

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.

10      (C) THE INSTALLATION OF DRAINAGE TILE, IRRIGATION, OR

1 ELECTRICAL LINES.

2 (D) THE CONSTRUCTION OR MAINTENANCE OF 1 OR MORE PONDS THAT  
3 MEET ALL OF THE FOLLOWING:

4 (i) THE EARTH CHANGE ASSOCIATED WITH THE CONSTRUCTION OR  
5 MAINTENANCE IS LESS THAN 5 ACRES.

6 (ii) THE EARTH CHANGE ASSOCIATED WITH THE CONSTRUCTION OR  
7 MAINTENANCE DOES NOT RESULT IN A DISCHARGE OF STORM WATER INTO THE  
8 WATERS OF THE STATE.

9 (iii) THE EARTH CHANGE ASSOCIATED WITH THE CONSTRUCTION OR  
10 MAINTENANCE IS NOT PART OF A LARGER PLAN OF DEVELOPMENT. AS USED IN  
11 THIS SUBPARAGRAPH, "LARGER PLAN OF DEVELOPMENT" MEANS A CONTIGUOUS  
12 AREA WHERE MULTIPLE SEPARATE AND DISTINCT CONSTRUCTION ACTIVITIES  
13 ARE OCCURRING UNDER A SINGLE PLAN AS IDENTIFIED IN DOCUMENTATION OR  
14 PHYSICAL DEMARCATION INDICATING WHERE CONSTRUCTION ACTIVITIES MAY  
15 OCCUR.

16 (2) ~~(1)~~ A NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, A  
17 residential property owner who causes the following activities to  
18 be conducted on individual residential property owned and occupied  
19 by him or her is not required to obtain a permit under this part if  
20 the earth change activities do not result in or contribute to soil  
21 erosion or sedimentation of the waters of the state or a discharge  
22 of sediment off-site:

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

25 (b) Gardening, if the natural elevation of the area is not  
26 raised.

27 (c) Post holes for fencing, decks, utility posts, mailboxes,

1 or similar applications, if no additional grading or earth change  
2 occurs for use of the post holes.

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

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

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

11 (ii) Seeding or reseeding of lawns of less than 1 acre if the  
12 seeded area is at least 100 feet from the waters of the state.

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

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

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

20 (3) ~~(2)~~—Exemptions provided in this section shall not be  
21 construed as exemptions from enforcement procedures under this part  
22 or the rules promulgated under this part if the exempted activities  
23 cause or result in a violation of this part or the rules  
24 promulgated under this part.

25 Enacting section 1. This amendatory act takes effect 30 days  
26 after the date it is enacted into law.