



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 282 (as introduced 3-2-05)

Sponsor: Senator Jud Gilbert, II

Committee: Natural Resources and Environmental Affairs

Date Completed: 3-8-05

CONTENT

The bill would amend Part 91 (Soil Erosion and Sedimentation Control) of the Natural Resources and Environmental Protection Act to require the issuance of a permit to a residential property owner for routine maintenance on a previously permitted seawall or similar structure; and identify activities on residential property that would not require a permit.

Under the bill, a county or municipal soil erosion and sedimentation control program's enforcing agency would have to issue a general permit for a residential project within its jurisdiction to a residential property owner who wished to engage in routine maintenance activities on a previously permitted seawall or similar structure. The permit would have to be issued upon the submission of a form developed by the county or municipal enforcing agency with jurisdiction over the proposed project. The form would have to contain the following:

- The likely dates of the proposed work.
- The location of existing structures.
- A general description of the type of work to be completed.

The county or municipal enforcing agency could charge a fee, not to exceed the administrative costs to the agency, for the general permit.

Also, under the bill, a residential property owner would not be required to obtain a permit to conduct the following activities on his or her property: gardening, landscaping, household maintenance, fencing, and preventative measures used to stabilize soils.

MCL 324.9105 et al.

BACKGROUND

Under Part 91, a permit is required for any earth change that disturbs one or more acres, or is within 500 feet of a lake or stream. Plowing and tilling for crop production and specific logging and mining activities, however, do not require a permit.

A county is responsible for administering and enforcing Part 91 throughout the county except within a municipality that has assumed the responsibility for soil erosion and sedimentation control. (The Act defines "municipality" as a city; a village; a charter township; or a general law township located in a county with a population of 200,000 or

more.) A county also is not responsible for administering and enforcing Part 91 with regard to earth changes of authorized public agencies.

Part 91 defines "earth change" as a human-made change in the natural cover or topography of land, including cut and fill activities that may result in or contribute to soil erosion or sedimentation of water; the term does not include plowing or tilling the soil for the purposes of crop production.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

General permits for routine maintenance activities on previously permitted seawalls are currently issued by the State. The bill would transfer this authority to local enforcing agencies. It would allow the local enforcing agency to charge a fee to cover administrative costs for issuing general permits. It is unknown how many general permits would be issued annually, but agencies would be able to recover their expenses by charging fees sufficient to support administrative costs.

Fiscal Analyst: Jessica Runnels