



HOUSE BILL No. 4897

May 25, 1995, Introduced by Rep. Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 3104 of Act No. 451 of the Public Acts of 1994, entitled
"Natural resources and environmental protection act,"
being section 324.3104 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3104 of Act No. 451 of the Public Acts
2 of 1994, being section 324.3104 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3104. (1) The department is designated the state
5 agency to cooperate and negotiate with other governments, govern-
6 mental units, and governmental agencies in matters concerning the
7 water resources of the state, including, but not limited to,
8 flood control, beach erosion control, and water quality control
9 planning, development, and management. The department shall have
10 control over the alterations of natural or present watercourses

1 of all rivers and streams in the state to assure that the
2 channels and the portions of the floodplains that are the flood-
3 ways are not inhabited and are kept free and clear of interfer-
4 ence or obstruction that will cause any undue restriction of the
5 capacity of the floodway. The department may take steps as may
6 be necessary to take advantage of any act of congress that may be
7 of assistance in carrying out the purposes of this part, includ-
8 ing the water resources planning act, Public Law 89-80,
9 42 U.S.C. 1962 to 1962-1 and 1962a to 1962d-3, and the federal
10 water pollution control act, chapter 758, 86 Stat. 816,
11 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257, 1258 to 1263,
12 1265 to 1270, 1281, 1282 to 1293, 1294 to 1299, 1311 to 1313,
13 1314 to 1326, 1328 to 1330, 1341 to 1345, 1361 to 1377, and 1381
14 to 1387.

15 (2) The department shall report to the governor and to the
16 legislature at least annually any plans or projects being imple-
17 mented or considered for implementation and shall include in the
18 report requests for any legislation needed to implement any pro-
19 posed projects or agreements made necessary as a result of a plan
20 or project, together with any requests for appropriations. The
21 department may make recommendations to the governor on the desig-
22 nation of areawide water quality planning regions and organiza-
23 tions relative to the governor's responsibilities under the fed-
24 eral water pollution control act.

25 (3) A person shall submit an application for a permit to
26 alter a floodplain on a form approved by the department and shall
27 include information that may be required by the department to

1 assess the proposed alteration's impact on the floodplain. If an
2 alteration includes activities at multiple locations in a flood-
3 plain, 1 application may be filed for combined activities.

4 (4) Except as provided in subsections (5) and (6), until
5 October 1, ~~1995~~ 1997, an application for a floodplain permit
6 shall be accompanied by a fee of \$500.00. Until October 1,
7 ~~1995~~ 1997, if the department determines that engineering compu-
8 tations are required to assess the impact of a proposed flood-
9 plain alteration on flood stage or discharge characteristics, the
10 department shall assess the applicant an additional \$1,500.00 to
11 cover the department's cost of review.

12 (5) Until October 1, ~~1995~~ 1997, an application for a
13 floodplain permit for a minor project category shall be accom-
14 panied by a fee of \$100.00. Minor project categories shall be
15 established by rule and shall include activities and projects
16 that are similar in nature and have minimal potential for causing
17 harmful interference.

18 (6) If work has been done in violation of a permit require-
19 ment under this part and restoration is not ordered by the
20 department, the department may accept an application for a permit
21 if the application is accompanied by a fee equal to 2 times the
22 permit fee required under subsection (4) or (5).

23 (7) The department shall forward fees collected under this
24 section to the state treasurer for deposit in the land and water
25 management permit fee fund created in section 16 of the inland
26 lakes and streams act of 1972, Act No. 346 of the Public Acts of
27 1972, being section 281.966 of the Michigan Compiled Laws.

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

5 (a) The inland lakes and streams act of 1972, Act No. 346 of
6 the Public Acts of 1972, being sections 281.951 to 281.965 of the
7 Michigan Compiled Laws.

8 (b) The Goemaere-Anderson wetland protection act, Act
9 No. 203 of the Public Acts of 1979, being sections 281.701 to
10 281.722 of the Michigan Compiled Laws.

11 (c) The Great Lakes submerged lands act, Act No. 247 of the
12 Public Acts of 1955, being sections 322.701 to 322.715 of the
13 Michigan Compiled Laws.

14 (d) The shorelands protection and management act of 1970,
15 Act No. 245 of the Public Acts of 1970, being sections 281.631 to
16 281.644 of the Michigan Compiled Laws.

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