

# General Guidance for Regulated Activities in Michigan's Critical Dune Areas

<u>ACTIVITY</u>	<u>REGULATED?*</u>
Contour Change . . . . .	Yes
New Buildings . . . . .	Yes
Additions (1st Floor) . . . . .	Yes
Second Story Addition on Existing House . . . . .	No, if no contour changes.
Major Restoration of Home with No Additions . . . . .	No, if no contour changes
Major Restoration of Home with Additions . . . . .	Yes, because of additions.
Change in Pitch of Roof . . . . .	No
Routine Home Maintenance . . . . .	No, if no contour changes.
New Detached / Attached Garage . . . . .	Yes
Swimming Pool . . . . .	Yes
Appurtenant Structures (storage sheds, gazebos) . . . . .	Yes
Convert Garage to Living Space . . . . .	No
Utility Lines . . . . .	Yes
Subdivision / Site Condominium . . . . .	Yes
Seawall / Revetment . . . . .	Yes
Demolition . . . . .	Yes
Deck / Porch Extension . . . . .	Yes
Enclose Existing Porch . . . . .	No, if no contour changes.
New Deck / Porch . . . . .	Yes, except for in-kind replacement of existing deck, using hand tools and same footprint.
Driveway . . . . .	Yes, unless for maintenance or re-grading with no change in size or contours outside existing driveway footprint (includes adding material such as gravel, concrete, asphalt, or crushed rock).
Well / Septic Tank or Field . . . . .	Yes, unless for clean-out.
Installation of a Single Pole . . . . .	No, when installed using hand tools (flag pole, light pole, birdhouse, etc.)

<u>ACTIVITY</u>	<u>REGULATED?*</u>
Retaining Walls . . . . .	Yes, including construction of small landscape walls for flower / vegetable gardens, rock walls and placement of large boulders for landscaping purposes.
Temporary Snow / Sand Fence . . . . .	No
Fence (Permanent) . . . . .	Yes, unless it is installed using hand tools, is located landward of the crest, follows the existing grade, and fence surface is open (e.g., split rail or chain link fence).
Sand Removal . . . . .	Yes, unless 1 cubic yard or less in areas landward of the crest and removed using hand tools to clear an existing structure or walkway.
Native Tree / Vegetation Planting . . . . .	No, when using hand tools and without changing existing grades or contours.
Tree Branch Trimming . . . . .	No, if branches only.
Vegetation / Tree Removal . . . . .	Yes, when 3 or more trees over 3 inches in diameter at breast height are to be removed.
Removal of a "Hazard" Tree . . . . .	No, when tree is located on a slope with a gradient less than 25%, is threatening a structure, utility line, or human safety; and when it does not significantly alter the physical characteristic or stability of the dune feature (stump and root system must remain in place).
New Stairway / Boardwalk / Tram . . . . .	No, when constructed using hand tools, services a single-family home, is elevated above grade, five feet wide or less, has no roof or walls, involves no tree removal, and disturbs vegetation only within the footprint.
<b>Construction of any structure, without a special exception, is prohibited on, or in front of, first lakeward facing slope.</b>	Structures must be constructed behind the crest of the first landward ridge that is not a foredune, in order to minimize development in areas of moving sand and maintain processes of dune formation.
<b>Activities on slopes greater than 33% are regulated as special exceptions</b>	in order to minimize development on steep slopes that would compromise stability of critical dunes. Special exceptions are reviewed by a MDNRE panel and determinations made on whether a practical difficulty exists and compliance would unreasonably prevent use of the property or render conformity unnecessarily burdensome.
<i>*There may be additional local ordinances and regulations at the township/village/city/county level.</i>	

## An Overview of MICHIGAN'S CRITICAL DUNE AREAS



Sand Dune Protection and Management of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended.

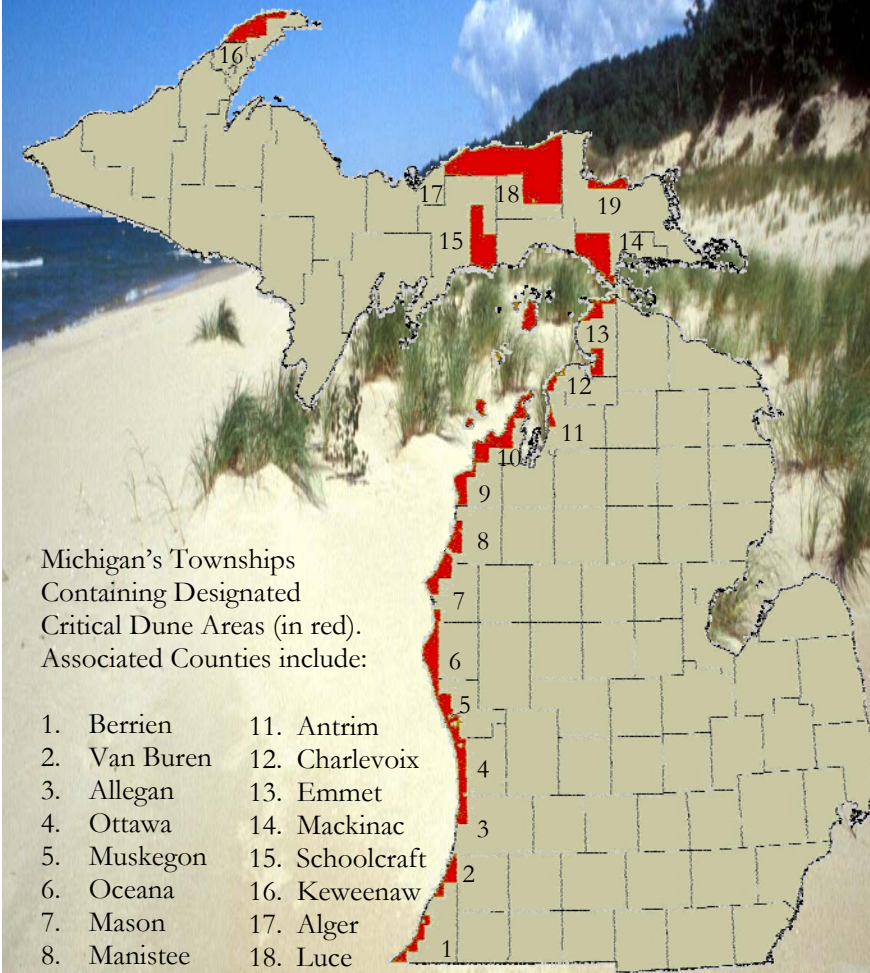


The State of Michigan is defined by its natural resources that are some of the most scenic and rare on the planet. One glimpse at a map establishes that Michigan is like no other state in our nation. With over 3,200 miles of shoreline along the Great Lakes, it is this thin strip of land that truly magnifies the depth of Michigan's unrivaled outdoor attributes. Within this zone a rare combination of glacial history, wind, water, and vegetation came together to create the largest accumulation of freshwater coastal dunes in the world. These extraordinary dune features set the stage for a distinctive mix of ecological communities that support rare and endangered species, irreplaceable habitats and dynamic biological interactions.

The sand dunes are valued by many for their aesthetically pleasing backdrop to the lakeshore, for the ecological communities which they support, and for the recreational potential they provide. No one knows this better than those that live and vacation within the coastal dune communities on the west coast of Michigan. Yet it is this desire to live, work and play in the sand dunes that have slowly degraded natural communities, altered topography and even destroyed these unique features. The complex series of events that created the largest of these sand dunes do not exist today, and once lost, these dunes may never be replaced.

With this in mind, the Michigan Legislature in 1976 passed the Sand Dune Protection and Management Act (Act 222). This act gave authority to local units of government and the State of Michigan to undertake specific steps to ensure the wise use and protection of Michigan's sand dunes. Of the 275,000 acres of sand dunes in Michigan, 70,000 acres were designated as "critical dunes" (PA 146 & 147 in 1989; Part 353 of Act 451 in 1994). These Critical Dune Areas (CDAs) were recognized as a "unique, irreplaceable and fragile resource that provide significant recreational, economic, scientific, geological, scenic, botanical, educational, agricultural, and ecological benefits to the people of this state and to people from other states and countries who visit this resource."

Critical Dune Areas include barrier dunes, dunes exhibiting specific geomorphologic features, dunes areas supporting exemplary dune association plant communities (as designated by the Michigan Natural Features Inventory), and all areas designated with Michigan's Critical Dune Atlas.



Michigan's Townships Containing Designated Critical Dune Areas (in red). Associated Counties include:

- |              |                 |
|--------------|-----------------|
| 1. Berrien   | 11. Antrim      |
| 2. Van Buren | 12. Charlevoix  |
| 3. Allegan   | 13. Emmet       |
| 4. Ottawa    | 14. Mackinac    |
| 5. Muskegon  | 15. Schoolcraft |
| 6. Oceana    | 16. Keweenaw    |
| 7. Mason     | 17. Alger       |
| 8. Manistee  | 18. Luce        |
| 9. Benzie    | 19. Chippewa    |
| 10. Leelanau |                 |

Critical Dune Area maps found at:  
<http://michigan.gov/dnre> or <http://macd.org/critical-dunes.html>

With over 70,000 acres of critical dunes along the lakeshore, the idea that an individual action could determine the future and quality of the landscape is almost unimaginable. Yet it is the individual lot and single management activity that will truly determine protection of these rare and fragile ecological systems.

In order to support local communities and individual landowners in creating sustainable development, the Michigan Department of Natural Resources and Environment utilizes a permit process to regulate activities in critical dune areas and assure the protection of these irreplaceable natural resources for present and future generations. As part of this permit process, the Department identified three measures to increase observance of the Sand Dune Protection and Management Act. These measures may require associated fees, and include:

1. A soil and erosion control permit (when applicable).  
<http://www.deq.state.mi.us/sesca>
2. A proposed on-site sewage treatment permit (when applicable).
3. A written assurance that the cutting and removal of trees and other vegetation will be according to the instructions of the local Conservation District. <http://macd.org/critical-dunes.html>

Materials needed to submit a permit (DNRE/USACE Joint Permit Application) for development in critical dune areas are available at <http://michigan.gov/jointpermit> or at <http://macd.org/critical-dunes.html>. Instructions, the permit process and filing fees for permits are also available at this website. Permits are submitted to:  
 Michigan DNRE  
 LWMD-Permit Consolidation Unit  
 P.O. BOX 30204 Lansing, MI 48909-7704

Minor projects that meet DNRE desktop review categories can be submitted with a credit card payment directly to the DNRE District office. Pre-application meetings are available to obtain information about a proposed project. Contact the nearest DNRE office to determine an individual project category or to file a pre-application form. Contact information for DNRE offices, pre-application forms and fees can be found at <http://michigan.gov/dnre>.



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