

# HOUSE BILL No. 4373

February 22, 2005, Introduced by Reps. Palmer, Gosselin, Schuitmaker, Casperson, Pastor, Moore, Huizenga, Nitz and Stakoe and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 32516 (MCL 324.32516), as added by 2003 PA 14.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 32516. (1) ~~Within 10 working days after the effective~~  
2 ~~date of the amendatory act that added this section~~ **BY JUNE 19,**  
3 **2003,** the director shall identify 2 areas of the shoreline of the  
4 Great Lakes and Lake St. Clair where the removal of vegetation  
5 between the ordinary high-water mark and the water's edge shall be  
6 allowed without a permit under this part or part 303. The  
7 designation shall be made in writing, is final, and is not subject  
8 to appeal. Within 1 year after this designation is made, the  
9 director may designate additional areas unless he or she determines

1 that making additional designations would result in pollution,  
2 impairment, or destruction to the natural resources of the state.  
3 Within areas designated by the director under this subsection, the  
4 removal of vegetation is allowed if all of the following conditions  
5 are met:

6 (a) The landowner has received a letter of approval from the  
7 department under subsection (2) confirming at least 3 of the  
8 following:

9 (i) The area is unconsolidated material predominantly composed  
10 of sand, rock, or pebbles, or is predominantly vegetated by non-  
11 native or invasive species.

12 (ii) The area met the requirement of subparagraph (i) as of  
13 January 1, 1997.

14 (iii) The removal of vegetation does not violate part 365 or  
15 rules promulgated under that part, or the endangered species act,  
16 ~~of 1973, Public Law 93-205, 87 Stat. 884~~ **16 USC 1531 TO 1544**, or  
17 rules promulgated under that act.

18 (iv) The area in which removal of vegetation may occur is not  
19 an environmental area.

20 (b) The area in which removal of vegetation may occur does not  
21 exceed 50% of the width of the upland riparian property or 100  
22 feet, whichever is greater, or a wider area if approved by the  
23 director. **HOWEVER, FOR PROPERTY CLASSIFIED AS COMMERCIAL PROPERTY**  
24 **UNDER SECTION 34C OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL**  
25 **211.34C, THE AREA IN WHICH REMOVAL OF VEGETATION MAY OCCUR INCLUDES**  
26 **THE ENTIRE WIDTH OF THE UPLAND RIPARIAN PROPERTY.**

27 (c) All collected vegetation shall be disposed of properly

1 outside of any wetland.

2 (2) A person who owns riparian property on the shoreline of  
3 the Great Lakes or Lake St. Clair within an area designated under  
4 subsection (1) may submit to the director a request to conduct  
5 removal of vegetation. The request shall be submitted by certified  
6 mail or facsimile and shall include the address of the property, a  
7 parcel description by section, township, and range, the parcel tax  
8 number, the width in feet of the shoreline frontage, the width of  
9 the area proposed for removal of vegetation, and permission for the  
10 department to conduct an on-site inspection, if needed. Within 10  
11 working days after receipt of a request under this subsection, the  
12 director shall notify the riparian property owner, in writing,  
13 whether the conditions in subsection (1)(a) are met.

14 (3) Upon receipt of a letter of approval under subsection (2),  
15 the riparian property owner may conduct the removal of vegetation  
16 as provided in subsection (1).

17 (4) By January 1, 2006, the director shall prepare and submit  
18 to the senate majority leader, the speaker of the house of  
19 representatives, the standing committees of the legislature with  
20 jurisdiction primarily related to natural resources and the  
21 environment, and the governor a report that evaluates the  
22 activities allowed under subsection (1), describes the impacts to  
23 the affected areas, and recommends statutory changes based upon the  
24 evaluation, if appropriate.