

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.9115a Earth change activities not requiring permit; violations.

Sec. 9115a. (1) Notwithstanding any other provision of this part, a person is not required to obtain a permit from a county or municipal enforcing agency for earth changes associated with the following agricultural practices if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site:

- (a) The construction, maintenance, or removal of fences and fence lines.
- (b) The removal of tree or shrub stumps or roots.
- (c) The installation of drainage tile, irrigation, or electrical lines.
- (d) The construction or maintenance of 1 or more ponds that meet all of the following:
 - (i) The earth change associated with the construction or maintenance is less than 5 acres.
 - (ii) The earth change associated with the construction or maintenance does not result in a discharge of storm water into the waters of the state.
 - (iii) The earth change associated with the construction or maintenance is not part of a larger plan of development. As used in this subparagraph, "larger plan of development" means a contiguous area where multiple separate and distinct construction activities are occurring under a single plan as identified in documentation or physical demarcation indicating where construction activities may occur.

(2) Notwithstanding any other provision of this part, a residential property owner who causes the following activities to be conducted on individual residential property owned and occupied by him or her is not required to obtain a permit under this part if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site:

- (a) An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance.
 - (b) Gardening, if the natural elevation of the area is not raised.
 - (c) Post holes for fencing, decks, utility posts, mailboxes, or similar applications, if no additional grading or earth change occurs for use of the post holes.
 - (d) Removal of tree stumps, shrub stumps, or roots resulting in an earth change not to exceed 100 square feet.
 - (e) All of the following activities, if soil erosion and sedimentation controls are implemented, the earth change is stabilized within 24 hours of the initial earth disturbance, and soil erosion or sedimentation to adjacent properties or the waters of the state has not or will not reasonably occur:
 - (i) Planting of trees, shrubs, or other similar plants.
 - (ii) Seeding or reseeding of lawns of less than 1 acre if the seeded area is at least 100 feet from the waters of the state.
 - (iii) Seeding or reseeding of lawns closer than 100 feet from the waters of the state if the area to be seeded or reseeded does not exceed 100 square feet.
 - (iv) The temporary stockpiling of soil, sand, or gravel not greater than a total of 10 cubic yards on the property if the stockpiling occurs at least 100 feet from the waters of the state.
 - (v) Seawall maintenance that does not exceed 100 square feet.
- (3) Exemptions provided in this section shall not be construed as exemptions from enforcement procedures under this part or the rules promulgated under this part if the exempted activities cause or result in a violation of this part or the rules promulgated under this part.

History: Add. 2005, Act 56, Imd. Eff. June 30, 2005;—Am. 2016, Act 2, Eff. Feb. 25, 2016.

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