



# HOUSE BILL No. 5366

February 22 1994 Introduced by Reps Alley Gnodtke Randall Middaugh and Wetters  
and referred to the Committee on Conservation Environment and Great Lakes

A bill to amend section 6 of Act No 203 of the Public Acts  
of 1979, entitled

"Goemaere-Anderson wetland protection act,"

as amended by Act No 295 of the Public Acts of 1992, being sec-  
tion 281 706 of the Michigan Compiled Laws and to add section  
7a

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 6 of Act No 203 of the Public Acts of  
2 1979, as amended by Act No 295 of the Public Acts of 1992, being  
3 section 281 706 of the Michigan Compiled Laws, is amended and  
4 section 7a is added to read as follows

5 Sec 6 (1) Activities ~~which~~ THAT require a permit under  
6 the Great Lakes submerged lands act, Act No 247 of the Public  
7 Acts of 1955, as amended, being sections 322 701 to 322 715 of  
8 the Michigan Compiled Laws, or the inland lakes and streams act,

1 Act No 346 of the Public Acts of 1972, being sections 281 951 to  
2 ~~281 965~~ 281 966 of the Michigan Compiled Laws, ~~shall~~ DO not  
3 require a permit under this act

4 (2) The following uses shall be allowed in a wetland without  
5 a permit subject to other laws of this state and the owner's  
6 regulation

7 (a) Fishing, trapping, or hunting

8 (b) Swimming or boating

9 (c) Hiking

10 (d) Grazing of animals

11 (e) Farming, horticulture, silviculture, lumbering, and  
12 ranching activities, including plowing, irrigation, irrigation  
13 ditching, seeding, cultivating, minor drainage, harvesting for  
14 the production of food, fiber, and forest products, or upland  
15 soil and water conservation practices ~~Wetland altered under~~  
16 ~~this subdivision shall not be used for a purpose other than a~~  
17 ~~purpose described in this subsection without a permit from the~~  
18 ~~department~~

19 (f) Maintenance or operation of serviceable structures in  
20 existence on ~~the effective date of this act~~ OCTOBER 1, 1980 or  
21 constructed pursuant to this act

22 (g) Construction or maintenance of farm or stock ponds

23 (h) Maintenance, operation, or improvement which includes  
24 straightening, widening, or deepening of the following which is  
25 necessary for the production or harvesting of agricultural  
26 products

1 (i) An existing private agricultural drain

2 (ii) That portion of a drain legally established pursuant to  
3 the drain code of 1956, Act No 40 of the Public Acts of 1956, as  
4 amended, being sections 280 1 to 280 630 of the Michigan Compiled  
5 Laws, which has been constructed or improved for drainage  
6 purposes

7 (iii) A drain constructed pursuant to other provisions of  
8 this act

9 (j) Construction or maintenance of farm roads, forest roads,  
10 or temporary roads for moving mining or forestry equipment, if  
11 the roads are constructed and maintained in a manner to assure  
12 that any adverse effect on the wetland will be otherwise  
13 minimized

14 (k) Drainage necessary for the production and harvesting of  
15 agricultural products if the wetland is owned by a person who is  
16 engaged in commercial farming and the land is to be used for the  
17 production and harvesting of agricultural products ~~Except as~~  
18 ~~otherwise provided in this act, wetland improved under this sub~~  
19 ~~division after the effective date of this act shall not be used~~  
20 ~~for nonfarming purposes without a permit from the department~~  
21 This subdivision shall not apply to a wetland which is contiguous  
22 to a lake or stream, or to a tributary of a lake or stream, or to  
23 a wetland which the department has determined by clear and con-  
24 vincing evidence to be a wetland which is necessary to be pre-  
25 served for the public interest, in which case a permit shall be  
26 required

1        (l) Maintenance or improvement of public streets, highways,  
2 or roads within the right of way and in such a manner as to  
3 assure that any adverse effect on the wetland will be otherwise  
4 minimized Maintenance or improvement does not include adding  
5 extra lanes increasing the right of way or deviating from the  
6 existing location of the street, highway, or road

7        (m) Maintenance, repair, or operation of gas or oil pipe-  
8 lines and construction of gas or oil pipelines having a diameter  
9 of 6 inches or less, if the pipelines are constructed, main-  
10 tained, or repaired in a manner to assure that any adverse effect  
11 on the wetland will be otherwise minimized

12        (n) Maintenance, repair, or operation of electric transmis-  
13 sion and distribution power lines and construction of distribu-  
14 tion power lines if the distribution power lines are constructed,  
15 maintained, or repaired in a manner to assure that any adverse  
16 effect on the wetland will be otherwise minimized

17        (o) Operation or maintenance including reconstruction of  
18 recently damaged parts, of serviceable dikes and levees in exis-  
19 tence on the effective date of this act or constructed pursuant  
20 to this act

21        (p) Construction of iron and copper mining tailings basins  
22 and water storage areas

23        (3) After ~~the effective date of this act~~ OCTOBER 1, 1980  
24 but immediately prior to the approval of a state program under  
25 section 404 of title ~~4~~ IV of the ~~clean water act of 1977~~  
26 FEDERAL WATER POLLUTION CONTROL ACT, CHAPTER 758, 86 STAT 884,  
27 33 U S C 1344, where a project solely involves the discharge of

1 fill material subject to the individual permit requirements of  
2 section 404 of title 4 of the clean water act of 1977, 33 U S C  
3 1344, an additional permit shall not be required by this act

4        SEC 7A    NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,  
5 THE DEPARTMENT OF AGRICULTURE SHALL MAKE THE FINAL DETERMINATION  
6 AS TO WHETHER LAND USED FOR AN AGRICULTURAL PURPOSE IS WETLAND  
7 REGULATED UNDER THIS ACT