

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4604

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 9115a (MCL 324.9115a), as added by 2005 PA 56.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 9115a. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
2       PART, A PERSON IS NOT REQUIRED TO OBTAIN A PERMIT FROM A COUNTY OR  
3       MUNICIPAL ENFORCING AGENCY FOR EARTH CHANGES ASSOCIATED WITH THE  
4       FOLLOWING AGRICULTURAL PRACTICES IF THE EARTH CHANGE ACTIVITIES DO  
5       NOT RESULT IN OR CONTRIBUTE TO SOIL EROSION OR SEDIMENTATION OF THE  
6       WATERS OF THE STATE OR A DISCHARGE OF SEDIMENT OFF-SITE:

7       (A) THE CONSTRUCTION, MAINTENANCE, OR REMOVAL OF FENCES AND  
8       FENCE LINES.

9       (B) THE REMOVAL OF TREE OR SHRUB STUMPS OR ROOTS.

1 (C) THE INSTALLATION OF DRAINAGE TILE, IRRIGATION, OR  
2 ELECTRICAL LINES.

3 (D) THE CONSTRUCTION OR MAINTENANCE OF FARM OR STOCK PONDS  
4 THAT ARE LESS THAN 5 ACRES IN SIZE.

5 (2) ~~(1) A~~ NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, A  
6 residential property owner who causes the following activities to  
7 be conducted on individual residential property owned and occupied  
8 by him or her is not required to obtain a permit under this part if  
9 the earth change activities do not result in or contribute to soil  
10 erosion or sedimentation of the waters of the state or a discharge  
11 of sediment off-site:

12 (a) An earth change of a minor nature that is stabilized  
13 within 24 hours of the initial earth disturbance.

14 (b) Gardening, if the natural elevation of the area is not  
15 raised.

16 (c) Post holes for fencing, decks, utility posts, mailboxes,  
17 or similar applications, if no additional grading or earth change  
18 occurs for use of the post holes.

19 (d) Removal of tree stumps, shrub stumps, or roots resulting  
20 in an earth change not to exceed 100 square feet.

21 (e) All of the following activities, if soil erosion and  
22 sedimentation controls are implemented, the earth change is  
23 stabilized within 24 hours of the initial earth disturbance, and  
24 soil erosion or sedimentation to adjacent properties or the waters  
25 of the state has not or will not reasonably occur:

26 (i) Planting of trees, shrubs, or other similar plants.

27 (ii) Seeding or reseeding of lawns of less than 1 acre if the

1 seeded area is at least 100 feet from the waters of the state.

2 (iii) Seeding or reseeding of lawns closer than 100 feet from  
3 the waters of the state if the area to be seeded or reseeded does  
4 not exceed 100 square feet.

5 (iv) The temporary stockpiling of soil, sand, or gravel not  
6 greater than a total of 10 cubic yards on the property if the  
7 stockpiling occurs at least 100 feet from the waters of the state.

8 (v) Seawall maintenance that does not exceed 100 square feet.

9 (3) ~~(2)~~—Exemptions provided in this section shall not be  
10 construed as exemptions from enforcement procedures under this part  
11 or the rules promulgated under this part if the exempted activities  
12 cause or result in a violation of this part or the rules  
13 promulgated under this part.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.