

# SENATE BILL NO. 974

June 18, 2020, Introduced by Senator LASATA and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 1301 (MCL 324.1301), as amended by 2018 PA 451,  
and by adding section 33709.

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

- 1       Sec. 1301. As used in this part:
- 2       (a) "Application period" means the period beginning when an
- 3       application for a permit is received by the state and ending when

1 the application is considered to be administratively complete under  
2 section 1305 and any applicable fee has been paid.

3 (b) "Department" means the department, agency, or officer  
4 authorized by this act to approve or deny an application for a  
5 particular permit. As used in sections 1315 to 1317, "department"  
6 means the department of ~~environmental quality~~. **environment, Great**  
7 **Lakes, and energy.**

8 (c) "Director" means the director of the state department  
9 authorized under this act to approve or deny an application for a  
10 particular permit or the director's designee. As used in sections  
11 1313 to 1317, "director" means the director of the department of  
12 ~~environmental quality~~. **environment, Great Lakes, and energy.**

13 (d) "Environmental permit review commission" or "commission"  
14 means the environmental permit review commission established under  
15 section 1313(1).

16 (e) "Environmental permit panel" or "panel" means a panel of  
17 the environmental permit review commission, appointed under section  
18 1315(2).

19 (f) "Permit", except as provided in subdivision (g), means a  
20 permit, operating license, or registration required by any of the  
21 following sections or by rules promulgated thereunder, or, in the  
22 case of section 9112, by an ordinance referred to in that section:

- 23 (i) Section 3104, floodplain alteration permit.
- 24 (ii) Section 3503, permit for use of water in mining iron ore.
- 25 (iii) Section 4105, sewerage system construction permit.
- 26 (iv) Section 6516, vehicle testing license.
- 27 (v) Section 6521, motor vehicle fleet testing permit.
- 28 (vi) Section 8310, restricted use pesticide dealer license.
- 29 (vii) Section 8310a, agricultural pesticide dealer license.

(viii) Section 8504, license to manufacture or distribute fertilizer.

(ix) Section 9112, local soil erosion and sedimentation control permit.

(x) Section 11509, solid waste disposal area construction permit.

(xi) Section 11512, solid waste disposal area operating license.

(xii) Section 11542, municipal solid waste incinerator ash landfill operating license amendment.

(xiii) Section 11702, septage waste servicing license or septage waste vehicle license.

(xiv) Section 11709, septage waste site permit.

(xv) Section 30104, inland lakes and streams project permit.

(xvi) Section 30304, state permit for dredging, filling, or other activity in wetland. Permit includes an authorization for a specific project to proceed under a general permit issued under section 30312.

(xvii) Section 31509, dam construction, repair, or removal permit.

(xviii) Section 32312, flood risk, high risk, or environmental area permit.

(xix) Section 32512, permit for dredging and filling bottomland.

(xx) Section 32603, permit for submerged log removal from Great Lakes bottomlands.

**(xxi) Section 33709, beach nourishment permit.**

**(xxii) ~~(xxi)~~ Section 35304, department permit for critical dune**

1 area use.

2       (**xxiii**) ~~(xxii)~~ Section 36505, endangered species permit.

3       (**xxiv**) ~~(xxiii)~~ Section 41329, nonnative aquatic species sales

4 registration.

5       (**xxv**) ~~(xxiv)~~ Section 41702, game bird hunting preserve license.

6       (**xxvi**) ~~(xxv)~~ Section 42101, dog training area permit.

7       (**xxvii**) ~~(xxvi)~~ Section 42501, fur dealer's license.

8       (**xxviii**) ~~(xxvii)~~ Section 42702, game dealer's license.

9       (**xxix**) ~~(xxviii)~~ Section 44513, charter boat operating permit under

10 reciprocal agreement.

11       (**xxx**) ~~(xxix)~~ Section 44516, boat livery operating permit.

12       (**xxxi**) ~~(xxx)~~ Section 45902, game fish propagation license.

13       (**xxxii**) ~~(xxxi)~~ Section 45906, game fish import license.

14       (**xxxiii**) ~~(xxxii)~~ Section 48705, permit to take amphibians and

15 reptiles for scientific or educational use.

16       (**xxxiv**) ~~(xxxiii)~~ Section 61525, oil or gas well drilling permit.

17       (**xxxv**) ~~(xxxiv)~~ Section 62509, brine, storage, or waste disposal

18 well drilling or conversion permit or test well drilling permit.

19       (**xxxvi**) ~~(xxxv)~~ Section 63103a, ferrous mineral mining permit.

20       (**xxxvii**) ~~(xxxvi)~~ Section 63514 or 63525, surface coal mining and

21 reclamation permit or revision of the permit, respectively.

22       (**xxxviii**) ~~(xxxvii)~~ Section 63704, sand dune mining permit.

23       (**xxxix**) ~~(xxxviii)~~ Section 72108, use permits for a Pure Michigan

24 Trail.

25       (**xl**) ~~(xxxix)~~ Section 76109, sunken aircraft or watercraft

26 abandoned property recovery permit.

27       (**xli**) ~~(xxx)~~ Section 76504, Mackinac Island motor vehicle and

28 land use permits.

1        **(xlii)** ~~(xxvi)~~ Section 80159, buoy or beacon permit.

2        (g) "Permit", as used in sections 1313 to 1317, means any  
3 permit or operating license that meets both of the following  
4 conditions:

5        (i) The applicant for the permit or operating license is not  
6 this state or a political subdivision of this state.

7        (ii) The permit or operating license is issued by the  
8 department of ~~environmental quality~~ **environment, Great Lakes, and**  
9 **energy** under this act or the rules promulgated under this act.

10        (h) "Processing deadline" means the last day of the processing  
11 period.

12        (i) "Processing period", subject to section 1307(2) and (3),  
13 means the following time period after the close of the application  
14 period, for the following permit, as applicable:

15        **(i) Fourteen days for a permit under section 33709.**

16        **(ii)** ~~(i)~~ Twenty days for a permit under section 61525 or 62509.

17        **(iii)** ~~(ii)~~ Thirty days for a permit under section 9112 or 44516.

18        **(iv)** ~~(iii)~~ Thirty days after the department consults with the  
19 underwater salvage and preserve committee created under section  
20 76103, for a permit under section 76109.

21        **(v)** ~~(iv)~~ Sixty days, for a permit under section 30104 for a  
22 minor project established under section 30105(7) or 32512a(1), or  
23 an authorization for a specific project to proceed under a general  
24 permit issued under section 30105(8) or 32512a(2), or for a permit  
25 under section 32312 or 41329.

26        **(vi)** ~~(v)~~ Sixty days or, if a hearing is held, 90 days for a  
27 permit under section 35304.

28        **(vii)** ~~(vi)~~ Sixty days or, if a hearing is held, 120 days for a

1 permit under section 30104, other than a permit or authorization  
 2 described in subparagraph ~~(ii)~~ ~~(iii)~~ or ~~(iv)~~, ~~(v)~~ , or for a permit  
 3 under section 31509.

4 ~~(viii)~~ ~~(vii)~~ Ninety days for a permit under section 11512, a  
 5 revision of a surface coal mining and reclamation permit under  
 6 section 63525, or a permit under section 72108.

7 ~~(ix)~~ ~~(viii)~~ Ninety days or, if a hearing is held, 150 days for a  
 8 permit under section 3104 or 30304, or a permit under section 32512  
 9 other than a permit described in subparagraph ~~(iv)~~ ~~(v)~~ .

10 ~~(x)~~ ~~(ix)~~ Ninety days after the close of the review or comment  
 11 period under section 32604, or if a public hearing is held, 90 days  
 12 after the date of the public hearing for a permit under section  
 13 32603.

14 ~~(xi)~~ ~~(x)~~ One hundred twenty days for a permit under section  
 15 11509, 11542, 63103a, 63514, or 63704.

16 ~~(xii)~~ ~~(xi)~~ One hundred fifty days for a permit under section  
 17 36505. However, if a site inspection or federal approval is  
 18 required, the 150-day period is tolled pending completion of the  
 19 inspection or receipt of the federal approval.

20 ~~(xiii)~~ ~~(xii)~~ For any other permit, 150 days or, if a hearing is  
 21 held, 90 days after the hearing, whichever is later.

22 **Sec. 33709. (1) A person shall not deposit sand for beach**  
 23 **nourishment in this state except as authorized by a beach**  
 24 **nourishment permit issued by the department under part 13.**

25 **(2) A person described in subsection (3) shall apply for a**  
 26 **beach nourishment permit on an application and in a manner provided**  
 27 **by the department. The application must include all of the**  
 28 **following information:**

29 **(a) The name, address, and telephone number of the applicant.**

1 (b) The site and ownership of the site where sand will be  
2 deposited for beach nourishment.

3 (c) Authorization from the littoral owner of the site where  
4 sand will be deposited stating that the sand may be deposited at  
5 that site.

6 (d) The site and ownership of the site where sand will be  
7 removed or extracted for beach nourishment.

8 (e) Authorization from the littoral owner of the site where  
9 sand will be removed or extracted stating that the sand may be  
10 removed or extracted from that site.

11 (f) The method by which sand will be transported to the site  
12 where the sand will be deposited.

13 (3) The following may apply for a beach nourishment permit  
14 under subsection (2):

15 (a) A state park or recreation area or a park or recreation  
16 area owned or operated by a political subdivision of this state.

17 (b) A residential property owner or more than 1 residential  
18 property owner, if the residential property includes beach that  
19 requires at least 2 contingent miles of beach nourishment.

20 (c) If the applicant under subdivision (a) or (b) has property  
21 that includes a critical dune area, the water level exceeds the  
22 ordinary high-water mark by 3 feet.

23 (4) A political subdivision may file a joint application for a  
24 beach nourishment permit with an applicant described under  
25 subsection (3).

26 (5) The department shall inspect the site where the sand will  
27 be extracted and the site where the sand will be deposited and  
28 notify the applicant whether a permit will be issued. The  
29 department shall consider the impacts and risks to the public

1 health, safety, or welfare, or the environment.

2 (6) As used in this section:

3 (a) "Beach nourishment" means depositing sand to mitigate  
4 beach erosion waterward of the ordinary high-water mark or within  
5 such proximity that wind or water erosion is likely to transport  
6 sand into the water.

7 (b) "Critical dune area" means that term as defined in section  
8 35301.

9 (c) "Political subdivision" means a city, village, township,  
10 or county.