

HOUSE BILL NO. 5304

December 02, 2025, Introduced by Reps. Roth, Linting, Bohnak, DeBoer, VanderWall, DeBoyer, Hoadley, Harris, Andrews, Martus, Alexander, Snyder, Cavitt, Bierlein, Markkanen, Foreman, St. Germaine, Beson and Schmaltz and referred to Committee on Natural Resources and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 30106b, 30311b, and 32515a (MCL 324.30106b,
324.30311b, and 324.32515a), sections 30106b and 32515a as added by
2013 PA 87 and section 30311b as added by 2009 PA 120, and by
adding sections 1306 and 33709.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1306. (1) In addition to any other application fee**
2 **authorized under this act, a person that applies for a permit under**

1 part 301, 303, or 325 shall include with the application for a
2 permit the following, as applicable:

3 (a) A statement of whether any dredged material will be placed
4 or otherwise used for beach nourishment. If the dredged material
5 cannot be placed or otherwise used for beach nourishment, the
6 application must include a detailed explanation regarding why the
7 dredged material cannot be placed or otherwise used for beach
8 nourishment. If the dredged material will be placed or otherwise
9 used for beach nourishment, a detailed explanation regarding where
10 the dredged material will be placed or otherwise used.

11 (b) Subject to subsection (2), if the dredged material cannot
12 be used for beach nourishment as identified under subdivision (a),
13 a royalty of \$25.00 per cubic yard of dredged material. A royalty
14 paid under this subdivision must be deposited into the beach
15 nourishment fund created in section 33709.

16 (2) A person that applies for a permit is not required to pay
17 the royalty described under subsection (1)(b) if either or both of
18 the following apply:

19 (a) The dredged materials are not considered suitable, as that
20 term is described and determined under section 30106b, 30311b, or
21 32515a.

22 (b) Using dredged materials for beach nourishment would
23 violate part 301, 303, or 325, or would violate or conflict with a
24 condition on a permit issued under part 301, 303, or 325.

25 Sec. 30106b. (1) A permit under this part to dredge or place
26 dredged spoils on bottomland is subject to both of the following:

27 (a) The permit ~~shall be~~ **is** valid for a period of 5 years.

28 (b) During the term of the permit, the department shall not
29 require additional environmental studies or surveys unless an act

1 of God results in significant geological or ecological changes to
2 the permitted area.

3 (2) Except as otherwise required under this part, if dredged
4 materials are suitable, the department shall impose as a condition
5 on the permit that the dredged materials be used for beach
6 nourishment. Dredged materials are considered suitable if the
7 dredged materials comply with the department of environment, Great
8 Lakes, and energy's policy and procedure WRD-048 titled "Sediment
9 Testing for Dredging Projects", effective April 13, 2018, or a
10 policy and procedure that the department of environment, Great
11 Lakes, and energy adopts by rule. Beach nourishment under this
12 subsection requires that dredged materials be placed as follows:

13 (a) Uniformly along both the longshore and the cross-shore to
14 mimic a natural beach slope.

15 (b) As close to the shoreline as possible, and between the
16 ordinary high-water mark and the 8-foot water depth as measured at
17 the time of placement.

18 (c) In a location and manner that minimizes impacts to
19 navigation.

20 (d) In a manner that takes into consideration a regional
21 sediment management plan, if applicable.

22 Sec. 30311b. (1) A permit issued under this part ~~shall not be~~
23 **is** valid for ~~more than a period of~~ 5 years.

24 (2) The department may establish a reasonable time when the
25 construction, development, or use authorized under any permit
26 issued under this part is to be completed or terminated.

27 (3) The department may impose on any permit or authorization
28 under a general permit under this part conditions designed to do
29 any of the following:

1 (a) Remove or reduce an impairment to wetland benefits, as set
2 forth in section 30302, that would otherwise result from the
3 project.

4 (b) Improve the water quality that would otherwise result from
5 the project.

6 (c) Remove or reduce the effect of a discharge of fill
7 material.

8 (4) The department may impose a condition on an authorization
9 under a general permit under subsection (3) only after consultation
10 with the applicant or applicant's agent.

11 **(5) Except as otherwise required under this part, if dredged**
12 **materials are suitable, the department shall impose as a condition**
13 **on the permit that the dredged materials be used for beach**
14 **nourishment. Dredged materials are considered suitable if the**
15 **dredged materials comply with the department of environment, Great**
16 **Lakes, and energy's policy and procedure WRD-048 titled "Sediment**
17 **Testing for Dredging Projects", effective April 13, 2018, or a**
18 **policy and procedure that the department of environment, Great**
19 **Lakes, and energy adopts by rule. Beach nourishment under this**
20 **subsection requires that dredged materials be placed as follows:**

21 (a) Uniformly along both the longshore and the cross-shore to
22 mimic a natural beach slope.

23 (b) As close to the shoreline as possible, and between the
24 ordinary high-water mark and the 8-foot water depth as measured at
25 the time of placement.

26 (c) In a location and manner that minimizes impacts to
27 navigation.

28 (d) In a manner that takes into consideration a regional
29 sediment management plan, if applicable.

1 Sec. 32515a. **(1)** A permit under this part to dredge or place
2 dredged spoil on bottomland is subject to ~~all of the~~ following:

3 (a) The permit ~~shall be~~ **is** valid for a period of 5 years.

4 (b) During the term of the permit, the department shall not
5 require additional environmental studies or surveys unless an act
6 of God results in significant geological or ecological changes to
7 the permitted area.

8 ~~(c) The permit shall allow, at the discretion of the~~
9 ~~applicant, open lake disposal of dredge material that is not~~
10 ~~contaminated with toxic substances as defined in R 323.1205 of the~~
11 ~~Michigan administrative code in waters at the 30-meter depth~~
12 ~~contour or deeper. However, dredge materials shall not be disposed~~
13 ~~of within a Great Lakes bottomland preserve established under part~~
14 ~~761, a permitted submerged log removal area under part 326, or a~~
15 ~~lake trout or diporeia refuge.~~

16 **(2) Except as otherwise required under this part, if dredged**
17 **materials are suitable, the department shall impose as a condition**
18 **on the permit that the dredged materials be used for beach**
19 **nourishment. Dredged materials are considered suitable if the**
20 **dredged materials comply with the department of environment, Great**
21 **Lakes, and energy policy and procedure WRD-048 titled "Sediment**
22 **Testing for Dredging Projects", effective April 13, 2018, or a**
23 **policy and procedure that the department of environment, Great**
24 **Lakes, and energy adopts by rule. Beach nourishment under this**
25 **subsection requires that dredged materials be placed as follows:**

26 (a) Uniformly along both the longshore and the cross-shore to
27 mimic a natural beach slope.

28 (b) As close to the shoreline as possible, and between the
29 ordinary high-water mark and the 8-foot water depth as measured at

1 the time of placement.

2 (c) In a location and manner that minimizes impacts to
3 navigation.

4 (d) In a manner that takes into consideration a regional
5 sediment management plan, if applicable.

6 Sec. 33709. (1) The beach nourishment fund is created in the
7 state treasury. The state treasurer may receive money or other
8 assets from any source for deposit in the fund. The state treasurer
9 shall direct the investment of the fund and credit to the fund
10 interest and earnings from fund investments. Money in the fund at
11 the close of the fiscal year remains in the fund and does not lapse
12 to the general fund. The department of environment, Great Lakes,
13 and energy is the administrator of the fund for auditing purposes.

14 (2) On appropriation, the department of environment, Great
15 Lakes, and energy shall expend money from the fund to operate the
16 beach nourishment program created in subsection (3).

17 (3) The department of environment, Great Lakes, and energy
18 shall establish the beach nourishment program. The beach
19 nourishment program must provide grants to local units of
20 government for beach nourishment projects. Beach nourishment
21 projects eligible for grant funding include, but are not limited
22 to, any of the following:

23 (a) Projects that address shorelines that are significantly
24 damaged by harbors and piers.

25 (b) Projects that address shorelines that protect critical
26 municipal infrastructure.

27 (c) Projects that create healthy beaches for the benefit of
28 the public.

29 (4) The department of environment, Great Lakes, and energy

1 shall develop a detailed application, approval, and compliance
2 process for the beach nourishment program. A detailed application
3 must include, but is not limited to, all of the following
4 information:

5 (a) A detailed description of the erosion issue.

6 (b) A description of the sediment placement plan.

7 (c) A plan to monitor the effectiveness of the beach
8 nourishment project.

9 (5) The department of environment, Great Lakes, and energy
10 shall promulgate rules to implement this section in accordance with
11 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
12 to 24.328.

13 (6) As used in this section, "fund" means the beach
14 nourishment fund created in subsection (1).