

SENATE BILL No. 1342

October 17, 2012, Introduced by Senator EMMONS and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 30103 (MCL 324.30103), as amended by 2009 PA
139.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30103. (1) A permit is not required under this part for
2 any of the following:

3 (a) Any fill or structure existing before April 1, 1966, in
4 waters covered by former 1965 PA 291, and any fill or structures
5 existing before January 9, 1973, in waters covered for the first
6 time by former 1972 PA 346.

7 (b) A seasonal structure placed on bottomland to facilitate
8 private noncommercial recreational use of the water if it does not
9 unreasonably interfere with the use of the water by others entitled

1 to use the water or interfere with water flow.

2 (c) Reasonable sanding of beaches to the existing water's edge
3 by a riparian owner.

4 (D) LEVELING OF SAND, REMOVAL OF VEGETATION, GROOMING OF SOIL,
5 OR REMOVAL OF DEBRIS, IN AN AREA OF UNCONSOLIDATED MATERIAL
6 PREDOMINANTLY COMPOSED OF SAND, ROCK, OR PEBBLES, LOCATED BETWEEN
7 THE ORDINARY HIGH-WATER MARK AND THE WATER'S EDGE.

8 (E) MOWING OF VEGETATION BETWEEN THE ORDINARY HIGH-WATER MARK
9 AND THE WATER'S EDGE.

10 (F) ~~(d)~~—Construction or maintenance of a private agricultural
11 drain regardless of outlet.

12 (G) ~~(e)~~—A waste collection or treatment facility that is
13 ordered to be constructed or is approved for construction by the
14 department.

15 (H) ~~(f)~~—Construction and maintenance of minor drainage
16 structures and facilities which are identified by rule promulgated
17 by the department ~~pursuant to~~ **UNDER** section 30110. Before such a
18 rule is promulgated, the rule shall be approved by the majority of
19 a committee consisting of the director of the department, the
20 director of the department of agriculture **AND RURAL DEVELOPMENT**,
21 and the director of the state transportation department or their
22 designated representatives. The rules shall be reviewed at least
23 annually.

24 (I) ~~(g)~~—Maintenance and improvement of all drains legally
25 established or constructed prior to January 1, 1973, pursuant to
26 the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, except
27 those legally established drains constituting mainstream portions

1 of certain natural watercourses identified in rules promulgated by
2 the department under section 30110.

3 (J) ~~(h)~~ Projects constructed under the watershed protection
4 and flood prevention act, ~~chapter 656, 68 Stat. 666,~~ 16 USC 1001 to
5 ~~1008 and 1010.~~ 1012.

6 (K) ~~(i)~~ Construction and maintenance of privately owned
7 cooling or storage ponds used in connection with a public utility
8 except at the interface with public waters.

9 (L) ~~(j)~~ Maintenance of a structure constructed under a permit
10 issued pursuant to this part and identified by rule promulgated
11 under section 30110, if the maintenance is in place and in kind
12 with no design or materials modification.

13 (M) ~~(k)~~ A water withdrawal.

14 (N) ~~(l)~~ Annual installation of a seasonal dock or docks,
15 pilings, mooring buoys, or other mooring structures previously
16 authorized by and in accordance with a permit issued under this
17 part.

18 (2) As used in this section, "water withdrawal" means the
19 removal of water from its source for any purpose.