



Wetland Protection

Part 303, 1994 PA 451

What are wetlands and why are they important?

Wetlands are those special places in the landscape with shallow water, or where water is visible only part of the year. Some wetlands have soils that are saturated with water, but water is not visible at the surface. Many times, wetlands have lush vegetation and abundant wildlife. They are those places that draw your eye when you drive by them in a car or a boat. Wetland areas may cause you to pause when out for a walk to listen to frogs calling in the spring, or to investigate an unusual plant.

Some wetland types can store floodwaters, preventing flooding of downstream properties. Runoff water from the surrounding lands can be effectively filtered by wetlands, helping to protect the adjacent lake or river from too much sediment, fertilizers, and pesticides. Proper land management, especially maintenance of vegetated buffer zones, will help ensure that the wetlands are not over-loaded with the same pollutants.

Many game animals as well as nongame wildlife utilize wetlands in some stage of their life; edible plants are also harvested from wetlands. Protecting the numerous varieties of wetlands found in Michigan will help to maintain a healthy, diverse, stable, and aesthetically appealing landscape.

There are many types of wetlands in Michigan and some are more easily recognized than others. A cattail marsh may come to mind, and while this is one kind of wetland, there are other types that play an equally important role in Michigan's ecological landscape. Following are descriptions of Michigan wetlands and some clues on how to recognize them.





Marsh

Marshes can be associated with inland lakes, rivers and streams, the Great Lakes coastline, or they can be isolated from other waterbodies. Cattail, waterlily, pickerelweed, arrowhead, rushes, and underwater plants such as pondweed, wild celery, milfoil, and coontail are common plants of marshes. Duckweed, which looks like floating green circles or stars, and many kinds of algae can also be found in marshes.

Ducks, geese, rails, herons, and songbirds use marshes during the spring and summer, and ring-necked pheasants use the dense vegetation of marshes for winter cover. Marshes that are not occupied by predatory fish are important breeding sites for frogs. If associated with a lake or river, marshes are used by northern pike and muskellunge for breeding and nursery areas.

Bog

Bogs, sometimes called northern peatlands, are characterized by acidic soil conditions and specialized plants such as sphagnum moss, sundew, pitcher plant, leatherleaf shrub, bog rosemary, Labrador tea, cranberry, black spruce, and tamarack. Bogs are fed primarily by rainwater. Over long periods of time, bogs tend to fill in with organic material and sphagnum moss, which often forms a thick mat that shakes when walked upon. This phenomenon has led to the term “quaking bog.”

Fen

Fens are supplied by groundwater and the soils tend to be alkaline. Specialized plants can be found in fens, such as beaked spike rush, wild timothy grass, swamp thistle, and showy flowers such as brook lobelia, white lady-slipper orchid, nodding ladies’ tresses orchid, and fringed gentian. Pitcher plant can be found in both bogs and fens. Shrubby cinquefoil and sage willow may also grow in fens, although they can be found in lakeplain prairies and bogs as well. Like bogs, fens are also considered a northern peatland.

Scrub-shrub Wetland

These wetlands, with dense growth and shallow water, are important songbird feeding and nesting areas. The dense vegetation allows small birds to hide from larger birds that may prey on them. Scrub-shrub wetlands are also important as breeding areas for amphibians due to the presence of standing water in the spring and absence of fish as predators. Pussy willow, red-osier dogwood, and elderberry are typical shrubs found in this type of wetland. Alder thickets are considered scrub-shrub wetlands and are dominated by speckled alder, a tall shrub, also called tag alder. Marsh marigold, with bright yellow flowers, as well as sensitive fern and

American black currant grow in alder thickets and provide food and cover for wildlife, including ruffed grouse and American woodcock.

Forested Wetland

Two basic types of forested wetlands occur in Michigan: lowland hardwood swamps and coniferous swamps. Common trees found in lowland hardwood swamps are green ash, red maple, silver maple, cottonwood, black willow, and yellow birch. Similar to scrub-shrub wetlands, marsh marigold, American black currant and ferns will grow in lowland hardwood swamps, along with stinging nettle and jewelweed. These wetlands are frequently associated with the floodplains or old oxbows of rivers. Floodplain swamps will store floodwaters in the spring and fall of the year, and sometimes maintain saturated soils throughout much of the growing season.

Cedar swamps are typical coniferous swamps in the northern parts of Michigan, with northern white cedar and tamarack being the dominant trees. Tamarack is the only deciduous conifer native to Michigan, turning yellow and then dropping its needles in the fall of the year.

How do I know if there are wetlands on my property?

While the above descriptions may not seem to fit your property, wetlands can be identified by the presence of water (standing water or wet soils for at least part of the year) and the presence of plants that depend on wet conditions. Simple descriptions are provided in this brochure, and there are many good books available. However, if you suspect that you may have a wetland on your property but are not sure, or need to determine the extent of the wetland before you build, it may be necessary to contact a professional.

The Department of Environmental Quality's (DEQ) Land and Water Management Division can provide a wetland assessment professional to identify wetlands on your property and give you site-specific information on regulations that apply to your project. There will be a fee for this personalized

service. For more information about this program, contact Land and Water Management Division's **Wetland Assessment Program** at **517-241-8485**.

You may also consider hiring an independent wetland consultant. A list of consulting firms and information on how to choose a consultant is available from the Land and Water Management Division. It is always a good idea to ask for credentials and references when choosing a consultant.

Can I restore wetlands on my property?



Yes, wetlands that have been ditched, drained, or otherwise altered, can be restored to a more functional condition. The U.S. Fish and

Wildlife Service provides funding to landowners interested in wetland restoration to protect and restore wildlife habitat. To request information about the **Partners for Wildlife Program** call **517-351-4230**.

The U.S. Department of Agriculture's Natural Resources Conservation Service administers the Wetlands Reserve Program. This program offers landowners cost-share funds to voluntarily restore wetlands in return for a conservation easement on the property. For more information about the **Wetlands Reserve Program** call **517-337-6701**.

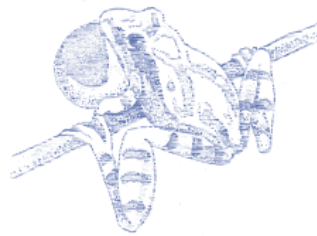


Will I need a permit?

If wetlands will be disturbed as part of your development or restoration plan, a permit from DEQ's Land and Water Management Division may be required. Federal regulations may also apply, but only one permit application needs to be filed and the DEQ will coordinate with other state and federal agencies as necessary. Check with your local government offices to see if a local permit will be required as well.

Considering wetlands in the very early stages of planning your project will help you avoid unnecessary delays and frustration. The easiest and most preferred way to deal with wetlands on your building site is to avoid disturbing the wetland. If this is not feasible, minimizing impacts to the wetland will

help maintain its functions in the landscape and ease the process of acquiring a permit. This can be accomplished by minimizing fill material placed in the wetland, or using open-pile construction, as is often done for boardwalks and similar structures. By using open-pile construction methods, the water in the wetland is allowed to continue its natural pattern of flow.



Are all wetlands covered by the law?

No. Wetlands regulated under the state statute (Part 303, 1994 PA 451 Natural Resources and Environmental Protection Act), are wetlands of any size that are "*contiguous*" to another waterbody, or that are greater than five acres in size in counties with a population of more than 100,000. The state wetland protection law also allows the DEQ to identify wetlands with special significance, such as those that support very rare plants or animals, and regulate certain activities in those wetlands. The property owner would receive a notice of this special designation.

Contiguous wetlands are generally those that are partially or entirely located within 500 feet of an inland lake, pond, river, stream, or county drain, or that are within 1,000 feet of one of the Great Lakes or Lake St. Clair.

Activities in a Wetland that Require a Permit from the Michigan Department of Environmental Quality

Activity	Example (Partial List Only)
Filling or Placing Material in a Wetland	Bulldozing, Grading, Dumping
Dredging or Removing Soil From a Wetland	Removing Tree Stumps, Bulldozing, Digging a Pond, Excavating
Draining Water From a Wetland	Diverting Water to Another Area Through a Drain, Ditch, or Pump Mechanism
Constructing or Maintaining a Use or Development in a Wetland	Constructing a Residential or Commercial Structure, Including Out-buildings; Constructing a Boardwalk; Mining Peat; Using a Wetland for Wastewater Treatment

What activities require a permit?

In order to protect the diverse wetlands in Michigan, certain activities are subject to regulation. Examples of regulated activities are provided above.



How do I apply for a permit?

You will need to fill out a permit application and provide a diagram and other information that describes your location and project.

You may obtain an application form or other information by:

1. accessing the **Land and Water Management Division home page** on the Internet (www.deq.state.mi.us/lwm/), and clicking on “Permit Consolidation”;
2. sending an e-mail note with your name and street address to: **Land and Water Management Division’s Permit Consolidation Unit (DEQ-LWM-PCU@state.mi.us)**, requesting a permit application packet;
3. calling the **Permit Consolidation Unit** in Lansing at **517-373-9244** or a field office of Land and Water Management Division (see listing and map at the end of this brochure).

What happens after I apply for a permit?

The Land and Water Management Division will log your application into a computerized database for tracking purposes. When the application is considered complete, it will be sent to a Land and Water Management Division field office. Staff there will conduct an on-site investigation and will be responsible for the review and final action on your application. Your project proposal may be reviewed by fisheries biologists, wildlife biologists, endangered species specialists, and shoreline specialists.

Decisions on applications are based on the criteria in the statute and rules. In general, the applicant must show avoidance of the wetland resource to the greatest extent possible and show that an “unacceptable disruption to the aquatic resources will not result” from the project. Public comments that may have been received are also considered. Action on an application for permit can include the issuance of a permit or modified permit, or a denial. Due to the depth of the state’s review and the need to schedule a site

inspection, permit applicants should plan for the permit process to take from sixty to ninety days. Submitting a complete application form with all of the required information will help you avoid delays in processing.

Can I appeal the decision on a permit application?

Yes, you may appeal a DEQ action by contacting the Office of Administrative Hearings and requesting a formal hearing on the matter involved. Contact the field office that reviewed your permit application and ask to speak with the Land and Water Management Division district supervisor.



Wetlands are a part of Michigan’s unique natural heritage. Protecting them will ensure that they remain healthy and functioning for our lifetime and for generations to come.

Land and Water Management Division District and Field Offices



Offices in italics are field offices within districts.



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The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the Office of Personnel Services, PO Box 30473, Lansing, MI 48909.