

HOUSE BILL No. 5718

June 1, 2012, Introduced by Rep. Huuki and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 30301, 30305, 30306, 30312, 32501, 32503,
32512, 32512a, and 32513 (MCL 324.30301, 324.30305, 324.30306,
324.30312, 324.32501, 324.32503, 324.32512, 324.32512a, and
324.32513), sections 30301, 30306, 30312, and 32512a as amended by
2009 PA 120, sections 30305, 32501, and 32512 as amended by 2003 PA
14, section 32503 as amended by 2004 PA 325, and section 32513 as
amended by 2011 PA 90; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30301. (1) As used in this part:

2 ~~— (a) "Beach" means the area landward of the shoreline of the~~
3 ~~Great Lakes as the term shoreline is defined in section 32301.~~

4 ~~— (b) "Beach maintenance activities" means any of the following~~

~~in the area of Great Lakes bottomlands lying below the ordinary high water mark and above the water's edge.~~

~~—— (i) Manual or mechanized leveling of sand.~~

~~—— (ii) Mowing of vegetation.~~

~~—— (iii) Manual de minimis removal of vegetation.~~

~~—— (iv) Grooming of soil.~~

~~—— (v) Construction and maintenance of a path.~~

~~—— (c) "Council" means the wetland advisory council created in section 30329.~~

~~—— (d) "Debris" means animal or fish carcasses, zebra mussel shells, dead vegetation, trash, and discarded materials of human-made origin.~~

(A) ~~(e)~~ "Department" means the department of environmental quality.

(B) ~~(f)~~ "Director" means the director of the department.

~~—— (g) "Environmental area" means an environmental area as defined in section 32301.~~

(C) ~~(h)~~ "Exceptional wetland" means wetland that provides physical or biological functions essential to the natural resources of the state and that may be lost or degraded if not preserved through an approved site protection and management plan for the purposes of providing compensatory wetland mitigation.

(D) ~~(i)~~ "Fill material" means soil, rocks, sand, waste of any kind, or any other material that displaces soil or water or reduces water retention potential.

~~—— (j) "Grooming of soil" means raking or dragging, pushing, or pulling metal teeth through the top 4 inches of soil without~~

~~disturbance of or destruction to plant roots, for the purpose of removing debris.~~

(E) ~~(k)~~—"Landscape level wetland assessment" means the use of aerial photographs, maps, and other remotely sensed information to predict and evaluate wetland characteristics and functions in the context of all of the following:

(i) The wetland's landscape position and hydrologic characteristics.

(ii) The surrounding landscape.

(iii) The historic extent and condition of the wetland.

~~(l) "Leveling of sand" means the relocation of sand within areas being leveled that are predominantly free of vegetation, including the redistribution, grading, and spreading of sand that has been deposited through wind or wave action onto upland riparian property.~~

(F) ~~(m)~~—"Minor drainage" includes ditching and tiling for the removal of excess soil moisture incidental to the planting, cultivating, protecting, or harvesting of crops or improving the productivity of land in established use for agriculture, horticulture, silviculture, or lumbering.

~~(n) "Mowing of vegetation" means the cutting of vegetation to a height of not less than 2 inches, without disturbance of soil or plant roots.~~

(G) ~~(o)~~—"Nationwide permit" means a nationwide permit issued by the United States army corps of engineers under 72 FR 11091 to 11198 (March 12, 2007), including all general conditions, regional conditions, and conditions imposed by this state pursuant to a

1 water quality certification under section 401 of title IV of the
 2 federal water pollution control act, 33 USC 1341, or a coastal zone
 3 management consistency determination under section 307 of the
 4 coastal zone management act of 1972, 16 USC 1456.

5 (H) ~~(p)~~ "Ordinary high-water mark" means the ordinary high-
 6 water mark as specified in section 32502.

7 ~~(q) "Path" means a temporary access walkway from upland~~
 8 ~~riparian property directly to the shoreline across swales with~~
 9 ~~standing water, not exceeding 6 feet in bottom width and consisting~~
 10 ~~of sand and pebbles obtained from exposed, nonvegetated bottomlands~~
 11 ~~or from the upland riparian property.~~

12 (I) ~~(r)~~ "Person" means an individual, sole proprietorship,
 13 partnership, corporation, association, municipality, this state, an
 14 instrumentality or agency of this state, the federal government, an
 15 instrumentality or agency of the federal government, or other legal
 16 entity.

17 (J) ~~(s)~~ "Rapid wetland assessment" means a method for
 18 generally assessing the functions, values, and condition of
 19 individual wetlands based on existing data and field indicators.

20 (K) ~~(t)~~ "Rare and imperiled wetland" means any of the
 21 following:

22 (i) Great Lakes marsh.

23 (ii) Southern wet meadow.

24 (iii) Inland salt marsh.

25 (iv) Intermittent wetland or boggy seepage wetland.

26 (v) Coastal plain marsh.

27 (vi) Interdunal wetland.

- 1 (vii) Lakeplain wet prairie.
- 2 (viii) Lakeplain wet-mesic prairie.
- 3 (ix) Northern wet-mesic prairie.
- 4 (x) Wet-mesic prairie.
- 5 (xi) Wet prairie.
- 6 (xii) Prairie fen.
- 7 (xiii) Northern fen.
- 8 (xiv) Patterned fen.
- 9 (xv) Poor fen.
- 10 (xvi) Muskeg.
- 11 (xvii) Rich conifer swamp.
- 12 (xviii) Relict conifer swamp.
- 13 (xix) Hardwood-conifer swamp.
- 14 (xx) Northern swamp.
- 15 (xxi) Southern swamp.
- 16 (xxii) Southern floodplain forest.
- 17 (xxiii) Inundated shrub swamp.
- 18 ~~—— (u) "Removal of vegetation" means the manual or mechanized~~
- 19 ~~removal of vegetation, other than the manual de minimis removal of~~
- 20 ~~vegetation.~~
- 21 (I) ~~(v)~~ "Water dependent" means requiring access or proximity
- 22 to or siting within an aquatic site to fulfill its basic purpose.
- 23 (M) ~~(w)~~ "Wetland" means land characterized by the presence of
- 24 water at a frequency and duration sufficient to support, and that
- 25 under normal circumstances does support, wetland vegetation or
- 26 aquatic life, and is commonly referred to as a bog, swamp, or
- 27 marsh, and which is any of the following:

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

3 (ii) Not contiguous to the Great Lakes, an inland lake or pond,
4 or a river or stream; and more than 5 acres in size.

5 (iii) Not contiguous to the Great Lakes, an inland lake or pond,
6 or a river or stream; and 5 acres or less in size if the department
7 determines that protection of the area is essential to the
8 preservation of the natural resources of the state from pollution,
9 impairment, or destruction and the department has so notified the
10 owner.

11 (2) The department and local units of government shall apply
12 the technical wetland delineation standards set forth in the United
13 States army corps of engineers January 1987 wetland delineation
14 manual, technical report Y-87-1, and appropriate regional United
15 States army corps of engineers supplements, in identifying wetland
16 boundaries under this part, including, but not limited to, section
17 30307.

18 Sec. 30305. (1) Activities that require a permit under part
19 325 or part 301 or a discharge that is authorized by a discharge
20 permit under section 3112 or 3113 do not require a permit under
21 this part.

22 (2) The following uses are allowed in a wetland without a
23 permit subject to other laws of this state and the owner's
24 regulation:

25 (a) Fishing, trapping, or hunting.

26 (b) Swimming or boating.

27 (c) Hiking.

1 (d) Grazing of animals.

2 (e) Farming, horticulture, silviculture, lumbering, and
3 ranching activities, including plowing, irrigation, irrigation
4 ditching, seeding, cultivating, minor drainage, harvesting for the
5 production of food, fiber, and forest products, or upland soil and
6 water conservation practices. Wetland altered under this
7 subdivision shall not be used for a purpose other than a purpose
8 described in this subsection without a permit from the department.

9 (f) Maintenance or operation of serviceable structures in
10 existence on October 1, 1980 or constructed pursuant to this part
11 or former 1979 PA 203.

12 (g) Construction or maintenance of farm or stock ponds.

13 (h) Maintenance, operation, or improvement which includes
14 straightening, widening, or deepening of the following which is
15 necessary for the production or harvesting of agricultural
16 products:

17 (i) An existing private agricultural drain.

18 (ii) That portion of a drain legally established pursuant to
19 the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, which has
20 been constructed or improved for drainage purposes.

21 (iii) A drain constructed pursuant to other provisions of this
22 part or former 1979 PA 203.

23 (i) Construction or maintenance of farm roads, forest roads,
24 or temporary roads for moving mining or forestry equipment, if the
25 roads are constructed and maintained in a manner to assure that any
26 adverse effect on the wetland will be otherwise minimized.

27 (j) Drainage necessary for the production and harvesting of

1 agricultural products if the wetland is owned by a person who is
2 engaged in commercial farming and the land is to be used for the
3 production and harvesting of agricultural products. Except as
4 otherwise provided in this part, wetland improved under this
5 subdivision after October 1, 1980 shall not be used for nonfarming
6 purposes without a permit from the department. This subdivision
7 does not apply to a wetland that is contiguous to a lake or stream,
8 or to a tributary of a lake or stream, or to a wetland that the
9 department has determined by clear and convincing evidence to be a
10 wetland that is necessary to be preserved for the public interest,
11 in which case a permit is required.

12 (k) Maintenance or improvement of public streets, highways, or
13 roads, within the right-of-way and in such a manner as to assure
14 that any adverse effect on the wetland will be otherwise minimized.
15 Maintenance or improvement does not include adding extra lanes,
16 increasing the right-of-way, or deviating from the existing
17 location of the street, highway, or road.

18 (l) Maintenance, repair, or operation of gas or oil pipelines
19 and construction of gas or oil pipelines having a diameter of 6
20 inches or less, if the pipelines are constructed, maintained, or
21 repaired in a manner to assure that any adverse effect on the
22 wetland will be otherwise minimized.

23 (m) Maintenance, repair, or operation of electric transmission
24 and distribution power lines and construction of distribution power
25 lines, if the distribution power lines are constructed, maintained,
26 or repaired in a manner to assure that any adverse effect on the
27 wetland will be otherwise minimized.

1 (n) Operation or maintenance, including reconstruction of
2 recently damaged parts, of serviceable dikes and levees in
3 existence on October 1, 1980 or constructed pursuant to this part
4 or former 1979 PA 203.

5 (o) Construction of iron and copper mining tailings basins and
6 water storage areas.

7 ~~—— (p) Until November 1, 2007, beach maintenance activities that~~
8 ~~meet all of the following conditions:~~

9 ~~—— (i) The activities shall not occur in environmental areas and~~
10 ~~shall not violate part 365 or rules promulgated under that part, or~~
11 ~~the endangered species act of 1973, Public Law 93-205, 87 Stat.~~
12 ~~884, or rules promulgated under that act.~~

13 ~~—— (ii) The width of any mowing of vegetation shall not exceed the~~
14 ~~width of the riparian property or 100 feet, whichever is less.~~

15 ~~—— (iii) All collected debris shall be disposed of properly outside~~
16 ~~of any wetland.~~

17 ~~—— (q) Until 3 years after the effective date of the amendatory~~
18 ~~act that added this subdivision, removal of vegetation as~~
19 ~~authorized under section 32516.~~

20 (3) An activity in a wetland that was effectively drained for
21 farming before October 1, 1980 and that on and after October 1,
22 1980 has continued to be effectively drained as part of an ongoing
23 farming operation is not subject to regulation under this part.

24 (4) A wetland that is incidentally created as a result of 1 or
25 more of the following activities is not subject to regulation under
26 this part:

27 (a) Excavation for mineral or sand mining, if the area was not

1 a wetland before excavation. This exemption does not include a
2 wetland on or adjacent to a water body of 1 acre or more in size.

3 (b) Construction and operation of a water treatment pond or
4 lagoon in compliance with the requirements of state or federal
5 water pollution control regulations.

6 (c) A diked area associated with a landfill if the landfill
7 complies with the terms of the landfill construction permit and if
8 the diked area was not a wetland before diking.

9 (5) EXCEPT AS PROVIDED IN SUBSECTION (6), THE FOLLOWING
10 ACTIVITIES ARE NOT SUBJECT TO REGULATION UNDER THIS PART BY THE
11 STATE OR A LOCAL UNIT OF GOVERNMENT:

12 (A) LEVELING OF SAND, REMOVAL OF VEGETATION, GROOMING OF SOIL,
13 OR REMOVAL OF DEBRIS, IN AN AREA OF UNCONSOLIDATED MATERIAL
14 PREDOMINANTLY COMPOSED OF SAND, ROCK, OR PEBBLES, LOCATED BETWEEN
15 THE ORDINARY HIGH-WATER MARK AND THE WATER'S EDGE.

16 (B) MOWING OF VEGETATION BETWEEN THE ORDINARY HIGH-WATER MARK
17 AND THE WATER'S EDGE.

18 (6) SUBSECTION (5) DOES NOT APPLY TO LANDS WITHIN LAKE ST.
19 CLAIR.

20 Sec. 30306. (1) Except as provided in section 30307(6), to
21 obtain a permit for a use or development listed in section 30304, a
22 person shall file an application with the department on a form
23 provided by the department. The application shall include all of
24 the following:

25 (a) The person's name and address.

26 (b) The location of the wetland.

27 (c) A description of the wetland on which the use or

1 development is to be made.

2 (d) A statement and appropriate drawings describing the
3 proposed use or development.

4 (e) The wetland owner's name and address.

5 (f) An environmental assessment of the proposed use or
6 development if requested by the department. The assessment shall
7 include the effects upon wetland benefits and the effects upon the
8 water quality, flow, and levels, and the wildlife, fish, and
9 vegetation within a contiguous lake, river, or stream.

10 (2) For the purposes of subsection (1), a proposed use or
11 development of a wetland ~~shall be considered as~~ **MAY BE COVERED BY** a
12 single permit application under this part if the scope, extent, and
13 purpose of a use or development are made known at the time of the
14 application for the permit.

15 (3) Except as provided in subsections (4) and (5), an
16 application for a permit submitted under subsection (1) shall be
17 accompanied by the following fee, as applicable:

18 (a) For a project in a category of activities for which a
19 general permit is issued under section 30312, a fee of \$100.00.

20 ~~—— (b) For a permit for the removal of vegetation in an area that~~
21 ~~is not more than 100 feet wide or the width of the property,~~
22 ~~whichever is less, or the mowing of vegetation under a general~~
23 ~~permit, in the area between the ordinary high water mark and the~~
24 ~~water's edge, a fee of \$50.00.~~

25 **(B)** ~~(e)~~ For a major project, including any of the following, a
26 fee of \$2,000.00:

27 (i) Filling or draining of 1 acre or more of coastal or inland

1 wetland.

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

3 (iii) A new golf course affecting wetland.

4 (iv) A subdivision affecting wetland.

5 (v) A condominium affecting wetland.

6 (C) ~~(d)~~—For all other projects, a fee of \$500.00.

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

10 (a) Section 3104.

11 (b) Part 301.

12 (c) Part 323.

13 (d) Part 325.

14 (e) Section 117 of the land division act, 1967 PA 288, MCL
15 560.117.

16 (5) If work has been done in violation of a permit requirement
17 under this part and restoration is not ordered by the department,
18 the department may accept an application for a permit if the
19 application is accompanied by a fee equal to twice the permit fee
20 otherwise required under this section.

21 (6) If the department determines that a permit is not required
22 under this part, the department shall promptly refund the fee paid
23 under this section.

24 Sec. 30312. (1) After providing notice and an opportunity for
25 a public hearing, the department shall establish minor project
26 categories of activities that are similar in nature, have minimal
27 adverse environmental effects when performed separately, and will

1 have only minimal cumulative adverse effects on the environment.
2 The department may act upon an application received pursuant to
3 section 30306 for an activity within a minor project category
4 without holding a public hearing or providing notice pursuant to
5 section 30307(1) or (3). A minor project category shall not be
6 valid for more than 5 years, but may be reestablished. All other
7 provisions of this part, except provisions applicable only to
8 general permits, are applicable to a minor project.

9 (2) The department, after notice and opportunity for a public
10 hearing, shall issue general permits on a statewide basis or within
11 a local unit of government for a category of activities if the
12 department determines that the activities are similar in nature,
13 will cause only minimal adverse environmental effects when
14 performed separately, and will have only minimal cumulative adverse
15 effects on the environment. A general permit shall be based on the
16 requirements of this part and the rules promulgated under this
17 part, and shall set forth the requirements and standards that shall
18 apply to an activity authorized by the general permit. A general
19 permit shall not be valid for more than 5 years, but may be
20 reissued.

21 ~~—— (3) A general permit under this section may be issued for the~~
22 ~~mowing of vegetation or the removal of vegetation in the area~~
23 ~~between the ordinary high water mark and the water's edge. An~~
24 ~~application under this subsection may be submitted by a local unit~~
25 ~~of government on behalf of property owners within its jurisdiction~~
26 ~~or by 1 or more adjacent property owners for riparian property~~
27 ~~located within the same county.~~

(3) ~~(4)~~—Before authorizing a specific project to proceed under a general permit, the department may provide notice pursuant to section 30307(3) but shall not hold a public hearing and shall not typically require a site inspection. The department shall issue an authorization under a general permit if the conditions of the general permit and the requirements of section 30311 are met. However, in determining whether to issue an authorization under a general permit, the department shall not consider off-site alternatives to be feasible and prudent alternatives.

(4) ~~(5)~~—If the department determines that activity in a proposed project, although within a minor project category or a general permit, is likely to cause more than minimal adverse effects on aquatic resources, including high-value aquatic habitats, the department may require that the application be processed under section 30307.

(5) ~~(6)~~—The department shall coordinate general permit and minor project categories under this part and parts 301 and 325 consistent with nationwide permits, as appropriate.

Sec. 32501. As used in this part:

~~—— (a) "Beach" means the area landward of the shoreline of the Great Lakes as the term shoreline is defined in section 32301.~~

~~—— (b) "Beach maintenance activities" means any of the following in the area of Great Lakes bottomlands lying below the ordinary high water mark and above the water's edge.~~

~~—— (i) Manual or mechanized leveling of sand.~~

~~—— (ii) Mowing of vegetation.~~

~~—— (iii) Manual de minimis removal of vegetation.~~

1 ~~—— (iv) Grooming of soil.~~

2 ~~—— (v) Construction and maintenance of a path.~~

3 ~~—— (c) "Debris" means animal or fish carcasses, zebra mussel~~
4 ~~shells, dead vegetation, trash, and discarded materials of human~~
5 ~~made origin.~~

6 (A) ~~(d)~~ "Department" means the department of environmental
7 quality.

8 (B) ~~(e)~~ "Director" means the director of the department.

9 ~~—— (f) "Environmental area" means an environmental area as~~
10 ~~defined in section 32301.~~

11 ~~—— (g) "Grooming of soil" means raking or dragging, pushing, or~~
12 ~~pulling metal teeth through the top 4 inches of soil without~~
13 ~~disturbance of or destruction to plant roots, for the purpose of~~
14 ~~removing debris.~~

15 ~~—— (h) "Leveling of sand" means the relocation of sand within~~
16 ~~areas being leveled that are predominantly free of vegetation,~~
17 ~~including the redistribution, grading, and spreading of sand that~~
18 ~~has been deposited through wind or wave action onto upland riparian~~
19 ~~property.~~

20 (C) ~~(i)~~ "Marina purposes" means an operation making use of
21 submerged bottomlands or filled-in bottomlands of the Great Lakes
22 for the purpose of service to boat owners or operators, which
23 operation may restrict or prevent the free public use of the
24 affected bottomlands or filled-in lands.

25 ~~—— (j) "Mowing of vegetation" means the cutting of vegetation to~~
26 ~~a height of not less than 2 inches, without disturbance of soil or~~
27 ~~plant roots.~~

~~1 (k) "Path" means a temporary access walkway from the upland
2 riparian property directly to the shoreline across swales with
3 standing water, not exceeding 6 feet in bottom width and consisting
4 of sand and pebbles obtained from the exposed, nonvegetated
5 bottomlands or from the upland riparian property.~~

~~6 (l) "Removal of vegetation" means the manual or mechanized
7 removal of vegetation other than the de minimis removal of
8 vegetation.~~

~~9 (m) "Wetland" means that term as it is defined in section
10 30301.~~

11 Sec. 32503. (1) Except as otherwise provided in this section,
12 the department, after finding that the public trust in the waters
13 will not be impaired or substantially affected, may enter into
14 agreements pertaining to waters over and the filling in of
15 submerged patented lands, or to lease or deed unpatented lands,
16 after approval of the state administrative board. Quitclaim deeds,
17 leases, or agreements covering unpatented lands may be issued or
18 entered into by the department with any person, and shall contain
19 such terms, conditions, and requirements as the department
20 determines to be just and equitable and in conformance with the
21 public trust. The department shall reserve to the state all mineral
22 rights, including, but not limited to, coal, oil, gas, sand,
23 gravel, stone, and other materials or products located or found in
24 those lands, except where lands are occupied or to be occupied for
25 residential purposes at the time of conveyance.

~~26 (2) A riparian owner shall not dredge or place spoil or other
27 materials on bottomland except as authorized by a permit issued by~~

1 ~~the department pursuant to part 13.~~

2 (2) ~~(3)~~ The department shall not enter into a lease or deed
3 that allows drilling operations beneath unpatented lands for the
4 exploration or production of oil or gas.

5 (3) ~~(4)~~ An agreement, lease, or deed entered into under this
6 part by the department with the United States shall be entered into
7 and executed pursuant to the property rights acquisition act, 1986
8 PA 201, MCL 3.251 to 3.262.

9 Sec. 32512. (1) ~~Unless~~ **EXCEPT AS PROVIDED IN SUBSECTION (2),**
10 **UNLESS** a permit has been granted by the department or authorization
11 has been granted by the legislature, or except as to boat wells and
12 slips facilitating private, noncommercial, recreational boat use,
13 not exceeding 50 feet in length where the spoil is not disposed of
14 below the ordinary high-water mark of the body of water to which it
15 is connected, a person shall not do any of the following:

16 (a) Construct, dredge, commence, or do any work with respect
17 to an artificial canal, channel, ditch, lagoon, pond, lake, or
18 similar waterway where the purpose is ultimate connection of the
19 waterway with any of the Great Lakes, including Lake St. Clair.

20 (b) Connect any natural or artificially constructed waterway,
21 canal, channel, ditch, lagoon, pond, lake, or similar waterway with
22 any of the Great Lakes, including Lake St. Clair, for navigation or
23 any other purpose.

24 (c) Dredge or place spoil or other material on bottomland.

25 (d) Construct a marina.

26 ~~—(2) Notwithstanding subsection (1), and with respect to lands~~
27 ~~covered and affected by this part, a permit or other approval is~~

~~not required under this part for either of the following:~~

~~—— (a) Until November 1, 2007, beach maintenance activities that meet all of the following conditions:~~

~~—— (i) The activities shall not occur in environmental areas and shall not violate part 365 or rules promulgated under that part, or the endangered species act of 1973, Public Law 93-205, 87 Stat. 884, or rules promulgated under that act.~~

~~—— (ii) The width of any mowing of vegetation shall not exceed the width of the riparian property or 100 feet, whichever is less.~~

~~—— (iii) All collected debris shall be disposed of properly outside of any wetland.~~

~~—— (b) Until 3 years after the effective date of the amendatory act that added this subdivision, removal of vegetation as authorized in section 32516.~~

(2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE FOLLOWING ACTIVITIES ARE NOT SUBJECT TO REGULATION UNDER THIS PART:

(A) LEVELING OF SAND, REMOVAL OF VEGETATION, GROOMING OF SOIL, OR REMOVAL OF DEBRIS, IN AN AREA OF UNCONSOLIDATED MATERIAL PREDOMINANTLY COMPOSED OF SAND, ROCK, OR PEBBLES, LOCATED BETWEEN THE ORDINARY HIGH-WATER MARK AND THE WATER'S EDGE.

(B) MOWING OF VEGETATION BETWEEN THE ORDINARY HIGH-WATER MARK AND THE WATER'S EDGE.

(3) SUBSECTION (2) DOES NOT APPLY TO LANDS WITHIN LAKE ST. CLAIR.

Sec. 32512a. (1) After providing notice and an opportunity for a public hearing, the department shall establish minor project categories of activities that are similar in nature, have minimal

1 adverse environmental effects when performed separately, and will
2 have only minimal cumulative adverse effects on the environment.
3 The department may act upon an application received pursuant to
4 section 32513 for an activity within a minor project category
5 without providing notice pursuant to section 32514. A minor project
6 category shall not be valid for more than 5 years, but may be
7 reestablished. All other provisions of this part, except provisions
8 applicable only to general permits, are applicable to a minor
9 project.

10 (2) The department, after notice and opportunity for a public
11 hearing, shall issue general permits on a statewide basis or within
12 a local unit of government for a category of activities if the
13 department determines that the activities are similar in nature,
14 will cause only minimal adverse environmental effects when
15 performed separately, and will have only minimal cumulative adverse
16 effects on the environment. A general permit shall be based on the
17 requirements of this part and the rules promulgated under this
18 part, and shall set forth the requirements and standards that shall
19 apply to an activity authorized by the general permit. Before
20 authorizing a specific project to proceed under a general permit,
21 the department may provide notice pursuant to section 32514 but
22 shall not hold a public hearing and shall not typically require a
23 site inspection. A general permit shall not be valid for more than
24 5 years, but may be reissued.

25 ~~—— (3) A general permit under this section may be issued for the~~
26 ~~mowing of vegetation or the removal of vegetation in the area~~
27 ~~between the ordinary high water mark and the water's edge. An~~

~~1 application under this subsection may be submitted by a local unit
2 of government on behalf of property owners within its jurisdiction
3 or by 1 or more adjacent property owners for riparian property
4 located within the same county.~~

5 Sec. 32513. (1) To obtain a permit for any work or connection
6 specified in section 32512, a person shall file an application with
7 the department on a form provided by the department. The
8 application shall include all of the following:

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

10 (b) The legal description of the lands included in the
11 project.

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

13 (d) A map or diagram showing the proposal on an adequate scale
14 with contours and cross-section profiles of any waterway to be
15 constructed.

16 (e) Other information required by the department.

17 (2) Except as provided in subsections (3) and (4), until
18 October 1, 2015, an application for a permit under this section
19 shall be accompanied by the following fee, as applicable:

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

22 (b) For activities included in a minor project category, ~~and
23 for a permit for the removal of vegetation in an area that is not
24 more than 100 feet wide or the width of the property, whichever is
25 less, or the mowing of vegetation under a general permit, in the
26 area between the ordinary high water mark and the water's edge, a
27 fee of \$50.00.~~

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

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

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

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

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

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

12 (d) For major projects other than a project described in
13 subdivision (c)(v), involving any of the following, a fee of
14 \$2,000.00:

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

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

17 (iii) Seawalls, bulkheads, or revetment of 500 feet or more.

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

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

21 (vi) New breakwater or channel jetty.

22 (vii) Shore protection, such as groins and underwater
23 stabilizers, that extend 150 feet or more on Great Lakes
24 bottomlands.

25 (viii) New commercial dock or wharf of 300 feet or more in
26 length.

27 (e) For all other projects not listed in subdivisions (a) to

1 (d), \$500.00.

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

5 (a) Part 301.

6 (b) Part 303.

7 (c) Part 323.

8 (d) Section 3104.

9 (e) Section 117 of the land division act, 1967 PA 288, MCL
10 560.117.

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

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

19 Enacting section 1. Section 32516 of the natural resources and
20 environmental protection act, 1994 PA 451, MCL 324.32516, is
21 repealed.