

PROPERTY OWNER'S PERMIT GUIDE



Permit Guide Covers:

- Wetlands
- Inland Lakes and Streams
- Great Lakes and Navigable Waters
- Floodplains
- Shoreline Management
- High Risk Erosion Areas
- Soil Erosion and Sedimentation Control
- Sand Dunes
- Large Quantity Water Withdrawals
- Aquatic Nuisance Species Control
- Septic Systems
- Local Zoning and Building



Our actions in and around the Elk River Chain of Lakes 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 region.

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 or on the shore of an inland lake or stream

You need a: MDEQ/USACE Joint Permit

Contact 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

Within a riverine floodplain

You need a: Floodplain Permit

Contact MDEQ, Water Resources Division

Leveling or grooming of sand

You need a: USACE Permit for Minor Shoreline Work

Contact USACE, Detroit District

Within a designated high risk erosion area

You need a: MDEQ/USACE Joint Permit

Contact MDEQ, Water Resources Division

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

Some activities require multiple permits from local, state, and federal governments. Be sure to check with all levels to find out if a permit is required prior to beginning any activity.

Within 500 feet of a lake or stream

You need a:

Local Soil Erosion and Sedimentation Permit

Contact County Soil Erosion Office

AND POSSIBLY A

MDEQ/USACE Joint 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: MDEQ/USACE Joint Permit

Contact MDEQ, Water Resources Division

Using chemicals to control aquatic plants

You need an: Aquatic Nuisance Control Permit

Contact MDEQ, Aquatic Nuisance Control Program

A new or increased water withdrawal

You need a: Water Withdrawal Registration or Permit

Contact MDEQ, Water Resources Division

Installing or repairing a septic system

You need a: Septic Permit

Contact Local Health Department

A construction or land use activity

You need a: Local Zoning or Building Permit

Contact Local Zoning Authority

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. Any portion of wetland within a wetland complex that is 5 acres or larger, regardless of their proximity to surface water, is also regulated.

Under Section 404 of the Clean Water Act, the USACE regulates discharging dredged and/or fill material into the Great Lakes, including Grand Traverse Bay, 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 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 the OHWM, the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland. This mark is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Some inland lakes have an OHWM established by law.

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 Navigable 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, are regulated under state and 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, docks, or piers
- Boardwalks, walkways, or pathways

Under Part 325, Great Lakes Submerged Lands of the Natural Resources and Environmental Protection Act (Act 451 of 1994), MDEQ regulates construction activities on Great Lakes bottomlands. Public Trust Great Lake bottomlands extend lakeward from the Lake Michigan OHWM elevation, set at 580.5 feet International Great Lakes Datum 1985.

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 Grand Traverse Bay.

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, including Grand Traverse Bay, 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 waters or other natural resources.

More information on permits for activities occurring in the Great Lakes and connecting channels can be found at

http://www.michigan.gov/deq/0,4561,7-135-3313_3677_3702---,00.html (State) or www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx (Federal).



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



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).

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.

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 (see Local Zoning on page 12), 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 of navigable waters, including the Great Lakes and Grand Traverse Bay, 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 permit for minor shoreline management projects, 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 USACE 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



Projects beyond the conditions described above may seek a MDEQ/USACE Joint Permit as described on page 4. 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).

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

High Risk Erosion Areas

Apply for a:

MDEQ/USACE Joint Permit

Permit application available at:

www.michigan.gov/jointpermit

Construction in designated high risk erosion areas is regulated by Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Examples of projects that require a permit include:

- Construction of a house, garage, or addition
- Construction of a commercial building
- Installation or upgrade of a septic system
- Substantial reconstruction of an existing home

Under Michigan's High Risk Erosion Area Program, any person proposing to erect, install, move, or enlarge a permanent structure on a parcel in a high risk erosion area must obtain a permit from the MDEQ prior to commencement of construction. High risk erosion areas are those shorelands of the Great Lakes where recession of the landward edge of active erosion has been occurring at a long-term average rate of one foot or more per year, over a minimum period of 15 years.

There are designated high risk erosion areas along the shorelines in the Townships of Banks, Elk Rapids, Milton, and Torch Lake within Antrim County and Acme Township within Grand Traverse County. Township maps showing the locations and setbacks for each of the areas are available on the MDEQ website.

More information on high risk erosion area permits can be found at
www.mi.gov/shorelands.

Soil Erosion and Sedimentation Control

Apply for a:

- Antrim County Soil Erosion Permit
- Charlevoix County Soil Erosion Permit
- Grand Traverse Soil Erosion Permit
- Kalkaska County Soil Erosion Permit

Permit application available at:

Antrim County: www.antrimsoil.com/resources/Soil%20Erosion%20Application.pdf

Charlevoix County: <http://tinyurl.com/Charlevoix-Soil-Erosion-Permit>

Grand Traverse County: www.co.grand-traverse.mi.us/DocumentCenter/View/5449

Kalkaska County: www.kalkaskacounty.net/downloads/soil_erosion_permit_application_7222014.pdf

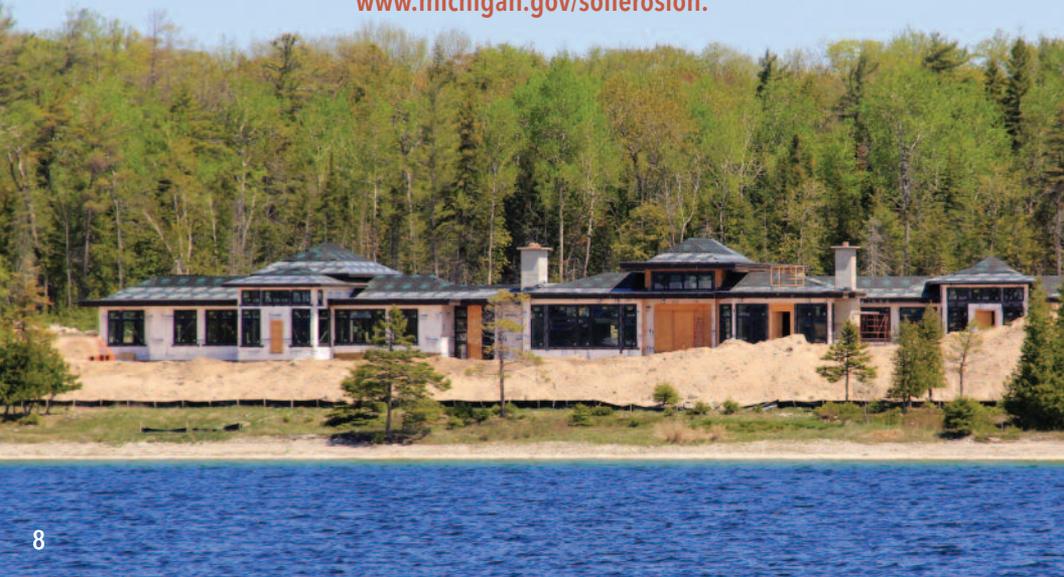
If you will be disturbing soils, removing existing vegetation, or changing topography within 500 feet of a lake or stream, including the Great Lakes, you will need a Soil Erosion and Sedimentation Control Permit from the County soil erosion inspector or officer.

Under Soil Erosion and Sedimentation Control (SESC), Part 91 of the Natural Resources and Environmental Protection Act (Act 451 of 1994), earth change activities such as excavating, filling, grading, and building, are regulated if they occur within 500 feet of a lake or stream, disturb more than one acre of land, or result in or contribute to soil erosion or the accumulation of sedimentation in adjacent properties or waters of the State. There are exceptions to these requirements for small residential landscaping projects.

Soil erosion officers review soil erosion and sedimentation control plans, issue permits, and take enforcement actions when necessary to ensure compliance with Part 91. Submit your soil erosion permit application to your County Soil Erosion and Sedimentation Control Program. Contact information for the County Programs are on the back cover.

If your property is in a regulated area such as a wetland, critical dune, or within 500 feet of an inland lake or stream, other state and federal permits are also required. The MDEQ/USACE Joint Permit application is available at www.michigan.gov/jointpermit.

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



Sand Dunes

Apply for a:

MDEQ/USACE Joint Permit

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

Activities in designated high risk sand dunes is regulated by Part 353, Sand Dunes Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

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 Critical Dune Area Program, the MDEQ requires a permit for those activities which significantly alter the physical characteristics or change the contour in a Critical Dune Area.

There are designated Critical Dune Areas along the shorelines in Torch Lake Township located in Antrim County and in Norwood Township located in Charlevoix County. Township maps showing the locations of Critical Dune Areas are available on the MDEQ website.

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

Large Quantity Water Withdrawals

Apply for:

Water withdrawal registration or permit

Permit application available at: www.mi.gov/wateruse

All new or increased large quantity withdrawals are regulated under Michigan's Great Lakes Preservation Act. The purpose is to manage, protect, and conserve the waters of the State for the public trust, interest, and riparian rights.

Under the Great Lakes Preservation Act, Part 327, any withdrawal greater than 100,000 gallons per day, averaged over any 30 day period, must register with the State of Michigan using the online Water Withdrawal Assessment Tool (WWAT). That equates to a rated pump capacity of 70 or more gallons per minute (gpm).

The Water Withdrawal Assessment Tool is designed to estimate the likely impact of a water withdrawal on nearby streams and rivers. All new withdrawals are prohibited from causing an Adverse Resource Impact to the waters of the State. Use of the WWAT is required prior to beginning any new or increased large quantity withdrawal from the waters of the State, including all groundwater, inland surface water, and the Great Lakes and connecting channels. The Water Withdrawal Assessment Tool can be accessed at www.deq.state.mi.us/wwat.

Any withdrawal greater than 2,000,000 gallons per day (2 MGD) requires a permit under Part 327.

More information on water withdrawals can be found at
www.mi.gov/wateruse.

Aquatic Nuisance Species Control

Apply for a:

MDEQ Aquatic Nuisance Species Permit

Permit application available at:

<https://miwaters.deq.state.mi.us>

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 cercaria.

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.

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, including Grand Traverse Bay. (See Shoreline Management on page 6).

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



Septic Systems

Apply for: Health Department of Northwest Michigan Septic Permit
(Antrim and Charlevoix Counties)

Grand Traverse County Health Department Septic Permit
(Grand Traverse County)

District Health Department #10 (Kalkaska County)

Permit application available at:

Antrim and Charlevoix County: www.nwhealth.org/pubs/EH-54.pdf

Grand Traverse County: www.gtchd.org/DocumentCenter/Home/View/1994

Kalkaska County: www.dhd10.org/images/EH_APP_General_2016.pdf

Septic permits are issued by 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
- Repairing or replacing a septic system to serve an existing home with a failing system
- Replacing or upgrading an existing septic system to accommodate a building addition

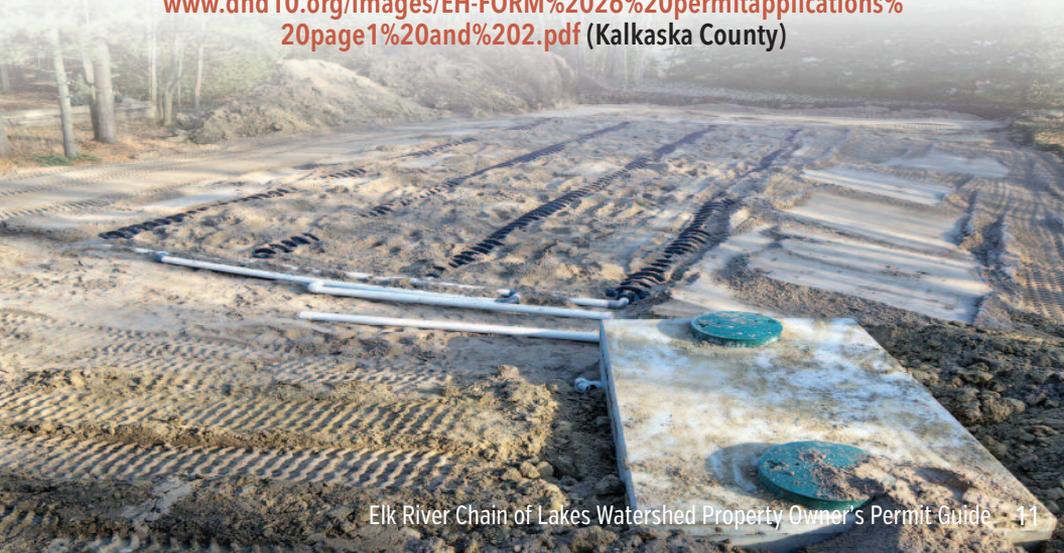
In order to get a permit, the Health Department must confirm that the septic system serving a property is adequate and meets the requirements in the Sanitary Code.

More information on septic permits can be found at

www.nwhealth.org/septiccare.html (Antrim and Charlevoix Counties)

www.gtchd.org/822/Well-Septic (Grand Traverse County)

www.dhd10.org/images/EH-FORM%2026%20permitapplications%20page1%20and%202.pdf (Kalkaska County)



Local Zoning and Building

Zoning Permits

A zoning permit is used to ensure that the proposed land use activities are consistent with local zoning laws. In general, zoning regulates location, size, height, number of stories, and use of buildings and land. Many municipalities in the Elk River Chain of Lakes Watershed have zoning ordinances with water protection provisions such as requiring vegetated buffers around water bodies, site plan review standards for natural features, and impermeable surface limits. Be sure to check with your appropriate County, Township, or Village for local requirements prior to beginning any work.

Examples of work that require a zoning permit include:

- New use of land
- Most exterior modifications to existing structures
- New use of buildings

Building Permits

Building permits are a requirement of the state building code, which is a minimum set of construction standards and safety requirements that ensure buildings and structures are safe to use and occupy. Most building permits are issued by local units of government, such as city, county, or township.

Examples of work that require a building permit include:

- New construction
- Additions, decks, siding and re-shingling, and remodeling projects
- Changing the use of the building or spaces within
- Building walls or altering a structure

To apply for a zoning or building permit, contact the appropriate County, Township, or Village.

Charlevoix County

Marion Township

231-547-2154

www.michigantownships.org/twp_details.asp?fips=51620

Norwood Township

www.norwoodtwp.org/index.php

South Arm Township

231-536-2900

www.michigantownships.org/twp_details.asp?fips=74680

Grand Traverse County

Whitewater Township

231-267-5141

www.whitewatertownship.org

Otsego County

Elmira Township is under Otsego County Zoning.

Otsego County Planning and Zoning

989-731-7400

<http://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/>

Antrim County

Antrim County does not have a county-wide zoning ordinance. However, seven of the 15 townships and five villages currently have zoning ordinances. The zoned Townships include Banks, Elk Rapids, Forest Home, Helena, Kearney, Milton, and Torch Lake. The zoned Villages include Bellaire, Central Lake, Elk Rapids, Ellsworth, and Mancelona.

Banks Township

231-588-6126

www.bankstownship.net/index.html

Elk Rapids Township

231-264-9333

www.elkrapids.com

Forest Home Township

231-533-8003

www.foresthometwp.com

Helena Township

231-331-4643

www.helenatownship.com

Kearney Township

231-533-5719

www.kearneytownship.org

Milton Township

231-264-6612

www.miltontownship.org/index.html

Torch Lake Township

231-599-2036

www.torchlaketownship.org/index.htm

Village of Bellaire

231-533-8213

www.bellairemichigan.com

Village of Central Lake

231-544-6483

www.centrallakemi.org

Village of Elk Rapids

231-264-9274

www.elkrapids.org

Village of Ellsworth

231-588-7411

www.villageofellsworth.com

Village of Mancelona

231-587-8331

www.villageofmancelona.org

Kalkaska County

Kalkaska County issues zoning permits for Coldsprings and Kalkaska Townships.

Kalkaska County

231-258-3367

www.kalkaskacounty.net/zoning.asp

The following are not under Kalkaska County Zoning: Clearwater Township, Rapid River Township, and the Village of Kalkaska.

Clearwater Township

231-331-6249

www.clearwatertwp.com

Village of Kalkaska

231-258-9191

www.kalkaskavillage.com

Rapid River Township

231-258-2943

www.kalkaskacounty.net/rapidriver.asp

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 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

Local Soil Erosion and Sedimentation Control Offices

Antrim County 231-533-8363 www.antrimsoil.com

Charlevoix County 231-547-726 www.charlevoixcounty.org/department_of_building_safety/index.php#Soil

Grand Traverse County 231-995-6042 <http://www.co.grand-traverse.mi.us/518/Soil-Erosion-Sedimentation-Control>

Kalkaska County 231-258-3367 www.kalkaskacounty.net/zn_soil_erosion.asp

Local Health Departments

Health Department of Northwest Michigan www.nwhealth.org

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

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

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

Grand Traverse County Health Department 231-995-6111 www.gtchd.org/498/Health-Dept
2600 LaFranier Rd, Ste. A, Traverse City, MI 49686

District Health Department #10 231-258-2805 www.dhd10.org
625 Courthouse Drive, Kalkaska, MI 49646

Local Organizations

Conservation Resource Alliance 231-946-6817 www.rivercare.org

The Watershed Center Grand Traverse Bay 231-935-1514 www.gtbay.org/

Three Lakes Association 231-544-7221 www.3lakes.com

Tip of the Mitt Watershed Council 231-347-1181 www.watershedcouncil.org

Torch Conservation Center 231-377-7512 www.conservetorch.org



Tip of the Mitt Watershed Council
426 Bay Street • Petoskey, MI 49770
Phone: 231-347-1181
www.watershedcouncil.org