

State of Michigan Land Buyers and Wetlands

Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

A lot of property buyers consider parcels that may have wetland and ask how does that effect home building and other improvements. The first question to answer is whether the wetland is regulated by the state or a local ordinance. Wetland consultants can identify the wetland boundary however the state has the final word on a wetland boundary location and may revise a consultant's delineation. If the wetland is state regulated you'll need to consider whether you can build your project (driveway, house, etc.) in the non-wetland or upland areas of the parcel. Can the project layout be reconfigured to avoid overlapping into wetland? State regulated wetlands do not have a "set-back" distance for structures, buildings, fill or excavation. If the constraints of your site and the scope of the project end up with some overlap into state regulated wetlands, then you'll have to apply for a permit and key to your application is demonstrating that you have tried "feasible and prudent" alternative layouts to avoid wetlands or that you've reduced the overlap to the least necessary to fulfill the purpose of your project.

Here's the link to wetland consultants that have asked to be posted on the DEQ web site:
http://www.michigan.gov/deq/0,4561,7-135-3313_3687-421097--,00.html

State regulated wetland: wetlands connected to or located within 500 feet of an inland lake, pond, river, or stream, or within 1,000 feet of a Great Lake, and wetlands that are greater than 5 acres in size or wetlands within 500 feet of a one acre or larger pond, and rare or imperiled wetlands essential to the preservation of the state's natural resources. Note that wetlands that are not regulated by the state of Michigan may be regulated by a township ordinance.

Definition of wetland: *A wetland is characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.*

The DEQ Wetland Map Viewer, on-line map, provides a ball-park answer of whether wetland is present or close to your parcel. Keep in mind on-line maps are not precise. To confirm exactly where the wetland boundary is located will require an expert with boots-on-the-ground.

The [Wetland Identification Program](#) offered by MDEQ conducts wetland delineations for a fee and it's valid for three years. For information on how to request this service, determine the cost, and contact Keto Gyekis for scheduling, go to http://www.michigan.gov/deq/0,4561,7-135-3313_3687-10193--,00.html The service fee is based on the size of the areas to be reviewed, up to 5 acres and the web has a fee calculator you can use. Service requests should be submitted on-line at MiWaters <https://miwaters.deq.state.mi.us/miwaters/external/home>

Instructions for the DEQ Wetland Map Viewer

1. Click on Search tools and enter the address. The next view will show orange and green colors on the landscape of hydric soils, National Wetland Map information and the Michigan Final wetland inventory. To turn color on and off, click on Map View tab and in the legend click check boxes to turn on or off.
2. In Wetland Map Viewer, you can right click on the specific spot where you need information. "Right click" will open a new panel on the left that you can scroll down to see MIRIS map data, National Wetland data and Soils data. Here it will tell you the acreage of a wetland and it will outline or highlight the area on the map for you.

What do you need the wetland permit for? Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, Act 451 of 1994 regulates activities in state regulated wetland areas for dredging; filling; draining surface water; or constructing, operating, or maintaining a use or development in a wetland. Before a permit can be issued the DEQ must determine the following according to the statutory

requirements: that the project would be in the public interest, the permit would be otherwise lawful, the permit is necessary to realize the benefits from the activity, no unacceptable disruption to aquatic resources would occur, the proposed activity is wetland dependent or no feasible and prudent alternatives exist. Projects must also meet the requirements of Section 404 of the Federal Clean Water Act. The MDEQ may not issue a permit granting federal authority over the objection of the U.S. Environmental Protection Agency.

For additional detailed information go to <http://www.michigan.gov/statelicensesearch/0,4671,7-180-24786-244642--,00.html>

You can apply for the permit on line at MiWaters <https://miwaters.deq.state.mi.us/miwaters/#/external/home> where the Joint Permit application form can be downloaded http://www.michigan.gov/deq/0,4561,7-135-3313_71520_24403-67347--,00.html which you will fill it out then upload with your plans on the MiWaters online application.

Wetland Protection Program information and statute can be found at:
http://www.michigan.gov/deq/0,4561,7-135-3313_3687---,00.html

For more information press the control key and click the links below:

[Wetland Information for Property Owners, Realtors, and Potential Buyers](#)

[Pond Construction Information for Permit Applicants](#)

[Floodplain Information for Property Owners, Realtors, and Potential Buyers](#)

[Great Lakes Shorelines Information for Permit Applicants](#)

[Beach Sanding and Fills for Swim Areas on Inland Lakes](#)

[Docks, Boat Hoists, and Swim Rafts on Inland Lakes and Streams](#)

[Shoreline Erosion Protection on Inland Lakes and Streams](#)

[Vegetation Removal in Inland Lakes and Streams](#)

If you need further assistance contact

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