

SENATE BILL No. 1039

November 10, 1988, Introduced by Senators ARTHURHULTZ, BINSFELD
and MACK and referred to the Committee on Natural Resources
and Environmental Affairs.

A bill to amend section 4 of Act No. 346 of the Public Acts
of 1972, entitled
"Inland lakes and streams act of 1972,"
as amended by Act No. 262 of the Public Acts of 1980, being sec-
tion 281.954 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 346 of the Public Acts of
2 1972, as amended by Act No. 262 of the Public Acts of 1980, being
3 section 281.954 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 4. (1) A permit shall not be required for:

6 (a) Any fill or structure existing before April 1, 1966, in
7 waters covered by former Act No. 291 of the Public Acts of 1965,
8 and any fill or structures existing before January 9, 1973, in
9 waters covered for the first time by this act.

1 (b) A seasonal structure placed on bottomland to facilitate
2 private noncommercial recreational use of the water if it does
3 not unreasonably interfere with the use of the water by others
4 entitled to use the water or interfere with water flow.

5 (c) Reasonable sanding of beaches to the existing water's
6 edge by a riparian owner.

7 (d) Construction or maintenance of a private agricultural
8 drain regardless of outlet.

9 (e) A waste collection or treatment facility which is
10 approved for construction by the department of public health or
11 ordered or approved by the water resources commission.

12 (f) Construction and maintenance of minor drainage struc-
13 tures and facilities which are identified by rule promulgated by
14 the commission pursuant to section 11(1). Before such a rule is
15 promulgated, it shall be approved by the majority of a committee
16 consisting of the director of the department, the director of the
17 department of agriculture, and the director of the state trans-
18 portation department or their designated representatives. The
19 initial rules shall be issued before July 8, 1973, and shall be
20 reviewed at least annually thereafter.

21 (g) Maintenance and improvement of all drains legally estab-
22 lished or constructed prior to January 1, 1973, pursuant to THE
23 DRAIN CODE OF 1956, Act No. 40 of the Public Acts of 1956, as
24 amended, being sections 280.1 to 280.630 of the Michigan Compiled
25 Laws, except those legally established drains constituting main-
26 stream portions of certain natural watercourses identified in
27 rules promulgated by the commission pursuant to section 11.

1 (h) Projects constructed under the watershed protection and
2 flood prevention act, 16 U.S.C. 1001 to 1009.

3 (i) Construction and maintenance of privately owned cooling
4 or storage ponds used in connection with a public utility except
5 at the interface with public waters.

6 (j) Maintenance of a structure constructed under a permit
7 issued pursuant to this act and identified by rule promulgated
8 pursuant to section 11(1), if the maintenance is in place and in
9 kind with no design or materials modification.

10 (2) FOR 3 YEARS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION,
11 A PERMIT SHALL NOT BE REQUIRED UNDER THIS ACT FOR THE REPAIR,
12 RECONSTRUCTION, OR IMPROVEMENT OF A FILL OR STRUCTURE THAT IS
13 OVER 75 YEARS OLD IF THE FILL OR STRUCTURE HAS BEEN DAMAGED OR
14 DESTROYED BY AN ACT OF GOD.