

Legislative Analysis



ESTABLISH "MINOR PROJECT CATEGORY" TO REPAIR OR REPLACE FAILED SEAWALLS

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House Bill 5107 (Substitute H-2 as reported)

Sponsor: Rep. Joseph Graves

Committee: Natural Resources

(Enacted as PA 351 of 2014)

Complete to 12-11-13

A SUMMARY OF HOUSE BILL 5107 (H-2) AS REPORTED FROM COMMITTEE

The bill would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to require the Department of Environmental Quality to develop a "minor project category" for the repair or replacement of *failed seawalls*.

Establishment of a minor project category allows the DEQ to act on permits for projects contained within the minor project category without having to meet certain public notice requirements under Part 301.

Under Part 301, the Department of Environmental Quality is authorized to establish minor project categories of activities and projects that are similar in nature, have minimal adverse environmental effects when performed separately, and will have minimal cumulative adverse effects on the environment. Once established as a minor project category, the DEQ can act on applications for a project or activity within a minor project category without providing notice as required under Section 30105(3).

[Under Section 30105(3), the DEQ must submit copies of an application to the director of the Department of Community Health or the local health department; to the city, village, or township, and the county where the project is located; and to the local conservation district and/or port commission, if such exist. Each copy of the application has to include a statement that unless a written request is filed with the DEQ within 20 days after the submission for review, the DEQ could grant the application without a public hearing where the project is located.]

The application fee for a minor project category permit to repair or replace a failed seawall would be \$100.

The bill would take effect 90 days after being signed into law.

"*Seawall*" would mean a vertically sloped wall constructed to break the force of waves and retain soil for the purpose of shore protection.

"*Failed seawall*" would mean a seawall that has deteriorated to the point that it no longer effectively breaks the force of waves or retains soil for the purpose of shore protection and is either or both of the following:

- The seawall is currently breaking the force of waves and retaining soil across a minimum of 50% of its length and there is evidence of a previous seawall along the other 50% of its length.
- The seawall was breaking the force of waves and retaining soil but was damaged by a single catastrophic event which occurred within the two years prior to the repair or replacement of the seawall.

MCL 324.30101 and 324.30105

FISCAL IMPACT:

House Bill 5107 would have minimal fiscal impact on the Department of Environmental Quality.

BACKGROUND INFORMATION AND DISCUSSION:

According to testimony, the process of receiving administrative approval from the DEQ to repair or replace a failed seawall can be very burdensome. The bill is intended to streamline the process of repairing or replacing a failed seawall by requiring the DEQ to develop a minor project category for the activity.

As noted, the establishment of a minor project category would allow the DEQ to act on permits for projects contained within the minor project category without having to meet certain public notice requirements under Part 301. This could make the application and approval process much quicker for projects that fit within the minor project category.

The DEQ has established minor project categories for other activities that have been determined to have minimal adverse impacts on the environment.

POSITIONS:

Michigan Department of Environmental Quality supports the bill. (12-2-13)

Michigan Association of Home Builders supports the bill. (12-2-13)

Michigan Chamber of Commerce supports the bill. (12-2-13)

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