

**SUBSTITUTE FOR  
SENATE BILL NO. 785**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 8807, 30105, 30301, 30303, 30306, 30306b, 30311, 30312, 30317, 32512a, and 32513 (MCL 324.1301, 324.8807, 324.30105, 324.30301, 324.30303, 324.30306, 324.30306b, 324.30311, 324.30312, 324.30317, 324.32512a, and 324.32513), section 1301 as amended by 2008 PA 18, section 8807 as added by 1998 PA 287, section 30105 as amended by 2006 PA 531, sections 30301, 30306, and 30312 as amended and section 32512a as added by 2003 PA 14, sections 30303 and 30311 as added by 1995 PA 59, section 30306b as added by 2006 PA 435, section 30317 as amended by 1998 PA 228, and section 32513 as amended by 2008 PA 276, and by adding sections 30303b, 30303d, 30304b, 30305b, 30311b, 30311d,

30312b, 30312d, 30325, 30327, and 30329; and to repeal acts and parts of acts.

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

1           Sec. 1301. As used in this part:

2           (a) "Application period" means the period beginning when an  
3 application for a permit is received by the state and ending when  
4 the application is considered to be administratively complete under  
5 section 1305 and any applicable fee has been paid.

6           (b) "Department" means the department, agency, or officer  
7 authorized by this act to approve or deny an application for a  
8 particular permit.

9           (c) "Director" means the director of the state department  
10 authorized under this act to approve or deny an application for a  
11 particular permit or the director's designee.

12           (d) "Permit" means a permit or operating license required by  
13 any of the following sections or by rules promulgated thereunder,  
14 or, in the case of section 9112, by an ordinance or resolution  
15 adopted thereunder:

16           (i) Section 3104, floodplain alteration permit.

17           (ii) Section 3503, permit for use of water in mining iron ore.

18           (iii) Section 4105, sewerage system construction permit.

19           (iv) Section 6516, vehicle testing license.

20           (v) Section 6521, motor vehicle fleet testing permit.

21           (vi) Section 8310, restricted use pesticide dealer license.

22           (vii) Section 8310a, agricultural pesticide dealer license.

23           (viii) Section 8504, license to manufacture or distribute  
24 fertilizer.

1           (ix) Section 9112, local soil erosion and sedimentation control  
2 permit.

3           (x) Section 11509, solid waste disposal area construction  
4 permit.

5           (xi) Section 11512, solid waste disposal area operating  
6 license.

7           (xii) Section 11542, municipal solid waste incinerator ash  
8 landfill operating license amendment.

9           (xiii) Section 11702, septage waste servicing license or septage  
10 waste vehicle license.

11           (xiv) Section 11709, septage waste site permit.

12           (xv) Section 30104, inland lakes and streams project permit.

13           (xvi) Section 30304, state permit for dredging, filling, or  
14 other activity in wetland. **PERMIT INCLUDES AN AUTHORIZATION FOR A**  
15 **SPECIFIC PROJECT TO PROCEED UNDER A GENERAL PERMIT ISSUED UNDER**  
16 **SECTION 30312.**

17           (xvii) Section 31509, dam construction, repair, removal permit.

18           (xviii) Section 32312, flood risk, high risk, or environmental  
19 area permit.

20           (xix) Section 32503, permit for dredging and filling  
21 bottomland.

22           (xx) Section 35304, department permit for critical dune area  
23 use.

24           (xxi) Section 36505, endangered species permit.

25           (xxii) Section 41702, game bird hunting preserve license.

26           (xxiii) Section 42101, dog training area permit.

27           (xxiv) Section 42501, fur dealer's license.

1 (xxv) Section 42702, game dealer's license.

2 (xxvi) Section 44513, charter boat operating permit under  
3 reciprocal agreement.

4 (xxvii) Section 44517, boat livery operating permit.

5 (xxviii) Section 45503, permit to take frogs for scientific use.

6 (xxix) Section 45902, game fish propagation license.

7 (xxx) Section 45906, game fish import license.

8 (xxxi) Section 61525, oil or gas well drilling permit.

9 (xxxii) Section 62509, brine, storage, or waste disposal well  
10 drilling or conversion permit or test well drilling permit.

11 (xxxiii) Section 63103a, metallic mineral mining permit.

12 (xxxiv) Section 63514 or 63525, surface coal mining and  
13 reclamation permit or revision of the permit during the term of the  
14 permit, respectively.

15 (xxxv) Section 63704, sand dune mining permit.

16 (xxxvi) Section 72108, use permits for Michigan trailway.

17 (xxxvii) Section 76109, sunken aircraft or watercraft abandoned  
18 property recovery permit.

19 (xxxviii) Section 76504, Mackinac Island motor vehicle and land  
20 use permits.

21 (xxxix) Section 80159, buoy or beacon permit.

22 (e) "Processing deadline" means the last day of the processing  
23 period.

24 (f) "Processing period" means the following time period after  
25 the close of the application period, for the following permit, as  
26 applicable:

27 (i) Twenty days for a permit under section 61525 or 62509.

1           (ii) Thirty days for a permit under section 9112.

2           (iii) Thirty days after the department consults with the  
3 underwater salvage and preserve committee created under section  
4 76103, for a permit under section 76109.

5           (iv) Sixty days, for a permit under section 30104 for a minor  
6 project as established by rule under section 30105(7) or for a  
7 permit under section 32312.

8           (v) Sixty days or, if a hearing is held, 90 days for a permit  
9 under section 35304.

10          (vi) Sixty days or, if a hearing is held, 120 days for a permit  
11 under section 30104, other than a permit for a minor project as  
12 established by rule under section 30105(7), or for a permit under  
13 section 31509.

14          (vii) Ninety days for a permit under section 11512, a revision  
15 of a surface coal mining and reclamation permit during the term of  
16 the permit under section 63525, or a permit under section 72108.

17          (viii) Ninety days or, if a hearing is held, 150 days for a  
18 permit under section 3104, 30304, or 32503 **OR AN AUTHORIZATION FOR**  
19 **A SPECIFIC PROJECT TO PROCEED UNDER A GENERAL PERMIT ISSUED UNDER**  
20 **SECTION 30312.**

21          (ix) One hundred and twenty days for a permit under section  
22 11509, 11542, 63103a, 63514, or 63704.

23          (x) One hundred fifty days for a permit under section 36505.  
24 However, if a site inspection or federal approval is required, the  
25 150-day period is tolled pending completion of the inspection or  
26 receipt of the federal approval.

27          (xi) For any other permit, 150 days or, if a hearing is held,

1 90 days after the hearing, whichever is later.

2 Sec. 8807. (1) The clean water fund is created within the  
3 state treasury.

4 (2) The state treasurer may receive money or other assets from  
5 any source for deposit into the fund. The state treasurer shall  
6 direct the investment of the fund. The state treasurer shall credit  
7 to the fund interest and earnings from fund investments.

8 (3) Money in the fund at the close of the fiscal year shall  
9 remain in the fund and shall not lapse to the general fund.

10 (4) Except as otherwise provided in this section, the  
11 department shall expend money in the fund, upon appropriation, for  
12 any of the following:

13 (a) To implement the programs described in the department's  
14 document entitled "A strategic environmental quality monitoring  
15 program for Michigan's surface waters", dated January 1997. In  
16 implementing these programs, the department may contract with any  
17 person.

18 (b) Water pollution control activities.

19 (c) Wellhead protection activities.

20 (d) Storm water treatment projects and activities.

21 **(E) TO IMPLEMENT PARTS 301, 303, 315, 323, AND 325; THE**  
22 **FLOODPLAIN PERMIT PROGRAM UNDER SECTION 3104; AND SECTION 117 OF**  
23 **THE LAND DIVISION ACT, 1967 PA 288, MCL 560.117. EXPENDITURES UNDER**  
24 **THIS SUBSECTION ARE NOT SUBJECT TO THE DEPARTMENT'S EXPENDITURE**  
25 **LIMITATIONS UNDER SECTION 19608(5).**

26 (5) Money in the fund shall not be expended for combined sewer  
27 overflow corrections.

1           (6) The first priority for expenditure of money in the fund  
2 shall be for the programs described in subsection (4)(a).

3           (7) Money in the fund shall not be expended until rules are  
4 promulgated under section 8808.

5           Sec. 30105. (1) The department shall post on its website all  
6 of the following under this part:

7           (a) A list of pending applications.

8           (b) Public notices.

9           (c) Public hearing schedules.

10          (2) The department may hold a public hearing on pending  
11 applications.

12          (3) Except as otherwise provided in this section, upon  
13 receiving an application, the department shall submit copies for  
14 review to the director of the department of community health or the  
15 local health department designated by the director of the  
16 department of community health, to the city, village, or township  
17 and the county where the project is to be located, to the local  
18 conservation district, to the watershed council established under  
19 part 311, if any, to the local port commission, if any, and to the  
20 persons required to be included in the application pursuant to  
21 section 30104(1). Each copy of the application shall be accompanied  
22 by a statement that unless a written request is filed with the  
23 department within 20 days after the submission for review, the  
24 department may grant the application without a public hearing where  
25 the project is located. The department may hold a public hearing  
26 upon the written request of the applicant or a riparian owner or a  
27 person or governmental unit that is entitled to receive a copy of

1 the application pursuant to this subsection.

2 (4) After completion of a project for which an application is  
3 approved, the department may cause a final inspection to be made  
4 and certify to the applicant that the applicant has complied with  
5 the department's permit requirements.

6 (5) At least 10 days' notice of a hearing to be held under  
7 this section shall be given by publication in a newspaper  
8 circulated in the county where the project is to be located, to the  
9 person requesting the hearing, and to the persons and governmental  
10 units that are entitled to receive a copy of the application  
11 pursuant to subsection (3).

12 (6) In an emergency, the department may issue a conditional  
13 permit before the expiration of the 20-day period referred to in  
14 subsection (3).

15 (7) ~~The~~ **AFTER PROVIDING NOTICE AND AN OPPORTUNITY FOR A PUBLIC**  
16 **HEARING, THE** department ~~, by rule, may~~ **SHALL** establish minor  
17 project categories of activities and projects that are similar in  
18 nature, ~~and have minimal adverse environmental impact~~ **EFFECTS WHEN**  
19 **PERFORMED SEPARATELY, AND WILL HAVE ONLY MINIMAL CUMULATIVE ADVERSE**  
20 **EFFECTS ON THE ENVIRONMENT.** The department may act upon an  
21 application received pursuant to section 30104 for an activity or  
22 project within a minor project category without providing notices  
23 ~~or holding a public hearing~~ pursuant to subsection (3). ~~A final~~  
24 ~~inspection or certification of a project completed under a permit~~  
25 ~~granted pursuant to this subsection is not required, but all~~ **ALL**  
26 other provisions of this part, **EXCEPT PROVISIONS APPLICABLE ONLY TO**  
27 **GENERAL PERMITS,** are applicable to a minor project.



1           (8) The department, after notice and an opportunity for a  
2 public hearing, ~~may~~ **SHALL** issue general permits on a statewide  
3 basis or within a local unit of government for projects that are  
4 similar in nature, that will cause only minimal adverse  
5 environmental ~~impacts~~ **EFFECTS** when performed separately, and that  
6 will only have minimal cumulative adverse ~~impact~~ **EFFECTS** on the  
7 environment. **BEFORE AUTHORIZING A SPECIFIC PROJECT TO PROCEED UNDER**  
8 **A GENERAL PERMIT, THE DEPARTMENT SHALL NOT PROVIDE NOTICE OR HOLD A**  
9 **PUBLIC HEARING AND SHALL NOT TYPICALLY REQUIRE A SITE INSPECTION.** A  
10 general permit issued under this subsection shall not be valid for  
11 more than 5 years. Among the activities the department may consider  
12 for general permit eligibility under this subsection are the  
13 following:

14           (a) The removal of qualifying small dams.

15           (b) The maintenance or repair of an existing pipeline, if the  
16 pipeline is maintained or repaired in a manner to ~~assure~~ **ENSURE**  
17 that any adverse ~~impact~~ **EFFECTS** on the lake or stream will be  
18 minimized.

19           (9) The department may issue, deny, or impose conditions on  
20 project activities authorized under a minor project category or a  
21 general permit if the conditions are designed to remove an  
22 impairment to the lake or stream, to mitigate the ~~impact~~ **EFFECTS** of  
23 the project, or to otherwise improve water quality. The department  
24 may also establish a reasonable time when the proposed project is  
25 to be completed or terminated.

26           (10) If the department determines that activity in a proposed  
27 project, although within a minor project category or a general

1 permit, is likely to cause more than minimal adverse environmental  
2 ~~impacts~~**EFFECTS**, the department may require that the application be  
3 processed according to subsection (3) and reviewed for compliance  
4 with section 30106.

5 (11) As used in this section, "qualifying small dam" means a  
6 dam that meets all of the following conditions:

7 (a) The height of the dam is less than 2 feet.

8 (b) The impoundment from the dam covers less than 2 acres.

9 (c) The dam does not serve as the first dam upstream from the  
10 Great Lakes or their connecting waterways.

11 (d) The dam is not serving as a sea lamprey barrier.

12 (e) There are no threatened or endangered species that have  
13 been identified in the area that will be ~~impacted~~**AFFECTED** by the  
14 project.

15 (f) There are no known areas of contaminated sediments in the  
16 area that will be ~~impacted~~**AFFECTED** by the project.

17 (g) The department has received written permission for the  
18 removal of the dam from all riparian property owners adjacent to  
19 the dam's impoundment.

20 Sec. 30301. **(1)** As used in this part:

21 (a) "Beach" means the area landward of the shoreline of the  
22 Great Lakes as the term shoreline is defined in section 32301.

23 (b) "Beach maintenance activities" means any of the following  
24 in the area of Great Lakes bottomlands lying below the ordinary  
25 high-water mark and above the water's edge:

26 (i) Manual or mechanized leveling of sand.

27 (ii) Mowing of vegetation.

1 (iii) Manual de minimis removal of vegetation.

2 (iv) Grooming of soil.

3 (v) Construction and maintenance of a path.

4 (C) "COUNCIL" MEANS THE WETLAND ADVISORY COUNCIL CREATED IN  
5 SECTION 30329.

6 (D) ~~(e)~~"Debris" means animal or fish carcasses, zebra mussel  
7 shells, dead vegetation, trash, and discarded materials of human-  
8 made origin.

9 (E) ~~(d)~~"Department" means the department of environmental  
10 quality.

11 (F) ~~(e)~~"Director" means the director of the department.

12 (G) "ENVIRONMENTAL AREA" MEANS AN ENVIRONMENTAL AREA AS  
13 DEFINED IN SECTION 32301.

14 (H) "EXCEPTIONAL WETLAND" MEANS WETLAND THAT PROVIDES PHYSICAL  
15 OR BIOLOGICAL FUNCTIONS ESSENTIAL TO THE NATURAL RESOURCES OF THE  
16 STATE AND THAT MAY BE LOST OR DEGRADED IF NOT PRESERVED THROUGH AN  
17 APPROVED SITE PROTECTION AND MANAGEMENT PLAN FOR THE PURPOSES OF  
18 PROVIDING COMPENSATORY WETLAND MITIGATION.

19 (I) ~~(f)~~"Fill material" means soil, rocks, sand, waste of any  
20 kind, or any other material that displaces soil or water or reduces  
21 water retention potential.

22 ~~——(g) "Environmental area" means an environmental area as~~  
23 ~~defined in section 32301.~~

24 (J) ~~(h)~~"Grooming of soil" means raking or dragging, pushing,  
25 or pulling metal teeth through the top 4 inches of soil without  
26 disturbance of or destruction to plant roots, for the purpose of  
27 removing debris.

1           (K) "LANDSCAPE LEVEL WETLAND ASSESSMENT" MEANS THE USE OF  
2 AERIAL PHOTOGRAPHS, MAPS, AND OTHER REMOTELY SENSED INFORMATION TO  
3 PREDICT AND EVALUATE WETLAND CHARACTERISTICS AND FUNCTIONS IN THE  
4 CONTEXT OF ALL OF THE FOLLOWING:

5           (i) THE WETLAND'S LANDSCAPE POSITION AND HYDROLOGIC  
6 CHARACTERISTICS.

7           (ii) THE SURROUNDING LANDSCAPE.

8           (iii) THE HISTORIC EXTENT AND CONDITION OF THE WETLAND.

9           (l) ~~(i)~~—"Leveling of sand" means the relocation of sand within  
10 areas being leveled that are predominantly free of vegetation,  
11 including the redistribution, grading, and spreading of sand that  
12 has been deposited through wind or wave action onto upland riparian  
13 property.

14           (m) ~~(j)~~—"Minor drainage" includes ditching and tiling for the  
15 removal of excess soil moisture incidental to the planting,  
16 cultivating, protecting, or harvesting of crops or improving the  
17 productivity of land in established use for agriculture,  
18 horticulture, silviculture, or lumbering.

19           (n) ~~(k)~~—"Mowing of vegetation" means the cutting of vegetation  
20 to a height of not less than 2 inches, without disturbance of soil  
21 or plant roots.

22           (o) "NATIONWIDE PERMIT" MEANS A NATIONWIDE PERMIT ISSUED BY  
23 THE UNITED STATES ARMY CORPS OF ENGINEERS UNDER 72 FR 11091 TO  
24 11198 (MARCH 12, 2007), INCLUDING ALL GENERAL CONDITIONS, REGIONAL  
25 CONDITIONS, AND CONDITIONS IMPOSED BY THIS STATE PURSUANT TO A  
26 WATER QUALITY CERTIFICATION UNDER SECTION 401 OF TITLE IV OF THE  
27 FEDERAL WATER POLLUTION CONTROL ACT, 33 USC 1341, OR A COASTAL ZONE

1 **MANAGEMENT CONSISTENCY DETERMINATION UNDER SECTION 307 OF THE**  
2 **COASTAL ZONE MANAGEMENT ACT OF 1972, 16 USC 1456.**

3 (P) ~~(H)~~—"Ordinary high-water mark" means ~~that term as it is~~  
4 ~~defined~~ **THE ORDINARY HIGH-WATER MARK AS SPECIFIED** in section 32502.

5 (Q) ~~(m)~~—"Path" means a temporary access walkway from ~~the~~  
6 upland riparian property directly to the shoreline across swales  
7 with standing water, not exceeding 6 feet in bottom width and  
8 consisting of sand and pebbles obtained from ~~the~~-exposed,  
9 nonvegetated bottomlands or from the upland riparian property.

10 (R) ~~(n)~~—"Person" means an individual, sole proprietorship,  
11 partnership, corporation, association, municipality, this state, an  
12 instrumentality or agency of this state, the federal government, an  
13 instrumentality or agency of the federal government, or other legal  
14 entity.

15 (S) **"RAPID WETLAND ASSESSMENT" MEANS A METHOD FOR GENERALLY**  
16 **ASSESSING THE FUNCTIONS, VALUES, AND CONDITION OF INDIVIDUAL**  
17 **WETLANDS BASED ON EXISTING DATA AND FIELD INDICATORS.**

18 (T) ~~(e)~~—"Removal of vegetation" means the manual or mechanized  
19 removal of vegetation, other than the manual de minimis removal of  
20 vegetation.

21 (U) **"WATER DEPENDENT" MEANS REQUIRING ACCESS OR PROXIMITY TO**  
22 **OR SITING WITHIN AN AQUATIC SITE TO FULFILL ITS BASIC PURPOSE.**

23 (V) ~~(p)~~—"Wetland" means land characterized by the presence of  
24 water at a frequency and duration sufficient to support, and that  
25 under normal circumstances does support, wetland vegetation or  
26 aquatic life, and is commonly referred to as a bog, swamp, or  
27 marsh, and which is any of the following:

1 (i) Contiguous to the Great Lakes or Lake St. Clair, an inland  
2 lake or pond, or a river or stream.

3 (ii) Not contiguous to the Great Lakes, an inland lake or pond,  
4 or a river or stream; and more than 5 acres in size. ~~; except this~~  
5 ~~subparagraph shall not be of effect, except for the purpose of~~  
6 ~~inventorying, in counties of less than 100,000 population until the~~  
7 ~~department certifies to the commission it has substantially~~  
8 ~~completed its inventory of wetlands in that county.~~

9 (iii) Not contiguous to the Great Lakes, an inland lake or pond,  
10 or a river or stream; and 5 acres or less in size if the department  
11 determines that protection of the area is essential to the  
12 preservation of the natural resources of the state from pollution,  
13 impairment, or destruction and the department has so notified the  
14 owner. ~~; except this subparagraph may be utilized regardless of~~  
15 ~~wetland size in a county in which subparagraph (ii) is of no effect;~~  
16 ~~except for the purpose of inventorying, at the time.~~

17 (2) THE DEPARTMENT AND LOCAL UNITS OF GOVERNMENT SHALL APPLY  
18 THE TECHNICAL WETLAND DELINEATION STANDARDS SET FORTH IN THE U.S.  
19 ARMY CORPS OF ENGINEERS JANUARY 1987 WETLAND DELINEATION MANUAL,  
20 TECHNICAL REPORT Y-87-1, AND APPROPRIATE REGIONAL U.S. ARMY CORPS  
21 OF ENGINEERS SUPPLEMENTS, IN IDENTIFYING WETLAND BOUNDARIES UNDER  
22 THIS PART, INCLUDING, BUT NOT LIMITED TO, SECTION 30307.

23 Sec. 30303. (1) The department may enter into an agreement to  
24 make contracts with the federal government, other state agencies,  
25 local units of government, private agencies, or persons for the  
26 purposes of making studies for the efficient preservation,  
27 management, protection, and use of wetland resources. A study shall

1 be available as a public record for distribution at cost as  
2 provided in section 4 of the freedom of information act, ~~Act No.~~  
3 ~~442 of the Public Acts of 1976, being section 15.234 of the~~  
4 ~~Michigan Compiled Laws 1976 PA 442, MCL 15.234.~~

5 (2) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THE 2009  
6 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE COMMISSION OF  
7 AGRICULTURE IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL  
8 QUALITY SHALL IDENTIFY AT LEAST 2,500 ACRES OF LAND SUITABLE FOR  
9 CRANBERRY PRODUCTION ACTIVITIES. PRIORITY SHALL BE GIVEN TO UPLAND  
10 SITES, SITES THAT HAVE BEEN DRAINED FOR AGRICULTURAL USE AND ARE NO  
11 LONGER WETLAND, AND SITES THAT HAVE BEEN DRAINED FOR AGRICULTURAL  
12 USE AND CONTINUE TO BE WETLAND. THE DEPARTMENT AND THE DEPARTMENT  
13 OF AGRICULTURE SHALL MAKE AVAILABLE TO THE PUBLIC A MAP OF THE  
14 AREAS IDENTIFIED AS PROVIDED IN THIS SECTION. THE MAP IS FOR  
15 INFORMATIONAL PURPOSES AND DOES NOT CONSTITUTE A REGULATORY  
16 DETERMINATION FOR PURPOSES OF THIS PART.

17 (3) AFTER 2,000 ACRES OF SITES IDENTIFIED UNDER SUBSECTION (2)  
18 HAVE BEEN DEVELOPED FOR CRANBERRY PRODUCTION ACTIVITIES, AT LEAST  
19 AN ADDITIONAL 2,500 ACRES SHALL BE IDENTIFIED AS PROVIDED IN  
20 SUBSECTION (2).

21 SEC. 30303B. (1) THE DEPARTMENT SHALL IMPLEMENT A PILOT  
22 PROGRAM TO FACILITATE THE ROLE OF LOCAL UNITS OF GOVERNMENT,  
23 CONSERVATION DISTRICTS, NONPROFIT ORGANIZATIONS, AND WETLAND  
24 PROFESSIONALS IN ASSISTING PERSONS SEEKING SUCH ASSISTANCE WITH  
25 COMPLETING PERMIT APPLICATIONS, AVOIDING AND MINIMIZING IMPACTS  
26 FROM A PROPOSED PROJECT, USING BEST MANAGEMENT PRACTICES IN A  
27 PROPOSED PROJECT, AND OTHERWISE COMPLYING WITH THIS PART. THE GOALS

1 OF THE PILOT PROGRAM INCLUDE INCREASING THE EFFICIENCY OF THE  
2 PERMITTING PROCESS THROUGH BETTER UTILIZATION OF ALL AVAILABLE  
3 RESOURCES, INCLUDING DEPARTMENT STAFF, WHILE PROTECTING THE WETLAND  
4 OF THIS STATE. THE PILOT PROGRAM SHALL NOT AFFECT THE DEPARTMENT'S  
5 AUTHORITY TO MAKE REGULATORY DECISIONS IN ANY WAY.

6 (2) WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
7 ACT THAT ADDED THIS SECTION, THE DIRECTOR SHALL DESIGNATE AT LEAST  
8 3 ENTITIES TO PARTICIPATE IN THE PILOT PROGRAM, WITH THE GOAL OF  
9 SELECTING AT LEAST 1 LOCAL UNIT OF GOVERNMENT, 1 CONSERVATION  
10 DISTRICT, AND 1 NONPROFIT ORGANIZATION. A PROPOSED DESIGNATION  
11 UNDER THIS SUBSECTION SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE  
12 FOR PUBLIC REVIEW AND COMMENT FOR AT LEAST 21 DAYS BEFORE THE  
13 DESIGNATION IS MADE.

14 (3) BY APRIL 1, 2012, THE DEPARTMENT AND ENTITIES  
15 PARTICIPATING IN THE PROGRAM UNDER SUBSECTION (2) SHALL REPORT TO  
16 THE COUNCIL ON PROGRAM RESULTS AND RECOMMENDATIONS FOR FURTHER  
17 REFINING THE PROGRAM.

18 (4) THIS SECTION IS REPEALED EFFECTIVE OCTOBER 1, 2012.

19 SEC. 30303D. (1) THE DEPARTMENT SHALL IMPLEMENT A PILOT  
20 PROGRAM FOR ASSISTING LOCAL UNITS OF GOVERNMENT AND PARTNERING  
21 INDIVIDUALS OR ENTITIES IN THE DEVELOPMENT OF WETLAND MITIGATION  
22 BANKS. THIS ASSISTANCE SHALL INCLUDE, BUT NOT BE LIMITED TO,  
23 SUPPLYING MAPS OF POTENTIAL WETLAND RESTORATION AREAS FOR SITE  
24 SELECTION, REVIEWING POTENTIAL SITES FOR MITIGATION BANKS, AND, IF  
25 THE MITIGATION BANK SPONSOR IS A COUNTY WITH A POPULATION OF  
26 500,000 OR MORE, EXPEDITING REVIEW OF CONCEPTUAL DESIGN PLANS.

27 (2) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY



1 ACT THAT ADDED THIS SECTION, THE DIRECTOR SHALL DESIGNATE 2  
2 COUNTIES WITH A POPULATION OF 500,000 OR MORE. THOSE COUNTIES, OR  
3 MUNICIPALITIES AND PARTNERING INDIVIDUALS OR ENTITIES IN THOSE  
4 COUNTIES, ARE ELIGIBLE TO PARTICIPATE IN THE PILOT PROGRAM. A  
5 PROPOSED DESIGNATION UNDER THIS SUBSECTION SHALL BE POSTED ON THE  
6 DEPARTMENT'S WEBSITE FOR AT LEAST 21 DAYS BEFORE THE DESIGNATION IS  
7 MADE, FOR PUBLIC REVIEW AND COMMENT.

8 (3) BY APRIL 1, 2012, THE DEPARTMENT AND ENTITIES  
9 PARTICIPATING IN THE PROGRAM UNDER SUBSECTION (2) SHALL REPORT TO  
10 THE COUNCIL ON PROGRAM RESULTS AND RECOMMENDATIONS FOR FURTHER  
11 REFINING THE PROGRAM.

12 (4) THIS SECTION IS REPEALED EFFECTIVE OCTOBER 1, 2012.

13 SEC. 30304B. THE DEPARTMENT SHALL PURSUE AN AGREEMENT WITH THE  
14 UNITED STATES ARMY CORPS OF ENGINEERS FOR THE CORPS TO ISSUE STATE  
15 PROGRAMMATIC GENERAL PERMITS UNDER SECTION 404(E) OF TITLE IV OF  
16 THE FEDERAL WATER POLLUTION CONTROL ACT, 33 USC 1344, FOR ALL  
17 ACTIVITIES REGULATED UNDER THIS PART IN WATERS OVER WHICH THE CORPS  
18 RETAINS JURISDICTION UNDER SECTION 10 OF THE RIVERS AND HARBORS  
19 APPROPRIATIONS ACT OF 1899, 33 USC 403. UNLESS SUCH AN AGREEMENT IS  
20 ENTERED INTO WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THE  
21 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL NOT  
22 EXERCISE JURISDICTION UNDER THIS PART WITH RESPECT TO LOCATIONS  
23 OVER WHICH THE UNITED STATES ARMY CORPS OF ENGINEERS EXERCISES  
24 JURISDICTION UNDER SECTION 10 OF THE RIVERS AND HARBORS  
25 APPROPRIATIONS ACT OF 1899, 33 USC 403.

26 SEC. 30305B. (1) THE DEPARTMENT SHALL CONSIDER CONSTRUCTION OF  
27 CRANBERRY BEDS, INCLUDING ASSOCIATED DIKES AND WATER CONTROL

1 STRUCTURES ASSOCIATED WITH DIKES, SUCH AS HEADGATES, WEIRS, AND  
2 DROP INLET STRUCTURES, TO BE A WATER DEPENDENT ACTIVITY.

3 (2) THE FOLLOWING ACTIVITIES ASSOCIATED WITH CRANBERRY  
4 OPERATIONS ARE NOT CONSIDERED TO BE WATER DEPENDENT:

5 (A) THE CONSTRUCTION OF ROADS, DITCHES, RESERVOIRS, AND PUMP  
6 HOUSES THAT ARE USED DURING THE CULTIVATION OF CRANBERRIES.

7 (B) THE CONSTRUCTION OF SECONDARY SUPPORT FACILITIES FOR  
8 SHIPPING, STORAGE, PACKAGING, PARKING, AND SIMILAR PURPOSES.

9 (3) THE DEMONSTRATION BY AN APPLICANT UNDER SECTION 30311 THAT  
10 THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CONSTRUCTION OF  
11 CRANBERRY BEDS, INCLUDING DIKES AND WATER CONTROL STRUCTURES  
12 ASSOCIATED WITH DIKES, IS NOT SUBJECT TO EITHER OF THE FOLLOWING  
13 PRESUMPTIONS:

14 (A) THAT FEASIBLE AND PRUDENT ALTERNATIVES THAT DO NOT INVOLVE  
15 A WETLAND ARE AVAILABLE.

16 (B) THAT A FEASIBLE AND PRUDENT ALTERNATIVE THAT DOES NOT  
17 AFFECT A WETLAND WILL HAVE LESS ADVERSE EFFECTS ON THE AQUATIC  
18 ECOSYSTEM.

19 Sec. 30306. (1) Except as provided in section 30307(6), to  
20 obtain a permit for a use or development listed in section 30304, a  
21 person shall file an application with the department on a form  
22 provided by the department. The application shall include all of  
23 the following:

24 (a) The person's name and address.

25 (b) The location of the wetland.

26 (c) A description of the wetland on which the use or  
27 development is to be made.

1 (d) A statement and appropriate drawings describing the  
2 proposed use or development.

3 (e) The wetland owner's name and address.

4 (f) An environmental assessment of the proposed use or  
5 development if requested by the department. ~~, which~~ **THE** assessment  
6 shall include the effects upon wetland benefits and the effects  
7 upon the water quality, flow, and levels, and the wildlife, fish,  
8 and vegetation within a contiguous lake, river, or stream.

9 (2) For the purposes of subsection (1), a proposed use or  
10 development of a wetland shall be considered as a single permit  
11 application under this part if the scope, extent, and purpose of a  
12 use or development are made known at the time of the application  
13 for the permit.

14 (3) Except as provided in subsections (4) and (5), an  
15 application for a permit submitted under subsection (1) shall be  
16 accompanied by the following fee, **AS APPLICABLE**:

17 (a) For a project in a category of activities for which a  
18 general permit is issued under section 30312, a fee of \$100.00.

19 (b) For a permit for the removal of vegetation in an area that  
20 is not more than 100 feet wide or the width of the property,  
21 whichever is less, or the mowing of vegetation ~~in excess of what is~~  
22 ~~allowed in section 30305(2)(p)(ii)~~ **UNDER A GENERAL PERMIT**, in the  
23 area between the ordinary high-water mark and the water's edge, a  
24 fee of \$50.00.

25 (c) For a major project, including any of the following, a fee  
26 of \$2,000.00:

27 (i) Filling or draining of 1 acre or more of coastal or inland

1 wetland.

2 (ii) 10,000 cubic yards or more of wetland fill.

3 (iii) A new golf course ~~impacting~~**AFFECTING** wetland.

4 (iv) A subdivision ~~impacting~~**AFFECTING** wetland.

5 (v) A condominium ~~impacting~~**AFFECTING** wetland.

6 (d) For all other projects, a fee of \$500.00.

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

10 (a) Section 3104.

11 (b) Part 301.

12 (c) Part 323.

13 (d) Part 325.

14 (e) Section 117 of the land division act, 1967 PA 288, MCL  
15 560.117.

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

21 (6) If the department determines that a permit is not required  
22 under this part, the department shall promptly refund the fee paid  
23 under this section.

24 Sec. 30306b. (1) If a preapplication meeting is requested in  
25 writing by the landowner or another person who is authorized in  
26 writing by the landowner, the department shall meet with the person  
27 or his or her representatives to review a proposed project or a

1 proposed permit application in its entirety. The preapplication  
2 meeting shall take place at the department's district office for  
3 the district that includes the project site or at the project site  
4 itself, as specified in the request.

5 (2) Except as provided in this subsection, the request shall  
6 be accompanied by a fee. The fee for a preapplication meeting at  
7 the district office is \$150.00. The fee for a preapplication  
8 meeting at the project site is \$250.00 for the first acre or  
9 portion of an acre of project area, plus \$50.00 for each acre or  
10 portion of an acre in excess of the first acre, but not to exceed a  
11 fee of \$1,000.00. However, ~~if~~ **BOTH OF THE FOLLOWING APPLY:**

12 (A) **IF** the location of the project is a single family  
13 residential lot that is less than 1 acre in size, there is no fee  
14 for a preapplication meeting at the district office, and the fee  
15 for a preapplication meeting at the project site is \$100.00.

16 (B) **THERE IS NO FEE FOR A PREAPPLICATION MEETING FOR CRANBERRY**  
17 **PRODUCTION ACTIVITIES, WHETHER AT THE DISTRICT OFFICE OR PROJECT**  
18 **SITE. THIS SUBDIVISION DOES NOT APPLY ON OR AFTER OCTOBER 1, 2012.**

19 (3) If the person withdraws the request at least 24 hours  
20 before the preapplication meeting, the department may agree with  
21 the person to reschedule the meeting or shall promptly refund the  
22 fee and need not meet as provided in this section. Otherwise, if,  
23 after agreeing to the time and place for a preapplication meeting,  
24 the person is not represented at the meeting, the person shall  
25 forfeit the fee for the meeting. If, after agreeing to the time and  
26 place for a preapplication meeting, the department is not  
27 represented at the meeting, the department shall refund the fee and

1 send a representative to a rescheduled meeting to be held within 10  
2 days ~~of~~**AFTER** the first scheduled meeting date.

3 (4) Any written agreement provided by the department as a  
4 result of the preapplication meeting regarding the need to obtain a  
5 permit is binding on the department for 2 years ~~from~~**AFTER** the date  
6 of the agreement.

7 Sec. 30311. (1) A permit for an activity listed in section  
8 30304 shall not be approved unless the department determines that  
9 the issuance of a permit is in the public interest, that the permit  
10 is necessary to realize the benefits derived from the activity, and  
11 that the activity is otherwise lawful.

12 (2) In determining whether the activity is in the public  
13 interest, the benefit which reasonably may be expected to accrue  
14 from the proposal shall be balanced against the reasonably  
15 foreseeable detriments of the activity. The decision shall reflect  
16 the national and state concern for the protection of natural  
17 resources from pollution, impairment, and destruction. The  
18 following general criteria shall be considered:

19 (a) The relative extent of the public and private need for the  
20 proposed activity.

21 (b) The availability of feasible and prudent alternative  
22 locations and methods to accomplish the expected benefits from the  
23 activity.

24 (c) The extent and permanence of the beneficial or detrimental  
25 effects that the proposed activity may have on the public and  
26 private uses to which the area is suited, including the benefits  
27 the wetland provides.

1 (d) The probable ~~impact~~**EFFECTS** of each proposal in relation  
2 to the cumulative ~~effect~~**EFFECTS** created by other existing and  
3 anticipated activities in the watershed.

4 (e) The probable ~~impact~~**EFFECTS** on recognized historic,  
5 cultural, scenic, ecological, or recreational values and on the  
6 public health or fish or wildlife.

7 (f) The size of the wetland being considered.

8 (g) The amount of remaining wetland in the general area.

9 (h) Proximity to any waterway.

10 (i) Economic value, both public and private, of the proposed  
11 land change to the general area.

12 (3) In considering a permit application, the department shall  
13 give serious consideration to findings of necessity for the  
14 proposed activity which have been made by other state agencies.

15 (4) A permit shall not be issued unless it is shown that an  
16 unacceptable disruption will not result to the aquatic resources.  
17 In determining whether a disruption to the aquatic resources is  
18 unacceptable, the criteria set forth in section 30302 and  
19 subsection (2) shall be considered. A permit shall not be issued  
20 unless the applicant also shows either of the following:

21 (a) The proposed activity is primarily dependent upon being  
22 located in the wetland.

23 (b) A feasible and prudent alternative does not exist.

24 **(5) THE DEPARTMENT SHALL NOT INTERPRET RULES PROMULGATED UNDER**  
25 **THIS PART PERTAINING TO EVALUATION OF FEASIBLE AND PRUDENT**  
26 **ALTERNATIVES TO BE MORE RESTRICTIVE THAN FEDERAL LAW. THE**  
27 **DEPARTMENT SHALL NOT PROMULGATE RULES UNDER THIS PART PERTAINING TO**

1 THE EVALUATION OF FEASIBLE AND PRUDENT ALTERNATIVES THAT ARE MORE  
2 RESTRICTIVE THAN FEDERAL LAW.

3 (6) A GUIDELINE, BULLETIN, INTERPRETIVE STATEMENT, OR FORM  
4 WITH INSTRUCTIONS UNDER THIS PART SHALL NOT BE GIVEN THE FORCE AND  
5 EFFECT OF LAW BY THE DEPARTMENT AND IS CONSIDERED MERELY ADVISORY.  
6 THE DEPARTMENT SHALL NOT RELY UPON A GUIDELINE, BULLETIN,  
7 INTERPRETIVE STATEMENT, OR FORM WITH INSTRUCTIONS UNDER THIS PART  
8 TO SUPPORT A DECISION OF THE DEPARTMENT UNDER THIS PART TO ACT OR  
9 REFUSE TO ACT IF THAT DECISION IS SUBJECT TO JUDICIAL REVIEW. A  
10 COURT SHALL NOT RELY UPON A GUIDELINE, BULLETIN, INTERPRETIVE  
11 STATEMENT, OR FORM WITH INSTRUCTIONS TO UPHOLD SUCH A DECISION.

12 SEC. 30311B. (1) A PERMIT ISSUED UNDER THIS PART SHALL NOT BE  
13 VALID FOR MORE THAN 5 YEARS.

14 (2) THE DEPARTMENT MAY ESTABLISH A REASONABLE TIME WHEN THE  
15 CONSTRUCTION, DEVELOPMENT, OR USE AUTHORIZED UNDER ANY PERMIT  
16 ISSUED UNDER THIS PART IS TO BE COMPLETED OR TERMINATED.

17 (3) THE DEPARTMENT MAY IMPOSE ON ANY PERMIT OR AUTHORIZATION  
18 UNDER A GENERAL PERMIT UNDER THIS PART CONDITIONS DESIGNED TO DO  
19 ANY OF THE FOLLOWING:

20 (A) REMOVE OR REDUCE AN IMPAIRMENT TO WETLAND BENEFITS, AS SET  
21 FORTH IN SECTION 30302, THAT WOULD OTHERWISE RESULT FROM THE  
22 PROJECT.

23 (B) IMPROVE THE WATER QUALITY THAT WOULD OTHERWISE RESULT FROM  
24 THE PROJECT.

25 (C) REMOVE OR REDUCE THE EFFECT OF A DISCHARGE OF FILL  
26 MATERIAL.

27 (4) THE DEPARTMENT MAY IMPOSE A CONDITION ON AN AUTHORIZATION



1 UNDER A GENERAL PERMIT UNDER SUBSECTION (3) ONLY AFTER CONSULTATION  
2 WITH THE APPLICANT OR APPLICANT'S AGENT.

3 SEC. 30311D. (1) THE DEPARTMENT MAY IMPOSE AS A CONDITION ON  
4 ANY PERMIT, OTHER THAN A GENERAL PERMIT, UNDER THIS PART A  
5 REQUIREMENT FOR COMPENSATORY WETLAND MITIGATION. THE DEPARTMENT MAY  
6 APPROVE 1 OR MORE OF THE FOLLOWING METHODS OF COMPENSATORY WETLAND  
7 MITIGATION:

8 (A) THE ACQUISITION OF APPROVED CREDITS FROM A WETLAND  
9 MITIGATION BANK. THE DEPARTMENT SHALL NOT REQUIRE A PERMIT  
10 APPLICANT TO PROVIDE COMPENSATORY WETLAND MITIGATION UNDER  
11 SUBDIVISION (B), (C), OR (D) IF THE APPLICANT PREFERS TO PROVIDE  
12 REQUIRED COMPENSATORY WETLAND MITIGATION UNDER THIS SUBDIVISION.

13 (B) THE RESTORATION OF PREVIOUSLY EXISTING WETLAND. THE  
14 RESTORATION OF PREVIOUSLY EXISTING WETLAND IS PREFERRED OVER THE  
15 CREATION OF NEW WETLAND WHERE NONE PREVIOUSLY EXISTED.

16 (C) THE CREATION OF NEW WETLANDS, IF THE PERMIT APPLICANT  
17 DEMONSTRATES THAT ECOLOGICAL CONDITIONS NECESSARY FOR ESTABLISHMENT  
18 OF A SELF-SUSTAINING WETLAND ECOSYSTEM EXIST OR WILL BE CREATED.

19 (D) THE PRESERVATION OF EXCEPTIONAL WETLANDS.

20 (2) IF COMPENSATORY WETLAND MITIGATION UNDER SUBSECTION  
21 (1)(B), (C), OR (D) IS REQUIRED, A PERMIT APPLICANT SHALL SUBMIT A  
22 MITIGATION PLAN TO THE DEPARTMENT FOR APPROVAL. IN APPROVING A  
23 COMPENSATORY MITIGATION PLAN, THE DEPARTMENT SHALL CONSIDER HOW THE  
24 LOCATION AND TYPE OF WETLAND MITIGATION SUPPORTS THE SUSTAINABILITY  
25 OR IMPROVEMENT OF AQUATIC RESOURCES IN THE WATERSHED WHERE THE  
26 ACTIVITY IS PERMITTED. THE PERMIT APPLICANT SHALL PROVIDE FOR  
27 PERMANENT PROTECTION OF THE WETLAND MITIGATION SITE. THE DEPARTMENT

1 MAY ACCEPT A CONSERVATION EASEMENT TO PROTECT WETLAND MITIGATION  
2 AND ASSOCIATED UPLAND.

3 (3) IF A PERMITTEE CARRIES OUT COMPENSATORY WETLAND MITIGATION  
4 UNDER SUBSECTION (1) (B), (C), OR (D) IN COOPERATION WITH PUBLIC  
5 AGENCIES, PRIVATE ORGANIZATIONS, OR OTHER PARTIES, THE PERMITTEE  
6 REMAINS RESPONSIBLE FOR THE COMPENSATORY WETLAND MITIGATION TO THE  
7 EXTENT OTHERWISE PROVIDED BY LAW.

8 (4) THE DEPARTMENT MAY REQUIRE FINANCIAL ASSURANCE TO ENSURE  
9 THAT COMPENSATORY WETLAND MITIGATION IS ACCOMPLISHED AS SPECIFIED.  
10 TO ENSURE THAT WETLAND BENEFITS ARE REPLACED BY COMPENSATORY  
11 WETLAND MITIGATION, THE DEPARTMENT MAY RELEASE FINANCIAL ASSURANCE  
12 ONLY AFTER THE PERMIT APPLICANT OR MITIGATION BANK SPONSOR HAS  
13 COMPLETED MONITORING OF THE MITIGATION SITE AND DEMONSTRATED  
14 COMPLIANCE WITH PERFORMANCE STANDARDS IN ACCORDANCE WITH A SCHEDULE  
15 IN THE PERMIT OR MITIGATION BANKING AGREEMENT.

16 Sec. 30312. (1) AFTER PROVIDING NOTICE AND AN OPPORTUNITY FOR  
17 A PUBLIC HEARING, THE DEPARTMENT SHALL ESTABLISH MINOR PROJECT  
18 CATEGORIES OF ACTIVITIES THAT ARE SIMILAR IN NATURE, HAVE MINIMAL  
19 ADVERSE ENVIRONMENTAL EFFECTS WHEN PERFORMED SEPARATELY, AND WILL  
20 HAVE ONLY MINIMAL CUMULATIVE ADVERSE EFFECTS ON THE ENVIRONMENT.  
21 THE DEPARTMENT MAY ACT UPON AN APPLICATION RECEIVED PURSUANT TO  
22 SECTION 30306 FOR AN ACTIVITY WITHIN A MINOR PROJECT CATEGORY  
23 WITHOUT HOLDING A PUBLIC HEARING OR PROVIDING NOTICE PURSUANT TO  
24 SECTION 30307(1) OR (3). A MINOR PROJECT CATEGORY SHALL NOT BE  
25 VALID FOR MORE THAN 5 YEARS, BUT MAY BE REESTABLISHED. ALL OTHER  
26 PROVISIONS OF THIS PART, EXCEPT PROVISIONS APPLICABLE ONLY TO  
27 GENERAL PERMITS, ARE APPLICABLE TO A MINOR PROJECT.

1           (2) ~~(1)~~The department, after notice and opportunity for a  
2 public hearing, may issue general permits on a statewide basis or  
3 within a local unit of government for a category of activities if  
4 the department determines that the activities are similar in  
5 nature, will cause only minimal adverse environmental effects when  
6 performed separately, and will have only minimal cumulative adverse  
7 ~~effect~~**EFFECTS** on the environment. A general permit ~~issued under~~  
8 ~~this subsection~~ shall be based on the requirements of this part and  
9 the rules promulgated under this part, and shall set forth the  
10 requirements and standards that shall apply to an activity  
11 authorized by the general permit. **A GENERAL PERMIT SHALL NOT BE**  
12 **VALID FOR MORE THAN 5 YEARS, BUT MAY BE REISSUED.**

13 ~~—— (2) The department may impose conditions on a permit for a use~~  
14 ~~or development if the conditions are designed to remove an~~  
15 ~~impairment to the wetland benefits, to mitigate the impact of a~~  
16 ~~discharge of fill material, or to otherwise improve the water~~  
17 ~~quality.~~

18 ~~—— (3) The department may establish a reasonable time when the~~  
19 ~~construction, development, or use is to be completed or terminated.~~  
20 ~~A general permit shall not be valid for more than 5 years.~~

21           (3) ~~(4)~~A general permit under this section may be issued for  
22 the mowing of vegetation or the removal of vegetation in the area  
23 between the ordinary high-water mark and the water's edge. An  
24 application under this subsection may be submitted by a local unit  
25 of government on behalf of property owners within its jurisdiction  
26 or by 1 or more adjacent property owners for riparian property  
27 located within the same county.

1 (4) BEFORE AUTHORIZING A SPECIFIC PROJECT TO PROCEED UNDER A  
2 GENERAL PERMIT, THE DEPARTMENT SHALL NOT PROVIDE NOTICE OR HOLD A  
3 PUBLIC HEARING AND SHALL NOT TYPICALLY REQUIRE A SITE INSPECTION.  
4 THE DEPARTMENT SHALL ISSUE AN AUTHORIZATION UNDER A GENERAL PERMIT  
5 IF THE CONDITIONS OF THE GENERAL PERMIT AND THE REQUIREMENTS OF  
6 SECTION 30311 ARE MET. HOWEVER, IN DETERMINING WHETHER TO ISSUE AN  
7 AUTHORIZATION UNDER A GENERAL PERMIT, THE DEPARTMENT SHALL NOT  
8 CONSIDER OFF-SITE ALTERNATIVES TO BE FEASIBLE AND PRUDENT  
9 ALTERNATIVES.

10 (5) IF THE DEPARTMENT DETERMINES THAT ACTIVITY IN A PROPOSED  
11 PROJECT, ALTHOUGH WITHIN A MINOR PROJECT CATEGORY OR A GENERAL  
12 PERMIT, IS LIKELY TO CAUSE MORE THAN MINIMAL ADVERSE EFFECTS ON  
13 AQUATIC RESOURCES, INCLUDING HIGH-VALUE AQUATIC HABITATS, THE  
14 DEPARTMENT MAY REQUIRE THAT THE APPLICATION BE PROCESSED UNDER  
15 SECTION 30307.

16 (6) THE DEPARTMENT SHALL COORDINATE GENERAL PERMIT AND MINOR  
17 PROJECT CATEGORIES UNDER THIS PART AND PARTS 301 AND 325 CONSISTENT  
18 WITH NATIONWIDE PERMITS, AS APPROPRIATE.

19 SEC. 30312B. (1) THE DEPARTMENT SHALL PROPOSE NEW OR MAINTAIN  
20 EXISTING GENERAL PERMITS UNDER THIS PART EQUIVALENT TO THE  
21 FOLLOWING NATIONWIDE PERMITS, TO THE EXTENT APPLICABLE TO WETLAND,  
22 WITHOUT FURTHER LIMITATIONS:

- 23 (A) MAINTENANCE.
- 24 (B) SCIENTIFIC MEASURING DEVICES.
- 25 (C) SURVEY ACTIVITIES.
- 26 (D) OIL SPILL CLEANUP.
- 27 (E) MOIST SOIL MANAGEMENT.

1 (F) CLEANUP OF HAZARDOUS AND TOXIC WASTE.

2 (G) STORM WATER MANAGEMENT FACILITIES.

3 (H) PIPELINE SAFETY PROGRAM DESIGNATED TIME SENSITIVE  
4 INSPECTIONS AND REPAIRS.

5 (2) THE DEPARTMENT SHALL PROPOSE NEW OR MAINTAIN EXISTING  
6 GENERAL PERMITS OR MINOR PROJECT CATEGORIES EQUIVALENT TO THE  
7 FOLLOWING NATIONWIDE PERMITS, TO THE EXTENT THAT THE NATIONWIDE  
8 PERMITS ARE APPLICABLE TO WETLAND, SUBJECT TO ADDITIONAL  
9 LIMITATIONS BASED ON BEST MANAGEMENT PRACTICES AND NECESSARY TO  
10 ENSURE THAT ADVERSE ENVIRONMENTAL EFFECTS ARE MINIMAL, WHICH  
11 LIMITATIONS MAY BE ESTABLISHED BY THE DEPARTMENT AFTER PROVIDING  
12 NOTICE AND AN OPPORTUNITY FOR PUBLIC COMMENT:

13 (A) OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES.

14 (B) MINOR DISCHARGES.

15 (C) UTILITY LINE ACTIVITIES.

16 (D) EXPANSION OF EXISTING CRANBERRY PRODUCTION ACTIVITIES.

17 (3) THE DEPARTMENT SHALL PROPOSE NEW OR MAINTAIN EXISTING  
18 GENERAL PERMITS OR MINOR PROJECT CATEGORIES FOR THE FOLLOWING:

19 (A) TEMPORARY RECREATIONAL STRUCTURES.

20 (B) LINEAR TRANSPORTATION PROJECTS.

21 (C) AQUATIC HABITAT RESTORATION, ESTABLISHMENT, AND  
22 ENHANCEMENT ACTIVITIES, INCLUDING REVERSION OF TEMPORARY WETLAND  
23 RESTORATIONS.

24 (D) RESIDENTIAL DEVELOPMENTS.

25 (E) COMPLETED ENFORCEMENT ACTIONS.

26 (F) TEMPORARY CONSTRUCTION, ACCESS, AND DEWATERING.

27 (G) CRANBERRY PRODUCTION ACTIVITIES.

1 (H) AGRICULTURAL ACTIVITIES.

2 (I) RESHAPING EXISTING DRAINAGE DITCHES.

3 (J) RECREATIONAL FACILITIES.

4 (4) THIS SECTION IS REPEALED EFFECTIVE OCTOBER 1, 2012.

5 SEC. 30312D. THE DEPARTMENT SHALL DEVELOP A PROGRAM TO  
6 FACILITATE ECOLOGICALLY RESPONSIBLE VOLUNTARY WETLAND RESTORATION  
7 AND ENHANCEMENT PROJECTS IN COORDINATION WITH STATE, FEDERAL,  
8 TRIBAL, AND NONGOVERNMENTAL GROUPS SPECIALIZING IN WETLAND  
9 RESTORATION AND CONSERVATION. THE PROGRAM SHALL INCLUDE, BUT NOT BE  
10 LIMITED TO, ENHANCING COORDINATION, CONSISTENCY, AND OPERATIONAL  
11 PROCEDURES AND IMPROVING AND STREAMLINING THE PERMITTING PROCESS,  
12 CONSISTENT WITH SECTION 30312B(3)(C), TO FACILITATE A NET GAIN IN  
13 WETLAND QUANTITY, QUALITY, OR BOTH.

14 Sec. 30317. (1) The civil fines collected under this part  
15 shall be forwarded to the state treasurer for deposit in the  
16 general fund of the state. The fees collected under this part shall  
17 be deposited in the land and water management permit fee fund  
18 created in section 30113.

19 (2) SUBSECTION (1) DOES NOT APPLY TO FINES OR FEES COLLECTED  
20 UNDER AN ORDINANCE ADOPTED UNDER SECTION 30307(4).

21 (3) Subject to section 30113, the department shall expend  
22 money from the land and water management permit fee fund, upon  
23 appropriation, to support guidance for property owners and  
24 applicants, permit processing, compliance inspections, and  
25 enforcement activities under this part. Not more than 90 days after  
26 the end of each state fiscal year, ~~ending after 1997,~~ the  
27 department shall prepare a report describing how money from the

1 land and water management permit fee fund was expended during that  
2 fiscal year and ~~an evaluation of the current statutory and~~  
3 ~~department rules, bulletins, and letters definition of a wetland~~  
4 ~~and any appropriate changes to that definition in the first report~~  
5 ~~submitted to the legislature under this section~~ and shall submit  
6 the report to the standing committees of the house of  
7 representatives and the senate that primarily address issues  
8 pertaining to the protection of natural resources and the  
9 environment, and the appropriations committees in the house of  
10 representatives and the senate. Other than civil fines and costs,  
11 the disposition of which is governed by section 8379 of the revised  
12 judicature act of 1961, 1961 PA 236, MCL 600.8379, or criminal  
13 fines, funds collected by a local unit of government under an  
14 ordinance authorized under section 30307(4) shall be deposited in  
15 the general fund of the local unit of government.

16       **SEC. 30325. THE DEPARTMENT SHALL PURSUE AN AGREEMENT WITH THE**  
17 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO EXPAND THE**  
18 **CATEGORIES OF DISCHARGES SUBJECT TO THE WAIVER FROM THE**  
19 **REQUIREMENTS OF SECTION 404(J) OF TITLE IV OF THE FEDERAL WATER**  
20 **POLLUTION CONTROL ACT, 33 USC 1344, PURSUANT TO SECTION 404(K) OF**  
21 **TITLE IV OF THE FEDERAL WATER POLLUTION CONTROL ACT, 33 USC 1344.**

22       **SEC. 30327. THE DEPARTMENT MAY PROVIDE CERTIFICATIONS UNDER**  
23 **SECTION 401 OF TITLE IV OF THE FEDERAL WATER POLLUTION CONTROL ACT,**  
24 **33 USC 1341.**

25       **SEC. 30329. (1) THE WETLAND ADVISORY COUNCIL IS CREATED WITHIN**  
26 **THE DEPARTMENT. THE COUNCIL SHALL CONSIST OF THE FOLLOWING:**

27       **(A) THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE. THE**

1 DIRECTOR OF THE DEPARTMENT SHALL INVITE A REPRESENTATIVE OF THE  
2 UNITED STATES ARMY CORPS OF ENGINEERS, A REPRESENTATIVE OF THE  
3 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AND A REPRESENTATIVE  
4 OF THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCE  
5 CONSERVATION SERVICE TO ALSO SERVE AS MEMBERS OF THE COUNCIL.

6 (B) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR HIS  
7 OR HER DESIGNEE.

8 (C) THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE OR HIS OR  
9 HER DESIGNEE.

10 (D) THE FOLLOWING MEMBERS APPOINTED BY THE SENATE MAJORITY  
11 LEADER:

12 (i) ONE INDIVIDUAL REPRESENTING A STATEWIDE ASSOCIATION OF HOME  
13 BUILDERS.

14 (ii) ONE INDIVIDUAL REPRESENTING A STATEWIDE CONSERVATION  
15 ORGANIZATION.

16 (iii) ONE INDIVIDUAL REPRESENTING A STATEWIDE ASSOCIATION OF  
17 LOCAL UNITS OF GOVERNMENT.

18 (iv) ONE INDIVIDUAL REPRESENTING A STATEWIDE ASSOCIATION OF  
19 MANUFACTURERS.

20 (E) THE FOLLOWING MEMBERS APPOINTED BY THE SPEAKER OF THE  
21 HOUSE OF REPRESENTATIVES:

22 (i) ONE INDIVIDUAL REPRESENTING A STATEWIDE ENVIRONMENTAL  
23 PROTECTION ORGANIZATION.

24 (ii) ONE INDIVIDUAL REPRESENTING THE LARGEST GENERAL STATEWIDE  
25 FARM ORGANIZATION.

26 (iii) ONE INDIVIDUAL REPRESENTING A STATEWIDE ASSOCIATION OF  
27 REALTORS.



1           (iv) ONE DRAIN COMMISSIONER REPRESENTING AN ASSOCIATION OF  
2 COUNTY DRAIN COMMISSIONERS.

3           (F) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

4           (i) ONE INDIVIDUAL REPRESENTING A WATERSHED ORGANIZATION.

5           (ii) ONE INDIVIDUAL REPRESENTING NATURAL GAS OR ELECTRIC  
6 UTILITIES.

7           (iii) ONE INDIVIDUAL REPRESENTING A CONSERVATION DISTRICT.

8           (iv) ONE INDIVIDUAL REPRESENTING A STATEWIDE ASSOCIATION OF  
9 BUSINESSES.

10          (v) ONE INDIVIDUAL REPRESENTING THE GENERAL PUBLIC.

11          (vi) A UNIVERSITY PROFESSOR WITH EXPERTISE IN WETLAND SCIENCE.

12          (vii) A WETLAND PROFESSIONAL WHO REGULARLY SUBMITS APPLICATIONS  
13 FOR PERMITS AND OBTAINS PERMITS FROM THE DEPARTMENT.

14          (2) THE APPOINTMENTS TO THE COUNCIL UNDER SUBSECTION (1) SHALL  
15 BE MADE NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE  
16 AMENDATORY ACT THAT ADDED THIS SECTION.

17          (3) AN APPOINTED MEMBER OF THE COUNCIL SHALL SERVE FOR A TERM  
18 OF 3 YEARS. IF A VACANCY OCCURS ON THE COUNCIL, THE VACANCY SHALL  
19 BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL  
20 APPOINTMENT. THE APPOINTING OFFICER MAY REMOVE A MEMBER OF THE  
21 COUNCIL FOR INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE,  
22 MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

23          (4) THE FIRST MEETING OF THE COUNCIL SHALL BE CALLED BY THE  
24 DIRECTOR OF THE DEPARTMENT. AT THE FIRST MEETING, THE COUNCIL SHALL  
25 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND ANY OTHER OFFICERS  
26 THAT IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST  
27 MEETING, THE COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE

1 FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR  
2 MORE MEMBERS.

3 (5) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A  
4 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.  
5 A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR  
6 OFFICIAL ACTION OF THE COUNCIL.

7 (6) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE  
8 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE  
9 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A  
10 WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY  
11 THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT  
12 TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO  
13 15.246.

14 (7) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.  
15 HOWEVER, A MEMBER OF THE COUNCIL REPRESENTING THE DEPARTMENT OF  
16 NATURAL RESOURCES, THE DEPARTMENT OF AGRICULTURE, OR THE DEPARTMENT  
17 SHALL SERVE WITHOUT ADDITIONAL COMPENSATION.

18 (8) BY OCTOBER 1, 2010, THE COUNCIL SHALL SUBMIT A REPORT TO  
19 THE GOVERNOR, THE DEPARTMENT, AND THE STANDING COMMITTEES AND  
20 APPROPRIATIONS SUBCOMMITTEES OF THE LEGISLATURE WITH PRIMARY  
21 RESPONSIBILITY OVER ISSUES PERTAINING TO NATURAL RESOURCES AND THE  
22 ENVIRONMENT. THE REPORT SHALL EVALUATE AND MAKE RECOMMENDATIONS ON  
23 ALL OF THE FOLLOWING:

24 (A) IMPROVING THE OVERALL EFFICIENCY OF THE PROGRAM UNDER THIS  
25 PART, INCLUDING ALL OF THE FOLLOWING ASPECTS OF THE PERMIT  
26 APPLICATION, REVIEW, AND DECISION-MAKING PROCESS:

27 (i) THE QUALITY OF APPLICATIONS SUBMITTED.

1           (ii) THE EFFECT OF MANDATORY DECISION-MAKING TIME FRAMES ON  
2 MEETING THE PURPOSES OF THIS PART, AND, IF APPROPRIATE, THE TIME  
3 FRAMES THAT SHOULD APPLY TO DECISION-MAKING UNDER THIS PART.

4           (B) THE FEASIBLE AND PRUDENT ALTERNATIVE STANDARD UNDER  
5 SECTION 30311 AND CONSISTENT APPLICATION OF THE STANDARD.

6           (C) THE POINT IN THE DEPARTMENT'S PROCESS OF DECISION-MAKING  
7 ON A PERMIT APPLICATION AT WHICH THE POSSIBILITY OF MITIGATION  
8 SHOULD BE CONSIDERED.

9           (D) ACTIONS NECESSARY TO ADOPT AND IMPLEMENT MEASURES  
10 DETERMINED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO  
11 SUPPORT CONSISTENCY WITH THE REQUIREMENTS OF SECTION 404 OF TITLE  
12 IV OF THE FEDERAL WATER POLLUTION CONTROL ACT, 33 USC 1344, AS SET  
13 FORTH IN "FINAL REPORT RESULTS OF THE U.S. ENVIRONMENTAL PROTECTION  
14 AGENCY REGION 5 REVIEW OF MICHIGAN DEPARTMENT OF ENVIRONMENTAL  
15 QUALITY'S SECTION 404 PROGRAM", DATED MAY 2008.

16           (9) BY AUGUST 15, 2012, THE COUNCIL SHALL SUBMIT A REPORT TO  
17 THE GOVERNOR, THE DEPARTMENT, AND THE STANDING COMMITTEES AND  
18 APPROPRIATIONS SUBCOMMITTEES OF THE LEGISLATURE WITH PRIMARY  
19 RESPONSIBILITY OVER ISSUES PERTAINING TO NATURAL RESOURCES AND THE  
20 ENVIRONMENT. THE REPORT SHALL EVALUATE AND MAKE RECOMMENDATIONS ON  
21 ALL OF THE FOLLOWING:

22           (A) IMPROVING COORDINATION AND REDUCING DUPLICATION OF EFFORT  
23 WITH THE UNITED STATES ARMY CORPS OF ENGINEERS.

24           (B) POTENTIAL LONG-TERM CHANGES IN PROGRAM STRUCTURE,  
25 INCLUDING ALL OF THE FOLLOWING:

26           (i) SCIENTIFIC METHODS TO ACHIEVE MORE CONSISTENT AND ACCURATE  
27 DETERMINATIONS OF WETLAND FUNCTIONS AND VALUES FOR REVIEWING

1 APPLICATIONS FOR PERMITS, WATERSHED PLANNING, CONSERVATION PLANS,  
2 AND OTHER PURPOSES. THESE METHODS INCLUDE RAPID WETLAND ASSESSMENT  
3 AND LANDSCAPE LEVEL WETLAND ASSESSMENT.

4 (ii) THE APPROPRIATE ROLE OF LOCAL UNITS OF GOVERNMENT AND  
5 CONSERVATION DISTRICTS IN THE ADMINISTRATION OF THIS PART.

6 (iii) A CERTIFICATION PROCESS FOR WETLAND PROFESSIONALS. THE  
7 COUNCIL SHALL CONSIDER INFORMATION REPORTED UNDER SECTION 30303B IN  
8 EVALUATING AND MAKING RECOMMENDATIONS UNDER THIS SUBPARAGRAPH.

9 (iv) THE DEFINITION OF WETLAND AND WETLAND DELINEATION METHODS,  
10 INCLUDING THE ROLE OF HYDRIC SOILS AS A FACTOR IN WETLAND  
11 DELINEATION. IN MAKING RECOMMENDATIONS UNDER THIS SUBPARAGRAPH, THE  
12 COUNCIL SHALL EVALUATE DIFFERENCES IN THE STATE AND FEDERAL WETLAND  
13 PROGRAMS.

14 (C) THE APPROPRIATE MEANS AND LEVEL OF PROGRAM FUNDING UNDER  
15 THIS PART.

16 (D) MINOR PROJECT CATEGORIES AND GENERAL PERMITS UNDER SECTION  
17 30312B(1) TO (3).

18 (E) THE APPROPRIATENESS OF STATE PROGRAMMATIC GENERAL PERMITS  
19 UNDER SECTION 404(E) OF TITLE IV OF THE FEDERAL WATER POLLUTION  
20 CONTROL ACT, 33 USC 1344, FOR ACTIVITIES IN WATERS OVER WHICH THE  
21 CORPS RETAINS JURISDICTION UNDER SECTION 10 OF THE RIVERS AND  
22 HARBORS APPROPRIATIONS ACT OF 1899, 33 USC 403, AS A MEANS OF  
23 REDUCING REGULATORY BURDENS FROM DUAL FEDERAL AND STATE REGULATION.

24 (F) IF THE DEPARTMENT FAILS TO ENTER AN AGREEMENT PURSUANT TO  
25 SECTION 30304B, WHETHER THE LIMITATION IN SECTION 30304B ON THE  
26 DEPARTMENT'S EXERCISE OF JURISDICTION UNDER THIS PART SHOULD BE  
27 REPEALED, RETAINED, OR MODIFIED.

1 (G) THE PROMOTION OF THE DEVELOPMENT OF WETLAND MITIGATION  
2 BANKS.

3 (H) WAYS FOR THE PUBLIC AND INTERESTED PARTIES TO ADVISE THE  
4 DEPARTMENT ON A CONTINUING BASIS CONCERNING THE ADMINISTRATION AND  
5 ENFORCEMENT OF THIS PART.

6 (I) APPROPRIATE REGULATION OF THE SITING, CONSTRUCTION, AND  
7 OPERATION OF CRANBERRY PRODUCTION ACTIVITIES, IN LIGHT OF THE  
8 BENEFIT OF CRANBERRY PRODUCTION ACTIVITIES TO THE ECONOMY, THE  
9 REGULATORY APPROACH OF OTHER STATES, AND OTHER FACTORS.

10 (10) THIS SECTION IS REPEALED EFFECTIVE APRIL 1, 2013.

11 Sec. 32512a. (1) AFTER PROVIDING NOTICE AND AN OPPORTUNITY FOR  
12 A PUBLIC HEARING, THE DEPARTMENT SHALL ESTABLISH MINOR PROJECT  
13 CATEGORIES OF ACTIVITIES THAT ARE SIMILAR IN NATURE, HAVE MINIMAL  
14 ADVERSE ENVIRONMENTAL EFFECTS WHEN PERFORMED SEPARATELY, AND WILL  
15 HAVE ONLY MINIMAL CUMULATIVE ADVERSE EFFECTS ON THE ENVIRONMENT.  
16 THE DEPARTMENT MAY ACT UPON AN APPLICATION RECEIVED PURSUANT TO  
17 SECTION 32513 FOR AN ACTIVITY WITHIN A MINOR PROJECT CATEGORY  
18 WITHOUT PROVIDING NOTICE PURSUANT TO SECTION 32514. A MINOR PROJECT  
19 CATEGORY SHALL NOT BE VALID FOR MORE THAN 5 YEARS, BUT MAY BE  
20 REESTABLISHED. ALL OTHER PROVISIONS OF THIS PART, EXCEPT PROVISIONS  
21 APPLICABLE ONLY TO GENERAL PERMITS, ARE APPLICABLE TO A MINOR  
22 PROJECT.

23 (2) ~~(1)~~—The department, after notice and opportunity for a  
24 public hearing, ~~may~~—SHALL issue general permits on a statewide  
25 basis or within a local unit of government for a category of  
26 activities if the department determines that the activities are  
27 similar in nature, will cause only minimal adverse environmental

1 effects when performed separately, and will have only minimal  
 2 cumulative adverse effect ~~EFFECTS~~ on the environment. A general  
 3 permit ~~issued under this subsection~~ shall be based on the  
 4 requirements of this part and the rules promulgated under this  
 5 part, and shall set forth the requirements and standards that shall  
 6 apply to an activity authorized by the general permit. **BEFORE**  
 7 **AUTHORIZING A SPECIFIC PROJECT TO PROCEED UNDER A GENERAL PERMIT,**  
 8 **THE DEPARTMENT SHALL NOT PROVIDE NOTICE OR HOLD A PUBLIC HEARING**  
 9 **AND SHALL NOT TYPICALLY REQUIRE A SITE INSPECTION.**

10 ~~——(2) A general permit issued under this section shall not be~~  
 11 ~~valid for more than 5 years, BUT MAY BE REISSUED.~~

12 (3) A general permit under this section may be issued for the  
 13 mowing of vegetation or the removal of vegetation in the area  
 14 between the ordinary high-water mark and the water's edge. An  
 15 application under this subsection may be submitted by a local unit  
 16 of government on behalf of property owners within its jurisdiction  
 17 or by 1 or more adjacent property owners for riparian property  
 18 located within the same county.

19 Sec. 32513. (1) ~~Before~~ **TO OBTAIN A PERMIT FOR** any work or  
 20 connection specified in section 32512, ~~or 32512a is undertaken,~~  
 21 a person shall file an application with the department ~~of~~  
 22 ~~environmental quality setting forth~~ **ON A FORM PROVIDED BY THE**  
 23 **DEPARTMENT. THE APPLICATION SHALL INCLUDE ALL OF** the following:

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

25 (b) The legal description of the lands included in the  
 26 project.

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

1 (d) A map or diagram showing the proposal on an adequate scale  
2 with contours and cross-section profiles of the waterway to be  
3 constructed.

4 (e) Other information required by the department. ~~of~~  
5 ~~environmental quality.~~

6 (2) Except as provided in subsections (3) and (4), until  
7 October 1, 2011, an application for a permit under this section  
8 shall be accompanied by ~~a fee according to the following schedule~~  
9 **FEE, AS APPLICABLE:**

10 (a) For a project in a category of activities for which a  
11 general permit is issued under section 32512a, a fee of \$100.00.

12 (b) For activities included in the minor project category as  
13 described in rules promulgated under this part and for a permit for  
14 the removal of vegetation in an area that is not more than 100 feet  
15 wide or the width of the property, whichever is less, or the mowing  
16 of vegetation ~~in excess of what is allowed in section~~

17 ~~32512(2)(a)(ii)~~ **UNDER A GENERAL PERMIT**, in the area between the  
18 ordinary high-water mark and the water's edge, a fee of \$50.00.

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

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

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

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

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

27 (v) \$1,500.00 if an existing permitted marina proposes

1 maintenance dredging of 10,000 cubic yards or more or the addition  
2 of seawalls, bulkheads, or revetments of 500 feet or more.

3 (d) For major projects other than a project described in  
4 subdivision (c) (v), involving any of the following, a fee of  
5 \$2,000.00:

6 (i) Dredging of 10,000 cubic yards or more.

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

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

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

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

12 (vi) New breakwater or channel jetty.

13 (vii) Shore protection, such as groins and underwater  
14 stabilizers, that extend 150 feet or more on Great Lakes  
15 bottomlands.

16 (viii) New commercial dock or wharf of 300 feet or more in  
17 length.

18 (e) For all other projects not listed in subdivisions (a)  
19 ~~through~~ **TO** (d), \$500.00.

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

23 (a) Part 301.

24 (b) Part 303.

25 (c) Part 323.

26 (d) Section 3104.

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



1 560.117.

2 (4) If work has been done in violation of a permit requirement  
3 under this part and restoration is not ordered by the department,  
4 ~~of environmental quality, the department of environmental quality~~  
5 may accept an application for a permit if the application is  
6 accompanied by a fee equal to 2 times the permit fee **OTHERWISE**  
7 required under this section.

8 (5) The department ~~of environmental quality~~ shall forward all  
9 fees collected under this section to the state treasurer for  
10 deposit into the land and water management permit fee fund created  
11 in section 30113.