

# HOW TO OBTAIN STATE AND FEDERAL PERMITS TO DEVELOP AND OPERATE MARINAS IN MICHIGAN

Michigan Sea Grant Marine Advisory Service  
Michigan State University Cooperative Extension Service







The Michigan Sea Grant Program is a cooperative effort between the University of Michigan and Michigan State University. It sponsors research and provides public information on the Great Lakes.

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*How to Obtain State and Federal  
Permits to Develop and Operate  
Marinas in Michigan*

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Park and Recreation Resources  
Michigan State University  
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## Introduction

This report on permit applications and filing procedures has been designed as a general reference guide. It is based on information from The Submerged Lands Management Section of the Michigan Department of Natural Resources (DNR) and the United States Army Corps of Engineers (Corps).

Marina owner/operators need three main permits: (1) the Great Lakes bottomland lease, (2) the construction permit, and (3) the inland waters marina operating permit.\*\* Obtain each permit by filing the proper application to the Submerged Lands Management Section, Land Resource Programs Division, Michigan DNR. Do not substitute sample applications forms in this report for the actual documents. These you must obtain from the appropriate agencies.

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## Acknowledgements

Francis Domoy and Eugene F. Dice, MSU extension specialists in Park and Recreation Resources, supervised this project. The following persons provided valuable direction: Keith Wilson, Chief, Waterways Division, Michigan Department of Natural Resources; Mogens Neilsen, Chief, Submerged Lands Management Section, DNR; and Thomas E. Ottenbaker, Chief, General Regulatory Branch, U.S. Army Corps of Engineers, Detroit District. Roger Hack and Claude Schmitt, water quality administrators, Submerged Lands Management Section, DNR; and William Davy, Chief, Secondary Processing Unit, Permit Section, Corps, were especially helpful in gathering and verifying information. Leslie Lin, Michigan Sea Grant, edited and produced this publication. The Michigan Sea Grant Marina Management Education Program funded the project.

The explanation for each application includes a step-by-step flow chart as well as an outline of required information and filing procedures. This report provides adequate information for the majority of applications. You can obtain information on problems not covered in this report from:

- 1) Submerged Lands Management Section  
Land Resource Programs Division\*  
Michigan Department of Natural Resources  
Stevens T. Mason Building  
P.O. Box 30028  
Lansing, Michigan 48909
- 2) Department of the Army  
Detroit District, Corps of Engineers  
Box 1027  
Detroit, Michigan 48321

Despite our attempts to simplify these procedures, you may find the wording of this report somewhat formal. This is because much of the information has been quoted or adapted from the legal language of appropriate laws and regulations.

Please note the definitions of three legal terms which appear in the text of this report:

1. **Riparian Right:** the right of a person owning property on the bank of a water body to have access to and use of the shore and water.
2. **Patented Land:** land that can trace its title back to an original government land survey.
3. **Unpatented Land:** land that is lakeward of patented land.

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\* Changed from Water Management Division, effective October 1, 1977.

\*\* Refer also to local codes and ordinances such as zoning which are established and enforced by the governmental units where the facility is (or will be) situated.



*Great Lakes Bottomland Lease*





## *Great Lakes Bottomland Lease*

If you are planning to build a marina on Great Lakes Waters, you must first obtain a Great Lakes Bottomland Lease. This is a legal agreement between you and the State. It allows you to use a specified area for up to fifty years with the payment of a yearly fee. You must have this lease before the Michigan DNR and the Corps will grant you a construction permit. It may save some time if you apply for the lease and the construction permit simultaneously. This will allow preliminary review of your construction application during the processing of your lease application.

### **Prerequisites for lease application consideration are:**

- 1) The applicant shall be the riparian owner or owners of property touching or situated opposite the unpatented land or water area over patented lands applied for, or the occupant of said land.<sup>1</sup>
- 2) Before an application can be acted upon by the Submerged Lands Management Section of the DNR, the applicant shall secure written approval for the proposed use of such lands or water area from (a) the Detroit District Corps, (b) the Michi-

gan Waterways Division, DNR, and (c) the local unit of government within which such lands or water area are included.<sup>2</sup> For approval, send a letter detailing the precise location of the area in question and the basic developmental concept involved.

### **Application information requirements<sup>3</sup> are:**

- 1) A legal survey, certified by a registered land surveyor. The survey must show: a legal description of the land or water area applied for, including the Ordinary High Water Mark; location of the water's edge at time of survey; and a legal description of the riparian property lying adjacent and contiguous to the lands and water.
- 2) The names and addresses of all persons having any interest in the adjacent or contiguous riparian property.
- 3) The names and addresses of all persons having riparian rights or interests in the lands or water areas applied for.

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<sup>1</sup> Act 247, Michigan Public Acts of 1955; Section 4a.

<sup>2</sup> Ibid. Section 4b.

<sup>3</sup> Act 247, Michigan Public Acts of 1955; Section 4a, b, c.



- 4) Written consent of all persons mentioned above.
- 5) Abstract of title and ownership and/or a twenty year tax history.
- 6) Application fee of \$50.00, to be credited toward payment of lease if the application is approved.

## Application flow

### PLEASE REFER TO FLOW CHART I

The applicant is responsible for obtaining written approval from the Corps, the DNR Waterways Division and the local unit of government within whose jurisdiction the proposed site lies. You may obtain approval in the manner described in Section A-2 above. Then send the letters of approval with the completed application form to the Submerged Lands Management Section.

After the Section determines that the application is complete and in order it will issue a public notice of conveyance. The parties receiving copies of the lease application include, but are not limited to: (a) the Michigan DNR Regional Director and other interested DNR Divisions, (b) the State Director of Public Health or local designate, (c) the local government unit, (d) the local Soil Conservation District, (e) the local Watershed Council, (f) the local Port Commission (if any), (g) adjacent property owners and interested parties and (h) the Corps. These parties have twenty days from the issuance of the public notice to provide written comment to the Submerged Lands Management Section.

The Submerged Lands Management Section will then consider all facts and comments in its decision to recommend approval or denial. If the project is controversial, the Submerged Lands Management Section may decide to hold a public hearing to aid them in their decision.

If the section decides in favor of the lease they will then have the area appraised and draw up the conditions under which the lease will be granted.

The proposed lease will then be forwarded to the Natural Resources Commission. This commission, which is appointed by the Governor and approved by the Legislature, has the power to approve the sale or lease of State land. The commission meets once a month.

The Natural Resources Commission will then forward the lease to the State Administrative Board which approves the conveyance. After it approves the lease it is sent back to the Submerged Lands Management Section which informs the applicant of final approval. Before final approval is issued, however, the applicant must file a surety bond with the State. The amount of

the bond will be determined by the Submerged Lands Management Section based on the extent of the proposed change in the land being leased.

The amount of time needed to process and approve or deny an application will vary. If your project is not controversial and you have provided all needed information, the application could be processed in as little as six to nine months. However, if the project is controversial and results in a public hearing it may take over a year before approval, since all conflicts must be resolved prior to approval.

## Cost of lease

- 1) The lease shall provide for an advanced annual rental equal to ten percent of the fair cash value of the bottomland covered by the lease less the value of any improvements.<sup>4</sup>
- 2) If not satisfied with the value as determined by the department, the applicant may file a petition to the circuit court within thirty days after the receipt of such determination. The court shall appoint an appraiser and determine the value of the land. This decision is final.<sup>5</sup>
- 3) These lands will be subject to taxation and general property tax laws.<sup>6</sup>

## Terms of Lease

- 1) Rental shall commence as of the date of use of such unpatented lands for marina operations.<sup>7</sup>
2. A lease for marina purposes shall not exceed a term of fifty years and shall provide for its renewal or extension upon satisfactory performance during the prior term.<sup>8</sup>

<sup>4</sup> *Rules and Regulations Concerning Great Lakes Submerged Lands Act; R281.908 - Rule 8 (2).*

<sup>5</sup> *Act 247, Michigan Public Acts of 1955; Section 6.*

<sup>6</sup> *Act 247, Michigan Public Acts of 1955; Section 8.*

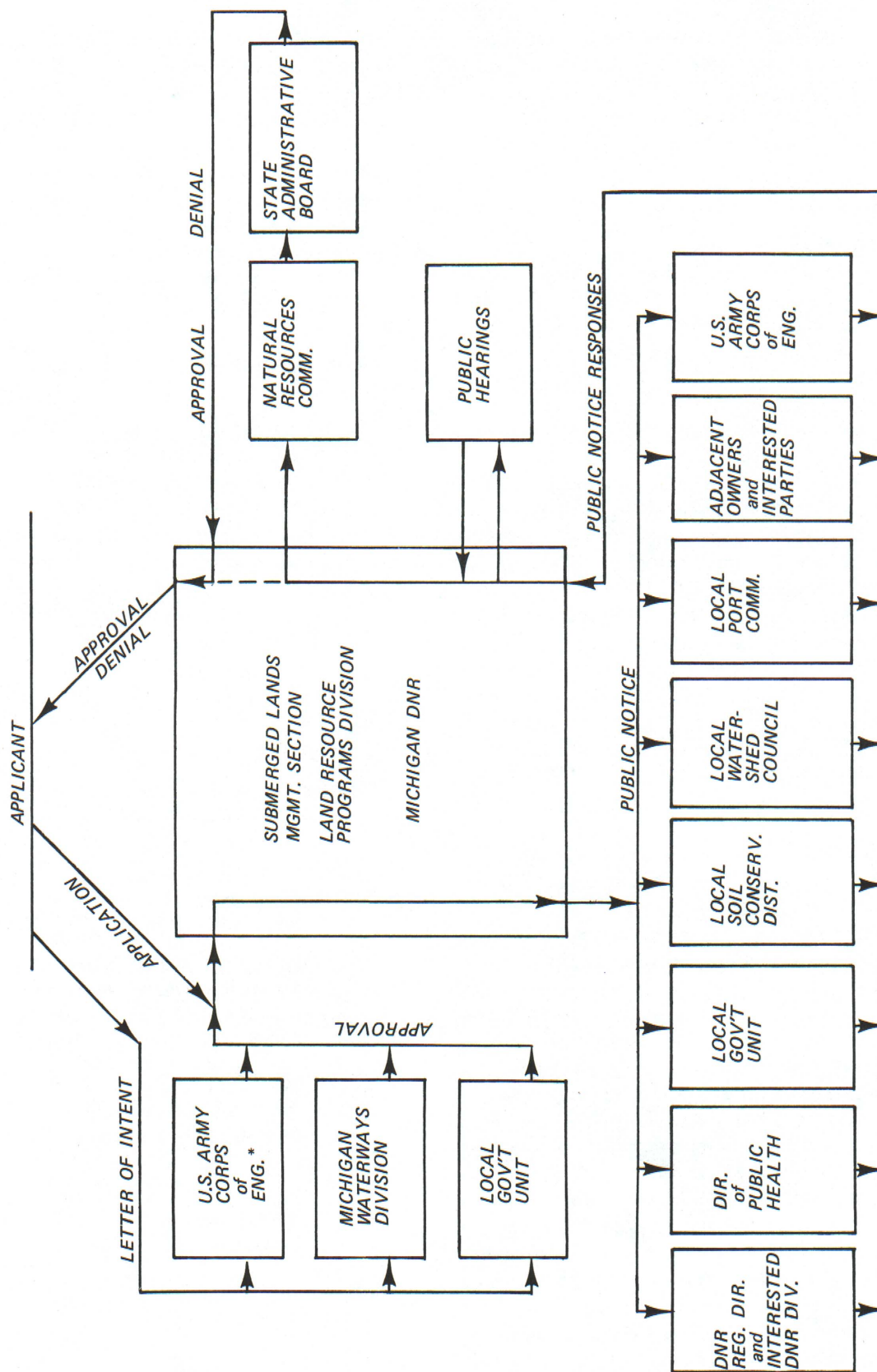
<sup>7</sup> *Ibid; Section 5d.*

<sup>8</sup> *Rules and Regulations Concerning Great Lakes Submerged Lands Act; R281.908 - Rule 8 (1).*



# FLOW CHART I

## APPLICATION for GREAT LAKES BOTTOMLAND LEASE



\* LETTER of NON-OBJECTION NOT TO BE CONFUSED WITH FEDERAL PERMIT



OFFICE OF  
DEPARTMENT OF NATURAL RESOURCES  
HYDROLOGICAL SURVEY DIVISION  
STEVENS T. MASON BUILDING  
LANSING, MICHIGAN 48926

PUBLIC NOTICE OF CONVEYANCE

File No. \_\_\_\_\_

Date \_\_\_\_\_

When an application is received requesting a conveyance of bottomlands owned by the State of Michigan under authority of Act 247, Public Acts of 1955, as amended, the policy of this Division provides that copies of the application shall be sent to the Regional Manager, Fisheries, Wildlife, Waterways, Lands and other appropriate State Agencies.

This policy has been established in order to determine if the proposed conveyance will impair the public trust in the adjacent waters and bottomlands and what interest the public may have in the bottomlands to be conveyed.

Those persons wishing to make comments on the proposed application shall provide written comment to this office not later than 20 days from the date of issuance of this notice. The determination as to whether a conveyance will be made, or a public hearing held, is to be based on an evaluation of all relevant factors, including the effect on navigation, fish and wildlife, conservation, pollution, and the general public interest. Comments will be accepted and made part of the files to be considered in determining whether it is in the public interest to grant a conveyance. Objections should be FACTUAL and SPECIFIC in describing the reasons on which the protest is founded.



## MARINA LEASE BOND

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_  
 of \_\_\_\_\_ as principal, and  
 \_\_\_\_\_, as surety, are held and firmly bound unto  
 the State of Michigan in the sum of \$ \_\_\_\_\_, lawful money of the United States, for the  
 payment of which well and truly to be made we bind ourselves and each of us, our heirs, successors,  
 executors, administrators, or assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

The condition of this obligation is such that,

THEREAS, the above bounden \_\_\_\_\_, Lessee,  
 (or assignee), as principal, has entered into a marina lease dated \_\_\_\_\_  
 \_\_\_\_\_, for State-owned lands described as follows:

The term of this bond begins on the \_\_\_\_\_ day of \_\_\_\_\_  
 and expires on the \_\_\_\_\_ day of \_\_\_\_\_  
 unless continued in force for a further period or periods by the surety's written continuation certificate.

NOW, if the above bounden \_\_\_\_\_ shall remove all buildings, structures,  
 facilities and appurtenances constructed on said premises by \_\_\_\_\_  
 and all piling and other structures, facilities and appurtenances as may be deemed by the Department  
 of Natural Resources of the State of Michigan to be hazards to safety and navigation within one year  
 after the expiration, termination, cancellation or abandonment of the lease or *within one year after*  
*the expiration of this bond or within one year after the expiration of any continuation hereof*  
 (whichever shall first happen) and shall restore the land to its original condition insofar as possible  
 then this obligation shall be null and void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, if upon its expiration this bond or any continuation hereof is superseded by a  
 substitute bond in that event notwithstanding the foregoing then this obligation shall be null and  
 void.

WITNESS our hands the day and year first above written.

WITNESSES:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Lessee

Surety



DEPARTMENT OF NATURAL RESOURCES  
BUREAU OF WATER MANAGEMENT

APPLICATION  
UNDER THE GREAT LAKES SUBMERGED LANDS ACT  
(ACT 247, PUBLIC ACTS OF 1955, AS AMENDED)

The undersigned herewith makes application for a \_\_\_\_\_  
(deed, lease, agreement, certificate)  
as provided under Act 247, Public Acts of 1955, as amended. (Give description of  
bottomland parcel. If description is lengthy, refer to and use separate sheet):

This application is filed for purpose indicated under the following section of  
Act 247, Public Acts of 1955, as amended:

_____ 5(a) Artificially filled	_____ 5(a) Industrial dockage
_____ 5(b) Municipality (indicate purpose)	_____ 5(a) Commercial dockage
_____ 5(c) Flood control	_____ 5(d) Marina
_____ 5(c) Shore erosion control	_____ 5(a) Filling patented land
_____ 5(c) Drainage control	_____ 5(a) Other filling
_____ 5(c) Sanitation control	_____ 11 Accretions
_____ 5(c) Straighten irregular shoreline	

Enclosed is a map and surveyed land description required under the provisions of  
Section 4 of the Act and Sections 6 and 9 of the rules and regulations, certified  
to by \_\_\_\_\_,  
registered surveyor of \_\_\_\_\_  
(address)

Adjacent Riparian Owners:

Names and addresses of those persons having record ownership, possession, or other  
property interests in the property situated on both sides of that owned by the  
applicant. (List the owners, mortgagees, contract vendees or others having any  
interest therein).

Name

Address

Type of ownership  
or interest held

(over)



Riparian and/or Record Ownership:

Names and addresses of all persons in possession, occupancy or having any enforceable interest in the bottomland applied for and/or interest in the riparian or abutting uplands. (List all owners, including the applicant, mortgagees, contract vendees, lessees, etc. The written consent of these persons shall be indicated in the space at the bottom of this page).

Name

Address

Type of ownership  
or interest held

The following written approvals are enclosed herewith as required under Section 4(b) of the act:

1. U. S. Corps of Engineers - Yes \_\_\_\_\_ No \_\_\_\_\_  
(Check "No" if official harbor line has been established, in which case no written approval is required).
2. Michigan Waterways Commission \_\_\_\_\_  
8th Flr. Stevens T. Mason Bldg. \_\_\_\_\_ (Date of Approval)  
Lansing, Michigan 48926
3. Legislative body of local unit of Government:

\_\_\_\_\_  
(Name of city or village council, or township board)

\_\_\_\_\_  
(Date of resolution giving approval)

The following title documents (abstracts of title, tax histories, title insurance policies, legal title opinions, etc.) for the upland are submitted herewith as proof of ownership to establish eligibility for conveyance of adjoining lake bottomland. (Include title documents for the lake bottomland applied for if there is a separate record title for it):

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_.

\_\_\_\_\_  
(Signature of applicant)

\_\_\_\_\_  
(address)

We, the undersigned, co-owners, occupants, mortgagees, contract vendees, lessees, etc., hereby agree, ratify, and give our consent to the filing of this application.

Other types of interest:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(signatures)



STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES

LEASE OF GREAT LAKES BOTTOMLANDS FOR MARINA PURPOSES

*Under Act 247, P. A. 1955, as amended*

THIS AGREEMENT, Made and executed this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. \_\_\_\_\_ by and between the DEPARTMENT OF NATURAL RESOURCES of the STATE OF MICHIGAN,  
under and by virtue of the authority in said department vested by Act 247, of the Public Acts of 1955, as amended,  
hereinafter referred to as the lessor, and \_\_\_\_\_  
\_\_\_\_\_

hereinafter referred to as the lessee.

WITNESSETH:

WHEREAS, said lessee has applied to the lessor under the provisions of the aforesaid Act for a lease for marina purposes of certain Great Lakes bottomlands, belonging to the State of Michigan as trustee; and

WHEREAS, it has been determined that the granting of this lease will be beneficial to the general public by the improvement and development of the shore and bottomlands of the Great Lakes for public use and will not substantially interfere with the general public interest and value therein; and that the lessee has met with the requirements of Section 4 of Act 247 of the Public Acts of 1955, as amended; and

WHEREAS, the Natural Resources Commission duly considered the application of the lessee and at its meeting held on \_\_\_\_\_  
approved the issuance of this lease; and

WHEREAS, the State Administrative Board duly considered the application of the lessee and at its meeting held on \_\_\_\_\_  
approved the issuance of this lease.

NOW, THEREFORE, the lessor, for and in consideration of the rental hereinafter specified, and other good and valuable considerations has demised and leased and by these presents does demise and lease unto the lessee all of the following bottomlands of the Great Lakes or bays and harbors thereof, belonging to the State of Michigan and held in trust by it, situate and being in and adjacent to the County of \_\_\_\_\_, State of Michigan, and described as follows, to-wit:

TO HAVE AND TO HOLD the above described premises for the purposes hereinafter designated with the rights and privileges thereunto attaching and belonging unto the lessee for and during a term of \_\_\_\_\_  
from and after the date first above written.



Lessee hereby hires said premises for the term of aforesaid, and covenants as follows:

FIRST, lessee agrees to pay the lessor the sum of \_\_\_\_\_ Dollars per year as annual rental for said premises. Said rental for the first year or proportionate part thereof, and for the retro-active period as provided under Section 5(d) of the Act, if any, in the sum of \_\_\_\_\_

\_\_\_\_\_ Dollars to be paid upon the signing of this lease, and thereafter the rental shall be paid each year in advance on or before the first day of each calendar year, payable at the office of the Cashier, Department of Natural Resources, Lansing, Michigan 48926.

SECOND, the lessee covenants and agrees to use the premises aforesaid for marina purposes, and not to use, permit or suffer the premises to be used for any other purpose; and, that no use shall be made, suffered or permitted of said premises which unreasonably interferes with the public use of any adjacent or adjoining public waters or bottom lands, or which is contrary to law or ordinance or other valid regulations.

THIRD, lessee covenants and agrees to bear, pay and discharge, in addition to the said rent designated, all rates, charges for revenue, and other assessments, levies, and taxes real and personal, general and special, ordinary and extraordinary, of every name, nature and kind whatsoever which may be assessed, levied or imposed upon the leasehold interest hereby created so long as the lessee shall occupy said demised premises under the terms and provisions appearing herein.

FOURTH, lessee may construct and maintain suitable buildings, structures, piling, facilities and appurtenances on said premises at its own expense to carry out the purposes for which said premises are herein demised. The lessee covenants and agrees to comply with all applicable laws, rules, regulations and ordinances in the construction and maintenance of buildings, structures, piling, facilities and appurtenances on said premises. All other structures, improvements, machinery, appliances, apparatus or adjuncts now on the premises covered by said lease or which may be constructed or placed thereon during the term of this lease or any extension or renewal thereof, shall remain the property of the lessee and may be removed therefrom by the lessee at its own expense upon the expiration of the lease, provided it is agreeable to both lessor and lessee or assigns.

FIFTH, the lessee covenants and agrees that it will at all times during said term, at its sole cost, charge and expense put, keep and maintain in good and sufficient order and repair the premises herein demised in accordance with all police, sanitary and other regulations imposed by any governmental authority and to guard against fire or other damage thereto; to prevent any pollution of adjacent or adjoining waters by and through the use of said premises; to maintain said premises in a manner to protect game and fish in or on adjacent or adjoining waters and lands; and upon request to permit the lessor or its authorized representatives to have free access at all times to said premises and any buildings or appurtenances thereon for inspection purposes.

SIXTH, the lessee covenants and agrees to save and hold the lessor harmless from any damage to persons or property and damages of every kind and description from any cause whatsoever arising out of this lease or the use of the premises so leased and any buildings, structures, piling, facilities and appurtenances thereon during the term of this lease.

SEVENTH, the lessee covenants and agrees that it will not assign this lease nor sublet the premises covered by this lease without the written consent of the lessor.

EIGHTH, the lessee covenants and agrees to relinquish voluntarily by the execution and delivery of a recordable release, any and all rights under this lease to the lessor upon the breach thereof by the lessee of any of its covenants and agreements contained in this lease, if (a) it fails to start and proceed with due diligence to cause the development of a marina within two years from the date of this lease; (b) upon its failure to use said premises consecutively for a period of two years; (c) upon its abandonment of said premises; (d) or in the event that said premises are used or suffered to be used by the lessee or with the lessee's consent or sufferance for any purposes or in any manner contrary to law or ordinance or for purposes other than as herein limited or contrary to the intent thereof. It is further covenanted and agreed that the release shall not become effective until the requirements and obligations of a surety bond have been met and duly discharged and in order to assure compliance with this condition lessee agrees to file with and maintain in force during the period of this lease a surety bond on such form and in such amount as the lessor shall approve and accept. Failure on the part of the lessee to maintain said bond in full force and effect at all times during the term of this lease shall, at the option of the lessor, constitute a breach of said lease and cause for its cancellation under the terms, covenants, conditions noted herein.

NINTH, that in the event the lessee is declared bankrupt or the lessee's estate passes into the custody of a court appointed receiver, this lease shall, at the option of the lessor, terminate upon 30 days written notice.

The lessor covenants: that upon normal expiration of the term of this lease and upon fulfillment of all terms, conditions and covenants of this lease the lessee shall be entitled to a renewal of this lease upon such terms and conditions as the lessor may deem proper.

It is expressly agreed between the lessor and lessee that the lessor shall save and except and always reserve unto itself all minerals, including but not limited to coal, oil, gas, sand, gravel, stone and other materials or products, lying and being on, within, or under the said lands hereby leased, with full and free liberty and power to itself, its duly authorized officers, representatives and assigns, and its or their lessees, agents and workmen, and all other persons by its or their authority or permission, whether already given or hereafter to be given, at any time and from time to time, to enter upon said lands and take all usual, necessary, or convenient means for exploring, mining, working, piping, getting, laying up, storing, dressing, making merchantable, and taking away the said minerals, pursuant to the provisions of Section 3, Act 247, Public Acts of 1955, as amended.



It is expressly agreed between the lessor and lessee that this lease shall be subject to the rules and regulations duly promulgated by the Department of Natural Resources now and hereafter in force relative to such leases, all of which rules and regulations are made a part and condition of this lease, provided, however, that no rules and regulations made after the approval of this lease shall operate to affect the term of the lease, bond requirements, rental, or area of the leased premises unless agreed by both parties.

IN WITNESS WHEREOF, the Department of Natural Resources, by the Deputy Director thereof, has hereunto subscribed its name and affixed the seal of said Department of Natural Resources the day and year first herein above written.

Signed, Sealed and Delivered in Presence

DEPARTMENT OF NATURAL RESOURCES FOR  
THE STATE OF MICHIGAN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
By \_\_\_\_\_  
Deputy Director  
\_\_\_\_\_  
Lessee  
By \_\_\_\_\_  
Its \_\_\_\_\_  
And \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF MICHIGAN }  
County of Ingham } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, personally appeared before me, a Notary Public in and for the county of Ingham, \_\_\_\_\_ Director of the Department of Natural Resources, personally known to me to be the same person who executed the foregoing instrument, and who acknowledged the same to be his free act and deed, and the free act and deed of the Department of Natural Resources, in whose behalf he acts, and for the purpose in said instrument set forth.

My Commission Expires: \_\_\_\_\_  
Notary Public, Ingham County

STATE OF MICHIGAN }  
County of \_\_\_\_\_ } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, and being by me duly sworn, did say that they are respectively the \_\_\_\_\_ and \_\_\_\_\_ of the \_\_\_\_\_, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors and \_\_\_\_\_ and \_\_\_\_\_ acknowledge said instrument to be the free act and deed of said corporation.

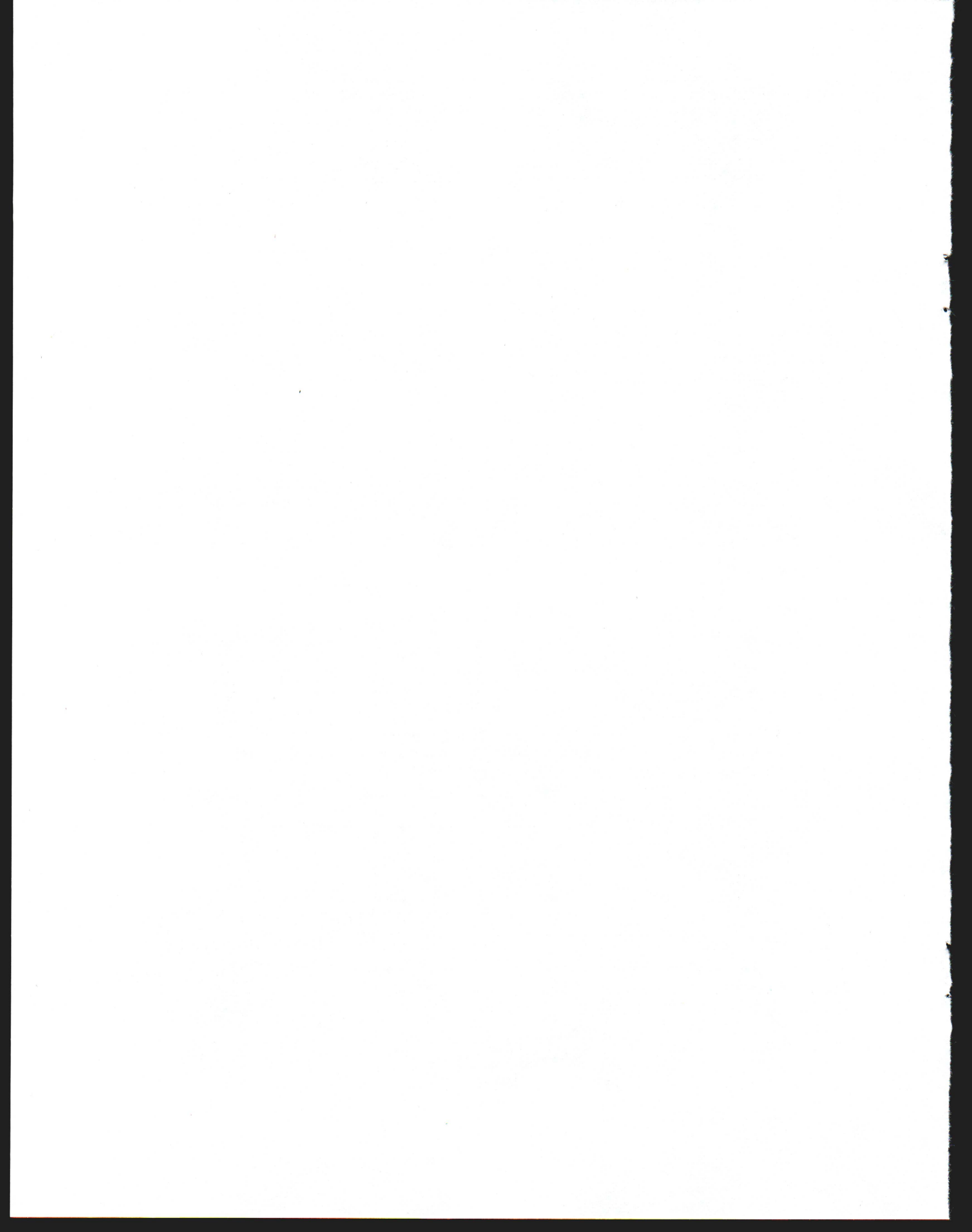
My Commission Expires: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County

STATE OF MICHIGAN }  
County of \_\_\_\_\_ } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, personally appeared \_\_\_\_\_ before me, a Notary Public in and for the county of \_\_\_\_\_, known to me to be the person named in and who executed the above instrument, and acknowledged that \_\_\_\_\_ executed the same for the intent and purposes therein mentioned.

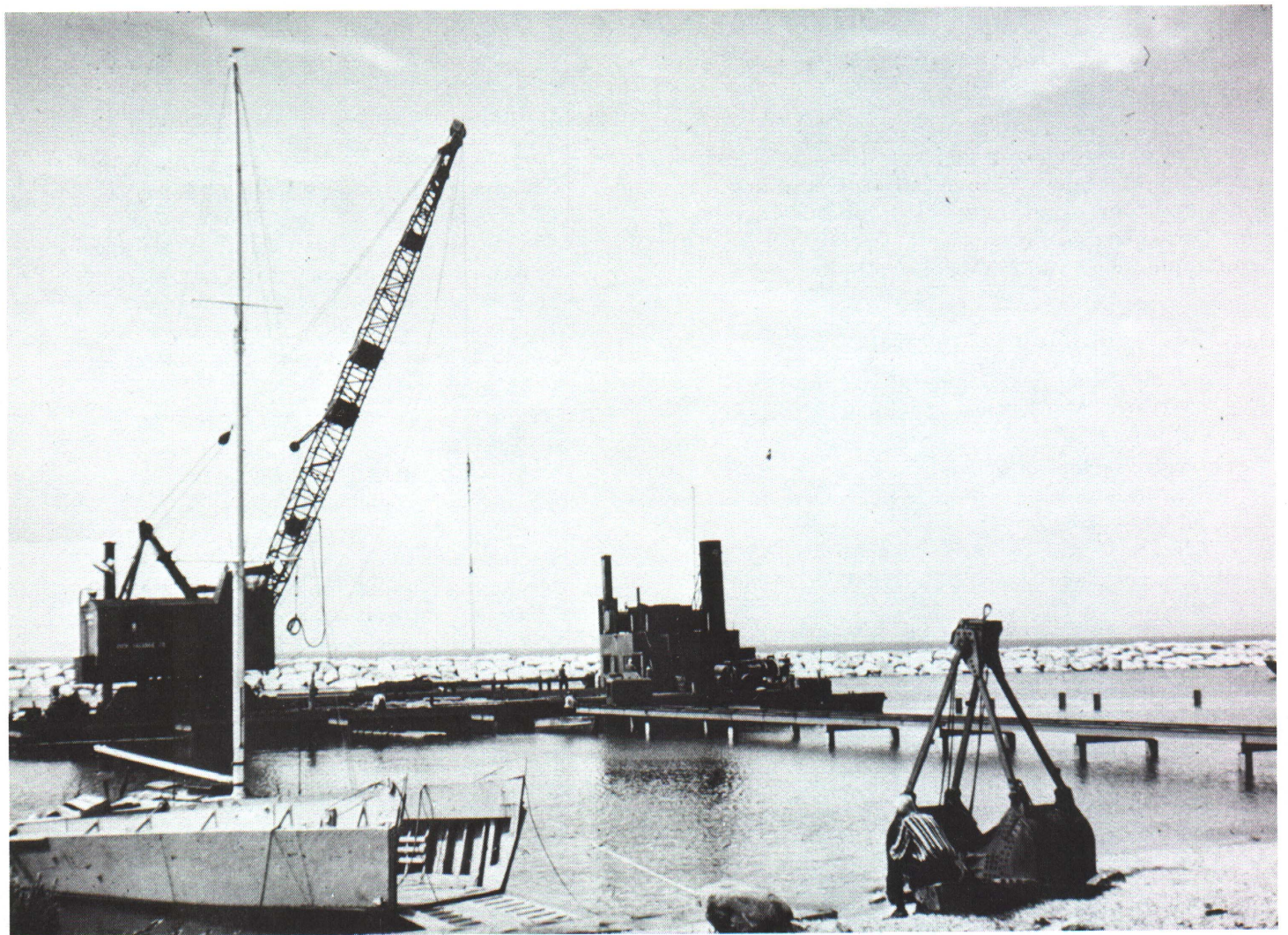
My Commission Expires: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County







# *Construction Permit*





## Construction Permits

You must obtain construction permits for any new construction or major replacement or remodeling. These permits are issued by the Michigan DNR and by the Corps. You may obtain these permits by filing a joint application with the Michigan DNR.

### Activities requiring a permit:

- 1) From the Submerged Lands Management Section, Water Management Division, Michigan DNR<sup>1,2</sup>
  - a) Dredge or fill bottomland
  - b) Construct, enlarge, remove or place a structure on bottomland
  - c) Erect, maintain, or operate a marina
  - d) Create, enlarge or diminish an inland lake or stream
  - e) Structurally interfere with the natural flow of an inland lake or stream
  - f) Construct, dredge, commence, extend or enlarge an artificial canal, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection with any of the Great Lakes (including Lake St. Clair), an existing inland lake or stream, or where any

part of the artificial waterway is located within 500 feet of the Ordinary High Water Mark of an existing inland lake or stream

- g) Connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake, or similar water with any of the Great Lakes (including Lake St. Clair), or an existing inland lake or stream for navigation or any other purpose<sup>3,4</sup>

2. From the U.S. Army Corps of Engineers, Detroit District:<sup>5</sup>
  - a) Piers, docks, dolphins, mooring cells
  - b) Excavation, commercial sand and gravel dredging, filling, disposal of dredged material
  - c) Riprap and revetments, retaining walls, groins, breakwaters, levees, fishing reefs
  - d) Wires or cables over the water, pipes, cables, and tunnels under the water
  - e) Channel and upland canal connections
  - f) Intake and outfall pipes and/or structures
  - g) Navigational aids (except those established by the Coast Guard)
  - h) Platforms, ramps, signs and fences

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<sup>1</sup> Act 346, Michigan Public Acts of 1972; Section 3a, b, c, d, e, f, g.

<sup>2</sup> Act 247, Michigan Public Acts of 1955; Section 12a, b.

<sup>3</sup> Act 346, Michigan Public Acts 1972; Section 3a, b, c, d, e, f, g.

<sup>4</sup> Act 247, Michigan Public Acts of 1955; Section 12a, b.

<sup>5</sup> Applications for Dept. of the Army permits for Activities in Waterways; pg. 1, Section 2.



## Prerequisites for construction permit consideration

If the construction site lies on Great Lakes bottomland, you must first file for, and obtain a lease agreement from the DNR Submerged Lands Management Section. You may file simultaneously for a lease and a permit for construction, but final approval for the construction permit will not be granted until after the lease has been approved.

## Application information requirements are:

- 1) Name and legal address of applicant.<sup>6</sup>
- 2) Legal description of the lands included in the project<sup>7</sup>
- 3) A summary statement of the purpose of the project.<sup>8</sup>
- 4) A map or diagram showing the proposal on an adequate scale, with contours and cross-section profiles of the waterway to be constructed.<sup>9</sup>
- 5) The name and mailing address of an office of any appropriate owners association and the names and addresses of adjacent or opposite riparians.<sup>10</sup>
- 6) A statement by the applicant that there is or is not litigation involving the property.<sup>11</sup>
- 7) Scaled drawing of the overall plan, as well as engineering drawings of the specific structures to be constructed.
- 8) A \$25.00 filing fee accompanying applications for inland lakes and streams. No state filing fee is required for the waters of the Great Lakes or Lake St. Clair.<sup>12</sup> The U.S. Army Corps of Engineers will notify applicants of fee assessment after making preliminary determination for approval. Fees are assessed as follows: (1) commercial or industrial uses—\$100.00, and (2) non-commercial uses—\$10.00.<sup>13</sup>

## Application flow Terms of Permit

PLEASE REFER TO FLOW CHART II

To expedite permit processing and reduce paper

<sup>6</sup> Act 247, Michigan Public Acts of 1955; Section 13a.

<sup>7</sup> Ibid; Section 13b.

<sup>8</sup> Ibid; Section 13c.

<sup>9</sup> Ibid; Section 13d.

<sup>10</sup> Rules and Regulations Concerning Inland Lakes and Streams Act R281.812 Rule 2c.

<sup>11</sup> Ibid; R281.812 Rule 2.5.

<sup>12</sup> Joint Application Form For Permits From: Corps of Engineers and State of Michigan.

<sup>13</sup> Ibid.

work, the Michigan DNR and the Detroit District Corps have entered into an agreement that will enable the applicant to file a single application to obtain both construction permits. Use State Form #R4506 for this application.

Send the application to the Submerged Lands Management Section of the Michigan DNR. The Section will forward a copy to the Corps within two days. The Corps will then issue a joint thirty day public notice to the agencies and groups shown in the flow chart. During this thirty day period the Submerged Lands Management Section and the Corps will begin analyzing the information provided by the applicant and arrive at a preliminary decision. The preliminary decision may or may not be affected by the responses from the public notices.

If the project is not controversial, the Submerged Lands Management Section and the Corps may approve or deny the permit at that time. However, if the project is controversial, a public hearing may be held. If the controversy concerns state or federal issues, but not both, the respective agency will hold a separate public hearing.

Based on the original information and the information received from the public hearing, the Submerged Lands Management Section and the Corps will each approve or deny the permit. Note that the Corps will not issue a permit over the Submerged Lands Management Section's objections, although each unit will issue a separate permit.

## Terms of permit

- 1) State permits will normally be issued for one year. Up to two one-year extensions may be granted by the Submerged Lands Management Section.<sup>14</sup>
- 2) Federal permits will be based on the estimated amount of time needed to complete the project.<sup>15</sup>
- 3) The issuance of state and federal permits does not relieve the applicant from obtaining approval from the Michigan Department of Public Health and the local unit of government, as may be required by law.
- 4) The applicant shall notify the Submerged Lands Management Section and the Corps within 48 hours of project completion so that a final inspection can be made prior to certification.

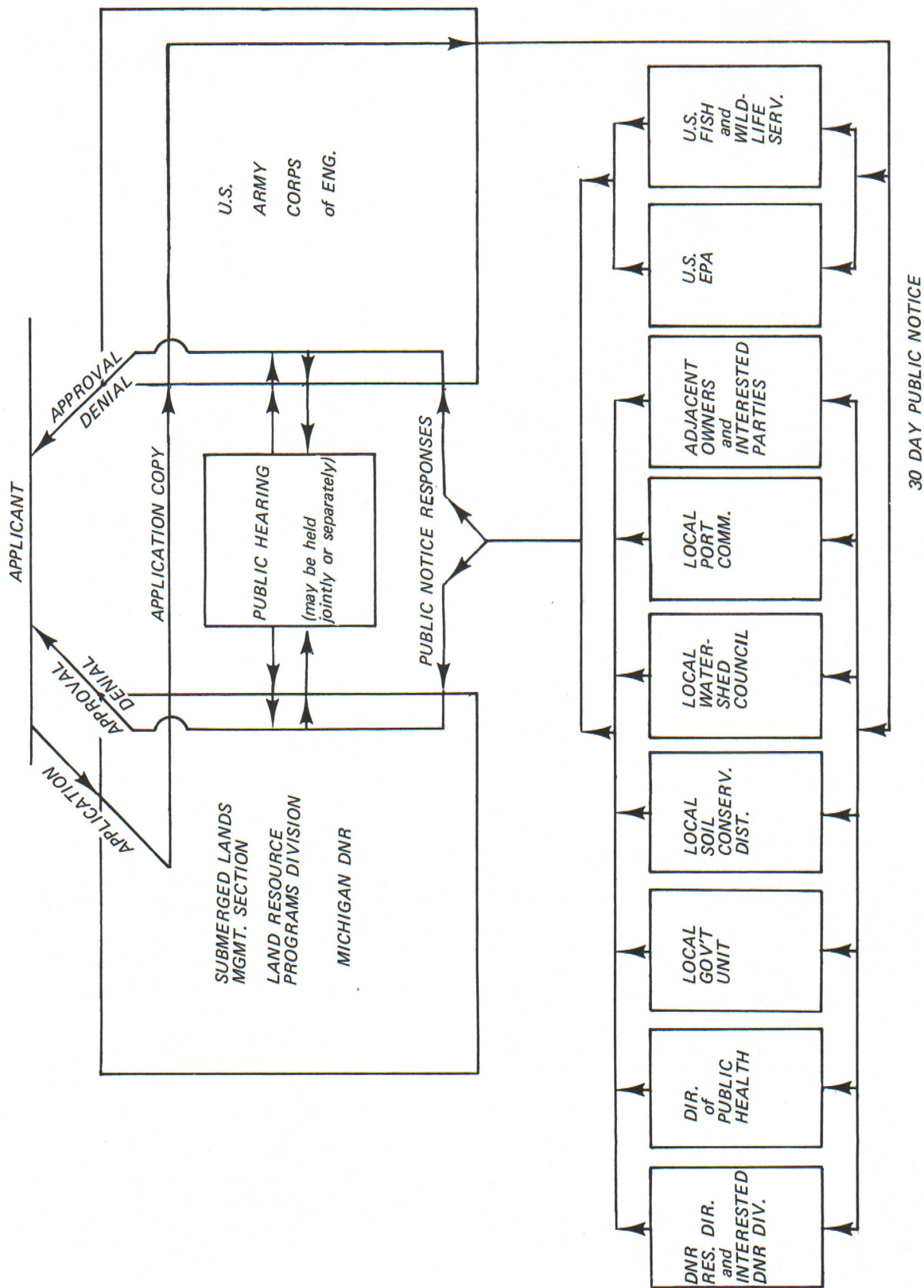
<sup>14</sup> Rules and Regulations Concerning Inland Lakes and Streams R281.813 Rule 3 (1).

<sup>15</sup> Applications for Department of the Army Permits for Activities in Waterways; pg. 4, Section 9.



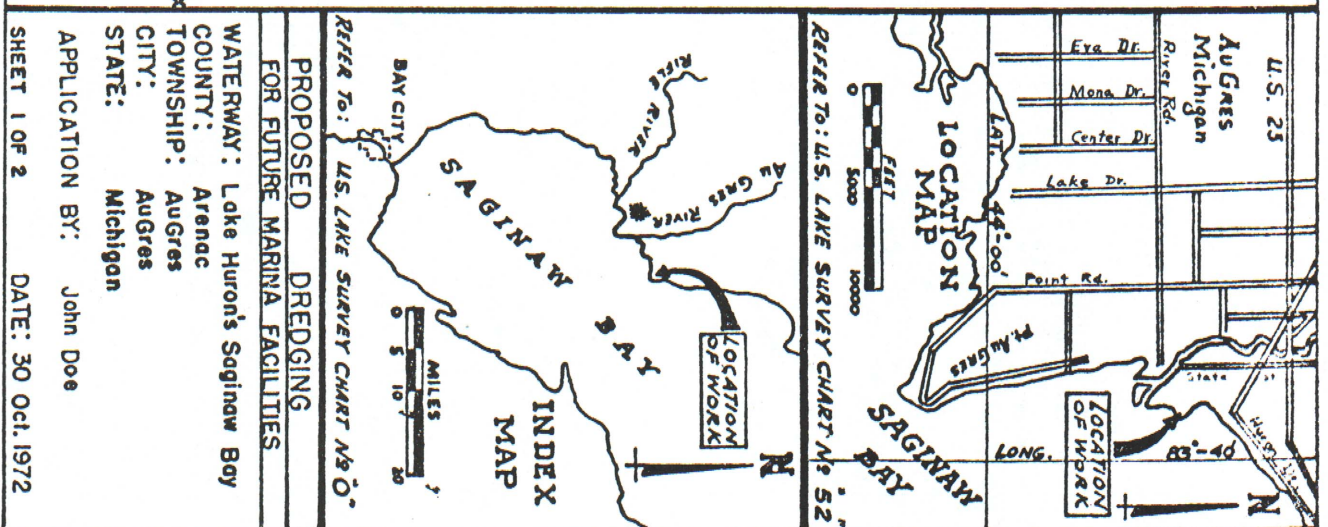
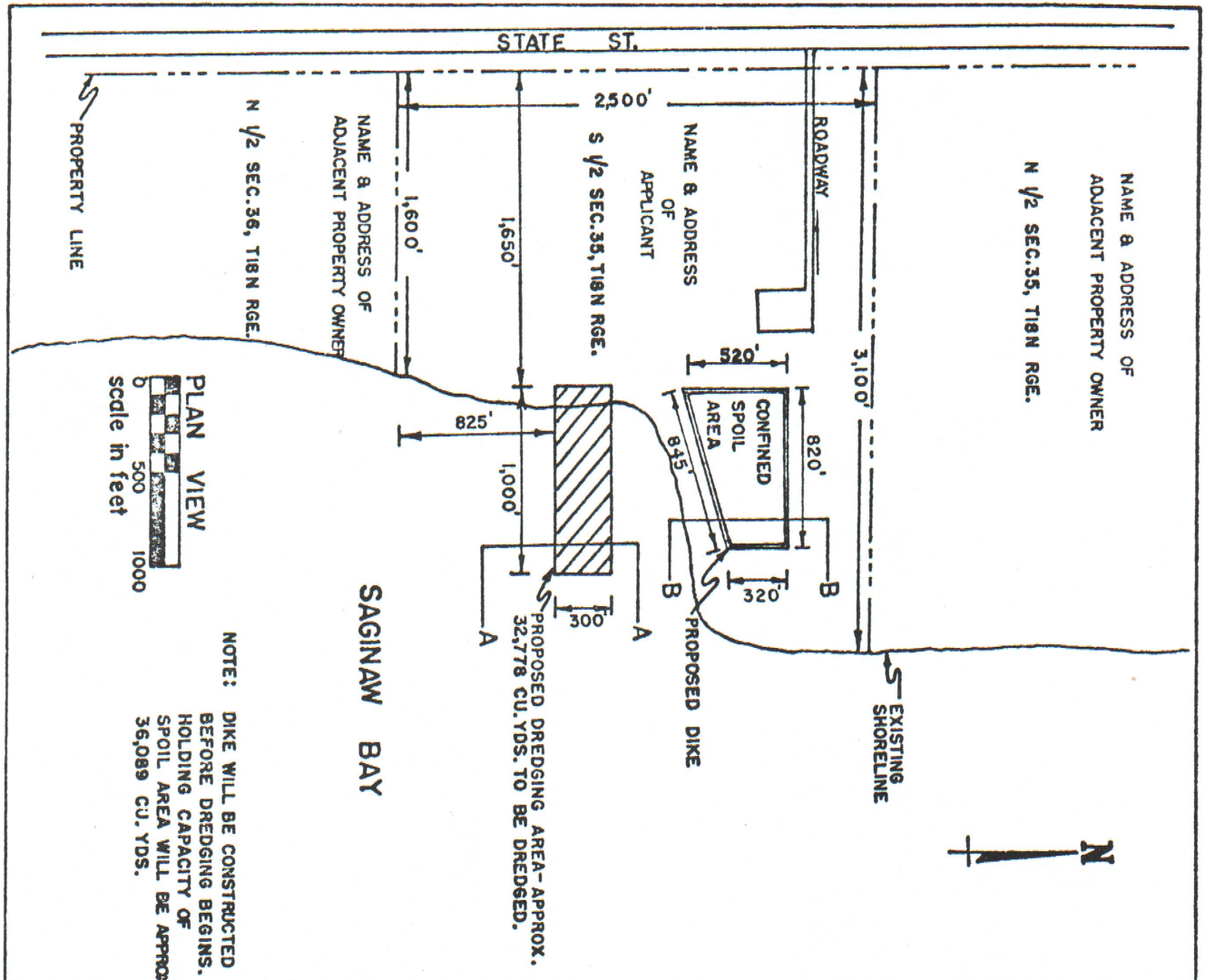
# FLOW CHART II

## APPLICATION for CONSTRUCTION PERMIT



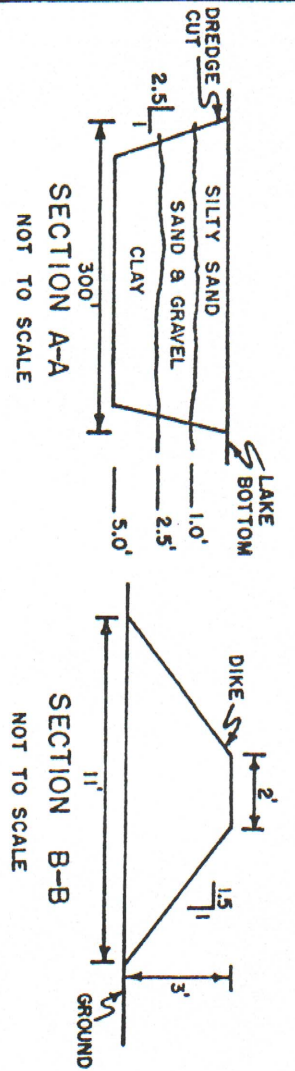
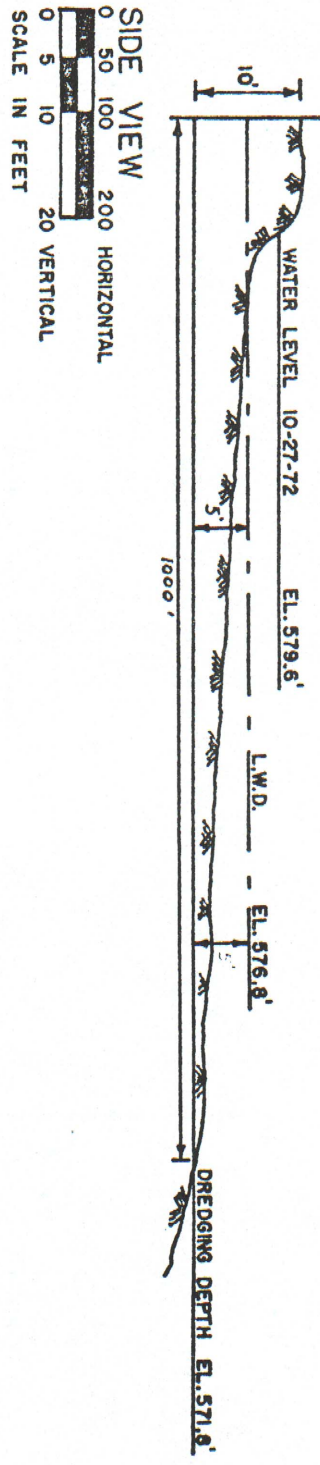
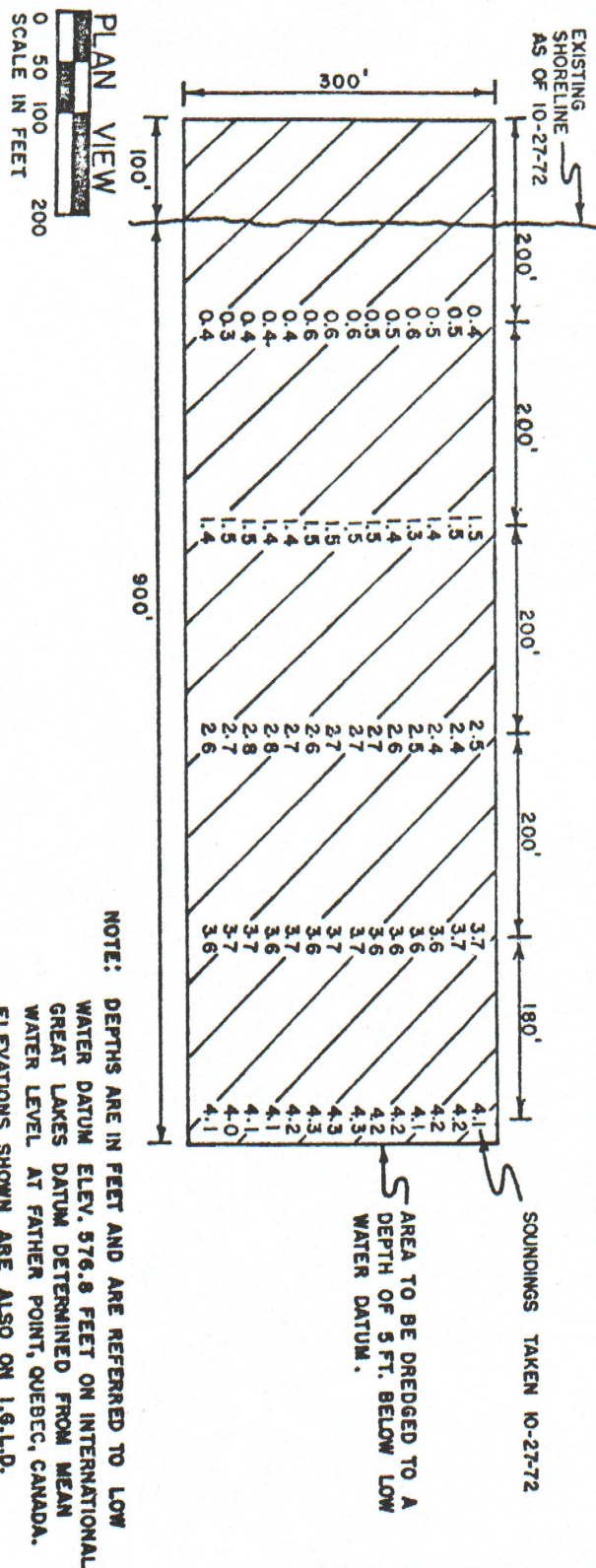


# SAMPLE





# SAMPLE



PROPOSED DREDGING	
FOR FUTURE MARINA FACILITIES	
WATERWAY:	Lake Huron's Saginaw Bay
COUNTY:	Arenac
TOWNSHIP:	Augres
CITY:	Augres
STATE:	Michigan
APPLICATION BY:	John Doe
SHEET 2 OF 2	DATE: 30 Oct. 1972



## JOINT APPLICATION FORM FOR PERMITS FROM

CORPS OF ENGINEERS  
DEPARTMENT OF THE ARMYSTATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES

DNR USE ONLY

## PERMIT

(Section 10, R&H Act 1899) ☐  
(Section 404, FWPCA 1972) ☐

## PERMIT

(Act 346, P.A. 1972) ☐  
(Act 247, P.A. 1955) ☐

PERMIT NO.

PLEASE TYPE OR PRINT — SEE INSTRUCTION SHEET

1. Applicants Name		First	Last
2. Address		Number	Street
3. City		4. State	
5. Zip Code		6. County	
7. Telephone No. Area Code ( )		8. Social Security No.	
9. Legal description of upland property at project site			
Metes and Bounds:			
County _____			
Township/City/Village _____			
T _____ R _____ Section _____			
10. Name of Plat		11. Lot Number(s)	12. Name of Waterway
13. Reason for proposed project, its purpose and intended use.			
Check proposed use: Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Other <input type="checkbox"/>			
14. Is applicant the owner of above described property? Yes <input type="checkbox"/> No <input type="checkbox"/> If not, attach name and address of record owner.			
15. Describe the proposed activity; include a description of the structures proposed, the type, composition and quantity of materials from any dredging or fill proposed.			
16. State why you believe the project will not involve the public health, safety and welfare.			
17. State why you believe the project will not cause pollution, impair or destroy the water or any natural resources.			
18. State whether any alternatives to the project have been considered. If so, describe.			

FOR CASHIER'S USE ONLY — DO NOT WRITE IN THIS SPACE

## FEE VALIDATION DOCUMENT

19. Name of Remitter
Address
1972 Public Act 346 Permit Application Fee



20. State below the name and address of any property owners' association, where the proposed project will be located, and the names and addresses of adjacent riparians. When the action involves a stream, state names and addresses of opposite riparians also.

21. Name, address, and title of applicant's authorized agent for permit application coordination.

Telephone Number \_\_\_\_\_

22. Date activity is proposed to commence. \_\_\_\_\_  
Date activity is expected to be completed. \_\_\_\_\_

23. Is any portion of the activity for which authorization is sought now complete?  
Yes ☐ No ☐ If the answer is "Yes" give explanation. Month and year the activity was completed \_\_\_\_\_. Indicate the existing work on plan drawings.

24. List all approvals or certifications required by other Federal, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Appl.	Date of Approval

25. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?  
(If "Yes" explain) Yes ☐ No ☐

26. Is there at present any litigation in process involving this property? Yes ☐ No ☐  
If "Yes" explain.

27. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the activities proposed in this application.

\_\_\_\_\_  
Date Signature of Applicant and Title

The application is to be signed by the person desiring to undertake the proposed activity or may be signed by a duly authorized agent if accompanied by a statement designating the agent. A statutory State application fee of \$25.00 is required with all non-governmental applications for projects located on inland lakes and streams; no State fee is required to be submitted with the application for projects located on the Great Lakes i.e. lakes Michigan, Huron, Superior, St. Clair or Erie. Make checks payable to the STATE OF MICHIGAN.

NOTE: PAYMENT OF STATE OF MICHIGAN APPLICATION FEES MUST ACCOMPANY APPLICATION — DOES NOT GUARANTEE PERMIT

THE CORPS OF ENGINEERS WILL NOTIFY YOU OF THE APPROPRIATE FEE WHEN THE PERMIT APPLICATION REVIEW HAS BEEN COMPLETED AND A PRELIMINARY DETERMINATION HAS BEEN MADE THAT APPROVAL WILL BE GRANTED. FEES ARE ASSESSED AS FOLLOWS: (1) COMMERCIAL OR INDUSTRIAL USES— \$100.00, AND (2) NON-COMMERCIAL USES— \$10.00. THE FEE SHOULD NOT BE SUBMITTED WITH THE APPLICATION. (NOTE THIS IS IN ADDITION TO THE FEE REQUIRED BY THE STATE).

DRAWINGS MUST ACCOMPANY APPLICATION

APPLICATIONS NOT FULLY COMPLETED WILL BE RETURNED

PLEASE READ PRIVACY ACT AND APPLICATION PENALTY STATEMENT ON THE INSTRUCTION SHEETS FOR COMPLETING APPLICATION FORM



INSTRUCTION SHEETS FOR COMPLETING JOINT CORPS OF ENGINEERS  
AND MICHIGAN DEPARTMENT OF NATURAL RESOURCES APPLICATION FORM BY ITEM

APPLICANT COMPLETE ITEMS 1 - 27 ONLY

ITEM # 1. Enter the applicants name.

Example: George Washington

ITEM # 2. THRU ITEM # 6.

Enter the official mailing address of the applicant.

Example - Item 2: 1812 George Washington Street

Example - Item 3: Algonac

Example - Item 4: Michigan

Example - Item 5: 48001

Example - Item 6: St. Clair

ITEM # 7. Enter the telephone number including area code where the applicant can be reached.

Example: 349-5178 (313)

ITEM # 8. Enter the applicants Social Security Number.

Example: 207-27-0792

NOTE: If applicant is a Corporate Name, enter Social Security Number of signing officials name shown in application Item # 27.

ITEM # 9. Enter Legal Description of upland property where property is located (see tax statement)

Example (Metes & Bounds): THAT PART, OF LOT 1210 LYING SW OF A  
LINE BEG ON E LOT LINE S 32°56 1/2' W 15  
FT FROM ITS NE COR, & RUNS N 48°34 1/2'  
W TO W LINE AT A POINT 14.35' NE'LY  
OF SW COR, ALSO LOTS 1211 THRU 1214 INC.  
INCL RIVER FRONT BETW LOT LINES EXT'D.

ITEM # 10. Enter the name of plat.

Example: Supervisor Roy T. Gilbert No. 14

ITEM # 11. Enter Lot Number(s).

Example: Part of Lot 1210 and all of Lots 1211 thru 1214

ITEM # 12. Enter name of Waterway.

Example: The St. Clair River

ITEM # 13. Enter reason for proposed project, its purpose and intended use.

Example: To afford shore protection. Then check proposed use.

Private ☐ Public ☐ Commercial ☐ Other ☐

ITEM # 14. Enter a check mark in the Yes block if you are the owner of above described property.

Example: ☐ Yes (if not, attach name and address of record owner)



ITEM # 15. Enter propose activity, description, etc.

Example: A wood bulkhead will be constructed along an inland canal adjacent to and north of the North Channel of the St. Clair River. The bulkhead will consist of wood plank piling that will extend along the entire width of the property, which is about 80 feet. Approximately 444 cubic yards of sand and topsoil will be trucked in, and will be used as fill behind the proposed structure. The fill material will be placed at a sloping grade from the top of the bulkhead to the grade of the house. The top of the grade will be at an elevation of 578.3'; top of the bulkhead will have an elevation of 577.1'; the water level at the time of application was about 575.0'.

ITEM # 16. Example: State Reasons

ITEM # 17. Example: This proposed project by providing shore protection may reduce pollution, will not impair or destroy the water quality and will not impair or destroy any known natural resource.

ITEM # 18. Example: I have considered riprapping, steel bulkhead, and gabion bank protection.

ITEM # 19. Enter name and address of remitter.

ITEM # 20. Enter adjacent property owners mailing address at which owners may be reached.

Example: (1) James Barrymore (2) J. Kimmel  
91466 LaCroix Rd. 1413 Edmore  
Harsens Island, Mi. Detroit, Mi.

ITEM # 21. Enter name and address of authorized agent or contractor (if any).

Example: John Doe  
1236 Newport  
Harsens Island, Mi.

ITEM # 22. Enter date work is expected to commence. Example: 1 July 1976

Enter date work is expected to be completed. Example: 14 July 1976

ITEM # 23. Enter yes or no if any portion of the activity is completed. If yes please explain.

Example: Yes. Forty (40) feet of the eighty (80) foot bulkhead was constructed by the previous owner Mr. Johann Rall, 18075 Canterbury Lane, Atlantic City, New Jersey, in 1958. I don't know if Mr. Rall received authorization for the work.

ITEM # 24. Enter what other Governmental authorizations you have requested or received.

Example:

<u>Issuing Agency</u>	<u>Type Approval</u>	<u>Identification No.</u>	<u>Date of Application</u>	<u>Date of Approval</u>
Mich. Dept of Natural Resources	Permit	76-14-00	2-25-76	Pending
St. Clair County	Permit	0000-76	2-25-76	3-23-76

ITEM # 25. If yes, enter which agency denied approval for the proposed activity described herein.

Example: Denied Township approval.

Reason: Must obtain Corps of Engineers and State DNR permits prior to Township approval.

ITEM # 26. Enter yes or no (if yes, please explain).



ITEM #. 27.. Please read before signing. Should you have questions please contact the Corps of Engineers, telephone 313-226-6729.

NOTE: Mail application to: Department of Natural Resources  
Division of Water Management  
Submerged Lands Management Section  
Stevens T. Mason Building  
Lansing, Michigan 48926

Upon receipt a copy will be forwarded to the Corps of Engineers, Department of the Army immediately.

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)	
TITLE OF FORM Joint Application for Permits From The State of Michigan, Department of Natural Resources and Department of the Army, Corps of Engineers	PRESCRIBING DIRECTIVE ER 1145-2-303
1. AUTHORITY Section 10 River & Harbor Act 1899, Section 103 Marine Protection, Research & Sanctuaries Act of 1972, and Section 404 Federal Water Pollution Control Act	
2. PRINCIPAL PURPOSE(S)  Application form for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters.	
3. ROUTINE USES  Describes the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.  If the application is made at the Detroit District level, a copy will be furnished the Michigan Department of Natural Resources, conversely if the application is submitted to the Michigan DNR, a copy will be furnished the Detroit District, and subsequently the content is made a matter of public record through issuance of a public notice.  The application is made available to any requesting State or Federal agencies, dealing with the review of the application. The form itself is not made available; only that information which is pertinent to the evaluation of the permit request.  The form (or copies) could be kept on file at the Michigan DNR, Detroit District, Division or OCE level, depending on the details surrounding the case. The information could become a part of any record of a reviewing agency with a need to know; such as U. S. Fish & Wildlife; Environmental Protection Agency; etc.  The application will become part of the record in any litigation action by the Department of Justice or the Michigan Attorney Generals Office involving the work or activity.	
4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION The disclosure of information is VOLUNTARY. Incomplete data precludes proper evaluation of the permit application. Without the necessary data (i.e., name, address and phone number), the permit application cannot be processed or a permit subsequently issued.	

#### PENALTY

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

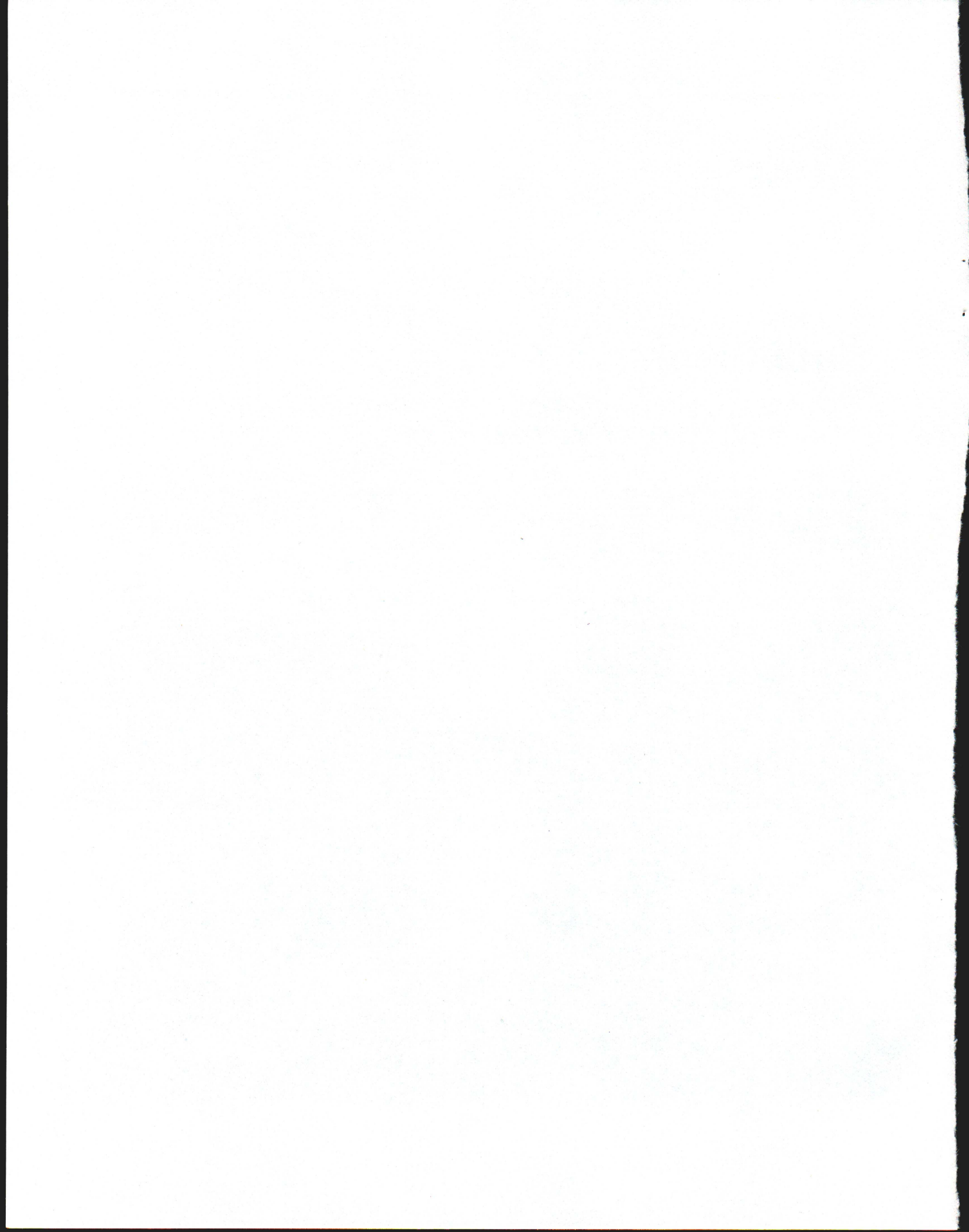




*Inland Waters Marina*  
*Operating Permit*







## *Inland Waters Marina Operating Permit*

The Inland Waters Marine Operating Permit is similar to a restaurant sales license. You should obtain this permit prior to the first day your marina is open for business.

### **Application information requirements<sup>1</sup>**

- 1) Marina name and address
- 2) Location of marina plat
- 3) Legal description of upland property
- 4) Detailed scale drawings of facility
- 5) Type and number of facilities provided, i.e., boat slips, moorings, launching ramps, pumpout facilities, fuel facilities, etc.
- 6) \$25.00 filing fee to be submitted with application

### **Application flow**

PLEASE REFER TO FLOW CHART III

The owner must send the application to the Submerged Lands Management Section. Upon receipt of the application, the Section will issue a twenty day

public notice to all agencies and groups shown in Flow Chart III.

Approval of denial will be based upon the Section's assessment of the application information and the public notice responses. If the application is controversial, a public hearing may be held to provide additional information on which to base a decision.

If the permit is not controversial, it should be approved within sixty days. However, if the permit is controversial, the time frame depends on the resolution of the conflict.

The Inland Waters Marina Operating Permit must be renewed every three years.

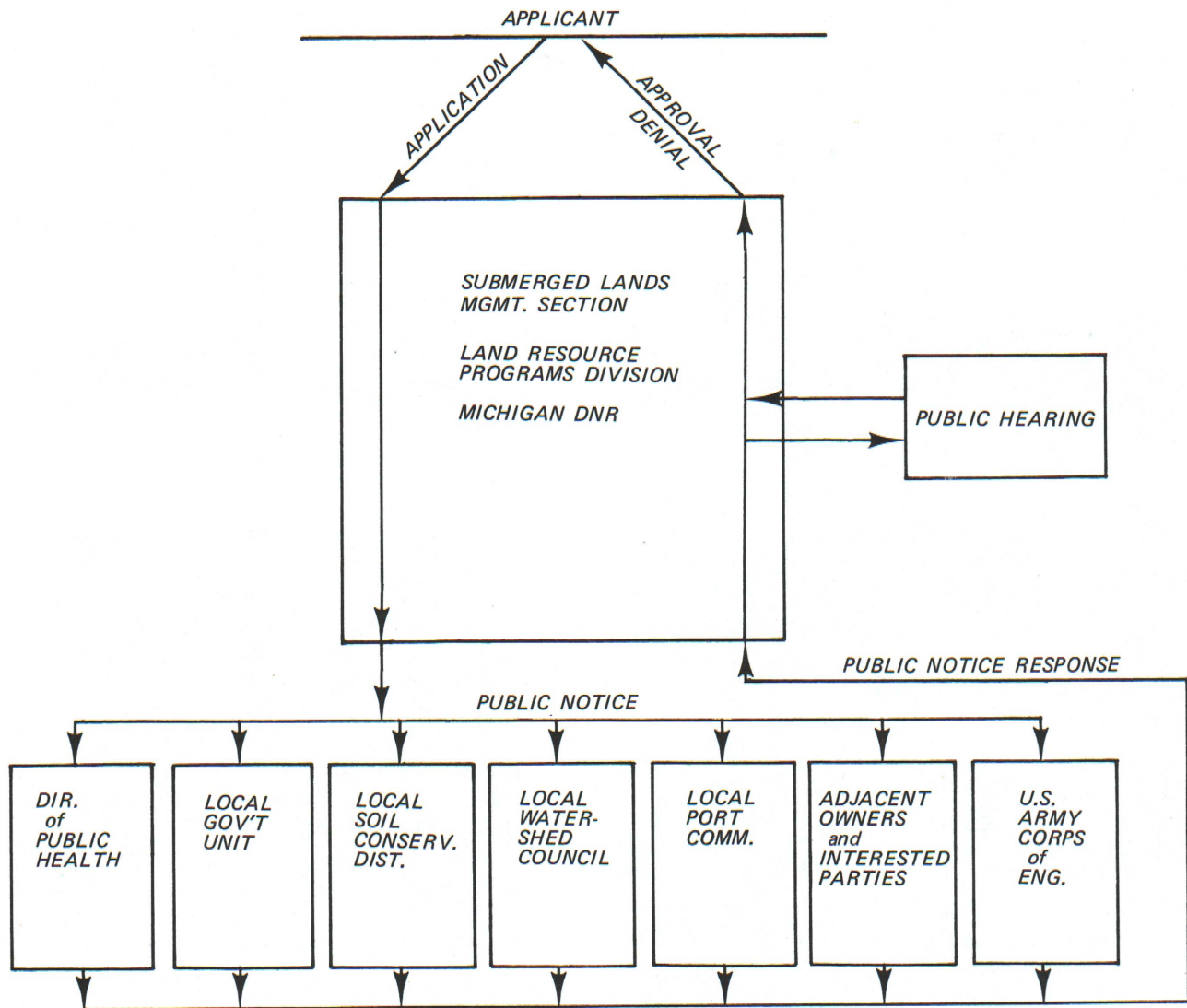
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<sup>1</sup> *Application for Marina Permit, Act 346, Public Acts 1972, State of Michigan, Department of Natural Resources.*



FLOW CHART III

APPLICATION for MARINA PERMIT



\$25.00 filing fee required  
with submittal of application.

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES

APPLICATION FOR MARINA PERMIT  
(Act 346, P.A. 1972)

DNR USE ONLY
FILE NO.
PERMIT NO.

In accordance with Act 346, P.A. 1972, the undersigned herewith makes application for a permit to maintain or operate a marina on bottomland of a lake or stream.

1. Marina located in \_\_\_\_\_ County \_\_\_\_\_ Township

Section \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_, on \_\_\_\_\_ Lake or Stream

2. Legal description of Upland property

Name of Plat \_\_\_\_\_ Lot Number(s) \_\_\_\_\_

3. Attach a drawing of the existing proposed facilities (please refer to instructions on reverse side in preparing drawing)

4. Attach a letter showing approval or disapproval of the local unit of government (township, village, city) in which the proposed project is located.  
(Omit if presently existing structure)

5. Proposed or existing facilities

No. Boat Slips	No. Moorings	No. Launching Ramps
Sanitary Pumpout Facility	Type of Facility	Type of Haul Out Facility
Yes      No		
Fuel Facilities		Storage Area (Sq. Ft.) Inside
Gas                  Diesel                  Outboard Mix		

6. Return completed application and accompanying material to: DEPARTMENT OF NATURAL RESOURCES, HYDROLOGICAL SURVEY DIVISION, STEVENS T. MASON BUILDING, LANSING, MICHIGAN 48926.

MARINA NAME \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

APPLICATIONS NOT FULLY COMPLETED WILL BE RETURNED  
(See instruction on reverse side)



**INSTRUCTIONS for completing application**

1. Location of existing/proposed facility: Name of lake or stream, County, Section, Town and Range if facility is not located within a platted subdivision and township must be included.
2. Legal description of upland property where existing/proposed facility is located. (Can be taken from tax statement).
3. Drawing need not be prepared by an engineer or surveyor; however, it must be in black ink or black pencil on standard weight paper and the drawing must:
  - a. be drawn to scale,
  - b. have arrow showing north,
  - c. show all existing and proposed structures: Docks, fuel pump facilities, buildings, hoists, ramps, etc.,
  - d. show dimensions of shore frontage, existing and proposed structures including all docks,
  - e. show configuration of shoreline on both sides of your frontage,
  - f. show sufficient soundings to represent bottom contours,
  - g. indicate by arrow the direction of current in rivers,
  - h. show names of waterways and prominent points, and
  - i. show relative location to political subdivisions; include location map if necessary.
4. Letter of approval or disapproval of the local unit of government need not be submitted for existing facility. On proposed facilities, a city or township building permit can be substituted.
5. Facilities:
  - A. Number of boat slips: Include all docking sites.
  - B. Number of launching ramps: Base number on how many boats can be launched from trailers at one time (number of lanes).
  - C. Sanitary pumpout facility: Indicate yes or no if facility is available. Type refers to system used for pumpout facility, i.e. municipal sewer, septic, holding tank, etc.
  - D. Haul out facilities: Indicate type of each installation and capacity (tons).
  - E. Fuel facilities: Indicate number of pumps for each type.
  - F. Storage area: Indicate inside storage area only used for winter or in and out service.
6. Use complete address when submitting application. Provide complete address for applicant.

**APPLICATIONS NOT FULLY COMPLETED WILL BE RETURNED!**



### ***Bibliography***

1. The Great Lakes Submerged Lands Act, State of Michigan: Act 247, Public Acts of 1955 as amended by Act 94, Public Acts of 1958, effective July 1, 1958, and Act 293, Public Acts of 1965, effective July 22, 1965, and Act 3, Public Acts of 1968, effective February 27, 1968 and Act 57, Public Acts of 1968, effective May 28, 1968, Michigan Department of Natural Resources.
2. Rules and Regulations Concerning Inland Lakes and Streams Act, April 25, 1974, Michigan Department of Natural Resources .
3. Inland Lakes and Streams Act of 1972, Act 346, Public Acts of 1972, Michigan Department of Natural Resources.
4. Applications for Department of the Army Permits for Activities in Waterways, Department of the Army, Corps of Engineers, EP 1145-2-1, October 1, 1974.
5. Joint Application Form for Construction Permits from: Corps of Engineers and State of Michigan.

Michigan Sea Grant Publications Office  
2200 Bonisteel Blvd.  
Ann Arbor, MI 48109.



