

SENATE BILL No. 567

June 10, 2003, Introduced by Senator EMERSON 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, 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,~~ an application for a floodplain
4 permit shall be accompanied by a fee of \$500.00. ~~Until October~~
5 ~~1, 2003, if~~ **If** the department determines that engineering
6 computations are required to assess the impact of a proposed
7 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, an~~ **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), an
14 application for a permit shall be accompanied by a fee based on
15 an administrative cost in accordance with the following
16 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, the~~ **The** service
9 fee provided for in this section shall be \$500.00. ~~Beginning~~
10 ~~October 1, 2003, the service fee provided for in this section~~
11 ~~shall be \$50.00.~~ The department shall forward all service fees
12 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),** if permits are required pursuant
18 to rules promulgated under this part, a fee of \$500.00 shall be
19 submitted to the department with each application for a
20 commercial or multi-family residential project, a fee of \$100.00
21 shall be submitted with each application for a single-family home
22 construction, and a fee of \$50.00 shall be submitted with each
23 application for an addition to an existing single-family home or
24 for a project that has a minor impact on fish and wildlife
25 resources in environmental areas as determined by the
26 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), an
5 application for a permit under this section shall be accompanied
6 by a fee according to the following schedule:

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

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

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

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

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

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

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

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

25 (c) ~~(iii)~~ For major projects other than a project described
26 in ~~subparagraph (ii)(E)~~ **subdivision (b)(v)**, involving any of
27 the following, a fee of \$2,000.00:

- 1 (i) ~~-(A)-~~ Dredging of 10,000 cubic yards or more.
- 2 (ii) ~~-(B)-~~ Filling of 10,000 cubic yards or more.
- 3 (iii) ~~-(C)-~~ Seawalls, bulkheads, or revetment of 500 feet or
4 more.
- 5 (iv) ~~-(D)-~~ Filling or draining of 1 acre or more of coastal
6 wetland.
- 7 (v) ~~-(E)-~~ New dredging or upland boat basin excavation in
8 areas of suspected contamination.
- 9 (vi) ~~-(F)-~~ New breakwater or channel jetty.
- 10 (vii) ~~-(G)-~~ Shore protection, such as groins and underwater
11 stabilizers, that extend 150 feet or more on Great Lakes
12 bottomlands.
- 13 (viii) ~~-(H)-~~ New commercial dock or wharf of 300 feet or more
14 in length.
- 15 (d) ~~-(iv)-~~ For all other projects not listed in
16 ~~subparagraphs (i) subdivisions (a) through (iii) (c),~~
17 \$500.00.
- 18 ~~(b) Beginning October 1, 2003, a fee of \$50.00 for any~~
19 ~~project listed in subdivision (a).~~
- 20 (3) A project that requires review and approval under this
21 part and 1 or more of the following is subject to only the single
22 highest permit fee required under this part or the following:
- 23 (a) Part 301.
- 24 (b) Part 303.
- 25 (c) Part 323.
- 26 (d) Section 3104.
- 27 (e) Section 117 of the land division act, 1967 PA 288, MCL

1 560.117.

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

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