

HOUSE BILL NO. 5082

September 26, 2025, Introduced by Reps. Kunse, Prestin, Bohnak and Beson and referred to Committee on Natural Resources and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 30321 (MCL 324.30321), as amended by 2018 PA
631.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30321. (1) The department shall make or cause to be made
2 a preliminary inventory of all wetland in this state on a county by
3 county basis and file the inventory with the agricultural extension
4 office, register of deeds, and county clerk.

5 (2) A person who owns or leases a parcel of property may

1 request that the department of environmental quality assess whether
2 the parcel of property or a portion of the parcel is wetland. The
3 request shall satisfy all of the following requirements:

4 (a) Be made on a form provided by the department.

5 (b) Be signed by the person who owns or leases the property.

6 (c) Contain a legal description of the parcel and, if only a
7 portion of the parcel is to be assessed, a description of the
8 portion to be assessed.

9 (d) Include a map showing the location of the parcel.

10 (e) Grant the department or its agent permission to enter on
11 the parcel for the purpose of conducting the assessment.

12 (3) The department shall assess the parcel within ~~a reasonable~~
13 ~~time~~ **60 days** after the request is made. The department may enter
14 upon the parcel to conduct the assessment. Upon completion of the
15 assessment, the department shall provide the person with a written
16 assessment report. The assessment report shall do all of the
17 following:

18 (a) Identify in detail the location of any wetland in the area
19 assessed.

20 (b) If wetland is present in the area assessed, describe the
21 types of activities that require a permit under this part.

22 (c) If the assessment report determines that the area assessed
23 or part of the area assessed is not wetland, state that the
24 department lacks jurisdiction under this part as to the area that
25 the report determines is not wetland and that this determination is
26 binding on the department for 3 years from the date of the
27 assessment.

28 (d) Contain the date of the assessment.

29 (e) Advise that the person may request the department to

1 reassess the parcel or any part of the parcel that the person
2 believes was erroneously determined to be wetland if the request is
3 accompanied by evidence pertaining to wetland vegetation, soils, or
4 hydrology that is different from or in addition to the information
5 relied upon by the department.

6 (f) Advise that the assessment report does not constitute a
7 determination of wetland that may be regulated under local
8 ordinance or wetland areas that may be regulated under federal law
9 and advise how a determination of wetland areas regulated under
10 federal law may be obtained.

11 (g) List regulatory programs that may limit land use
12 activities on the parcel, advise that the list is not exhaustive,
13 and advise that the assessment report does not constitute a
14 determination of jurisdiction under those programs. The regulatory
15 programs listed shall be those under the following parts:

16 (i) Part 31, with respect to floodplains and floodways.

17 (ii) Part 91.

18 (iii) Part 301.

19 (iv) Part 323.

20 (v) Part 325.

21 (vi) Part 353.

22 (4) A wetland is not contiguous to the Great Lakes or Lake St.
23 Clair, an inland lake or pond, or a river or stream if the
24 department determines that there is no direct physical contact and
25 no surface water or interflowing groundwater connection to such a
26 body of water.

27 (5) A person may request that, as part of an assessment, the
28 department make a determination whether a wetland is contiguous to
29 the Great Lakes, Lake St. Clair, an inland lake or pond, or a

1 stream. The department shall make the determination in writing
2 within 30 days after an on-site evaluation. As used in this
3 subsection, "pond" does not include a farm or stock pond
4 constructed consistent with the exemption under section
5 30305(2)(g).

6 (6) The department shall not consider an agricultural drain,
7 as defined in section 30305, in determining whether a wetland is
8 contiguous to the Great Lakes or Lake St. Clair, an inland lake or
9 pond, or a river or stream.

10 (7) A drainage structure such as a culvert, ditch, or channel,
11 in and of itself, is not a wetland. A temporary obstruction of
12 drainage, in and of itself, is not a wetland until the presence of
13 water is of sufficient frequency and duration to be identified as
14 wetland pursuant to section 30301(4).

15 (8) A person may request the department to reassess any area
16 assessed under subsections (2) and (3) that the person believes the
17 department erroneously determined to be wetland. The requirements
18 of subsections (2) and (3) apply to the request, assessment, and
19 assessment report. However, the request shall be accompanied by
20 evidence pertaining to wetland vegetation, soils, or hydrology that
21 is different from or in addition to the information relied upon by
22 the department. The assessment report shall not contain the
23 information required by subsection (3)(e).

24 (9) If an assessment report determines that the area assessed
25 or part of the area assessed is not a wetland regulated by the
26 department under this part, then the area determined by the
27 assessment report not to be a wetland is not a wetland regulated by
28 the department under this part for a period of 3 years after the
29 date of the assessment.

1 (10) The department ~~may~~**shall not** charge a fee for an
2 assessment requested under subsection (2). ~~based upon the cost to~~
3 ~~the department of conducting an assessment.~~

4 ~~(11) There shall be no fee for an assessment under the~~
5 ~~blueberry production assistance program.~~

6 **(11)** ~~(12)~~ The department shall, upon request of the applicant
7 and without charge, provide to the applicant a copy of any
8 delineation forms completed by the department associated with a
9 permit application.