

**SUBSTITUTE FOR  
SENATE BILL NO. 567**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 3104, 30104, 30109, 32312, and 32513 (MCL  
324.3104, 324.30104, 324.30109, 324.32312, and 324.32513), as  
amended by 1999 PA 106.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3104. (1) The department is designated the state  
2 agency to cooperate and negotiate with other governments,  
3 governmental units, and governmental agencies in matters  
4 concerning the water resources of the state, including, but not  
5 limited to, flood control, beach erosion control, and water  
6 quality control planning, development, and management. The  
7 department shall have control over the alterations of natural or  
8 present watercourses of all rivers and streams in the state to  
9 assure that the channels and the portions of the floodplains that

1 are the floodways are not inhabited and are kept free and clear  
2 of interference or obstruction that will cause any undue  
3 restriction of the capacity of the floodway. The department may  
4 take steps as may be necessary to take advantage of any act of  
5 congress that may be of assistance in carrying out the purposes  
6 of this part, including the water resources planning act, Public  
7 Law 89-80, 42 U.S.C. 1962 to 1962-1 and 1962a to 1962d-3, and the  
8 federal water pollution control act, chapter 758, 86 Stat. 816,  
9 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257, 1258 to 1263,  
10 1265 to 1270, **1273 to 1274**, 1281, 1282 to 1293, 1294 to ~~1299~~  
11 **1301**, 1311 to 1313, 1314 to 1330, 1341 to ~~1345~~ **1346**, 1361 to  
12 **1375, 1376 to** 1377, and 1381 to 1387.

13 (2) The department shall report to the governor and to the  
14 legislature at least annually any plans or projects being  
15 implemented or considered for implementation and shall include in  
16 the report requests for any legislation needed to implement any  
17 proposed projects or agreements made necessary as a result of a  
18 plan or project, together with any requests for appropriations.  
19 The department may make recommendations to the governor on the  
20 designation of areawide water quality planning regions and  
21 organizations relative to the governor's responsibilities under  
22 the federal water pollution control act.

23 (3) A person shall submit an application for a permit to  
24 alter a floodplain on a form approved by the department and shall  
25 include information that may be required by the department to  
26 assess the proposed alteration's impact on the floodplain. If an  
27 alteration includes activities at multiple locations in a

1 floodplain, 1 application may be filed for combined activities.

2 (4) Except as provided in subsections (5), (6), and ~~(6)~~  
3 (8), until October 1, ~~2003~~ 2008, an application for a  
4 floodplain permit shall be accompanied by a fee of \$500.00.  
5 Until October 1, ~~2003~~ 2008, if the department determines that  
6 engineering computations are required to assess the impact of a  
7 proposed floodplain alteration on flood stage or discharge  
8 characteristics, the department shall assess the applicant an  
9 additional \$1,500.00 to cover the department's cost of review.

10 (5) Until October 1, ~~2003~~ 2008, an application for a  
11 floodplain permit for a minor project category shall be  
12 accompanied by a fee of \$100.00. Minor project categories shall  
13 be established by rule and shall include activities and projects  
14 that are similar in nature and have minimal potential for causing  
15 harmful interference.

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

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

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

27 (a) Part 301.

1 (b) Part 303.

2 (c) Part 323.

3 (d) Part 325.

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

6 Sec. 30104. (1) Before a project that is subject to this  
7 part is undertaken, a person shall file an application and  
8 receive a permit from the department. The application shall be  
9 on a form prescribed by the department and shall include any  
10 information that may be required by the department. If a project  
11 includes activities at multiple locations, 1 application may be  
12 filed for the combined activities.

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

17 ~~(a) Until October 1, 2003:~~

18 **(a)** ~~(i)~~ For a minor project listed in R 281.816 of the  
19 Michigan administrative code, or a seasonal drawdown or the  
20 associated reflooding, or both, of a dam or impoundment for the  
21 purpose of weed control, a fee of \$50.00. However, for a permit  
22 for a seasonal drawdown or associated reflooding, or both, of a  
23 dam or impoundment for the purpose of weed control that is issued  
24 for the first time after October 9, 1995, an initial fee of  
25 \$500.00 with subsequent permits for the same purpose being  
26 assessed a \$50.00 fee.

27 **(b)** ~~(ii)~~ For construction or expansion of a marina, a fee

1 of:

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

4       *(ii)* ~~—(B)—~~ \$100.00 for a new marina with 1-10 proposed marina  
5 slips.

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

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

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

14       *(c)* ~~—(iii)—~~ For renewal of a marina operating permit, a fee  
15 of \$50.00.

16       *(d)* ~~—(iv)—~~ For major projects other than a project described  
17 in ~~subparagraph (ii)(E)~~ **subdivision (b)(v)**, involving any of  
18 the following, a fee of \$2,000.00:

19       *(i)* ~~—(A)—~~ Dredging of 10,000 cubic yards or more.

20       *(ii)* ~~—(B)—~~ Filling of 10,000 cubic yards or more.

21       *(iii)* ~~—(C)—~~ Seawalls, bulkheads, or revetment of 500 feet or  
22 more.

23       *(iv)* ~~—(D)—~~ Filling or draining of 1 acre or more of wetland  
24 contiguous to a lake or stream.

25       *(v)* ~~—(E)—~~ New dredging or upland boat basin excavation in  
26 areas of suspected contamination.

27       *(vi)* ~~—(F)—~~ Shore projections, such as groins and underwater

1 stabilizers, that extend 150 feet or more into a lake or stream.

2       (vii) ~~-(G)-~~ New commercial docks or wharves of 300 feet or  
3 more in length.

4       (viii) ~~-(H)-~~ Stream enclosures 100 feet or more in length.

5       (ix) ~~-(I)-~~ Stream relocations 500 feet or more in length.

6       (x) ~~-(J)-~~ New golf courses.

7       (xi) ~~-(K)-~~ Subdivisions.

8       (xii) ~~-(L)-~~ Condominiums.

9       (e) ~~-(v)-~~ For all other projects not listed in ~~subparagraphs~~  
10 ~~(i)- subdivisions (a) through (iv)- (d)~~, a fee of \$500.00.

11       ~~(b) Beginning October 1, 2003, a fee of \$25.00 for any~~  
12 ~~project listed in subdivision (a).~~

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

17       (a) Part 303.

18       (b) Part 323.

19       (c) Part 325.

20       (d) Section 3104.

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

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

1           Sec. 30109. Upon the written request of a riparian owner  
2 and upon payment of a service fee, the department may enter into  
3 a written agreement with a riparian owner establishing the  
4 location of the ordinary high-water mark for his or her  
5 property. In the absence of substantially changed conditions,  
6 the agreement shall be conclusive proof of the location in all  
7 matters between the state and the riparian owner and his or her  
8 successors in interest. Until October 1, ~~2003~~ **2008**, the  
9 service fee provided for in this section shall be \$500.00.  
10 ~~Beginning October 1, 2003, the service fee provided for in this~~  
11 ~~section shall be \$50.00.~~ The department shall forward all  
12 service fees to the state treasurer for deposit into the fund.

13           Sec. 32312. (1) The department, in order to regulate the  
14 uses and development of high-risk areas, flood risk areas, and  
15 environmental areas and to implement the purposes of this part,  
16 shall promulgate rules. ~~Until October 1, 2003,~~ **Except as**  
17 **provided under subsection (2), until October 1, 2008,** if permits  
18 are required pursuant to rules promulgated under this part, a fee  
19 of \$500.00 shall be submitted to the department with each  
20 application for a commercial or multi-family residential project,  
21 a fee of \$100.00 shall be submitted with each application for a  
22 single-family home construction, and a fee of \$50.00 shall be  
23 submitted with each application for an addition to an existing  
24 single-family home or for a project that has a minor impact on  
25 fish and wildlife resources in environmental areas as determined  
26 by the department.

27           (2) A project that requires review and approval under this

1 part and under 1 or more of the following is subject to only the  
2 single highest permit fee required under this part or the  
3 following:

4 (a) Part 301.

5 (b) Part 303.

6 (c) Part 325.

7 (d) Section 3104.

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

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

13 (4) A circuit court, upon petition and a showing by the  
14 department that a violation of a rule promulgated under  
15 subsection (1) exists, shall issue any necessary order to the  
16 defendant to correct the violation or to restrain the defendant  
17 from further violation of the rule.

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

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

23 (b) The legal description of the lands included in the  
24 project.

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

26 (d) A map or diagram showing the proposal on an adequate  
27 scale with contours and cross-section profiles of the waterway to



1 be constructed.

2 (e) Other information required by the department of  
3 environmental quality.

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

8 ~~(a) Until October 1, 2003:~~

9 (a) ~~(i)~~ For activities included in the minor project  
10 category as described in rules promulgated under this part,  
11 \$50.00.

12 (b) ~~(ii)~~ For construction or expansion of a marina, a fee  
13 of:

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

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

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

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

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

26 (c) ~~(iii)~~ For major projects other than a project described  
27 in ~~subparagraph (ii)(E)~~ **subdivision (b)(v)**, involving any of

1 the following, a fee of \$2,000.00:

2 (i) ~~-(A)-~~ Dredging of 10,000 cubic yards or more.

3 (ii) ~~-(B)-~~ Filling of 10,000 cubic yards or more.

4 (iii) ~~-(C)-~~ Seawalls, bulkheads, or revetment of 500 feet or  
5 more.

6 (iv) ~~-(D)-~~ Filling or draining of 1 acre or more of coastal  
7 wetland.

8 (v) ~~-(E)-~~ New dredging or upland boat basin excavation in  
9 areas of suspected contamination.

10 (vi) ~~-(F)-~~ New breakwater or channel jetty.

11 (vii) ~~-(G)-~~ Shore protection, such as groins and underwater  
12 stabilizers, that extend 150 feet or more on Great Lakes  
13 bottomlands.

14 (viii) ~~-(H)-~~ New commercial dock or wharf of 300 feet or more  
15 in length.

16 (d) ~~-(iv)-~~ For all other projects not listed in  
17 ~~subparagraphs (i) through (iii)~~ **subdivisions (a) through (c)**,  
18 \$500.00.

19 ~~(b) Beginning October 1, 2003, a fee of \$50.00 for any~~  
20 ~~project listed in subdivision (a).~~

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

24 (a) Part 301.

25 (b) Part 303.

26 (c) Part 323.

27 (d) Section 3104.

1 (e) Section 117 of the land division act, 1967 PA 288, MCL  
2 560.117.

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

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