

Act No. 546
Public Acts of 2004
Approved by the Governor
December 30, 2004
Filed with the Secretary of State
January 3, 2005
EFFECTIVE DATE: January 3, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senator Birkholz

ENROLLED SENATE BILL No. 1181

AN ACT to amend 1994 PA 451, 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 provide certain appropriations; 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," by amending section 32607 (MCL 324.32607), as added by 2000 PA 278.

The People of the State of Michigan enact:

Sec. 32607. (1) The department shall not authorize the same bottomland log removal area in more than 1 submerged log removal permit at any 1 time.

(2) The department may modify the boundaries of a proposed bottomland log removal area in a submerged log removal permit to avoid overlaps with other active submerged log removal permits or adverse impacts, including, but not limited to, impacts to the environment, natural resources, riparian rights, and the public trust.

(3) A submerged log removal plan approved by the department shall be included in each submerged log removal permit.

(4) A submerged log removal permit shall contain terms and conditions that are determined by the department to protect the environment, natural resources, riparian rights, and the public trust.

(5) Each submerged log removal permit shall expire on January 1, 2013. An applicant shall notify the department of the date on which the federal government issued its approval for the submerged log removal permit. Processing fees received under this subsection shall be forwarded to the state treasurer for deposit into the fund.

(6) A submerged log removal permit issued under this section is not transferrable unless approved in writing by the department.

(7) An applicant for a submerged log removal permit shall provide a performance bond acceptable to the department in the amount of \$100,000.00. The performance bond shall be provided to the department at least 10 days prior to beginning submerged log removal in a bottomland log removal area. The performance bond shall ensure compliance with the submerged log removal permit for the period of the permit or until the authorized submerged log removal is completed to the satisfaction of the department and all payments under section 32609 have been made. The department shall issue a written statement releasing the permittee and bonding company upon termination of the submerged log removal permit and upon satisfaction of the department as to the compliance of the permittee with the terms and conditions of the permit. The department may draw upon the performance bond for delinquent payments as required in section 32609.

(8) A permittee may request, in writing, and the department may grant, termination of a submerged log removal permit prior to the expiration date, including release from quarterly reports and performance bond requirements.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor