



HOUSE BILL No. 4895

May 25, 1995, Introduced by Rep. Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 5, 6, 10, and 16 of Act No. 346 of the Public Acts of 1972, entitled as amended "Inland lakes and streams act of 1972," sections 5, 6, and 10 as amended and section 16 as added by Act No. 181 of the Public Acts of 1993, being sections 281.955, 281.956, 281.960, and 281.966 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5, 6, 10, and 16 of Act No. 346 of the
2 Public Acts of 1972, sections 5, 6, and 10 as amended and
3 section 16 as added by Act No. 181 of the Public Acts of 1993,
4 being sections 281.955, 281.956, 281.960, and 281.966 of the
5 Michigan Compiled Laws, are amended to read as follows:

6 Sec. 5. (1) Before a project that is subject to this act is
7 undertaken, a person shall file an application and receive a
8 permit from the department. The application shall be on a form

1 prescribed by the department and shall include any information
2 that may be required by the department. If a project includes
3 activities at multiple locations, 1 application may be filed for
4 the combined activities.

5 (2) Except as provided in subsections (3) and (4), an appli-
6 cation for a permit shall be accompanied by a fee based on an
7 administrative cost in accordance with the following schedule:

8 (a) Until October 1, ~~+1995~~ 1997:

9 (i) For a minor project listed in R 281.816 of the Michigan
10 administrative code, a fee of \$50.00.

11 (ii) For construction or expansion of a marina, a fee of:

12 (A) \$50.00 for an expansion of 1-10 slips to an existing
13 permitted marina.

14 (B) \$100.00 for a new marina with 1-10 proposed marina
15 slips.

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

18 (D) \$500.00 for a new marina with 11-50 proposed marina
19 slips, plus \$10.00 for each slip over 50.

20 (E) \$1,500.00 if an existing permitted marina proposes main-
21 tenance dredging of 10,000 cubic yards or more or the addition of
22 seawalls, bulkheads, or revetments of 500 feet or more.

23 (iii) For renewal of a marina operating permit, a fee of
24 \$50.00.

25 (iv) For major projects other than a project described in
26 subparagraph (ii)(E), involving any of the following, a fee of
27 \$2,000.00:

- 1 (A) Dredging of 10,000 cubic yards or more.
- 2 (B) Filling of 10,000 cubic yards or more.
- 3 (C) Seawalls, bulkheads, or revetment of 500 feet or more.
- 4 (D) Filling or draining of 1 acre or more of wetland conti-
5 guous to a lake or stream.
- 6 (E) New dredging or upland boat basin excavation in areas of
7 suspected contamination.
- 8 (F) Shore projections, such as groins and underwater stabi-
9 lizers, that extend 150 feet or more into a lake or stream.
- 10 (G) New commercial docks or wharves of 300 feet or more in
11 length.
- 12 (H) Stream enclosures 100 feet or more in length.
- 13 (I) Stream relocations 500 feet or more in length.
- 14 (J) New golf courses.
- 15 (K) Subdivisions.
- 16 (L) Condominiums.
- 17 (v) For all other projects not listed in subparagraphs (i)
18 through (iv), a fee of \$500.00.
- 19 (b) Beginning October 1, ~~1995~~ 1997, a fee of \$25.00 for
20 any project listed in subdivision (a).
- 21 (3) A project that requires review and approval under this
22 act and 1 or more of the following acts is subject to only the
23 single highest permit fee required under this act or the follow-
24 ing acts:
- 25 (a) The Goemaere-Anderson wetland protection act, Act
26 No. 203 of the Public Acts of 1979, being sections 281.701 to
27 281.722 of the Michigan Compiled Laws.

1 (b) The Great Lakes submerged lands act, Act No. 247 of the
2 Public Acts of 1955, being sections 322.701 to 322.715 of the
3 Michigan Compiled Laws.

4 (c) The shorelands protection and management act of 1970,
5 Act No. 245 of the Public Acts of 1970, being sections 281.631 to
6 281.644 of the Michigan Compiled Laws.

7 (d) Section ~~2a~~ 3104 of THE NATURAL RESOURCES AND ENVIRON-
8 MENTAL PROTECTION ACT, Act No. ~~245~~ 451 of the Public Acts of
9 ~~1929~~ 1994, being section ~~323.2a~~ 324.3104 of the Michigan
10 Compiled Laws.

11 (e) Section 117 of the subdivision control act of 1967, Act
12 No. 288 of the Public Acts of 1967, being section 560.117 of the
13 Michigan Compiled Laws.

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

19 Sec. 6. (1) Until October 1, ~~1995~~ 1997, a person who
20 desires notification of pending applications may submit a written
21 request to the department accompanied by an annual fee of
22 \$25.00. The department shall forward all annual fees to the
23 state treasurer for deposit into the fund. The department shall
24 prepare a monthly list of the applications made during the previ-
25 ous month and shall promptly mail copies of the list for the
26 remainder of the calendar year to the persons who have so
27 requested notice. The monthly list shall state the name and

1 address of each applicant, the legal description of the lands
2 included in the applicant's project and a summary statement of
3 the purpose of the project. The department may hold a public
4 hearing on pending applications.

5 (2) Except as otherwise provided in this section, upon
6 receiving an application, the department shall submit copies for
7 review to the director of public health or the local health
8 department designated by the director of public health, the city,
9 village, or township, and the county where the project is to be
10 located, the local soil conservation district, the local water-
11 shed council organized under the local river management act, Act
12 No. 253 of the Public Acts of 1964, ~~as amended,~~ being sections
13 323.301 to 323.320 of the Michigan Compiled Laws, if any, the
14 local port commission, if any, and the persons required to be
15 included in the application pursuant to section 5(1). Each copy
16 of the application shall be accompanied by a statement that
17 unless a written request is filed with the department within 20
18 days after the submission for review, the department may grant
19 the application without a public hearing where the project is
20 located. The department may hold a public hearing upon the writ-
21 ten request of the applicant or a riparian owner or a person or
22 governmental unit that is entitled to receive a copy of the
23 application pursuant to this subsection.

24 (3) After completion of a project for which an application
25 is approved, the department may cause a final inspection to be
26 made and certify to the applicant that the applicant has complied
27 with the department's permit requirements.

1 (4) At least 10 days' notice of a hearing to be held
2 pursuant to this section shall be given by the publication in a
3 newspaper circulated in the county where the project is to be
4 located and by mailing copies of the notice to the persons who
5 have requested the monthly list pursuant to subsection (1), the
6 person requesting the hearing, and the persons and governmental
7 units that are entitled to receive a copy of the application pur-
8 suant to subsection (2).

9 (5) The department shall grant or deny the permit within 60
10 days, or within 90 days if a public hearing is held, after the
11 filing of an application pursuant to section 5. If a permit is
12 denied, the department shall provide to the applicant a concise
13 written statement of its reasons for denial of the permit, and if
14 it appears that a minor modification of the application would
15 result in the granting of the permit, the nature of the modifica-
16 tion shall be stated. In an emergency, the department may issue
17 a conditional permit before the expiration of the 20-day period
18 referred to in subsection (2).

19 (6) The department, by rule promulgated pursuant to section
20 11(1), may establish minor project categories of activities and
21 projects that are similar in nature and have minimal adverse
22 environmental impact. The department may act upon an application
23 received pursuant to section 5 for an activity or project within
24 a minor project category after an on-site inspection of the land
25 and water involved without providing notices or holding a public
26 hearing pursuant to subsection (2). A final inspection or
27 certification of a project completed under a permit granted

1 pursuant to this subsection is not required, but all other
2 provisions of this act are applicable to a minor project.

3 Sec. 10. Upon the written request of a riparian owner and
4 upon payment of a service fee, the department may enter into a
5 written agreement with a riparian owner establishing the location
6 of the ordinary high water mark for his or her property. In the
7 absence of substantially changed conditions, the agreement shall
8 be conclusive proof of the location in all matters between the
9 state and the riparian owner and his or her successors in
10 interest. Until October 1, ~~1995~~ 1997, the service fee provided
11 for in this section ~~shall be~~ IS \$500.00. Beginning October 1,
12 ~~1995~~ 1997, the service fee provided for in this section shall
13 be \$50.00. The department shall forward all service fees to the
14 state treasurer for deposit into the fund.

15 Sec. 16. (1) The land and water management permit fee fund
16 is created within the state treasury.

17 (2) The state treasurer may receive money or other assets
18 from any source for deposit into the fund. The state treasurer
19 shall direct the investment of the fund. The state treasurer
20 shall credit to the fund interest and earnings from fund
21 investments. The state treasurer shall annually present to the
22 department an accounting of the amount of money in the fund.

23 (3) Money in the fund at the close of the fiscal year shall
24 remain in the fund and shall not lapse to the general fund.

25 (4) The department shall expend money from the fund, upon
26 appropriation, only to implement this act and the following acts
27 or parts of acts:

1 (a) Sections ~~2a, 5a, and 5b~~ 3104, 3107, AND 3108 of THE
2 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. ~~245-~~
3 451 of the Public Acts of ~~1929~~ 1994, being sections ~~323.2a,~~
4 ~~323.5a, and 323.5b~~ 324.3104, 324.3107, AND 324.3108 of the
5 Michigan Compiled Laws.

6 (b) The Great Lakes submerged lands act, Act No. 247 of the
7 Public Acts of 1955, being sections 322.701 to 322.715 of the
8 Michigan Compiled Laws.

9 (c) The Goemaere-Anderson wetland protection act, Act
10 No. 203 of the Public Acts of 1979, being sections 281.701 to
11 281.722 of the Michigan Compiled Laws.

12 (d) Section 12562 of the public health code, Act No. 368 of
13 the Public Acts of 1978, being section 333.12562 of the Michigan
14 Compiled Laws.

15 (e) The shorelands protection and management act of 1970,
16 Act No. 245 of the Public Acts of 1970, being sections 281.631 to
17 281.644 of the Michigan Compiled Laws.

18 (f) Section 117 of the subdivision control act of 1967, Act
19 No. 288 of the Public Acts of 1967, being section 560.117 of the
20 Michigan Compiled Laws.

21 (g) The dam safety act, Act No. 300 of the Public Acts of
22 1989, being sections 281.1301 to 281.1365 of the Michigan
23 Compiled Laws.

24 (h) Sections 16 to 44 of the sand dune protection and man-
25 agement act, Act No. 222 of the Public Acts of 1976, being sec-
26 tions 281.666 to 281.694 of the Michigan Compiled Laws.

1 (5) The department shall process permit applications for the
2 public acts cited in subsection (4) within 60 days after
3 receiving a completed permit application UNLESS THE ACT OR PART
4 SPECIFICALLY PROVIDES FOR PERMIT APPLICATION PROCESSING TIME
5 LIMITS.

6 (6) The department shall annually report to the legislature
7 on both of the following:

8 (a) How money in the fund was expended during the previous
9 fiscal year.

10 (b) For permit programs funded with money in the fund, the
11 average length of time for department action on permit applica-
12 tions for each class of permits reviewed.