

HOUSE BILL No. 4197

February 7, 1991, Introduced by Rep. Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 2 of Act No. 203 of the Public Acts of 1979, entitled "Goemaere-Anderson wetland protection act," being section 281.702 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 203 of the Public Acts of
2 1979, being section 281.702 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2. As used in this act:

5 (a) "Department" means the department of natural resources.

6 (b) "Director" means the director of the department of natu-
7 ral resources.

8 (c) "Fill material" means soil, rocks, sand, waste of any
9 kind, or any other material which displaces soil or water or
10 reduces water retention potential.

1 (d) "Minor drainage" includes ditching and tiling for the
2 removal of excess soil moisture incidental to the planting, cul-
3 tivating, protecting, or harvesting of crops or improving the
4 productivity of land in established use for agriculture, horti-
5 culture, silviculture, or lumbering.

6 (e) "Municipality" means a city, village, township, or
7 county.

8 (f) "Person" means an individual, sole proprietorship, part-
9 nership, corporation, association, municipality, this state, and
10 instrumentality or agency of this state, the federal government,
11 or an instrumentality or agency of the federal government, or
12 other legal entity.

13 (g) "Wetland" means land characterized by the presence of
14 water at a frequency and duration sufficient to support and that
15 under normal circumstances does support wetland vegetation or
16 aquatic life and is commonly referred to as a bog, swamp, or
17 marsh and which is any of the following:

18 (i) Contiguous to the Great Lakes or Lake St. Clair, an
19 inland lake or pond, or a river or stream.

20 (ii) Not contiguous to the Great Lakes, an inland lake or
21 pond, or a river or stream; and more than 5 acres in size; except
22 this subdivision shall not be of effect, except for the purpose
23 of inventorying, in counties of less than 100,000 population
24 until the department certifies to the commission of ~~natural~~
25 ~~resources~~ CONSERVATION AND RECREATION it has substantially com-
26 pleted its inventory of wetlands in that county.

1 (iii) Not contiguous to the Great Lakes, an inland lake or
2 pond, or a river or stream; and 5 acres or less in size if the
3 department determines that protection of the area is essential to
4 the preservation of the natural resources of the state from pol-
5 lution, impairment, or destruction and the department has so
6 notified the owner; except this subdivision may be utilized
7 regardless of wetland size in a county in which subdivision (ii)
8 is of no effect; except for the purpose of inventorying, at the
9 time.

10 Section 2. This amendatory act shall not take effect unless
11 all of the following bills of the 86th Legislature are enacted
12 into law:

13 (a) Senate Bill No. _____ or House Bill No. 4177 (request
14 no. 00827'91).

15 (b) Senate Bill No. _____ or House Bill No. 4173 (request
16 no. 00827'91 a).