

HOUSE BILL No. 4448

April 15, 2015, Introduced by Rep. Victory and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 30104, 30104b, 30109, 32312, and 32513 (MCL
324.30104, 324.30104b, 324.30109, 324.32312, and 324.32513),
sections 30104 and 32513 as amended by 2013 PA 98, section 30104b
as amended by 2010 PA 179, and sections 30109 and 32312 as amended
by 2011 PA 90.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30104. (1) A person shall not undertake a project subject
2 to this part except as authorized by a permit issued by the
3 department pursuant to part 13. An application for a permit shall
4 include any information that may be required by the department. If
5 a project includes activities at multiple locations, 1 application
6 may be filed for the combined activities.

7 (2) Except as provided in subsections (3) and (4), until

1 October 1, ~~2015~~, **2019**, an application for a permit shall be
2 accompanied by an application fee based on an administrative cost
3 in accordance with the following schedule:

4 (a) For a permit for a seasonal drawdown or associated
5 reflooding, or both, of a dam or impoundment for the purpose of
6 weed control that is issued for the first time after October 9,
7 1995, an initial fee of \$500.00 with subsequent permits for the
8 same purpose being assessed a \$50.00 fee.

9 (b) For activities included in a minor project category
10 established under section 30105(7), a fee of \$100.00.

11 (c) For activities included in a general permit category
12 established under section 30105(8), a fee of \$50.00.

13 (d) For construction or expansion of a marina, a fee as
14 follows:

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

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

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

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

22 (v) \$1,500.00 if an existing permitted marina proposes
23 maintenance dredging of 10,000 cubic yards or more, unless the
24 dredge material has been determined through testing to be 90% or
25 more sand, or the addition of seawalls, bulkheads, or revetments of
26 500 feet or more.

27 (e) For major projects other than a project described in

1 subdivision (d)(v), involving any of the following, a fee of
2 \$2,000.00:

3 (i) Dredging of 10,000 cubic yards or more, unless the dredge
4 material has been determined through testing to be 90% or more
5 sand.

6 (ii) Filling of 10,000 cubic yards or more.

7 (iii) Seawalls, bulkheads, or revetments of 500 feet or more.

8 (iv) Filling or draining of 1 acre or more of wetland
9 contiguous to a lake or stream.

10 (v) New dredging or upland boat basin excavation in areas of
11 suspected contamination.

12 (vi) Shore projections, such as groins and underwater
13 stabilizers, that extend 150 feet or more into a lake or stream.

14 (vii) New commercial docks or wharves of 300 feet or more in
15 length.

16 (viii) Stream enclosures 100 feet or more in length.

17 (ix) Stream relocations 500 feet or more in length.

18 (x) New golf courses.

19 (xi) Subdivisions.

20 (xii) Condominiums.

21 (f) For the removal of submerged logs from bottomland of an
22 inland lake, a \$500.00 fee.

23 (g) For all other projects not listed in subdivisions (a)
24 through (f), a fee of \$500.00.

25 (3) A project that requires review and approval under this
26 part and 1 or more of the following acts or parts of acts is
27 subject to only the single highest fee required under this part or

1 the following acts or parts of acts:

2 (a) Section 3104.

3 (b) Part 303.

4 (c) Part 323.

5 (d) Part 325.

6 (e) Section 117 of the land division act, 1967 PA 288, MCL
7 560.117.

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

13 (5) If the department denies an application for a permit under
14 this part, the department shall promptly refund the application fee
15 paid under this section.

16 Sec. 30104b. ~~(1)~~Section 30306b applies to a proposed project
17 or a **PROPOSED** permit application under this part.

18 ~~—————(2) This section is repealed effective October 1, 2015.~~

19 Sec. 30109. Upon the written request of a riparian owner and
20 upon payment of a service fee, the department may enter into a
21 written agreement with the riparian owner establishing the location
22 of the ordinary high-water mark for his or her property. In the
23 absence of substantially changed conditions, the agreement shall be
24 conclusive proof of the location in all matters between the state
25 and the riparian owner and his or her successors in interest. Until
26 October 1, ~~2015~~, **2019**, the service fee provided for in this section
27 shall be \$500.00. The department shall forward all service fees

1 collected under this section to the state treasurer for deposit
2 into the fund.

3 Sec. 32312. (1) To regulate the uses and development of high-
4 risk areas, flood risk areas, and environmental areas and to
5 implement the purposes of this part, the department shall
6 promulgate rules. If permits are required under rules promulgated
7 under this part, the permits shall be issued pursuant to the rules
8 and part 13. Except as provided under subsection (2), until October
9 1, ~~2015~~, **2019**, if permits are required pursuant to rules
10 promulgated under this part, an application for a permit shall be
11 accompanied by a fee as follows:

12 (a) For a commercial or multifamily residential project,
13 \$500.00.

14 (b) For a single-family home construction, \$100.00.

15 (c) For an addition to an existing single-family home or for a
16 project that has a minor impact on fish and wildlife resources in
17 environmental areas as determined by the department, \$50.00.

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

22 (a) Part 301.

23 (b) Part 303.

24 (c) Part 325.

25 (d) Section 3104.

26 (e) Section 117 of the land division act, 1967 PA 288, MCL
27 560.117.

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

4 (4) A circuit court, upon petition and a showing by the
5 department that a rule promulgated under subsection (1) has been
6 violated, shall issue any necessary order to the defendant to
7 correct the violation or to restrain the defendant from further
8 violation of the rule.

9 Sec. 32513. (1) To obtain a permit for any work or connection
10 specified in section 32512, a person shall file an application with
11 the department on a form provided by the department. The
12 application shall include all of the following:

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

14 (b) The legal description of the lands included in the
15 project.

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

17 (d) A map or diagram showing the proposal on an adequate scale
18 with contours and cross-section profiles of any waterway to be
19 constructed.

20 (e) Other information required by the department.

21 (2) Except as provided in subsections (3) and (4), until
22 October 1, ~~2015~~, **2019**, an application for a permit under this
23 section shall be accompanied by the following fee, as applicable:

24 (a) For a project in a category of activities for which a
25 general permit is issued under section 32512a, a fee of \$50.00.

26 (b) For activities included in a minor project category
27 established under section 32512a(1), a fee of \$100.00.

1 (c) For construction or expansion of a marina, a fee of:

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

4 (ii) \$100.00 for a new marina with 1-10 proposed marina slips.

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

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

9 (v) \$1,500.00 if an existing permitted marina proposes
10 maintenance dredging of 10,000 cubic yards or more, unless the
11 dredge material has been determined through testing to be 90% or
12 more sand, or the addition of seawalls, bulkheads, or revetments of
13 500 feet or more.

14 (d) For major projects other than a project described in
15 subdivision (c)(v), involving any of the following, a fee of
16 \$2,000.00:

17 (i) Dredging of 10,000 cubic yards or more, unless the dredge
18 material has been determined through testing to be 90% or more
19 sand.

20 (ii) Filling of 10,000 cubic yards or more.

21 (iii) Seawalls, bulkheads, or revetment of 500 feet or more.

22 (iv) Filling or draining of 1 acre or more of coastal wetland.

23 (v) New dredging or upland boat basin excavation in areas of
24 suspected contamination.

25 (vi) New breakwater or channel jetty.

26 (vii) Shore protection, such as groins and underwater
27 stabilizers, that extend 150 feet or more on Great Lakes

1 bottomlands.

2 (viii) New commercial dock or wharf of 300 feet or more in
3 length.

4 (e) For all other projects not listed in subdivisions (a) to
5 (d), \$500.00.

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

9 (a) Section 3104.

10 (b) Part 301.

11 (c) Part 303.

12 (d) Part 323.

13 (e) Section 117 of the land division act, 1967 PA 288, MCL
14 560.117.

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

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

23 Enacting section 1. This amendatory act takes effect October
24 1, 2015.