

HOUSE BILL No. 4604

May 14, 2015, Introduced by Reps. Brett Roberts, Kelly, Pagel, Goike, Maturen, Outman, Inman, Vaupel, Canfield, Jacobsen, Sheppard, Courser, Dianda and Franz and referred to the Committee on Agriculture.

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) A PERSON IS NOT REQUIRED TO OBTAIN A PERMIT
2 FROM A COUNTY OR MUNICIPAL ENFORCING AGENCY FOR EARTH CHANGES
3 ASSOCIATED WITH THE FOLLOWING AGRICULTURAL PRACTICES IF THE EARTH
4 CHANGE ACTIVITIES DO NOT RESULT IN OR CONTRIBUTE TO SOIL EROSION OR
5 SEDIMENTATION OF THE WATERS OF THE STATE OR A DISCHARGE OF SEDIMENT
6 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
11 ELECTRICAL LINES.

1 (2) ~~(1)~~—A residential property owner who causes the following
2 activities to be conducted on individual residential property owned
3 and occupied by him or her is not required to obtain a permit under
4 this part if the earth change activities do not result in or
5 contribute to soil erosion or sedimentation of the waters of the
6 state or a discharge of sediment off-site:

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

9 (b) Gardening, if the natural elevation of the area is not
10 raised.

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

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

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

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

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

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

27 (iv) The temporary stockpiling of soil, sand, or gravel not

1 greater than a total of 10 cubic yards on the property if the
2 stockpiling occurs at least 100 feet from the waters of the state.

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

4 (3) ~~(2)~~—Exemptions provided in this section shall not be
5 construed as exemptions from enforcement procedures under this part
6 or the rules promulgated under this part if the exempted activities
7 cause or result in a violation of this part or the rules
8 promulgated under this part.

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