



Status of Vernal Pool Protection in Michigan

State Protection

There are several ways that vernal pools would be regulated under Part 303, Wetlands Protection (state law):

- The vernal pool is more than 5 acres in size or is part of a wetland that is more than 5 acres in size.
- The vernal pool has, or is part of a wetland that has, a documented presence of an endangered or threatened species under part 365 or the federal Endangered Species Act
- Is part of a rare and imperiled wetland as defined by Part 303 in [Section 30301](#). Vernal pools are not currently listed as one of the types of rare and imperiled wetlands.
- The vernal pool has, or is part of a wetland that has, a permanent, seasonal, or intermittent surface water connection or other direct physical contact with an inland lake or pond, a river or stream, one of the Great Lakes, or Lake St. Clair.
- The vernal pool is, or is part of a wetland that is, partially or entirely located within 500 feet of the ordinary high watermark of an inland lake or pond or a river or stream or is within 1,000 feet of the ordinary high watermark of one of the Great Lakes or Lake St. Clair.

Local Protection:

Part 303 allows a local unit of government to regulate wetlands by ordinance, in addition to state regulation, if certain criteria are met. These criteria include:

- A wetland ordinance cannot require a permit for activities exempted from regulation under Part 303.
- A wetland ordinance must use the same wetland definition as in Part 303.
- Local units of government must publish a wetland inventory before adopting a wetland ordinance.
- Local units of government that adopt wetland ordinances must notify EGLE.

Wetlands less than 5 acres can be regulated by local governments. If a local government wishes to regulate a wetland less than 2 acres in size, the local government must grant a permit unless it is determined that the wetland is essential to the preservation of the community's natural resources. In making this determination, the local unit of government must find that 1 or more of the following exist at the particular site:

- The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in section 36505.
- The site represents what is identified as a locally rare or unique ecosystem.

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- The site supports plants or animals of an identified local importance.
- The site provides groundwater recharge documented by a public agency.
- The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
- The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
- The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
- The site provides pollution treatment by serving as a biological and chemical oxidation basin.
- The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
- The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

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