

# HOUSE BILL No. 5566

March 6, 1990, Introduced by Reps. Owen, Bartnik, Knight, Ostling, Bennane and DeMars and referred to the Committee on Appropriations.

A bill to amend sections 5, 6, and 10 of Act No. 346 of the Public Acts of 1972, entitled "Inland lakes and streams act of 1972," sections 5 and 6 as amended by Act No. 262 of the Public Acts of 1980, being sections 281.955, 281.956, and 281.960 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 5, 6, and 10 of Act No. 346 of the  
2 Public Acts of 1972, sections 5 and 6 as amended by Act No. 262  
3 of the Public Acts of 1980, being sections 281.955, 281.956, and  
4 281.960 of the Michigan Compiled Laws, are amended to read as  
5 follows:

6       Sec. 5. (1) Before a project ~~which~~ THAT is subject to  
7 this act is undertaken, a person shall file an application and  
8 receive a permit from the department. The application shall be

1 on a form prescribed by the department and shall include any  
2 information that may be required by the department. If a project  
3 includes activities at multiple locations, 1 application may be  
4 filed for the combined activities.

5 (2) An application for a permit shall be accompanied by a  
6 fee ~~to be credited to the state general fund~~ based on an admin-  
7 istrative cost ~~of \$25.00. An administrative fee shall not be~~  
8 ~~charged for an application which is received from a governmental~~  
9 ~~unit created by law or which is solely for the maintenance of an~~  
10 ~~existing project.~~ IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

11 (A) AN APPLICATION FOR A PERMIT UNDER THE MINOR PROJECT CAT-  
12 EGORY PROVIDED FOR IN SECTION 6(6) SHALL BE ACCOMPANIED BY A FEE  
13 OF \$50.00.

14 (B) AN APPLICATION FOR A PERMIT FOR CONSTRUCTION OF A MARINA  
15 SHALL BE ACCOMPANIED BY A FEE OF:

16 (i) \$100.00 FOR A MARINA WITH 1-10 PROPOSED MARINA SLIPS.

17 (ii) \$500.00 FOR A MARINA WITH 11-50 PROPOSED MARINA SLIPS.

18 (iii) \$500.00 PLUS \$10.00 FOR EACH MARINA SLIP OVER 50 FOR A  
19 MARINA WITH OVER 50 PROPOSED MARINA SLIPS.

20 (C) AN APPLICATION FOR RENEWAL OF A MARINA OPERATING PERMIT  
21 SHALL BE ACCOMPANIED BY A FEE OF \$50.00.

22 (D) ALL OTHER APPLICATIONS SHALL BE ACCOMPANIED BY A FEE OF  
23 \$500.00.

24 (3) A PROJECT THAT REQUIRES REVIEW AND APPROVAL UNDER THIS  
25 ACT AND 1 OR MORE OF THE FOLLOWING ACTS SHALL BE CHARGED ONLY 1  
26 PERMIT FEE THAT SHALL BE THE HIGHEST OF THE PERMIT FEE REQUIRED

1 UNDER THIS ACT OR THE HIGHEST PERMIT FEE REQUIRED UNDER 1 OF  
2 THESE ACTS:

3 (i) THE GOEMAERE-ANDERSON WETLAND PROTECTION ACT, ACT  
4 NO. 203 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 281.701 TO  
5 281.722 OF THE MICHIGAN COMPILED LAWS.

6 (ii) THE GREAT LAKES SUBMERGED LANDS ACT, ACT NO. 247 OF THE  
7 PUBLIC ACTS OF 1955, BEING SECTIONS 322.701 TO 322.715 OF THE  
8 MICHIGAN COMPILED LAWS.

9 (iii) THE SHORELANDS PROTECTION AND MANAGEMENT ACT OF 1970,  
10 ACT NO. 245 OF THE PUBLIC ACTS OF 1970, BEING SECTIONS 281.631 TO  
11 281.644 OF THE MICHIGAN COMPILED LAWS.

12 (4) THE FEE FOR AN APPLICATION UNDER THIS SECTION SHALL BE  
13 DEPOSITED IN THE STATE TREASURY TO THE CREDIT OF THE GENERAL FUND  
14 AND SHALL BE AVAILABLE FOR APPROPRIATION TO THE DEPARTMENT TO BE  
15 USED TO DEFRAY THE COST OF REVIEWING PLANS AND SPECIFICATIONS AND  
16 FIELD INSPECTIONS TO DETERMINE COMPLIANCE WITH PERMITS ISSUED  
17 UNDER THIS ACT.

18 Sec. 6. (1) A person who desires notification of pending  
19 applications may make a written request to the department accom-  
20 panied by an annual fee of ~~\$25.00~~ \$75.00, which shall be cred-  
21 ited to the state general fund AND SHALL BE AVAILABLE FOR APPRO-  
22 PRIATION TO THE DEPARTMENT TO BE USED TO DEFRAY THE COST OF PRO-  
23 VIDING THIS NOTIFICATION. The department shall prepare a monthly  
24 list of the applications made during the previous month and shall  
25 promptly mail copies of the list for the remainder of the calen-  
26 dar year to the persons who have so requested notice. The  
27 monthly list shall state the name and address of each applicant,

1 the legal description of the lands included in the applicant's  
2 project and a summary statement of the purpose of the project.  
3 The department may hold a public hearing on pending  
4 applications.

5 (2) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,  
6 UPON receiving an application, the department shall submit copies  
7 for review to the director of THE DEPARTMENT OF public health or  
8 THE local health department designated by the director of THE  
9 DEPARTMENT OF public health, the city, village, or township, and  
10 the county where the project is to be located, the local soil  
11 conservation district, the local watershed council organized  
12 under THE LOCAL RIVER MANAGEMENT ACT, Act No. 253 of the Public  
13 Acts of 1964, as amended, being sections 323.301 to 323.320 of  
14 the Michigan Compiled Laws, if any, the local port commission, if  
15 any, and the persons required to be included in the application  
16 pursuant to section 5(1). ~~—~~ THE COPY OF THE APPLICATION SHALL  
17 BE accompanied by a statement that unless a written request is  
18 filed with the department within 20 days after the submission for  
19 review, the department may grant the application without a public  
20 hearing where the project is located. The department shall hold  
21 a public hearing upon the written request of the applicant or a  
22 riparian owner or a person or governmental unit ~~which~~ THAT is  
23 entitled to receive a copy of the application pursuant to this  
24 subsection.

25 (3) After completion of a project for which an application  
26 is approved, the department shall cause a final inspection to be

1 made and certify to the applicant that the applicant has complied  
2 with the department's permit requirements.

3       (4) At least 10 days' notice of a hearing to be held pursu-  
4 ant to this section shall be given by the publication in a news-  
5 paper circulated in the county where the project is to be located  
6 and by mailing copies of the notice to the persons who have  
7 requested the weekly list pursuant to subsection (1), the person  
8 requesting the hearing, and the persons and governmental units  
9 ~~which~~ THAT are entitled to receive a copy of the application  
10 pursuant to subsection (2).

11       (5) The department shall grant or deny the permit within 60  
12 days, or within 90 days if a public hearing is held, after the  
13 filing of an application pursuant to section 5. ~~When a~~ IF THE  
14 permit is denied, the department shall provide to the applicant a  
15 concise written statement of its reasons for denial of the  
16 permit, and if it appears that a minor modification of the appli-  
17 cation would result in the granting of the permit, the nature of  
18 the modification shall be stated. In an emergency, the depart-  
19 ment may issue a conditional permit before the expiration of the  
20 20-day period referred to in subsection (2).

21       (6) The department, by rule promulgated pursuant to section  
22 11(1), may establish minor project categories of activities and  
23 projects that are similar in nature and have minimal adverse  
24 environmental impact. The department may act upon an application  
25 received pursuant to section 5 for an activity or project within  
26 a minor project category after an on-site inspection of the land  
27 and water involved without providing notices or holding a public

1 hearing as required by subsection (2). A final inspection or  
2 certification of a project completed under a permit granted pur-  
3 suant to this subsection shall not be required, but all other  
4 provisions of this act shall be applicable to a minor project.

5       Sec. 10. Upon the written request of a riparian owner and  
6 upon payment of a service fee of ~~-\$50.00-~~ \$500.00 to be credited  
7 to the state general fund, WHICH SHALL BE AVAILABLE FOR APPROPRI-  
8 ATION TO THE DEPARTMENT TO BE USED TO DEFRAY THE COST OF PROVID-  
9 ING THE SERVICE, the department may enter into a written agree-  
10 ment with a riparian owner fixing the location of the ordinary  
11 high water mark for his OR HER property. In the absence of sub-  
12 stantially changed conditions, the agreement shall be conclusive  
13 proof of the location in all matters between the state and the  
14 riparian owner and his OR HER successors in interest.