

# HOUSE BILL No. 4588

April 29, 2003, Introduced by Reps. Condino, Brandenburg, Lipsey, Vagnozzi, Clack, Gielegem, Wojno, Accavitti, Tobocman, Law, Meisner and Minore and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 30301 (MCL 324.30301), as added by 1995  
PA 59.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 30301. As used in this part:

2       (a) "Fill material" means soil, rocks, sand, waste of any  
3 kind, or any other material that displaces soil or water or  
4 reduces water retention potential.

5       (b) "Minor drainage" includes ditching and tiling for the  
6 removal of excess soil moisture incidental to the planting,  
7 cultivating, protecting, or harvesting of crops or improving the  
8 productivity of land in established use for agriculture,  
9 horticulture, silviculture, or lumbering.

10       (c) "Person" means an individual, sole proprietorship,



1 partnership, corporation, association, municipality, this state,  
2 ~~and~~ **an** instrumentality or agency of this state, the federal  
3 government, ~~or~~ an instrumentality or agency of the federal  
4 government, or **any** other legal entity.

5 (d) "Wetland" means land characterized by the presence of  
6 water at a frequency and duration sufficient to support, and that  
7 under normal circumstances does support, wetland vegetation or  
8 aquatic life, and is commonly referred to as a bog, swamp, or  
9 marsh and which is any of the following:

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

12 (ii) Not contiguous to the Great Lakes, an inland lake or  
13 pond, or a river or stream; and more than 5 acres in size; except  
14 this subparagraph shall not be of effect, except for the purpose  
15 of inventorying, in counties of less than 100,000 population  
16 until the department certifies to the commission it has  
17 substantially completed its inventory of wetlands in that  
18 county.

19 (iii) Not contiguous to the Great Lakes, an inland lake or  
20 pond, or a river or stream; and 5 acres or less in size if the  
21 department determines that protection of the area is essential to  
22 the preservation of the natural resources of the state from  
23 pollution, impairment, or destruction and the department has so  
24 notified the owner; except this subparagraph may be utilized  
25 regardless of wetland size in a county in which subparagraph (ii)  
26 is of no effect; except for the purpose of inventorying, at the  
27 time. **Inclusion of an area in appendix D or appendix E of "the**



1 critical non-contiguous wetlands of Michigan", a report for the  
2 department of environmental quality dated September 30, 1996,  
3 constitutes the department's determination that the area is  
4 essential to the preservation of the natural resources of this  
5 state from pollution, impairment, or destruction. Within 30 days  
6 after the effective date of the 2003 amendatory act that amended  
7 this section, the department shall notify the owner of an area  
8 included in appendix E of the department's determination under  
9 this subparagraph.