CHEBOYGAN COUNTY

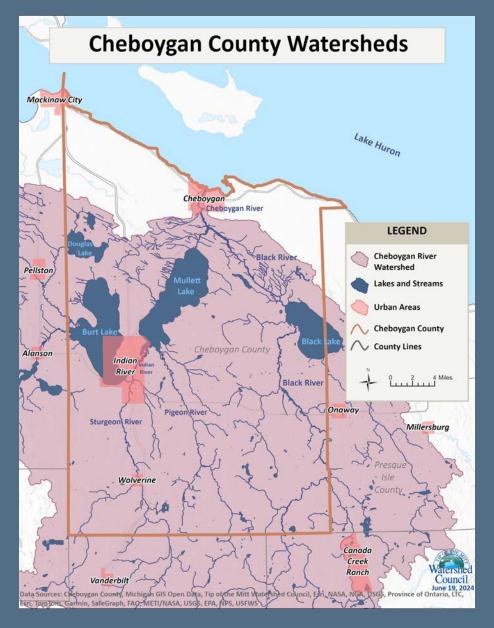
PROPERTY OWNER'S PERMIT GUIDE



PERMIT GUIDE COVERS:

- MiEnviro Portal
- EGLE/USACE Joint Permit Application
- Wetlands
- Inland Lakes and Streams
- Great Lakes and Connecting Waters
- Shoreline Management

- Soil Erosion and Sedimentation Control
- Septic Systems
- Aquatic Nuisance Species Control
- Floodplains
- Natural Rivers
- Local Zoning and Building



Our actions in and around Cheboygan County 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: EGLE/USACE Joint Permit

CONTACT: Michigan Department of Environment,

Great Lakes, and Energy (EGLE),

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: EGLE/USACE Joint Permit

CONTACT: EGLE, Water Resources Division

ON THE GREAT LAKES SHORELINE AND CONNECTING WATERS:

YOU NEED A: EGLE/USACE Joint Permit

CONTACT: EGLE, Water Resources Division

USACE, Detroit District

WITHIN 500 FEET OF A **LAKE OR STREAM:**

YOU NEED A: Soil Erosion and Sedimentation Permit and EGLE/USACE Joint Permit

CONTACT: Cheboygan County Soil Erosion Office EGLE, Water Resources Division

DISTURBING 1 ACRE OR MORE:

YOU NEED A: Soil Erosion and Sedimentation Permit

CONTACT: Cheboygan County Soil Erosion Office

INSTALLING OR REPAIRING A SEPTIC SYSTEM:

YOU NEED A: Septic Permit

CONTACT: District Health Department No. 4

CHEMICALLY CONTROLLING **AQUATIC PLANTS:**

YOU NEED A: Aguatic Nuisance Control Permit

CONTACT: EGLE, Aquatic Nuisance Control Program

WITHIN A FLOODPLAIN:

YOU NEED A: Floodplain Permit

CONTACT: EGLE. Water Resources Division

WITHIN 400 FEET OF THE PIGEON RIVER:

YOU NEED A: Natural Rivers Permit

CONTACT: Michigan Department of Natural

Resources, Fisheries Division

ENGAGING IN CONSTRUCTION OR A LAND USE ACTIVITY:

CONTACT: Local Planning and Zoning Department and Department of Building Safety

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

MIENVIRO: MICHIGAN'S ONLINE ENVIRONMENTAL PERMITTING PLATFORM

The MiEnviro Portal can be found at: https://mienviro.michigan.gov/ncore/external/home

MIENVIRO

The MiEnviro Portal is a comprehensive electronic notification, permitting, emissions reporting, and compliance application developed by the state of Michigan. It is meant to enhance transparency, efficiency, and accessibility in managing environmental compliance and permitting processes. It covers Air Quality, Medical Waste, and Water Programs. This web-based information system manages all of EGLE's Water Resources Division (WRD) programs including groundwater, National Pollutant Discharge Elimination System (NPDES), aquatic nuisance, wastewater construction, and water resources permits.

The public can use this site to gain information on WRD's permitting program, keep up with public notices, hearings, and other related events, as well as access documents related to permit applications submitted. The site can also be used to report spills, pollution or other unauthorized activities (e.g., filling a wetland).

To search in the portal you do not need an account, but to apply for permits you will need to make an account. To navigate publicly available information, such as if a neighbor has a permit or to comment on a public notice, you can use the Site Map Explorer, where you can search by location (such as site address or zip code) and by keyword, or you can filter information by criteria like permit type, administrative program, or enforcement type. You can also sign up for alerts to receive notifications for when specific permit applications are received, permits are issued/denied, or when public notices are posted.



More information on the MiEnviro Portal can be found at https://www.michigan.gov/ egle/maps-data/mienviroportal

JOINT PERMIT APPLICATION

The EGLE/USACE Joint Permit Application (JPA) covers permit requirements derived from state and federal rules and regulations for construction activities where the land meets the water. This JPA prevents duplication of state and federal permitting and provides simultaneous review for activities on, within, or for: Wetlands, Floodplains, Dams, Inland Lakes and Streams, Great Lakes Bottomlands, Critical Dunes, Environmental Areas, and High Risk Erosion Areas. If the proposed activity is in Section 10 Waters (Great Lakes, Lake St. Clair, large navigable waters) a copy of the permit application will be sent to the U.S. Army Corps of Engineers, Detroit District Office for processing at the federal level. Outside of Section 10 Waters, if the permit application requires federal review due to impact, it will be sent to the U.S. Environmental Protection Agency for comment.



The EGLE/USACE Joint Permit Application can be completed in the MiEnviro portal (https://mienviro.michigan.gov/ncore/external/home).



More information on how to complete the application can be found at http://www.michigan.gov/jointpermit



APPLY FOR AN: EGLE/USACE Joint Permit

PERMIT APPLICATION AVAILABLE AT: https://mienviro.michigan.gov/ncore/external/home

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, including vegetation clearing involving mechanical grading or stump removal
- · 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), EGLE 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. This includes the Black, Cheboygan, Crooked, Indian, Little Black, Little Carp, Maple, Pigeon, and Sturgeon Rivers; Carp, Mullett, and Scott Creeks; Burt and Mullett Lakes; and adjacent wetlands, EGLE 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. When you submit a joint permit application to EGLE, your application is automatically forwarded to the USACE if it is in an area within the USACE jurisdiction.

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 AN: EGLE/USACE Joint Permit

PERMIT APPLICATION AVAILABLE AT: mienviro.michigan.gov/ncore/external/home

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

Examples of work 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
- 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), EGLE 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 https://www.michigan.gov/egle/about/ organization/water-resources/ inland-lakes-and-streams



GREAT LAKES AND CONNECTING WATERS

APPLY FOR AN: EGLE/USACE Joint Permit

PERMIT APPLICATION AVAILABLE AT: https://mienviro.michigan.gov/ncore/external/home

Most activities that occur in navigable waters of the U.S., including the Great Lakes and connecting channels, 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 hardening such as riprap, seawalls, or bulkheads
- Boat ramps, permanent 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), EGLE 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 the Black, Cheboygan, Crooked, Indian, Little Black, Little Carp, Maple, Pigeon, and Sturgeon Rivers; Carp, Mullett, and Scott Creeks; Burt and Mullett Lakes; and adjacent wetlands.

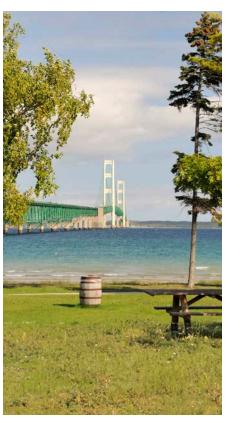
EGLE and USACE have a joint permit application on the MiEnviro Portal for projects over which both agencies have jurisdiction. However, separate state and federal permits are required. If you are doing work on the Great Lakes or a connecting channel make sure you have obtained both permits before beginning 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 and that no other alternatives are available.



More information on permits for activities occurring in the Great Lakes and connecting channels can be found at https://www.michigan.gov/egle/about/ organization/water-resources/submerged-lands/great-lakes-construction-permits (state) or https://www.lrd.usace.army.mil/Wetlands-Permits/ Article/3648190/regulatory-program-michigan/ (federal).





GREAT LAKES SHORELINE MANAGEMENT

APPLY FOR A: USACE Short Application for Minor Shoreline Work

PERMIT APPLICATION AVAILABLE AT:

www.lrd.usace.army.mil/Wetlands-Permits/Article/3648190/regulatory-program-michigan/

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 Ordinary High Water Mark (OHWM) and the water's edge of navigable waters, including the Great Lakes and Lake Huron, 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 USACE Ordinary High Water Mark 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.

Activities that exceed these criteria require submittal of an individual application to the USACE. Shoreline management activities below the water's edge and in coastal wetlands also require a permit from EGLE under Michigan's Wetland Protection Act.



More information on shoreline management permits can be found at www.lrd.usace.army.mil/Wetlands-Permits/
Article/3648190/regulatory-program-michigan/



SEPTIC SYSTEMS

APPLY FOR A: District Health Department No. 4 septic (onsite sewage disposal system) permit **PERMIT APPLICATION AVAILABLE AT:** www.dhd4.org/permit-application-forms-and-fees

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 of 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

The District Health Department No. 4 serves Alpena, Cheboygan, Montmorency, and Presque Isle. 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 District Health Department No. 4 District Sanitary Code.

Permit applications can be obtained at any District Health Department No. 4 office and on their website (https://www.dhd4.org/residential-on-site-sewage-disposal-system). Following the submission of an application and the associated fee, a site visit will be arranged. Environmental Health staff will then conduct a site review and soil evaluation and then, if site conditions allow, issue a permit for construction of the sewage disposal system.



The District Sanitary Code and more information on septic permits can be found at: www.dhd4.org/residential-on-site-sewage-disposal-system



AQUATIC NUISANCE SPECIES CONTROL

APPLY FOR AN: EGLE Aquatic Nuisance Species Permit

PERMIT APPLICATION AVAILABLE AT: https://mienviro.michigan.gov/ncore/external/home

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

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 that the permittee 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.

Inconsequential or insignificant vegetation removal done by hand (e.g., hand pulling, raking a few plants) does not require a permit. Small-scale removal of plants that are an aquatic nuisance as defined in Part 33 does not require a permit, if the removal is accomplished by hand-pulling (i.e., without the use of a powered or mechanized tool) and all plant fragments are removed from the water and properly disposed of on land above the ordinary high-water mark. A permit is not required for hand-raking (i.e., without the use of a powered or mechanized tool) of lake bottomlands where vegetation is not present before raking, and where bottomlands are predominantly composed of sand or pebbles. Larger-scale removal of plants requires a permit from EGLE under Part 301, Inland Lakes and Streams (see page 6). Other physical control measures, such as benthic barriers, weed rollers, or lake draw-down, require a permit from the EGLE Water Resources Division.

A permit is generally not required from EGLE to control aquatic vegetation in inland lakes by mechanical harvesting as long as bottom sediments are not disturbed. Mechanical harvesting does require a permit from the United States Army Corps of Engineers if the activity is conducted along the Great Lakes and their connecting waters (See Great Lakes Shoreline Management on page 8).



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



FLOODPLAINS

APPLY FOR AN: EGLE/USACE Joint Permit

PERMIT APPLICATION AVAILABLE AT: https://mienviro.michigan.gov/ncore/external/home

Activities in floodplains are regulated under Part 31, Michigan's Water Resources Protection Act, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Examples of work that require a permit include:

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

The term 100-year flood is used in regulations and insurance and refers to a flood which has a 1% chance of occurring any given year. Michigan's floodplain regulatory authority deals with the floodplains of rivers, streams, or drains which have a drainage area of 2 square miles or greater. A permit is not required from EGLE, under Part 31, for projects within the floodplains of the Great Lakes, inland lakes, or watercourses which have a drainage area less than 2 square miles. However, floodplain regulations exist in those areas through locally enforced building codes.

Under Part 31, construction and fill may generally be permitted in the portions of the floodplain that are not floodway if local ordinance and building code standards are met, and compensating excavation is provided to offset the loss of floodplain storage. The lowest floor (including basement) of a structure must be elevated one-foot above the 100-year flood elevation. Floodways are the channel of a

river or stream and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the 100-year flood; these are areas of moving water during times of flood. Work within the floodway typically requires hydraulic modeling to show the project will not increase flooding on neighboring properties.

EGLE is also the state coordinating agency for the National Flood Insurance Program (NFIP). EGLE works with local units of government to assist them in meeting the NFIP requirements. This is carried out through a program of education, technical assistance, and oversight. In addition, assistance is provided to lenders, realtors, and insurance agents, as well as private citizens who have questions about flood insurance or floodplain management.

In Michigan, the state building codes contain the necessary requirements to participate in the NFIP. There is no fee to participate in the NFIP, but the community must pass an ordinance meeting minimum federal standards. NFIP requirements and building codes are not identical to the state floodplain law, so communities cannot exclusively rely on Part 31 permitting to meet NFIP requirements.



More information on floodplain permits can be found at https://www.michigan.gov/egle/about/organization/water-resources/floodplain-management



NATURAL RIVERS

APPLY FOR A: Michigan Department of Natural Resources (MDNR) Natural River Zoning Permit

PERMIT APPLICATION AVAILABLE AT:

http://www.michigan.gov/dnr/managing-resources/fisheries/natural-rivers

All lands within 400 feet of the Pigeon 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 Pigeon River include a 200-foot building setback from the Ordinary High Water Mark (150 feet on the designated tributaries), a 100-foot vegetative buffer strip along the river (75 feet on the designated tributaries), and others. If the development standards cannot be met due to a variety of circumstances, a variance may be requested from the Zoning Review Board.



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/managing-resources/fisheries/natural-rivers



SOIL EROSION AND SEDIMENTATION CONTROL

APPLY FOR A: Soil Erosion Permit

PERMIT APPLICATION AVAILABLE AT:

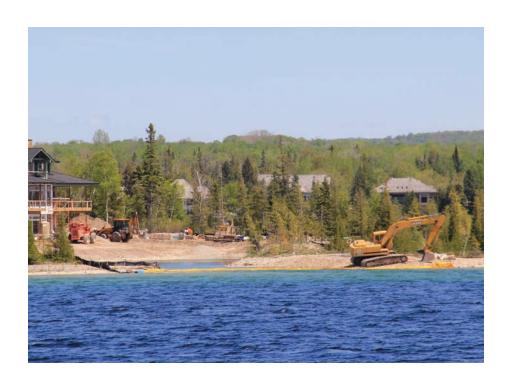
https://www.chebovgancountv.net/departments-services/planning-zoning/applications-forms/

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. The Cheboygan County Planning and Zoning Department conducts soil erosion inspections and issues permits.

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 sediment in adjacent properties or waters of the state. 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/egle/about/organization/water-resources/soil-erosion



LOCAL ZONING

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.

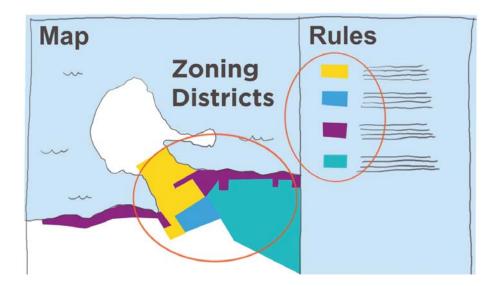
Examples of work that require a zoning permit include:

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

Cheboygan County Planning and Zoning Department administers zoning for the county, other than for the City of Cheboygan, Burt Township, the Village of Mackinaw, and the Village of Wolverine.



More information on zoning permits can be found at www.cheboygancounty.net/departments-services/planning-zoning/applications-forms/



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 reshingling, and remodeling projects
- · Changing the use of the building or spaces within
- Building walls or altering a structure

A building permit can be applied for by the property owner, the building contractor, the architect, or anyone authorized to act as a representative of the owner.



More information on building permits can be found at www.cheboygancounty.net/departments-services/building-permits/



CONTACT INFORMATION

FEDERAL AND STATE AGENCIES

Michigan Department of Environment, Great Lakes, and Energy Water Resources Division

Gaylord Field Office 989-731-4920

www.michigan.gov/wrd

Michigan Department of Environment, Great Lakes, and Energy Aquatic Nuisance Control Program

> 517-284-5593 <u>www.michigan.gov/anc</u> EGLE-WRD-ANC@Michigan.gov

Department of Natural Resources

Fisheries Division, Natural Rivers Program www.michigan.gov/dnr/managing-resources/ fisheries/natural-rivers DNR-NaturalRivers@michigan.gov

U.S. Army Corps of Engineers

Detroit District Regulatory Office 1-888-694-8313

https://www.lrd.usace.army.mil/Wetlands-Permits/ Regadmin.LRE_RegAdmin@usace.army.mil

OTHER IMPORTANT CONTACTS

Cheboygan Conservation District

870 S. Main St Cheboygan, MI 49721 231-627-8484 https://www.cdcheboygan.org/ District Health Department No. 4 231-627-8850 www.dhd4.org Tip of the Mitt Watershed Council 231-347-1181 www.watershedcouncil.org

LOCAL GOVERNMENT CONTACTS

Cheboygan County

www.cheboygancounty.net 231-627-8855

Aloha Township

www.alohatownship.org (231) 625-9003

beaugrandtwp.org/ (231) 627-3621 (then choose option 1)

Benton Township www.bentontwp.org/ (269) 925-0616

Beaugrand Township beaugrandtwp.org/ 231-525-8468

Forest Township
forestwp.wixsite.com/

Burt Township

burtcheboyganmi.gov/

(906) 494-2381

Ellis Township

forest-township (810) 631-4997

Grant Township

www.granttwp.com (906) 289-4292 x103

Hebron Township (231) 627-9142 **Inverness Township**

www.invernesstownship.com (231) 627-2939

Koehler Township

(231) 238-9207

Mackinaw Township www.mackinawtownship.com 231-436-5351

> Mentor Township 989-826-5414

Mullett Township mullett-townshipmi.gov/

231-290-3148 231-238-8808 Munro Township

www.munrotownship.com (231) 627-6749

> Nunda Township (231) 525-8469

Tuscarora Township

www.tuscaroratwp.com (231) 238-0970

Walker Township (231) 290-1470

Waverly Township (989) 733-9661

Wilmot Township (231) 420-9346









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Tip of the Mitt Watershed Council

426 Bay Street

Petoskey, MI 49770

Phone: 231-347-1181 www.watershedcouncil.org