



SENATE BILL No. 521

May 11, 1995, Introduced by Senators MC MANUS and GAST
and referred to the Committee on Natural Resources and
Environmental Affairs.

A bill to amend sections 5, 6, 10, and 16 of Act No. 346 of
the Public Acts of 1972, entitled as amended
"Inland lakes and streams act of 1972,"
sections 5, 6, and 10 as amended and section 16 as added by Act
No. 181 of the Public Acts of 1993, being sections 281.955,
281.956, 281.960, and 281.966 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5, 6, 10, and 16 of Act No. 346 of the
2 Public Acts of 1972, sections 5, 6, and 10 as amended and
3 section 16 as added by Act No. 181 of the Public Acts of 1993,
4 being sections 281.955, 281.956, 281.960, and 281.966 of the
5 Michigan Compiled Laws, are amended to read as follows:

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

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

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

8 ~~(a) Until October 1, 1995:~~

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

11 (B) ~~(ii)~~ For construction or expansion of a marina, a fee
12 of:

13 (i) ~~(A)~~ \$50.00 for an expansion of 1-10 slips to an exist-
14 ing permitted marina.

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

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

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

21 (v) ~~(E)~~ \$1,500.00 if an existing permitted marina proposes
22 maintenance dredging of 10,000 cubic yards or more or the addi-
23 tion of seawalls, bulkheads, or revetments of 500 feet or more.

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

1 (D) ~~(iv)~~ For major projects other than a project described
 2 in ~~subparagraph (ii)(E)~~ SUBDIVISION (B)(v), involving any of
 3 the following, a fee of \$2,000.00:

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

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

6 (iii) ~~(C)~~ Seawalls, bulkheads, or revetment of 500 feet or
 7 more.

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

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

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

14 (vii) ~~(G)~~ New commercial docks or wharves of 300 feet or
 15 more in length.

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

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

18 (x) ~~(J)~~ New golf courses.

19 (xi) ~~(K)~~ Subdivisions.

20 (xii) ~~(L)~~ Condominiums.

21 (E) ~~(v)~~ For all other projects not listed in

22 ~~subparagraphs (i)~~ SUBDIVISIONS (A) through ~~(iv)~~ (D), a fee of
 23 \$500.00.

24 ~~(b) Beginning October 1, 1995, a fee of \$25.00 for any~~
 25 ~~project listed in subdivision (a).~~

26 (3) A project that requires review and approval under this
 27 act and 1 or more of the following acts is subject to only the

1 single highest permit fee required under this act or the
2 following acts:

3 (a) 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 (b) 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 (c) 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 (d) Section ~~2a~~ 3104 of THE NATURAL RESOURCES AND ENVIRON-
13 MENTAL PROTECTION ACT, Act No. ~~245~~ 451 of the Public Acts of
14 ~~1929~~ 1994, being section ~~323.2a~~ 324.3104 of the Michigan
15 Compiled Laws.

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

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

24 Sec. 6. (1) ~~Until October 1, 1995, a~~ A person who desires
25 notification of pending applications may submit a written request
26 to the department accompanied by an annual fee of \$25.00. The
27 department shall forward all annual fees to the state treasurer

1 for deposit into the fund. The department shall prepare a
2 monthly list of the applications made during the previous month
3 and shall promptly mail copies of the list for the remainder of
4 the calendar year to the persons who have so requested notice.
5 The monthly list shall state the name and address of each appli-
6 cant, the legal description of the lands included in the
7 applicant's project and a summary statement of the purpose of the
8 project. The department may hold a public hearing on pending
9 applications.

10 (2) Except as otherwise provided in this section, upon
11 receiving an application, the department shall submit copies for
12 review to the director of public health or the local health
13 department designated by the director of public health, the city,
14 village, or township, and the county where the project is to be
15 located, the local soil conservation district, the local water-
16 shed council organized under the local river management act, Act
17 No. 253 of the Public Acts of 1964, as amended, being sections
18 323.301 to 323.320 of the Michigan Compiled Laws, if any, the
19 local port commission, if any, and the persons required to be
20 included in the application pursuant to section 5(1). Each copy
21 of the application shall be accompanied by a statement that
22 unless a written request is filed with the department within 20
23 days after the submission for review, the department may grant
24 the application without a public hearing where the project is
25 located. The department may hold a public hearing upon the writ-
26 ten request of the applicant or a riparian owner or a person or

1 governmental unit that is entitled to receive a copy of the
2 application pursuant to this subsection.

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

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

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

25 (6) The department, by rule promulgated pursuant to section
26 11(1), may establish minor project categories of activities and
27 projects that are similar in nature and have minimal adverse

1 environmental impact. The department may act upon an application
2 received pursuant to section 5 for an activity or project within
3 a minor project category after an on-site inspection of the land
4 and water involved without providing notices or holding a public
5 hearing pursuant to subsection (2). A final inspection or certi-
6 fication of a project completed under a permit granted pursuant
7 to this subsection is not required, but all other provisions of
8 this act are applicable to a minor project.

9 Sec. 10. Upon the written request of a riparian owner and
10 upon payment of a service fee, the department may enter into a
11 written agreement with a riparian owner establishing the location
12 of the ordinary high water mark for his or her property. In the
13 absence of substantially changed conditions, the agreement shall
14 be conclusive proof of the location in all matters between the
15 state and the riparian owner and his or her successors in
16 interest. ~~Until October 1, 1995, the~~ THE service fee provided
17 for in this section ~~shall be~~ IS \$500.00. ~~Beginning October 1,~~
18 ~~1995, the service fee provided for in this section shall be~~
19 ~~\$50.00.~~ The department shall forward all service fees to the
20 state treasurer for deposit into the fund.

21 Sec. 16. (1) The land and water management permit fee fund
22 is created within the state treasury.

23 (2) The state treasurer may receive money or other assets
24 from any source for deposit into the fund. The state treasurer
25 shall direct the investment of the fund. The state treasurer
26 shall credit to the fund interest and earnings from fund

1 investments. The state treasurer shall annually present to the
2 department an accounting of the amount of money in the fund.

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

5 (4) The department shall expend money from the fund, upon
6 appropriation, only to implement this act and the following acts
7 or parts of acts:

8 (a) Sections ~~2a, 5a, and 5b~~ 3104, 3107, AND 3108 of Act
9 No. ~~245~~ 451 of the Public Acts of ~~1929~~ 1994, being sections
10 ~~323.2a, 323.5a, and 323.5b~~ 324.3104, 324.3107, AND 324.3108 of
11 the Michigan Compiled Laws.

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

15 (c) The Goemaere-Anderson wetland protection act, Act
16 No. 203 of the Public Acts of 1979, being sections 281.701 to
17 281.722 of the Michigan Compiled Laws.

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

21 (e) The shorelands protection and management act of 1970,
22 Act No. 245 of the Public Acts of 1970, being sections 281.631 to
23 281.644 of the Michigan Compiled Laws.

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

1 (g) The dam safety act, Act No. 300 of the Public Acts of
2 1989, being sections 281.1301 to 281.1365 of the Michigan
3 Compiled Laws.

4 (h) Sections 16 to 44 of the sand dune protection and man-
5 agement act, Act No. 222 of the Public Acts of 1976, being sec-
6 tions 281.666 to 281.694 of the Michigan Compiled Laws.

7 (5) The department shall process permit applications for the
8 public acts cited in subsection (4) within 60 days after receiv-
9 ing a completed permit application UNLESS THE ACT OR PART SPECIF-
10 ICALLY PROVIDES FOR PERMIT APPLICATION PROCESSING TIME LIMITS.

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

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

15 (b) For permit programs funded with money in the fund, the
16 average length of time for department action on permit applica-
17 tions for each class of permits reviewed.