

HOUSE BILL No. 4892

June 7, 2005, Introduced by Reps. Casperson, Palmer, Pastor, Emmons, Mortimer, Garfield, Gosselin, LaJoy, Brown, Drolet, Amos, Moore, Hoogendyk, Green, Shaffer, McDowell, Schuitmaker, Caul, Hansen, Pearce, Stahl, Wenke, Kahn, Vander Veen, Acciavatti, Rocca, Farhat, Taub, Jones, Steil, Hummel, Walker, Baxter, Stakoe, Adamini, Hune, Hildenbrand, Gaffney, Moolenaar, Stewart, Pavlov, Proos, Booher, Gleason, Espinoza, Nofs, Meyer, Newell, Elsenheimer, Caswell, Ball, Van Regenmorter, Huizenga, Dillon, Nitz, Marleau and Robertson and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 30312 (MCL 324.30312), as amended by 2003 PA
14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30312. (1) The department, after notice and opportunity
2 for a public hearing, may issue general permits on a statewide
3 basis or within a local unit of government for a category of
4 activities if the department determines that the activities are
5 similar in nature, will cause only minimal adverse environmental
6 effects when performed separately, and will have only minimal
7 cumulative adverse effect on the environment. A general permit
8 issued under this subsection shall be based on the requirements of

1 this part and the rules promulgated under this part ~~7~~ and shall set
 2 forth the requirements and standards that ~~shall~~ apply to an
 3 activity authorized by the general permit.

4 (2) ~~The~~ **SUBJECT TO SUBSECTION (3), THE** department may impose
 5 conditions on a permit for a use or development if the conditions
 6 are designed to ~~remove~~ **DO 1 OR MORE OF THE FOLLOWING:**

7 (A) **REMOVE** an impairment to the ~~wetland~~ benefits ~~7~~ to
 8 ~~mitigate~~ **OF THE WETLAND.**

9 (B) **MITIGATE** the impact of a discharge of fill material. ~~7~~ ~~or~~
 10 ~~to otherwise~~

11 (C) **OTHERWISE** improve the water quality.

12 (3) **IF BOTH OF THE FOLLOWING REQUIREMENTS ARE MET, THE**
 13 **DEPARTMENT SHALL NOT IMPOSE CONDITIONS UNDER SUBSECTION (2)(B) ON A**
 14 **PERMIT FOR AN ACTIVITY UNDERTAKEN IN CONJUNCTION WITH ROAD WORK,**
 15 **WITHOUT THE CONSENT OF THE ENTITY WITH LEGAL JURISDICTION OVER THE**
 16 **ROAD:**

17 (A) **THE ROAD WAS IN EXISTENCE ON THE EFFECTIVE DATE OF THE**
 18 **AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

19 (B) **THE ACTIVITY TAKES PLACE WITHIN THE RIGHT-OF-WAY OF THE**
 20 **ROAD.**

21 (4) ~~-(3)-~~ The department may establish a reasonable time when
 22 the construction, development, or use is to be completed or
 23 terminated. A general permit shall not be valid for more than 5
 24 years.

25 (5) ~~-(4)-~~ A general permit under this section may be issued
 26 for the mowing of vegetation or the removal of vegetation in the
 27 area between the ordinary high-water mark and the water's edge. An

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

(6) AS USED IN THIS SECTION:

(A) "ROAD" MEANS A CITY OR VILLAGE STREET, COUNTY ROAD, OR STATE TRUNK LINE HIGHWAY.

(B) "ROAD WORK" MEANS [PRESERVATION AS DEFINED UNDER SECTION 10C OF 1951 PA 51, MCL 247.660C.

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