Water Management Division
US Army Corps of Engineers

Part 353, Sand Dune Protection and Management, Act 451 of 1994

Purpose: To protect critical dune areas from damage and destruction as a result of developmental, recreational and silvicultural activities.

Requirements: All proposed uses in designated critical dune areas, including activities which involve vegetation removal and earth moving activities, as well as recreation, construction and silvicultural activities.

Permitting Authority: DEQ, Land and Water Management Division
Possibly local administration of state statute

Related Parts Regulated by Other DEQ Divisions

Rule 323.2190 of the Michigan Administrative Code (Permit by Rule) (Storm Water Protection)

Purpose: To control storm water discharges from construction activities to protect waters of the state.

Requirements: A Notice of Coverage (a type of NPDES general permit) is required for all earth change activities which disturb five or more acres of land and have a discharge of storm water to waters of the State. For sites which disturb one acre or more but less than 5 acres the Notice of Coverage is automatically granted when the Part 91 permit is issued. Both must follow Permit by Rule requirements and the Part 91 requirements.

Permitting Authority: DEQ, Water Bureau.

Part 31 Water Resources Protection, Act 451 of 1994 Wastewater Discharges

Purpose: To protect waters of the state.

Requirements: A National Pollutant Discharge Elimination System (NPDES) Permit is required for commercial mining activities such as sand mining, topsoil and clay mining, stone and gravel mining, and peat mining activities. The type of NPDES permit will vary depending upon the type of wastewater discharged.

Permitting Authority: DEQ, Water Bureau

Part 91, Soil Erosion and Sedimentation Control, Act 451 of 1994

Purpose: To control erosion and to protect the waters of the state from sedimentation.

Requirements: A permit is 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.

Permitting Authorities: County Enforcing Agent or Municipal Enforcing Agent
DEQ, Water Bureau

Act 368 PA 1978 as amended by PA 153 of 1993 Aquatic Nuisance Control

Purpose: Supervise the chemical treatment of waters of the state for the purpose of controlling aquatic nuisances.

Requirements: A permit is necessary to place chemicals in powder, crystal or solution form in the regulated waters of the state.

Permitting Authority: DEQ, Water Bureau