



HOUSE BILL No. 4966

June 15, 1995, Introduced by Reps. Gnodtke, Rhead, Gernaat, Lowe, Hill, Middaugh, Brackenridge, Voorhees, Bodem, Bush, Jersevic, London, Dalman, DeLange, Middleton, Bobier and DeMars and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 30305 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," being section 324.30305 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 30305 of Act No. 451 of the Public Acts
2 of 1994, being section 324.30305 of the Michigan Compiled Laws,
3 is amended to read as follows:

4 Sec. 30305. (1) Activities which require a permit under
5 part 325 or part 301 do not require a permit under this part.

6 (2) The following uses are allowed in a wetland without a
7 permit subject to other laws of this state and the owner's
8 regulation:

9 (a) Fishing, trapping, or hunting.

1 (b) Swimming or boating.

2 (c) Hiking.

3 (d) Grazing of animals.

4 (e) Farming, horticulture, silviculture, lumbering, and
5 ranching activities, including plowing, irrigation, irrigation
6 ditching, seeding, cultivating, minor drainage, PREPARATION OF
7 LAND FOR CRANBERRY FARMING AND THE PRODUCTION AND HARVESTING OF
8 CRANBERRIES, harvesting for the production of food, fiber, and
9 forest products, or upland soil and water conservation
10 practices. Wetland altered under this subdivision shall not be
11 used for a purpose other than a purpose described in this subsec-
12 tion without a permit from the department.

13 (f) Maintenance or operation of serviceable structures in
14 existence on October 1, 1980 or constructed pursuant to this part
15 or former Act No. 203 of the Public Acts of 1979.

16 (g) Construction or maintenance of farm or stock ponds.

17 (h) Maintenance, operation, or improvement which includes
18 straightening, widening, or deepening of the following which is
19 necessary for the production or harvesting of agricultural
20 products:

21 (i) An existing private agricultural drain.

22 (ii) That portion of a drain legally established pursuant to
23 the drain code of 1956, Act No. 40 of the Public Acts of 1956,
24 being sections 280.1 to 280.630 of the Michigan Compiled Laws,
25 which has been constructed or improved for drainage purposes.

26 (iii) A drain constructed pursuant to other provisions of
27 this part or former Act No. 203 of the Public Acts of 1979.

1 (i) Construction or maintenance of farm roads, forest roads,
2 or temporary roads for moving mining or forestry equipment, if
3 the roads are constructed and maintained in a manner to assure
4 that any adverse effect on the wetland will be otherwise
5 minimized.

6 (j) Drainage necessary for the production and harvesting of
7 agricultural products if the wetland is owned by a person who is
8 engaged in commercial farming and the land is to be used for the
9 production and harvesting of agricultural products. Except as
10 otherwise provided in this part, wetland improved under this sub-
11 division after October 1, 1980 shall not be used for nonfarming
12 purposes without a permit from the department. This subdivision
13 shall not apply to a wetland which is contiguous to a lake or
14 stream, or to a tributary of a lake or stream, or to a wetland
15 that the department has determined by clear and convincing evi-
16 dence to be a wetland that is necessary to be preserved for the
17 public interest, in which case a permit is required.

18 (k) Maintenance or improvement of public streets, highways,
19 or roads, within the right-of-way and in such a manner as to
20 assure that any adverse effect on the wetland will be otherwise
21 minimized. Maintenance or improvement does not include adding
22 extra lanes, increasing the right-of-way, or deviating from the
23 existing location of the street, highway, or road.

24 (l) Maintenance, repair, or operation of gas or oil pipe-
25 lines and construction of gas or oil pipelines having a diameter
26 of 6 inches or less, if the pipelines are constructed,

1 maintained, or repaired in a manner to assure that any adverse
2 effect on the wetland will be otherwise minimized.

3 (m) Maintenance, repair, or operation of electric transmis-
4 sion and distribution power lines and construction of distribu-
5 tion power lines, if the distribution power lines are con-
6 structed, maintained, or repaired in a manner to assure that any
7 adverse effect on the wetland will be otherwise minimized.

8 (n) Operation or maintenance, including reconstruction of
9 recently damaged parts, of serviceable dikes and levees in exis-
10 tence on October 1, 1980 or constructed pursuant to this part or
11 former Act No. 203 of the Public Acts of 1979.

12 (o) Construction of iron and copper mining tailings basins
13 and water storage areas.

14 (3) After October 1, 1980 but immediately prior to the
15 approval of a state program under section 404 of title IV of the
16 federal water pollution control act, chapter 758, 86 Stat. 884,
17 33 U.S.C. 1344, where a project solely involves the discharge of
18 fill material subject to the individual permit requirements of
19 section 404 of title IV of the federal water pollution control
20 act, an additional permit is not required by this part.