

SENATE BILL NO. 228

March 11, 2021, Introduced by Senator MCBROOM and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32311, 32312, and 32512 (MCL 324.32311,
324.32312, and 324.32512), section 32311 as added by 1995 PA 59,
section 32312 as amended by 2019 PA 84, and section 32512 as
amended by 2012 PA 247.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32311. ~~(1) An existing zoning ordinance or a~~ **A** zoning

1 ordinance or ~~a modification or an~~ amendment to a zoning ordinance
 2 that regulates a high-risk area, a flood risk area, or an
 3 environmental area ~~shall be submitted to~~ **is not effective until it**
 4 **has been submitted to and approved by** the department. ~~for approval~~
 5 ~~or disapproval.~~

6 (2) The department shall ~~determine if~~ **approve** the ordinance ~~r~~
 7 ~~modification, or amendment~~ **if it** adequately prevents property
 8 damage or prevents damage to an environmental area, a high-risk
 9 area, or a flood risk area. ~~If an ordinance, modification, or~~
 10 ~~amendment is disapproved by the department, it shall not have force~~
 11 ~~or effect until modified by the local unit of government and~~
 12 ~~approved by the department.~~

13 (3) The department shall not fail to approve an ordinance or
 14 amendment because the ordinance does not require a permit for
 15 dredging, placing spoils, temporarily using equipment, or
 16 constructing a seawall, revetment, or other shoreline stabilization
 17 structure if the activity or structure is located landward of the
 18 ordinary high-water mark as specified in section 32502.

19 Sec. 32312. (1) To regulate the uses and development of high-
 20 risk areas, flood risk areas, and environmental areas and to
 21 implement the purposes of this part, the department shall
 22 promulgate rules. ~~If permits are required under rules promulgated~~
 23 ~~under this part, the rules require permits,~~ the permits shall be
 24 issued pursuant to the rules and part 13. **The rules shall not**
 25 **require a permit for dredging, placing spoils, temporarily using**
 26 **equipment, or constructing a seawall, revetment, or other shoreline**
 27 **stabilization structure if the activity or structure is located**
 28 **landward of the ordinary high-water mark as specified in section**
 29 **32502.** Except as provided under subsection (2), until October 1,

2023, if permits are required pursuant to rules promulgated under this part, an application for a permit shall be accompanied by a fee as follows:

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

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

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

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

(a) Part 301.

(b) Part 303.

(c) Part 325.

(d) Section 3104.

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

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

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

Sec. 32512. (1) Except as provided in ~~subsection~~ **subsections**

(2) **and (3)**, unless a permit has been granted by the department

1 pursuant to part 13 or authorization has been granted by the
2 legislature, ~~or except as to boat wells and slips facilitating~~
3 ~~private, noncommercial, recreational boat use, not exceeding 50~~
4 ~~feet in length where the spoil is not disposed of below the~~
5 ~~ordinary high-water mark of the body of water to which it is~~
6 ~~connected~~, a person shall not do any of the following:

7 (a) Construct, dredge, commence, or do any work with respect
8 to an artificial canal, channel, ditch, lagoon, pond, lake, or
9 similar waterway ~~where~~ **for** the purpose ~~is~~ **of** ultimate connection of
10 the waterway with any of the Great Lakes, including Lake St. Clair.

11 (b) Connect any natural or artificially constructed waterway,
12 canal, channel, ditch, lagoon, pond, lake, or similar waterway with
13 any of the Great Lakes, including Lake St. Clair, for navigation or
14 any other purpose.

15 (c) Dredge or place spoil or other material on bottomland.

16 (d) Construct a marina.

17 (2) ~~Except as provided in~~ **Subject to** subsection ~~(3), (4)~~, the
18 following activities are not subject to regulation under this part:

19 (a) Leveling of sand, removal of vegetation, grooming of soil,
20 or removal of debris, in an area of unconsolidated material
21 predominantly composed of sand, rock, or pebbles, located between
22 the ordinary high-water mark and the water's edge.

23 (b) Mowing of vegetation between the ordinary high-water mark
24 and the water's edge.

25 (3) **Subject to subsection (4), a permit is not required under**
26 **this part for any of the following:**

27 (a) **Dredging, placing spoils, temporarily using equipment, or**
28 **constructing a seawall, revetment, or other shoreline stabilization**
29 **structure if the activity or structure is located landward of the**

1 ordinary high-water mark.

2 (b) Constructing or maintaining boat wells and slips that
3 facilitate private, noncommercial, recreational boat use, not
4 exceeding 50 feet in length if the spoil is not disposed of below
5 the ordinary high-water mark of the body of water to which it is
6 connected.

7 (4) ~~(3) Subsection (2) does~~ **Subsections (2) and (3)** do not
8 apply to lands included in the survey of the delta of the St. Clair
9 River, otherwise referred to as the St. Clair ~~flats,~~ **Flats**, located
10 within Clay ~~township,~~ **Township**, St. Clair ~~county,~~ **County**, as
11 provided for in 1899 PA 175.