

# HOUSE BILL NO. 5005

June 15, 2021, Introduced by Reps. Hammoud and Aiyash 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, 30109, 30306, 30306b, 30313b, 31509, 32312, 32513, 33911, and 33929 (MCL 324.30104, 324.30109, 324.30306, 324.30306b, 324.30313b, 324.31509, 324.32312, 324.32513, 324.33911, and 324.33929), sections 30104, 30109, 32312, and 32513 as amended by 2019 PA 84, section 30306 as amended by 2018 PA 631, section 30306b as amended by 2013 PA 98, section 30313b as added by 2006 PA 431, section 31509 as amended by 2004 PA 325, and sections

33911 and 33929 as amended by 2006 PA 496.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

7           (2) Except as provided in subsections (3) and (4), ~~until~~  
8 ~~October 1, 2023,~~ an application for a permit ~~shall~~~~must~~ be  
9 accompanied by an application fee based on an administrative cost  
10 in accordance with the following schedule:

11           (a) For an initial permit for a seasonal drawdown or  
12 associated reflooding, or both, of a dam or impoundment for the  
13 purpose of weed control that is issued for the first time after  
14 October 9, 1995, a fee of ~~\$500.00,~~ **\$1,330.00**, but for subsequent  
15 permits for the same purpose a fee of ~~\$50.00.~~ **\$133.00**.

16           (b) For activities included in a minor project category  
17 established under section 30105(7), a fee of ~~\$100.00.~~ **\$266.00**.

18           (c) For activities included in a general permit category  
19 established under section 30105(8), a fee of ~~\$50.00.~~ **\$133.00**.

20           (d) For construction or expansion of a marina, a fee as  
21 follows:

22           (i) ~~\$50.00~~ **\$133.00** for an expansion of 1-10 **marina** slips to an  
23 existing permitted marina.

24           (ii) ~~\$100.00~~ **\$266.00** for a new marina with 1-10 proposed marina  
25 slips.

26           (iii) ~~\$250.00~~ **\$665.00** for an expansion of 11-50 **marina** slips to  
27 an existing permitted marina, plus ~~\$10.00~~ **\$27.00** for each **marina**

1 slip over 50.

2 (iv) ~~\$500.00~~**\$1,330.00** for a new marina with 11-50 proposed  
3 marina slips, plus ~~\$10.00~~**\$27.00** for each **marina** slip over 50.

4 (v) ~~\$1,500.00~~**\$3,990.00** if an existing permitted marina  
5 proposes maintenance dredging of 10,000 cubic yards or more, unless  
6 the dredge material has been determined through testing to be 90%  
7 or more sand, or the addition of seawalls, bulkheads, or revetments  
8 of 500 feet or more.

9 (e) For major projects other than a project described in  
10 subdivision (d)(v), involving any of the following, a fee of  
11 ~~\$2,000.00~~**\$5,320.00**:

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

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

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

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

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

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

23 (vii) New commercial docks or wharves of 300 feet or more in  
24 length.

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

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

27 (x) New golf courses.

28 (xi) Subdivisions.

1 (xii) Condominiums.

2 (f) For the removal of submerged logs from bottomland of an  
3 inland lake, a ~~\$500.00~~**\$1,330.00** fee.

4 (g) For all other projects not listed in subdivisions (a)  
5 ~~through to~~ (f), a fee of ~~\$500.00~~**\$1,330.00**.

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

10 (a) Section 3104.

11 (b) Part 303.

12 (c) Part 323.

13 (d) Part 325.

14 (e) Section 117 of the land division act, 1967 PA 288, MCL  
15 560.117.

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

21 (5) If the department denies an application for a permit under  
22 this part, the department shall promptly refund the application fee  
23 paid under this section.

24 **(6) The fees specified under subsection (2) are effective 6**  
25 **months after the effective date of the amendatory act that added**  
26 **this subsection. Beginning January 1, 2024 and by January 1 every 3**  
27 **years after 2024, the department shall adjust the fees specified**  
28 **under subsection (2) by an amount determined by the state treasurer**  
29 **at the end of the preceding fiscal year to reflect the cumulative**

1 percentage change in the Detroit Consumer Price Index from the most  
 2 recent 3-year period for which data is available for the Detroit  
 3 area from the United States Department of Labor, Bureau of Labor  
 4 Statistics.

5 Sec. 30109. (1) ~~Upon~~**On** the written request of a riparian  
 6 owner and ~~upon~~ payment of a service fee, the department may enter  
 7 into a written agreement with the riparian owner establishing the  
 8 location of the ordinary high-water mark for his or her property.  
 9 In the absence of substantially changed conditions, the agreement  
 10 is conclusive proof of the location in all matters between ~~the~~**this**  
 11 state and the riparian owner and his or her successors in interest.  
 12 ~~Until October 1, 2023, the~~**The** service fee provided for in this  
 13 section is ~~\$500.00.~~**\$1,330.00**. The department shall forward service  
 14 fees collected under this section to the state treasurer for  
 15 deposit into the fund.

16 (2) **The fee specified under subsection (1) is effective 6**  
 17 **months after the effective date of the amendatory act that added**  
 18 **this subsection. Beginning January 1, 2024 and by January 1 every 3**  
 19 **years after 2024, the department shall adjust the fee specified**  
 20 **under subsection (1) by an amount determined by the state treasurer**  
 21 **at the end of the preceding fiscal year to reflect the cumulative**  
 22 **percentage change in the Detroit Consumer Price Index from the most**  
 23 **recent 3-year period for which data is available for the Detroit**  
 24 **area from the United States Department of Labor, Bureau of Labor**  
 25 **Statistics.**

26 Sec. 30306. (1) Except as provided in section 30307(6), to  
 27 obtain a permit for a use or development listed in section 30304, a  
 28 person shall file an application with the department on a form  
 29 provided by the department. The application ~~shall~~**must** include all

1 of the following:

2 (a) The person's name and address.

3 (b) The location of the wetland.

4 (c) A description of the wetland.

5 (d) A statement and appropriate drawings describing the  
6 proposed use or development.

7 (e) The wetland owner's name and address.

8 (f) An environmental assessment of the proposed use or  
9 development if requested by the department. The assessment ~~shall~~  
10 **must** include the effects ~~upon~~**on** wetland benefits and the effects  
11 ~~upon~~**on** the water quality, flow, and levels, and the wildlife,  
12 fish, and vegetation within any contiguous inland lake or stream.

13 (2) For the purposes of subsection (1), a proposed use or  
14 development of a wetland ~~shall~~**must** be covered by a single permit  
15 application under this part if the scope, extent, and purpose of a  
16 use or development are made known at the time of the application  
17 for the permit.

18 (3) Except as provided in subsections (4) and (5), an  
19 application for a permit submitted under subsection (1) ~~shall~~**must**  
20 be accompanied by the following application fee, as applicable:

21 (a) For a project in a category of activities for which a  
22 general permit is issued under section 30312(2), a fee of  
23 ~~\$50.00~~**.\$133.00**.

24 (b) For activities included in a minor project category  
25 established under section 30312(1), a fee of ~~\$100.00~~**.\$266.00**.

26 (c) For a major project, including any of the following, a fee  
27 of ~~\$2,000.00~~**.\$5,320.00**:

28 (i) Filling or draining of 1 acre or more of coastal or inland  
29 wetland.

1 (ii) 10,000 cubic yards or more of wetland fill.

2 (iii) A new golf course affecting wetland.

3 (iv) A subdivision affecting wetland.

4 (v) A condominium affecting wetland.

5 (d) For all other projects, a fee of ~~\$500.00~~ **\$1,330.00**.

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

10 (a) Section 3104.

11 (b) Part 301.

12 (c) Part 323.

13 (d) Part 325.

14 (e) Section 117 of the land division act, 1967 PA 288, MCL  
15 560.117.

16 (5) If work has been done in violation of a permit requirement  
17 under this part, the department shall consider accepting and may  
18 accept an application for a permit if the application is  
19 accompanied by a fee equal to twice the application fee otherwise  
20 required under this section.

21 (6) If the department determines that a permit is not required  
22 under this part or denies an application for a permit under this  
23 part, the department shall promptly refund the application fee paid  
24 under this section.

25 (7) The department may issue a conditional permit before the  
26 expiration of the 20-day period referred to in section 30307 if  
27 emergency conditions warrant a project to protect property or the  
28 public health, safety, or welfare.

29 **(8) The fees specified under subsection (3) are effective 6**

1 months after the effective date of the amendatory act that added  
2 this subsection. Beginning January 1, 2024 and by January 1 every 3  
3 years after 2024, the department shall adjust the fees specified  
4 under subsection (3) by an amount determined by the state treasurer  
5 at the end of the preceding fiscal year to reflect the cumulative  
6 percentage change in the Detroit Consumer Price Index from the most  
7 recent 3-year period for which data is available for the Detroit  
8 area from the United States Department of Labor, Bureau of Labor  
9 Statistics.

10 Sec. 30306b. (1) If a preapplication meeting is requested in  
11 writing by the landowner or another ~~person~~**individual** who is  
12 authorized in writing by the landowner, the department shall meet  
13 with the ~~person~~**landowner** or his or her representatives to review a  
14 proposed project or a proposed permit application in its entirety.  
15 The preapplication meeting ~~shall~~**must** take place at the  
16 department's district office for the district that includes the  
17 project site or at the project site itself, as specified in the  
18 request.

19 (2) Except as provided in this subsection, the request ~~shall~~  
20 **must** be accompanied by a fee. The fee for a preapplication meeting  
21 at the district office is ~~\$150.00.~~**\$400.00**. The fee for a  
22 preapplication meeting at the project site is ~~\$250.00~~**\$665.00** for  
23 the first acre or portion of an acre of project area, plus ~~\$50.00~~  
24 **\$133.00** for each acre or portion of an acre in excess of the first  
25 acre, but not to exceed a fee of ~~\$1,000.00.~~**\$2,660.00**. However,  
26 both of the following apply:

27 (a) If the location of the project is a single family  
28 residential lot that is less than 1 acre in size, there is no fee  
29 for a preapplication meeting at the district office, and the fee



1 for a preapplication meeting at the project site is  
2 ~~\$100.00.~~ **\$266.00.**

3 (b) There is no fee for a preapplication meeting for cranberry  
4 and blueberry production activities, whether at the district office  
5 or project site.

6 (3) If the ~~person-landowner~~ withdraws the **preapplication**  
7 **meeting** request at least 24 hours before the preapplication  
8 meeting, the department may agree with the ~~person-landowner~~ to  
9 reschedule the **preapplication** meeting or shall promptly refund the  
10 fee and need not meet as provided in this section. Otherwise, if,  
11 after agreeing to the time and place for a preapplication meeting,  
12 the ~~person-requesting-landowner that requests~~ the **preapplication**  
13 meeting is not represented at the meeting, the ~~person-landowner~~  
14 shall forfeit the fee for the **preapplication** meeting. If, after  
15 agreeing to the time and place for a preapplication meeting, the  
16 department is not represented at the **preapplication** meeting, the  
17 department shall refund the fee and send a representative to a  
18 rescheduled **preapplication** meeting to be held within 10 days after  
19 the first scheduled meeting date.

20 (4) Any written agreement provided by the department as a  
21 result of the preapplication meeting regarding the need to obtain a  
22 permit is binding on the department for 2 years after the date of  
23 the agreement.

24 (5) **The fees specified under subsection (2) are effective 6**  
25 **months after the effective date of the amendatory act that added**  
26 **this subsection. Beginning January 1, 2024 and by January 1 every 3**  
27 **years after 2024, the department shall adjust the fees specified**  
28 **under subsection (2) by an amount determined by the state treasurer**  
29 **at the end of the preceding fiscal year to reflect the cumulative**

1 percentage change in the Detroit Consumer Price Index from the most  
2 recent 3-year period for which data is available for the Detroit  
3 area from the United States Department of Labor, Bureau of Labor  
4 Statistics.

5 Sec. 30313b. (1) The department may make minor revisions in a  
6 permit issued under this part if all of the following apply:

7 (a) The project is in compliance with the permit and this  
8 part.

9 (b) The minor revisions are requested by the permittee in  
10 writing.

11 (c) The request is accompanied by a fee of ~~\$250.00~~ **\$665.00**.

12 (d) If the request is for a transfer of the permit, the  
13 request is accompanied by a written agreement between the current  
14 and new owners or operators containing a specific date for transfer  
15 of responsibility, coverage, and liability under the permit.

16 (2) The department shall approve or deny the request within 20  
17 business days. However, if the only minor revision requested is a  
18 transfer under subsection ~~(4)(a)~~, **(5)(a)**, the department shall  
19 approve or deny the request within 10 business days. If the  
20 department fails to approve or deny the request within the time  
21 required by this subsection, the department shall refund the fee.

22 (3) If the department determines that none of the changes  
23 requested are minor revisions, the department shall retain the fee  
24 but the permittee may apply the fee toward a new permit for a  
25 project at that site.

26 **(4) The fee specified under subsection (1) is effective 6**  
27 **months after the effective date of the amendatory act that amended**  
28 **this section. Beginning January 1, 2024 and by January 1 every 3**  
29 **years after 2024, the department shall adjust the fee specified**

1 under subsection (1) by an amount determined by the state treasurer  
 2 at the end of the preceding fiscal year to reflect the cumulative  
 3 percentage change in the Detroit Consumer Price Index from the most  
 4 recent 3-year period for which data is available for the Detroit  
 5 area from the United States Department of Labor, Bureau of Labor  
 6 Statistics.

7 (5) ~~(4)~~—As used in this section, "minor revision" means either  
 8 of the following with respect to a permit issued under this part:

9 (a) A transfer.

10 (b) A revision that does not increase the overall impact of a  
 11 project on wetlands and that is within the scope of the project as  
 12 described in the original permit.

13 Sec. 31509. (1) Except as otherwise provided in this part or  
 14 as authorized by a permit issued by the department ~~pursuant to~~  
 15 **under** part 13, a person shall not undertake any of the following  
 16 activities:

17 (a) Construction of a new dam.

18 (b) Enlargement of a dam or an impoundment.

19 (c) Repair of a dam.

20 (d) Alteration of a dam.

21 (e) Removal of a dam.

22 (f) Abandonment of a dam.

23 (g) Reconstruction of a failed dam.

24 (2) An application for a permit ~~shall~~**must** include information  
 25 that the department determines is necessary for the administration  
 26 of this part. If a project includes activities at multiple  
 27 locations, 1 application may be filed for the combined activities.

28 (3) An application for a permit for construction of a new dam,  
 29 reconstruction of a failed dam, or enlargement of a dam ~~shall~~**must**

1 be accompanied by the following fees:

2 (a) For a dam with a height of 6 feet or more but less than 10  
3 feet, ~~\$500.00.~~ **\$1,330.00.**

4 (b) For a dam with a height of 10 feet or more but less than  
5 20 feet, ~~\$1,000.00.~~ **\$2,660.00.**

6 (c) For a dam with a height of 20 feet or more,  
7 ~~\$3,000.00.~~ **\$7,980.00.**

8 (4) An application for a permit for the repair, alteration,  
9 removal, or abandonment of a dam ~~shall~~ **must** be accompanied by a fee  
10 of ~~\$200.00,~~ **\$532.00**, and an application for a permit for a minor  
11 project ~~pursuant to~~ **under** section 31513(1) ~~shall~~ **must** be  
12 accompanied by a fee of ~~\$100.00.~~ **\$266.00.**

13 (5) The department shall waive the fees under this section for  
14 applications from state agencies, department sponsored projects  
15 located on public lands, and organizations of the type described in  
16 section ~~31508(2)(a) through (c).~~ **31508(2)**.

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

20 **(7) The fees specified under subsections (3) and (4) are**  
21 **effective 6 months after the effective date of the amendatory act**  
22 **that added this subsection. Beginning January 1, 2024 and by**  
23 **January 1 every 3 years after 2024, the department shall adjust the**  
24 **fees specified under subsections (3) and (4) by an amount**  
25 **determined by the state treasurer at the end of the preceding**  
26 **fiscal year to reflect the cumulative percentage change in the**  
27 **Detroit Consumer Price Index from the most recent 3-year period for**  
28 **which data is available for the Detroit area from the United States**  
29 **Department of Labor, Bureau of Labor Statistics.**

1           Sec. 32312. (1) To regulate the uses and development of high-  
 2 risk areas, flood risk areas, and environmental areas and to  
 3 implement the purposes of this part, the department shall  
 4 promulgate rules. If permits are required under rules promulgated  
 5 under this part, the permits ~~shall~~**must** be issued pursuant to the  
 6 rules and part 13. Except as provided under subsection (2), ~~until~~  
 7 ~~October 1, 2023,~~ if permits are required pursuant to rules  
 8 promulgated under this part, an application for a permit ~~shall~~**must**  
 9 be accompanied by a fee as follows:

10           (a) For a commercial or multifamily residential project,  
 11 ~~\$500.00.~~**\$1,330.00.**

12           (b) For a single-family home construction, ~~\$100.00.~~**\$266.00.**

13           (c) For an addition to an existing single-family home or for a  
 14 project that has a minor impact on fish and wildlife resources in  
 15 environmental areas as determined by the department,  
 16 ~~\$50.00.~~**\$133.00.**

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

21           (a) Part 301.

22           (b) Part 303.

23           (c) Part 325.

24           (d) Section 3104.

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

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

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

6 (5) **The fees specified under subsection (1) are effective 6**  
7 **months after the effective date of the amendatory act that added**  
8 **this subsection. Beginning January 1, 2024 and by January 1 every 3**  
9 **years after 2024, the department shall adjust the fees specified**  
10 **under subsection (1) by an amount determined by the state treasurer**  
11 **at the end of the preceding fiscal year to reflect the cumulative**  
12 **percentage change in the Detroit Consumer Price Index from the most**  
13 **recent 3-year period for which data is available for the Detroit**  
14 **area from the United States Department of Labor, Bureau of Labor**  
15 **Statistics.**

16 Sec. 32513. (1) To obtain a permit for any activity specified  
17 in section 32512, a person shall file an application with the  
18 department on a form provided by the department. The application  
19 ~~shall~~**must** include all of the following:

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

21 (b) The legal description of the lands included in the  
22 project.

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

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

27 (e) Other information required by the department.

28 (2) Except as provided in subsections (3) and (4), ~~until~~  
29 ~~October 1, 2023,~~ an application for a permit under this section

1 ~~shall~~**must** be accompanied by the following fee, as applicable:

2 (a) For a project in a category of activities for which a  
3 general permit is issued under section 32512a(2), a fee of  
4 ~~\$50.00.~~**\$133.00.**

5 (b) For activities included in a minor project category  
6 established under section 32512a(1), a fee of ~~\$100.00.~~**\$266.00.**

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

8 (i) ~~\$50.00.~~**\$133.00** for an expansion of 1-10 **marina** slips to an  
9 existing permitted marina.

10 (ii) ~~\$100.00.~~**\$266.00** for a new marina with 1-10 proposed marina  
11 slips.

12 (iii) ~~\$250.00.~~**\$665.00** for an expansion of 11-50 **marina** slips to  
13 an existing permitted marina, plus ~~\$10.00.~~**\$27.00** for each **marina**  
14 slip over 50.

15 (iv) ~~\$500.00.~~**\$1,330.00** for a new marina with 11-50 proposed  
16 marina slips, plus ~~\$10.00.~~**\$27.00** for each **marina** slip over 50.

17 (v) ~~\$1,500.00.~~**\$3,990.00** if an existing permitted marina  
18 proposes maintenance dredging of 10,000 cubic yards or more, unless  
19 the dredge material has been determined through testing to be 90%  
20 or more sand, or the addition of seawalls, bulkheads, or revetments  
21 of 500 feet or more.

22 (d) For major projects other than a project described in  
23 subdivision (c)(v), involving any of the following, a fee of  
24 ~~\$2,000.00.~~**\$5,320.00:**

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

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

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

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

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

4 (vi) New breakwater or channel jetty.

5 (vii) Shore protection, such as groins and underwater  
6 stabilizers, that extend 150 feet or more on Great Lakes  
7 bottomlands.

8 (viii) New commercial dock or wharf of 300 feet or more in  
9 length.

10 (e) For all other projects not listed in subdivisions (a) to  
11 (d), ~~\$500.00.~~ **\$1,330.00.**

12 (3) A project that requires review and approval under this  
13 part and 1 or more of the following **acts or parts of acts** is  
14 subject to only the single highest permit fee required under this  
15 part or the following **act or parts of acts**:

16 (a) Section 3104.

17 (b) Part 301.

18 (c) Part 303.

19 (d) Part 323.

20 (e) Section 117 of the land division act, 1967 PA 288, MCL  
21 560.117.

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

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



1           (6) The fees specified under subsection (2) are effective 6  
2 months after the effective date of the amendatory act that added  
3 this subsection. Beginning January 1, 2024 and by January 1 every 3  
4 years after 2024, the department shall adjust the fees specified  
5 under subsection (2) by an amount determined by the state treasurer  
6 at the end of the preceding fiscal year to reflect the cumulative  
7 percentage change in the Detroit Consumer Price Index from the most  
8 recent 3-year period for which data is available for the Detroit  
9 area from the United States Department of Labor, Bureau of Labor  
10 Statistics.

11           Sec. 33911. (1) ~~Upon~~On application of a person that holds a  
12 lease from this state of any portion or portions of the real  
13 property described in this part, the department may execute and  
14 deliver to the applicant a deed conveying all of the right, title,  
15 and interest of this state in and to that real property, subject to  
16 the paramount rights of hunting, fishing, and navigation, which  
17 remain in the general public and in the government as recognized by  
18 law. The deeds ~~shall~~must contain the same provisions as to use and  
19 occupancy now set forth in all the leases previously granted under  
20 former 1913 PA 326 or under this part. The department shall not  
21 grant a deed under this part unless the lessee of the subject  
22 property agrees to cancel the lease and relinquishes all rights  
23 under the lease.

24           (2) The department shall not grant a deed under this part for  
25 a lot that contains a structure unless the structure and the lot  
26 subject to the deed, including seawalls where present, comply with  
27 the applicable township building code and county and state  
28 sanitation codes and part 325, and the structure is located on a  
29 parcel of land that is adequately protected from erosion.

1           (3) A deed granted under this part ~~shall~~**must** not include a  
2 portion of the original lease that is submerged or lies below the  
3 elevation of 575.3 International Great Lakes Datum (IGLD 1985). The  
4 department of ~~environmental quality~~**environment, Great Lakes, and**  
5 **energy** shall perform a site inspection and set stakes, if  
6 necessary, to identify the boundaries of the area of the leased lot  
7 to be deeded. The applicant shall provide a boundary survey,  
8 completed by a professional surveyor, that delineates the area of  
9 the real property to be deeded. ~~The~~**This** state shall retain  
10 proprietary ownership in trust over the portion of the leased lot  
11 below the ordinary high-water mark of Lake St. Clair at the time of  
12 the conveyance.

13           (4) A deed ~~shall~~**must** not be granted under this part at less  
14 than the estimated land value of the real property as determined by  
15 the township in which the real property is located. Appraisal  
16 procedures and practices may include utilizing independent fee  
17 appraisal contractors. The appraisal ~~shall~~**must** not include  
18 improvements such as buildings, seawalls, and docks. Credit ~~shall~~  
19 **must** not be granted to the lessee for the years remaining on an  
20 unexpired lease when determining the sale value to ~~the~~**this** state.  
21 The applicant shall remit the full consideration within 1 year  
22 after being notified in writing of the selling price by the  
23 department. If the applicant does not remit the full consideration  
24 for the deed within 1 year, the department shall close the file and  
25 a new application must be submitted.

26           (5) If the applicant is not satisfied with the fair market  
27 value determined by the department under subsection (4), the  
28 applicant, within 30 days after receiving the determination, may  
29 submit a petition in writing to the circuit court in the thirty-

1 first judicial circuit, and the court shall appoint an appraiser or  
2 appraisers from the department's approved listing to conduct an  
3 appraisal of the parcel. The decision of the court is final. The  
4 applicant shall pay all costs associated with this additional  
5 appraisal.

6 (6) A request for a deed ~~shall~~**must** be on a form provided by  
7 the department of ~~environmental quality~~**environment, Great Lakes,**  
8 **and energy** and ~~shall be~~ accompanied by an application fee of  
9 ~~\$500.00.~~**\$1,330.00. The fee specified under this subsection is**  
10 **effective 6 months after the effective date of the amendatory act**  
11 **that amended this section. Beginning January 1, 2024 and by January**  
12 **1 every 3 years after 2024, the department shall adjust the fee**  
13 **specified under this subsection by an amount determined by the**  
14 **state treasurer at the end of the preceding fiscal year to reflect**  
15 **the cumulative percentage change in the Detroit Consumer Price**  
16 **Index from the most recent 3-year period for which data is**  
17 **available for the Detroit area from the United States Department of**  
18 **Labor, Bureau of Labor Statistics.**

19 Sec. 33929. (1) Each sale or transfer of a lease ~~shall~~**must**  
20 contain a specific statement of the purpose for which the property  
21 leased is to be used by the purchaser or assignee. A sale or  
22 transfer of a lease for other than club or residence purposes is  
23 not valid unless and until the sale or transfer is approved by the  
24 department of ~~environmental quality~~**environment, Great Lakes, and**  
25 **energy.**

26 (2) Before selling or transferring a property that is subject  
27 to a lease under this part, the parties involved shall apply to the  
28 department of ~~environmental quality~~**environment, Great Lakes, and**  
29 **energy** for approval of the transfer of the lease to the purchaser.

1 The application ~~shall~~**must** be made on a form provided by the  
2 department of ~~environmental quality~~**environment, Great Lakes, and**  
3 **energy** and ~~shall be~~ accompanied by a fee of ~~\$250.00. Upon~~**\$665.00.**  
4 On approval by the department of ~~environmental quality,~~  
5 **environment, Great Lakes, and energy,** an assignment of lease form  
6 ~~shall~~**must** be recorded with the county register of deeds. **The fee**  
7 **specified under this subsection is effective 6 months after the**  
8 **effective date of the amendatory act that added this subsection.**  
9 **Beginning January 1, 2024 and by January 1 every 3 years after**  
10 **2024, the department shall adjust the fee specified under this**  
11 **subsection by an amount determined by the state treasurer at the**  
12 **end of the preceding fiscal year to reflect the cumulative**  
13 **percentage change in the Detroit Consumer Price Index from the most**  
14 **recent 3-year period for which data is available for the Detroit**  
15 **area from the United States Department of Labor, Bureau of Labor**  
16 **Statistics.**