



Natural Resource Assessment Site Review Assurances

The Natural Resource Assessment (NRA) site review is a local service provided by the Muskegon Conservation District under the authority of Act 297 of Public Act of 1937, as amended; Soil Conservation District Law. As such, the Muskegon Conservation District is a locally controlled resource management agency created by concerned landowners and administered by a publicly elected board of directors. In 1994, The Conservation District Law was made part of the Compiled Environmental Code. It is now Part 93 of Act 451 of 1994, as amended.

Part 93 states that a Conservation District constitutes “a governmental subdivision of this state and a public body corporate and politic, exercising public powers.” The powers of a conservation district and its board include: conduct surveys, investigations, and research relating to the conservation of farmland and natural resources; to conduct demonstrational projects related to soil erosion; to carry out preventative measures related to soil erosion; to obtain options upon and acquire property; to make available machinery, equipment and materials to landowners for the conservation of farmland and natural resources and the prevention and control of soil erosion; to take over and administer any farmland and natural resource conservation project located within it’s boundaries.

A local municipality with overlapping jurisdictional boundaries or an individual within the Districts boundaries may request services, input, and technical assistance that correspond with those powers of a Conservation District, as designated in Part 93. Each municipality requesting services directly relating to jurisdictional powers must request services in writing and may utilize the information to better guide decisions related to natural resource conservation.

As such, the Muskegon Conservation District must be assured that the proposed construction activities will minimize impacts to the immediate, and regional, landscape and will be performed according to NRA site review recommendations. Impacts of proposed activities will be determined by a site review performed by the District. The Muskegon Conservation District assigns a fee of not less than \$100.00 (one hundred dollars) / unit for a proposed Natural Resource Assessment site review, including a follow-up visit at project completion. Sites requiring reforestation of native trees and grasses and follow-up visits for a period of three years, will be assessed additional fees based on the NRA site visit rates as set by the Board of Directors of the Muskegon Conservation District each year. The District may reduce or waive the fee according to the NRA site review rates if alterations to the landscape are minimal.

Prior to site review the District office must receive:

- Vicinity map and directions to site
- \$100 fee to the Muskegon Conservation District
- Permission to access the property for review
- Site plan including:
 - Physical footprint of the development (structural envelope)
 - Setbacks (as required by local zoning ordinances)
 - Extent of disruption of the site (area needed for construction activities, staging, etc.)
 - Location of trees greater than 16" dbh
- Site must be staked upon site visit including:
 - Property boundaries
 - Proposed structure corners
 - Location of infrastructure components (septic field, water wells, underground wires, etc.)
 - Driveway location and other land alterations (i.e., pools, decks, etc.)

Upon receipt of all site review materials the District will schedule an on-site, site review to occur within 5 business days.

During the site review the property owner / agent is encouraged to be present to discuss options and assurance criteria. Upon completion of the NRA site review the Muskegon Conservation District will provide the property / owner agent with an Assurance, and if necessary, a site plan map with proposed revisions. All assurance materials will be mailed to the property owner / agent within 3 business days after completion of the site review.

Assurances are considered complete and valid only after a site review has been completed and the owner/agent has signed the recommendation agreement. A District staff member must sign and date the agreement to validate an assurance and the associated site review. If applicable, the assurance may be required with submittal of your application to your local municipal planning commission. The District will notify the municipality when a review and assurance are complete. Permits not having an assurance will be assumed to be in "non-compliance" and a letter stating such will be issued to the municipality. A letter of non-compliance will also be issued should the property owner alter site plan review as agreed upon within the signed recommendation agreement.

The Muskegon Conservation District makes all recommendations as a means to ensure protection and conservation of local natural resources. Failure to comply with assurance agreements do not necessarily constitute an unlawful act; however, implementing the recommendation agreement and NRA site review assurances may facilitate the planning approval process. Signing and filing the signed recommendation agreement may be used as part of the conditional approval of an application with a municipality.

*The property owner / agent must notify the Muskegon Conservation District upon completion of the proposed construction activities.

The Muskegon Conservation District suggests the following general recommendations which the property owner / agent should take into account prior to the site visit. The Muskegon Conservation District will base site review comments and suggestions on the following recommendations.

- Minimize impacts to vegetation. Removal of vegetation is limited to immediate area surrounding building (does not apply for exotic species)
 - Maintain large diameter trees (greater than 16" dbh), and mature trees (seed / mast producing), especially cedar and hemlock
 - Maintain vegetation that would improve diversity of the site, and/or aesthetic value of site, while also minimizing the amount of edge created and maximizing contiguity
 - Maintain plant communities that provide necessary niches within bigger landscape, and/or provide specific ecological processes
 - Avoid removal of trees / shrubs that may impact unique natural features in the area including, but not limited to: dunes, wildflowers, ponds, streams, seeps, springs, parabolic dunes (blow-outs), foredunes, dune ridges, or areas with high densities of wildflowers
 - Avoid removal of vegetation listed as endangered, threatened, or of special concern by the State of Michigan <http://web4.msue.msu.edu/mnfi/>
- Re-vegetate all areas cleared of vegetation and not impacted by structure (building, driveway, etc.) with native vegetation indigenous to the area, and species should reflect the specific ecological niche which are found within the immediate area
 - Replacement of a native tree species with the same native tree species (i.e., hemlock for hemlock), and 50% of replacement trees must have a 2" caliper
 - Open areas should be stabilized with native grasses and wildflowers
- Minimize impacts to fish and wildlife including non-game species, amphibians, reptiles, and invertebrate animals
 - Maintain habitat areas important for breeding, feeding, and shelter
 - Maintain areas important to the overall range of species
 - Avoid activities that would directly displace species
 - Avoid impacts effecting species listed as endangered, threatened, or of special concern by the State of Michigan <http://web4.msue.msu.edu/mnfi/>
- Minimize impacts to aquatic resources and wetlands that may impair the ecological functioning of the area, including use by fish and wildlife
 - Maintain natural shoreline and provide a native buffer
 - Maintain vegetation that unique to a given natural resource
 - Minimize erosion and contain all sediment on-site
 - Avoid alterations of water flow patterns (surface and groundwater)
- Minimize stormwater impacts
 - Minimize alterations to the natural drainage
 - Minimize area that is impervious to water (10% or less in impervious area)
 - Maintain/treat stormwater on-site

The Muskegon Conservation District will also use the following sequence to determine if the proposed activity will impact natural resources:

- 1. Avoid impact to natural resources that directly effect the ecology of the site**
- 2. Provide prudent alternatives if impacts are not primarily dependent on being located in a specific area on the site and impacting natural resources**
- 3. Minimize impact, or area of impact, to natural resources if prudent alternative not available**

