

**SUBSTITUTE FOR
SENATE BILL NO. 1481**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 30104, 30105, and 30107 (MCL 324.30104,
324.30105, and 324.30107), sections 30104 and 30105 as amended by
2006 PA 275 and section 30107 as added by 1995 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30104. (1) A person shall not undertake a project subject
2 to this part except as authorized by a permit issued by the
3 department pursuant to part 13. An application for a permit shall
4 include any information that may be required by the department. If
5 a project includes activities at multiple locations, 1 application
6 may be filed for the combined activities.

7 (2) Except as provided in subsections (3) and (4), until
8 October 1, 2008, an application for a permit shall be accompanied

1 by a fee based on an administrative cost in accordance with the
2 following schedule:

3 (a) For a minor project listed in R 281.816 of the Michigan
4 administrative code, or a seasonal drawdown or the associated
5 reflooding, or both, of a dam or impoundment for the purpose of
6 weed control, a fee of \$50.00. However, for a permit for a seasonal
7 drawdown or associated reflooding, or both, of a dam or impoundment
8 for the purpose of weed control that is issued for the first time
9 after October 9, 1995, an initial fee of \$500.00 with subsequent
10 permits for the same purpose being assessed a \$50.00 fee.

11 (b) For authorization under a general permit, ~~for the removal~~
12 ~~of a qualifying small dam under section 30105(8),~~ a \$50.00 fee.

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

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

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

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

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

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

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

25 (e) For major projects other than a project described in
26 subdivision (c)(v), involving any of the following, a fee of
27 \$2,000.00:

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

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

3 (iii) Seawalls, bulkheads, or revetments of 500 feet or more.

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

6 (v) New dredging or upland boat basin excavation in areas of
7 suspected contamination.

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

10 (vii) New commercial docks or wharves of 300 feet or more in
11 length.

12 (viii) Stream enclosures 100 feet or more in length.

13 (ix) Stream relocations 500 feet or more in length.

14 (x) New golf courses.

15 (xi) Subdivisions.

16 (xii) Condominiums.

17 (f) For all other projects not listed in subdivisions (a)
18 through (e), a fee of \$500.00.

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

23 (a) Part 303.

24 (b) Part 323.

25 (c) Part 325.

26 (d) Section 3104.

27 (e) Section 117 of the land division act, 1967 PA 288, MCL

1 560.117.

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

7 Sec. 30105. (1) The department shall post on its website all
8 of the following under this part:

9 (a) A list of pending applications.

10 (b) Public notices.

11 (c) Public hearing schedules.

12 (2) The department may hold a public hearing on pending
13 applications.

14 (3) Except as otherwise provided in this section, upon
15 receiving an application, the department shall submit copies for
16 review to the director of the department of community health or the
17 local health department designated by the director of the
18 department of community health, to the city, village, or township
19 and the county where the project is to be located, to the local
20 conservation district, to the watershed council ~~organized~~
21 **ESTABLISHED** under part 311, if any, to the local port commission,
22 if any, and to the persons required to be included in the
23 application pursuant to section 30104(1). Each copy of the
24 application shall be accompanied by a statement that unless a
25 written request is filed with the department within 20 days after
26 the submission for review, the department may grant the application
27 without a public hearing where the project is located. The

1 department may hold a public hearing upon the written request of
2 the applicant or a riparian owner or a person or governmental unit
3 that is entitled to receive a copy of the application pursuant to
4 this subsection.

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

9 (5) At least 10 days' notice of a hearing to be held under
10 this section shall be given by publication in a newspaper
11 circulated in the county where the project is to be located, to the
12 person requesting the hearing, and to the persons and governmental
13 units that are entitled to receive a copy of the application
14 pursuant to subsection (3).

15 (6) In an emergency, the department may issue a conditional
16 permit before the expiration of the 20-day period referred to in
17 subsection (3).

18 (7) The department, by rule, ~~promulgated under section~~
19 ~~30110(1),~~ may establish minor project categories of activities and
20 projects that are similar in nature and have minimal adverse
21 environmental impact. The department may act upon an application
22 received pursuant to section 30104 for an activity or project
23 within a minor project category without providing notices or
24 holding a public hearing pursuant to subsection (3). A final
25 inspection or certification of a project completed under a permit
26 granted pursuant to this subsection is not required, but all other
27 provisions of this part are applicable to a minor project.

1 (8) The department, after notice and an opportunity for a
2 public hearing, may issue ~~a general permit~~ **PERMITS** on a
3 statewide basis or within a local unit of government for projects
4 that are similar in nature, ~~for the~~ **THAT WILL CAUSE ONLY MINIMAL**
5 **ADVERSE ENVIRONMENTAL IMPACTS WHEN PERFORMED SEPARATELY, AND THAT**
6 **WILL ONLY HAVE MINIMAL CUMULATIVE ADVERSE IMPACT ON THE**
7 **ENVIRONMENT. A GENERAL PERMIT ISSUED UNDER THIS SUBSECTION SHALL**
8 **NOT BE VALID FOR MORE THAN 5 YEARS. AMONG THE ACTIVITIES THE**
9 **DEPARTMENT MAY CONSIDER FOR GENERAL PERMIT ELIGIBILITY UNDER THIS**
10 **SUBSECTION ARE THE FOLLOWING:**

11 **(A) THE** removal of qualifying small dams. ~~that will cause~~
12 ~~only minimal adverse environmental effects when performed~~
13 ~~separately and that will only have minimal cumulative adverse~~
14 ~~effect on the environment. A general permit issued under this~~
15 ~~subsection shall not be valid for more than 5 years. The department~~
16 ~~may impose conditions on the removal of a small dam authorized~~
17 ~~under a general permit if the conditions are designed to remove an~~
18 ~~impairment to the lake or stream, to mitigate the impact of the~~
19 ~~project, or to otherwise restore or rehabilitate the lake or~~
20 ~~stream. The department may also establish a reasonable time when~~
21 ~~the proposed project is to be completed or terminated.~~

22 **(B) THE MAINTENANCE OR REPAIR OF AN EXISTING PIPELINE, IF THE**
23 **PIPELINE IS MAINTAINED OR REPAIRED IN A MANNER TO ASSURE THAT ANY**
24 **ADVERSE IMPACT ON THE LAKE OR STREAM WILL BE MINIMIZED.**

25 **(9) THE DEPARTMENT MAY ISSUE, DENY, OR IMPOSE CONDITIONS ON**
26 **PROJECT ACTIVITIES AUTHORIZED UNDER A MINOR PROJECT CATEGORY OR A**
27 **GENERAL PERMIT IF THE CONDITIONS ARE DESIGNED TO REMOVE AN**

1 IMPAIRMENT TO THE LAKE OR STREAM, TO MITIGATE THE IMPACT OF THE
2 PROJECT, OR TO OTHERWISE IMPROVE WATER QUALITY. THE DEPARTMENT MAY
3 ALSO ESTABLISH A REASONABLE TIME WHEN THE PROPOSED PROJECT IS TO BE
4 COMPLETED OR TERMINATED.

5 (10) IF THE DEPARTMENT DETERMINES THAT ACTIVITY IN A PROPOSED
6 PROJECT, ALTHOUGH WITHIN A MINOR PROJECT CATEGORY OR A GENERAL
7 PERMIT, IS LIKELY TO CAUSE MORE THAN MINIMAL ADVERSE ENVIRONMENTAL
8 IMPACTS, THE DEPARTMENT MAY REQUIRE THAT THE APPLICATION BE
9 PROCESSED ACCORDING TO SUBSECTION (3) AND REVIEWED FOR COMPLIANCE
10 WITH SECTION 30106.

11 (11) As used in this ~~subsection~~ SECTION, "qualifying small
12 dam" means a dam that meets all of the following conditions:

13 (a) The height of the dam is less than 2 feet.

14 (b) The impoundment from the dam covers less than 2 acres.

15 (c) The dam does not serve as the first dam upstream from the
16 Great Lakes or their connecting waterways.

17 (d) The dam is not serving as a sea lamprey barrier.

18 (e) There are no threatened or endangered species that have
19 been identified in the area that will be impacted by the project.

20 (f) There are no known areas of contaminated sediments in the
21 area that will be impacted by the project.

22 (g) The department has received written permission for the
23 removal of the dam from all riparian property owners adjacent to
24 the dam's impoundment.

25 Sec. 30107. (1) A permit is effective until revoked for cause
26 but not beyond its term and may be subject to renewal. A permit may
27 specify the term and conditions under which the work is to be

1 carried out. A permit may be revoked after a hearing for violation
2 of any of its provisions, any provision of this part, any rule
3 promulgated under this part, or any misrepresentation in
4 application.

5 (2) A GENERAL PERMIT MAY BE MODIFIED OR REVOKED IF, AFTER
6 OPPORTUNITY FOR A PUBLIC HEARING, THE DEPARTMENT DETERMINES THAT
7 THE ACTIVITIES AUTHORIZED BY THE GENERAL PERMIT HAVE MORE THAN A
8 MINIMAL ADVERSE IMPACT ON THE ENVIRONMENT ON AN INDIVIDUAL OR
9 CUMULATIVE BASIS, OR THE ACTIVITIES GENERALLY WOULD BE MORE
10 APPROPRIATELY PROCESSED ACCORDING TO SECTION 30105(3) AND REVIEWED
11 FOR COMPLIANCE WITH SECTION 30106.