

HOUSE BILL No. 5945

May 26, 2004, Introduced by Reps. Palmer, Pastor, Garfield, Meyer, Taub, Milosch, DeRoche, Ehardt, Caul, Sheen, Brandenburg, Vander Veen, Tabor, Hummel, Stahl and Casperson and referred to the Committee on Great Lakes and Tourism.

A bill to amend 1994 PA 451, entitled
 "Natural resources and environmental protection act,"
 by amending section 32516 (MCL 324.32516), as added by 2003 PA
 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32516. (1) ~~Within 10 working days after the effective~~
 2 ~~date of the amendatory act that added this section~~ **By June 19,**
 3 **2003,** the director shall identify 2 areas of the shoreline of the
 4 Great Lakes and Lake St. Clair where the removal of vegetation
 5 between the ordinary high-water mark and the water's edge shall
 6 be allowed without a permit under this part or part 303. The
 7 designation shall be made in writing, is final, and is not
 8 subject to appeal. Within 1 year after this designation is made,
 9 the director may designate additional areas unless he or she
 10 determines that making additional designations would result in

1 pollution, impairment, or destruction to the natural resources of
2 the state. Within areas designated by the director under this
3 subsection, the removal of vegetation is allowed if all of the
4 following conditions are met:

5 (a) The landowner has received a letter of approval from the
6 department under subsection (2) confirming at least 3 of the
7 following:

8 (i) The area is unconsolidated material predominantly
9 composed of sand, rock, or pebbles, or is predominantly vegetated
10 by non-native or invasive species.

11 (ii) The area met the requirement of subparagraph (i) as of
12 January 1, 1997.

13 (iii) The removal of vegetation does not violate part 365 or
14 rules promulgated under that part, or the endangered species act
15 of 1973, Public Law 93-205, 87 Stat. 884, or rules promulgated
16 under that act.

17 (iv) The area in which removal of vegetation may occur is not
18 an environmental area.

19 (b) The area in which removal of vegetation may occur does
20 not exceed 50% of the width of the upland riparian property or
21 100 feet, whichever is greater, or a wider area if approved by
22 the director. **However, for property classified as commercial**
23 **property under section 34c of the general property tax act, 1893**
24 **PA 206, MCL 211.34c, the area in which removal of vegetation may**
25 **occur includes the entire width of the upland riparian property.**

26 (c) All collected vegetation shall be disposed of properly
27 outside of any wetland.

1 (2) A person who owns riparian property on the shoreline of
2 the Great Lakes or Lake St. Clair within an area designated under
3 subsection (1) may submit to the director a request to conduct
4 removal of vegetation. The request shall be submitted by
5 certified mail or facsimile and shall include the address of the
6 property, a parcel description by section, township, and range,
7 the parcel tax number, the width in feet of the shoreline
8 frontage, the width of the area proposed for removal of
9 vegetation, and permission for the department to conduct an
10 on-site inspection, if needed. Within 10 working days after
11 receipt of a request under this subsection, the director shall
12 notify the riparian property owner, in writing, whether the
13 conditions in subsection (1)(a) are met.

14 (3) Upon receipt of a letter of approval under subsection
15 (2), the riparian property owner may conduct the removal of
16 vegetation as provided in subsection (1).

17 (4) By January 1, 2006, the director shall prepare and submit
18 to the senate majority leader, the speaker of the house of
19 representatives, the standing committees of the legislature with
20 jurisdiction primarily related to natural resources and the
21 environment, and the governor a report that evaluates the
22 activities allowed under subsection (1), describes the impacts to
23 the affected areas, and recommends statutory changes based upon
24 the evaluation, if appropriate.