

WETLANDS PROTECTION: EXEMPT DRIVEWAYS

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House Bill 5441

Sponsor: Rep. John Pastor

Committee: Conservation and Outdoor Recreation

Complete to 6-15-04

A SUMMARY OF HOUSE BILL 5441 AS INTRODUCED 2-3-04

Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act allows a variety of activities to take place in a wetland without a permit, though subject to other state laws and any regulations of the owner. The bill would add to that list, the construction, maintenance, or widening of a driveway, provided that the project (including after completion) meets the following requirements.

- Alternatives to using the wetland are utilized to the greatest possible extent.
- The portion of the driveway that crosses the wetland is as short as possible or located in the area of least impact to the wetland.
- The portion of the driveway that crosses the wetland is limited to 200 linear feet.
- The portion of the driveway that crosses the wetland is not more than 16 feet wide at the base, though that portion could be larger if the driveway intersects with a public road and the agency with jurisdiction over the road requires a greater width.
- There are no ditches associated with the portion of the driveway that crosses wetland.
- The driveway terminates at a buildable upland site.
- Culverts are placed as necessary to provide for the free flow of surface water and the movement of organisms.
- Fill material is placed on filter fabric, or equivalent material, if warranted by soil conditions.
- The grade elevation change is not more than six inches, if the project is located in a floodplain.

MCL 324.30305

FISCAL IMPACT:

There would be no fiscal impact on the Department of Environmental Quality or on local governmental units.

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