

HOUSE BILL NO. 4385

April 23, 2025, Introduced by Reps. Andrews, St. Germaine, Slagh, Morgan, Rogers, Rheingans, Glanville, Byrnes, Mentzer, Tsernoglou, Fitzgerald, Xiong, Arbit, Snyder, McFall and B. Carter and referred to Committee on Natural Resources and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32312, 32312a, and 32510 (MCL 324.32312,
324.32312a, and 324.32510), section 32312 as amended by 2021 PA 91,
section 32312a as added by 1997 PA 126, and section 32510 as added
by 1995 PA 59, and by adding section 32510a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32312. (1) ~~To~~**Subject to section 32312a, to** regulate the
2 uses and development of high-risk areas, flood risk areas, and

environmental areas and to implement the purposes of this part, the department shall promulgate rules. If **the rules require** permits, ~~are required under rules promulgated under this part,~~ the permits must be issued ~~pursuant to~~ **in accordance with** the rules and part 13. **When reviewing an application for a permit under this part, the department shall give deference to a landowner's rights over public access rights.** Except as provided under subsection (2), until October 1, 2025, if permits are required ~~pursuant to~~ **under the** rules, ~~promulgated under this part,~~ an application for a permit must be accompanied by a fee as follows:

(a) For a commercial or multifamily residential project, \$500.00.

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

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

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

(a) Part 301.

(b) Part 303.

(c) Part 325.

(d) Section 3104.

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

(3) 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.

(4) A circuit court, ~~upon~~^{on} petition and a showing by the department that **section 32312a or** a rule promulgated under subsection (1) has been violated, shall issue any necessary order to the defendant to correct the violation or to restrain the defendant from further violation of **section 32312a or** the rule.

Sec. 32312a. (1) Notwithstanding any other provision of this part or the rules promulgated under this part, the department shall allow above grade walls to be constructed **only** with ~~moveable~~^{any of} **the following:**

(a) Moveable brick.

(b) Stone.

(c) Biodegradable materials.

(d) Soft, permeable synthetic textile material that consists of polypropylene or polyester and contains not more than 4% carbon black. A textile material used under this subdivision must not contain BPA.

(2) A permit is not required under this part for construction of a soft erosion control structure if all of the following conditions are met:

(a) The structure is installed on the shoreland of 1 of the following bodies of water:

(i) Lake Superior.

(ii) Lake Michigan.

(iii) Lake Huron.

(iv) Lake Erie.

(v) Lake St. Clair.

(b) The structure is constructed using sandbags, sand-filled geotubes, or geotextile tubes that are made from biodegradable materials or soft, permeable synthetic textile material that

1 consists of polypropylene or polyester and contains not more than
2 4% carbon black. A textile material used under this subdivision
3 must not contain BPA.

4 (c) The structure is installed in a manner that complies with
5 manufacturer installation recommendations.

6 (d) To the extent reasonably possible to ensure shoreland and
7 dune preservation and protection, the structure does not extend
8 into the water of any of the bodies of water listed in subdivision
9 (a) and does not impair walkability.

10 (e) Before installation of the structure begins, the property
11 owner files a notice with the department, in writing, that contains
12 all of the following information:

13 (i) The property owner's name, address, telephone number, and
14 email address.

15 (ii) A physical description of where the soft erosion control
16 structure will be installed.

17 (iii) The materials that will be used to construct the soft
18 erosion control structure.

19 (iv) Any other information considered necessary by the
20 department.

21 (3) A soft erosion control structure installed under
22 subsection (2) may remain in place as long as both of the following
23 apply:

24 (a) The structure does not impede or prevent walkability along
25 the shoreline when the water is below the ordinary high water mark.

26 (b) The majority of the structure is covered by sand or
27 otherwise is not visible, and any part of the structure that is
28 visible does not show signs of degradation.

29 (4) The owner of the property at which a soft erosion control

1 structure is installed may file an application for a permit
 2 required under this part to install a hard wall revetment to
 3 replace the soft erosion control structure. If the owner files an
 4 application for a permit to install a hard wall revetment, the soft
 5 erosion control structure may remain in place until the department
 6 issues a permit under this part. If the owner has an operational
 7 septic system within 100 feet of the wave cut, the owner may
 8 install a hard wall revetment to replace the soft erosion control
 9 structure without applying for a permit under this part. Removal of
 10 a soft erosion control structure under this subsection does not
 11 require a permit under this part.

12 Sec. 32510. (1) Except as provided in subsection (2), a person
 13 ~~who~~**that** excavates or fills or in any manner alters or modifies any
 14 of the land or waters subject to this part without the approval of
 15 the department **or that violates section 32510a** is guilty of a
 16 misdemeanor ~~—~~punishable by imprisonment for not more than 1 year
 17 or a fine of not more than \$1,000.00, or both. Land altered or
 18 modified in violation of this part ~~shall~~**must** not be sold to any
 19 person convicted under this section at less than fair, cash market
 20 value.

21 (2) A person ~~who~~**that** commits a minor offense is guilty of a
 22 misdemeanor, punishable by a fine of not more than \$500.00 for each
 23 violation. A law enforcement officer may issue and serve an
 24 appearance ticket ~~upon~~**on** a person for a minor offense ~~pursuant to~~
 25 **in accordance with** sections 9a to 9g of chapter IV of the code of
 26 criminal procedure, ~~Act No. 175 of the Public Acts of 1927, being~~
 27 ~~sections 764.9a to 764.9g of the Michigan Compiled Laws.1927 PA~~
 28 **175, MCL 764.9a to 764.9g.**

29 (3) As used in this section, "minor offense" means ~~either~~**any**

1 of the following violations of this part if the department
2 determines that restoration of the affected property is not
3 required:

4 (a) The failure to obtain a permit under this part.

5 (b) A violation of a permit issued under this part.

6 (c) A violation of section 32510a.

7 Sec. 32510a. A permit is not required under this part for
8 construction of a soft erosion control structure if all of the
9 following conditions are met:

10 (a) The structure is installed on the bottomlands of 1 of the
11 following bodies of water:

12 (i) Lake Superior.

13 (ii) Lake Michigan.

14 (iii) Lake Huron.

15 (iv) Lake Erie.

16 (v) Lake St. Clair.

17 (b) The structure is constructed using sandbags, sand-filled
18 geotubes, or geotextile tubes that are made from biodegradable
19 materials or soft, permeable synthetic textile material that
20 consists of polypropylene or polyester and contains not more than
21 4% carbon black. A textile material used under this subdivision
22 must not contain BPA.

23 (c) The structure is installed in a manner that complies with
24 manufacturer installation recommendations.

25 (d) Before installation of the structure begins, the property
26 owner files a notice with the department, in writing, that contains
27 all of the following information:

28 (i) The property owner's name, address, telephone number, and
29 email address.

1 (ii) A physical description of where the soft erosion control
2 structure will be installed.

3 (iii) The materials that will be used to construct the soft
4 erosion control structure.

5 (iv) Any other information considered necessary by the
6 department.