

SUBSTITUTE FOR
HOUSE BILL NO. 5069

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32705 and 32706 (MCL 324.32705 and 324.32706),
section 32705 as amended by 2006 PA 35 and section 32706 as amended
by 1996 PA 434, and by adding sections 32706a, 32706b, 32706c,
32706d, and 32706e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32705. (1) Except as otherwise provided in this section,
2 the owner of real property who ~~has the~~ **INTENDS TO DEVELOP** capacity
3 on that property to make a **NEW OR INCREASED** large quantity
4 withdrawal from the waters of this state shall register **THE**
5 **WITHDRAWAL** with the department **AFTER USING THE ASSESSMENT TOOL, IF**
6 **REQUIRED UNDER THIS PART, AND** prior to beginning that withdrawal. **A**

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**REGISTRATION UNDER THIS SECTION MAY BE MADE USING THE ONLINE
REGISTRATION PROCESS.**

(2) The following persons are not required to register under this section:

(a) ~~A~~**SUBJECT TO SUBDIVISION (C),** A person who has previously registered for that property under this part, unless that registrant develops new or increased withdrawal capacity on the property of an additional 100,000 gallons of water per day from the waters of the state.

(b) A community supply ~~owned by a political subdivision that holds~~**REQUIRED TO OBTAIN** a permit under the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023.

(c) A person ~~holding~~**REQUIRED TO OBTAIN** a permit under section 32723.

(d) The owner of a noncommercial well **LOCATED on SINGLE-FAMILY residential property [NOT EXCEEDING 14 UNITS AND NOT MORE THAN 3 ACRES IN SIZE] UNLESS THAT WELL IS A LAKE AUGMENTATION WELL.**

(E) A PERSON REQUIRED TO OBTAIN A DETERMINATION FROM THE DEPARTMENT UNDER SECTION 17 OF THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1017.

~~— (3) The following persons shall register under this section but may register after beginning the withdrawal but before 90 days after the effective date of the amendatory act that added this section.~~

~~— (a) A person who was developing new or increased withdrawal capacity on the effective date of the amendatory act that added this section.~~

~~— (b) A person who was not required to register under this part~~

1 ~~prior to the effective date of the amendatory act that added this~~
2 ~~section.~~

3 (3) ~~(4)~~ Subsection (1) does not limit a property owner's
4 ability to withdraw water from a test well prior to registration if
5 the test well is constructed in association with the development of
6 new or increased withdrawal capacity and used only to evaluate the
7 development of new or increased withdrawal capacity.

8 (4) ~~(5)~~ A registration under this section by the owner of a
9 farm in which the withdrawal is intended for an agricultural
10 purpose, including irrigation for an agricultural purpose, ~~shall~~
11 **MAY** be submitted to the department of agriculture instead of the
12 department.

13 (5) ~~(6)~~ A registration submitted under this section **THAT IS**
14 **NOT SUBMITTED VIA THE ONLINE REGISTRATION PROCESS** shall be on a
15 form provided by the department or the department of agriculture,
16 as appropriate.

17 (6) ~~(7)~~ In calculating the total amount of an existing or
18 proposed withdrawal for the purpose of this section, a person shall
19 combine all separate withdrawals that the person makes or proposes
20 to make, whether or not these withdrawals are for a single purpose
21 or are for related but separate purposes.

22 (7) ~~(8)~~ The department shall aggregate information received by
23 the state related to large quantity withdrawal capacities within
24 the state and reported large quantity withdrawals in the state.

25 (8) **UNLESS A PROPERTY OWNER DEVELOPS THE CAPACITY TO MAKE THE**
26 **NEW OR INCREASED LARGE QUANTITY WITHDRAWAL WITHIN 18 MONTHS AFTER**
27 **THE PROPERTY OWNER REGISTERS UNDER SUBSECTION (1), THE REGISTRATION**

1 IS NO LONGER VALID.

2 Sec. 32706. (1) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE
3 OF THE AMENDATORY ACT THAT AMENDED THIS SECTION, THE DEPARTMENT
4 SHALL DEVELOP AND IMPLEMENT AN INTERNET-BASED ONLINE REGISTRATION
5 PROCESS THAT MAY BE USED FOR REGISTRATIONS UNDER SECTION 32705. THE
6 ONLINE REGISTRATION PROCESS SHALL BE DESIGNED TO WORK IN
7 CONJUNCTION WITH THE ASSESSMENT TOOL.

8 (2) Each registration under this part shall ~~consist of a~~
9 INCLUDE BOTH OF THE FOLLOWING:

10 (A) A statement and supporting documentation that includes all
11 of the following:

12 (i) ~~(a)~~ The place and source of the proposed ~~or existing~~
13 withdrawal.

14 (ii) ~~(b)~~ The location of any discharge or return flow
15 ASSOCIATED WITH THE PROPOSED WITHDRAWAL.

16 (iii) ~~(c)~~ The location and nature of the proposed ~~or existing~~
17 water user.

18 (iv) THE CAPACITY OF THE EQUIPMENT USED FOR MAKING THE PROPOSED
19 WITHDRAWAL.

20 (v) ~~(d)~~ The ~~actual or~~ estimated average annual and monthly
21 volumes and rate of **PROPOSED** withdrawal.

22 (vi) ~~(e)~~ The ~~actual or~~ estimated average annual and monthly
23 volumes and rates of consumptive use from the **PROPOSED** withdrawal.

24 (B) FOR A NEW OR INCREASED LARGE QUANTITY WITHDRAWAL FROM A
25 STREAM, SMALL RIVER, OR LARGE RIVER, OR GROUNDWATER, THE
26 DETERMINATION FROM THE USE OF THE ASSESSMENT TOOL UNDER SECTION
27 32706B OR THE DETERMINATION FROM A SITE-SPECIFIC REVIEW, AS

1 APPROPRIATE.

2 SEC. 32706A. (1) NOT LATER THAN 4 MONTHS AFTER THE EFFECTIVE
3 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT
4 SHALL DEVELOP AND MAKE AVAILABLE FOR TESTING AND EVALUATION AN
5 INTERNET-BASED WATER WITHDRAWAL ASSESSMENT TOOL BASED UPON THE
6 RECOMMENDATIONS OF THE FORMER GROUNDWATER CONSERVATION ADVISORY
7 COUNCIL AND THE REQUIREMENTS OF THIS PART. THE ASSESSMENT TOOL
8 SHALL CONTAIN A FLOW-BASED SAFETY FACTOR. BEGINNING 1 YEAR AFTER
9 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
10 THE DEPARTMENT SHALL IMPLEMENT THE ASSESSMENT TOOL.

11 (2) THE ASSESSMENT TOOL SHALL DETERMINE WHETHER A PROPOSED
12 WITHDRAWAL IS A ZONE A, ZONE B, ZONE C, OR ZONE D WITHDRAWAL AND
13 WHETHER A PROPOSED WITHDRAWAL IS LIKELY TO CAUSE AN ADVERSE
14 RESOURCE IMPACT BASED UPON WHETHER THE PROPOSED WITHDRAWAL IS FROM
15 A COLD RIVER SYSTEM, A COLD-TRANSITIONAL RIVER SYSTEM, A COOL RIVER
16 SYSTEM, OR A WARM RIVER SYSTEM. THE ASSESSMENT TOOL SHALL ALSO
17 DISTINGUISH THE IMPACT OF A PROPOSED WITHDRAWAL BASED UPON WHETHER
18 THE PROPOSED WITHDRAWAL IS FROM A STREAM, A SMALL RIVER, OR A LARGE
19 RIVER, SUBJECT TO THE FOLLOWING:

20 (A) COOL STREAMS AND WARM STREAMS WITH LESS THAN 3 SQUARE
21 MILES OF DRAINAGE AREA SHALL BE INTEGRATED INTO THE NEXT LARGEST
22 DRAINAGE AREA FOR PURPOSES OF ASSESSMENT TOOL DETERMINATIONS FOR
23 GROUNDWATER AND SURFACE WATER WITHDRAWALS.

24 (B) COOL STREAMS AND WARM STREAMS WITH LESS THAN 20 SQUARE
25 MILES OF DRAINAGE AREA AND LESS THAN 1 CUBIC FOOT PER SECOND OF
26 INDEX FLOW SHALL BE INTEGRATED INTO THE NEXT LARGEST DRAINAGE AREA
27 FOR PURPOSES OF ASSESSMENT TOOL DETERMINATIONS FOR GROUNDWATER AND

1 SURFACE WATER WITHDRAWALS.

2 (C) COOL STREAMS AND WARM STREAMS WITH A DRAINAGE AREA OF MORE
3 THAN 3 SQUARE MILES BUT LESS THAN 6 SQUARE MILES SHALL BE
4 INTEGRATED INTO THE NEXT LARGEST DRAINAGE AREA FOR PURPOSES OF
5 ASSESSMENT TOOL DETERMINATIONS FOR GROUNDWATER WITHDRAWALS.

6 (3) THE ASSESSMENT TOOL SHALL ALLOW THE USER TO ENTER INTO
7 FIELDS THE FOLLOWING DATA RELATED TO A PROPOSED WITHDRAWAL:

8 (A) THE CAPACITY OF THE EQUIPMENT USED FOR MAKING THE
9 WITHDRAWAL.

10 (B) THE LOCATION OF THE WITHDRAWAL.

11 (C) THE WITHDRAWAL SOURCE, WHETHER SURFACE WATER OR
12 GROUNDWATER.

13 (D) IF THE SOURCE OF THE WITHDRAWAL IS GROUNDWATER, WHETHER
14 THE SOURCE OF THE WITHDRAWAL IS A GLACIAL STRATUM OR BEDROCK.

15 (E) THE DEPTH OF THE WITHDRAWAL IF FROM GROUNDWATER.

16 (F) THE AMOUNT AND RATE OF WATER TO BE WITHDRAWN.

17 (G) WHETHER THE WITHDRAWAL WILL BE INTERMITTENT.

18 (4) THE ASSESSMENT TOOL SHALL CONTAIN A PRINT FUNCTION THAT
19 ALLOWS THE USER, UPON RECEIPT OF THE ASSESSMENT TOOL'S
20 DETERMINATION, TO PRINT THE DATA SUBMITTED AND THE DETERMINATION
21 RETURNED ALONG WITH A DATE AND TIME.

22 (5) THE ASSESSMENT TOOL SHALL WORK IN CONJUNCTION WITH THE
23 ONLINE REGISTRATION PROCESS AND SHALL ALSO ALLOW OPERATION
24 INDEPENDENT OF THE ONLINE REGISTRATION PROCESS.

25 (6) ON AN ONGOING BASIS, THE DEPARTMENT SHALL ADD VERIFIED
26 DATA TO THE ASSESSMENT TOOL'S DATABASE FROM REPORTS SUBMITTED UNDER
27 SECTIONS 32707, WATER USE CONSERVATION PLANS SUBMITTED UNDER

1 SECTION 32708, REPORTS SUBMITTED UNDER THE SAFE DRINKING WATER ACT,
2 1976 PA 399, MCL 325.1001 TO 325.1023, AND OTHER SOURCES OF DATA
3 REGARDING THE WATERS OF THE STATE. ADDITIONALLY, THE DEPARTMENT
4 SHALL MAKE TECHNICAL MODIFICATIONS TO THE ASSESSMENT TOOL RELATED
5 TO CONSIDERATIONS OF TEMPERATURE, HYDROLOGY, AND STREAM OR RIVER
6 FLOW BASED UPON A SCIENTIFIC METHODOLOGY ADOPTED BY ORDER OF THE
7 COMMISSION.

8 (7) THE DEPARTMENT IN CONSULTATION WITH THE WATER RESOURCES
9 CONSERVATION ADVISORY COUNCIL CREATED IN SECTION 32803 AND THE
10 APPROVAL OF THE COMMISSION SHALL DEVELOP A PROTOCOL FOR DOCUMENTING
11 THE DIFFERENCE BETWEEN THE BASELINE CAPACITY AND ACTUAL USE BY
12 LARGE QUANTITY WATER USERS THAT EXISTED AS OF FEBRUARY 28, 2006.
13 ONCE THE PROTOCOL HAS BEEN ESTABLISHED, THE DEPARTMENT SHALL TAKE
14 INTO CONSIDERATION THE DIFFERENCE WHEN MAKING SITE-SPECIFIC
15 DETERMINATIONS OR PERMIT DECISIONS UNDER THIS PART. THE DEPARTMENT
16 SHALL ADJUST THE ASSESSMENT TOOL TO TAKE INTO CONSIDERATION THE
17 DIFFERENCE IF IT DETERMINES IT IS NECESSARY TO PROTECT CURRENT
18 USERS OF WATER OR TO AVOID ADVERSE RESOURCE IMPACTS.

19 (8) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE STANDING
20 COMMITTEES OF THE LEGISLATURE WITH JURISDICTION PRIMARILY
21 PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT ON THE
22 IMPLEMENTATION OF THE ASSESSMENT TOOL.

23 SEC. 32706B. (1) UPON IMPLEMENTATION OF THE ASSESSMENT TOOL
24 UNDER SECTION 32706A, PRIOR TO REGISTERING A NEW OR INCREASED LARGE
25 QUANTITY WITHDRAWAL UNDER SECTION 32706 FOR A PROPOSED WITHDRAWAL
26 FROM A STREAM, SMALL RIVER, OR LARGE RIVER, OR FROM GROUNDWATER,
27 THE PROPERTY OWNER PROPOSING TO MAKE THE WITHDRAWAL SHALL UTILIZE

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1 THE ASSESSMENT TOOL BY ENTERING THE DATA RELATED TO THE PROPOSED

2 WITHDRAWAL INTO THE ASSESSMENT TOOL. [HOWEVER, A PERSON WHO INTENDS TO
MAKE A NEW OR INCREASED LARGE QUANTITY WITHDRAWAL FOR THE PURPOSE OF
DEWATERING A MINE THAT HAS A PERMIT UNDER PART 31 AND IS NOT REGULATED
UNDER PART 631, 632, OR 637 MAY CHOOSE TO SUBMIT A REQUEST FOR A SITE-
SPECIFIC REVIEW RATHER THAN UTILIZE THE ASSESSMENT TOOL.]

3 (2) UPON ENTRY OF THE RELEVANT DATA UNDER SUBSECTION (1), THE
4 ASSESSMENT TOOL SHALL INDICATE TO THE USER WHETHER OR NOT THE
5 PROPOSED WITHDRAWAL IS LIKELY TO CAUSE AN ADVERSE RESOURCE IMPACT
6 AND WHETHER THE PROPOSED WITHDRAWAL FALLS INTO THE CATEGORY OF ZONE
7 A, ZONE B, ZONE C, OR ZONE D.

8 (3) IF THE ASSESSMENT TOOL DESIGNATES A PROPOSED WITHDRAWAL AS
9 A ZONE A WITHDRAWAL, OR A ZONE B WITHDRAWAL IN A COOL RIVER SYSTEM
10 OR A WARM RIVER SYSTEM, THE PROPERTY OWNER MAY REGISTER THE
11 WITHDRAWAL AND PROCEED TO MAKE THE WITHDRAWAL.

12 (4) IF THE ASSESSMENT TOOL DESIGNATES A PROPOSED WITHDRAWAL AS
13 A ZONE B WITHDRAWAL IN A COLD-TRANSITIONAL RIVER SYSTEM, OR A ZONE
14 C OR ZONE D WITHDRAWAL, THE PROPERTY OWNER SHALL NOT REGISTER THE
15 WITHDRAWAL OR MAKE THE WITHDRAWAL EXCEPT IN ACCORDANCE WITH SECTION
16 32706C.

17 (5) AFTER A PROPERTY OWNER REGISTERS A WITHDRAWAL, IF, IN
18 DEVELOPING THE CAPACITY TO MAKE THE WITHDRAWAL, THE CONDITIONS OF
19 THE WITHDRAWAL DEVIATE FROM THE SPECIFIC DATA THAT WERE ENTERED
20 INTO THE ASSESSMENT TOOL, THE PROPERTY OWNER SHALL RERUN THE
21 ASSESSMENT TOOL AND SHALL ENTER THE CORRECTED DATA INTO THE
22 ASSESSMENT TOOL. THE PROPERTY OWNER SHALL NOTIFY THE DEPARTMENT OF
23 THE CORRECTED DATA AND THE CORRECTED RESULTS FROM THE ASSESSMENT
24 TOOL. IF THE CORRECTED DATA DO NOT CHANGE THE DETERMINATION OF THE
25 ASSESSMENT TOOL, THE PROPERTY OWNER MAY PROCEED WITH THE
26 WITHDRAWAL. IF THE CORRECTED DATA CHANGE THE DETERMINATION FROM THE
27 ASSESSMENT TOOL, THE PROPERTY OWNER SHALL PROCEED UNDER THE

1 PROVISIONS OF THIS PART RELATED TO THE CORRECTED ASSESSMENT TOOL
2 DETERMINATION.

3 SEC. 32706C. (1) IF THE ASSESSMENT TOOL DETERMINES THAT A
4 PROPOSED WITHDRAWAL IS A ZONE B WITHDRAWAL IN A COLD-TRANSITIONAL
5 RIVER SYSTEM, OR A ZONE C OR ZONE D WITHDRAWAL, THE PROPERTY OWNER
6 SHALL SUBMIT TO THE DEPARTMENT A REQUEST FOR A SITE-SPECIFIC
7 REVIEW. ADDITIONALLY, IF THE ASSESSMENT TOOL DETERMINES THAT A
8 PROPOSED WITHDRAWAL IS A ZONE A WITHDRAWAL, OR A ZONE B WITHDRAWAL
9 IN A COOL RIVER SYSTEM OR A WARM RIVER SYSTEM AND THE PROPERTY
10 OWNER WISHES TO HAVE A SITE-SPECIFIC REVIEW, THE PROPERTY OWNER MAY
11 SUBMIT TO THE DEPARTMENT A REQUEST FOR A SITE-SPECIFIC REVIEW. A
12 REQUEST FOR A SITE-SPECIFIC REVIEW SHALL BE SUBMITTED TO THE
13 DEPARTMENT IN A FORM REQUIRED BY THE DEPARTMENT AND SHALL INCLUDE
14 ALL OF THE FOLLOWING:

15 (A) THE INFORMATION DESCRIBED IN SECTION 32706A(3).

16 (B) THE INTENDED MAXIMUM MONTHLY AND ANNUAL VOLUMES AND RATES
17 OF THE PROPOSED WITHDRAWAL, IF DIFFERENT FROM THE CAPACITY OF THE
18 EQUIPMENT USED FOR MAKING THE PROPOSED WITHDRAWAL.

19 (C) IF THE AMOUNT AND RATE OF THE PROPOSED WITHDRAWAL WILL
20 HAVE SEASONAL FLUCTUATIONS, THE RELEVANT INFORMATION RELATED TO THE
21 SEASONAL USE OF THE PROPOSED WITHDRAWAL.

22 (D) A DESCRIPTION OF HOW THE WATER WILL BE USED AND THE
23 LOCATION, AMOUNT, AND RATE OF ANY RETURN FLOW.

24 (E) ANY OTHER INFORMATION THE PROPERTY OWNER WOULD LIKE THE
25 DEPARTMENT TO CONSIDER IN MAKING ITS DETERMINATION UNDER THIS
26 SECTION.

27 (2) UPON RECEIPT OF A REQUEST FOR A SITE-SPECIFIC REVIEW, THE

1 DEPARTMENT SHALL CONSIDER THE INFORMATION SUBMITTED TO THE
2 DEPARTMENT UNDER SUBSECTION (1) AND SHALL CONSIDER THE ACTUAL
3 STREAM OR RIVER FLOW DATA OF ANY AFFECTED STREAM REACH. THE
4 DEPARTMENT SHALL ALSO APPLY THE DRAINAGE AREA AGGREGATION STANDARDS
5 PROVIDED IN SECTION 32706A(2)(A) AND (B), IF APPLICABLE. THE
6 DEPARTMENT SHALL NOT RELY ON THE ASSESSMENT TOOL'S DETERMINATION IN
7 MAKING ITS DETERMINATION UNDER A SITE-SPECIFIC REVIEW.

8 (3) THE DEPARTMENT SHALL COMPLETE ITS SITE-SPECIFIC REVIEW
9 WITHIN 10 WORKING DAYS OF SUBMITTAL OF A REQUEST FOR A SITE-
10 SPECIFIC REVIEW. IF THE DEPARTMENT DETERMINES, BASED UPON A SITE-
11 SPECIFIC REVIEW, THAT THE PROPOSED WITHDRAWAL IS A ZONE A OR A ZONE
12 B WITHDRAWAL, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTIFICATION TO
13 THE PROPERTY OWNER AND THE PROPERTY OWNER MAY REGISTER THE
14 WITHDRAWAL AND MAY PROCEED WITH THE WITHDRAWAL.

15 (4) SUBJECT TO SUBSECTION (5), IF THE DEPARTMENT DETERMINES IN
16 CONDUCTING A SITE-SPECIFIC REVIEW THAT THE PROPOSED WITHDRAWAL IS A
17 ZONE C WITHDRAWAL, THE PROPERTY OWNER MAY REGISTER THE WITHDRAWAL
18 AND PROCEED TO MAKE THE WITHDRAWAL IF THE PROPERTY OWNER SELF-
19 CERTIFIES THAT HE OR SHE IS IMPLEMENTING APPLICABLE ENVIRONMENTALLY
20 SOUND AND ECONOMICALLY FEASIBLE WATER CONSERVATION MEASURES
21 PREPARED UNDER SECTION 32708A OR HAS SELF-CERTIFIED THAT HE OR SHE
22 IS IMPLEMENTING APPLICABLE ENVIRONMENTALLY SOUND AND ECONOMICALLY
23 FEASIBLE WATER CONSERVATION MEASURES DEVELOPED FOR THE WATER USE
24 ASSOCIATED WITH THAT SPECIFIC WITHDRAWAL.

25 (5) IF A SITE-SPECIFIC REVIEW DETERMINES THAT THE WITHDRAWAL
26 IS A ZONE C WITHDRAWAL IN WHICH EITHER OF THE FOLLOWING CONDITIONS
27 EXISTS, THE PERSON PROPOSING THE WITHDRAWAL SHALL NOT REGISTER THE

1 WITHDRAWAL AND SHALL NOT PROCEED WITH MAKING THE WITHDRAWAL UNLESS
2 THE PERSON OBTAINS A WATER WITHDRAWAL PERMIT UNDER SECTION 32723:

3 (A) THE PROPOSED WITHDRAWAL WOULD REDUCE THE FLOW OF A COLD
4 SMALL RIVER BY 14% OR MORE OF ITS INDEX FLOW.

5 (B) THE PROPOSED WITHDRAWAL WOULD REDUCE THE FLOW OF A COOL
6 RIVER SYSTEM OR A WARM RIVER SYSTEM BY 20% OR MORE OF ITS INDEX
7 FLOW.

8 (6) IF THE DEPARTMENT DETERMINES, BASED UPON A SITE-SPECIFIC
9 REVIEW, THAT THE PROPOSED WITHDRAWAL IS A ZONE D WITHDRAWAL, THE
10 PROPERTY OWNER SHALL NOT REGISTER THE WITHDRAWAL AND SHALL NOT MAKE
11 THE WITHDRAWAL UNLESS HE OR SHE APPLIES FOR A WATER WITHDRAWAL
12 PERMIT UNDER SECTION 32723 AND THE WITHDRAWAL IS AUTHORIZED UNDER
13 THAT SECTION.

14 (7) AFTER A PROPERTY OWNER REGISTERS A WITHDRAWAL FOLLOWING A
15 SITE-SPECIFIC REVIEW, IF, IN DEVELOPING THE CAPACITY TO MAKE THE
16 WITHDRAWAL, THE CONDITIONS OF THE WITHDRAWAL DEVIATE FROM THE
17 SPECIFIC DATA THAT WERE EVALUATED IN THE SITE-SPECIFIC REVIEW, THE
18 PROPERTY OWNER SHALL NOTIFY THE DEPARTMENT OF THE CORRECTED DATA
19 AND THE DEPARTMENT SHALL CONFIRM ITS DETERMINATION UNDER THE SITE-
20 SPECIFIC REVIEW. IF THE CORRECTED DATA DO NOT CHANGE THE
21 DETERMINATION UNDER THE SITE-SPECIFIC REVIEW, THE PROPERTY OWNER
22 MAY PROCEED WITH THE WITHDRAWAL. IF THE CORRECTED DATA CHANGE THE
23 DETERMINATION UNDER THE SITE-SPECIFIC REVIEW, THE PROPERTY OWNER
24 SHALL PROCEED UNDER THE PROVISIONS OF THIS PART RELATED TO THE
25 CORRECTED DETERMINATION.

26 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, PRIOR
27 TO THE IMPLEMENTATION DATE OF THE ASSESSMENT TOOL UNDER SECTION

1 32706A, A PROPERTY OWNER PROPOSING TO DEVELOP CAPACITY ON HIS OR
2 HER PROPERTY TO MAKE A NEW OR INCREASED LARGE QUANTITY WITHDRAWAL
3 MAY SUBMIT TO THE DEPARTMENT A REQUEST FOR AN INTERIM SITE-SPECIFIC
4 REVIEW UNDER THIS SUBSECTION TO DETERMINE WHETHER OR NOT THE
5 PROPOSED WITHDRAWAL IS LIKELY TO CAUSE AN ADVERSE RESOURCE IMPACT.
6 HOWEVER, A PROPERTY OWNER PROPOSING TO DEVELOP CAPACITY ON HIS OR
7 HER PROPERTY TO MAKE A NEW OR INCREASED LARGE QUANTITY WITHDRAWAL
8 OF 1,000,000 GALLONS PER DAY OR MORE IS REQUIRED TO OBTAIN AN
9 INTERIM SITE-SPECIFIC REVIEW UNDER THIS SUBSECTION. THE DEPARTMENT,
10 UPON REQUEST, SHALL CONDUCT AN INTERIM SITE-SPECIFIC REVIEW UNDER
11 THIS SUBSECTION WITHIN A REASONABLE TIME PERIOD NOT TO EXCEED 30
12 DAYS BASED UPON AN EVALUATION OF REASONABLY AVAILABLE INFORMATION.
13 FOR PURPOSES OF THIS PART, A DETERMINATION UNDER AN INTERIM SITE-
14 SPECIFIC REVIEW UNDER THIS SUBSECTION SHALL BE AFFORDED THE SAME
15 STATUS AS A SITE-SPECIFIC REVIEW OTHERWISE CONDUCTED UNDER THIS
16 SECTION.

17 SEC. 32706D. (1) THE DEPARTMENT SHALL DEVELOP A PROTOCOL FOR
18 THE COLLECTION OF STREAM OR RIVER FLOW MEASUREMENTS BY PERSONS
19 OTHER THAN THE DEPARTMENT FOR USE BY THE DEPARTMENT IN THE
20 ADMINISTRATION OF THIS PART. THE PROTOCOL SHALL ENSURE THAT STREAM
21 OR RIVER FLOW MEASUREMENTS COLLECTED FOR THIS PURPOSE MEET THE SAME
22 DATA QUALITY STANDARDS AS STREAM OR RIVER FLOW MEASUREMENTS
23 COLLECTED BY THE UNITED STATES GEOLOGICAL SURVEY. THE DEPARTMENT
24 SHALL CONSULT WITH THE UNITED STATES GEOLOGICAL SURVEY AND OTHER
25 RECOGNIZED SCIENTIFIC EXPERTS IN DEVELOPING THIS PROTOCOL,
26 INCLUDING AN APPROPRIATE LENGTH OF RECORD.

27 (2) THE DEPARTMENT MAY USE STREAM OR RIVER FLOW DATA COLLECTED

1 USING THE PROTOCOL DEVELOPED UNDER SUBSECTION (1) IN CONDUCTING
2 SITE-SPECIFIC REVIEWS, IN MAKING WATER WITHDRAWAL PERMIT DECISIONS
3 UNDER SECTION 32723, IN ISSUING PERMITS UNDER THE SAFE DRINKING
4 WATER ACT, 1976 PA 399, MCL 325.1001 TO 325.1023, IN UPDATING THE
5 WATER WITHDRAWAL ASSESSMENT TOOL AS APPROPRIATE, OR IN OTHER
6 ACTIONS REQUIRING AN EVALUATION OF STREAM OR RIVER FLOW.

7 (3) THE DEPARTMENT MAY ESTABLISH A PROGRAM TO TRAIN AND
8 CERTIFY INDIVIDUALS IN THE COLLECTION OF STREAM OR RIVER FLOW
9 MEASUREMENTS. THE DEPARTMENT SHALL CHARGE A FEE SUFFICIENT TO
10 REIMBURSE THE DEPARTMENT FOR THE COST OF A PROGRAM DEVELOPED UNDER
11 THIS SUBSECTION. THE DEPARTMENT MAY ENTER INTO A COOPERATIVE
12 AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY TO PROVIDE
13 TRAINING AND CERTIFICATION UNDER THIS SECTION.

14 SEC. 32706E. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
15 PART, THE DEPARTMENT SHALL NOT AUTHORIZE, THROUGH USE OF THE
16 ASSESSMENT TOOL, A SITE-SPECIFIC REVIEW, OR A PERMIT, A WITHDRAWAL
17 THAT USES ADDITIONAL STREAM OR RIVER FLOW MADE AVAILABLE BY
18 RESTORATIVE MEASURES UNLESS THE RESTORATIVE MEASURES ARE CONDUCTED
19 IN CONJUNCTION WITH A WITHDRAWAL AND ARE SPECIFICALLY AUTHORIZED IN
20 A PERMIT.

21 (2) IF A PERSON CONDUCTS RESTORATIVE MEASURES THAT ARE NOT
22 RELATED TO A LARGE QUANTITY WITHDRAWAL, THE PERSON SHALL PROVIDE
23 DETAILED INFORMATION TO THE DEPARTMENT DOCUMENTING THE RESTORATIVE
24 MEASURES AND DOCUMENTING THE INCREASED STREAM OR RIVER FLOW OR
25 TEMPERATURE IMPROVEMENTS ACHIEVED THROUGH THE RESTORATIVE MEASURES.

26 (3) AS USED IN THIS SECTION, "PERMIT" MEANS A PERMIT UNDER
27 SECTION 32723 OR THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL

1 325.1001 TO 325.1023.

2 Enacting section 1. This amendatory act does not take effect
3 unless all of the following bills of the 94th Legislature are
4 enacted into law:

5 (a) House Bill No. 4343.

6 (b) House Bill No. 5065.

7 (c) House Bill No. 5066.

8 (d) House Bill No. 5067.

9 (e) House Bill No. 5068.

10 (f) House Bill No. 5070.

11 (g) House Bill No. 5071.

12 (h) House Bill No. 5072.

13 (i) House Bill No. 5073.