

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

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House Bill 5107

Sponsor: Rep. Joseph Graves
Committee: Natural Resources

Complete to 11-11-13

A SUMMARY OF HOUSE BILL 5107 AS INTRODUCED 10-29-13

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 establish 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 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.

"*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.

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