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House Bill 5107 (Substitute H-2 as passed by the House)
Sponsor: Representative Joseph Graves
House Committee: Natural Resources
Senate Committee: Natural Resources, Environment and Great Lakes

Date Completed: 3-4-14

CONTENT

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 (DEQ) to develop a minor project permit category for repair or replacement of a failed seawall.

The bill would take effect 90 days after it was enacted.

Under Part 301, a person must obtain a permit from the DEQ before engaging in certain activities, including dredging or filling bottomland; constructing, enlarging, removing, or placing a structure on bottomland; constructing, reconfiguring, or expanding a marina; creating, enlarging, or diminishing an inland lake or stream; and structurally interfering with the natural flow of an inland lake or stream.

Upon receiving a permit application, the DEQ must submit copies for review to the Director of the Department of Community Health or a designated local health department; the city, village, or township and the county where the project is to be located; the local conservation district; the applicable watershed council and local port commission, if any; and other people required to be included in the application. Each copy must be accompanied by a statement that unless a written request is filed with the DEQ within 20 days, the Department may grant the application without a public hearing. The Department may hold a public hearing upon the request of an applicant or a riparian owner or a governmental unit or other person that is entitled to receive a copy of the application.

Part 301 requires the DEQ 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 only minimal cumulative adverse effects on the environment. The DEQ may act upon an application for an activity or project within a minor category without providing the required notices. Part 301 prescribes an application fee of \$100 for activities included in a minor project category.

The bill would require the DEQ to develop a minor project category for repair or replacement of a failed seawall. The bill would define "seawall" as 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 meets 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%.
- The seawall was breaking the force of waves and retaining soil but was damaged by a single catastrophic event that occurred within the two years before the repair or replacement of the seawall.

The bill also would include a seawall in the definition of "structure", which presently includes a wharf, dock, pier, dam, weir, stream deflector, breakwater, groin, jetty, sewer, pipeline, cable, and bridge.

MCL 324.30101 & 324.30105

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.