

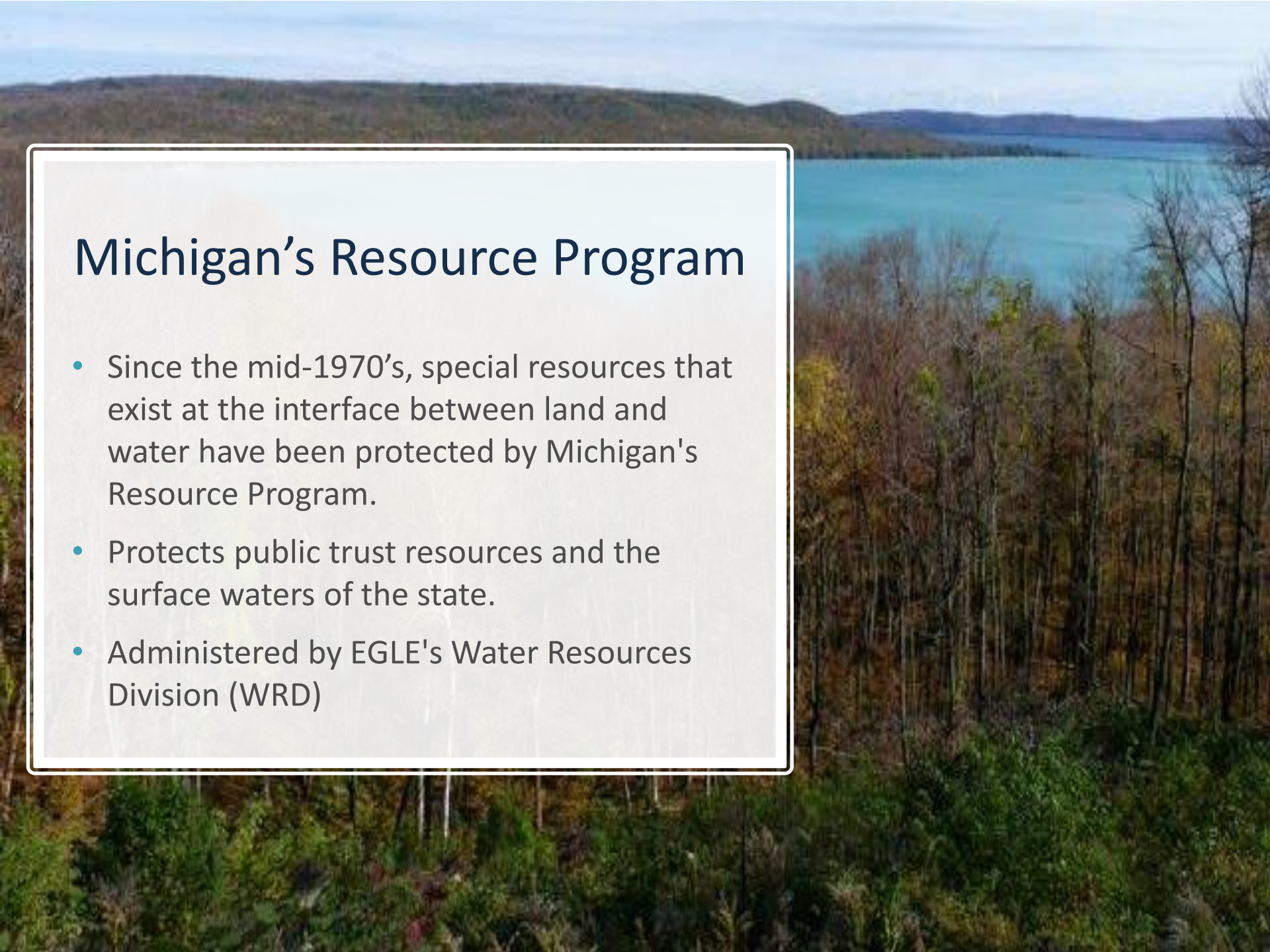


MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Water Resources Permitting

Kate Kirkpatrick

Water Resources Division | Wetlands, Lakes, and Streams Unit
June 2026



Michigan's Resource Program

- Since the mid-1970's, special resources that exist at the interface between land and water have been protected by Michigan's Resource Program.
- Protects public trust resources and the surface waters of the state.
- Administered by EGLE's Water Resources Division (WRD)

Water Resources Division

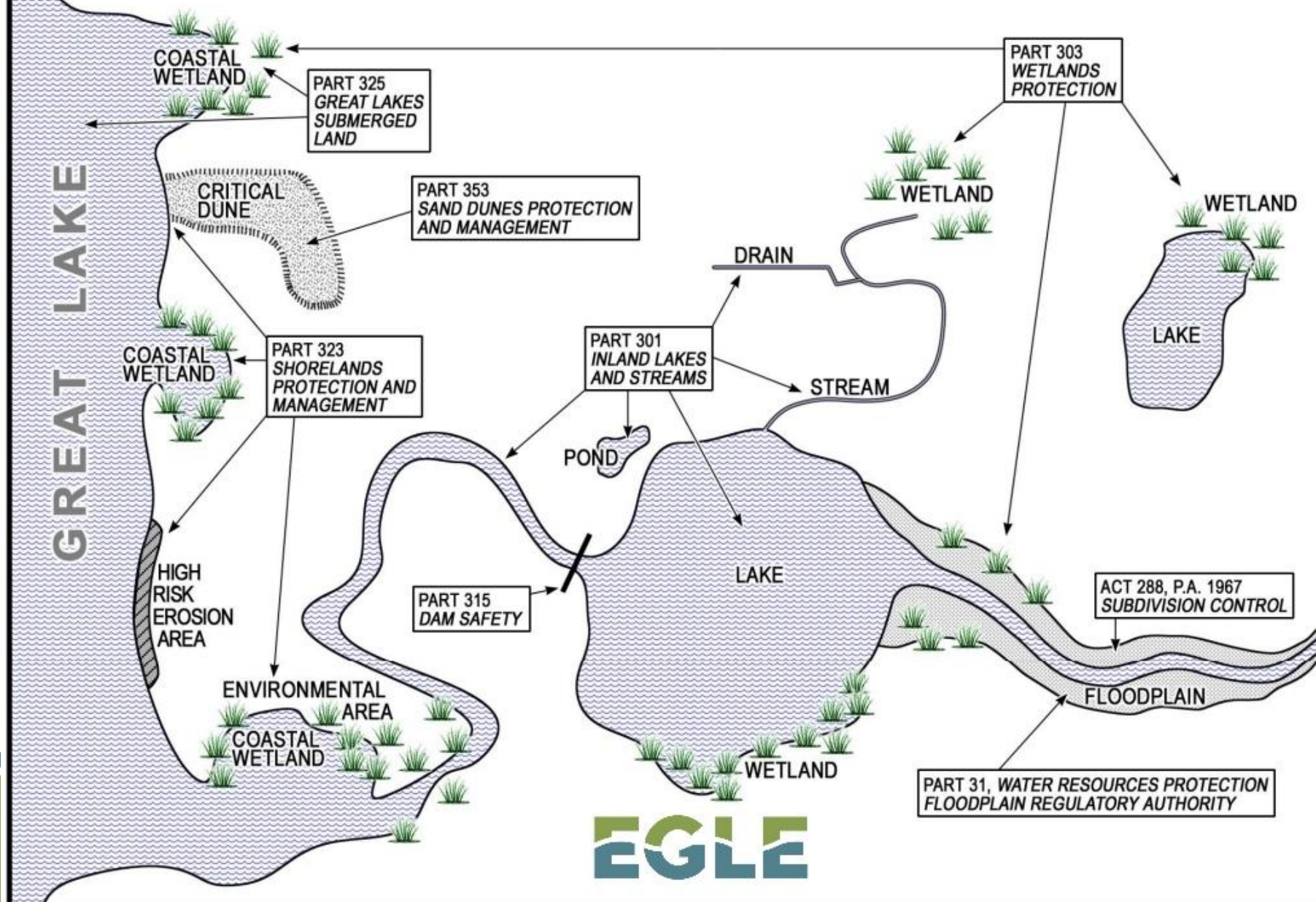
Implements the statutes that regulate
areas where land meets water

Protects the beauty and health of Michigan's 11,000
lakes, 36,000 miles of streams and rivers,
6.5 million acres of wetlands
and helps support Michigan's recreational economy

MICHIGAN LAWS ADMINISTERED BY EGLE WRD

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT

ACT 451 OF THE PUBLIC ACTS OF 1994 & RELATED STATUTES



Part 301, Inland Lakes and Streams

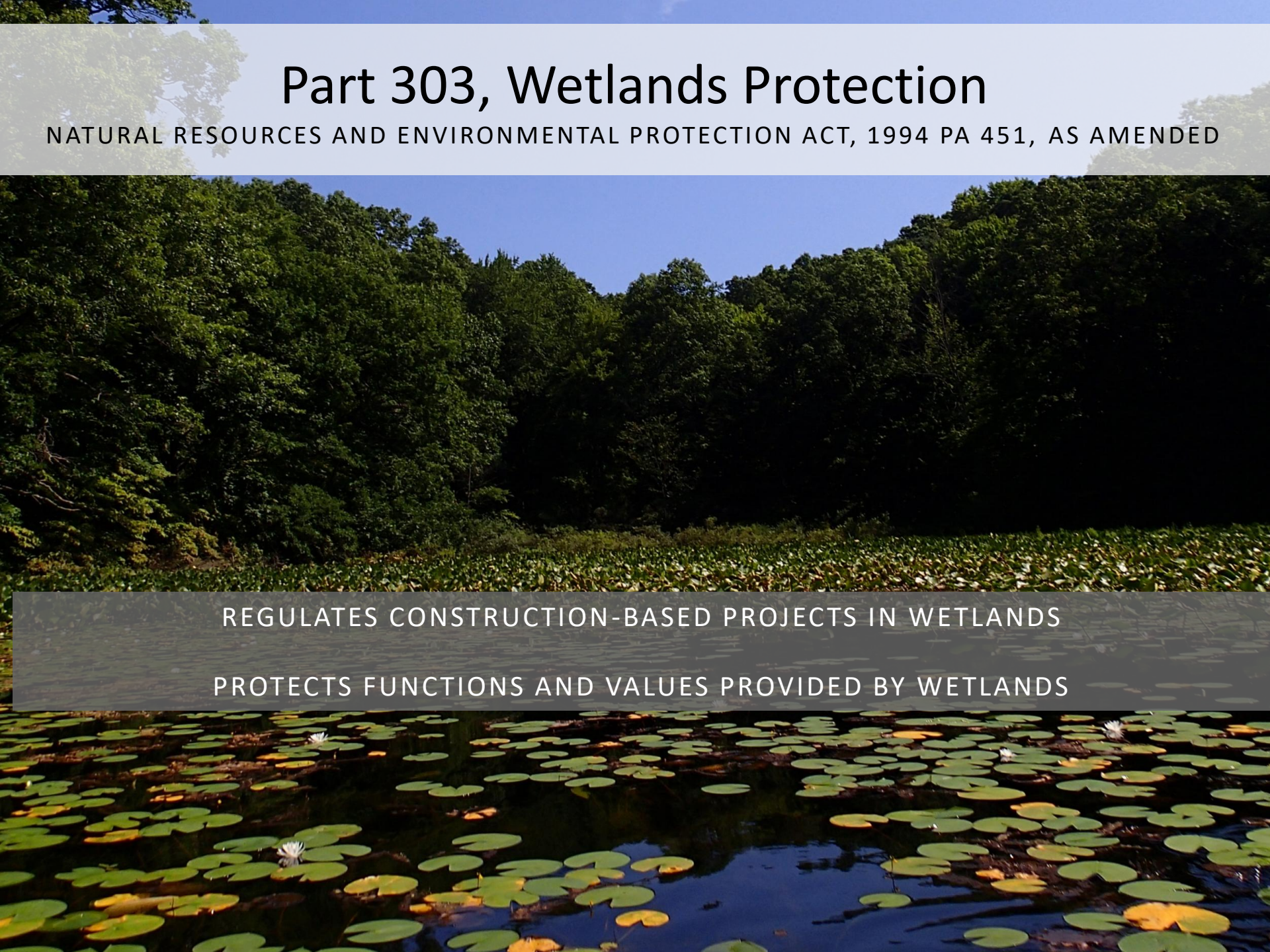
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, AS AMENDED



Regulates construction-based projects on inland lakes and streams
Protects habitats, uses, and health of inland waters

Part 303, Wetlands Protection

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, AS AMENDED

A scenic view of a wetland area. In the background, a dense forest of tall, green trees rises against a clear blue sky. In the middle ground, there is a thick layer of green vegetation, possibly aquatic plants or a marsh. In the foreground, a pond is filled with numerous green lily pads and a few white water lilies. The water is dark and reflects the surrounding greenery.

REGULATES CONSTRUCTION-BASED PROJECTS IN WETLANDS

PROTECTS FUNCTIONS AND VALUES PROVIDED BY WETLANDS



Part 301, Inland Lakes and Streams

- Protects habitats, uses and health of inland waters
 - Natural, artificial lakes 5 acres or more
 - Streams defined as having bed, banks and evidence of flow
- Regulates construction on inland lakes and streams
- Ponds that connect to a stream or within 500ft of another waterbody

Public Trust

- State holds water resources in trust to preserve and protect, for the benefit of the general public in perpetuity
- Provides the state authority to:
 - Protect the public's right to use and enjoy Michigan's water resources
 - Protect water resources from pollution, impairment, and destruction
- Traditional uses protected by public trust
 - Navigation
 - Fishing

Riparian Rights

- Rights that are associated with the ownership of the bank or shore of an inland lake or stream
- Right to
 - Access
 - Dockage
 - Usage of water (swimming, domestic use)
 - Title to natural accretions (increase in upland area due to deposition)
- Bottomlands of natural inland lakes and streams typically owned by riparian owner



Public Trust and Riparian Rights

- Uses of bottomlands are limited to the stated riparian rights
 - Access
 - Dockage
 - Water use
 - Title to natural accretions
- Which are subject to the public trust
 - Navigation
 - Fishing
 - Protection of the natural resource from pollution, impairment, and destruction
- It is the perpetual duty of the State to
 - Preserve and protect the public's rights (Public Trust)
 - Protect the rights of other riparian property owners (Riparian Rights)



Ordinary High Water Mark (OHWM)

- Line between upland and bottomland
- **Persists through successive changes** in water levels
- Below OHWM the presence and action of the water is common or recurrent
- **Character of the land is distinctly marked**

OHWM



EXAMPLES OF ACTIVITIES REQUIRING A PERMIT UNDER PART 301:

PERMANENT
DOCK



BOAT
RAMP



SOME VEGETATION CONTROL
ACTIVITIES



SEAWALL
REPLACEMENTS



SWIM
AREAS



Part 303

Protects Wetland Functions and Values



The Michigan Legislature clearly recognized the benefits of wetlands (functions and values) in legislative findings incorporated into Part 303.

A loss of a wetland may deprive the people of the state of some or all of the following benefits to be derived from the wetland:

- Flood and storm control
- Wildlife habitat
- Protection of subsurface water resources and recharging ground water supplies
- Pollution treatment
- Erosion control
- Nursery grounds and sanctuaries for fish



Regulated Activities - 30304

A Part 303 permit is required to:



- ◆ Place fill material in a wetland
- ◆ Remove soil or minerals from a wetland
- ◆ Drain surface water from a wetland
- ◆ Construct, operate or maintain a use/development in a wetland





Is it a Wetland?

Part 303, Wetlands Protection

Protects wetland functions and values by requiring permits for activities that may have impacts to wetlands

What is a wetland?

Wetland means land or water feature, commonly referred to as a bog, swamp, or marsh, inundated or saturated by water at a frequency and duration sufficient to support, and that under normal circumstances does support, hydric soils and a predominance of wetland vegetation or aquatic life.



Wetlands are regulated if:

- Is a WOTUS.
- More than 5 acres in size.
- Connected to or located within 500 feet of an inland lake, pond, river, or stream.
- Connected to or located within 1,000 feet of one of the Great Lakes or Lake St. Clair.
- Documented presence of an endangered or threatened species.
- Is a Rare and Imperiled Wetland.

Three criteria used in determining if an area is wetland



Vegetation



Soils



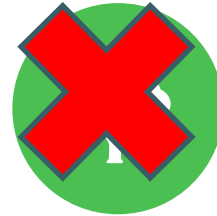
Hydrology

30301(4) The department and local units of government shall apply the technical wetland delineation standards set forth in the **United States Army Corps of Engineers January, 1987, Wetland Delineation Manual**, technical report Y-87-1, and appropriate regional United States Army Corps of Engineers supplements, in identifying wetland boundaries under this part, including, but not limited to, section 30307.

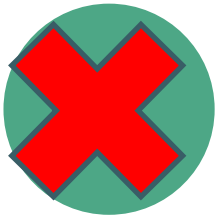
Common Misconceptions



An area is not wetland if there are no cattails.



Trees can't grow in wetland.



An area is not wetland unless it has been “declared or designated a wetland”.



An area is not wetland if it "dries up" during the summer.



Common Wetland Types

Emergent Marsh



Scrub Shrub

Common Wetland Types



Common Wetland Types

Forested

Floodplain and Forested Wetland

- Photos of floodplain wetland taken two weeks apart.
- Most wetland remaining in Michigan is forested.



Clues of Wetland Present

- The ground is soggy or has standing water, even for just part of the year.
- The soils are black or peaty.
- The property is lower than surrounding land.
- The land is flat without any grade changes.
- The trees are tipped over due to shallow roots.
- The property is near a pond, lake or stream.
- The property failed a perc test or an engineered septic system is required.
- The property is tax reverted.

Farmed Wetlands are STILL Wetlands!



- This is true for lands that were farmed in the past, but where agricultural use has been abandoned(i.e., not part of planned rotation) and wetland hydrology and vegetation has re-established.
- Also true for wetlands that have been historically farmed and have continued to be farmed (i.e., if farming ceased then wetland conditions would return)

How do I
gather more
information?

www.michigan.gov/wetlands

- Wetlands Map Viewer
- Private wetland consultant
- EGLE WIP Program
- EGLE District Staff

Wetlands

The logo for the Michigan Department of Environment and Great Lakes Energy (EGLE) is displayed in white, bold, sans-serif capital letters.

[Home](#) > [About Us](#) > [Divisions and Offices](#) > [Water Resources](#) > [Wetlands](#)

Michigan's wetlands law recognizes the important benefits provided by wetlands and their vital role in recreation, tourism, and the economy. Over thirty years ago, Michigan was the first state, and remains one of only three states, to have received authorization from the federal government to administer the federal wetland program. Because of this approval, wetlands, lakes, and streams permits issued by EGLE under state law also provide federal approval. This page can be accessed as www.mi.gov/wetlands

Contact

For information on specific sites contact:

[District Permit Staff](#)

For program questions contact:

Anne Garwood
GarwoodA@Michigan.gov
517-388-4472

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[What are wetlands and why are they important?](#)

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Permits

[Permit Categories for Wetlands, Inland Lakes and Streams, Great Lakes, and Floodplains](#)

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[Wetland Mitigation Banking Fund Program](#)



Wetlands Map Viewer

Department of Environment, Great Lakes, and Energy

Home Text Search Map Wetland Status and Trends Tool Contact Us

Text Search

The Text Search portion of this application provides the user the ability to search by address, town/range/section, community, latitude and longitude, zip code, street intersection, or watershed

Map Search

The Wetlands Map Viewer provides typical map functionality such as zoom, pan, re-center and identify.

Status & Trends

The Wetland Status and Trends Tool provides users the ability to compare historic wetland data to current information. It also allows statistical data to be generated for acreage and a variety of wetland functions where available. The information can be provided at the watershed, City/Township, or County level.

For More information visit:

[Michigan EGLE Landscape Level Assessment](#)

[MI.gov](#) [EGLE](#) [Contacts](#) [Permits](#) [Online Services](#) [Programs](#) [Policies](#)

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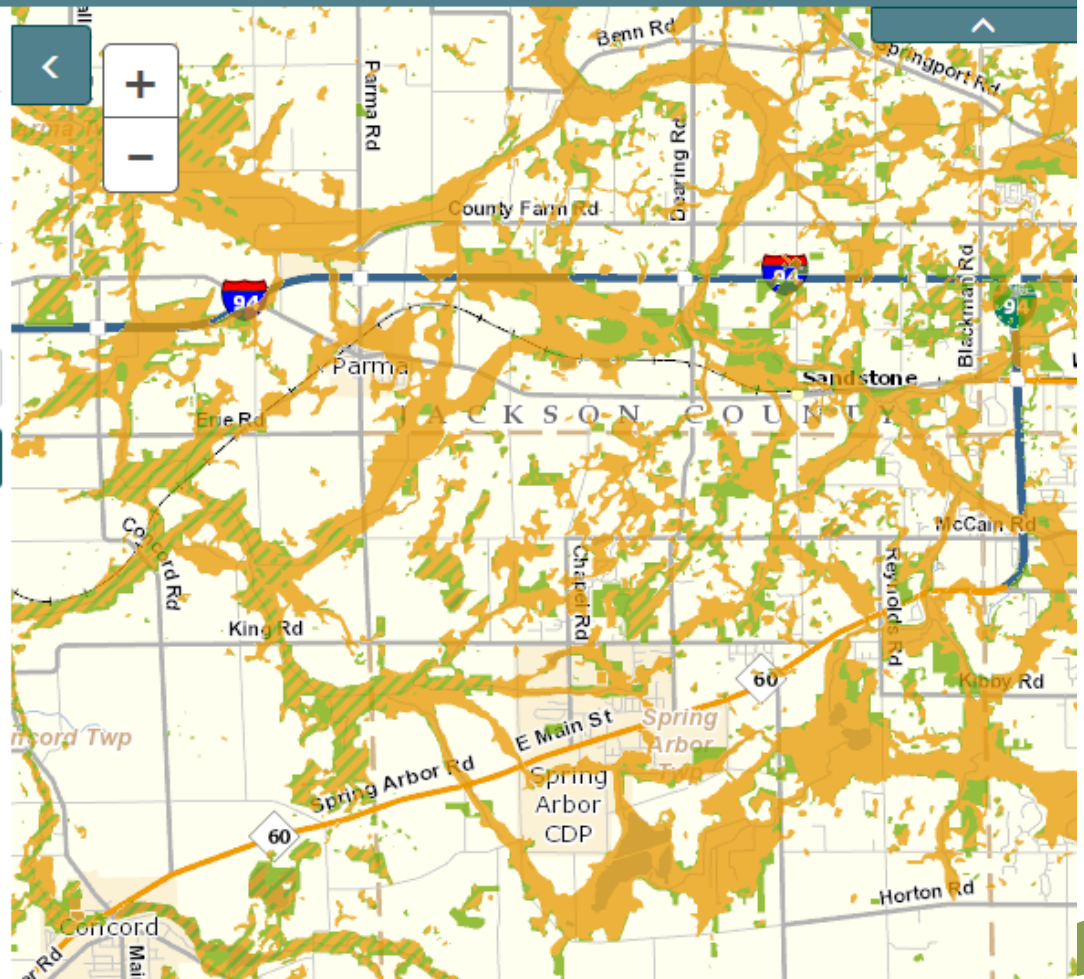
[Measure](#)

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[Search](#)

[Clear](#)



Wetlands



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EGLE Services

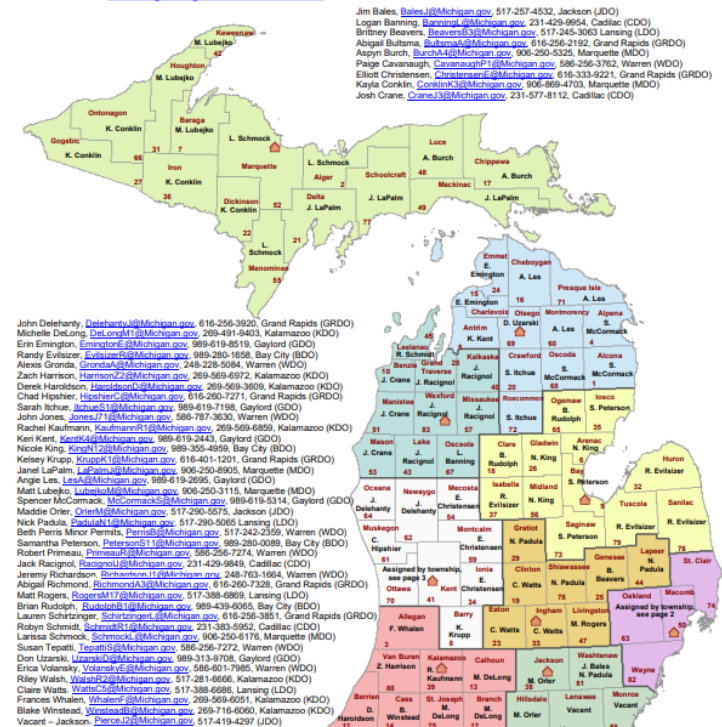
- Wetland Identification Program (WIP)
 - Offers wetland delineation services that includes a site visit to identify wetland boundaries and regulatory status.
- Pre-Application Meeting
 - An official request to meet with EGLE district staff to discuss a project and determine if a permit will be necessary.
 - District staff will not delineate or confirm wetland boundaries during a pre-application meeting.

Pre-application meetings

- Staff can point out
 - Delays in processing
 - Impacts to resources
 - Ways to avoid impacts
 - Sensitive resource issues associate with site
 - Information that will improve likelihood project will meet regulatory standards
- Staff will not
 - Delineate / confirm wetland boundaries
 - Indicate whether or not a permit will be issued

Land/Water Interface Permitting Staff

Michigan.gov/JointPermit



EGLE Water Resources Division

MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Michigan.gov/WRD ↔ 517-284-5567

4/15/2025

Permit Application

An Overview of the Permit Process
and MiEnviro

Generalized Statutory Considerations

*Adverse impacts to public trust
and environment will be **minimal***

*Show that an **unacceptable disruption will
not result** to the resources.*

*A **feasible and prudent alternative** is not
available / does not exist*

The background image is a landscape photograph of a body of water, likely a lake or a wide river. In the foreground, there are tall, green reeds or grasses growing out of the water, their reflections visible on the calm surface. The middle ground shows a wide expanse of water leading to a distant, tree-lined shore. The sky is a pale, overcast blue. The overall tone is peaceful and natural.

Avoid impacts. Minimize impacts.

What is the project purpose?

What are feasible and prudent alternatives to accomplish that purpose?

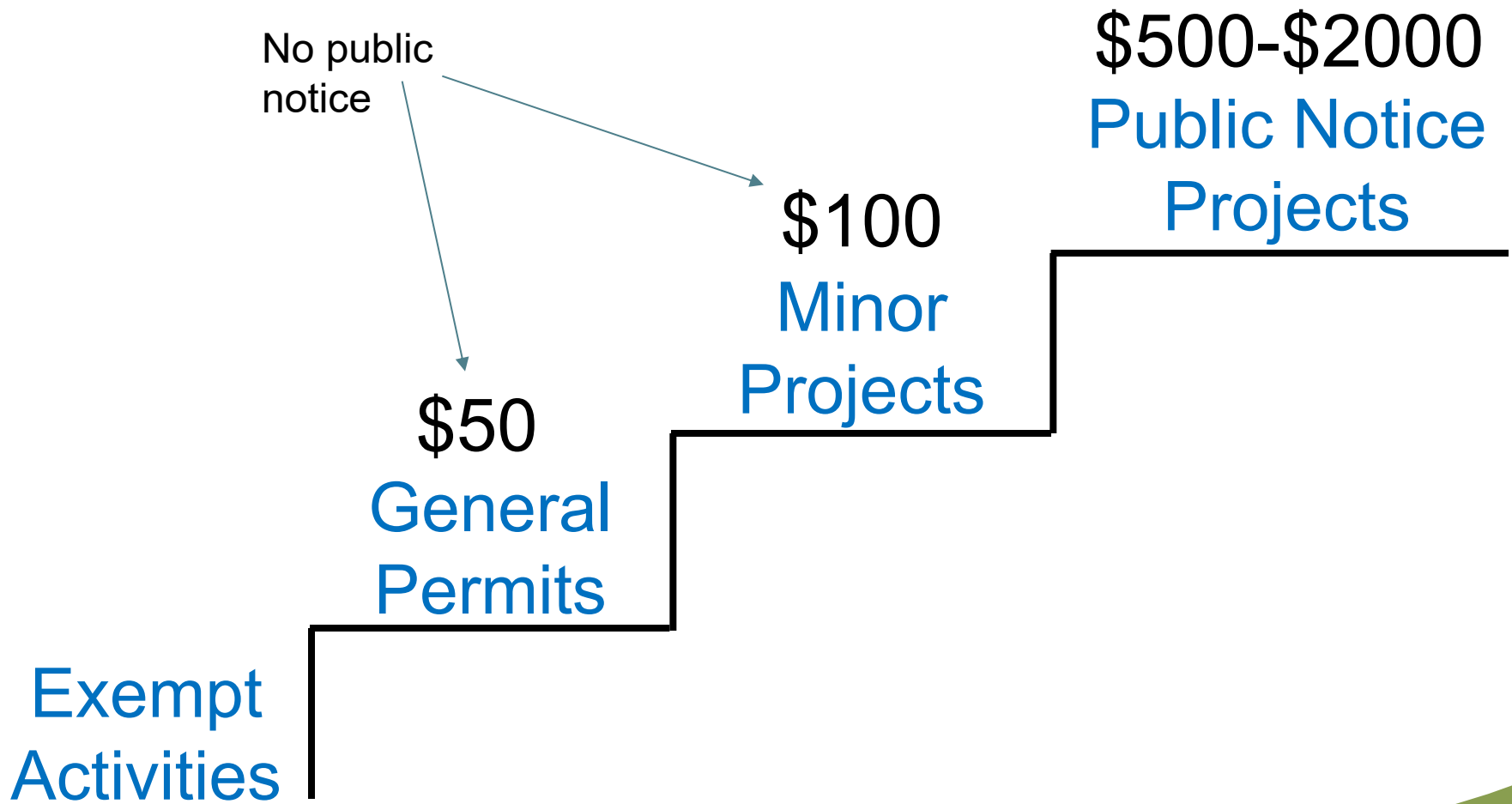
Public Interest - 30311(1) Balance of benefits and detriments to public.



- | | |
|---|---|
| <ul style="list-style-type: none">• Effect on wetland resources• Loss of public benefits | <ul style="list-style-type: none">• Benefits of project• Need for the project• Economic value |
|---|---|

The decision shall reflect the national and state concern for the protection of natural resources from pollution, impairment, and destruction.

3 Tiered Permitting System



General Permit (\$50)

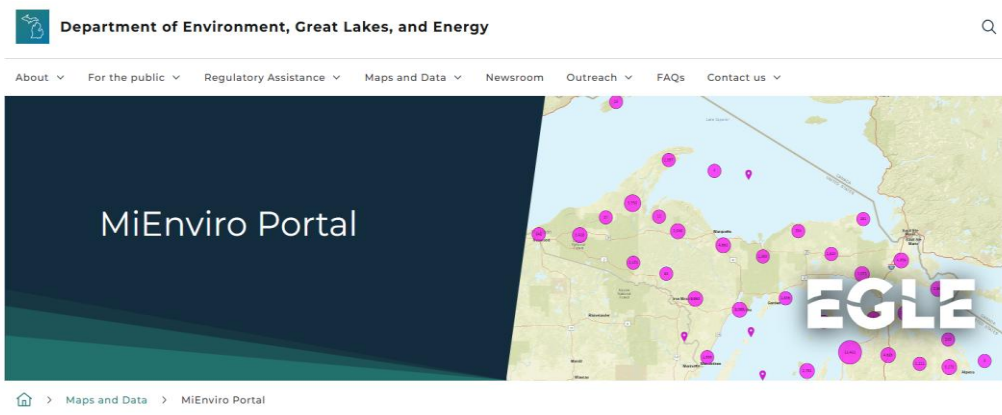
A. Aids to Navigation	1
B. Amateur Recreational Gold Prospecting	1
C. Clear Span Bridge	2
D. Construction and Maintenance of a Path on Great Lakes Bottomlands	3
E. County Drains	3
F. Culvert Cleanout	8
G. Culverts - Small	8
H. Culverts - Wetland Equalizer	9
I. Diver-Assisted Hand Removal of Invasive Species	9
J. Dry Fire Hydrant	10
K. Maintenance Dredging on Inland Lakes and Streams	10
L. Maintenance Dredging on the Great Lakes and Section 10 Waters	11
M. Maintenance of Storm Water Management Facilities: Wetlands	11
N. Maintenance: Wetlands	11
O. Minor Permit Revisions and Transfers	12
P. Moist Soil Management for Wildlife	12
Q. Mooring Buoy	13
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T. Public Transportation Projects	14
U. Recreational Facilities: Boardwalks, Platforms, and Walkways	15
V. Removal of Structures	16
W. Scientific Measuring Devices	16
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Y. Soil Borings	17
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AA. Storm Water Management Facilities: Inland Lakes and Streams	18
BB. Survey Activities	18

Minor Project (\$100)

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Joint Permit Application



<https://www.michigan.gov/egle/maps-data/mienviroportal>

Digital EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas

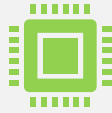
Form Name

JPA

Digital EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas

Digital PUBLIC TRANSPORTATION AGENCY Projects EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas

Consolidated Joint Permit Application Process



Submittal of one application
with review under multiple
parts of the NREPA

Parts 31, 301, 303, 315,
323, 325, and 353



Single application fee for most projects.



Coordination with Corps of Engineers when
required



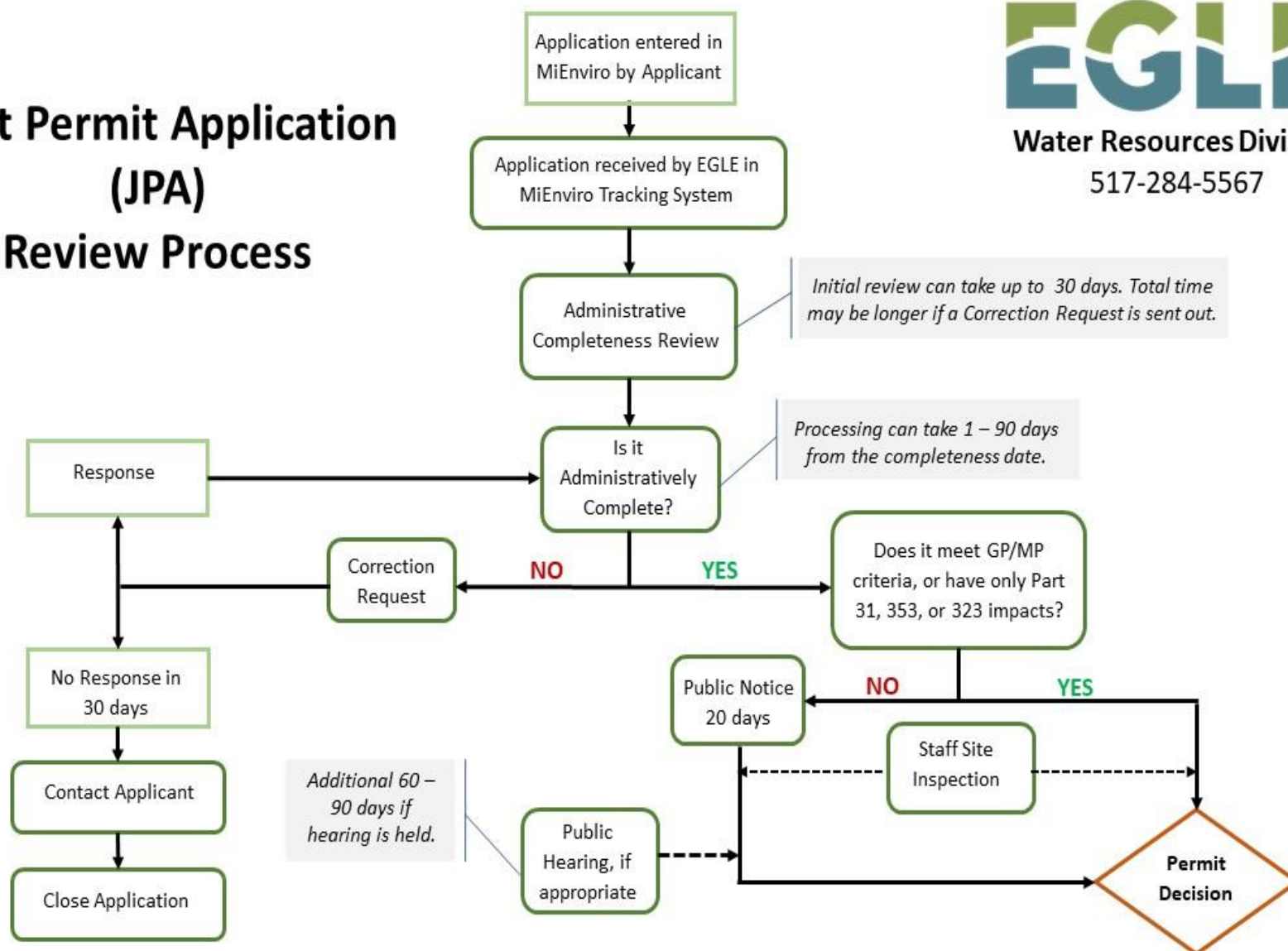
Efficient, cost effective, streamlined permitting
process for applicants

Joint Permit Application (JPA) Review Process



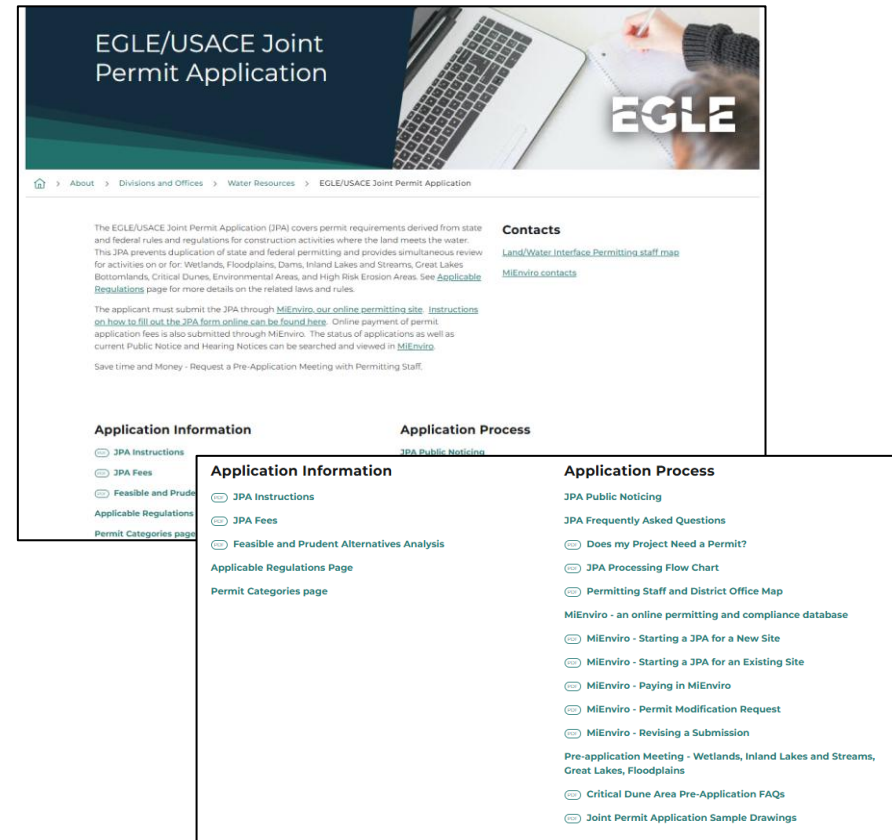
Water Resources Division

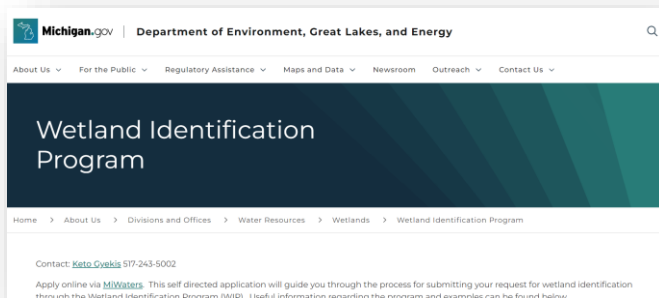
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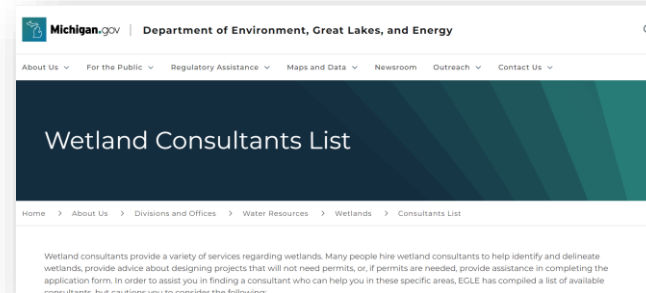
Other Information on Michigan.gov/jointpermit

- MiEnviro Help Documents
- Completeness Checklist
- MP/GP Permit Categories
- FAQ's
- Permit Process Flow Chart
- Sample Drawings
- Specific Project Assistance
- Program Links

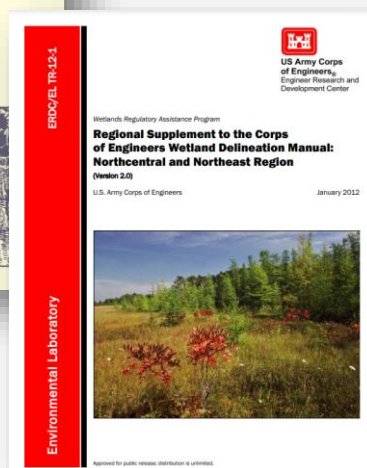
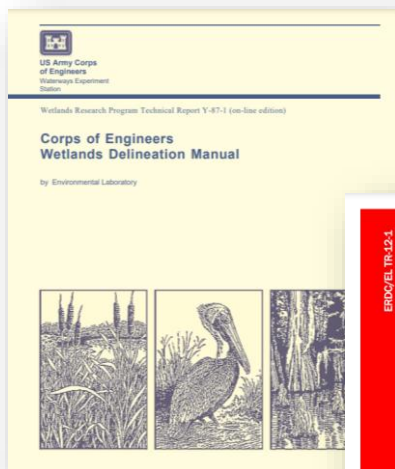




<https://www.michigan.gov/egle/about/organization/water-resources/wetlands/wetland-identification-program>



<https://www.michigan.gov/egle/about/organization/water-resources/wetlands/consultants-list>



Wetlands must be identified in the field, following the USACE 1987 Wetland Delineation Manual and Regional Supplements

Land/Water Interface Permitting Staff

Michigan.gov/JointPermit



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EGLE Water Resources Division

MICHIGAN DEPARTMENT OF
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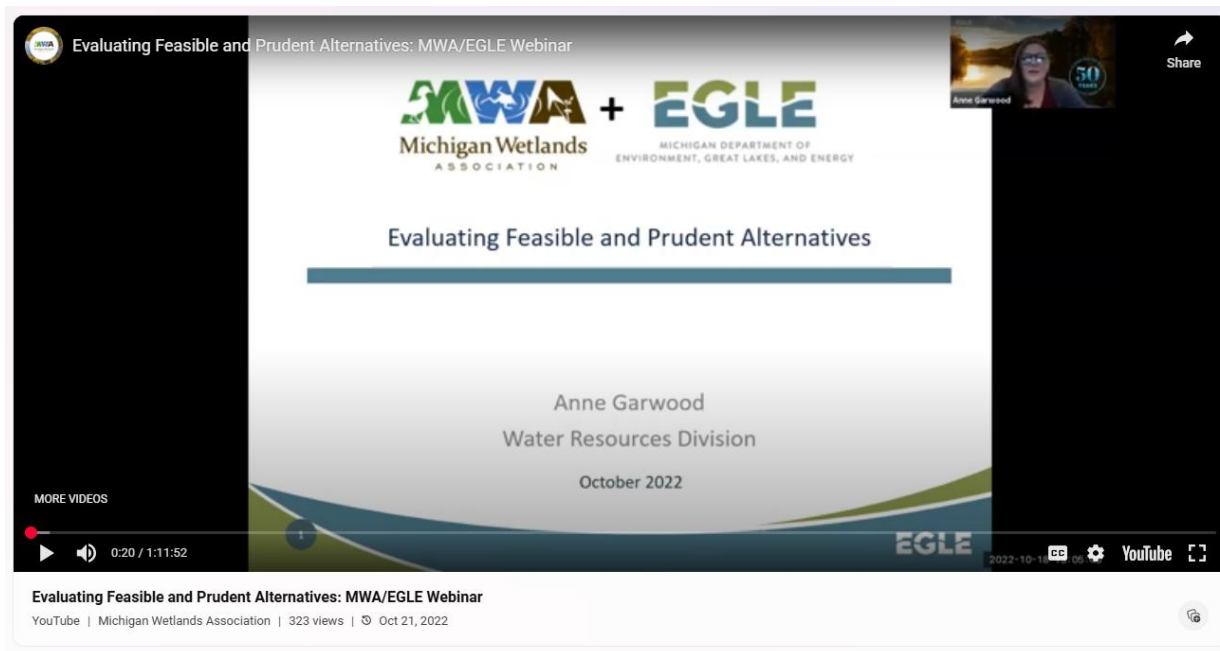
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EGLE



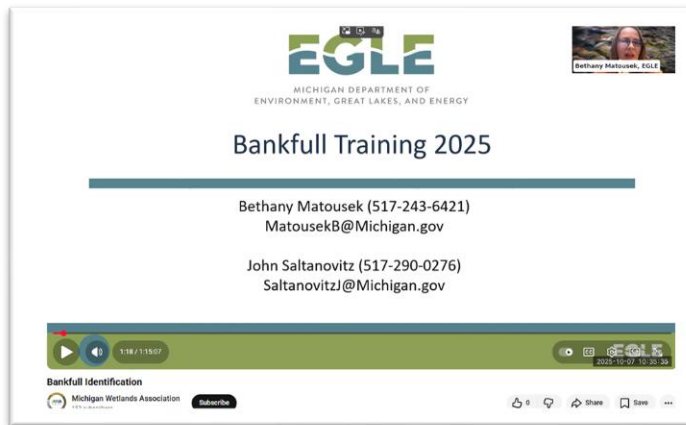
https://youtu.be/lkAWaOpDcCA?si=PQ1C6m_ALgVSjLZH

**Reminder to check out the MWA YouTube page
for the training video on EGLE Jurisdictional
Determination of Wetlands!**



<https://youtu.be/6X3Oz6cbVno>

**Reminder to check out the MWA YouTube page
for the training video on Evaluating Feasible
and Prudent Alternatives!**



Michigan Wetlands Association YouTube Page
<https://youtu.be/KUdctpy79g8>

EGLE Classroom Series YouTube Page
Ordinary High Water Mark Playlist
<https://youtu.be/9li40DGxRNE?list=PLXCrWyRfRQVXDdDw7nUanMwnXxpiLIVfM>



Joint Permit Application and Administrative Completeness



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

JPA and Administrative Completeness

Kate Kirkpatrick
MWA Webinar
April 2025

MORE VIDEOS

0:48 / 1:07:18

Joint Permit Application and Administrative Completeness
YouTube | Michigan Wetlands Association | 113 views | 6 months ago

See [Joint Permit Application Administrative Review Checklist](#) on EGLE's website for the full checklist.

JOINT PERMIT APPLICATION ADMINISTRATIVE COMPLETENESS REVIEW CHECKLIST

Review Date:
Site Name:
Submittal Number:
Processor:
Project Name:

The following checklist items, in addition to the requirements of the digital Joint Permit Application, are required for administrative completeness for General Permit (GP) and Minor Project (MP) categories or to publish a Public Notice for projects not meeting the GP or MP criteria. Additional information may be required to make a permit decision. The following list is intended to assist the public and EGLE staff in making completeness determinations.

Directions: In addition to the requirements of the Joint Permit Application, compare each item in this list with the corresponding section of the submitted application. Additional clarification is provided next to specific items. For each item, indicate Yes (Y), No (N), or Not Applicable (N/A).

REGULATORY AUTHORITY			
Item	Additional Information	Complete?	Notes
Is the project also impacting Dams?	If yes, also complete the appropriate supplemental checklist.	☐ Y ☐ N ☐ NA	
Is the project also impacting High Risk Erosion Area(s)?	If yes, also complete the appropriate supplemental checklist.	☐ Y ☐ N ☐ NA	
Is the project also impacting Critical Dune Area?	If yes, also complete the appropriate supplemental checklist.	☐ Y ☐ N ☐ NA	
Has an environmental assessment of the proposed project been provided if requested by the department?	N/A	☐ Y ☐ N ☐ NA	

EGLE
800-662-9278

Michigan.gov/EGLE

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Reminder to check out the MWA YouTube page for the training video on the JPA and Administrative Completeness!



<https://youtu.be/8AJC9kgv224?si=rqHbTU82hnb eNR9c>

JPA Tips for Advanced MiEnviro Users

YouTube | Michigan Wetlands Association | 115 views | 5 months ago

**Reminder to check out the MWA YouTube page
for the training video on JPA Tips for Advanced
MiEnviro Users!**



***Parting
words...***

- **Utilize the helpful information!**
 - Website
 - Instructions
 - Administrative Completeness Checklist
- **Communicate with your permit processor!**
 - Pre-application Meetings
 - Follow-up
 - Sufficient details



Questions?