

## **EMERGENCY ORDER TO REPAIR OR REMOVE STRUCTURE OR FILL ON BOTTOMLANDS**

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<http://www.house.mi.gov/hfa>

**House Bill 5661 as introduced**  
**Sponsor: Rep. Julie M. Rogers**  
**Committee: Natural Resources and Outdoor Recreation**  
**Complete to 2-17-22**

Analysis available at  
<http://www.legislature.mi.gov>

### **SUMMARY:**

House Bill 5661 would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act (NREPA) to allow the Department of Environment, Great Lakes, and Energy (EGLE) to require the owner of a structure or fill located on bottomlands to immediately repair or remove the structure or fill under certain circumstances.

Currently under NREPA, a person who owns lands with water frontage (a “riparian owner”) holds rights related to the temporarily or periodically exposed bottomland to the water’s edge, wherever it may be at any time, subject to the public trust to the ordinary high-water mark. These rights can include adding structures or fill on the exposed bottomlands.

The bill would add a new section to allow EGLE to issue a written emergency order that requires the owner of a structure or fill located on bottomlands to immediately repair or remove the structure or fill, or take any other action determined necessary by EGLE, if the structure or fill is in imminent danger of failure or is causing or threatening to cause harm to public health, safety, welfare, property, or the natural resources or the public trust in those natural resources.

EGLE could modify the requirements of an emergency order and could terminate an emergency order upon a determination in writing that all necessary emergency actions have been completed and that an emergency no longer exists.

Additionally, within 15 days after issuing an emergency order as described above, EGLE would have to provide the owner with an opportunity for a hearing under the contested case provisions of the Administrative Procedures Act. At the hearing, EGLE would have to determine, based on information and fact, if the emergency order must be continued, modified, suspended, or terminated as necessary for or consistent with the protection of public health, safety, welfare, property, or natural resources or the public trust in those natural resources.

Proposed MCL 324.30111d

## **FISCAL IMPACT:**

House Bill 5661 would not necessarily affect costs for the Department of Environment, Great Lakes, and Energy, as the written emergency orders provided by the bill would be optional for the department to issue. However, the issuance of such orders or hearings may increase administrative costs for the department. The extent of this potential cost increase would depend on the number of cases involved. The bill is unlikely to affect revenue for the department or costs or revenues for local governments.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.