

Act No. 171  
Public Acts of 1995  
Approved by the Governor  
October 9, 1995  
Filed with the Secretary of State  
October 9, 1995

**STATE OF MICHIGAN**  
**88TH LEGISLATURE**  
**REGULAR SESSION OF 1995**

Introduced by Rep. Bobier

# **ENROLLED HOUSE BILL No. 4864**

AN ACT to amend sections 30104, 30105, 30109, and 30113 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," as added by Act No. 59 of the Public Acts of 1995, being sections 324.30104, 324.30105, 324.30109, and 324.30113 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 30104, 30105, 30109, and 30113 of Act No. 451 of the Public Acts of 1994, as added by Act No. 59 of the Public Acts of 1995, being sections 324.30104, 324.30105, 324.30109, and 324.30113 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 30104. (1) Before a project that is subject to this part is undertaken, a person shall file an application and receive a permit from the department. The application shall be on a form prescribed by the department and shall include any information that may be required by the department. If a project includes activities at multiple locations, 1 application may be filed for the combined activities.

(2) Except as provided in subsections (3) and (4), an application for a permit shall be accompanied by a fee based on an administrative cost in accordance with the following schedule:

(a) Until October 1, 1999:

(i) For a minor project listed in R 281.816 of the Michigan administrative code, a fee of \$50.00.

(ii) For construction or expansion of a marina, a fee of:

(A) \$50.00 for an expansion of 1-10 slips to an existing permitted marina.

(B) \$100.00 for a new marina with 1-10 proposed marina slips.

(C) \$250.00 for an expansion of 11-50 slips to an existing permitted marina, plus \$10.00 for each slip over 50.

(D) \$500.00 for a new marina with 11-50 proposed marina slips, plus \$10.00 for each slip over 50.

(E) \$1,500.00 if an existing permitted marina proposes maintenance dredging of 10,000 cubic yards or more or the addition of seawalls, bulkheads, or revetments of 500 feet or more.

(iii) For renewal of a marina operating permit, a fee of \$50.00.

(iv) For major projects other than a project described in subparagraph (ii)(E), involving any of the following, a fee of \$2,000.00:

(A) Dredging of 10,000 cubic yards or more.

(B) Filling of 10,000 cubic yards or more.

(C) Seawalls, bulkheads, or revetment of 500 feet or more.

(D) Filling or draining of 1 acre or more of wetland contiguous to a lake or stream.

(E) New dredging or upland boat basin excavation in areas of suspected contamination.

(F) Shore projections, such as groins and underwater stabilizers, that extend 150 feet or more into a lake or stream.

(G) New commercial docks or wharves of 300 feet or more in length.

(H) Stream enclosures 100 feet or more in length.

(I) Stream relocations 500 feet or more in length.

(J) New golf courses.

(K) Subdivisions.

(L) Condominiums.

(v) For all other projects not listed in subparagraphs (i) through (iv), a fee of \$500.00.

(b) Beginning October 1, 1999, a fee of \$25.00 for any project listed in subdivision (a).

(3) A project that requires review and approval under this part and 1 or more of the following acts or parts of acts is subject to only the single highest permit fee required under this part or the following acts or parts of acts:

(a) Part 303.

(b) Part 325.

(c) Part 323.

(d) Section 3104.

(e) Section 117 of the subdivision control act of 1967, Act No. 288 of the Public Acts of 1967, being section 560.117 of the Michigan Compiled Laws.

(4) If work has been done in violation of a permit requirement under this part and restoration is not ordered by the department, the department may accept an application for a permit if the application is accompanied by a fee equal to 2 times the permit fee required under this section.

Sec. 30105. (1) Until October 1, 1999, a person who desires notification of pending applications may submit a written request to the department accompanied by an annual fee of \$25.00. The department shall forward all annual fees to the state treasurer for deposit into the fund. The department shall prepare a monthly list of the applications made during the previous month and shall promptly mail copies of the list for the remainder of the calendar year to the persons who have so requested notice. The monthly list shall state the name and address of each applicant, the legal description of the lands included in the applicant's project, and a summary statement of the purpose of the project. The department may hold a public hearing on pending applications.

(2) Except as otherwise provided in this section, upon receiving an application, the department shall submit copies for review to the director of public health or the local health department designated by the director of public health, to the city, village, or township and the county where the project is to be located, to the local soil conservation district, to the local watershed council organized under part 311, if any, to the local port commission, if any, and to the persons required to be included in the application pursuant to section 30104(1). Each copy of the application shall be accompanied by a statement that unless a written request is filed with the department within 20 days after the submission for review, the department may grant the application without a public hearing where the project is located. The department may hold a public hearing upon the written request of the applicant or a riparian owner or a person or governmental unit that is entitled to receive a copy of the application pursuant to this subsection.

(3) After completion of a project for which an application is approved, the department may cause a final inspection to be made and certify to the applicant that the applicant has complied with the department's permit requirements.

(4) At least 10 days' notice of a hearing to be held under this section shall be given by publication in a newspaper circulated in the county where the project is to be located and by mailing copies of the notice to the persons who have requested the monthly list pursuant to subsection (1), to the person requesting the hearing, and to the persons and governmental units that are entitled to receive a copy of the application pursuant to subsection (2).

(5) The department shall grant or deny the permit within 60 days, or within 90 days if a public hearing is held, after the filing of an application pursuant to section 30104. If a permit is denied, the department shall provide to the applicant a concise written statement of its reasons for denial of the permit, and, if it appears that a minor modification of the application would result in the granting of the permit, the nature of the modification shall be stated. In an emergency, the department may issue a conditional permit before the expiration of the 20-day period referred to in subsection (2).

(6) The department, by rule promulgated under section 30110(1), may establish minor project categories of activities and projects that are similar in nature and have minimal adverse environmental impact. The department may act upon an application received pursuant to section 30104 for an activity or project within a minor project category after an on-site inspection of the land and water involved without providing notices or holding a public hearing pursuant to subsection (2). A final inspection or certification of a project completed under a permit granted pursuant to this subsection is not required, but all other provisions of this part are applicable to a minor project.

Sec. 30109. Upon the written request of a riparian owner and upon payment of a service fee, the department may enter into a written agreement with a riparian owner establishing the location of the ordinary high-water mark for his or her property. In the absence of substantially changed conditions, the agreement shall be conclusive proof of the location in all matters between the state and the riparian owner and his or her successors in interest. Until October 1, 1999, the service fee provided for in this section shall be \$500.00. Beginning October 1, 1999, the service fee provided for in this section shall be \$50.00. The department shall forward all service fees to the state treasurer for deposit into the fund.

Sec. 30113. (1) The land and water management permit fee fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The state treasurer shall annually present to the department an accounting of the amount of money in the fund.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to implement this part and the following:

(a) Sections 3104, 3107, and 3108.

(b) Part 325.

(c) Part 303.

(d) Section 12562 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.12562 of the Michigan Compiled Laws.

(e) Part 323.

(f) Section 117 of the subdivision control act of 1967, Act No. 288 of the Public Acts of 1967, being section 560.117 of the Michigan Compiled Laws.

(g) Part 315.

(h) Part 353.

(5) The department shall process permit applications for the acts and parts of acts cited in subsection (4) within 60 days after receiving a completed permit application unless the act or part specifically provides for permit application processing time limits.

(6) The department shall annually report to the legislature on both of the following:

(a) How money in the fund was expended during the previous fiscal year.

(b) For permit programs funded with money in the fund, the average length of time for department action on permit applications for each class of permits reviewed.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

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Governor.