Rising Waters in Northern Michigan
Part 301 Inland Lakes and Streams

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Some Part 301 Regulated Activities

- (a) Dredge or fill bottomland.
- (b) Construct, enlarge, extend, remove, or place a structure on bottomland.
- (c) Construct, reconfigure, or expand 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.
Public Trust

RIGHT OF THE PUBLIC TO NAVIGATE AND FISH IN NAVIGABLE WATERS

THE DUTY OF THE STATE TO PROTECT THIS RIGHT

RIGHT OF THE PUBLIC TO THE AIR, WATER, AND OTHER NATURAL RESOURCES OF THE STATE

THE DUTY OF THE STATE TO PROTECT THESE RESOURCES FROM POLLUTION, IMPAIRMENT, OR DESTRUCTION
Riparian Rights

- Rights associated with the ownership of the riparian property
- Includes: access, dockage, general use of the water, and
- title to natural accretions, subject to the public trust.
Common 301 Exemption

- A seasonal structure placed on bottomland to facilitate private noncommercial recreational use of the water if it does not unreasonably interfere with the use of the water by others entitled to use the water or interfere with water flow.
MiWaters Web-based permitting process

- Permit applications are submitted electronically.
- Public Notice Search
- Site Map Explorer
- Report Complaints
• Submitting application to the MDEQ with review and authorizations under multiple parts of the NREPA.
• Parts 31, 301, 303, 315, 323, 325, and 353
• Single application fee for most projects.
• Coordination with USEPA and USACE when required.
• USACE review waived outside of Section 10 waters
• USEPA review waived unless it constitutes a Major Discharge
• Results in an efficient, cost effective, streamlined permitting process for applicants.
Lakes High Water Levels

- Water levels are cyclical with periods of low and high water
  - Can last for several years
  - Influenced by precipitation, runoff, and evaporation

- All the Great Lakes are currently at or near record highs
- Many Inland lakes are also experiencing extreme high levels
Inland Lakes High Water Issues

- Expanding Lakes
- Structure Damage
- Septic Damage
- Drinking Water Well Damage
- Surface water Contamination
- Debris floating and submerged
Floating Debris
Many navigation/boating hazards
Oily sheens from household chemicals and oils.
Appropriate response is site specific

Shoreline property owners commonly propose...

1- to hard armor (seawall) the shoreline with steel seawall or rock riprap as a “permanent” protection measure

2- draw down a flooded lake, moving water to another location. Whole Lake drawdown projects require a permit from EGLE.
Shore protection is expensive. Vertical Seawalls reflect wave energy. EGLE requires riprap toe stone at lakeward side to mitigate habitat impacts.

What are the alternatives? Where appropriate natural materials- avoiding vertical walls- Bioengineering – provides habitat, heals naturally.

Moving or elevating house/structures further landward gives you a natural buffer from shoreline erosion, and often costs less than construction and maintenance of permanent shore protection.

Professional structure movers experienced in relocating structures away from the shoreline. Consultants can assist with applications/permitting.
EGLE and Applicants must also consider...

- Adverse effects to public trust impacts and riparian rights
- Feasible and prudent alternatives
- Downstream impacts with discharges, cannot cause detrimental impacts to receiving locations. AIS – Wetlands-watershed impacts-monitoring

- Softer approaches are coir logs, bioengineering or temporary sandbags can be more appropriate for immediate prevention.

- Easier to prevent flooding than to attempt to de-water flooded areas.
Sand Bags placed in the Dry

Sand Bags placed in the Wet
So what does it mean?

- Landscape is saturated particularly across the northern region; water bodies are nearly all above normal water levels. Leaving little room for additional capacity.
- Kettle-hole lakes with no outfalls are expanding their margins flooding out homes, structures and infrastructure etc.
- Generally EGLE Permits are required to place fill in surface waters.
- Permitting & private design/build resources for addressing issues are already over-capacity.
EGLE is working to help shoreline property owners protect property threatened by high lake levels – expediting permits:

- Prioritizing based on risk to human health & safety, critical infrastructure and homes
- Exercising emergency permitting authority
- Streamlining permitting processes, where allowed by law (Part 301)
EGLE Action – Assisting Customers

- New webpage: Inland Lakes High Water Levels
  https://www.michigan.gov/egle/0,9429,7-135-3313_3681_28734-521579--,00.html
  - General water level information
  - Links to information sheets
  - Permit application assistance
  - FAQ document

- Customer assistance on-call (8:30-4:30, M-F):
  - Environmental Assistance Center (800-662-9278 or EGLE-assist@Michigan.gov)
  - Identify that you are calling about high-water levels
The **tough** questions:

*Who is responsible if my home floods or property is lost in the lake?*

*Are you going to fine me of I.......?*

*Why is the state of Michigan charging me a fee to save my property?*

*Why don’t you just suspend the laws?*

*Is there any funding help available?*
Is there anyone that can help me navigate all of this?

Contact EGLE’s *Environmental Assistance Center* and tell the operator you are inquiring about high-water issues.

- 800-662-9278
- [EGLE-Assist@Michigan.gov](mailto:EGLE-Assist@Michigan.gov)
Michigan Department of
Environment, Great Lakes, and Energy

800-662-9278
www.Michigan.gov/EGLE

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