

PROPERTY OWNER'S PERMIT GUIDE

Permit Guide Covers:

- Wetlands
- Inland Lakes and Streams
- Great Lakes & Connecting Waters
- Floodplains
- Shoreline Management
- Natural Rivers
- Sand Dunes
- Aquatic Nuisance Species Control
- Soil Erosion and Sedimentation Control
- Septic Systems

Lake Charlevoix Watershed



Our actions in and around the Lake Charlevoix Watershed can have direct, and often times adverse, impacts on natural resources. For this reason, policies have been adopted at the federal, state, and local levels that regulate certain activities to assure that our water resources are not only protected, but improved over time. These policies protect water quality, limit erosion, conserve wildlife and vegetation, and preserve the natural beauty of the Lake Charlevoix Watershed.

At first glance, the process of obtaining a permit looks complicated and difficult to understand. This booklet was written to help you better understand which permits you may need when doing certain types of work. This booklet is meant to be a guide only. Always check with the appropriate agencies/offices before beginning any work.

Quick Reference Guide

If your activity is...

Within a wetland

You need a:

MDEQ/USACE Joint Permit

Contact Michigan Department of
Environmental Quality (MDEQ),
Water Resources Division

U.S. Army Corps of Engineers
(USACE), Detroit District

Within 500 feet of a lake or stream

You need a:

Soil Erosion and Sedimentation Permit and MDEQ/USACE Joint Permit

Contact County soil erosion office
MDEQ, Water Resources Division

Along the Great Lakes and connecting waters

You need a:

MDEQ/USACE Joint Permit

Contact MDEQ, Water Resources Division
USACE, Detroit District

Using chemicals to control aquatic plants

You need a:

Aquatic Nuisance Control Permit

Contact MDEQ, Aquatic Nuisance
Control Program

Installing or repairing a septic system

You need a:

Septic Permit

Contact Health Department of
Northwest Michigan

Within 400 feet of the Jordan River

You need a:

Natural Rivers Permit

Contact Michigan Department of Natural
Resources (MDNR), Fisheries Division

Within or on the shore of an inland lake or stream

You need a:

MDEQ/USACE Joint Permit

Contact MDEQ, Water Resources Division

Within a riverine floodplain

You need a:

Floodplain Permit

Contact MDEQ, Water Resources Division

Disturbing 1 acre or more

You need a:

Soil Erosion and Sedimentation Permit

Contact County soil erosion office

Within designated sand dunes

You need a:

Critical Dune Permit

Contact MDEQ, Water Resources Division

— **Contact information for these agencies can be found on the back cover.** —

If you own waterfront property, a local unit of government may have additional requirements or restrictions. Be sure to check with your township or city to find out if a local permit is required prior to beginning any activity.

Wetlands

Apply for a:

Permit application available at: www.michigan.gov/jointpermit

MDEQ/USACE Joint Permit

Wetlands are regulated under Michigan's Wetland Protection Act and Section 404 of the Federal Clean Water Act.

A permit is needed if wetlands will be disturbed as part of any development or restoration plan. Examples of work that require a permit include:

- Filling or placing material in a wetland
- Dredging or removing soil from a wetland
- Draining water from a wetland
- Constructing or maintaining a use or development in a wetland, such as constructing a boardwalk, pond, or driveway

Under Michigan's Wetland Protection Act, Part 303 of the Natural Resources and Environmental Protection Act (Act 451 of 1994), the MDEQ regulates wetlands of any size that are "contiguous" to another waterbody or wetlands that are greater than five acres. Wetlands connected to or within 500 feet of an inland lake, stream, or pond and connected to or within 1,000 feet of a Great Lake generally are considered contiguous.

Under Section 404 of the Clean Water Act, the USACE regulates discharging dredged and/or fill material into the Great Lakes and connecting channels, including Lake Charlevoix and adjacent wetlands. The MDEQ and the USACE have a Joint Permit Application which covers all areas of the State, including projects where the USACE has jurisdiction. However, separate state and federal permits are required. If you are doing work on the Great Lakes or a connecting channel, including Lake Charlevoix, make sure you have obtained both permits before beginning work.

In order to get a permit, you must show that you avoided and minimized impacts to the wetland resources to the greatest extent possible and that no other viable alternatives are available.

More information on wetland permits can be found at www.michigan.gov/wetlands.



Inland Lakes and Streams

Apply for a:

MDEQ/USACE Joint Permit

Permit application available at: www.michigan.gov/jointpermit

Most activities that occur within or along the shoreline of inland lakes and streams are regulated under Michigan's Inland Lakes and Streams Act.

Examples of work on an inland lake or stream that require a permit include:

- Dredging, filling, constructing or placing a structure on bottomlands, such as beach sanding and installation of riprap, a breakwater, or a permanent dock
- Constructing or operating a marina
- Structurally interfering with natural flow of water
- Connecting a ditch, pond, or canal to an inland lake or stream

Under Michigan's Inland Lakes and Streams Act, Part 301 of the Natural Resources and Environmental Protection Act (Act 451 of 1994), MDEQ regulates shoreline activity that occurs below the Ordinary High Water Mark (OHWM) or below the highest legal lake level.

The OHWM is the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the highest established level.

In order to get a permit, you must show that the project will not adversely affect the public trust or riparian rights, or impair or destroy any of the waters or other natural resources of the State.

More information on inland lakes and streams permits can be found at www.michigan.gov/deqinlandlakes.



Great Lakes and Connecting Waters

Apply for a:

MDEQ/USACE Joint Permit

Permit application available at: www.michigan.gov/jointpermit

Most activities that occur in navigable waters of the U.S., including the Great Lakes and connecting channels, are regulated under federal laws.

Examples of work that require a permit include:

- Dredging, filling, constructing or placing a structure on bottomlands
- Shoreline protection such as riprap, seawalls, or bulkheads
- Groins
- Boat ramps, permanent docks, or piers
- Boardwalks, walkways, or pathways

The USACE regulates work waterward of the OHWM of navigable waters under Section 10 of the Rivers and Harbors Act. The USACE also regulates discharges of fill material into waters of the U.S. under Section 404 of the Clean Water Act. This means USACE regulates activities on Lake Charlevoix. The MDEQ and the USACE have a Joint Permit Application for projects over which both agencies have jurisdiction. However, separate state and federal permits are required. If you are doing work on the Great Lakes or a connecting channel, including Lake Charlevoix, make sure you have obtained both permits before beginning work.

In order to get a permit, you must show that the project will not adversely affect the public trust or riparian rights, or impair or destroy any of the waters or other natural resources of the State.

More information on permits for activities occurring in the Great Lakes and connecting channels can be found at www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx.



Floodplains

**Apply for a:
MDEQ/USACE Joint Permit**

**Permit application available at:
www.michigan.gov/jointpermit**

Activities in floodplains are regulated under Michigan's Water Resources Protection Act.

Examples of work in a floodplain that require a permit include:

- Building a house
- Placement of fill
- Installing a culvert



Under the Floodplain Regulatory Authority found in Michigan's Water Resources Protection Act, Part 31 of the Natural Resources and Environmental Protection Act (Act 451 of 1994), the MDEQ requires a permit for any construction, fill, or alteration of a floodplain of a river, stream, or drain which has a drainage area greater than or equal to 2 square miles.

A river, stream, lake, or drain may, on occasion, overflow their banks and inundate adjacent land areas. The land that is inundated by water is defined as a floodplain. In Michigan, and nationally, the term floodplain has come to mean the land area that will be inundated by the overflow of water resulting from a 100-year flood (a flood which has a 1% chance of occurring any given year).

In general, construction and fill may be permitted in the portions of the floodplain that are not a floodway, if local ordinance and building standards are met, and compensating excavation is provided equal to the volume of fill placed in the floodplain. Floodways are the channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the 100 year flood; these are areas of moving water during times of flood. New residential construction is specifically prohibited in the floodway.

A permit under Part 31 is not required from the MDEQ for alterations within the floodplains of the Great Lakes, inland lakes, or watercourses which have a drainage area less than 2 square miles.

**More information on floodplain permits can be found at
www.michigan.gov/floodplainmanagement.**

Shoreline Management

Apply for a:

USACE Short Application for Minor Shoreline Work

Permit application available at:

www.lre.usace.army.mil/Portals/69/docs/regulatory/PDFs/USACE_Shoreline_Short_Application.pdf

USACE requires a permit for leveling of sand and grooming of sandy or vegetated areas, which includes removal of vegetation.

Shoreline management activities between the OHWM and the water's edge on the Great Lakes and their connected waters, including Lake Charlevoix, are regulated under Section 10 of the Federal Rivers and Harbors Act and Section 404 of the Federal Clean Water Act.

In order to get a shoreline management permit, you must meet the following conditions:

- The area from which the sand will be relocated or the area to be groomed, and the area proposed for discharge of the sand, must be non-wetland areas where under normal circumstances vegetation is non-existent, very sparse, or consists predominantly of plants not typically adapted to wetland conditions
- No work is authorized waterward of the existing water's edge at the time the work is performed
- The area proposed for work is composed of unconsolidated and unstable sand that is constantly shifting due to wind and wave forces and provides little habitat for aquatic and/or upland species
- For leveling, the amount of sand to be relocated is limited to two cubic yards per linear foot of the applicant's frontage. For grooming, the amount of sand disturbance may not exceed 4 inches below the surface
- All collected debris must be disposed of in an upland area landward of the Corps of Engineers' OHWM and outside of any wetland
- An inspection has been performed by USACE regulatory personnel to verify site conditions or, if possible, the applicant provides dated site photographs clearly indicating the conditions of the entire work area

Shoreline management activities below the water's edge and in coastal wetlands also require a permit from the MDEQ under Michigan's Wetland Protection Act (See Wetlands on page 2). Shoreline management activities in vegetated and certain other areas require a permit from the MDEQ (see www.mi.gov/deq/0,4561,7-135-3313_3687-70142--,00.html).

More information on shoreline management permits can be found at www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits/ApplyForAPermit.aspx.



Natural Rivers

Apply for a:

**Michigan Department of Natural Resources
(MDNR) Natural River Zoning Permit**

Permit application available at:

www.michigan.gov/documents/dnr/PR8031_NaturalRiverProg_ZoningPermitApplication_283388_7.pdf?updated=12122013

All lands within 400 feet of the Jordan River and its tributaries are subject to the provisions of Michigan's Natural River Act, Part 305 of the Natural Resources and Environmental Protection Act (Act 451 of 1994). The MDNR, Fisheries Division, regulates most activities within this area by requiring a Natural River Zoning Permit.

In order to get a Natural River Zoning Permit, the activity must meet designated development standards for the river. Development standards for the Jordan River include a 200-foot building setback from the Ordinary High Water Mark (100 feet on the tributaries), a 100-foot vegetative buffer strip (25 feet on the tributaries), and others. If the development standards cannot be met due to a variety of circumstances, a variance may be requested.

The zoning standards for the Jordan River system are found on pages 1-23 of the Natural River Zoning Rules. www.michigan.gov/documents/dnr/2010-026_Natural_Rivers_Zoning_Rules_438073_7.pdf

More information on natural river zoning permits can be found at www.michigan.gov/dnr under "Fishing" and then "Managing Michigan's Fisheries."

Sand Dunes

Apply for a:

MDEQ/USACE Joint Permit

Permit application available at: www.michigan.gov/jointpermit

Activities in designated sand dunes are regulated under Michigan's Sand Dune Protection and Management Act.

Examples of work in sand dunes that require a permit include:

- Construction of a house or garage
- Installing a septic system
- Sand and vegetation removal
- Building a road or driveway
- Installing retaining walls

Under Michigan's Sand Dune Protection and Management Act, Part 353 of the Natural Resources and Environmental Protection Act (Act 451 of 1994), the MDEQ requires a permit for those activities which significantly alter the physical characteristics of a Critical Dune Area or for a contour change in a Critical Dune Area.

Of the 275,000 acres of sand dunes in Michigan, 70,000 acres were designated as "Critical Dunes." These Critical Dune Areas were recognized as a "unique, irreplaceable and fragile resource that provide significant recreational, economic, scientific, geological, scenic, botanical, educational, agricultural, and ecological benefits to the people of this state and to people from other states and countries who visit this resource."

More information on sand dune permits can be found at www.michigan.gov/criticaldunes.

Aquatic Nuisance Species Control

Apply for a:

MDEQ Aquatic Nuisance Species Permit

Permit application available at:

http://www.michigan.gov/deq/0,4561,7-135-3313_3681_3710-10160--,00.html

Chemical control for many invasive species, such as Eurasian watermilfoil, curly-leaf pondweed, purple loosestrife, and invasive *Phragmites*, is regulated under Part 33, Aquatic Nuisance Control, of the Natural Resources and Environmental Protection Act (Act 451 of 1994).

The MDEQ's Aquatic Nuisance Control Program issues permits for chemical treatment to waters of the State or exposed Great Lakes bottomlands below the OHWM for control of aquatic nuisances, such as aquatic plants, algae, and swimmer's itch.

Chemical treatment is generally limited to 100 feet of frontage per residentially developed property, extending to the 5-foot depth contour or 300 feet from the shoreline, whichever is closer. Each permit normally requires the permittee to notify, in writing, an owner of any waterfront property within 100 feet of the area of impact before the initial chemical treatment each year. Water use restrictions, including a 24 hour swimming restriction, may be imposed in the area(s) of treatment.

**More information on aquatic nuisance species permits
can be found at www.michigan.gov/anc.**

A permit is generally not required from the MDEQ to control aquatic vegetation in inland lakes by mechanical harvesting as long as the bottom sediments are not disturbed. Mechanical harvesting does require a permit from the USACE if the activity is conducted along the Great Lakes and their connecting waters, including Lake Charlevoix. (See Shoreline Management on page 6).



Soil Erosion and Sedimentation Control

Apply for a:

Antrim County Soil Erosion Permit

Permit application available at:

www.antrimsoil.com/resources/soilerosionpermit.pdf

Charlevoix County Soil Erosion Permit www.charlevoixcounty.org/downloads/newsoilfinal3.pdf

Emmet County Soil Erosion Permit www.emmetcounty.org/uploads/SoilErosionPermitApplication_2014.pdf

Otsego County Soil Erosion Permit www.otsego.org/conservationdistrict/files/Download/SE_application.pdf

If you will be disturbing soils, removing existing vegetation, or changing topography within 500 feet of a lake or stream, you will need a Soil Erosion and Sedimentation Control Permit from the county soil erosion inspector or officer.

Under Soil Erosion and Sedimentation Control (SESC), Part 91 of the Natural Resources and Environmental Protection Act (Act 451 of 1994), counties regulate all earth change activities such as excavating, filling, grading, and building, if they occur within 500 feet of a lake or stream or disturb more than one acre.

County soil erosion officers review soil erosion and sedimentation control plans, issue permits, and take enforcement actions when necessary to ensure compliance with Part 91.

More information on soil erosion and sedimentation permits can be found at www.michigan.gov/soilerosion.

Septic Systems

Apply for:

Health Department of Northwest Michigan Septic Permit

Permit application available at:

www.nwhealth.org/pubs/EH-28.pdf

Septic permits are issued by local building departments or departments of health. People are required to get septic permits for health and safety reasons.

Examples of work that require a septic system permit include:

- Installing a septic system to serve a new home
- Installing a replacement septic system to serve an existing home with a failing system
- Replacing or upgrading an existing septic system to accommodate a building addition

In order to get a permit, the Health Department must confirm that the septic system serving a property is adequate and meets the requirements in the Health Department of Northwest Michigan District Sanitary Code for the Counties of Antrim, Charlevoix, and Otsego.

The District Code can be accessed at www.nwhealth.org/pubs/District_Sanitary_Code.pdf.



Contact Information

Federal and State Agencies

Department of Environmental Quality Water Resources Division

Gaylord Field Office
989-731-4920
www.michigan.gov/wrd

Department of Natural Resources Fisheries Division, Natural Rivers Program

Gaylord Operations Service Center
989-732-3541
www.michigan.gov/dnr

Department of Environmental Quality, Aquatic Nuisance Control Program

517-284-5593
DEQ-WRD-ANC@michigan.gov
www.michigan.gov/anc

U.S. Army Corps of Engineers Detroit District Regulatory Office

1-800-493-6838
Regadmin.LRE_RegAdmin@usace.army.mil
www.lre.usace.army.mil

Soil Erosion and Sedimentation Offices

Antrim County Soil Erosion Office

231-533-8363
www.antrimsoil.com

Emmet County Planning, Zoning, and Construction Resources

231-439-8996
www.emmetcounty.org/soil-erosion-232/

Charlevoix County Soil Erosion Office

231-547-7236
<http://charlevoixcounty.org/govern0120.asp>

Otsego County Conservation District

989-732-4021
www.otsego.org/conservationdistrict/soilerosion.html

Health Department of Northwest Michigan Administrative Offices

Antrim County

209 Portage Dr.
Bellaire, MI 49615
231-533-8670

Charlevoix County

220 W. Garfield
Charlevoix, MI 49720
231-547-6523

Emmet County

3434 M-119, Suite A
Harbor Springs, MI 49740
231-347-6014

Otsego County

95 Livingston Blvd.
Gaylord, MI 49735
989-732-1794



Tip of the Mitt Watershed Council

426 Bay Street

Petoskey, MI 49770

Phone: 231-347-1181

www.watershedcouncil.org

Funding provided by Charlevoix County Community Foundation

Produced by Tip of the Mitt Watershed Council

December 2014