

State Regulations On Pond Building And Management In Michigan

The Michigan Department of Natural Resources (MDNR) actively regulates pond construction and management. The basic areas of regulation and the statutes which apply are outlined below.

Pond Construction

Because dams and other potential environmentally damaging practices such as dredging channels and filling marshes have become so widespread, laws have been enacted to regulate these activities. Three principal statutes are:

— **Act 346—The Inland Lakes and Streams Act of 1972.** This requires an MDNR permit for dredging or filling to create any canal, channel, ditch, lagoon, *pond*, or lake within 500 feet of the ordinary high-water mark of an existing lake or stream. PL 566 projects and some county drain projects are exempted. The application fee is \$25.

— **Act 204—The Dam Act of 1971 (Dam Construction Approval Act).** This act requires an MDNR permit for all dam construction when the structure impounds more than five acres or has a head of five feet or more. Dams designed by the U.S. Soil Conservation Service are exempted, *but dam building on any permanent stream, no matter how small the dam or impoundment, still requires a permit under Act 346.* Application fees under Act 204 range from \$200 to

\$600, depending on height of head. Construction plans for such dams are required and must be prepared by a registered professional engineer.

— **Act 245—The Water Resources Act of 1929,** as amended. The Flood Plain Modification Section of this act regulates pond construction with respect to placing fill or structures in the flood plains of any rivers or streams. Application fees and engineer drawings are required.

Any pond built in violation of these laws or without the appropriate permit may be considered illegal. Civil action may be initiated by the MDNR with subsequent removal mandated by the court at the owner's expense.

Use of Chemicals to Control Pond Vegetation or Fish

Any use of chemicals to kill or control algae, weeds, or fish must be preceded with an MDNR permit when the water is public, is subject to fish migration from other waters at any time of year, or is connected with other water bodies by any water route. No chemical use permits are needed on ponds which are completely landlocked and under single-party ownership.

For details on use of chemicals to remove fish, ask for MDNR Fisheries Pamphlet No. 19.

