

# HOUSE BILL No. 4448

April 15, 2015, Introduced by Rep. Victory and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30104, 30104b, 30109, 32312, and 32513 (MCL 324.30104, 324.30104b, 324.30109, 324.32312, and 324.32513), sections 30104 and 32513 as amended by 2013 PA 98, section 30104b as amended by 2010 PA 179, and sections 30109 and 32312 as amended by 2011 PA 90.

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

1           Sec. 30104. (1) A person shall not undertake a project subject  
2 to this part except as authorized by a permit issued by the  
3 department pursuant to part 13. An application for a permit shall  
4 include any information that may be required by the department. If  
5 a project includes activities at multiple locations, 1 application  
6 may be filed for the combined activities.

7           (2) Except as provided in subsections (3) and (4), until

1 October 1, ~~2015~~, **2019**, an application for a permit shall be  
2 accompanied by an application fee based on an administrative cost  
3 in accordance with the following schedule:

4 (a) For a permit for a seasonal drawdown or associated  
5 reflooding, or both, of a dam or impoundment for the purpose of  
6 weed control that is issued for the first time after October 9,  
7 1995, an initial fee of \$500.00 with subsequent permits for the  
8 same purpose being assessed a \$50.00 fee.

9 (b) For activities included in a minor project category  
10 established under section 30105(7), a fee of \$100.00.

11 (c) For activities included in a general permit category  
12 established under section 30105(8), a fee of \$50.00.

13 (d) For construction or expansion of a marina, a fee as  
14 follows:

15 (i) \$50.00 for an expansion of 1-10 slips to an existing  
16 permitted marina.

17 (ii) \$100.00 for a new marina with 1-10 proposed marina slips.

18 (iii) \$250.00 for an expansion of 11-50 slips to an existing  
19 permitted marina, plus \$10.00 for each slip over 50.

20 (iv) \$500.00 for a new marina with 11-50 proposed marina  
21 slips, plus \$10.00 for each slip over 50.

22 (v) \$1,500.00 if an existing permitted marina proposes  
23 maintenance dredging of 10,000 cubic yards or more, unless the  
24 dredge material has been determined through testing to be 90% or  
25 more sand, or the addition of seawalls, bulkheads, or revetments of  
26 500 feet or more.

27 (e) For major projects other than a project described in

1 subdivision (d)(v), involving any of the following, a fee of  
2 \$2,000.00:

3 (i) Dredging of 10,000 cubic yards or more, unless the dredge  
4 material has been determined through testing to be 90% or more  
5 sand.

6 (ii) Filling of 10,000 cubic yards or more.

7 (iii) Seawalls, bulkheads, or revetments of 500 feet or more.

8 (iv) Filling or draining of 1 acre or more of wetland  
9 contiguous to a lake or stream.

10 (v) New dredging or upland boat basin excavation in areas of  
11 suspected contamination.

12 (vi) Shore projections, such as groins and underwater  
13 stabilizers, that extend 150 feet or more into a lake or stream.

14 (vii) New commercial docks or wharves of 300 feet or more in  
15 length.

16 (viii) Stream enclosures 100 feet or more in length.

17 (ix) Stream relocations 500 feet or more in length.

18 (x) New golf courses.

19 (xi) Subdivisions.

20 (xii) Condominiums.

21 (f) For the removal of submerged logs from bottomland of an  
22 inland lake, a \$500.00 fee.

23 (g) For all other projects not listed in subdivisions (a)  
24 through (f), a fee of \$500.00.

25 (3) A project that requires review and approval under this  
26 part and 1 or more of the following acts or parts of acts is  
27 subject to only the single highest fee required under this part or

1 the following acts or parts of acts:

2 (a) Section 3104.

3 (b) Part 303.

4 (c) Part 323.

5 (d) Part 325.

6 (e) Section 117 of the land division act, 1967 PA 288, MCL  
7 560.117.

8 (4) If work has been done in violation of a permit requirement  
9 under this part and restoration is not ordered by the department,  
10 the department may accept an application for a permit if the  
11 application is accompanied by a fee equal to 2 times the permit fee  
12 required under this section.

13 (5) If the department denies an application for a permit under  
14 this part, the department shall promptly refund the application fee  
15 paid under this section.

16 Sec. 30104b. ~~(1)~~Section 30306b applies to a proposed project  
17 or a **PROPOSED** permit application under this part.

18 ~~————(2) This section is repealed effective October 1, 2015.~~

19 Sec. 30109. Upon the written request of a riparian owner and  
20 upon payment of a service fee, the department may enter into a  
21 written agreement with the riparian owner establishing the location  
22 of the ordinary high-water mark for his or her property. In the  
23 absence of substantially changed conditions, the agreement shall be  
24 conclusive proof of the location in all matters between the state  
25 and the riparian owner and his or her successors in interest. Until  
26 October 1, ~~2015~~, **2019**, the service fee provided for in this section  
27 shall be \$500.00. The department shall forward all service fees

1 collected under this section to the state treasurer for deposit  
2 into the fund.

3 Sec. 32312. (1) To regulate the uses and development of high-  
4 risk areas, flood risk areas, and environmental areas and to  
5 implement the purposes of this part, the department shall  
6 promulgate rules. If permits are required under rules promulgated  
7 under this part, the permits shall be issued pursuant to the rules  
8 and part 13. Except as provided under subsection (2), until October  
9 1, ~~2015~~, **2019**, if permits are required pursuant to rules  
10 promulgated under this part, an application for a permit shall be  
11 accompanied by a fee as follows:

12 (a) For a commercial or multifamily residential project,  
13 \$500.00.

14 (b) For a single-family home construction, \$100.00.

15 (c) For an addition to an existing single-family home or for a  
16 project that has a minor impact on fish and wildlife resources in  
17 environmental areas as determined by the department, \$50.00.

18 (2) A project that requires review and approval under this  
19 part and under 1 or more of the following is subject to only the  
20 single highest permit fee required under this part or the  
21 following:

22 (a) Part 301.

23 (b) Part 303.

24 (c) Part 325.

25 (d) Section 3104.

26 (e) Section 117 of the land division act, 1967 PA 288, MCL  
27 560.117.

1           (3) The department shall forward fees collected under this  
2 section to the state treasurer for deposit in the land and water  
3 management permit fee fund created in section 30113.

4           (4) A circuit court, upon petition and a showing by the  
5 department that a rule promulgated under subsection (1) has been  
6 violated, shall issue any necessary order to the defendant to  
7 correct the violation or to restrain the defendant from further  
8 violation of the rule.

9           Sec. 32513. (1) To obtain a permit for any work or connection  
10 specified in section 32512, a person shall file an application with  
11 the department on a form provided by the department. The  
12 application shall include all of the following:

13           (a) The name and address of the applicant.

14           (b) The legal description of the lands included in the  
15 project.

16           (c) A summary statement of the purpose of the project.

17           (d) A map or diagram showing the proposal on an adequate scale  
18 with contours and cross-section profiles of any waterway to be  
19 constructed.

20           (e) Other information required by the department.

21           (2) Except as provided in subsections (3) and (4), until  
22 October 1, ~~2015~~, **2019**, an application for a permit under this  
23 section shall be accompanied by the following fee, as applicable:

24           (a) For a project in a category of activities for which a  
25 general permit is issued under section 32512a, a fee of \$50.00.

26           (b) For activities included in a minor project category  
27 established under section 32512a(1), a fee of \$100.00.

1 (c) For construction or expansion of a marina, a fee of:

2 (i) \$50.00 for an expansion of 1-10 slips to an existing  
3 permitted marina.

4 (ii) \$100.00 for a new marina with 1-10 proposed marina slips.

5 (iii) \$250.00 for an expansion of 11-50 slips to an existing  
6 permitted marina, plus \$10.00 for each slip over 50.

7 (iv) \$500.00 for a new marina with 11-50 proposed marina  
8 slips, plus \$10.00 for each slip over 50.

9 (v) \$1,500.00 if an existing permitted marina proposes  
10 maintenance dredging of 10,000 cubic yards or more, unless the  
11 dredge material has been determined through testing to be 90% or  
12 more sand, or the addition of seawalls, bulkheads, or revetments of  
13 500 feet or more.

14 (d) For major projects other than a project described in  
15 subdivision (c)(v), involving any of the following, a fee of  
16 \$2,000.00:

17 (i) Dredging of 10,000 cubic yards or more, unless the dredge  
18 material has been determined through testing to be 90% or more  
19 sand.

20 (ii) Filling of 10,000 cubic yards or more.

21 (iii) Seawalls, bulkheads, or revetment of 500 feet or more.

22 (iv) Filling or draining of 1 acre or more of coastal wetland.

23 (v) New dredging or upland boat basin excavation in areas of  
24 suspected contamination.

25 (vi) New breakwater or channel jetty.

26 (vii) Shore protection, such as groins and underwater  
27 stabilizers, that extend 150 feet or more on Great Lakes

1 bottomlands.

2 (viii) New commercial dock or wharf of 300 feet or more in  
3 length.

4 (e) For all other projects not listed in subdivisions (a) to  
5 (d), \$500.00.

6 (3) A project that requires review and approval under this  
7 part and 1 or more of the following is subject to only the single  
8 highest permit fee required under this part or the following:

9 (a) Section 3104.

10 (b) Part 301.

11 (c) Part 303.

12 (d) Part 323.

13 (e) Section 117 of the land division act, 1967 PA 288, MCL  
14 560.117.

15 (4) If work has been done in violation of a permit requirement  
16 under this part and restoration is not ordered by the department,  
17 the department may accept an application for a permit if the  
18 application is accompanied by a fee equal to 2 times the permit fee  
19 otherwise required under this section.

20 (5) The department shall forward all fees collected under this  
21 section to the state treasurer for deposit into the land and water  
22 management permit fee fund created in section 30113.

23 Enacting section 1. This amendatory act takes effect October  
24 1, 2015.