

SENATE BILL No. 1235

May 2, 2000, Introduced by Senator PETERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 30301 (MCL 324.30301), as added by 1995 PA
59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30301. As used in this part:

2 (a) "Fill material" means soil, rocks, sand, waste of any
3 kind, or any other material that displaces soil or water or
4 reduces water retention potential.

5 (b) "Minor drainage" includes ditching and tiling for the
6 removal of excess soil moisture incidental to the planting, cul-
7 tivating, protecting, or harvesting of crops or improving the
8 productivity of land in established use for agriculture,
9 horticulture, silviculture, or lumbering.

1 (c) "Person" means an individual, sole proprietorship,
2 partnership, corporation, association, municipality, this state,
3 ~~and~~ AN instrumentality or agency of this state, the federal
4 government, ~~or~~ an instrumentality or agency of the federal gov-
5 ernment, or ANY other legal entity.

6 (d) "Wetland" means land characterized by the presence of
7 water at a frequency and duration sufficient to support, and that
8 under normal circumstances does support, wetland vegetation or
9 aquatic life, and is commonly referred to as a bog, swamp, or
10 marsh and which is any of the following:

11 (i) Contiguous to the Great Lakes or Lake St. Clair, an
12 inland lake or pond, or a river or stream.

13 (ii) Not contiguous to the Great Lakes, an inland lake or
14 pond, or a river or stream; and more than 5 acres in size; except
15 this subparagraph shall not be of effect, except for the purpose
16 of inventorying, in counties of less than 100,000 population
17 until the department certifies to the commission it has substan-
18 tially completed its inventory of wetlands in that county.

19 (iii) Not contiguous to the Great Lakes, an inland lake or
20 pond, or a river or stream; and 5 acres or less in size if the
21 department determines that protection of the area is essential to
22 the preservation of the natural resources of the state from pol-
23 lution, impairment, or destruction and the department has so
24 notified the owner; except this subparagraph may be utilized
25 regardless of wetland size in a county in which subparagraph (ii)
26 is of no effect; except for the purpose of inventorying, at the
27 time. INCLUSION OF AN AREA IN APPENDIX D OR APPENDIX E OF "THE

1 CRITICAL NON-CONTIGUOUS WETLANDS OF MICHIGAN" A REPORT FOR THE
2 DEPARTMENT OF ENVIRONMENTAL QUALITY DATED SEPTEMBER 30, 1996 CON-
3 STITUTES THE DEPARTMENT'S DETERMINATION THAT THE AREA IS ESSEN-
4 TIAL TO THE PRESERVATION OF THE NATURAL RESOURCES OF THIS STATE
5 FROM POLLUTION, IMPAIRMENT, OR DESTRUCTION. WITHIN 30 DAYS AFTER
6 THE EFFECTIVE DATE OF THE 2000 AMENDATORY ACT THAT AMENDED THIS
7 SECTION, THE DEPARTMENT SHALL NOTIFY THE OWNER OF AN AREA
8 INCLUDED IN APPENDIX E OF THE DEPARTMENT'S DETERMINATION UNDER
9 THIS SUBPARAGRAPH.