

HOUSE BILL No. 6091

May 8, 2008, Introduced by Rep. Bennett and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3104, 3306, 30104, 30109, 32312, and 32513
(MCL 324.3104, 324.3306, 324.30104, 324.30109, 324.32312, and
324.32513), section 3104 as amended by 2005 PA 33, section 3306 as
added by 2004 PA 246, section 30104 as amended by 2006 PA 531,
sections 30109 and 32513 as amended by 2003 PA 163, and section
32312 as amended by 2004 PA 325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3104. (1) The department is designated the state agency
2 to cooperate and negotiate with other governments, governmental
3 units, and governmental agencies in matters concerning the water
4 resources of the state, including, but not limited to, flood

1 control, beach erosion control, water quality control planning,
2 development, and management, and the control of aquatic nuisance
3 species. The department shall have control over the alterations of
4 natural or present watercourses of all rivers and streams in the
5 state to assure that the channels and the portions of the
6 floodplains that are the floodways are not inhabited and are kept
7 free and clear of interference or obstruction that will cause any
8 undue restriction of the capacity of the floodway. The department
9 may take steps as may be necessary to take advantage of any act of
10 congress that may be of assistance in carrying out the purposes of
11 this part, including the water resources planning act, 42 USC 1962
12 to 1962d-3, and the federal water pollution control act, 33 USC
13 1251 to 1387.

14 (2) ~~In order to~~ TO address discharges of aquatic nuisance
15 species from oceangoing vessels that damage water quality, aquatic
16 habitat, or fish or wildlife, the department shall facilitate the
17 formation of a Great Lakes aquatic nuisance species coalition. The
18 Great Lakes aquatic nuisance species coalition shall be formed
19 through an agreement entered into with other states in the Great
20 Lakes basin to implement on a basin-wide basis water pollution laws
21 that prohibit the discharge of aquatic nuisance species into the
22 Great Lakes from oceangoing vessels. The department shall seek to
23 enter into an agreement that will become effective not later than
24 January 1, 2007. The department shall consult with the department
25 of natural resources prior to entering into this agreement. Upon
26 entering into the agreement, the department shall notify the
27 Canadian Great Lakes provinces of the terms of the agreement. The

1 department shall seek funding from the Great Lakes protection fund
2 authorized under part 331 to implement the Great Lakes aquatic
3 nuisance species coalition.

4 (3) The department shall report to the governor and to the
5 legislature at least annually on any plans or projects being
6 implemented or considered for implementation. The report shall
7 include requests for any legislation needed to implement any
8 proposed projects or agreements made necessary as a result of a
9 plan or project, together with any requests for appropriations. The
10 department may make recommendations to the governor on the
11 designation of areawide water quality planning regions and
12 organizations relative to the governor's responsibilities under the
13 federal water pollution control act, 33 USC 1251 to 1387.

14 (4) A person shall not alter a floodplain except as authorized
15 by a floodplain permit issued by the department pursuant to part
16 13. An application for a permit shall include information that may
17 be required by the department to assess the proposed alteration's
18 impact on the floodplain. If an alteration includes activities at
19 multiple locations in a floodplain, 1 application may be filed for
20 combined activities.

21 (5) Except as provided in subsections (6), (7), and (9), until
22 October 1, ~~2008~~2011, an application for a floodplain permit shall
23 be accompanied by a fee of \$500.00. Until October 1, 2008, if the
24 department determines that engineering computations are required to
25 assess the impact of a proposed floodplain alteration on flood
26 stage or discharge characteristics, the department shall assess the
27 applicant an additional \$1,500.00 to cover the department's cost of

1 review.

2 (6) Until October 1, ~~2008~~**2011**, an application for a
3 floodplain permit for a minor project category shall be accompanied
4 by a fee of \$100.00. Minor project categories shall be established
5 by rule and shall include activities and projects that are similar
6 in nature and have minimal potential for causing harmful
7 interference.

8 (7) If work has been done in violation of a permit requirement
9 under this part and restoration is not ordered by the department,
10 the department may accept an application for a permit for that work
11 if the application is accompanied by a fee equal to 2 times the
12 permit fee required under subsection (5) or (6).

13 (8) The department shall forward fees collected under this
14 section to the state treasurer for deposit in the land and water
15 management permit fee fund created in section 30113.

16 (9) A project that requires review and approval under this
17 part and 1 or more of the following is subject to only the single
18 highest permit fee required under this part or the following:

19 (a) Part 301.

20 (b) Part 303.

21 (c) Part 323.

22 (d) Part 325.

23 (e) Section 117 of the land division act, 1967 PA 288, MCL
24 560.117.

25 Sec. 3306. (1) Until October 1, ~~2008~~**2011**, an application for
26 a certificate of coverage under this part shall be accompanied by a
27 fee of \$75.00. Until October 1, ~~2008~~**2011**, subject to subsection

(2), an application for an individual permit under this part shall be accompanied by the following fee, based on the size of the area of impact:

(a) Less than 1/2 acre, \$75.00.

(b) One-half acre or more but less than 5 acres, \$200.00.

(c) Five acres or more but less than 20 acres, \$400.00.

(d) Twenty acres or more but less than 100 acres, \$800.00.

(e) One hundred acres or more, \$1,500.00.

(2) The department shall forward fees collected under this section to the state treasurer for deposit in the land and water management permit fee fund created in section 30113.

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

(2) Except as provided in subsections (3) and (4), until October 1, ~~2008~~2011, an application for a permit shall be accompanied by a fee based on an administrative cost in accordance with the following schedule:

(a) For a minor project listed in R 281.816 of the Michigan administrative code, or a seasonal drawdown or the associated reflooding, or both, of a dam or impoundment for the purpose of weed control, a fee of \$50.00. However, for a permit for a seasonal drawdown or associated reflooding, or both, of a dam or impoundment for the purpose of weed control that is issued for the first time

1 after October 9, 1995, an initial fee of \$500.00 with subsequent
2 permits for the same purpose being assessed a \$50.00 fee.

3 (b) For authorization under a general permit, a \$50.00 fee.

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

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

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

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

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

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

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

16 (e) For major projects other than a project described in
17 subdivision (c)(v), involving any of the following, a fee of
18 \$2,000.00:

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

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

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

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

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

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

1 (vii) New commercial docks or wharves of 300 feet or more in
2 length.

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

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

5 (x) New golf courses.

6 (xi) Subdivisions.

7 (xii) Condominiums.

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

10 (3) A project that requires review and approval under this
11 part and 1 or more of the following acts or parts of acts is
12 subject to only the single highest permit fee required under this
13 part or the following acts or parts of acts:

14 (a) Part 303.

15 (b) Part 323.

16 (c) Part 325.

17 (d) Section 3104.

18 (e) Section 117 of the land division act, 1967 PA 288, MCL
19 560.117.

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

25 Sec. 30109. Upon the written request of a riparian owner and
26 upon payment of a service fee, the department may enter into a
27 written agreement with a riparian owner establishing the location

1 of the ordinary high-water mark for his or her property. In the
2 absence of substantially changed conditions, the agreement shall be
3 conclusive proof of the location in all matters between the state
4 and the riparian owner and his or her successors in interest. Until
5 October 1, ~~2008~~2011, the service fee provided for in this section
6 shall be \$500.00. The department shall forward all service fees
7 **COLLECTED UNDER THIS SECTION** to the state treasurer for deposit
8 into the fund.

9 Sec. 32312. (1) The department, in order to regulate the uses
10 and development of high-risk areas, flood risk areas, and
11 environmental areas and to implement the purposes of this part,
12 shall promulgate rules. If permits are required under rules
13 promulgated under this part, the permits shall be issued pursuant
14 to the rules and part 13. Except as provided under subsection (2),
15 until October 1, ~~2008~~2011, if permits are required pursuant to
16 rules promulgated under this part, an application for a permit
17 shall be accompanied by a fee as follows:

18 (a) For a commercial or multi-family residential project,
19 \$500.00.

20 (b) For a single-family home construction, \$100.00.

21 (c) For an addition to an existing single-family home or for a
22 project that has a minor impact on fish and wildlife resources in
23 environmental areas as determined by the department, \$50.00.

24 (2) A project that requires review and approval under this
25 part and under 1 or more of the following is subject to only the
26 single highest permit fee required under this part or the
27 following:

1 (a) Part 301.

2 (b) Part 303.

3 (c) Part 325.

4 (d) Section 3104.

5 (e) Section 117 of the land division act, 1967 PA 288, MCL
6 560.117.

7 (3) The department shall forward fees collected under this
8 section to the state treasurer for deposit in the land and water
9 management permit fee fund created in section 30113.

10 (4) A circuit court, upon petition and a showing by the
11 department that ~~a violation of a rule promulgated under subsection~~
12 (1) ~~exists~~ **HAS BEEN VIOLATED**, shall issue any necessary order to
13 the defendant to correct the violation or to restrain the defendant
14 from further violation of the rule.

15 Sec. 32513. (1) Before any work or connection specified in
16 section 32512 or 32512a is undertaken, a person shall file an
17 application with the department of environmental quality setting
18 forth the following:

19 (a) The name and address of the applicant.

20 (b) The legal description of the lands included in the
21 project.

22 (c) A summary statement of the purpose of the project.

23 (d) A map or diagram showing the proposal on an adequate scale
24 with contours and cross-section profiles of the waterway to be
25 constructed.

26 (e) Other information required by the department of
27 environmental quality.

1 (2) Except as provided in subsections (3) and (4), until
2 October 1, ~~2008~~2011, an application for a permit under this
3 section shall be accompanied by a fee according to the following
4 schedule:

5 (a) For a project in a category of activities for which a
6 general permit is issued under section 32512a, a fee of \$100.00.

7 (b) For activities included in the minor project category as
8 described in rules promulgated under this part and for a permit for
9 the removal of vegetation in an area that is not more than 100 feet
10 wide or the width of the property, whichever is less, or the mowing
11 of vegetation in excess of what is allowed in section
12 32512(2)(a)(ii), in the area between the ordinary high-water mark
13 and the water's edge, a fee of \$50.00.

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

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

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

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

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

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

25 (d) 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 revetment of 500 feet or more.

4 (iv) Filling or draining of 1 acre or more of coastal wetland.

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

7 (vi) New breakwater or channel jetty.

8 (vii) Shore protection, such as groins and underwater
9 stabilizers, that extend 150 feet or more on Great Lakes
10 bottomlands.

11 (viii) New commercial dock or wharf of 300 feet or more in
12 length.

13 (e) For all other projects not listed in subdivisions (a)
14 through (d), \$500.00.

15 (3) A project that requires review and approval under this
16 part and 1 or more of the following is subject to only the single
17 highest permit fee required under this part or the following:

18 (a) Part 301.

19 (b) Part 303.

20 (c) Part 323.

21 (d) Section 3104.

22 (e) Section 117 of the land division act, 1967 PA 288, MCL
23 560.117.

24 (4) If work has been done in violation of a permit requirement
25 under this part and restoration is not ordered by the department of
26 environmental quality, the department of environmental quality may
27 accept an application for a permit if the application is

1 accompanied by a fee equal to 2 times the permit fee required under
2 this section.

3 (5) The department of environmental quality shall forward all
4 fees collected under this section to the state treasurer for
5 deposit into the land and water management permit fee fund created
6 in section 30113.