

Soil Erosion Program

2007 COM

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COMMERCIAL

SOIL EROSION CONTROL PERMIT APPLICATION

Pursuant to Part 91, Soil Erosion and Sedimentation Control, of Act 451 of the Public Acts of 1994, as amended

A Soil Erosion Control Permit is required for **earth changes** that are located within 500 feet of a **lake** or **stream** and/or for **earth changes** that are one acre (43,560 square feet) or more in surface area, regardless of the location.

Earth Change—A human made change in the existing ground surface cover, including but not limited to excavating, filling, stockpiling, grading, clearing, grubbing, and stumping.

Stream—“A natural or artificial river, creek, or other surface watercourse which may or may not be serving as a drain (as defined in Act No. 40 of the Public Acts of 1956, as amended being section 280.1 et seq. of the Michigan Compiled Laws) and which has **definite banks, a bed, and visible evidence of the continued flow or continued occurrence of water**, including the connecting waters of the Great Lakes.” This includes a ditch, gully, ravine, etc. that *is serving* as a river, stream, or creek.

Lake—“All natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, **and a surface area of water that is equal to or greater than one acre.**” “Lake” does not include sediment basins and basins constructed for the sole purpose of stormwater retention, cooling water, or treating polluted water.

There are a few types of earth change activities that are exempt from obtaining Part 91 permits but are not exempt from the requirements of Part 91. The exempted activities are **beach nourishment projects under Part 325, minor earth changes, normal road and driveway maintenance, changes of less than 225 square feet**, plowing/tilling for crop production, mining, and logging. *The exemption for mining does not apply to the removal of topsoil, sand, gravel, peat, clay, or marl. The exemption for mining and logging does not apply to ancillary or support facilities such as access roads, staging areas, processing facilities, and stockpiles that are outside of the “harvest” or “mining” area.* The exemptions listed above do not apply if the activity is a phase of site preparation for another land use activity that requires a permit.

Beach Nourishment Project: Project permitted by MDEQ under Part 325 of PA 451.

Minor Earth Change: An earth change of a minor nature that is stabilized (rip-rap, seed/mulch, sod, gravel, etc.) within 24 hours of the initial earth disturbance and that will not contribute sediment to lakes or streams.

Normal Road and Driveway Maintenance: Normal road and driveway maintenance, such as grading or leveling, that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.

225 Square Foot Exemption: A permit waiver may be granted for an earth change after receiving a signed affidavit from the landowner stating that the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes or streams.

If you have any questions or would like assistance with your application, please contact us for help.

