

**Frequently Asked Questions (FAQ)
Regarding the High-Risk Erosion Area Program
And the Update Studies**

Question:

Why is my property being designated as high-risk erosion area (HREA)?

Answer:

The Water Resources Division (WRD) in conjunction with Michigan State University has conducted an update study of recession occurring along the Luce County Lake Superior shoreline which identifies the rate of recession in feet per year. Those stretches of shoreline that average one foot or more per year of recession are designated as HREA. The rate of recession found on your property was found to be at least one foot per year.

Question:

How are the setback distances determined?

Answer:

Studies are conducted using modern principles of remote sensing and geographic information systems to create and overlay historic and modern digital aerial photographs. The erosion reference feature is identified in each photo. Movement of these erosion reference features is measured at points every 150 feet along the shoreline. The physical change that was measured during the study time period is converted to a rate in feet per year. Areas of similar rates are grouped and the area average is calculated. These rates are multiplied by the required 30 and 60 year time frames, with an additional 15 feet being added to account for the possibility of severe storm events.

Question:

The update study has resulted in the designation of my property as HREA or an increase in the setbacks, but I don't believe this is correct. What can I do?

Answer:

You have the right to appeal the HREA designation or the increase in projected recession distance by filing a petition for a formal administrative hearing. To preserve your right to an administrative hearing, a written request must be filed within 60 days from September 14, 2012 (by November 13, 2012). To request a hearing, submit the necessary document to: Michigan Administrative Hearing System (MAHS), 525 West Allegan Street, Atrium South, Lansing, Michigan 48909.

Question:

What effect does designation as an HREA have on the ability to use my property?

Answer:

The regulations require that a permit be obtained prior to erecting, installing, or moving a permanent structure anywhere on the property. The MDEQ/USACE Joint Permit Application (www.michigan.gov/jointpermit) is used for this purpose. Each proposed construction project is reviewed by WRD staff to ensure that the setback requirements instituted under the administrative rules are met.

Question:

I have an existing house that does not meet the new setback. Will I have to move my house?

Answer:

No, the regulations only apply to proposed structures, proposed additions to existing structures, major renovations to existing structures, and to installation and replacement of

septic systems.

Question:

The letter I received from the WRD has a High-Risk Erosion Status code at the top (e.g. N, IS, L, or D). What does this code mean?

Answer:

The code indicates the status of the property in terms of the original vs. the updated HREA designation and setbacks for your property.

N = New Designation: The property was not designated as an HREA in 1982, however, it now is designated

IS = Increase Due to Study: The property was previously designated as an HREA. The update study found increase rates of erosion in the region and therefore the required setback distances have also increased.

L = Lowered: The property was previously designated as HREA. The update study found a the rate of recession has slowed compared to the original study. The updated setback distances are decreased.

D = De-designated: The property was previously designated as HREA. The update study found this stretch of shoreline to be eroding at an average rate less than one foot per year.

Therefore, the property is no longer designated as an HREA.

Question:

Where are the setbacks measured from on my property?

Answer:

The setbacks are measured from the erosion hazard line (EHL) as defined in the administrative rules. Generally, the EHL is a line of stable vegetation or the landward edge of any slumps on the bluff in cases where the bluff is actively eroding. In cases where there is active erosion on the bluff face the EHL may be located as far landward as the top of the bluff. For planning purposes, the top of the bluff is a safe place to measure from because the EHL will never be landward of this feature.

Question:

How can I identify the erosion hazard line (EHL) on my property?

Answer:

The EHL is a very site specific feature and is identified on-site by WRD staff every time a permit application for construction in an HREA is reviewed. For planning purposes the top of the lakeward-facing slope or bluff is safe to use as the EHL, because the EHL will never be landward of this feature. In cases where dense vegetation exists down the face of the bluff or bank, the EHL may be located at the lakeward edge of this vegetation depending on the bluff height and slope of the bluff face.

Question:

I want to build a new house. Will it have to meet the 30-year or 60-year setback?

Answer:

It will depend on the characteristics of the house you want to build. If the home meets the readily-moveable structure criteria, then it needs to meet the 30-year setback. If the home

does not meet the readily-moveable structure criteria, then it needs to meet the 60-year setback.

Question:

What is a “readily-moveable” structure?

Answer:

Readily moveable structures are fully defined in the administrative rules. Following is an overview of the specific characteristics:

1. Foundation size is no larger than 3,500 sq ft, including cantilevers, covered or enclosed porches or decks, and attached garages. Garages themselves may not exceed 676 sq ft. If a garage is totally detached, its size is not included in the 3,500 building foundation limitation; however the garage may still not exceed 676 sq ft in size.
2. Foundation may be a basement, crawl space, or pilings,
3. Above foundation walls may be stud frame or solid log,
4. Above foundation exterior siding may not be solid stone or solid concrete,
5. There is access of sufficient width and acceptable grade to relocate the structure,
6. The structure is designed, sited, and constructed to allow relocation at a reasonable cost relative to other structures of the same size and construction.

Under certain conditions, existing structures that do not physically meet these criteria may be classified as readily moveable structures.

Question:

I have an existing house that will not meet the new setback requirements. Will I be able to construct an addition to this house?

Answer:

Yes, in many cases. Permittable additions depend on the characteristics of both the existing house and the proposed addition. The rules are less stringent for additions to existing structures than for new structures. Characteristics that typically make an addition more likely to be permitted include: the existing structure and/or the addition meet readily moveable structure criteria, the addition does not reduce the distance from the EHL, and the existing structure with addition are not located less than 30 feet from the EHL.