

MINOR PERMIT CRITERIA OF INTEREST – EXISTING SEAWALLS

Part 301, Part 303, and Part 325 of the NREPA authorize the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), to define types of regulated activities that would be expected to have only minor impacts and that can, therefore, be reviewed through an expedited permit application process. The WRD controls the Minor Projects (MP) permit process, and in 2021 the WRD issued an updated document containing the fifty-four categories for minor permit applications.

Of interest for riparians with seawalls is category 42, it has some interesting criteria for the repair and/or replacement of existing seawalls. The category requires the use of a Best Management Practice (BMP). The category describes possible BMPs as follows: “For inland lakes, the applicant must include one of the following best management practice measures to mitigate for the loss of habitat and to provide a use for fish and other aquatic life:

- Reduce the length of the seawall by 25% and use either riprap following MP riprap shoreline protection or bioengineering following in MP bioengineering practices for stabilization of inland lake shorelines.
 - Incorporate coarse woody structure as approved by EGLE.
 - Maintain a minimum of a 6-foot wide no-mow zone or native planted buffer strip above the wall extending the entire length of the proposed seawall. Minimal breaks in the buffer strip are acceptable for exercising riparian rights. For example, acceptable breaks in the buffer would include having a break around a dock or a small access point for a swimming area.
 - Other measures approved by EGLE staff”
- These provisions are in alignment with our MLSA goals to support the preservation and expansion of natural shoreline features needed for healthy lakes now, and for future generations. There was a webinar put on by EGLE staff that provided information about these changes in January, if you missed that presentation we will provide a link to the video recording as soon as it is available. There will also be an article in the spring 2022 issue of *The Michigan Riparian* magazine about these changes.